

IMPACT STATEMENT

Legislation title: *Amend the Building Regulations to include building permit requirements for retaining walls over four feet in height and maintenance agreements for shared building elements across a property line (Ordinance; amend Code Title 24)

Contact name: Mieke Keenan, BDS Code & Policy Development

Contact phone: 503-823-5779

Presenter name: Mieke Keenan

Purpose of proposed legislation and background information:

This legislation is proposed to maintain current development and permitting standards at the Bureau of Development Services. The overall impact will be minimal in that existing permitting, review and permit application submittals will stay the same under the proposed amendments.

In September 2017, the state of Oregon Building Code Division adopted changes to the Oregon Residential Specialty Code (ORSC). These changes included removing review requirements for some retaining walls and removing requirements for maintenance agreements. These two regulations are necessary to ensure the structural safety of retaining walls and to continue to require maintenance agreements for shared building elements as part of a building permit application.

This is the second amendment to Title 24 proposed as a result of the new 2017 ORSC. This legislation supports current City policy.

Financial and budgetary impacts:

No impact

Community impacts and community involvement:

No community impacts are anticipated. The main purpose of this request is to maintain the existing regulatory framework by adding regulations to our local building code that were omitted from State Building Code as part of new 2017 Oregon Residential Specialty Code.

100% Renewable Goal:

This action does not contribute or deter from the City's goal of meeting 100 percent of community-wide energy needs with renewable energy by 2050.

Budgetary Impact Worksheet

Does this action change appropriations?

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section



City of Portland, Oregon
Bureau of Development Services
Office of the Director
FROM CONCEPT TO CONSTRUCTION

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Bureau of Development Services

- *324** Amend the Building Regulations to include permit requirements for retaining walls over four feet in height and maintenance agreements for shared building elements across a property line (Ordinance; amend Code Title 24).

Amend Exhibit A

24.70.085

- D.** Retaining walls shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed to resist the lateral action of soil to produce sliding and overturning with a minimum safety factor of 1.5 in each case. The load combinations of ASCE 7-16 shall not apply to this requirement. Instead, the design shall be based on 0.7 times nominal earth-quake loads, 1.0 times other nominal loads, and investigation with one or more of the variable loads set to zero. The safety factor against lateral sliding shall be taken as the available soil resistance at the base of the retaining wall foundation divided by the net lateral force applied to the retaining wall.

Exception: Where earthquake loads are included, the minimum safety factor for retaining wall sliding and overturning shall be 1.1.



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March 21, 2018

To: Mayor Wheeler
 Commissioner Eudaly
 Commissioner Fish
 Commissioner Fritz
 Commissioner Saltzman

From: Rebecca Esau, Director
 Bureau of Development Services

E.H. for R.E.

**Regarding: Proposed amendments to PCC Title 24, Building Regulations
 Regarding Retaining Walls and Maintenance Agreements.**

I. RECOMMENDATION

Amend the Building Code to include retaining wall and maintenance agreement requirements for residential and commercial structures (Ordinance; amend Code Chapter 24.10, Administration and Enforcement, and 24.70 Clearing and Grading).

II. BACKGROUND

On January 1, 2018, the State of Oregon Building Codes Division (BCD) enacted a new Oregon Residential Specialty Code (ORSC). This new code contains over 400 changes that represent mostly minor adjustments to construction practices. However, two significant permit requirements, regarding retaining walls and maintenance agreements, were removed from this code. The City of Portland has an interest in maintaining these two requirements and proposes to add them to the local building code, Title 24.

III. Proposal

To ensure public safety, BDS recommends amending the Building Code to add permit and construction requirements for all retaining walls not subject to the ORSC and to require maintenance agreements for shared building elements.

The new 2017 ORSC continues to regulate retaining walls when they directly impact a regulated building. The proposed ordinance will regulate retaining walls that do not impact a regulated building or are otherwise not subject to the ORSC. Requirements for maintenance agreements were deleted from the ORSC in their entirety and will be required under the Building Code.