



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**PERMANENT RULE**

**Private Rights-of-Way - Streets, Alleys, Shared Courts, Common Greens and  
Pedestrian Connections**

**Appendix D – Authorizing City Code**

**AUTHORITY:**

**TITLE 3**

**3.30.010 Duties of the Bureau of Development Services.**

(Amended by Ordinance Nos. 176955, 180330, 182671 and 182962, effective July 31, 2009.) The Bureau of Development Services shall be responsible for:

**B.** The application and enforcement of the provisions of Planning and Zoning Regulations, Title 33 as delegated by the Director of the Bureau of Planning and Sustainability.

**3.30.040 Establishment of Enforcement Priorities and Remedies.**

(Amended by Ordinance Nos. 175327, 176955 and 183793, effective May 19, 2010.) In order to carry out the duties as set forth in Section 3.30.010, the Director of the Bureau of Development Services may:

**A.** Adopt written policies and procedures for the enforcement of applicable Code provisions and laws. Establish enforcement fees or priorities for non-compliance. Establish enforcement priorities based on the number of budgeted enforcement personnel, public safety and welfare factors, and any priorities established by the City Council.

**TITLE 24**

**24.10.030 Scope.**

(Amended by Ordinance Nos. 163237, 163908, 165678 and 176783, effective August 30, 2002.) The provisions of this Title shall apply to the construction, alteration, moving, demolition, repair, and use of any building, structure or land, and to any land clearing or grading within the City. Exceptions are work in the public right-of-way as approved by the City Engineer; publicly constructed sanitary and storm sewer systems and facilities approved by the BES Chief Engineer; and public utility towers and poles, mechanical equipment not specifically regulated in this Code.

**24.10.050 Organization.**

(Amended by Ordinance No. 176955, effective October 9, 2002.)

**A. Bureau of Development Services.** The Bureau of Development Services shall be under the jurisdiction of the Director designated by the appointing authority.

**B. Director to enforce Title. General.** The Director is hereby authorized and directed to enforce all provisions of this Title. For such purpose he shall have the powers of a law enforcement officer.

**24.10.070 Application for Permits.**

(Amended by Ordinance. Nos. 162100, 163908, 165678, 169905, 171773, 174880, 176783, 176955 and 180330, effective August 18, 2006.)

**A. Permits required.** No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, change occupancy group of, or demolish any building or structure, or to do any clearing or grading, or cause any of the same to be done without first obtaining a building permit, or where appropriate a minor structural label as outlined in Section 24.10.095. Building permits and fees for work on private property are waived whenever the work appears on plans and specifications, approved by the City Engineer or BES Chief Engineer. This work shall be limited to the construction of streets, public sewers, public stormwater management facilities, driveways, retaining walls, fences, walkways, parking pads, steps, and tree, shrub, and brush removal.

**24.10.080 Board of Appeals.**

(Amended by Ordinance Nos. 174719 and 176955, effective October 9, 2002.)

**A.** In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of the provisions of this Title, there has been created a Board of Appeal, consisting of three members appointed by the Mayor. The Board members must be qualified by experience and training to make decisions on matters pertaining to building construction. All persons shall be appointed for a term of 3 years. At least one member of the Board shall be a competent builder who has engaged in the building business in the City for at least two years immediately preceding his appointment, and at least one member of the Board shall be a competent architect who has practiced his profession for at least 3 years. The Director shall be an ex officio member and shall act as Secretary of the Board.

**F. Appeals to Board.** Any person who may have been ordered by the Bureau of Development Services to incur an expense for the alteration, repair, or construction of any building or any person whose application for a permit may have been refused by the Bureau of Development Services may appeal to the Board of Appeal by serving written notice upon the Bureau of Development Services. The notice or a certified copy thereof, shall be transmitted at once to the Board of Appeal. After service of notice upon the persons interested, a hearing shall be held; and the Board may, by a majority vote, affirm, annul, or modify the action of the Bureau of Development Services; provided, however, in any matter relating to or involving fire prevention, fire safety measures, or building construction requirements for safety, any modification of a strict application of this Title shall be made only on condition that substantially equivalent degree of safety is provided generally conforming to national standards concerning fire prevention, fire safety measures, and building construction requirements for safety. The decision of the Board shall have full force and effect. A certified copy of the decision shall be delivered to the appellant.

**G.** Powers of the Board of Appeal. Where unquestionably and clearly, practical difficulties, unnecessary hardship or consequences, inconsistent with the general purposes of this Title may result from the literal interpretation and enforcement thereof, the Board of Appeals may grant adjustment of variances in a specific case with such conditions and safeguards as it may determine, in harmony with the general purpose, intent, and spirit of this Title, so that the public safety and welfare shall be secured and substantial justice shall be done, upon unanimous vote of the Board. If interpretation of the provisions of this Title is required, decisions thereon may be determined by a majority vote of the Board. Any person aggrieved by the final decision of the Appeals Board as to the application of any provision of this Specialty Code may, within 30 days after the date of the decision, appeal to the appropriate State Specialty Advisory Board. The appellant shall submit the appeal fee with his request for appeal. The decision of the Appeals Board shall be subject to review and final determination by the appropriate State Specialty Advisory Board authorized pursuant to OAR Chapter 8.4, as to technical and scientific determinations related to the application of this Title. All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Development Services Center.

## **TITLE 33**

### **CHAPTER 33.641 TRANSPORTATION IMPACTS**

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177028, effective 12/14/02. Amended by: Ord. No. 182429, effective 1/16/09.)

#### **33.641.020 Approval Criterion**

The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

#### **33.641.030 Mitigation**

The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets, alleys, or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices.

### **CHAPTER 33.654 RIGHTS-OF-WAY**

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177028, effective 12/14/02; Ord. No. 178657, effective 9/3/04 Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord No. 183598, effective 4/24/10)

#### **33.654.120 Design of Rights-of-Way**

**C. Local street approval criteria and standards.**

1. Approval criterion for width of the right-of-way. The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, and natural features.

2. Standard for configuration of elements within the right-of-way. For public streets, the Office of Transportation has approved the configuration of elements within the street right-of-way. For private streets, the Bureau of Development Services has approved the Configuration of elements within the street right-of-way.

#### **D. Common green approval criteria and standards.**

1. Right-of-way.

a. Approval criteria.

(1) The size of the common green right-of-way must be sufficient to accommodate expected users and uses. The size must take into consideration the characteristics of the site and vicinity, such as the pedestrian system, structures, natural features, and the community activities that may occur within the common green.

b. Standards for configuration of elements within the right-of-way.

(1) For common greens, the Bureau of Development Services has approved the configuration of elements within the street right-of-way.

#### **E. Pedestrian connections.**

1. Approval criterion for width of the right-of-way. The width of the pedestrian connection right-of-way must be sufficient to accommodate expected users and provide a safe environment, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, natural features, and total length of the pedestrian connection. As much as is possible, the users should be able to stand at one end of the connection and see the other end.

2. Standard for configuration of elements within the right-of-way. For public pedestrian connections, the Office of Transportation has approved the configuration of elements within the pedestrian connection right-of-way. For private pedestrian connections, the Bureau of Development Services has approved the configuration of elements within the pedestrian connection right-of-way.

#### **F. Alleys.**

1. Approval criterion for width of the right-of-way. The width of the alley right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity such as existing street and pedestrian system improvements, existing structures, and natural features.

2. Standard for configuration of elements within the right-of-way. For public alleys, the Office of Transportation has approved the configuration of elements within the alley right-of-way. For private alleys, the Bureau of Development Services has approved the configuration of elements within the alley right-of-way.

#### **G. Shared court approval criteria and standards.**

1. Right-of-way.

a. Approval criterion for width of the right-of-way. The size of the shared court right-of-way must be sufficient to accommodate expected users and uses. The size must take into consideration the characteristics of the site and vicinity, such as the pedestrian system,

structures, traffic safety, natural features, and the community activities that may occur within the shared court.

c. Standards for configuration of elements within the right-of-way.

(1) The Bureau of Development Services has approved the configuration of elements within the street right-of-way, including a specific paving treatment and traffic calming measures;

## **CHAPTER 33.700**

### **ADMINISTRATION AND ENFORCEMENT**

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166702, effective 7/30/93; Ord. No. 167386, effective 2/23/94; Ord. 169535, effective 1/8/96; Ord. No. 169917, effective 3/27/96; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 5/14/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10)

#### **33.700.005 Building Permit Required**

All new development, changes to existing development, and changes in the type or number of uses requires a building permit. In addition, other land use reviews may also be required, depending upon the location, the use proposed, the site development proposed, or materials to be used on the site.

#### **33.700.030 Violations and Enforcement**

**C. Responsibility for enforcement.** The regulations of this Title, land use decisions, and conditions of land use approvals may be enforced in one or more of the following ways:

1. By the Director of BDS pursuant to Chapter 3.30 and Title 22 of the City Code; or
2. By the Director of BDS pursuant to 33.700.040 below.

## **CHAPTER 33.710**

### **REVIEW BODIES**

(Amended by: Ord. No. 166921, effective 10/1/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175164, effective 12/14/00.)

#### **33.710.090 Director of the Bureau of Development Services**

The Director of BDS directs and manages the staff of BDS. The Director of BDS provides staff services to the commissions, committees, and boards as specified in this chapter. The Director of BDS is responsible for the decisions and recommendations required of the Director of BDS by this Title. The Director of BDS is in charge of implementing this Title. The Director of BDS may delegate review and decision-making authority to BDS staff.