

ATTACHMENT A.5

CHAPTER 39 – MULTNOMAH COUNTY ZONING CODE (Definitions)

The following text is used within the proposed amendments:

Double Underline = Proposed new language

~~Strikethrough~~ = Language proposed for removal

Blue double underlined and ~~blue strikethrough~~ text = changes since the July 2, 2018 PC Worksession

PART 2: DEFINITIONS

§ 39.2000 DEFINITIONS.

As used in this Chapter, unless the context requires otherwise, the following terms and their derivations shall have the meanings provided below:

Agricultural Fill – Ground disturbing activity in the form of topsoil deposition to support a farming practice.

Certified Engineering Geologist – Any person who has obtained certification by the State of Oregon as an engineering geologist.

Cut – When used in the context of ground disturbing activity:

(A) An excavation;

(B) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;

(C) The material removed in excavation work.

Development – Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including, but not limited to, a building, land use, occupancy, sewer connection, or other similar permit, and any associated ~~grading or removal of vegetation~~ ground disturbing activity. As the context allows or requires, the term “development” may be synonymous with the term “use” and the terms “use or development” and “use and development.”

Disturbed Area - When used in reference to ground disturbing activity, the area where ground disturbing activity is occurring or has, will or is proposed to occur.

Emergency/Disaster Response – Actions involving any development (such as new structures, grading or ground disturbing activity, ~~or excavation~~) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground disturbing activity ~~ground disturbance~~ (such as

emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

Erosion - The wearing away of the ground surface or other earth layer, whether dry, submerged or submersible, or removal of earth surface materials by the action of natural elements or forces including, but not limited to, due to the forces of wind, water, ice or gravity, or other element.

Excavation - The motorized removal of earth material or other motorized activity resulting in the exposure of the ground surface or other earth layer to wind, water, ice, gravity, or other element, including, but not limited to, cutting, digging, grading, stripping, trenching, dredging, bulldozing, benching, terracing, mining or quarrying, and vegetation or tree removal. Work conducted by hand without the use of motorized equipment is not excavating.

Farming Practice - As defined in ORS 30.930.

Fill - The deposit (noun or verb) of any earth materials by motorized means for any purpose, including, but not limited to, stockpiling, storage, dumping, raising elevation or topography, and tracking material such as mud onto a road surface with vehicle tires. Work conducted by hand without the use of motorized equipment is not filling.

(A) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped, stacked, pulled, transported, or in any way moved to a new location above the existing natural surface of the ground or on the top of a stripped surface, including the condition resulting there from.

(B) The difference in elevation between a point on the original ground surface and the point of higher elevation on a finished grade.

(C) The material used to make a fill.

Forest Practice - As defined in ORS 30.930.

Geotechnical Engineer – A Civil Engineer, licensed to practice in the State of Oregon, who by training, education and experience is competent in the practice of geotechnical or soils engineering practices.

Gravel - Aggregate composed of hard and durable stones or pebbles, crushed or uncrushed, more than half of which is retained on a No. 4 sieve (2 mm).

Ground Disturbing Activity - Any excavating or filling or combination thereof.

Landslide - Any downward slope movement of earth material, including, but not limited to, soil creep, debris flow, mudflow, earth flow, mudslide, rock slide, rotational slide, slide, slump, slope failure, block failure, rock fall, fall, topple, and spread.

Large Fill – The addition-cumulative deposit of more than 5,000 cubic yards of material-fill to a site within the 20-year period preceding the date of an application for a Large Fill permit and including the fill proposed in the Large Fill permit application, excepting fill material associated with a State or County owned and maintained road or bridge that is designated as a Rural Collector or a Rural Arterial on the Multnomah County Functional Classification of Trafficways map. The Trafficways map is part of the County Transportation System Plan. For purposes of this definition, the term site shall mean either a single lot of record or contiguous lots of record under same ownership, whichever results in the largest land area. For purposes of this definition, the phrase same ownership shall refer to greater than possessory

interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control. For the purposes of this definition, the seller of a property by sales contract shall be considered to not have possessory interest.

Mulch - Organic materials, such as straw, bark, jute, coconut fibers, or nut shells spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as stormwater, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

Sedimentation (sediment). The deposit in a waterbody of any earthen material by wind, water, ice, gravity, or other element.

Slope -

(A) Any ground whose surface makes an angle from the horizontal; or

(B) The face of an embankment or cut section.

Spoil Material - Any rock, sand, gravel, soil or other earth material removed by ground disturbing activity.

Topsoil – The top organic and mineral rich layer of soil that provides nutrients to growing plants.

Water Body - Any surface or ground water, or wetland of the state or the United States, including but not limited to, rivers, streams, creeks, sloughs, drainageways, swales, seeps, springs, watercourses, canals, drainages, ponds, lakes, bays, aquifers, coastal waters, impounding reservoirs, estuaries, marshes, and inlets, regardless of whether perennial, intermittent, ephemeral, or otherwise, and regardless of whether natural or human-made.