



BOD 06-02: Private ROW

Oregon Structural Specialty Code, Oregon Residential Specialty Code

QUESTION: Can the provisions for exterior walls and projections that are allowed for building walls fronting on public streets or public open space be applied to buildings that front on a private right-of-way or other tracts that are held in common ownership by multiple parties?

RESPONSE: Yes. The fire resistance ratings, protection of openings, and projections may be the same as specified in Chapter 7 of the Oregon Structural Specialty Code or Chapter 3 of the Oregon Residential Specialty Code (as applicable) for buildings adjacent to public right-of-way when the following conditions are met.

1. The area is a private right-of-way or tract as defined in PCC Title 33, Zoning Code.
2. The private right-of-way or other tract has been legally established through a land division process that complies with the Zoning Code. Refer to TRN-8.06 Private Rights-of-Ways Permanent Rule for standards for creating and constructing private rights-of-ways.
3. The private right-of-way or other tract and abutting development shall meet fire department aerial access requirements as determined by the Fire Marshal's Office.
4. The minimum width of the private right-of-way shall be as follows:
 - A. Private rights-of-way that are required for fire department vehicle access, as determined by the Fire Marshal's Office shall have a minimum 20-foot wide driving surface.
 - B. Private rights-of way that are not required for fire department vehicle access, as determined by the Fire Marshal's Office shall be a minimum of 15-feet wide.
5. Vertical clearance of 13' - 6" shall be provided above all private rights-of-way that are required for fire department vehicle access, as determined by The Fire Marshal's Office.
6. Projecting elements encroaching into a private right-of-way from opposite sides shall not reduce the clear width of the private right-of-way that is open to the sky to less than 10 feet.
7. It shall be the responsibility of the developer to ensure that adequate clearance is provided between projecting elements to allow for access by garbage trucks or other service vehicles that will be required to access the private right-of-way.
8. Projecting elements encroaching into a private right-of-way shall comply with the requirements of Chapter 32 of the International Building Code.
9. Fire separation distance shall be measured to the centerline of the private right-of-way.

Effective Date	Significant Changes	Primary
2006	New July 2006. Updated March 2015 and March 2023.	
July 24, 2024	Combined Code Guide OSSC/7/#6 & ORSC/3/#2 with OSSC/7/#7 & ORSC/3/#3. Revised to building official determination format.	