



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
June 28 , 2011 – 7 PM**

Planning Commission will hold a work session on June 28, 2011. Work sessions are informal. Public may attend.

Work sessions are informal meetings where the Commission and staff can discuss topics but no formal action is taken from these meetings. Work sessions are open to the public in accordance with public meeting laws.

Planning Commission Work Session agenda items on Code Clean Up topics:

1. Subdivisions, Partitions and lot line adjustments
2. Commercial and industrial uses
3. Temporary sign update/discussion
4. Parking lot landscaping and configuration
5. Temporary uses

Next Meeting:
July 12, 2011 – Public Hearing



Home of the Tualatin River National Wildlife Refuge

**Community Development
Department**
22560 SW Pine St
Sherwood, OR 97140
503-625-4202

Memorandum

DATE: June 21, 2011
TO: Planning Commission
FROM: Michelle Miller, AICP, Associate Planner
SUBJECT: Division VII: Subdivisions, Partitions and Lot Line Adjustments

Division VII-*Subdivisions and Partitions* of the Sherwood Zoning and Community Development Code (SZCDC) describes the land division process, and the procedure and criteria for plat approval for subdivisions (dividing a parcel into four or more lots) and partitions (dividing a parcel into three or fewer parcels). The Planning Commission held a work session on January 25 to discuss the issue paper about *Subdivisions and Partitions* and developed some possible recommendations for this section of the code. Staff led brown bag luncheon with developers in March to get feedback on issues, concerns and recommendations for this chapter.

The current chapters are divided between the preliminary plat approval and the final plat approval. There is also a property or lot line adjustment chapter along with a chapter on lot design standard requirements. This has led to confusion regarding which standards and criteria apply to partitions, subdivisions and lot line adjustments. Staff proposes reorganization of the chapters into “subdivision,” “partition” and “lot line adjustment” rather than “preliminary plat”, “final plat” and “partitions”. Currently, there is no identified subdivision chapter and the requirements for subdivisions are intermixed among the three chapters, causing confusion and misinterpretation of the requirements and order of the process. By reorganizing the chapters, it will make the submittal requirements, process and criteria easier for the applicant to locate based on the type of land division requested. It also helps to clarify the appropriate process for recording the final plat at Washington County and provides the appropriate deadlines for processing these applications.

This overall concept, along with the following were discussed at the April 26, 2011 Planning Commission work session:

- Phasing plan for subdivision development
- Clearly defining the process for recording final plats at Washington County and providing notice back to the City
- Allowing the entire subdivision to have an overall “average lot size” rather than a minimum lot size for each individual lot
- Allowing smaller subdivisions (4-10 lots) to follow a Type II (staff review) process
- Provide a process for re-platting and vacating plats

At the work session, Commissioners requested information on the impact of lot averaging within the proposed standard subdivision provisions and the comparison to the infill standards especially within higher residential density zones. Staff will present that information at the June 28, 2011 session.

The draft language reflects additional modifications after consultation with planning and engineering staff, the state regulations on subdivision plats, the Oregon Model Code and other jurisdiction's processes.

Attached are the draft changes which are reflected in track changes with new text identified in blue underline and deleted text with ~~red~~ strikethrough. Several sections have been moved to other places in the Code and are identified with green double underline and where they moved from in ~~green~~ double strikethrough. Several items are highlighted to show changes in numbering or added language from earlier Code Clean Up efforts. Because this is a significant amount of reorganization and change, we are also providing a clean copy reflecting the draft changes and included as Attachment 2.

At the June 28 Planning Commission meeting, we will be asking the Commission to review the draft of the Code language and provide feedback. After receiving this feedback, staff will follow-up as needed and revise the language for a future work session or public hearing.

ATTACHMENT 1: Proposed Division VII Code Language: Subdivisions and Partitions-track changes

ATTACHMENT 2: Proposed Division VII Code Language: Subdivisions and Partitions-clean copy

Division VII.

SUBDIVISIONS, ~~AND PARTITIONS~~, LOT LINE ADJUSTMENTS AND MODIFICATIONS

Chapter 16.120

~~GENERAL PROVISIONS~~ SUBDIVISIONS*

Sections:

16.120.010 Purpose

16.120.020 General Subdivision Provisions

16.120.030 ~~Platting Authority~~ Approval Procedure: Preliminary Plat

16.120.040 Approval Criteria: Preliminary Plat

16.120.050 Final Subdivision Plat

16.120.060 Improvement Agreement

16.120.070 Bond

16.120.080 Filing and Recording

* Editor's Note: Some sections may not contain a history.

16.120.010 Purpose

Subdivision ~~and land partitioning~~ regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.

(Ord. 86-851, § 3)

16.120.020 General Subdivision Provisions

A. Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.

1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and

2. The final plat shall reflect all conditions of approval of the preliminary plat.

B. All subdivision proposals shall conform to all state regulations set forth in ORS Chapter 92,

Subdivisions and Partitions.

C. Future re-division

When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this title.

D. Lot averaging

Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district ~~as long as~~ subject to the following regulations:

1. ~~the~~ The average lot area for all lots is not less than allowed by the underlying zoning district.

2. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district.

BE. Future Partitioning

When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.

CF. Required Setbacks

All required building setback lines as established by this Code, shall be shown in the preliminary subdivision plat ~~or included in the deed restrictions.~~

DG. Property Sales

No property shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to this Code.

16.120.020-030 ~~Platting Authority~~ Approval Procedure-Preliminary Plat

A. Approval Authority

1. The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.

a. A subdivision application for 4-10 lots will follow a Type II review process.

b. A subdivision application for 11-50 lots will follow a Type III review process.

c. A subdivision application for over 50 lots will follow a Type IV review process.

2. Approval of subdivisions ~~and partitions~~ is required in accordance with this Code before a plat for any such subdivision ~~or partition~~ may be filed or recorded with Washington County. Appeals to a decision may be filed pursuant to Chapter 16.76.

~~B. Future Partitioning~~

~~When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.~~

~~C. Required Setbacks~~

~~All required building setback lines as established by this Code, shall be shown in the subdivision plat or included in the deed restrictions.~~

~~D. Property Sales~~

~~No property shall be disposed of, transferred, or sold until required subdivision or partition approvals are obtained, pursuant to this Code.~~

B. Phased Development

1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.

2. The criteria for approving a phased site development review proposal are:

a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;

b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:

(1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and

(2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.

3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

~~C. Required Findings~~ 16.120.040 Approval Criteria: Preliminary Plat

No preliminary plat shall be approved unless:

1A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments,

grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

~~2~~B. Streets and roads held for private use are clearly indicated on the [preliminary](#) plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

~~3~~C. The plat complies [with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 \(Land Division Design Standards\).](#)

~~4~~D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

[E. The plat complies with the land division design standards found in § 16.128-Land Division Design Standards.](#)

~~5~~F. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

~~6~~G. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

~~7~~H. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

I. The preliminary plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

~~8~~ J. [A minimum of five percent \(5%\) open space has been provided per § 16.44.B.8 \(Townhome- Standards\) or §16.142.020\(Parks, Open Spaces and Trees-Single-Family Residential Subdivisions\), if applicable.](#) *NOTE: Added with PA 11-02- Parks and Open Space in New Subdivisions.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053, § 1; Ord. 94-991, § 1; Ord. 91-922, § 3; Ord. 86-851)

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; Ord. 86-851, § 3)~~

~~Chapter 16.122~~

~~PRELIMINARY PLATS*~~

~~Sections:~~

~~16.122.010 Generally~~

~~* Editor's Note: Some sections may not contain a history.~~

~~16.122.010 Generally~~

~~A. Approval Required~~

~~All subdivisions and partitions are subject to preliminary plat approval through the Type II, Type III or Type IV review processes. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall however, be binding upon the City for the purpose of preparation of the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.~~

~~B. Action~~

~~The City shall review preliminary plat applications submitted in accordance with Section 16.70 and approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearing Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action of the City shall be noted on two (2) copies of the preliminary plat, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City along with other applicable records.~~

~~Chapter 16.124~~

~~FINAL PLATS*~~

~~Sections:~~

~~16.124.010 Generally~~

~~16.124.020 Final Plat Review~~

~~16.124.030 Creation of Streets~~

~~* Editor's Note: Some sections may not contain a history.~~

~~16.124.010 Generally~~ [16.120.050 Final Subdivision Plat](#)

A. ~~Time Limits~~Procedure

~~1. Unless otherwise noted below, Within two (2) years after approval of the preliminary plat, a final plat shall be submitted.~~final subdivision approval includes meeting all conditions from the land use approval, review and approval by County, and the signature of the City's designee on the mylar.

~~2. The subdivider shall submit to the City six (6) copies of~~ the final plat, and all supplementary information required by the Planning Department or pursuant to this Code.

~~3. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.~~

~~4. All requirements for signature of the mylar shall be completed within two years of approval of the final plat.~~

B. Extensions

~~After the expiration of the two (2) year period following preliminary plat approval, the plat must be resubmitted for new approval.~~If the final plat is not approved within two (2) years, the preliminary plat approval shall expire and a new plat must be submitted. However, ~~The~~ City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat and that no other development approval would be affected. For preliminary plat approvals granted ~~on or after~~between January 1, 2007 ~~through~~ and December 31, 2009, the approval shall be extended until December 31, 2013.

~~C. Staging~~

~~The City may authorize platting and development to proceed in stages that exceed two (2) years, but in no case shall the total time period for all stages be greater than five (5) years. Each stage shall conform to the applicable requirements of this Code. Portions platted or developed after the passage of two (2) years may be required to be modified in accordance with any change to the Comprehensive Plan or this Code.~~

~~D. Shown on Plat~~Approval Criteria: Final Plat

~~The following information shall be shown on the final plat:~~By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:

1. The final plat is consistent in design (e.g., number and dimensions of lots, easements, tracts,

right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § XXXXXX>XX
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;
5. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
6. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
7. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitiner to the City that such services will be installed in accordance Division VI of this Code, and the bond requirements of XXXXX. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;
8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

1. ~~_____ Date of approval, scale, north arrow, legend, and controlling topography such as creeks, highways, and railroads.~~
2. ~~_____ Legal description of the plat boundaries.~~
3. ~~_____ Existing surveys related to the plat by distances and bearings, and referenced as follows:
 - ~~_____ a. _____ The location and description of all stakes, monuments, and other evidence used to determine the boundaries of the subdivision.~~
 - ~~_____ b. _____ Adjoining corners of all contiguous subdivisions.~~
 - ~~_____ c. _____ Section, township, range, donation land claim lines and boundaries of any lots within previously recorded subdivision plats within or adjacent to the plat.~~
 - ~~_____ d. _____ Location and description of all monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Code.~~~~
4. ~~_____ Tract, block and lot boundary lines, and street rights-of-way and centerlines, with dimensions, bearings, radii, arcs, delta angles, points of curvature and tangent bearings. Normal highwater lines for any creek or other body of water shall be shown. Error of closure shall be within the limits of one (1) foot in four thousand (4,000) feet. No ditto marks shall be used. Lots containing one (1) acre or more shall be shown to the nearest 0.01 feet. Bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.~~
5. ~~_____ The width of streets being dedicated, the width of any existing rights-of-way, and the widths on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline, and in addition to centerline dimensions shall indicate the radius and central angle. This data may be shown in a table.~~
6. ~~_____ Easements within or adjacent to the plat denoted by fine dotted lines, clearly identified, and, if already of record, a recorded reference. If any easement is not of record, a statement of the easement showing the widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, shall be properly referenced in the certificate of dedication.~~
7. ~~_____ Lot numbers beginning with the number "1" and numbered consecutively in each block. Block numbers, if used, should begin with the number "1" and continue consecutively without omission or duplication. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the plat last filed.~~
8. ~~_____ Land parcels to be dedicated for any purpose are to be distinguished from lots intended for sale, and titled to identify their intended use.~~

~~9. The following certificates, which may be combined where appropriate:~~

~~a. A certificate signed and acknowledged by all parties having any record title interest in and to the land subdivided, consenting to the preparation and recording of the map and dedicating all parcels of land shown on the final map and intended for public use.~~

~~b. An affidavit signed by the engineer or the surveyor responsible for the survey and final map, the signature of such engineer or surveyor to be accompanied by a professional seal.~~

~~c. Provisions for all other certifications required.~~

~~E. Submitted With Plat~~

~~The following information shall be submitted with the final plat:~~

~~1. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing the interest of all parties.~~

~~2. Sheets and drawings showing the following:~~

~~a. Traverse data showing the error of closure, including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners.~~

~~b. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.~~

~~3. Copies of any deed restrictions and dedications, including building setbacks.~~

~~4. Proof that all taxes and assessments on the tract are paid for the current year.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-06, § 2, 4-6-2010; Ord. 2003-1148, § 3; Ord. 98-1053 § 1; Ord. 86-851, § 3)

16.120.060 Improvement Agreement

16.124.020 Final Plat Review

A. Subdivision Agreement

The subdivider shall either install required improvements and repair existing streets and other public

facilities damaged in the development of the subdivision pursuant to the Division VI, or execute and file with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages.

B. Performance Security

The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.

~~A. Approval~~

~~The final plat shall provide for the dedication of all streets for which approval has been given by the City. Approval of the final plat shall constitute acceptance of street dedications.~~

~~B. Exceptions~~

~~The Council, upon recommendation by the City Manager, may approve the creation and dedication of a street without full compliance with this Code. The applicant may be required to submit additional information and justification necessary to determine the proposal's acceptability. The City may attach such conditions as necessary to provide conformance to the standards of this Code. One or more of the following conditions must apply:~~

- ~~1. The street creation is required by the City and is essential to general traffic circulation.~~
- ~~2. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less.~~

~~C. Easements~~

~~Any access which is created to allow partitioning for the purpose of development, or transfer of ownership shall be in the form of a dedicated street, provided however that easements may be allowed when:~~

- ~~1. The access is to a parcel exceeding five (5) acres in size, and used for agriculture, horticulture, grazing, or timber growing, or~~
- ~~2. The easement is the only reasonable method by which the rear portion of an unusually deep lot, large enough to warrant partitioning into two (2) or more parcels, may obtain access. Such easement shall conform to all other access provisions of this Code.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)~~

~~c. Utilities~~

~~Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.~~

~~d. Drainages~~

~~Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights of way shall be provided conforming substantially to the alignment and size of the drainage.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)~~

16.120.070 Bond

A. Performance guarantee required. As required by Section 16.120.060, the subdivider shall file with the agreement an assurance of performance supported by one of the following:

1. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
2. Cash.

B. Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.

D. When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.

E. Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.

~~C. Staff Review~~

~~If City review determines that the final plat is in full conformance with the preliminary plat and this Code, the final plat shall be referred to the City Manager or his/her designee for final approval. If the final plat is not in full conformance, the subdivider shall be advised of necessary changes or additions.~~

16.120.080 Filing and Recording of Final Subdivision Plat

~~D. Plat Approval~~

A. County Review

When the City ~~Manager or his/her designee~~ determines that the plat conforms to all requirements, the plat shall be ~~authorized for review by the County.~~ ~~approved. Approval of the plat does not constitute an acceptance by the City of the responsibility for maintenance or development of any street or other easement shown on the plat.~~

B. County Approval Recording the Plat

After approval, the City shall authorize the transmittal of the final map, tracing, and other data to ~~Washington County~~ the County, to determine that there has been compliance with all provisions of State and local statutes. ~~The County may make such checks in the field as necessary to verify that the map is sufficiently correct on the ground. When the County finds the documents in full conformance and has been paid the statutory fee for such service, approval of the plat shall be given by applicable County officers.~~ Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

C. Effective Date

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.

~~G. Required Findings~~

~~No final subdivision plat shall be approved unless:~~

- ~~1. All required public streets and floodplain areas are dedicated without any reservation or restriction other than easements for public utilities and facilities.~~
- ~~2. Streets and roads held for private use have been approved by the City.~~
- ~~3. The plat complies with the standards of the underlying zoning district and other applicable standards of this Code and is in conformity with the approved preliminary plat.~~
- ~~4. The plat dedicates to the public all required common improvements and areas, including but not limited to streets, floodplains, parks, sanitary sewer, storm water, and water supply systems.~~
- ~~5. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the subdivided land, as determined by the City and are in compliance with City standards. For the purposes of this section:
 - ~~a. Adequate water service shall be deemed to be connection to the City water supply system.~~~~

- ~~b. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system.~~
- ~~c. The adequacy of other public facilities such as storm water and streets shall be determined by the City based on applicable City policies, plans, and standards for said facilities.~~
- ~~6. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; 94-991; Ord. 86-851, § 3)

~~16.124.030 Creation of Streets~~

~~Chapter 16.126~~

~~DESIGN STANDARDS*~~

~~Sections:~~

~~16.126.010 Blocks~~

~~16.126.020 Easements~~

~~16.126.030 Pedestrian and Bicycle Ways~~

~~16.126.040 Lots~~

~~* Editor's Note: Some sections may not contain a history.~~

~~16.126.010 Blocks~~

~~A. Connectivity~~

~~1. Block Size. The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.~~

~~2. Block Length. Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.~~

~~3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right of way consistent with Figure 7.401.~~

Figure 7.401—Block Connectivity

GRAPHIC UNAVAILABLE: Click here

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009, § 5; 2000-1103, § 3; Ord. 86-851, § 3)

16.126.020 Easements

A. Utilities

Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

B. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights of way shall be provided conforming substantially to the alignment and size of the drainage.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

16.126.030 Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

(Ord. 86-851, § 3)

16.126.040 Lots

A. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirements, with the following exceptions:

1. Lots in areas not served by public sewer or water supply, shall conform to any special Washington County Health Department standards.

B. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.

C. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

D. ~~Side Lot Lines~~

Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

E. ~~Grading~~

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:

1. ~~Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.~~
2. ~~Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 86-851 § 3)

Chapter 16. ~~128~~122

LAND PARTITIONS*

Sections:

16. ~~128~~122.010 Generally

16.122.020 Approval Criteria: Preliminary Partition Plat

16.122.030 Approval Criteria: Final Plat

16. ~~128~~122.~~020-040~~ Subdivision-Partition Compliance

16. ~~128~~122.~~030-050~~ Dedications

16. ~~128~~122.~~040-060~~ Filing Requirements

* Editor's Note: Some sections may not contain a history.

16. ~~128~~122.010 Generally

A. Approval Required

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a partition application has been approved by the City Manager or his/her designee.

B. City Action

The City Manager or his/her designee shall review the partition applications submitted in accordance with Section 16.70 and shall approve, approve with conditions or deny the application. ~~The action of the City Manager or his/her designee shall be noted on two (2) copies of the partition, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City with other applicable records.~~

~~C.~~ 122.020 Required Findings Approval Criteria: Preliminary Plat

Partitions shall not be approved unless:

~~1A.~~ 1A. The partition complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The partition complies with Chapter 16.128 (Land Division Design Standards). ~~with the standards of the underlying zoning district and other applicable standards of this Code.~~

~~2B.~~ 2B. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.

~~3C.~~ 3C. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:

~~a1.~~ a1. Adequate water service shall be deemed to be connection to the City water supply system.

~~b2.~~ b2. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system if sewer lines are within one-hundred fifty (150) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within one hundred fifty (150) feet.

~~c3.~~ c3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

~~4D.~~ 4D. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

~~D E.~~ D E. Future Development Ability

In addition to the findings required by Section 16.~~128~~122.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City

Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 98-1053, § 1; 91-922, § 3; Ord. 86-851)

16.122.030: Final Partition Plat

By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:

- A. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
- B. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § XXXXXX>XX
- C. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
- D. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;
- E. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
- F. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
- G. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

16.128122.020-040 Future Subdivision Compliance

~~A. Generally~~

If a partition exceeds two (2) acres and within one (1) year is re-partitioned into more than two (2) parcels, and any single parcel is less than one (1) acre in size, full compliance with the subdivision regulations of this Code may be required.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

~~16.128.030 Dedications~~

~~A. Generally~~

~~The City's requirements for dedication of public lands as per this Code, including road rights-of-way and greenways, shall apply to partitions. Actual public improvements may not be required at the time of partition, at the discretion of the City Manager or his/her designee.~~

~~B. Dedications Acceptance~~

~~The City Manager shall accept all public dedications by his or her signature on the partition plat prior to filing with the County.~~

~~C. Owner Declaration~~

~~If a property is being dedicated or donated for public use, the mortgage of trust deed holder of the property shall sign a declaration to that effect on the partition plat, or file an affidavit consenting to the plat.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; Ord. 86-851, § 3)

~~16.128~~122.040-050 Filing and Recording Requirements

A. Generally

Within twelve (12) months after City approval of a land partition, a partition plat shall be submitted to ~~Washington~~the County in accordance with its final partition plat and recording requirements.

B. Time Limit

The applicant shall submit the copy of the recorded partition to the City within 30 days of recording, and shall be completed prior to the issuance of any building permits on the re-configured lots.

B. Extension

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The City Manager or his/her designee may, upon written request by the

applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the partition and that no other development approval would be affected. For partitions granted ~~on or after~~between January 1, 2007 ~~and through~~ December 31, 2009, the approval shall be extended until December 31, 2013.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-06, § 2, 4-6-2010; Ord. 86-851, § 3)

Chapter 16.~~130~~124

PROPERTY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS*

Sections:

16.124.010 Approval Process

16.~~130~~124.010-020 ~~Generally~~Approval Criteria

16.~~130~~124.020-030 Filing and Recording Requirements

* Editor's Note: Some sections may not contain a history.

16.~~130~~124.010 ~~Generally~~Approval Process

A. The City Manager or his or her designee may approve a property line adjustment ~~without public notice or a public hearing provided that:~~ by means of a Type I procedure as governed by Chapter 16.72, using approval criteria contained in this Chapter.

B. Time Limit on approval

The property line adjustment decision shall be effective for one year from the date of approval.

C. Extension of approval

If the adjustment is not recorded with the County within one year, the land use approval expires and must be resubmitted. The City Manager or his/her designee may, upon written request by the applicant, grant an extension up to one year upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the property line adjustment and that no other development approval would be affected.

16.124.020 Approval Criteria

A. The City Manager or his/her designee shall approve or deny a request for a property line adjustment in writing based on findings that the following criteria are satisfied:

1. No new lots are created
 2. The adjusted lots comply with the applicable zone requirements.
 3. The adjusted lots continue to comply with other regulatory agency or department requirements.
- B. If the property line adjustment is processed with another development application, all applicable standards of the Code shall apply.

(16.130124.020-030 Filing and Recording Requirements

A. Recording Requirements If a property line adjustment is approved by the City, it does not become final until reviewed and approved by Washington County in accordance with its property line adjustment recording requirements.

B. Time Limit The applicant shall submit the copy of the recorded property line adjustment survey map to the City within 30 days of recording and shall be completed prior to the issuance of any building permits on the re-configured lots.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

6.126 Replatting, Lot Consolidations and Vacation of Plats

16.126.010. Generally

16.126.020 Basis for denial.

16.126.030. Timing of vacations.

16.126.040 After sale of lots.

16.126.050 Lot Consolidations

16.126.010. Generally

A. Any plat or portion thereof may be re-platted, consolidated or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. All applications for a plat shall be made in accordance with the subdivision or the partition provisions within this Division and processed under the Type I procedure.

16.126.020 Basis for denial

The application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys.

16.126.030. Timing of vacations

All approved plat vacations shall be recorded in accordance with Section 16.122.010:

A. Once recorded, the vacation shall operate to eliminate the force and effect of the plat prior to vacation; and

B. The vacation shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

16.126.040 After sale of lots

When lots have been sold, the plat may be vacated in the manner herein provided by all of the owners of lots within the platted area.

16.126.050 Lot Consolidations

Upon approval of a Type I lot consolidation by the City Manager or designee, and upon demonstrating compliance with approval conditions:

A. For the consolidation of lots or parcels of a recorded plat, the lot consolidation shall be finalized by a replat of the subdivision or partition.

B. The County may consolidate parcels or tracts of land that are not within a recorded plat.

Chapter 16.126.128

LAND DIVISION DESIGN STANDARDS *

16.126.128.010 Blocks

16.126.128.020 Pedestrian and Bicycle Ways

16.126.128.030 Lots

* Editor's Note: Some sections may not contain a history.

16.126.128.010 Blocks

A. Connectivity

1. Block Size

The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

2. Block Length

Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the

Transportation System Plan.

3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

Figure 7.401 -- Block Connectivity

GRAPHIC UNAVAILABLE: [Click here](#)

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009, § 5; 2000-1103, § 3; Ord. 86-851, § 3)

A.B Utilities

Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

BC. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

16.126128.020 Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

(Ord. 86-851, § 3)

16.126128.030 Lots

A. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirements, with the following exceptions:

1. Lots in areas not served by public sewer or water supply, shall conform to any special [Washington County Health Department standards.](#)

B. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.

C. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

E. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:

1. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.
2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

Division VII.

SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS

Chapter 16.120

SUBDIVISIONS*

Sections:

16.120.010 Purpose

16.120.020 General Subdivision Provisions

16.120.030 Approval Procedure: Preliminary Plat

16.120.040 Approval Criteria: Preliminary Plat

16.120.050 Final Subdivision Plat

16.120.060 Improvement Agreement

16.120.070 Bond

16.120.080 Filing and Recording

* Editor's Note: Some sections may not contain a history.

16.120.010 Purpose

Subdivision regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.

(Ord. 86-851, § 3)

16.120.020 General Subdivision Provisions

A. Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.

1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and

2. The final plat shall reflect all conditions of approval of the preliminary plat.

B. All subdivision proposals shall conform to all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.

C. Future re-division

When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this title.

D. Lot averaging

Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district subject to the following regulations:

1. The average lot area for all lots is not less than allowed by the underlying zoning district.
2. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district.

E. Future Partitioning

When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.

F. Required Setbacks

All required building setback lines as established by this Code, shall be shown in the preliminary subdivision plat.

G. Property Sales

No property shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to this Code.

16.120.030 Approval Procedure-Preliminary Plat

A. Approval Authority

1. The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.
 - a. A subdivision application for 4-10 lots will follow a Type II review process.
 - b. A subdivision application for 11-50 lots will follow a Type III review process.
 - c. A subdivision application for over 50 lots will follow a Type IV review process.

2. Approval of subdivisions is required in accordance with this Code before a plat for any such subdivision may be filed or recorded with Washington County. Appeals to a decision may be filed pursuant to Chapter 16.76.

B. Phased Development

1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than **two** years without reapplying for a preliminary plat.

2. The criteria for approving a phased site development review proposal are:

a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;

b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:

(1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and

(2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.

3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

16.120.040 Approval Criteria: Preliminary Plat

No preliminary plat shall be approved unless:

A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

B. Streets and roads held for private use are clearly indicated on the preliminary plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

C. The plat complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 (Land Division Design Standards).

D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

E. The plat complies with the land division design standards found in § 16.128-Land Division Design Standards.

F. Development of additional, contiguous property under the same ownership can be

accomplished in accordance with this Code.

G. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

H. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

I. The preliminary plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

J. A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome-Standards) or §16.142.020(Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

*NOTE: Added with PA 11-02- Parks and Open Space in New Subdivisions.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053, § 1; Ord. 94-991, § 1; Ord. 91-922, § 3; Ord. 86-851)

16.120.050 Final Subdivision Plat

A. Procedure

1. Unless otherwise noted below, final subdivision approval includes meeting all conditions from the land use approval, review and approval by County, and the signature of the City's designee on the mylar.

2. The subdivider shall submit the final plat, and all supplementary information required by the Planning Department or pursuant to this Code.

3. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.

4. All requirements for signature of the mylar shall be completed within two years of approval of the final plat.

B. Extensions

If the final plat is not approved within two (2) years, the preliminary plat approval shall expire and a new plat must be submitted. However, the City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refile of the preliminary plat and that no other development approval would be affected. For preliminary plat approvals granted between January 1, 2007 and December 31, 2009, the approval shall be extended until December 31, 2013.

C. Approval Criteria: Final Plat

By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:

1. The final plat is consistent in design (e.g., number and dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § XXXXXX>XX
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;
5. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
6. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
7. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitiner to the City that such services will be installed in accordance Division VI of this Code, and the bond requirements of XXXXX. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;
8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-06, § 2, 4-6-2010; Ord. 2003-1148, § 3; Ord. 98-1053 § 1; Ord. 86-851, § 3)

16.120.060 Improvement Agreement

A. Subdivision Agreement

The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Division VI, or execute and file

with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages.

B. Performance Security

The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.

16.120.070 Bond

A. Performance guarantee required. As required by Section 16.120.060, the subdivider shall file with the agreement an assurance of performance supported by one of the following:

1. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
2. Cash.

B. Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.

D. When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.

E. Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.

16.120.080 Filing and Recording of Final Subdivision Plat

A. County Review

When the City determines that the plat conforms to all requirements, the plat shall be authorized for review by the County.

B. Recording the Plat

After approval, the City shall authorize the transmittal of the final map, tracing, and other data to the County, to determine that there has been compliance with all provisions of State and local statutes. Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

C. Effective Date

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; 94-991; Ord. 86-851, § 3)

Chapter 16.122 LAND PARTITIONS*

Sections:

16.122.010 Generally

16.122.020 Approval Criteria: Preliminary Partition Plat

16.122.030 Approval Criteria: Final Plat

16.122.040 Partition Compliance

16.122.050 Dedications

16.122.060 Filing Requirements

* Editor's Note: Some sections may not contain a history.

16.122.010 Generally

A. Approval Required

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a partition application has been approved by the City Manager or his/her designee.

B. City Action

The City Manager or his/her designee shall review the partition applications submitted in accordance with Section 16.70 and shall approve, approve with conditions or deny the application.

16.122.020 Approval Criteria: Preliminary Plat

Partitions shall not be approved unless:

- A. The partition complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The partition complies with Chapter 16.128 (Land Division Design Standards). B. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer,

storm water, and water supply systems.

C. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:

1. Adequate water service shall be deemed to be connection to the City water supply system.
2. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system if sewer lines are within one-hundred fifty (150) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within one hundred fifty (150) feet.
3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

D. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

E. Future Development Ability

In addition to the findings required by Section **16.122.010**, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 98-1053, § 1; 91-922, § 3; Ord. 86-851)

16.122.030: Final Partition Plat

By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:

- A. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
- B. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the

developer has provided a performance guarantee in accordance with § XXXXXX>XX

- C. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
- D. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;
- E. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
- F. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
- G. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

16.122.040 Future Subdivision Compliance

If a partition exceeds two (2) acres and within one (1) year is re-partitioned into more than two (2) parcels, and any single parcel is less than one (1) acre in size, full compliance with the subdivision regulations of this Code may be required.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3) (Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; Ord. 86-851, § 3)

16.122.050 Filing and Recording Requirements

A. Generally

Within twelve (12) months after City approval of a land partition, a partition plat shall be submitted to the County in accordance with its final partition plat and recording requirements.

B. Time Limit

The applicant shall submit the copy of the recorded partition to the City within **30** days of recording, and shall be completed prior to the issuance of any building permits on the re-configured lots.

B. Extension

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The City Manager or his/her designee may, upon written request by the applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the partition and that no other development approval would be affected. For partitions granted between January 1, 2007 and December 31, 2009, the approval shall be extended until December 31, 2013.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-06, § 2, 4-6-2010; Ord. 86-851, § 3)

Chapter 16.124

PROPERTY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS*

Sections:

16.124.010 Approval Process

16.124.020 Approval Criteria

16.124.030 Filing and Recording Requirements

* Editor's Note: Some sections may not contain a history.

16.124.010 Approval Process

A. The City Manager or his or her designee may approve a property line adjustment by means of a Type I procedure as governed by Chapter 16.72, using approval criteria contained in this Chapter.

B. Time Limit on approval

The property line adjustment decision shall be effective for one year from the date of approval.

C. Extension of approval

If the adjustment is not recorded with the County within one year, the land use approval expires and must be resubmitted. The City Manager or his/her designee may, upon written request by the applicant, grant an extension up to one year upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the property line adjustment and that no other development approval would be affected.,

16.124.020 Approval Criteria

A. The City Manager or his/her designee shall approve or deny a request for a property line adjustment in writing based on findings that the following criteria are satisfied:

1. No new lots are created
 2. The adjusted lots comply with the applicable zone requirements.
 3. The adjusted lots continue to comply with other regulatory agency or department requirements.
- B. If the property line adjustment is processed with another development application, all applicable standards of the Code shall apply.

(16.124.030 Filing and Recording Requirements

A. Recording Requirements If a property line adjustment is approved by the City, it does not become final until reviewed and approved by Washington County in accordance with its property line adjustment recording requirements.

B. Time Limit The applicant shall submit the copy of the recorded property line adjustment survey map to the City within 30 days of recording and shall be completed prior to the issuance of any building permits on the re-configured lots.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

6.126 Replatting, Lot Consolidations and Vacation of Plats

16.126.010. Generally

16.126.020 Basis for denial.

16.126.030. Timing of vacations.

16.126.040 After sale of lots.

16.126.050 Lot Consolidations

16.126.010. Generally

A. Any plat or portion thereof may be re-platted, consolidated or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. All applications for a plat shall be made in accordance with the subdivision or the partition provisions within this Division and processed under the Type I procedure.

16.126.020 Basis for denial

The application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys.

16.126.030. Timing of vacations

All approved plat vacations shall be recorded in accordance with Section 16.122.010:

A. Once recorded, the vacation shall operate to eliminate the force and effect of the plat prior to vacation; and

B. The vacation shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

16.126.040 After sale of lots

When lots have been sold, the plat may be vacated in the manner herein provided by all of the owners of lots within the platted area.

16.126.050 Lot Consolidations

Upon approval of a Type I lot consolidation by the City Manager or designee, and upon demonstrating compliance with approval conditions:

- A. For the consolidation of lots or parcels of a recorded plat, the lot consolidation shall be finalized by a replat of the subdivision or partition.
- B. The County may consolidate parcels or tracts of land that are not within a recorded plat.

Chapter 16.128 LAND DIVISION DESIGN STANDARDS *

16.128.010 Blocks

16.128.020 Pedestrian and Bicycle Ways

16.128.030 Lots

* Editor's Note: Some sections may not contain a history.

16.128.010 Blocks

A. Connectivity

1. Block Size

The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

2. Block Length

Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be

provided on public easements or right-of-way consistent with Figure 7.401.

Figure 7.401 -- Block Connectivity

GRAPHIC UNAVAILABLE: [Click here](#)

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009, § 5; 2000-1103, § 3; Ord. 86-851, § 3)

B Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

C. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

16.128.020 Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

(Ord. 86-851, § 3)

16.128.030 Lots

A. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirements, with the following exceptions:

1. Lots in areas not served by public sewer or water supply, shall conform to any special Washington County Health Department standards.

B. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.

C. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and

screening may be required.

D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

E. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:

1. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.
2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

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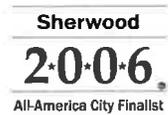
City Manager
Jim Patterson



2009 Top Ten Selection



2007 18th Best Place to Live



DATE: June 21, 2011
TO: Planning Commission
FROM: Julia Hajduk, Planning Manager
Heather Austin, Senior Planner, AICP
SUBJECT: Commercial and Industrial Uses

At the last Planning Commission work session, we completed review of the detailed analysis of issues on the Commercial and Industrial use classifications. We are in the process of taking the direction provided by the Commission and reviewing the proposed use classifications against the existing to ensure that every existing use has an appropriate use classification.

At the meeting on June 28th, we plan to share any additional issues we have found and begin discussion of overall changes to the chapter similar to the reorganization completed for the residential uses.

We hope to have a firm handle on the uses and potential code changes by the end of June. We will then conduct additional outreach in July and hope to wrap up the discussion on potential updates to the commercial and industrial uses by August, in anticipation of hearings in September and October.

Attachments: none



MEMORANDUM

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David Luman

City Manager
Jim Patterson

DATE: June 21, 2011
TO: Planning Commission
FROM: Heather Austin, AICP, Senior Planner
SUBJECT: Temporary and Wall Signs Code Updates

Phase 4 of the Code Clean-up project includes a review of the temporary sign standards. Temporary *and* wall sign standards have specifically been identified as items that need to be addressed through this code clean-up project. As such, wall signs have been added to the temporary signs review.

At the June 7 joint City Council/Planning Commission work session, the Council generally supported the idea of a sign work group comprised of staff, a Planning Commission member and prior temporary sign permit holders to review the issues with temporary and wall signs and submit a recommendation to the Planning Commission for code updates. Members of the City Council expressed an interest in seeing this happen as soon as possible and felt that the staff-estimated time-frame of 8 months from conception of work group to adoption of language may be too long. Staff has updated the work plan with these comments in mind and included it in Attachment 1 to this memo.

Planning staff sent letters to all temporary sign permit holders in 2010 and 2011 inviting them to participate in the sign work group proposed on the attached work plan (revised since last Planning Commission work session on this topic).

Staff is prepared to take comments on or answer questions regarding the work plan at the June 28th work session.



Code Language Review- Work Plan

Temporary and Wall Signs

Task 1: Convene Work Group/Develop Preferred Outcomes

Objectives:

- Establish a work group comprised of staff, a Planning Commission member and prior temporary sign permit holders representing various groups such as political candidates, non-profits and for-profit industries to discuss issues with temporary (and wall) signs.
- Identify code language that needs revision.

Deliverables:

- Establishment of work group.
- Work group first meeting, "kick-off".
 - Members of work group will be provided with this work plan, current code language, current temporary sign permit application forms, "issue paper" regarding temporary (and wall) signs and examples from neighboring jurisdictions.
 - Work group will discuss materials, provide anecdotal experience with temporary sign permitting process and standards and discuss potential changes to code language.
 - Work group will identify preferred outcomes of revised code language.

Schedule: July-August 2011

Task 2: Develop draft Language recommendations

Objectives:

- Draft revised code language for temporary (and wall) signs.

Deliverables:

- Work group will review draft code language based on the preferred outcomes identified during Task 1.
- Joint work group/PC meeting
- Conduct/participate in outreach efforts to get feedback

Schedule: September-October 2011

Task 3: Finalize Recommendation

Objectives:

- Acceptance of work group of revised code language.
- Development of recommendation to the Planning Commission.

Deliverables:

- Work group will finalize recommendation on language based on work done in Task 2.
- Work group will develop a presentation of revised code language to present to the Planning Commission.
- Presentation of language to the Planning Commission during work session by some or all of work group.
- Dialog with Planning Commission regarding preferred language.
- Direction from Planning Commission to proceed with public hearing
-

Schedule: October-November 2011

Task 4: Legislative Review**Objective:**

- Obtain City Council approval of proposed code language.

Deliverables:

- DLCD, Agency and Public Notice prior to first Public Hearing.
- Public hearing before the Planning Commission.
- Public hearing before the City Council.

Schedule: December 2011-February 2012

Parking Lot Layout and Landscaping – Issue Paper

Description of issue:

The parking lot layout and surrounding landscaping design code criteria provide an opportunity to regulate the way a site looks and functions in Sherwood. Parking lots and landscaping are evaluated for compliance with the Development Code during the site plan review process. Some elements of the parking lot layout for site plan review include an evaluation of the number and dimensions of individual parking stalls, wheel stops, as well as internal vehicle and pedestrian circulation and accessibility onto the site.

Landscaping requirements surrounding the development and the parking area itself comprise another important component of how the overall site looks and functions. Landscaping breaks up and softens the hardscape of a large building or parking area, provides human scale and serves as an important sound buffering for the neighbors. Because the parking area can take up a large portion of the site, it is important for it to be visually appealing, safe and accessible for patrons and the property owners surrounding a development. Developers and decision makers must ensure that there are an adequate number of parking spaces to serve the customers on site to avoid spillover into the residential neighborhoods. The new development should also fit in with the surrounding neighborhood and avoid excessive noise in the area to ensure compatibility with the community.

Staff evaluated this portion of the Code in detail and considered past site plans and layouts to determine the appropriate topics to address during this section of the Code Clean Up project. This is a highlight of the issues that will be discussed in greater detail further within this report:

Parking Lot Layout

- Compliance with updates to the Metro functional plan parking requirements
- Minimum and maximum number of parking spaces required
- Wheel stop requirements
- Dimensional standards for parking stalls
- Shared parking requirements
- Bicycle parking requirements
- Vehicle and pedestrian circulation

Parking Lot Landscaping

- Total landscaping requirements-proportion of shrubs, ground cover or trees
- Interior landscaping requirements
- Type and specificity of landscaping materials
- Perimeter landscaping minimum requirements

Metro Compliance

The City of Sherwood complies with Metro's Functional Plan. The Functional Plan outlines some basic requirements including minimum-maximum number of parking spaces that all local jurisdictions within the region must follow. The Metro Plan was recently updated via ordinance (2010) setting some new parking ratios and other parking lot layout requirements. Cities are allowed to alter the Metro standards upon "demonstration that the effect will be substantially the same as the application of the rations in the table." (*Functional Plan* Title 4: 3.08.410) Metro designated certain areas within Sherwood as either an "A or B" zone based on proximity to transit which allows for maximum ratios for parking, but the map identifying these areas is not clearly identified in the Code which can be confusing to applicants.

Garages in Multi-Family

Staff has also faced the problem of attributing garage parking in multifamily developments to the meeting overall parking requirement. As you can see from the chart for residential development, garages are excluded and cannot be counted toward fulfilling the parking requirement for single family but not multi-family posing a problem in recent developments.

Wheel Stops and Covered Bike Parking

Developers have raised issues with wheel stop and bicycle parking requirements over the years. Staff heard from developers that increasing the length of the parking stalls or the width of adjacent walkways in some instances are more economical and less of a trip hazard than the required wheel stop installation. Additionally, it is difficult to accommodate covered bicycle parking on some sites or with certain land uses. The cost of adding covered bike parking is not always proportional or related to the proposed use (such as adding parking and restrooms to an existing public park).

Landscaping

Site plan landscaping for parking lots consists of two types: general landscaping and interior landscaping. Ten percent of the parking area needs to be landscaped and 50 % of that area must be internal landscaping. For example, a site with a 10,000 square foot parking area would require 1,000 square feet of landscaping (500 square feet of the required 1,000 must be interior to the parking area). Staff would like to check in with the Planning Commission to determine whether they find that this is a sufficient amount of landscaping around and within the site to serve the aesthetics and functionality of the space.

The landscaping section does not specify the type of landscaping an applicant must install: whether a distinctive percentage should be trees, shrubs or even grass or hardscape. Currently, the standard is a "variety," which provides the developer a great deal of flexibility without offering staff much direction or parameters for certain types of plantings in return. For example, the applicant could choose to have trees in the perimeter but not in the interior landscaping and staff does not have any formal guidelines in order to require specific allocations of landscaping or to specify trees in landscape islands.

Native landscaping is another requirement that poses difficulty in interpretation. It could mean the ability to be grown in the Northwest and maybe not just a native Oregon plant per se which is quite restrictive. In certain situations, native plants may not be the most suitable given the location on the site or the purpose of the building. Staff believes that this standard is intended to encourage plants that do not require excessive watering or maintenance contrary to that which would be found in the Pacific Northwest.

Perimeter landscaping serves to soften the onsite noise and look of the site in order to break up the concrete. The Code language requires a landscape buffer around the site. The language becomes unclear when there is an existing required landscape buffer already in place on the adjoining property. Staff has been uncertain whether to “double buffer” both properties, or only require one perimeter buffer. Also, it might make sense to allow access in certain cases between properties rather than enclose an entire site with the required perimeter landscaping. Interior parking landscape islands have minimum size requirements that may not be sufficient to hold smaller trees and should be evaluated. In the alternative, some of the interior landscape islands can become quite large with no clear pedestrian pathways over or through the island from the business area to the parking areas. Customers may be forced to walk on top of landscaped islands when there is no clear pathway from the car door to the business door. Code language could be identified to improve pedestrian circulation within a site.

Finally, as the tree mitigation standards are evaluated, the Commission may want to consider a minimum tree requirement with a certain percentage of the tree landscaping in commercial and industrial areas. This requirement could be used to compensate for the mitigation requirements for removal of any trees during clearing of the site.

Developers’ Issues

Developers did not feel that the bicycle parking requirements are warranted under certain circumstances especially when there could be a small project that requires a covered bicycle parking area. Developers also avoid the wheel stop requirements if there is the amount of corresponding space for the patrons to walk in front of the vehicles without adding the more expensive wheel stops. The landscaping requirements are quite lenient compared to other jurisdictions, but the native landscaping is something that is difficult to identify and verify.

Code Sections (language included on page 2):

Chapter 16.94

Chapter 16.96

Public input received:

Adequacy of parking in general is a major concern residents express when they comment on new development projects within their nearby neighborhood. Also we have had concerns expressed about the adequacy of the number parking spaces for multi-

family developments. Residents of apartment facilities have found it difficult to find parking or guest parking at their site.

Comparison to other jurisdictions and the Oregon Model Code:

See attached table on page 14

Initial Staff Recommendation

Parking Lot Layout

- Evaluate Ordinance 10-1241B Regional Transportation Functional Plan (Metro Requirements) for parking management
- Remove or modify the requirement that bike spaces must be covered in all circumstances
- Address the adequacy of parking spaces for multi-family developments or the allowance for visitor parking
- Clarify under what circumstances parking lot ratios can be reduced, when it can be reduced for different uses or time of day and what percent of requirements that can be modified
- Consider allowing more flexibility for the wheel stop requirements to allow low landscaping or larger walkway to replace the requirement in certain circumstances

Landscaping

- Evaluate the existing landscaping code requirements to determine if it meets with the goals and aesthetics of the City
- Clarify the % required for landscaping, types of landscaping and what is considered internal landscaping
- Require an identified internal pathway for larger parking areas within and surrounding the site
- Clarify native landscaping intentions
- Require a distinctive proportion of trees in the internal parking area

Code Language (Current)- Staff highlighted language discussed above as issues

Chapter 16.92

LANDSCAPING*

Sections:

16.92.010 Landscaping Plan

16.92.020 Landscaping Materials

16.92.030 Landscaping Standards

16.92.040 Installation and Maintenance

* Editor's Note: Some sections may not contain a history.

16.92.010 Landscaping Plan

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

(Ord. 2006-021; Ord. 86-851, § 3)

16.92.020 Landscaping Materials

A. Varieties

Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter.

B. Establishment of Healthy Growth and Size

Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.

C. Non-Vegetative Features

Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas. Impervious paving shall not be counted as landscaping. Artificial plants are prohibited in any required landscaped area.

D. Existing Vegetation

All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per Section 16.92.020 shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142.060, and Chapter 16.144.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 86-851 § 3)

16.92.030 Landscaping Standards

A. Perimeter Screening and Buffering. A minimum six (6) foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial or industrial uses. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only so as to preserve wildlife mobility. In addition, plants and other landscaping features may be required by the Review Authority in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.

B. Parking and Loading Areas.

1. Total Landscaped Area. A minimum of ten percent (10%) of the lot area used for the display or parking of vehicles shall be landscaped in accordance with this Chapter. In addition, all areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with this Chapter.
2. Adjacent to Public Rights-of-Way or Abutting Other Private Property.
 - a. A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off-street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, change in grade, wall, bio-swales or fence, forming a permanent year-round screen, except in clear vision areas as per Section 16.58.030.
 - b. The access drives to a rear lot (i.e. flag lot) shall be separated from abutting property(ies) by a minimum of forty-two-inch sight-obscuring fence or a forty-two-inch to seventy-two-inch high landscape hedge within a four-foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, the City Manager or Manager's designee may waive the fence/buffer in order to preserve the mature vegetation.
3. Perimeter Landscaping. A ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate abutting properties or developments. A minimum six (6) foot high sight-obscuring fence or plantings shall also be provided, except where equivalent screening is provided by intervening buildings or structures.
4. Interior Landscaping. A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be provided after every fifteen (15) parking stalls in a row. Storm water bio-swales may be used in lieu of the interior landscaping standard.
5. Landscaping at Points of Access. When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 16.58.010.
6. Exceptions. For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 and 16.144, the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements. The maximum reduction in required landscaping permitted through this exception process shall be no more than 50%. The resulting landscaping after reduction may not be less than five feet in width unless otherwise permitted by the underlying zone. Exceptions to required

landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.

C. Visual Corridors. Except as allowed by subsection 6 above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter 16.142. Properties within the Old Town Overlay are exempt from this standard.

(Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 91-922, § 3; Ord. 86-851 § 3)

16.92.040 Installation and Maintenance

A. Deferral of Improvements

Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to 125% of the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within six (6) months, the security may be used by the City to complete the installation.

B. Maintenance of Landscaped Areas

All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan. Failure to maintain landscaped areas shall result in the revocation of applicable occupancy permits and business licenses.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 86-851 § 3)

Chapter 16.94

Off-Street Parking and Loading*

Sections:

16.94.010 Generally

16.94.020 Off-Street Parking Standards

16.94.030 Off-Street Loading Standards

* Editor's Note: Some sections may not contain a history.

16.94.010 Generally

A. Off-Street Parking Required.

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

B. Deferral of Improvements

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion

impossible. In such circumstances, security equal to one hundred and twenty five percent (125%) of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within six (6) months, the security may be used by the City to complete the installation.

C. Joint Use

Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that **satisfactory evidence** is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.

D. Multiple/Mixed Uses

When several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately, with a **reduction of up to 25% to** account for cross-patronage of adjacent businesses or services. If the applicant can demonstrate that the peak parking demands for the combined uses are less than 25% (i.e., the uses operate on different days or at different times of the day), the total requirements may be reduced accordingly.

E. Prohibited Uses

Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.

F. Location

1. Residential off-street parking spaces shall be located on the same lot as the residential use.
2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within 500 feet of the use. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.
3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible. All new development shall include preferential spaces for car pool and van pools, if business employs 20 employees or more. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

G. Marking

All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.

H. Surface and Drainage

1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.
2. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.

I. Repairs

Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.

J. Parking and Loading Plan

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals, except for single and two-family dwellings, and manufactured homes on residential lots. The plan shall show but not be limited to:

1. Delineation of individual parking and loading spaces and dimensions.
2. Circulation areas necessary to serve parking and loading spaces.
3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.
4. Landscaping as required by Chapter 16.92.
5. Grading and drainage facilities.
6. Signing and bumper guard specifications.
7. Bicycle parking facilities as specified in Section 16.94.020.C.
8. Parking lots more than three (3) acres in size shall provide street-like features along major driveways including curbs, sidewalks, and street trees or planting strips.

K. Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2000-2001, § 3; Ord. 2000-2001, § 3; Ord. 86-851, § 3)

16.94.020 Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. Off-street parking and loading requirements for a use not specifically listed in this Section shall be determined by the review authority based upon the requirements of comparable uses.

Minimum and Maximum Parking Standards

(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area)

	Minimum	Maximum A	Maximum B
Single, two-family & Manufactured Home on lot*	1 per du	None	None
Multi-Family	1 under 500 sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None
Hotel or Motel	1 per room	None	None
Boarding House	None	None	None
General Retail or Personal Service	4.1 (244 sf)	5.1	6.2
Vehicle Sales, Nursery	4.1	5.1	6.2
Furniture/Appliance Store	4.1	5.1	6.2
Tennis Racquetball Court	1.0	1.3	1.5
Golf Course	None	None	None
Sports Club/Recreation Facility	4.3 (233 sf)	5.4	6.5
General Office	2.7 (370 sf)	3.4	4.1
Bank with Drive-thru	4.3 (233 sf)	5.4	6.5
Medical or Dental Office	3.9 (256 sf)	4.9	5.9
Eating or Drinking Establishment	15.3 (65 sf)	19.1	23.0

Fast Food Drive-thru	9.9 (101 sf)	12.4	14.9
Movie Theater	0.3 per seat	0.4	0.5
Day Care	None	None	None
Elementary & Jr High	None	None	None
High School & College	0.2 per student + teacher	0.3	0.3
Church ¹	0.4 per seat	0.6	0.8
Nursing Home	None	None	None
Library	None	None	None
Industrial ²	1.6	None	None
<p>* An enclosed building or garage associated with any residential dwelling type cannot be counted towards the parking space requirement for that unit. Further, if the street on which the house has access is less than 28 feet wide, 2 off-street parking spaces are required per single-family residential unit (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot). If the abutting street is 28-feet or wider, one standard (9 ft x 18 ft) parking space is required.</p>			

B. Miscellaneous Standards

1. Dimensions

For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five percent (25%) of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

2. Layout

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in Appendix G.

3. Wheel Stops

Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in Appendix G. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water run off.

4. Service Drives

Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers, and shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection.

5. Credit for On-Street Parking

¹ COMMENT by staff: Metro Changed to religious institutions at .5 per seat

² COMMENT by staff: Metro added warehouse at .3

a. On-Street Parking Credit. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on-street parking space:

- (1) Parallel parking, each 24 feet of uninterrupted curb;
- (2) 45/60 degree diagonal, each with 10 feet of curb;
- (3) 90 degree (perpendicular) parking, each with 8 feet of curb;
- (4) Curb space must be connected to the lot which contains the use;
- (5) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and;
- (6) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

6. Reduction in Required Parking Spaces

Developments utilizing engineered storm water bio-swales or those adjacent to environmentally constrained or environmentally sensitive areas may reduce the amount of required parking by 10% when 25-49 parking spaces are required, 15% when 50-74 parking spaces are required and 20% when more than 75 parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to an environmentally sensitive or constrained area.

a. Parking Location and Shared Parking

Availability of facilities Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

C. Bicycle Parking Facilities

1. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture such as benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" design is appropriate. Alternative, creative designs are strongly encouraged.

2. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

3. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
4. Lighting. Bicycle parking shall be least as well lit as vehicle parking for security.
5. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
6. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

MINIMUM REQUIRED BICYCLE PARKING SPACES

USE CATEGORIES	MINIMUM REQUIRED SPACES
Residential Categories	
Household Living	Multi-dwelling -- 2 or 1 per 10 auto spaces. All other residential structure type -- None.
Group Living	1 per 20 auto spaces
Commercial Categories	
Retail Sales/Service Office	2 or 1 per 20 auto spaces, whichever is greater.
Drive-Up Vehicle Servicing	None
Vehicle Repair	None
Commercial Parking Facilities Commercial Outdoor Recreation Major Event Entertainment	4 or 1 per 20 auto spaces, whichever is greater.
Self-Service Storage	None
Industrial Categories/Service Categories	
Basic Utilities	2 or 1 per 40 spaces, whichever is greater.
Park and Ride Facilities	2 or 1 per 20 auto spaces
Community Service Essential Service Providers Parks and Open Areas	2 or 1 per 20 auto spaces, whichever is greater.
Schools	High Schools -- 4 per classroom Middle Schools -- 2 per classroom Grade Schools -- 2 per 4th & 5th grade classroom
Colleges Medical Centers Religious Institutions Daycare Uses	2 or 1 per 20 auto spaces whichever is greater.
Other Categories	
Agriculture	None
Aviation Facilities Detention Facilities	Per CU review

Mining, Radio and TV Towers	None
Utility Corridors	None

16.94.030 Off-Street Loading Standards

A. Minimum Standards

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.

2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:

a. 20,000 to 50,000 sq. ft. - 500 sq. ft.

b. 50,000 sq. ft. or more - 750 sq. ft.

B. Separation of Areas

Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 86-851, § 3)

Jurisdiction	Landscaping Requirements-Summary
Sherwood	<ul style="list-style-type: none"> • Landscaping must be native • 10% parking site area must be landscaped and 50 % of total interior • Perimeter landscaping required • Landscape islands must be at least 64 sq. feet • No more than 15 spaces between landscape islands
Beaverton	<ul style="list-style-type: none"> • Landscape treatments should be provided in setback between a street and building • Landscaping should soften the edges of building and parking areas to add interest
Tigard	<ul style="list-style-type: none"> • Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type. When different uses would be abutting one another except for separation by a right-of-way, buffering, but not screening, shall be required as specified in the matrix. • Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls and raised planters; • Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way; • No set percentage of types of landscaping • Trees shall be planted in landscaped islands in all parking areas, and shall be equally distributed and on the basis of one tree for each seven parking spaces in order to provide a canopy effect; and • The minimum dimension of the landscape islands shall be three feet
	<p>Issue Paper Associate Planner</p>

Jurisdiction	Landscaping Requirements-Summary
Tualatin	<ul style="list-style-type: none"> • 25 % of total area needs to be landscaped in residential and if dedicated for open space then it needs to be 20% • Different commercial and industrial zones have different percentage of landscaping from 20-25% • Specify that landscaping is lawn or live groundcover if adjacent to street • Perimeter landscaping is five feet • Shrubs need to provide for 90 % ground cover • In multi-family for each parking stall needs to have 25 sq. ft. landscape island • Require shade trees for every four spaces • Eight spaces between landscape island
Wilsonville	<ul style="list-style-type: none"> • Trees required for 1 tree per eight spaces except in parking areas of more than 200 spaces then 1 per 6 spaces • If a large parking area (over 200 spaces) then 25 % of trees must be interior • 40 percent of the canopy drip line of mature trees needs to shade the parking area. • All parking lots in excess of 200 spaces shall provide an internal pedestrian walkway for every six parking aisles • 12 perimeter buffer if viewed from roadway • Require loading area for over 5,000 sq. ft.
Washington County	<ul style="list-style-type: none"> • Landscaping: 15 % of land area required landscaping • Sites 2 acres or less: describes what site changes trigger re-evaluation of landscaping • Reduction for landscaping allowed if vegetated roof, or design reduces storm water runoff from parking area • 50 % of the Metro habitat area may be used as a credit to reduce the required amount of landscaping when the portion of the Metro area that is used as a credit • 10 sq. feet of interior landscaping required per parking space excluding perimeter landscaping • No invasive species allowed and needs to be drought tolerant and able to grow in this climate • Needs to be mix of groundcover, shrubs and trees and specifics include size of containers for shrubs, ground cover and spacing Evergreen trees need to be six feet at least and deciduous trees need to be at least 8 feet

Jursidiction	Parking Lot Layout	Column1	Column2	Column3	Column4	Column5	Column6	Column7
	Dimensions	Compact Dimensions	Percent Compact	Bike Parking	Parking Reductions and Credits	ADA requirements Listed	Parking Issues	Other Parking Issues of Note
Sherwood	9*20		25%	Covered				
Oregon Model Code	8.5*18			Not covered but describes the size (2by 6ft.) pad		Yes-table	Parking spaces screened so no headlight glare	Has Parking area layout table for angled parking and diagrams
Beaverton	Res. 8.5*18.5	7.5/15	20% or more if shown to be warranted	Long term bike parking requirements Temp uses are exempt from bike parking requirements	May allow parking on adjoining lots within 200 ft. 5% or 10 % for transit or public plaza	Yes-table		Defines parking area A /B requires carpool spots for employees over 50 Old Town Parking section vehicle reduction for transit
Lake Oswego	8.5*18.5	8*16	50%	Ind. And Residential Bike parking must be covered but can be inside bldg	Tables showing parking modifiers	Lists ADA per Build Code	If over 50 spaces shall designate 5% for carpool vanpool and reserved	Max number of parking is 125 % of min.
Tigard	8.5*18.5				Director can add/decrease parking requirements for nearness to transit up to 20% through Type II procedure Long term paring	Must comply with ADA	Includes mandating parking for visitors in mult-family Primary use requires 100% of min. parking requirements; secondary use at 90%; and other uses at 80%	Change of Use requires reevaluation of parking requirement and Type I decision Table includes Bike Zone A and B max requirement Fractions count as whole space Wheel stops 3 ft. in front of
Tualatin				Bike Parking can be inside	Join tuse parking agreements-needs to be at least 500 feet away		Provides for when parking lot is evaluated includes change of use allows for CUP when needed	Change of Use requires reevaluation of parking requirement and Type I decision
Wilsonville		40% can be compact				ADA requirements Listed		All parking lots in excess of 200 spaces shall provide an internal pedestrian walkway for every six parking aisles
Washington County						ADA requirements Listed	Describe parking courts: eight spaces together that are distributed within a multi-family development	

Column8

Computation for mixed use on site

If more than 1 type of land use occupies single structure, the total req'd sum unless it can be shown that tehe peak demands are less; City discretion

Total requirements shall be the sum for various uses computed separately

If mixed uses parking areas are divided into primary and secondary uses with a corresponding %

Total requirements shall be the sum for various uses computed separately

	A	B	C	D	E	F	G	H	I
1	Landscaping Requirements								
2	Jurisdiction	% of parking or General area landscaped	% Interior Landscaping	Perimeter Landscaping	# of Landscape Islands per space	Min Landscape Island Dimensions	Number of Landscape Trees if Req'd	Type of Landscaping	Other information/ comments
3	Sherwood	10% of parking site must be landscaped	50 % of required parking lot landscape	10 ft buffer	1 island for every 15 spaces	64 sq. feet	None	Landscaping must be native	
4	Beaverton	15 % of gross site in multi-fam must be general landscaping	no set percent	6ft wide planting strip	1 island for every 8 space in resid. Zone; 1 for every 10 in mixed or com zone	70sq. ft.; 75% of the landscaped island needs to be trees	1 tree for every 800 sq. ft. of required landscape	; 1 shrub for every 400 sq. ft. of landscap and live ground cover shall be planted not occupied by trees. Gravel and rocks shall not be a substitute for ground cover and cant be more than 25% of required area.	Trees within the sidewalk area shall constitute no more than 50% of total required number of trees within req'd landscaped planter islands
5	Tigard	No set percentage	no set percent	Required: special design features which screen the parking lot ares from view; including berms decorative walls and raised planters	1 landscape island per 7 spaces and include trees in all islands			non-invasive drought tolerant	Have a buffer matrices to calculate how wide buffer must be depending on use and zone EX: C includes 15' min 30 ft. max spacing shrubs and 5;fence or 6 ft wall in COM areas
6	Tualatin	25 % site landscaped or 20 if have designated open space Core Area parking: 10 % Com areas: 15 % Ind Bus 20%	no set percent	Five Foot wide landscaped area must be located along all building perimeters viewable from street	8 spaces/ shade trees for every 4 spaces	5 ft. wide landscaped island	1 shade tree per 4 parking spaces but not apply to parking structures or underground parking	Live if next to a street Shrubs needs to be 90% of ground cover	Needs to be Fully Mature in three years May count areas used exclusively for pedestrian use as part of total landscaping
7	Wilsonville	15% total site 15% parking area turf or grass is limited to 10% of total landscaped are.	25% of trees need to be interior if lot over 200	12 foot landscaped buffer extending from edge of property line at the right of way to edge of parking area Openings no more than 10 ft. in length and provided every forty ft.	does not specify	must be at least 3 ft.	Landscaping tree planting areas shall be a minimum of 8 parkig spaces or an equivalent aggregated amount. Trees shall be 1 for every 8 spaces unless over 200 spaces then 1 per 6 spaces	Where the landscaped area is less than 30 ft. deep, one tree is required for every 30 lf. Where it is over 30 ft. one tree is required for every 800 sq. feet and 2 high shrubs or 3 low shrubs are required for every 400 sq. ft. native plants if possible	Have Low screen landscape standard, high screen stand, high wall standard and high berm standard 10 % of parking area designed to be screend from view from the public right of way and adjacent propeties. Tree Credit: Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows: 18-24 in. 3 tree credit, 25-31 in.:4 tre credit, 32 or more: 5 tree credit. Required trees may be planted within parking area or perimeter but 40% of canopy dripline of mature perimeter trees can be expected to shade or overlap the parking are
8	Washington County	25 % for residential 15 % all other uses	10 square feet of interior landscaping per parking space		10 or more vehicles	120 square feet	Evergreen trees need to be 6 ft. tall/deciduous needs to be at least 8 ft.	No invasive species, needs to be a mix of groundcover	20 % Reduction in landscaping for green roofs-50% of Metro Habitat are may be used as a credit to reduce the required amount of landscaping when the portion of the Metro area is used as credit Any structural additions required to provide landscaping prportional to the additional footage being proposed Developments encouraged to use native trees and plant materials. Encouraged to use nervious materials.
9	Model Code	Differs per zone: Res:20 % of site; GC: 10-20 %; GI: 0-20%; LI: 10-20% 10 % of Total site area as measured around the perimeter of all parking spaces	no set percent	Must be buffered except where necessary to allow pedestrian access to the site; evergreen hedges must be at min. 3 ft.	10-12 spaces per island that must include a tree	24 sq. feet or not less than 4 by 6 ft.	1 tree per 6 parking spaces on ave.	No invasive species, needs to be a mix of groundcover; trees need to be 4ft tall; shrubs need to be in 5 gal containers; drought tolerant plant species and may be requ'd when irrigation is not available	Mechanical areas need to be screened

Temporary Uses– Issue Paper

Description of issue:

The temporary use requirements (16.86) are a part of the Sherwood Zoning and Community Development Code (SZCDC). These standards provide a process to regulate structures or uses that are temporary or seasonal in nature. The temporary use must be consistent with the intent of the underlying zone. There is no clear definition of a temporary use. In addition, there is no clear direction about which uses require review and which are exempt.

Currently, short term uses that meet the intent of the underlying zone can be permitted through the temporary use permit process. A temporary use permit is reviewed through a Type I land use review which is a ministerial staff level decision that is made without public notice. This is generally a temporary parking lot or construction trailer or a modular building that will be in place for up to one year. We have not received any complaints about the one year time limit as we also allow a one year extension.

There are also short term events; it is not clear if these uses need a temporary use permit. Council adopted Resolution 2002-021 (attached) which allowed short term temporary events such as carnivals, festivals, fireworks stands, Christmas tree sales, etc. to operate annually without a temporary use permit.

The resolution was originally adopted by the City Council to encourage short term events in the City without going through the temporary use process. The thought was that the temporary use process was inefficient and too expensive for small short term temporary events. The resolution indicated that staff should prepare an ordinance to implement the provisions of the resolution; however this was not done.

Recently, the Community Services Department developed a Special Event Permit process that regulates larger events such as organized fun runs, Music on the Green and the Farmer's Market. This eliminates some of the uses that would fall under the Resolution but not all. Smaller events such as Christmas tree sales and fireworks sales are not regulated by the Special Event Permit.

Another issue that needs to be discussed (and that are not otherwise exempt per Res. 202-021) is temporary outdoor sales. Generally, outdoor sales that occur for a limited duration can receive approval for a temporary use permit instead of getting a conditional use permit. It is not clear if uses that set up their outdoor sales daily and take them down nightly on a seasonal or limited basis need to get a temporary use permit. For example, merchants have sidewalk sales to display seasonal products. They set up the display daily and bring the products in nightly.

Code Sections (language included on page 3):

16.86 – Temporary Uses

Public input received:

No specific input was received regarding this code update issue.

Comparison to other jurisdictions and the Oregon Model Code:

Other jurisdictions require temporary use permits. Staff reviewed the codes of Beaverton, Tigard, Tualatin and the Oregon Model Code and found that all offer varying types of temporary use permits. The types of permits include seasonal events, temporary sales or model homes, construction trailers, etc. The special event permit regulates the larger events.

See attached table on page 4.

Initial Staff Recommendation

There continues to be uncertainty regarding the regulations that should be in place for small seasonal events in Sherwood. The time limits for different types of temporary use permits also vary depending on the applicant’s request, a construction trailer might be on site for ten months while a seasonal fruit stand will be in place for four months. The Planning Commission is encouraged to consider clarifying the types of temporary uses that fall within the regulations of Chapter 16.86 in addition to accepting, rejecting or modifying the exemptions described in Resolution 2002-021 and adding that language to Chapter 16.86.

It is recommended that the short term event exemptions and requirement outlined in Resolution 2002-021 be added to the SZCDC or clarify the temporary use standards to specifically include short term events. It is also recommended that the additional examples of temporary uses be added to the purpose statement of section 16.86. Additionally, it is recommended that we clarify if seasonal or limited duration outdoor sales that set up on a daily basis need to get a temporary use permit and what time limits may apply.

Finally, it would be beneficial to codify that events reviewed through the special event permit do not also require a temporary use permit.

Code Language (Current)

Chapter 16.86 TEMPORARY USES*

16.86.010 Generally

A. Purpose

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary real estate offices and construction offices, provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code.

B. Application and Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified by Section 16.74.010. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in Chapter 16.72.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

16.86.020 Permit Approval

A. Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or his/her designee pursuant to Chapter 16.72 provided that the applicant demonstrates that the proposed use:

1. Generally conforms to the standards and limitations of the zoning district in which it is located.
2. Meets all applicable City and County health and sanitation requirements.
3. Meets all applicable Uniform Building Code requirements.

B. Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or his/her designee. In no case shall a temporary use permit be issued for a period exceeding one (1) year, unless the permit is renewed pursuant to this Chapter.

C. Additional Conditions

In issuing a temporary use permit, the City Manager or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following: increased yard dimensions; fencing, screening or landscaping to protect adjacent or nearby property; limiting the number, size, location or lighting of signs; restricting certain activities to specific times of day; and reducing the duration of the temporary use permit to less than one (1) year.

D. Revocation

Any departure from approved plans not authorized by the City Manager or his/her designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

Temporary Use Comparison among Jurisdictions

Jurisdiction	TUP Permit (Yes/No)	What falls under TUP?	Are there Exemptions? What is exempt?	Time Limits
Sherwood	Yes	Temporary use that meets the intent of the zone.	Resolution 2002-021 (carnival, tree sales, rummage sale, etc. if they meet certain criteria.)	One year with a one year extension.
Tualatin	Yes	Temporary Outdoor Sales, Mobile Food and Flower Vendors, Temporary Sales Office	Temporary Outdoor Sales - Activities in public spaces with a special event permit and seasonal displays and sales located in Architectural Review Approved Plaza sere adjacent to buildings in Central Commercial and General Commercial Planning Districts.	Temporary Sales Office- 3year limit
Tigard	Yes	Seasonal and special events, unforeseen/ emergency situations, temporary sales office/model home or temporary building in commercial/industrial zones	Seasonal/ special events exclusively by and for the benefit of Tigard based non-profits, garage sales, construction trailer in conjunction with initial development (3 or more residential/ commercial/ industrial units or lots.)	One year approval. A one year renewal is permitted. Seasonal/ special events can renew annually. Temp. sales/model home can be renewed annually if 50% or less homes have been issued occupancy.
Beaverton	Yes	<p>Temporary Mobile – plants, books, crafts, no longer than 1-7 hours a day</p> <p>Temporary Non-Mobile – holiday vegetation, fireworks, carnivals, etc.</p> <p>Temporary Structure – structure for development, drop-off station for non-profits, temporary wireless communication for construction</p> <p>Temporary Real Estate Office</p> <p>Non- Profit events - use of land for an event 15 + days in a calendar year</p>	N/A	<p>Mobile – 1 year</p> <p>Non-Mobile – 45 days</p> <p>Temporary Structures, Temporary Real Estate Office and Non-profit events</p> <p>Only temporary structures, Temporary real estate offices and Non-profit events are allowed extensions.</p>
Oregon Model Code	Yes	Seasonal and Special Events, Temporary Sales Office or Model House and Temporary Building, Trailer, kiosk or Structure	N/A	<p>Seasonal and Special Events – 1 month</p> <p>Temporary Building, Trailer, kiosk or Structure – 6 months</p>



Resolution No. 2002-021

A RESOLUTION AUTHORIZING CITY STAFF TO REGULATE SHORT-TERM, TEMPORARY EVENTS THROUGH PRE-DETERMINED CRITERIA.

WHEREAS, short-term, temporary events such as carnivals, festivals, fireworks sales and rummage sales that take place within the City are currently reviewed and regulated by City Staff through the temporary use permit process, with few criteria upon which to make decisions and regulate such temporary uses; and,

WHEREAS, the cost and processing of temporary use permits is an inefficient way to deal with such uses; and,

WHEREAS, City Staff do have the authority to enforce the zoning code with corrective actions and/or fines when pre-determined criteria and/or regulations are present, and

WHEREAS, City Staff should review temporary events, individually and according to the criteria in the attached policy document, until the criteria can be adopted by ordinance; and,

WHEREAS, it is in the best interests of the City to encourage events without unnecessary regulation, and protect the citizens from potential impacts such events may have on the community; and,

WHEREAS, the season for temporary events is near, and policy should be established immediately to address them;

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Temporary events will be regulated by the following criteria as policy. City Staff will review temporary events when complaints are received, and enforce criteria with corrective actions and/or fines if necessary to achieve compliance. The Council directs staff to implement the provisions of this policy immediately, and prepare an ordinance for adoption at a later date.

TEMPORARY EVENTS

Temporary events are characterized by their short term or seasonal nature. Temporary events include but are not limited to: traveling carnivals, festivals, firework sales, sidewalk sales, tent sales, book sales, rummage sales, tree sales, and arts and craft fairs.

The following are criteria for all temporary events:

1. Site operations shall take place on private property for which the applicant has permission to use. No part of the site shall be located within the public right-of-way, unless a right-of-way permit has been previously granted by the City Engineer.
2. Temporary events can only occur on an improved site, one that has received site plan approval per the City of Sherwood Zoning and Development Code Section 5.100.
3. Operation of the site shall not result in cars stacking onto a public street or interfering with on-site traffic circulation.
4. Wheelchair paths and handicapped parking spaces shall not be blocked.
5. Pedestrian pathways such as; sidewalks bike-paths, walkways and breezeways, shall not be blocked.
6. All signs shall meet the sign code requirements set forth in Chapter 5.700 of the Development and Zoning Code.
7. The use proposed is temporary in nature, and is consistent with the intent of the underlying zone. Temporary events are prohibited in all industrial zones and residential zones except for publicly owned properties when authorized by the City Manager.
8. The event may take place annually for up to (4) four consecutive weeks in any given calendar year, with the exception of fairs, carnivals and other major public gatherings, these events are allowed for up to 9 consecutive days.
9. Temporary activities may not cause the elimination of required off-street parking.
10. Permanent changes to the site are prohibited.
11. These regulations do not exempt the operator from any other required permits such as City Business License, sanitation facility permits, electrical permits, or allow violations of code (e.g. Noise, nuisance, fire code, etc.)

12. Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use.

Enforcement for non-compliance is applied as follows:

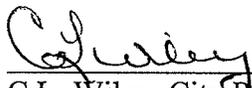
- a. First time violations receive written notice of correction; if the violation/s are not corrected immediately, fines may be levied in accordance with the relevant ordinance.
- b. Second time violations will receive a written notice of correction and will be subject to a fine.
- c. Third time violations are subject to fines and the use may be terminated and removed immediately.

Duly passed by the City Council this 28th day of May 2002.



Mark O. Cottle, Mayor

ATTEST:



C.L. Wiley, City Recorder