



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
April 26, 2011 – 7 PM**

Business Meeting – 7:00

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda:** Minutes – February 22, 2011
4. **Council Liaison Announcements**
5. **Staff Announcements**
6. **Community Comments**
7. **Old Business-** none
8. **New Business –** Appoint Planning Commission Vice Chair
9. **Adjourn**

Work Session - Following Business meeting

1. Code Clean-Up Review Draft language and discuss key issues
 - a. Public improvements,
 - b. Subdivisions, partitions and lot line adjustments

Next Meeting:

May 10, 2011 – Work Session – Continued Code Clean-Up

City of Sherwood, Oregon
Draft Planning Commission Minutes
February 22, 2011

Commission Members Present:

Chair Allen
Jean Simson
Brad Albert
Russell Griffin
Michael Cary

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Zoe Monahan, Assistant Planner
Karen Brown, Recording Secretary

Commission Members Absent:

Lisa Walker
Raina Volkmer

Council Liaison – Councilman Luman

1. **Call to Order/Roll Call – Vice Chair Simson** called the meeting to order.
2. **Agenda Review** – Due to late arrivals, the order of A & B under new business will be switched.
3. **Consent Agenda** – includes minutes from August 24th, 2010 and January 11, 2011. Julia Hajduk noted that in the January 11th minutes, Matt Nolan’s name was included and should not have been. Brad Albert’s name was not included and should have been. Motion to approve the consent agenda as corrected made by Commissioner Griffin. Motion seconded by Commissioner Carey. A vote was taken and all present were in favor. The motion passed.
4. **City Council Comments** – none given,
5. **Staff Announcements** – Julia advised that she had received a letter of resignation from Commissioner Volkmer. She also noted that Commissioner Simson’s term will end the last part of March and she has chosen not to ask to be reappointed. The two chairs will be filled as soon as possible.

The City Council has passed the Code update I.V, which includes the street tree amendment and fences and hedges and will be effective March 17, 2011.

Arbor Day is set to be celebrated April 22nd this year in a large open space near Inkster Drive. There have been trees planted in this area in the past that could be planted in someone’s name in dedication.

The Commissioners were asked to bring their code books to the next meeting so they may be updated with current updates.

Lastly, there have been a few neighborhood meetings held as a result of the Phase I code updates including a meeting for the Stella Olsen Memorial Park Restrooms. As an example of the new notice provisions; 217 were mailed to residents. Another current application in process is for a change to the GI Joes' property and that will include 300 notices mailed.

Council Liaison Dave Luman arrived. Commissioner Simson asked that it be pointed out what changes the Council made regarding hedges, trees and fences in their final decision on the Code Clean Up. Julia stated that the Council decided that they did not want to remove hedges from the definition of fences. Hedges are now allowed to be as tall as 8' in residential zones and 12' tall in commercially and industrially zoned areas.

- 6. Community Comments – Neil Shannon 23997 SW Red Fern Drive, Sherwood, OR** spoke and presented a power point presentation about a wetland area within the Brookman Road development area. He would like to bring this area, “a jewel” in his words, to the Commission’s attention. He stated that it is his understanding that the pedestrian access off of Red Fern will be used as an access road, but the commitment has been made to repair any damage done to the path by the large equipment. He showed examples of the existing large trees and existing forestation. He feels the biggest challenges of the work being done are the marshes at the south end of the creek. He would like to urge that work proceed with care and caution of the area and its natural habitat and forests. He does not want to stop the project, but rather educate the crews to the sensitive nature of the area.

(Recording Secretary note: Chair Allen arrived during Mr. Shannon’s testimony.)

- 7. Old Business – none**

- 8. New Business – PA 11-01 Code Clean-up Phase II**

Chair Allen opened the public hearing.

Michelle Miller began by giving an overview of the contents of the Staff Report. The development code has not had a comprehensive update in quite some time. In April of 2010 a multi-phased process began to evaluate different code provisions. Phase I included: application submittal requirements, public notices and other simple fixes. Phase II includes: Residential Uses and Variances, Home Occupations, Accessory Structures, Architectural Features and Clear Vision Areas. She reviewed the proposed changes and the staff recommendation.

(Recording Secretary note: Commissioner Walker arrived.)

Neil Shannon 23997 SW Red Fern Drive, Sherwood OR testified that while he has never raised chickens, it is not a problem; however needing a \$1,000 plus variance is very expensive. His main focus is on the HAM radio antennas. He is a radio operator that works with a group called A.R.E.S. (Amateur Radio Emergency Services) and wanted to remind everyone that in emergency situations how important HAM Radio operations can be. He pointed out that in State Statute there is the recommendation of antenna height being allowed to 70', with some exceptions. The one suggestion he had would be to remove the term HAM

from the code language as this is a slang term and the Amateur Radio Operator would suffice.

Michelle gave closing thoughts including more detailed information regarding feedback received about chickens and the difference in waste produced by different types of chickens; egg laying vs. chickens raised for consumption.

There were scrivener's errors and editing comments that were noted, discussed and corrected. Chair Allen closed the public hearing and opened the project up for deliberation. He noted that discussion was needed on whether Townhomes are permitted or not and if the format of the numbering in the Home Occupations language should be changed to be consistent with other language.

Commission Simson pointed out further inconsistencies with the code language regarding chapter 16.4 6 regarding manufactured home placement.

Julia suggested changing the wording in 16.4 6 010 by deleting the specific zoning MDRL and MDRH. The Commission will consider that amendment.

Deliberation continued regarding, pergolas, arbors, and trellises with Commissioner Simson wanting to follow recommendations she heard from the City Council to keep the code "neighbor friendly". Height requirements, setbacks and separations were discussed and how the regulations of Building Codes fit with what is proposed. Commissioner Simson concluded that what she is suggesting is that, more permanent structures of a certain height would need to comply with the setback requirements.

Chair Allen suggested the wording be: pergolas, arbors, trellises and similar structures without closed sides, under 10' in height would not be required to meet setbacks.

Moving forward, Commissioner Simson recommended adding changes that would state "applicability for doing a variance would not apply to a modified PUD standard."

Addressing a redundancy in the variance language on page 18, item 3. d. Julia suggested deleting the portion of the code that states "and cannot be part of a subdivision application." The Commission agreed.

Also on page 18, Commissioner Simson, recommended changing the 25% reduction talked about in item E to be changed to 20% to maintain consistency in variances throughout the code. The Commission agreed.

Commissioner Griffin suggested formatting the tables to maintain headings that would allow ease of understanding for customers at the counter.

The Commission discussed chicken enclosures and recommended making minor formatting corrections and specify what the definition of a "nuisance" is and what can be abated.

As it had been discussed earlier, on page 3 under residential uses in the MDRL column, townhomes should be changed to an N (not permitted) and in a later code change be looked at more closely.

Chair Allen suggested that rather than seeing this issue back at a Planning Commission meeting just to view the corrections and changes made, forwarding it on to City Council with all of the changes noted.

Commissioner Simson made a motion to recommend for approval to the City Council PA 11-01 Code Clean Up Phase II based on the adoption of the staff report, findings of fact, public testimony, staff recommendations, agency comments, applicant comments and conditions and code language as revised to be heard tentatively at the April 5 City Council meeting. Commissioner Walker seconded motion. All commissioners present were in favor and the motion carried.

After a short recess Chair Allen reconvened the meeting and asked Zoe to proceed with her tree panel follow up.

Zoe gave a brief recap of a Tree Panel discussion that was held on the 8th, that included Kristen Ramsted from the Oregon Department of Forestry, Todd Prager from the City of Tigard and developers Ted Eagon and Randy Sabastion. Tree preservation value, removal and mitigation were among the topics they discussed.

Commissioner Simson gave her feedback on the discussion including how exciting it was that the developers, foresters and arborists were all so close in their comments about the value of trees in the community, and that it really does economically and ecologically enhance the community. They talked about the benefits of good quality tree canopies and not necessarily saving all trees. Another item they discussed was offering incentives to preserve cohesive stands of trees and encouraging wider planter strips to enhance the tree presence. They all preferred the tree for tree idea of replacement rather than inch per inch replacement.

Commissioner Albert pointed out that one of the issues the arborist had discussed was looking at the types of canopies that are being removed and the quality of those canopies. As far as the replacement trees, asking if the new trees will provide a canopy as good as what was there and what will it look like years down the road.

Julia encouraged everyone to watch the meeting and pointed out the option of making trees an asset rather than a penalty to developers.

Zoe explained the timeline for this topic: On March 8th she will have a concept framing memo prepared for the Commission to discuss goals and objectives. Tentatively on April 26th the goals and objectives will be finalized and hopefully on May 24th, discussion on the first draft language at a work session.

Chair Allen closed the meeting.

End of minutes.



Home of the Tualatin River National Wildlife Refuge

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

Memorandum

DATE: April 19, 2011
TO: Planning Commission
FROM: Michelle Miller, AICP, Associate Planner
SUBJECT: Public Improvements- Division VI. of the Sherwood Development Code

Division VI describes the public improvements required of development projects from the application for preliminary land use approval to the engineer's final inspection and maintenance bond submittal to the Engineering Department. The Engineering Department reviews all preliminary public improvement plans to make sure they are in compliance with the standards set out in the Transportation System Plan (TSP 2005) and the City's Engineering Design and Construction Manual (Engineering Manual 2009) at the time of preliminary land use approval stage. The Engineering Manual provides the technical details required for public improvements; however there are certain elements that are not currently consistent with the Development Code.

Based on the input from the Planning Commission work session on January 25, 2011, further research, and the brown bag lunch with developers (held in March and discussed at the April 12th Planning Commission work session), staff developed some preliminary code language which is attached to this Memo.

The following issues are addressed in the draft language for your review:

- Street Renaming will move to the Municipal Code with the same procedures in place
- Street Design Modifications-removal of letter of concurrency and insert clearer process
- Removal of Technical Street Design standards
- Removal of the Engineering Plan review process technical submittal requirements
- Insert reference to the Transportation System Plan and Engineering Design Manual where relevant
- Insert language regarding a rough proportionality finding by staff

Planning Commission Action Requested at tonight's meeting:

- Review the 1st draft of the Code language and provide feedback
- Request staff to follow up on any unresolved issues

Next Steps

- Revise the language based on feedback received at the April 26, 2011 meeting
- Review the second draft language at the May 24, 2011 meeting

ATTACHMENT 1: Proposed Code amendment language Division VI.-Public Improvements

Code Clean Up Project
Planning Commission Work Session
Date of Meeting: April 26, 2011
Proposed Language First Draft

Division VI. PUBLIC IMPROVEMENTS

Chapter 16.104 PURPOSE AND APPLICABILITY*

Sections:

16.104.010 Purpose

16.104.020 Future Improvements

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

16.104.010 Purpose

To ensure the health, safety, and the economic stability of the community, and to establish a quality system of public improvements, the City shall require proposed buildings and development for which public facilities and public rights-of-way are not fully provided or improved to current City standards, to install said improvements. [The Council may establish specifications to supplement the standards of this Code and other applicable ordinances.](#) Except as otherwise provided or authorized, private improvements serving substantially the same function as equivalent public facilities, shall generally be provided and improved at the standards established by this Code and other City regulations.

Green Street elements such as bioswales and porous pavement are encouraged where appropriate and feasible. Where a specific design standard supporting a green street concept is not included in the Engineering Design and Construction Manual, the design will be considered by the Engineering Department, provided additional documentation is provided to the Engineering Department that documents the design is appropriate, has a design life equal to a traditional paved street, and can be maintained easily in that location.

(Ord. 2006-021; 2005-006 § 5; Ord. 86-851)

16.104.020 Future Improvements

The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, as depicted in Chapters 4, 5, 6 and 7 of the Community Development Plan, are intended as general locations only and follow the guidelines established in the Transportation System Plan(TSP) (2005) . The precise alignments and locations of public improvements shall be established during the actual development process and shall

Proposed Code Amendments Division VI.-Public Improvements

be depicted on public improvement plans submitted and approved pursuant to Chapter 16.106 and other applicable sections of this Code.(Ord. 2005-006 § 5; Ord. 86-851)

~~16.106.020 Construction Permit~~

~~A. Approval~~

~~The City will return one (1) set of plans to the applicant marked "approved" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.~~

~~B. Permit and Fee~~

~~Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.~~

~~C. Easement Documents~~

~~Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.~~

~~D. Improvement Guarantees~~

~~Prior to issuance of a construction permit the applicant shall file the following documents with the City:~~

~~1. Liability Insurance~~

~~Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.~~

~~2. Performance Bond~~

~~To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or other form of security acceptable to the City.~~

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

~~16.106.030 Construction~~

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~~A. — Initiation of Construction~~

~~Actual improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.~~

~~B. — Inspection~~

~~All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.~~

~~C. — As-Built Plans~~

~~A complete set of reproducible plans showing the public improvements as built shall be filed with the City upon completion of the improvements.~~

~~D. — Suspension of Improvements Activity~~

~~The City shall have the authority to cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.~~

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

~~16.106.040 Acceptance of Improvements~~

~~A. — Final Inspection~~

~~At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.~~

~~B. — Notification of Acceptance~~

~~The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.~~

~~C. — Maintenance Bond~~

~~At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within one (1) year after final acceptance of the public improvements.~~

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

Chapter 16.108 STREETS*

Sections:

- 16.108.010 Generally
- 16.108.030 Required Improvements
- 16.108.040 Location and Design
- 16.108.050 Street Design
- 16.108.060 Sidewalks
- 16.108.070 Hwy. 99W Capacity Allocation Program (CAP) *Not under this phase
- 16.108.080 Bike Paths

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

- 16.108.010 Generally

A. Creation

Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional classification of said streets, as shown on the Transportation Plan Map, shown in Figure 1, in Chapter 6 of the Community Development Plan, the Engineering Design and Construction Manual and in other applicable City standards.

B. Street Naming

1. All streets created by the subdivision process will be named prior to submission of the final plat.
2. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.
3. An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in this Section.
4. All streets named shall conform to the general requirements as outlined in this Section.
5. Private streets, at the request of the owner(s), may be named and addresses issued with the approval of the City. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.

C. Street Renaming

1. An action to rename a street in the City may be initiated by the Council:

a. On its own action; or

b. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.

2. A petition for naming or renaming a street shall include the following:

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- a. A statement of the reasons for the proposed name change.
- b. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.
- c. Signatures of either owners of sixty percent (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.

3. Notice and Hearing

- a. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.
- b. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:
 - (1) Notice by posting in no less than two (2) conspicuous places abutting the subject road; and
 - (2) Notice by publication in a newspaper of general circulation in the area of the subject road.
- c. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.
- d. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.
- e. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.
- f. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.

D. Street Name Standards

1. All streets named or renamed shall comply with the following criteria:
 - a. Major streets and highways shall maintain a common name or number for the entire alignment.
 - b. Whenever practicable, names as specified in this Section shall be utilized or retained.
 - c. Hyphenated or exceptionally long names shall be avoided.
 - d. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.

e. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.

2. The following classifications (suffixes) shall be utilized in the assignment of all street names:

a. Boulevards: North/south arterials providing through traffic movement across the community.

b. Roads: East/west arterials providing through traffic movement across the community.

c. Avenues: Continuous, north/south collectors or extensions thereof.

d. Streets: Continuous, east-west collectors or extensions thereof.

e. Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.

f. Lanes: Short east/west local streets under 1,000 feet in length.

g. Terraces: short north/south local streets under 1,000 feet in length.

h. Court: All east/west cul-de-sacs.

i. Place: All north/south cul-de-sacs.

j. Ways: All looped local streets (exceeding 180 degrees).

k. Parkway: A broad landscaped collector or arterial.

3. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.

4. All proposed street names shall be approved, prior to use, by the City.

E. Street Names

Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited to the following:

1. Original holders of Donation Land Claims in Sherwood.

2. Early homesteaders or settlers of Sherwood.

3. Heirs of original settlers or long-time (50 or more years) residents of Sherwood.

4. Explorers of or having to do with Sherwood.

5. Indian tribes of Washington County.

6. Early leaders and pioneers of eminence.

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7. Names related to Sherwood's flora and fauna.
8. Names associated with the Robin Hood legend.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-006, § 5; Ord. 92-947, § 1; Ord. 91-922)

Note: Section 16.108.020, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) and permanently relocated in the Municipal Code).

16.108.030 Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. Applicants may be required to dedicate land and build required public improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.

B. Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

C. Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.
2. Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.

D. Extent of Improvements

Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the City of Sherwood Engineering Design and Construction Manual , and shall include curbs, sidewalks, catch basins, street lights, and street trees as determined as roughly proportional to the extent of development proposed. Improvements shall also include any bikeways designated on the Transportation System Plan map.

E. Street Modifications

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1. Modifications to standards contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted Sherwood Transportation System Plan (TSP), may be granted in accordance with the procedures and criteria set out in this section.

2. Types of Modifications. Requests fall within the following two categories:

a. Administrative Modifications. Administrative modification requests concern the construction of facilities, rather than their general design, and are limited to the following when deviating from standards in this Chapter, Section 16.58.010, Engineering Design and Construction Manual or Chapter 8 contained in the adopted Transportation System Plan as determined by the City Engineer:

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b. Design Modifications. The City Engineer may make project-specific revisions to City standard details and other City promulgated technical engineering standards for use in any project, whether privately or publicly funded.

3. Procedure. A design modification request will be made to the City Engineer prior to an application is submitted for land use approval. When a modification is requested to provide a green street element that is not included in the Construction Standards, the below process shall be followed, however no fee shall be required.

a. Administrative Modification. Administrative modifications may be requested at any time and are processed concurrently with the development application. The application shall include sufficient technical analysis to enable a reasoned decision and shall include a recommendation from the City Engineer.

b. Design Modification. Design modifications shall be proposed to the City Engineer prior to the application for the underlying development proposal and include the following: (1) A written request stating the reasons for the request and the factors which would make approval of the request reasonable.

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(2) Be accompanied by a map showing the applicable existing conditions and proposed construction such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and projected traffic patterns, and any unusual or unique conditions not generally found in other developments.

(3) In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard.

(4) For crossroad and frontage construction and right-of-way dedication, the application shall include information indicating whether there are geographic or other factors which render connection/completion of the road unfeasible.

(5) Design Modification Review Fee.4. Street modifications may be approved when the following criteria are met:

- a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.
- b. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.
- c. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.
- d. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.
- e. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009 § 5; Ord. 91-922; Ord. 86-851, § 3)

5. The City Engineer shall then make a determination and approve the request as proposed, approve with conditions or deny the request via a response to the applicant.

6. After receiving the written response and recommendation from the City Engineer, the applicant requesting the street modification may then submit the land use application.

7. The Planning Authority will then make a determination as to the acceptability of the design modification.

16.108.040 Location and Design

A. Generally

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.

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B. Street Connectivity and Future Street Systems

1. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).

2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints, it shall provide an alternate connection approved by the Review Authority.

a. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.

b. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.

3. Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.

4. Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.

5. Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.

6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways at least 8 feet wide, or consistent with cross section standards in Figure 8-6 of the TSP, shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted Transportation System Plan.

C. Underground Utilities

All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-017 § 5; Ord. 2005-009, § 5; Ord. 91-922; Ord. 86-851)

16.108.050 Street Design

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, and Engineering Design and Construction Manual.

A. Reserve Strips

Reserve strips or street plugs controlling access or extensions to streets shall not be allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the City.

B. Alignment

All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet will not be allowed.

C. Future Extension

Where necessary to access or permit future subdivision or development of adjoining land, streets shall extend to the boundary of the development. Dead-end streets less than 100' in length shall either comply with City cul-de-sac standards of Section 16.108.060, or shall provide an interim hammerhead turnaround at a location that is aligned with the future street system as shown on the local street connectivity map.

A durable sign shall be installed at the applicant's expense. These signs shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202.

D. Intersection Angles

1. Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In no case shall the permitted angle be less than eighty (80) degrees without an approved special intersection design. Streets which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway edge radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line.

2. Arterial, collector streets, or neighborhood routes intersecting with another street shall have at least one hundred (100) feet on tangent adjacent to intersections unless topography requires a lesser distance. Local streets, except alleys, shall have at least fifty (50) feet on tangent adjacent to intersections.

E. Cul-de-sacs

1. All cul-de-sacs shall be no more than one hundred (100) feet in length, shall not provide access to more than 15 dwelling units and shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation.

2. All cul-de-sacs shall be in accordance with the specifications in Engineering Design and Construction Manual. 3. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

4. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle accessways at least 6 feet wide where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, connect to other streets, and/or connect to other existing or planned developments in accordance with the standards of this Chapter and other City standards.

G. Streets Adjacent to Railroads

Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.

H. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

I. Median Islands

As illustrated in Chapter 8 of the adopted Transportation System Plan, median islands may be used on arterial or collector streets for the purpose of controlling access, or for aesthetic purposes.

K. Transit Facilities

Developments along existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, shall be required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.
2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.
3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).
4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.
5. Provide lighting at a transit stop (if not already existing to transit agency standards).

L. Traffic Controls

For developments of five (5) acres or more, the City may require a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior to issuance of a construction permit.

N. Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the City of Sherwood Transportation Technical Standards and the standards of this Division.

1. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.
 - a. Minimum right-of-way radius at intersections shall conform to city standards.
 - b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to Engineering Design and Construction Manual.
 - c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
 - d. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.

e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:

GRAPHIC LINK: [Click here](#)

2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

a. Local Streets:

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

b. Neighborhood Routes:

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.

c. Collectors:

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists.

Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one-hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

Proposed Code Amendments Division VI.-Public Improvements

(1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

(2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:

(a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

(b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.

(3) All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

3. Exceptions to Access Criteria for City-Owned Streets

a. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is reviewed and approved by the City Engineer after considering the applicant's compliance with this Chapter.

b. An application for an Access Management Plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility..

c. An access management plan shall address the safety and operational problems which would be encountered should a modification to the access spacing standards be granted. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:

(1) The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard on each side of the subject property, as set forth in Section 16.108.050.N.2., measured from the property lines or access point(s), whichever is greater. For example,

a property with 500 feet of frontage on an arterial (required 600 foot access spacing standard) shall have a minimum study area which is 1,700 (1,200 + 500) feet in length.

(2) The access management plan shall address the potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.

(3) The access management plan shall include a comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the County standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.

(4) The access management plan shall include a list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.

(5) Notice for a proposed access management plan shall include all property owners within the study area defined above.

4. Access in the Old Town (OT) Overlay Zone

a. Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.

b. Partial Access Management Plan.

(1) A partial access management plan shall include:

(a) Drawings identifying proposed or modified access points.

(b) A list of improvements and recommendations necessary to implement the proposed or modified access.

(c) A written statement identifying impacts to and mitigation strategies for facilities related to the proposed access points, especially considering safety impacts to all travel modes, operations, and the streetscape including on-street parking, tree spacing and pedestrian and bike facilities. The lowest functional classification street available to the lot, including alleys within a public easement, shall take precedence for new access points.

(2) Access permits shall be required even if no other land use approval is requested.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 5; 2005-006, § 5; Ord. 86-851)

16.108.060 Sidewalks

A. Required Improvements

1. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.
2. For Highway 99W, major or minor arterials, or in special industrial districts, the Review Authority may approve a development without sidewalks if alternative pedestrian routes are available.
3. In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the Review Authority.

B. Sidewalk Design Standards

1. Arterial and Collector Streets

Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi-use path, located as required by this Code.

2. Local Streets

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.

3. Handicapped Ramps

Sidewalk handicapped ramps shall be provided at all intersections.

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

16.108.070 Hwy. 99W Capacity Allocation Program (CAP) **Not discussed in this Phase**

16.108.080 BIKE PATH

A. Generally

If shown on the Figure 6-1 of the Transportation System Plan, bicycle paths shall be installed in public rights-of-way, in accordance with City specifications. (Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-009 § 5; 91-922)

B. Pedestrian and Bicycle Paths

Proposed Code Amendments Division VI.-Public Improvements

1. Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.

Chapter 16.110 SANITARY SEWERS*

Sections:

16.110.010 Required Improvements

16.110.020 Design Standards

16.110.030 Service Availability

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

16.110.010 Required Improvements

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Clean Water Services, Washington County and State sewage disposal standards.

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

16.110.020 Design Standards

A. Capacity

Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable Clean Water Services and City Engineering Design and Construction Manual standards, in order to adequately serve the proposed development and allow for future extensions.

B. Over-Sizing

1. When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.
2. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and

the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

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

16.110.030 Service Availability

Approval of construction plans for new facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing sewer systems shall include certification by the City that existing or proposed sewer facilities are adequate to serve the development.

(Ord. 86-851, § 3)

Chapter 16.112 WATER SUPPLY*

Sections:

16.112.010 Required Improvements

16.112.020 Design Standards

16.112.030 Service Availability

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

16.112.010 Required Improvements

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.

(Ord. 2009-008, § 3, 7-21-2009; Ord. 86-851, § 3)

16.112.020 Design Standards

A. Capacity

Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City Design and Construction Engineering Manual standards and specifications, in order to adequately serve the proposed development and allow for future extensions.

B. Fire Protection

All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.

C. Over-Sizing

Proposed Code Amendments Division VI.-Public Improvements

1. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.
2. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.
3. When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2009-008, § 3, 7-21-2009; Ord. 91-922, § 3; Ord. 86-851)

16.112.030 Service Availability

Approval of construction plans for new water facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing water systems shall include certification by the City that existing or proposed water systems are adequate to serve the development.

(Ord. 86-851, § 3)

Chapter 16.114 STORM WATER*

Sections:

16.114.010 Required Improvements

16.114.020 Design Standards

16.114.030 Service Availability

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

16.114.010 Required Improvements

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement.

Proposed Code Amendments Division VI.-Public Improvements

(Ord. 2006-021; 2000-1092 § 3; 93-972)

(Note: Section 16.114.015, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) to be removed from the SZCDC and permanently located in the Municipal Code).

16.114.020 Design Standards

A. Capacity

Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.

B. On-Site Source Control

Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.

C. Conveyance System

The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2000-1092 § 3; 91-922; Ord. 86-851 § 3)

16.114.030 Service Availability

Approval of construction plans for new storm water drainage facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.

(Ord. 86-851, § 3)

Chapter 16.116 FIRE PROTECTION*

Sections:

Proposed Code Amendments Division VI.-Public Improvements

16.116.010 Required Improvements

16.116.020 Standards

16.116.030 Timing Maintenance and Modification of Facilities

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

16.116.010 Required Improvements

When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

(Ord. 86-851, § 3)

16.116.020 Standards

A. Capacity

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.

B. Fire Flow

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

Proposed Code Amendments Division VI.-Public Improvements

D. Hydrants

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

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

16.116.030 Timing Maintenance and Modification of Facilities

A. Timing of Installation

When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.

B. Maintenance of Facilities

All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.

C. Modification of Facilities

On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter.

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

Chapter 16.118 PUBLIC AND PRIVATE UTILITIES*

Sections:

16.118.010 Purpose

16.118.020 Standard

16.118.030 Underground Facilities

16.118.040 Exceptions

16.118.050 Private Streets

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

16.118.010 Purpose

Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.

16.118.020 Standard

A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.

B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.

C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).

D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.

E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.

F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.

(Ord. No. 2009-005, § 2, 6-2-2009)

16.118.030 Underground Facilities

Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.

16.118.040 Exceptions

Surface-mounted transformers, surface-mounted connection boxes and meter cabinets, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and

utility transmission lines operating at fifty thousand (50,000) volts or more may be located above ground. The City reserves the right to approve location of all surface-mounted transformers.

(Ord. 2005-17 § 5; 91-922)

16.118.050 Private Streets

The construction of new private streets, serving single-family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words "Private Street".

(Ord. No. 2009-005, § 2, 6-2-2009; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 2005-009 § 5; Ord. 86-851)

Chapter 16.106 PUBLIC IMPROVEMENT ENGINEERING PLAN REVIEW*

Sections:

16.106.010 Preparation and Submission

16.106.020 Construction Permit

16.106.030 Construction

16.106.040 Acceptance of Improvements

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

16.106.010 Preparation and Submission

A. Requirements

After receiving preliminary land use approval, required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications and in compliance with the Engineering Design and Construction Manual. Improvements plans shall be accompanied by a

review fee and follow the procedures as outlined in the Engineering Design and Construction Manual.16.106.020 Construction Permit

A. Approval

The City will return one (1) set of plans to the applicant marked "approved" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.

B. Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

C. Easement Documents

Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

D. Improvement Guarantees

Prior to issuance of a construction permit the applicant shall file the following documents with the City:

1. Liability Insurance

Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.

2. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or other form of security acceptable to the City.

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

16.106.030 Construction

A. Initiation of Construction

Proposed Code Amendments Division VI.-Public Improvements

Actual improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.

B. Inspection

All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.

C. As-Built Plans

A complete set of reproducible plans showing the public improvements as built shall be filed with the City upon completion of the improvements.

D. Suspension of Improvements Activity

The City shall have the authority to cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.

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

16.106.040 Acceptance of Improvements

A. Final Inspection

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.

B. Notification of Acceptance

The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.

C. Maintenance Bond

At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within one (1) year after final acceptance of the public improvements.

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



Home of the Tualatin River National Wildlife Refuge

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

Memorandum

DATE: April 19, 2011
TO: Planning Commission
FROM: Michelle Miller, AICP, Associate Planner
SUBJECT: Division VII.: Subdivisions, Partitions and Lot Line Adjustments

Land divisions are regulated under Division VII. Subdivisions and Partitions. This division describes the requirements from obtaining preliminary plat approval to recording the final plat. The organization of the chapters lead to uncertainty as to which sections are applicable to subdivisions, partitions or both. Clarification is needed regarding whether partitions are included in the design standard requirements of section 16.128. Property line adjustments do not have specific criteria and do not include a time limit for filing and recording an approved adjustment. This causes confusion when subsequent applications are submitted or property is sold in determining whether an adjustment has indeed been recorded at Washington County.

Based on the input from the work session on January 25, 2011, further research and the brown bag lunch with developers (discussed at the April 12th Planning Commission meeting), staff developed some preliminary code language which is included as Attachment 1. 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 subdivision chapter and the requirements for subdivisions are intermixed among the three chapters, causing confusion and misinterpretation of the requirements. This will also make the requirements and criteria easier for the applicant to find based on the type of land use application requested. It also helps to clarify the appropriate process for recording the final plat at Washington County.

Other proposed substantive changes include:

- Phasing plan for subdivision development
- Creating a clear 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.

At the January Planning Commission work session, Commissioners wanted more information on the reason PUDs historically have been more prevalent than regular subdivisions within the City. Staff posed this question at the brown bag last month and some developers who had used the PUD process indicated that the process provided more flexibility for environmentally constrained land. With that in mind, staff proposes consideration of lot averaging within the standard subdivision provisions. This is similar to the Tigard provision for lot averaging.

The development consultants also stated that other communities (particularly in the state of Washington) utilize development agreements to provide clarity, flexibility and certainty about the applicability of city standards to a development project and the breadth of improvements required. While staff does not propose an additional process for development agreements, staff does propose improvements in pre-application meeting feedback (from both the Planning and Engineering Departments) and flexibility within the development standards (such as the lot averaging discussed above).

Planning Commission Action Requested:

- Review the 1st draft of the Code language and provide feedback
- Ask any questions about the initial draft language
- Request staff to follow up on any unresolved issues

Next Steps:

- Revise Code language based on the April 26, 2011 meeting
- Review the 2nd draft of the Code language at the May 24, 2011 meeting

ATTACHMENT 1: Proposed Division VII Code Language: Subdivisions and Partitions

Division VII. SUBDIVISIONS, PARTITIONS, and LOT LINE ADJUSTMENTS

Chapter 16.120 SUBDIVISIONS*

Sections:

[16.120.010 Purpose](#)

[16.120.020 General Provisions](#)

[16.120.030 Platting Authority](#)

[16.120.040 Approval Criteria: Preliminary Plat](#)

[16.120.050 Submission Requirements: Preliminary Plat](#)

[16.120.060 Approval Criteria: Final Plat](#)

[16.120.070 Improvement Agreement](#)

[16.120.080 Bond](#)

[16.120.90 Filing and Recording](#)

[16.120.100 Vacations of Plats](#)

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

16.120.010 Purpose

Subdivision **a** 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 Provisions

A. Approval 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. Compliance with ORS Chapter 92. All subdivision proposals shall be in conformity with 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.

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

E. Temporary sales office. Temporary sales offices in conjunction with any subdivision may be granted as set forth in Chapter 16. [86](#), Temporary Uses.

F. Minimize flood damage. All subdivision proposals shall be consistent with the need to minimize flood damage.

G. Floodplain dedications. Where land filling and/or development is allowed within and adjacent to the 100-year floodplain outside the zero-foot rise floodway, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

H. Need for adequate utilities. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

I. Need for adequate drainage. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

J. Determination of base flood elevation. Where base flood elevation has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

16.120.030 Platting Authority

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 51 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. 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.

C. Property Sales

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

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

D. 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

A. Approval criteria. The Approval Authority may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with the applicable zoning ordinance and other applicable ordinances and regulations;
2. The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92;
3. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general

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direction and in all other respects unless the City determines it is in the public interest to modify the street or road pattern; and

4. An explanation has been provided for all common improvements.

B. Conditions of approval. The Approval Authority may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

16.120.050 Submission Requirements: Preliminary Plat

A. General submission requirements. The applicant shall submit an application containing all of the general information required for a [Type II](#), III or IV procedure, as governed by Chapter 16.72.

B. Additional information. In addition to the general information described in Subsection A above, the preliminary plat shall contain specific information, the detailed content of which can be obtained from the City.

16.120.060 Approval Criteria: Final Plat

A. Submission requirements. The applicant shall submit the final plat within [two](#) years of the approval of the preliminary plat. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Planning Department.

B. Approval criteria. By means of a Type I procedure, the Approval Authority and the City Engineer shall review the final plat and shall approve or deny the final plat approval based on findings that:

1. The final plat complies with the preliminary plat approved by the Approval Authority and all conditions of approval have been satisfied;
2. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
3. The streets and roads held for private use and indicated on the preliminary plat of such subdivision have been approved by the City;
4. The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems;
5. An explanation is included which explains all of the common improvements required as conditions of approval and are in recordable form and have been recorded and referenced on the plat;
6. The plat complies with the applicable zoning ordinance and other applicable ordinances and regulations;
7. A certification by the appropriate water district that water will be available to the lot line of each and every lot depicted on the plat or bond, contract or other assurance has been provided by the subdivider to the City that a domestic water system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted

on the plat. The amount of the bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in amount as determined necessary by the City;

8. A certificate has been provided by the City's Engineering Department that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat;

9. Copies of signed deeds have been submitted granting the City a reserve strip as provided by Section 16.120.040.B; and

10. The plat contains a surveyor's 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[.060] and 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. survey or giving two or more objects for identifying its location.

16.120.070 Improvement Agreement

A. Improvement agreement required. Before City approval is certified on the final plat, and before approved construction plans are issued by the City, the subdivider shall enter into the "Engineering Compliance Agreement" which includes the following:

1. Execute and file an agreement with the City Engineer specifying the period within which all required improvements and repairs shall be completed; and

2. Include in the agreement provisions that if such work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the subdivider.

B. Stipulation of improvement fees and deposits. The agreement shall stipulate improvement fees and deposits as may be required to be paid and may also provide for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

16.120.080 Bond

A. Performance guarantee required. As required by Section 16.120.070, 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.

16.120.100 Filing and Recording

A. Filing plat with County. Within 60 days of the City review and approval, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92 and Section 16.120.070.

B. Proof of recording. Upon final recording with the County, the applicant shall submit to the City a mylar copy of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.

C. Prerequisites to recording the plat.

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;

2. No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS Chapter 92.

16.120.110 Vacation of Plats

A. Timing of vacations. Any plat or portion thereof may be vacated by the owner of the platted area at any time prior to the sale of any lot within the platted subdivision.

B. Compliance with other provisions of this chapter. All applications for a plat or street vacation shall be made in accordance with Sections 16.120.020 and 16.120.030, and 16.120.070.A.

C. 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.

D. Timing of vacations. All approved plat vacations shall be recorded in accordance with Section 16.120.100:

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

2. 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.

E. 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.

F. Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271 and the Municipal Code.

Chapter 16.122 ~~Preliminary Plats~~ LAND PARTITIONS*

Sections:

16.122.010 Generally

16.122.020 Approval Criteria: Preliminary Plat

16.122.030 Submission Requirements: Preliminary Plat

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[16.122.040 Final Plat Submission Requirements](#)

[16.122.050 City Acceptance of Dedicated Land](#)

[16.122.060 Recording Partition Plats](#)

[16.122.070 Subdivision Compliance](#)

[16.122.080 Filing Requirements](#)

16.122.10 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 following the procedures of a Type II land use action, § 16.72.010 2.

16.122.020 Approval Criteria: Preliminary Plat

A. Approval criteria. The Approval Authority may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with the applicable zoning ordinance and other applicable ordinances and regulations;
2. The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92;
3. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the City determines it is in the public interest to modify the street or road pattern; and
4. An explanation has been provided for all common improvements.

B. Conditions of approval. The Approval Authority may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

16.122.030 Submission Requirements: Preliminary Plat

A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type II procedure, as governed by Chapter 16.72.

B. Additional information. In addition to the general information described in Subsection A above, the preliminary plat shall contain specific information, the detailed content of which can be obtained from the City.

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16.122.040 Final Plat Submission Requirements

A. Submittal. All final plats for partitions shall be accompanied by three copies of the partition plat prepared by a land surveyor or engineer licensed to practice in Oregon, and necessary data or narrative. The final plat shall incorporate any conditions of approval imposed by the City Manager or his/her designee as part of the preliminary plat approval.

B. Standards. The partition plat and data or narrative shall be drawn to the minimum standards set forth by the Oregon Revised Statutes (ORS 92.05) and by Washington County, as described in detail by information provided by the City Manager or his/her designee at the time of application.

16.122.050 City Acceptance of Dedicated Land

A. Acceptance of dedications by City Engineer. The City Engineer shall accept the proposed right-of-way dedication prior to recording a land partition.

B. Acceptance of public easements by City Engineer. The City Engineer shall accept all public easements shown for dedication on partition plats.

16.122.060 Recording Partition Plats

A. Recording requirements. Upon the City Manager or his/her designee's approval of the proposed minor partition, the applicant shall record the final partition plat with Washington County and submit a copy of the recorded survey map to the City, to be incorporated into the record.

B. Time limit. The applicant shall submit the copy of the recorded minor partition 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.

C. 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) **16.122.070 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)

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

16.122.080 Filing Requirements

A. Generally

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

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 re-filing of the partition and that no other development approval would be affected. For partitions granted on or after January 1, 2007 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 16.16.124 LAND DIVISION 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. **No changes proposed in this Chapter other than to the title.**

Division VII Subdivisions, Partitions and Lot Line Adjustments

Chapter 16.128

LOT LINE ADJUSTMENTS

Sections:

16.128.010 Purpose

16.128.020 Approval Process

16.128.030 Application Submission Requirements

16.128.040 Approval Criteria

16.128.050 Recording Lot Line Adjustments

16.128.010 Purpose

A. Purpose. The purpose of this chapter is to provide rules, regulations and criteria governing approval of lot line adjustments.

16.128.020 Approval Process

A. Decision-making process. Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Chapter 16.72, using approval criteria contained in Section 16.128.040.

B. Time limit on approval. The lot line adjustment approval by the City Manager or his/her designee shall be effective for a period of one (1) year from the date of approval.

C. Lapsing of approval. The lot line adjustment approval by the City Manager or his/her designee shall lapse if:

1. The lot line adjustment has been improperly recorded with Washington County without the satisfactory completion of all conditions attached to the approval; or
2. The final recording is a departure from the approved plan.

D. Extension. The City Manager or his/her designee shall, upon written request by the applicant and payment of the required fee,

grant an extension of the approval period not to exceed one year provided that:

1. No changes are made on the original plan as approved by the City Manager or his/her designee;
2. The applicant can show intent of recording the approved partition or lot line adjustment within the one year extension period; and
3. There have been no changes in the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

16.128.030 Application Submission Requirements

A. General submission requirements. All applications shall be made on forms provided by the City Manager or his/her designee and shall include information required for a Type I application.

B. Specific submission requirements. All applications shall include the preliminary lot line map and necessary data or narrative, detailed information for which shall be obtained from the City.

16.128.040 Approval Criteria

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

1. An additional parcel is not created by the lot line adjustment, and the existing parcel reduced in size by the adjustments is not reduced below the minimum lot size established by the zoning district;
2. By reducing the lot size, the lot or structures(s) on the lot will not be in violation of the site development or zoning district regulations for that district;
3. The resulting parcels are in conformity with the dimensional standards of the zoning district, including:
 - a. The minimum width of the building envelope area shall meet the lot requirement of the applicable zoning district;
 - b. The lot area shall be as required by the applicable zoning district. In the case of a flag lot, the accessway may not be included in the lot area calculation;
 - c. Each lot created through the partition process shall front a public right-of-way by at least 25 feet or have a legally recorded minimum 25-foot wide access easement; and
 - d. Setbacks shall be as required by the applicable zoning district.
4. With regard to flag lots:
 - a. When the partitioned lot is a flag lot, the developer may determine the location of the front yard, provided that no side yard is less than 10 feet. Structures shall generally be located so as to maximize separation from existing structures.
 - b. A screen shall be provided along the property line of a lot of record where the paved drive in an accessway is located within 10 feet of an abutting lot. Screening may also be required to maintain privacy for abutting lots and to provide usable outdoor recreation areas for proposed development.
5. The fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on fire-fighting capabilities.
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.

B. Exemptions from dedications. A lot line adjustment is not considered a development action for purposes of determining whether floodplain, greenway, or right-of-way dedication is required.

C. Variances to development standards. An application for a variance to the standards prescribed in this chapter shall be made in accordance with Chapter 16.84, Variances and Adjustments.

16.128.050 Recording Lot Line Adjustments

A. Recording requirements. Upon the City Manager or his/her designee's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with Washington County and submit a copy of the recorded survey map to the City, to be incorporated into the record.

B. Time limit. The applicant shall submit the copy of the recorded lot 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.

