



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, October 4, 2011**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, Oregon**

**6:30pm City Council Work Session**

**7:00pm URA Board of Directors Regular Meeting**

**Regular City Council Meeting**  
(Immediately following the URA Board Meeting)



**6:30PM CITY COUNCIL WORK SESSION**

**7:00PM URA BOARD MEETING**

**REGULAR CITY COUNCIL MEETING**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. CONSENT:**

- A. Approval of September 12, 2011 City Council Minutes**
- B. Approval of September 20, 2011 City Council Minutes**
- C. Resolution 2011-083 authorizing the City Manager Pro-Tem to sign a Leasing Agreement with Auto Leasing Specialists for the Leasing of Police Vehicles**
- D. Resolution 2011-084 authorizing the City Manager to sign the 2011 IGA with Washington County for the purposes of continued participation in the Urban Area Security Initiative (UASI)**
- E. Resolution 2011-085 authorizing the City Manager to enter into a contract with Environmental Science and Assessment, LLC (EA&A) for on-call Environmental Engineering Services**

**5. PRESENTATIONS**

- A. Eagle Scout Recognition**
- B. Proclamation, Oregon Day of Culture**
- C. Sherwood Library Survey Summary Presentation (Pam North, Library Manager)**

**6. CITIZEN COMMENTS**

**AGENDA**

**SHERWOOD CITY COUNCIL  
October 4, 2011**

**6:30pm City Council Work Session**

**7:00pm URA Board Regular Session**

**Regular City Council Meeting  
(Immediately following the  
URA Board Meeting)**

**Sherwood City Hall  
22560 Pine Street  
Sherwood, OR 97140**

## **7. NEW BUSINESS**

- A. Resolution 2011-086 Resolution for City Manager Pro Tem to receive Out of Class Pay**  
(Jim Patterson, City Manager)

## **8. PUBLIC HEARING**

- A. Ordinance 2011-011 Amending multiple sections of the Zoning and Community Development Code including Divisions III, V, VI, and VII**  
(Michelle Miller, Associate Planner) (Continued from September 20, 2011)

## **9. CITY MANAGER REPORT**

## **10. CITY MANAGER FAREWELL PRESENTATIONS**

**(Farewell Reception to follow adjournment of meeting)**

## **11. ADJOURN**

### **How to Find Out What's on the Council Schedule:**

City Council meeting materials and agenda are posted to the City web page at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov), by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library.

### **To Schedule a Presentation before Council:**

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: [citycouncil@sherwoodoregon.gov](mailto:citycouncil@sherwoodoregon.gov)



**SHERWOOD CITY COUNCIL MINUTES  
22560 SW Pine St., Sherwood, Or  
September 12, 2011-Special Meeting**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:05 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Dave Grant, Councilors Robyn Folsom, Bill Butterfield, Matt Langer and Krisanna Clark. Linda Henderson arrived at 6:12 pm.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson and City Recorder Sylvia Murphy. City Attorney Paul Elsner.
4. **TOPICS DISCUSSED:**
  - A. **Interim City Manager Position.** Mayor Mays explained options available to the Council for a City Manager Pro Tem to cover in the absence of the City Manager. Discussion followed.
5. **ADJOURNED:** Mayor Mays adjourned the Work Session at 6:55 pm and convened to the regular Council meeting.

**REGULAR COUNCIL MEETING**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:00 pm.
2. **COUNCIL PRESENT:** Mayor Mays, Council President Dave Grant, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer and Krisanna Clark.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Planning Manager Julia Hajduk and City Recorder Sylvia Murphy. City Attorney Paul Elsner.
4. **NEW BUSINESS:**
  - A. Resolution 2011-076 Supporting adding land west of Sherwood (A portion of Metro UGB Analysis Area 5B) to the Regional Urban Growth Boundary (UGB).

Planning Manager Julia Hajduk explained the resolution.

Councilor Henderson asked in regards to the neighborhood commercial node and if this is the same concept idea as Area 59. Julia confirmed and said this area is a bit larger.

**DRAFT**

Councilor Henderson asked in regards to transit services in the area and made reference to a staff report. Julia replied she didn't know about available transit services and said the Council's decision informs the decisions made by Metro and other transit service providers. Julia clarified the resolution did not have a staff report, but an Exhibit B.

With no other Council questions or comments, Mayor Mays asked for a motion.

**MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2011-076, SECONDED BY COUNCILOR BILL BUTTERFIELD. ALL COUNCIL MEMBERS VOTED IN FAVOR.**

**5. ADJOURN**

With no other business to address, Mayor Mays adjourned the meeting at 7:04 pm.

Submitted by:

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Sylvia Murphy, CMC, City Recorder

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Keith S. Mays, Mayor



**SHERWOOD CITY COUNCIL MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**September 20, 2011**

**REGULAR COUNCIL MEETING**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:08 pm.
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**
3. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer, and Krisanna Clark. Council President Dave Grant was absent.
4. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, Community Development Director Tom Pessemier, Police Chief Jeff Groth, Finance Director Craig Gibbons, Planning Manager Julia Hajduk, Planning Associate Michelle Miller, Economic Development Manager Tom Nelson, Police Captains Mark Daniel and Jim Reed, City Engineer Bob Galati, Community Services Director Kristen Switzer, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy. City Attorney Paul Elsner.

Mayor Mays addressed the Consent Agenda asked for a motion.

5. **CONSENT AGENDA**
  - A. **Approval of August 16, 2011 City Council Minutes**
  - B. **Resolution 2011-077 Authorizing the City Manager to pay for and accept an Easement over real property owned by Union Pacific Railroad Company for the purpose of establishing, constructing, and maintaining an at-grade public road crossing along SW Oregon Street**
  - C. **Resolution 2011-078 authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) between the cities of Sherwood and Wilsonville regarding adoption of an Interim Water Treatment and Supply Agreement including a methodology and related provisions for interim water treatment and production rates and wheeling rates for production / delivery of water to Sherwood following completion of the meter vault project and continuing until Segment 3 of the 48 inch transmission line is in place and is fully operational, and this agreement is replaced by a permanent water supply agreement between the parties**

**MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).**

Mayor Mays addressed the next agenda item.

## 6. PRESENTATIONS

- A. Eagle Scout Recognition.** Nathan Claus came forward and described his Eagle project which was to construct two benches, plant five trees, add a sign and some general site work for the Tualatin Valley National Wildlife Refuge for an alternative Outdoor School program. Nathan's project took over 170 hours to complete, which he did with the help of approximately twenty volunteers. Mayor Mays congratulated Nathan and presented him with a Certificate of Achievement.
- B. Introduction of Adam Keesee, Sherwood School Resource Officer.** Chief Groth commented on the partnership between the School District and the City and introduced Sherwood School Superintendent Heather Cordie and asked Police Captain Jim Reed to come forward. Ms. Cordie discussed the process taken to have a School Resource Officer (SRO) in the schools and the impact it has already had to have Officer Keesee in the halls of the schools. Ms. Cordie stated the SRO will provide a police presence in all of the schools, investigate offenses on campus or at school activities, serve as a role model, collaborate with staff, and interact with students and parents. Ms. Cordie shared that Officer Keesee was raised in New York and has a degree in Fine Arts, has worked for the City since 2005 and is currently the head coach for the Sherwood Bowman Lacrosse team. Ms. Cordie thanked Council for their diligence in making the SRO a priority. Mayor Mays commented that the SRO was another great example of the City and the School District pooling resources for the betterment of the community. Captain Jim Reed shared with Council the type of Officer Mr. Keesee has been since coming to Sherwood, from his concern for the drug abuse issues to getting involved in Sherwood youth programs, making him a good selection for the SRO position. Chief Groth commented that Officer Keesee has already made an impact as the School Resource Officer and gave an example.
- C. Sherwood High School Student Recognitions.** Mayor Mays and Council members recognized Sherwood High School students who achieved a 4.0 GPA for the 2010-2011 school year and students who placed 1<sup>st</sup> in State in an athletic event as an individual or team sport. Members of the 5A State Championship teams in Track, Volleyball, Football and Baseball received Certificates of Achievement. School Superintendent Heather Cordie, Football Coach Lawrence and Baseball Coach Strohmaier were invited to participate in the student recognition. City Manager Jim Patterson commented that the citizens of Sherwood should be proud of our students, athletes, teacher, coaches and administrators. Mayor Mays agreed that Sherwood has a lot to be proud of.
- D. Music on the Green Sponsor Recognitions.** Community Services Director Kristen Switzer thanked Event and Volunteer Coordinator Denise Berkshire for the outstanding job she did with this year's Music on the Green concerts. Ms. Switzer commented that Music on the Green was held on Wednesday evenings in July and August. She informed Council Music on the Green received \$14,500 in sponsorships, and was able to reduce expenses by \$4600. Ms. Switzer stated attendance ranged from 1200-2000 guests per concert. Ms. Switzer thanked the following sponsors of this year's event: **Presenting Sponsor** Sherwood Dental Care; **Supporting Sponsors**; Pacific Family Dental, Fisher Roofing, Gardner Team Real Estate, The UPS Store–Sherwood, Sherwood Gazette, Community Newspapers Inc. & The Portland Tribune; **Contributing Sponsors**; Cedar Creek Assisted Living, Murray Smith & Associates Inc., United Studios of Self Defense, and Sherwood Dance Academy; and **Good**

**Neighbor Sponsors;** Attrell's Sherwood Funeral Chapel, Avamere at Sherwood, Bella Via, Blue Frogs Jump LLC Pre-Kindergarten, Jansen Chiropractic, Jose Avila Land Maintenance, Les Schwab Tire Center, Phoenix Children's Academy, Pride Disposal, Prudential NW Properties, Sawatdee Thai Cuisine, Sentinel Self Storage and Silver Tree Builders Northwest Inc.

Mayor Mays addressed the next agenda item.

## **7. CITIZEN COMMENTS**

Holly Sanborn, 22275 SW Orland Street, came forward and explained that she has lived in Sherwood for four and a half years and expressed concerns about chickens. Ms. Sanborn stated that she believes society is moving toward liking the idea of local resources, stating that chickens are an economical way to process food waste, get eggs for consumption, and provide compost. Ms. Sanborn recommended 3-6 chickens per residence and stated that she felt it was a reasonable thing to have backyard chickens and that it was not necessary to cut off an avenue of self-sufficiency. Mayor Mays stated that the City hasn't suggested banning chickens, but that a permit is required by law. Mayor Mays explained regarding the discussion in Planning Commission about allowing chickens, but that the commission did not make a recommendation to Council. The Mayor stated that Council did briefly discuss chickens in a work session that suggested there was not enough support to change the law. Mayor Mays stated that Council was concerned about neighbor to neighbor conflict and other reasons that prevented the issue moving forward with Council. Mayor Mays explained that there had been discussion about removing the current vehicle for farm scale operation for chickens. Mayor Mays stated that he appreciated Ms. Sanborn's advocacy and stated that if interest increases within Council more discussion will follow. Ms. Sanborn commented that a farm scale operation does not address the topic and observed that people keep doves as pets, why not backyard chickens as pets. Ms. Sanborn offered to do more research on the subject and to canvas to verify interest. Mayor Mays stated that laws evolve over time and he would not discourage Ms. Sanborn from advocating for her cause.

Amanda Stanaway, 16103 SW 2<sup>nd</sup> Street, told the Council that she worked in green and environmental living and was a chicken advocate. Ms. Stanaway stated that backyard birds were a friendly and sustainable way to provide for and teach children, and suggested 4-6 chickens. Ms. Stanaway stated that all of the surrounding areas allow chickens except for Tualatin. Ms. Stanaway stated that chickens create an organic way to provide food that creates a small ecosystem in back yards. Mayor Mays thanked Ms. Stanaway for her comments.

Mayor Mays addressed the next agenda item.

## **8. NEW BUSINESS**

### **A. Resolution 2011-079 Designating the Community Development Director Tom Pessemier City Manager Pro Tem**

City Manager Jim Patterson explained the resolution, stating that the City Charter calls for a City Manager Pro Tem when the City Manager is absent or the position is vacant which will happen after October 6<sup>th</sup>. Mayor Mays commented regarding the leadership and management skills that Tom Pessemier has demonstrated that makes him an outstanding choice for the City Manager Pro Tem position.

Mayor Mays asked for questions or comments from the Council. Having none, the Mayor asked for a motion.

**MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2011-079, SECONDED BY COUNCILOR BILL BUTTERFIELD. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).**

Mayor Mays addressed the next agenda item.

**B. Resolution 2011-080 authorizing staff to apply for a Washington County Community Development Block Grant**

Community Services Director Kristen Switzer explained that the resolution was the authorization for staff to apply for the Community Development Block Grant from Washington County. Ms. Switzer explained that grant funds would be used to upgrade the Senior Center restrooms and lobby area, areas which were identified in a recent feasibility study. The project estimate is \$220,000 and staff is hoping to apply for \$179,600, with the City pledging \$41,000. Ms. Switzer stated that if Sherwood receives the grant, staff will know in February and can budget the remainder for the following Fiscal Year.

Mayor Mays commented that the City owns the Senior Center and this is a great application to try to obtain money to expand and improve the Senior Center, explaining that the CDBG is a federal grant. Mayor Mays asked for Council questions.

Councilor Robyn Folsom asked Finance Director Craig Gibons if he could envision where the matching funds might come from. Craig answered that he could not, but that it becomes part of the budget process and should be attainable. Councilor Folsom asked if the fund for asset depreciation would be used. Mr. Gibons reminded Councilor Folsom that the Asset Depreciation Fund had been eliminated, but that the Capital Construction Fund might be where the money comes from. Councilor Folsom thanked Kristen and the steering committee at the Senior Center for their efforts and commented that she is aware of the need to upgrade the bathrooms.

With no other questions or comments, Mayor Mays asked for motion on the resolution.

**MOTION: FROM COUNCILOR ROBYN FOLSOM TO ADOPT RESOLUTION 2011-080, SECONDED BY COUNCILOR KRISANNA CLARK. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).**

Mayor Mays addressed the next agenda item.

**C. Resolution 2011-081 Adopting the Sherwood Broadband Business Plan**

IT Director Brad Crawford explained the resolution was for the Sherwood Broadband Business Plan as a utility, establishing a mission, some objectives, strategies for moving forward, performance, and a repayment plan to reimburse an inter-fund loan from 2009.

Mayor Mays commented that the community could learn more about the business plan and that Sherwood Broadband was a great asset to the community; providing a high level of

service at low cost for government facilities, connectivity for the schools, and an asset to support businesses in town.

Mayor Mays asked for Council discussion or a motion.

**MOTION: FROM COUNCILOR BILL BUTTERFIELD TO ADOPT RESOLUTION 2011-081, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).**

Mayor Mays addressed the next item on the agenda.

**D. Resolution 2011-082 of the Sherwood City Council approving a minor amendment to the Sherwood Urban Renewal Plan dated August 29, 2000 to allow for the acquisition of additional property**

Economic Development Manager Tom Nelson explained that the City needs to construct a storm water facility in the next five years that requires the purchase of property. Mr. Nelson stated that the purchase of property is a multi-step process that begins with City Council amending the Urban Renewal Plan and said the Urban Renewal Agency (URA) will also need to amend the plan by resolution, and the final step being the URA adopting a resolution to purchase the property.

Mayor Mays asked for Council questions. Mayor Mays explained that there will be more discussion later in the URA Board Meeting to follow the Council meeting this evening. With no questions from council the following motion was received.

**MOTION: FROM COUNCILOR LINDA HENDERSON TO ADOPT RESOLUTION 2011-082, SECONDED BY COUNCILOR ROBYN FOLSOM. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).**

Mayor Mays addressed the next agenda item and asked the City Recorder to read the required public hearing statement.

**9. PUBLIC HEARING**

**A. Ordinance 2011-011 Amending multiple sections of the Zoning and Community Development Code including Divisions III, V, VI, and VII**

Associate Planner Michelle Miller came forward and provided handouts to the Council (see record, Exhibit A) explaining that the document was the same as received in the packet, but with the correct color code that was not evident in the original packet due to a technical issue. Michelle stated, in addition there was a graphic that is currently in the municipal Code that was requested by Council. Michelle stated the ordinance was part of the code clean up concerning multiple changes to the development code regarding land use applications, site plan modifications, and the land division process. Michelle explained the process included meeting with the Planning Commission, consulting with the City Engineering Department, and brown bag sessions with developers and consultants, resulting in the Planning Commission's recommendation. Michelle covered some of the substantive changes regarding site plan modifications, changes to public infrastructure requirements and roadway designs, when a transportation study was required, and proportions for land dedication. Michelle noted that there were additional charts and tables and a

request to move street renaming to another portion of the Municipal Code. Clarifications were made for platting and subdivisions for easier reference in a more chronological order. Michelle explained the allowance for lot averaging to allow for lots below the minimum lot size enabling developers some flexibility.

Mayor Mays asked what the maximum allowance was for a lot to be below the minimum lot size.

Michelle replied that it was 20%. Michelle explained that a process was created for platting, re-platting, and vacating lots that was not previously in the code, and smaller subdivisions between four and ten lots would be allowed as a staff process. Michelle identified a few Scribner's errors and asked Council if they had any questions.

Before any questions from Council were received, Mayor Mays opened the Public Hearing to receive testimony from the public.

Holly Sanborn, 22275 SW Orland Street, came forward and expressed concern regarding the time frame for public input on upcoming planning and development and it being shortened and stated she believes this time frame has come and gone. Mayor Mays replied he is not aware of any alterations in Council actions.

Mayor Mays thanked Ms. Sanborn and asked for any additional testimony. With none received, Mayor Mays closed the Public Hearing and requested staff return to the table.

Mayor Mays stated that he has a tremendous problem with lot averaging, specifically going below 5000 square feet lot minimum that has been established in the community. Mayor Mays stated he can support lot averaging in less dense zoning types to have a good effect, but for a single family detached, he is a big proponent of keeping the floor at 5000 for that zone.

Mayor Mays stated he appreciates a lot of the language such as the private streets section and commended staff for the language.

Mayor Mays asked for Council comments or questions of staff.

Councilor Bill Butterfield asked if the lot size determines the roadway size. Michelle answered no; the street size is determined by local street standards. Michelle commented about the lot size issue, and said that PUD's utilize lot averaging and this proposed modification allows developers to use lot averaging without a PUD. Michelle gave the example of the Woodhaven area.

Councilor Matt Langer asked and said, in the manner this is worded, if somebody could take advantage of lot averaging by creating one large lot and many small lots. Mayor Mays answered that the proposed ordinance would allow 80% of the lots to go below the minimum and compensate with larger lots. Mayor Mays stated that there was a lot of thought in support of subdivisions with varying lot sizes. Michelle referenced section E-1 and added that the average lot size is determined by the zoning district and a lot size could only be 20% below the minimum lot size, but there is no maximum lot size so it might be possible.

Councilor Linda Henderson referenced page 120 of the meeting packet and asked about the additional setback requirement that would increase the setback based on the street size. Michelle verified and stated that it was corresponding with the Transportation System Plan. Michelle

directed Council to the neighborhood routes map on page 113 of the packet that showed the impacted streets.

Councilor Robyn Folsom asked for a synopsis of the difference between the collector and neighborhood streets. Michelle explained that there is one principle arterial, which is 99W; the arterials are major internal streets like Sherwood Blvd and Tualatin Sherwood Rd. Michelle explained that the size of the streets determine the driveway drops and on street parking all the way down to the local or neighborhood streets.

Mayor Mays stated that he has significant concerns about lot averaging and going below 5000 for the highest density of single family lot zoning and asked Michelle or City Attorney Paul Elsner for a recommendation of language to put a floor on lot averaging. City Attorney Paul Elsner stated that he could provide language but not tonight and would work on drafting language for staff. Mr. Elsner said he had other issues in regards to the performance bond being insufficient.

Mayor Mays asked if Mr. Elsner was suggesting a continuance of the ordinance to allow for amended language. Mr. Elsner stated relevant to the performance bond, current language in the code, he would suggest we increase the amount currently stated. Mr. Elsner referenced page 131 of the meeting packet and said the performance bond is to make sure the work is actually done and said if the city were to take over the project it then becomes a public project and the costs associated with the public actually doing the work are increased due to the bid process and prevailing wage. Mr. Elsner stated 100% of the performance bond will not cover the city's cost associated with putting in the infrastructure. Mr. Elsner suggested increasing this bond number to a minimum of 125-150% and stated this has been his recommendation to other jurisdictions.

Mayor Mays stated that he will be requesting the ordinance be continued to the next City Council meeting and request staff return with language options for Council's consideration.

Mayor Mays asked for other concerns from the Council on the proposed language.

With no other Council comments, Mayor Mays made the following motion.

**MOTION: FROM MAYOR MAYS TO CONTINUE THE PUBLIC HEARING FOR ORDINANCE 2011-011 TO THE OCTOBER 4<sup>TH</sup> CITY COUNCIL MEETING AND ASK STAFF TO OFFER SUGGESTIONS FOR LANGUAGE THAT COUNCIL CAN CONSIDER TO ADDRESS CONCERNS ABOUT HAVING LOTS IN OUR MOST DENSE SINGLE FAMILY DETACHED NEIGHBORHOODS GOING BELOW THE 5000 AS WELL AS NEW LANGUAGE ADDRESSING PAUL'S CONCERN ON BONDING OF PROJECTS.**

Prior to receiving the second to the motion and calling for a vote, Michelle Miller suggested adding language regarding a minimum lot size regardless of the zone.

Mayor Mays stated this staff suggestion was great and commented regarding PUD's.

Mayor Mays noted that the public testimony portion of the Public Hearing has already been closed, but may be re-opened at Council's discretion.

**MOTION SECONDED BY COUNCILOR LINDA HENDERSON. ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR. (COUNCIL PRESIDENT GRANT WAS ABSENT).**

Mayor Mays addressed the next agenda item.

## **10. CITY MANAGER REPORT**

City Manager Jim Patterson commented on the challenge that the Police Department has in maintaining a vehicle fleet in good working order, and asked Police Chief Groth to provide comments. Chief Groth stated that a lease opportunity has been found that will enable the City to lease four vehicles for the price of one, and informed the Council this decision was time sensitive. Chief Groth offered to bring legislation forward at a future meeting for Council consideration.

City Attorney Paul Elsner added that many jurisdictions use lease agreements, but require a letter from council, written by the City attorney, showing that there is authority to perform the lease.

Mayor Mays asked if the lease was for four vehicles now, to be paid for over the next four years. Chief Groth confirmed. Mr. Elsner added that the funds are budgeted.

Mayor Mays asked Council for concerns with the request. As no concerns were raised or comments received, Mayor Mays informed Chief Groth to move forward.

Mayor Mays addressed the next agenda item.

## **11. COUNCIL ANNOUNCEMENTS**

Councilor Robyn Folsom commented on the activities from BOOTS and thanked Tom Nelson for his efforts. Ms. Folsom announced a junior musical, Into the Woods, to be performed at Sherwood Middle School by the Voices for Performing Arts (VPA) and thanked the Sherwood School District for allowing the VPA to use their facilities after school. Ms. Folsom stated that over a hundred kids are involved in after school programs through the VPA.

Councilor Matt Langer commented regarding the crowd drawn to the BOOTS branding event and stated that more volunteer opportunities will be available. Mr. Langer stated BOOTS is working on a paver project using the old pavers from the road in old town and placing them in the plaza. Mr. Langer informed Council that the Chamber has moved around the corner to Washington Street with the BOOTS offices located in the back. Mr. Langer stated BOOTS meetings are held on the third Monday at 8 am and 4 pm and Chamber breakfasts are usually the second Tuesday of the month at the Police Facility.

Councilor Linda Henderson commended staff for their support at the Music on the Green concerts this year. Ms. Henderson commented that it was the best Music on the Green series and she heard only positive feedback, giving praise to Community Services and Public Works.

With no other announcements Mayor Mays adjourned the Council meeting and convened to a URA Board meeting.

## **12. ADJOURN**

Mayor Mays adjourned the Council meeting at 8:50 pm to convene to a URA Board of Directors meeting (See URA Board Meeting record), to be followed by a Council Executive Session.

**CITY COUNCIL EXECUTIVE SESSION**

1. **CALL TO ORDER:** Mayor Mays called the Executive Session to order at 9:07 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Linda Henderson, Robyn Folsom, Bill Butterfield, Matt Langer and Krisanna Clark. Council President Dave Grant was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Jim Patterson, City Recorder Sylvia Murphy and City Attorney Paul Elsner.
4. **OTHERS PRESENT:** Sally Ho with the Oregonian.
5. **TOPIC DISCUSSED:** Exempt Public Records, pursuant to ORS 192.660 (2)(f).
6. **ADJOURNED:** Mayor Mays adjourned the Executive Session at 9:50pm.

Submitted by:

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Sylvia Murphy, CMC, City Recorder

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Keith S. Mays, Mayor

Council Meeting Date: October 04, 2011

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Mark Daniel, Police Captain

**SUBJECT: RESOLUTION 2011-083 AUTHORIZING THE CITY MANAGER PRO TEM TO SIGN A LEASING AGREEMENT WITH AUTO LEASING SPECIALISTS FOR THE LEASING OF POLICE VEHICLES**

**ISSUE:** The City of Sherwood is ready to begin leasing police vehicles from an established vendor, Auto Additions, through the State Bid. The financing arm of the vendor is called Auto Leasing Specialists. The City Manager/Pro-Tem needs to sign a leasing agreement with Auto Leasing Specialists to secure the lease.

**BACKGROUND:** In keeping with the City Council goal of fiscal responsibility, staff continues to look at several different options for the procurement of police vehicles and has identified an option for leasing vehicles through the same established vendor that we purchase cars from.

Signing the leasing agreement would allow staff to pursue leasing through this vendor as an additional option for the procurement of police vehicles.

The leasing agreement and leasing program has been reviewed and approved by legal counsel.

**FINDINGS:** Staff has looked into this leasing program, has reviewed the conditions and found them favorable for the City of Sherwood and has spoken to other police agencies that have used the program and received favorable reports from those agencies.

The City of Sherwood may enter into this agreement based on existing State Law.

**RECOMMENDATION: STAFF RECOMMENDS COUNCIL AUTHORIZE THE CITY MANAGER PRO TEM TO SIGN THE LEASE AGREEMENT WITH AUTO LEASING SPECIALISTS FOR THE LEASING OF POLICE VEHICLES.**



**RESOLUTION 2011-083**

**A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO ENTER SIGN A LEASING AGREEMENT WITH AUTO LEASING SPECIALISTS FOR THE LEASING OF POLICE VEHICLES**

**WHEREAS**, The duly elected governing body of the City of Sherwood, Oregon, having been presented with information about the need for additional options for the procurement of police vehicles; and

**WHEREAS**, The Sherwood City Council hereby resolves that Auto Leasing Specialists provides a viable option for the procurement of police vehicles through an established vendor and thereby authorizes the City Manager/Pro-Tem to sign a leasing agreement with Auto Leasing Specialists for the procurement of police vehicles.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

Section 1. The City Manager Pro Tem is authorized to sign the leasing agreement with Auto Leasing Specialists.

Section 2. This Resolution shall be in effect upon its approval and adoption.

**Duly passed by the City Council this 4<sup>th</sup> day of October 2011.**

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Keith S. Mays, Mayor

Attest:

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Sylvia Murphy, City Recorder

**TO:** Sherwood City Council

**FROM:** Mark Daniel, Police Captain

**SUBJECT:** Resolution 2011-084 authorizing the City Manager to sign the 2011 IGA with Washington County for the purposes of participation in the Urban Area Security Initiative (UASI)

**ISSUE:** The City of Sherwood has become an equal partner in the security and safety/preparedness of the Portland Metropolitan Area (otherwise known as the Urban Area consisting of Clark, Clackamas, Multnomah and Washington Counties), increasing our ability to be prepared and equipped as a regional asset in preparedness. It is critical we maintain this partnership by signing the 2011 IGA.

**BACKGROUND:** The Portland, Oregon urban area was awarded its first grant under the federal Urban Areas Security Initiative (UASI) program in 2003. Pursuant to the grant guidance, the urban area created a management team called the Urban Area Points of Contact (UAPOC) Group to guide and direct program implementation. Recognizing the need for highly specific, expert-level assistance with program implementation, the UAPOC Group created regional discipline working groups.

The Law Enforcement Working Group (LEWG), as one example, was formed by the UAPOC Group as one of these discipline working groups to increase the regional coordination of public information. Other working groups include Public Works and Communications. Membership is open to agencies from the six Portland UASI partners (Clackamas, Clark, Columbia, Multnomah and Washington Counties and the City of Portland), cities within those counties, states of Oregon and Washington, federal government, transit agencies, and port districts.

**FINDINGS:** In the interest of public safety, The City of Sherwood has become an equal partner in the security and safety/preparedness of the Portland Metropolitan Area (otherwise known as the Urban Area consisting of Clark, Clackamas, Multnomah and Washington Counties), becoming an organization which may receive grant funding, and various assets which will be used by the city of Sherwood in order to keep our critical infrastructure and assets secure, while becoming a regional resource of qualified staff, with unique assets, which may be utilized as a regional asset, for use in the event of a significant event. Signing the 2011 IGA maintains this partnership.

**RECOMMENDATION:** Staff recommends that we sign the 2011 IGA with Washington County for the purposes of participation in the Urban Area Security Initiative (UASI).



**RESOLUTION 2011-084**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE 2011 IGA WITH WASHINGTON COUNTY FOR THE PURPOSES OF CONTINUED PARTICIPATION IN THE URBAN AREA SECURITY INITIATIVE (UASI)**

**WHEREAS**, The duly elected governing body of the City of Sherwood, Oregon, having been presented with information about the need for enhanced public safety with regard to its involvement with the Urban Area Security Initiative (UASI); and

**WHEREAS**, The Sherwood City Council hereby resolves that continuing the intergovernmental agreement with Washington County meets the public safety needs of the citizens of the City of Sherwood and authorizes the City Manager to sign the 2011 IGA with Washington County for the purposes of participation in the Urban Area Security Initiative (UASI).

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

Section 1. The City Manager is authorized to sign the 2011 agreement with Washington County, attached hereto as Exhibit A.

Section 2. This Resolution shall be in effect upon its approval and adoption.

**Duly passed by the City Council this 4<sup>th</sup> day of October 2011.**

---

Keith S. Mays, Mayor

Attest:

---

Sylvia Murphy, CMC, City Recorder

**INTERGOVERNMENTAL AGREEMENT**

**Between**

**WASHINGTON COUNTY, OREGON**

**and**

**THE CITY OF SHERWOOD, OREGON**

THIS IS an intergovernmental agreement (Agreement) between Washington County (County) and the city of Sherwood (City) entered into pursuant to the authority granted in Oregon Revised Statutes (ORS) Chapter 190 for the coordination of activities related to use of the United States Department of Homeland Security's Urban Areas Security Initiative (UASI) grant program funds for addressing the unique planning, organization, equipment, training, and exercise needs of high-threat, high-density urban areas to assist in building an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from acts of terrorism.

**Recitals**

WHEREAS, the United States Department of Homeland Security, Federal Emergency Management Agency (FEMA) Grant Programs Directorate, provided UASI grant funding in the amount of \$7,178,800 in Fiscal Year 2010 to the state of Oregon (State) for distribution to the Portland Urban Area (PUA); and

WHEREAS, the State awarded UASI Grant #10-170 (CFDA #97.008) to the city of Portland, Office of Emergency Management (POEM), as subgrantee, for Fiscal Year 2010 in the amount of \$6,874,736, a copy of which is attached to this Agreement and incorporated herein as Exhibit A; and

WHEREAS, UASI Grant #10-170 is intended to increase the capabilities of the PUA, which includes jurisdictions, agencies, and organizations in Multnomah, Clackamas, Columbia, and Washington counties in Oregon and Clark County in Washington, to prevent, protect against, respond to, and recover from threats and acts of terrorism; and

WHEREAS, a list of equipment, supplies, professional services, training, and exercises to be funded by the grant has been developed through the application process and coordination with the State; and

WHEREAS, POEM, as Grant Administrator, is required to oversee and coordinate the expenditure of the UASI grant funds and has developed procedures to guide the procurement, delivery, and reimbursement processes; and

WHEREAS, POEM, as Grant Administrator, is required to make periodic reports to the State regarding the expenditure of the UASI grant funds and has developed procedures to coordinate the collection and submission of information and documents needed to support the reporting process; and

WHEREAS, the city of Portland and all other PUA jurisdictions, agencies, and organizations that receive direct benefit from UASI grant purchases are required to comply with all terms of the UASI Grant # 10-170 award including, but not limited to, obligations regarding reporting, access to records, financial tracking and procurement, and supplanting of funds; and

WHEREAS, the city of Portland has entered into an agreement with Washington County to secure the County's commitment to follow the city of Portland-developed procurement, delivery, reimbursement, and reporting procedures, to ensure its compliance with all terms of the grant, and to obligate it to coordinate with and obtain similar assurances from directly benefiting jurisdictions, agencies, and organizations within the County.

NOW, THEREFORE, the parties agree as follows:

**1. The County agrees:**

To coordinate grant-related procurement, reimbursement, and reporting activities with directly benefiting jurisdictions, agencies, and organizations in the County consistent with the processes developed by the city of Portland to manage those activities.

**2. The City agrees:**

a) That it has read the award conditions and certifications for UASI Grant #10-170, that it understands and accepts those conditions and certifications, and that it agrees to comply with all the obligations, and be bound by any limitations applicable to the city of Portland, as grantee, under those grant documents.

b) To comply with all city of Portland and State financial management and procurement requirements, including competitive bid processes, and to maintain accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP) and financial, administrative, and audit requirements as set forth in the most recent versions of the Code of Federal Regulations (CFR) and Office of Management and Budget (OMB) circulars. A nonexclusive list of regulations commonly applicable to DHS grants includes:

i. Administrative Requirements: 44 CFR Part 13 (State and Local Governments) and 2 CFR Part 215 (Non-Profit Organizations).

- ii. Cost Principles: 2 CFR Part 225 (State, Local, and Tribal Governments); Part 230 (Non-Profit Organizations); and Federal Acquisition Regulations (FAR) Part 31.2 (Contracts with Commercial Organizations).
  - iii. Audit Requirements: OMB Circular A-133.
- c) That all equipment, supplies, and services provided by the city of Portland are as described in the approved grant budget documents, which the City has seen.
  - d) That it will not deviate from the items listed in the approved grant budget documents without first securing written authority from the city of Portland.
  - e) To comply with all property and equipment tracking and monitoring processes required by the grants, this Agreement, the city of Portland, and the State.
  - f) To treat all single items of equipment valued over \$5,000 as fixed assets and to provide the city of Portland with a list of such equipment. The list should include, but is not limited to, dates of purchase, equipment description, serial numbers, and locations where the equipment is housed or stored. All requirements for the tracking and monitoring of fixed assets are set forth in 44 CFR Part 13.
  - g) To maintain and store all equipment and supplies, provided or purchased, in a manner that will best prolong its life and keep it in good working order at all times.
  - h) That regardless of how it is procured, all equipment and supplies purchased shall be owned by the City until proper disposition takes place. The City shall be responsible for inventory tracking, maintenance, and storage while in possession of such equipment and supplies.
  - i) That any request or invoice it submits for reimbursement of costs is consistent with the items identified in the approved grant budget documents.
  - j) That it understands and accepts full financial responsibility and may not be reimbursed for costs incurred which have not been approved by the city of Portland, State, and the U.S. Department of Homeland Security, FEMA Grant Programs Directorate.
  - k) That all publications created with funding under this grant shall prominently contain the following statement: “This document was prepared under a grant from FEMA’s Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA’s Grant Programs Directorate or the U.S. Department of Homeland Security.”

- l) That all financial records and supporting documentation, and all other records pertinent to this grant or agreements under this grant, shall be retained for a minimum of six years following termination, completion, or expiration of this Agreement for purposes of city of Portland, State, or federal examination and audit.
- m) To obtain a copy of 44 CFR Part 13 and all applicable OMB circulars, and to apprise itself of all rules and regulations set forth.
- n) Not to supplant its local funds with federal and to, instead, use the federal funds to increase the amount of funds that, in the absence of federal aid, would be made available to fund programs within the UASI grant program guidelines.
- o) To list the city of Portland as a party to be held harmless and, subject to the limits of the Oregon Tort Claims Act and the Oregon Constitution, indemnified by the City and any contractor or subcontractor thereof, for any injury to person or property arising out of the equipment, supplies, or services provided under this Agreement, and as a party to whom a listed duty is due.
- p) To comply with National Incident Management System (NIMS) objectives identified as requirements by the State.
- q) To comply with all applicable federal, state, and local environmental and historic preservation (EHP) requirements and provide information requested to ensure compliance with applicable laws.
- r) To provide timely compliance with all reporting obligations required by the grant's terms and the city of Portland.
- s) To provide the city of Portland with Performance Reports, Financial Reimbursement Reports, and Audit Reports when required by the city of Portland and in the form required by the city of Portland.
  - i. Performance Reports are due to POEM biannually on June 15th and December 15th during the term of the grant agreement. Late Performance Reports could result in the suspension and/or termination of the grant.
  - ii. Financial Reimbursement Reports are due no less frequently than quarterly during the term of the grant agreement. Late Financial Reimbursement Reports could result in the suspension and/or termination of the grant.

- iii. Per UASI Grant #10-170, Section K.2.b., reimbursement for expenses may be withheld if performance reports are not submitted by the specified dates or are incomplete.
- t) To follow the travel expense and per diem guidelines set forth by the U.S. General Services Administration (GSA) as well as the guidelines of the city of Portland and State. Per UASI Grant #10-170, Section K.2.c., reimbursements rates for travel expenses shall not exceed those allowed by the State. Requests for reimbursement for travel must be supported with a detailed statement identifying the person who traveled, the purpose of the travel, the dates, times, and places of travel, and the actual expense or authorized rates incurred.

GSA per diem rates can be found on the GSA website:  
<http://www.gsa.gov/portal/category/21287>.

The city of Portland's guidelines can be found on the Office of the City Auditor's website:

BCP-FIN-6.13 Travel:

<http://www.portlandonline.com/auditor/index.cfm?&c=34747&a=160271>

BCP-FIN-6.14 Non-travel Meals, Light Refreshments and Related Miscellaneous Expenses:

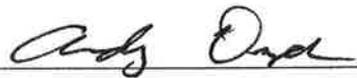
<http://www.portlandonline.com/auditor/index.cfm?&a=160283&c=34747>

- u) To comply with all of its obligations under this Agreement and any applicable, incorporated document or documents.
3. **Effective Date and Duration.** This Agreement shall be effective from the date both parties have signed and shall be terminated on December 31, 2012 unless otherwise extended by the parties in writing or terminated due to failure of one of the Parties to perform.
  4. **Amendment.** This Agreement may be modified or amended only by the written agreement of both parties but must remain consistent with the requirements of the UASI program grant, the agreement between the State and the city of Portland, and the city of Portland's UASI grant agreement with the County.
  5. **Termination.** Either party may terminate this Agreement in the event the other fails to comply with its obligations under the Agreement. If the Agreement is terminated due to the City's failure or inability to comply with the provisions of the grant or the Agreement, the City will be liable to the city of Portland for the full cost of any equipment, materials, or services provided by the city of Portland to the City, and any penalties imposed by the State or Federal Government. Each party will notify the other, in writing, of its intention to terminate this Agreement and the reasons therefore. The other party shall have fourteen days, or such other time as the parties may agree, from the date of the notice in which to correct or otherwise address the compliance failure which is the subject of the notice.

6. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State, without regard to principles of conflicts of law. Any claim, action, suit or proceeding that arises from or relates to this Agreement shall be brought and conducted exclusively within the Circuit Court of Washington County for the state of Oregon. In the event a claim is brought in a federal forum, then it shall be brought and conducted solely and exclusively in the United States District Court for the District of Oregon.
7. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute one and the same instrument.
8. **Survival.** The terms, conditions, representations, and all warranties in this Agreement shall survive the termination or expiration of this Agreement.
9. **Force Majeure.** Neither party shall be held responsible for delay or default caused by fire, riot, acts of God, or war where such cause was beyond reasonable control. Each party shall make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligations under this Agreement.
10. **Indemnification.**
  - a) Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the City shall indemnify, defend and hold harmless the County, its commissioners, employees and agents from and against any and all liability, claims, damages, losses, and expenses, including but not limited to reasonable attorneys fees arising out of or resulting from the acts of the City, its officers, employees, and agents in the performance of this Agreement.
  - b) Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the County shall indemnify, defend and hold harmless the City from and against all liability, loss and costs arising out of or resulting from the acts of the County, its officers, employees, and agents in the performance of this Agreement.
11. **Third Party Beneficiaries.** The County and the City are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, or is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such persons are individually identified by name herein.
12. **Successors in Interest.** The terms of this Agreement shall be binding upon the successors and assigns of each party hereto.

13. **Entire Agreement.** The parties agree and acknowledge that this Agreement is a complete, integrated agreement that supersedes any prior understandings related to implementation of the FY-10 UASI program grant and that it is the entire agreement between them relative to that grant.
14. **Worker's Compensation.** Each party shall be responsible for providing worker's compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers (contractors with one or more employees, unless exempt under ORS 656.027). Neither party shall be required to provide or show proof of any other insurance coverage.
15. **Nondiscrimination.** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.
16. **Access to Records.** Each party shall maintain, and shall have access to the books, documents, papers, and other records of the other party which are related to this Agreement for the purpose of making audit, examination, excerpts, and transcripts. Copies of applicable records shall be made available upon request. Access to records for Oregon Emergency Management (OEM), the Oregon Secretary of State, the Office of the Comptroller, the General Accounting Office (GAO), or any of their authorized representatives, shall not be limited to the required retention period but shall last as long as records are retained.
17. **Subcontracts and Assignment.** Neither party will subcontract or assign any part of this Agreement without the prior written consent of the other party. Notwithstanding County approval of a subcontractor, the City shall remain obligated for full performance hereunder, and the County shall incur no obligation other than its obligations to the City hereunder.

Washington County



Date 9-6-11

APPROVED AS TO FORM



Attorney

Date 8/12/2011

APPROVED WASHINGTON COUNTY  
BOARD OF COMMISSIONERS

MINUTE ORDER # 11-240

DATE 9-6-11

BY   
CLERK OF THE BOARD

**City of Sherwood**

\_\_\_\_\_

Date \_\_\_\_\_

APPROVED AS TO FORM

\_\_\_\_\_  
Attorney

Date \_\_\_\_\_

**OREGON MILITARY DEPARTMENT  
OFFICE OF EMERGENCY MANAGEMENT  
URBAN AREA SECURITY INITIATIVE GRANT PROGRAM –  
CFDA # 97.008**

**GRANT AWARD CONDITIONS AND CERTIFICATIONS**

PROGRAM NAME:	Portland Urban Area Security Initiative (UASI) Program	GRANT NO:	# 10-170
SUBGRANTEE:	City of Portland	FEDERAL AWARD:	\$6,874,736
ADDRESS:	Portland Office of Emergency Management (POEM) 1001 SW Fifth Ave, Suite 650 Portland, OR 97204	AWARD PERIOD:	2/15/11 thru 12/31/12
PROGRAM CONTACT:	Carmen Merlo carmen.merlo@portlandoregon.gov	TELEPHONE:	(503) 823-2691
FISCAL CONTACT:	Shelli Tompkins shelli.tompkins@portlandoregon.gov	TELEPHONE:	(503) 823-4187

**BUDGET**

Equipment	
CBRNE Incident Response Vehicles	\$1,296,000
CBRNE Operational/Search and Rescue	\$725,472
Detection	\$60,000
Explosive Device Mitigation	\$40,000
Information Technology	\$1,339,141
Interoperable Communications	\$1,300,000
Medical	\$190,500
Other Authorized Equipment	\$42,750
Personal Protective Equipment	\$79,500
Physical Security Enhancement	\$110,000
Power	\$85,000
Exercises	\$66,000
Planning	\$1,192,158
Training (ODP-approved)	\$61,063
Administration	\$287,152
<b>Total</b>	<b>\$6,874,736</b>

RECEIVED

## GRANT AWARD AGREEMENT AND PROVISIONS

### I. Provisions of Award

- A. Agreement Parties. This Agreement is between the State of Oregon, acting by and through the Oregon Military Department, Office of Emergency Management (OEM) and the Subgrantee.
- B. Effective Date. This Agreement shall become effective on the date this Agreement has been fully executed by every party. Agreement termination shall not extinguish or prejudice OEM's right to enforce this Agreement with respect to any default by Subgrantee that has not been cured.
- C. Source of Funds. Payment for this Program will be from the Fiscal Year 2010 Urban Area Security Initiative Program.
- D. Merger Clause; Waiver. This Agreement and referenced documents constitute the entire Agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. No waiver, consent, modifications or change of terms of this agreement shall be binding unless agreed to in writing and signed by both the Subgrantee and OEM. Such waiver, consent, modification or change, if made shall be effective only in the specific instance and for the specific purpose given.
- E. Acknowledgment. The Subgrantee, by signature of its authorized representative, hereby acknowledges that he/she has read this agreement, understands it, and agrees to be bound by its terms and conditions (including all references to other documents). Failure to comply with this agreement and with applicable state and federal rules and guidelines may result in the withholding of reimbursement, the termination or suspension of the agreement, denial of future grants, and/or damages to OEM.

## TERMS AND CONDITIONS

### II. Conditions of Award

- A. The Subgrantee agrees to operate the program as described in the Portland Urban Area Homeland Security Strategy and to expend funds in accordance with the approved budget unless the Subgrantee receives prior written approval by OEM to modify the program or budget. OEM may withhold funds for any expenditure not within the approved budget or in excess of amounts approved by OEM. Failure of the Subgrantee to operate the program in accordance with the written agreed upon objectives contained in the grant application and budget will be grounds for immediate suspension and/or termination of the grant agreement.
- B. To ensure consistency among statewide planning efforts, the Subgrantee agrees to coordinate grant funded planning projects with OEM, to include assistance with the creation of a scope of work, review and approval of service providers, and overall project direction.
- C. The Subgrantee agrees that funds utilized to establish or enhance state and local fusion centers must support the development of a statewide fusion process that corresponds with the Global Justice/Homeland Security Advisory Council (HSAC) Fusion Center Guidelines and achievement of a baseline level of capability as defined by the Fusion Capability Planning Tool.
- D. The Subgrantee agrees that all publications created with funding under this grant shall prominently contain the following statement: "This document was prepared under a grant from FEMA's Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate or the U.S. Department of Homeland Security."
- E. The Subgrantee agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this agreement.
- F. By accepting FY 2010 funds, the Subgrantee certifies that it has met NIMS compliance activities outlined in the NIMS Implementation Matrix for State, Tribal, or Local Jurisdictions. Additional information on achieving compliance is available through the NIMS Resource Center at <http://www.fema.gov/emergency/nims/>.

G. Administrative Requirements, Retention and Access to Records, and Audits.

1. Administrative Requirements. The Subgrantee agrees to comply with all financial management and procurement requirements, including competitive bid processes and other procurement requirements, and to maintain accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP) and financial, administrative, and audit requirements as set forth in the most recent versions of the Code of Federal Regulations (CFR) and the Office of Management and Budget (OMB) Circulars. A nonexclusive list of regulations commonly applicable to DHS grants includes:
  - a. Administrative Requirements. 44 CFR Part 13 (State and Local Governments) and 2 CFR Part 215 (Non-Profit Organizations).
  - b. Cost Principles. 2 CFR Part 225 (State, Local, and Tribal Governments); Part 230 (Non-Profit Organizations); and Federal Acquisition Regulations (FAR) Part 31.2 (Contracts with Commercial Organizations).
  - c. Audit Requirements. OMB Circular A-133.
2. Retention of Records. All financial records, supporting documentation, and all other records pertinent to this grant or agreements under this grant shall be retained by the Subgrantee for a minimum of six years following termination, completion or expiration of this Agreement for purposes of State of Oregon or Federal examination and audit. It is the responsibility of the Subgrantee to obtain a copy of 44 CFR Part 13 and all applicable OMB Circulars, and to apprise itself of all rules and regulations set forth.
3. Access to Records. OEM, Oregon Secretary of State, Office of Inspector General (OIG), Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of the Subgrantee and any contractors or subcontractors of the Subgrantee, which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. The right of access is not limited to the required retention period but shall last as long as the records are retained.
4. Audits. If the Subgrantee expends \$500,000 or more in Federal funds (from all sources) in its fiscal year, the Subgrantee shall have a single organization-wide audit conducted in accordance with the provisions of OMB Circular A-133. Copies of all audits must be submitted to OEM within 30 days of completion. If the Subgrantee expends less than \$500,000 in its fiscal year in Federal funds, the Subgrantee is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials as provided in Section II.G.3 herein.
5. Audit Costs. Audit costs for audits not required in accordance with OMB Circular A-133 are unallowable. If the Subgrantee did not expend \$500,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to the grant.

H. Procurement Standards.

1. The Subgrantee shall follow the same policies and procedures used for procurement from its non-Federal funds. The Subgrantee shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable Federal and State law and standards.
2. All procurement transactions, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. **All sole-source procurements in excess of \$100,000 must receive prior written approval from OEM** in addition to any other approvals required by law applicable to the Subgrantee. Justification for sole-source procurement in excess of \$100,000 should include a description of the program and what is being contracted for, an explanation of why it is necessary to contract noncompetitively, time constraints and any other pertinent information. Interagency agreements between units of government are excluded from this provision.
3. The Subgrantee shall be alert to organizational conflicts of interest or non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, and/or Requests for Proposals (RFP) for a proposed

procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to OEM.

4. The Subgrantee agrees that, to the extent they use contractors or subcontractors, such recipients shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.

I. Property/Equipment Management and Records Control, and Retention of Records.

1. Property/Equipment Management and Records Control. The Subgrantee agrees to comply with all requirements set forth in 44 CFR Part 13 for the active tracking and monitoring of property/equipment. Procedures for managing property/equipment, whether acquired in whole or in part with grant funds, until disposition takes place, will, at a minimum, meet the following requirements:
  - a. All property/equipment purchased under this agreement, whether by the Subgrantee or a subcontractor, will be recorded and maintained in the Subgrantee's property/equipment inventory system.
  - b. The Subgrantee shall maintain property/equipment records that include: a description of the property/equipment; the manufacturer's serial number, model number, or other identification number; the source of the property/equipment, including the Catalog of Federal Domestic Assistance (CFDA) number; who holds title; the acquisition date; the cost of the property/equipment and the percentage of Federal participation in the cost; the location, use and condition of the property/equipment; and any ultimate disposition data including the date of disposal and sale price of the property/equipment.
  - c. A physical inventory of the property/equipment must be taken and the results reconciled with the property/equipment records, at least once every two years.
  - d. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property/equipment. Any loss, damage, or theft shall be investigated.
  - e. Adequate maintenance procedures must be developed to keep the property/equipment in good condition.
  - f. If the Subgrantee is authorized to sell the property/equipment, proper sales procedures must be established to ensure the highest possible return.
  - g. The Subgrantee agrees that, when practicable, any property/equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security".
  - h. The Subgrantee shall pass on property/equipment management requirements that meet or exceed the requirements outlined above for all subcontractors, consultants, and the subgrantees who receive pass-through funding from this grant agreement.
2. Retention of Property/Equipment Records. Records for property/equipment shall be retained for a period of six years from the date of the disposition or replacement or transfer at the discretion of the awarding agency. Title to all property/equipment and supplies purchased with funds made available under the Homeland Security Grant Program shall vest in the Subgrantee agency that purchased the property/equipment, if it provides written certification to OEM that it will use the property/equipment for purposes consistent with the Homeland Security Grant Program.

J. Funding.

1. Matching Funds. **This Grant does not require matching funds.**
2. Allowable Costs. The Subgrantee agrees that all allocations and use of funds under this Agreement will be in accordance with the Fiscal Year 2010 Homeland Security Grant Program guidance and application kit.
3. Supplanting. The Subgrantee certifies that federal funds will not be used to supplant state or local funds, but will be used to increase the amount of funds that, in the absence of federal aid, would be made available to the Subgrantee to fund programs consistent with Homeland Security Grant Program – Urban Area Security Initiatives (UASI) guidelines.

K. Reports. Failure of the Subgrantee to submit the required program, financial, or audit reports, or to resolve program, financial, or audit issues may result in the suspension of grant payments and/or termination of the grant agreement.

1. Performance Reports.

The Subgrantee agrees to submit performance reports on its progress in meeting each of its agreed upon goals and objectives. The narrative reports will address specific information regarding the activities carried out under the FY 2010 Homeland Security Grant Program – Urban Area Securities Initiative (UASI) and how they address identified project specific goals and objectives.

Reports are due to OEM by the end of each calendar year quarter.

Any Performance Report that is outstanding for more than one month past the due date may cause the suspension and/or termination of the grant. The Subgrantee must receive prior written approval from OEM to extend a performance report requirement past its due date.

2. Financial Reimbursement Reports.

- a. In order to receive reimbursement, the Subgrantee agrees to submit a signed Request for Reimbursement (RFR) which includes supporting documentation for all grant expenditures. RFRs may be submitted monthly but no less frequently than quarterly during the term of the grant agreement. At a minimum, RFRs must be submitted no later than one month following the end of each calendar year quarter, and a final RFR must be submitted no later than one month following the end of the grant period.
- b. Reimbursements for expenses will be withheld if performance reports are not submitted by the specified dates or are incomplete.
- c. Reimbursement rates for travel expenses shall not exceed those allowed by the State of Oregon. Requests for reimbursement for travel must be supported with a detailed statement identifying the person who traveled, the purpose of the travel, the dates, times, and places of travel, and the actual expenses or authorized rates incurred.
- d. Reimbursements will only be made for actual expenses incurred during the grant period. The Subgrantee agrees that no grant funds may be used for expenses incurred before February 15, 2011 or after December 31, 2012.
- e. The Subgrantee shall be accountable for and shall repay any overpayment, audit disallowances or any other breach of grant that results in a debt owed to the Federal Government. OEM shall apply interest, penalties, and administrative costs to a delinquent debt owed by a debtor pursuant to the Federal Claims Collection Standards and OMB Circular A-129.

3. Audit Reports. The Subgrantee shall provide OEM copies of all audit reports pertaining to this Grant Agreement obtained by the Subgrantee, whether or not the audit is required by OMB Circular A-133.

L. Indemnification.

The Subgrantee shall, to the extent permitted by the Oregon Constitution and by the Oregon Tort Claims Act, defend, save, hold harmless, and indemnify the State of Oregon, OEM, and their officers, employees, agents, and members from all claims, suits and actions of whatsoever nature resulting from or arising out of the activities of the Subgrantee, its officers, employees, subcontractors, or agents under this grant.

The Subgrantee shall require any of its contractors or subcontractors to defend, save, hold harmless and indemnify the State of Oregon, OEM, and their officers, employees, agents, and members, from all claims, suits or actions of whatsoever nature resulting from or arising out of the activities of subcontractor under or pursuant to this grant.

The Subgrantee shall, if liability insurance is required of any of its contractors or subcontractors, also require such contractors or subcontractors to provide that the State of Oregon, OEM, and their officers, employees and members are Additional Insureds, but only with respect to the contractor's or subcontractor's services performed under this grant.

M. Copyright and Patents.

1. Copyright. If this agreement or any program funded by this agreement results in a copyright, OEM and the U.S. Department of Homeland Security reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and authorize others to use, for government purposes, the work or the copyright to any work developed under this agreement and any rights of copyright to which the Subgrantee, or its contractor or subcontractor, purchases ownership with grant support.
2. Patent. If this agreement or any program funded by this agreement results in the production of patentable items, patent rights, processes, or inventions, the Subgrantee or any of its contractors or subcontractors shall immediately notify OEM. OEM will provide the Subgrantee with further instruction on whether protection on the item will be sought and how the rights to the item will be allocated and administered in order to protect the public interest, in accordance with federal guidelines.

N. Governing Law; Venue; Consent to Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit, or proceeding (collectively, "Claim") between OEM (and/or any other agency or department of the State of Oregon) and the Subgrantee that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court for the State of Oregon; provided, however, if the Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any claim or from the jurisdiction of any court. The Subgrantee, by execution of this agreement, hereby consents to the **In Personam Jurisdiction of said courts, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.**

O. Notices. Except as otherwise expressly provided in this Section, any communications between the parties hereto or notice to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same by registered or certified mail, postage prepaid to the Subgrantee or OEM at the address or number set forth on page 1 of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this section. Any communication or notice so addressed and sent by registered or certified mail shall be deemed delivered upon receipt or refusal of receipt. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. Any communication or notice by personal delivery shall be deemed to be given when actually delivered. The parties also may communicate by telephone, regular mail or other means, but such communications shall not be deemed Notices under this Section unless receipt by the other party is expressly acknowledged in writing by the receiving party.

P. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of OEM, the Subgrantee, and their respective successors and assigns, except that the Subgrantee may not assign or transfer its rights or obligations hereunder or any interest herein without the prior consent in writing of OEM.

Q. Survival. All provisions of this Agreement set forth in the following sections shall survive termination of this Agreement: Section II.G (Administrative Requirements, Retention and Access to Records, and Audits); Section II.H (Procurement Standards); Section II.I (Property/Equipment Management and Records Control, and Retention of Records); Section II.K (Reports); and Section III.L (Indemnification).

R. Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.

S. Relationship of Parties. The parties agree and acknowledge that their relationship is that of independent contracting parties and neither party hereto shall be deemed an agent, partner, joint venturer or related entity of the other by reason of this Agreement.

### III. Subgrantee Compliance and Certifications

- A. Debarment, Suspension, Ineligibility and Voluntary Exclusion. The Subgrantee certifies by accepting funds under this Agreement that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, nor voluntarily excluded from participation in this transaction by any Federal department or agency. (This certification is required by regulations published May 26, 1988, implementing Executive Order 12549, Debarment and Suspension, 44 CFR Part 17.) The Subgrantee shall establish procedures to provide for effective use and/or dissemination of the Excluded Parties List (<http://www.epls.gov/>) to assure that their contractors are not in violation of the nonprocurement debarment and suspension common rule.
- B. Standard Assurances and Certifications Regarding Lobbying. The Subgrantee is required to comply with 44 CFR Part 18, *New Restrictions on Lobbying* ([http://www.access.gpo.gov/nara/cfr/waisidx\\_07/44cfr18\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/44cfr18_07.html)). The restrictions on lobbying are enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per expenditure. The Subgrantee understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of GPD.
- C. Compliance with Applicable Law. The Subgrantee agrees to comply with all applicable laws, regulations, program guidance, and guidelines of the State of Oregon, the Federal Government and OEM in the performance of this agreement, including but not limited to:
1. Administrative Requirements set forth in 44 CFR Part 13; 2 CFR Part 215.
  2. Cost Principles set forth in 2 CFR Part 225; Part 230; and Federal Acquisition Regulation (FAR) Part 31.2.
  3. Audit Requirements set forth in OMB Circular A-133.
  4. The provisions set forth in 44 CFR Part 7; Part 9; Part 10; and Federal laws or regulations applicable to Federal assistance programs.
  5. The Freedom of Information Act (FOIA), 5. U.S.C. §552 with consideration of State and local laws and regulations regarding the release of information and regulations governing Sensitive Security Information (49 CFR Part 1520).
- D. Non-discrimination and Civil Rights Compliance, Equal Employment Opportunity Program, and Services to Limited English Proficient (LEP) Persons.
1. Non-discrimination and Civil Rights Compliance. The Subgrantee, and all its contractors and subcontractors, certifies that no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any activity funded under this agreement on the basis of race, color, age, religion, national origin, disability, or gender. The Subgrantee, and all its contractors and subcontractors, assures compliance with all applicable nondiscrimination laws, including but not limited to:
    - a. Nondiscrimination Regulation 44 CFR Part 7;
    - b. Title II of the Americans with Disabilities Act (ADA) of 1990;In the event that a Federal or State court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, age, religion, national origin, disability or gender against the Subgrantee or any of its contractors or subcontractors, the Subgrantee or any of its contractors or subcontractors will forward a copy of the finding to OEM.
  2. Equal Employment Opportunity Program. The Subgrantee, and any of its contractors and subcontractors, certifies that an equal employment opportunity program will be in effect on or before the effective date of this agreement. The Subgrantee must maintain a current copy on file.
  3. Services to Limited English Proficient (LEP) Persons. National origin discrimination includes discrimination on the basis of limited English proficiency. Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important benefits, programs, information and services. For additional information, please see <http://www.lep.gov>.

E. Environmental and Historic Preservation.

1. The Subgrantee shall comply with all applicable Federal, State, and local environmental and historic preservation (EHP) requirements and shall provide any information requested by FEMA to ensure compliance with applicable environmental and historic preservation laws including but not limited to:
  - a. National Environmental Policy Act,
  - b. National Historic Preservation Act,
  - c. Endangered Species Act, and
  - d. Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898).

Failure of the Subgrantee to meet Federal, State, and local EHP requirements and obtain applicable permits may jeopardize Federal funding.

2. **The Subgrantee shall not undertake any project without prior EHP approval by FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings, structures, and objects that are 50 years old or greater.** The Subgrantee must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the Subgrantee must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the Subgrantee will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding.
3. For any of the Subgrantee's or its contractors' or subcontractors' existing programs or activities that will be funded by these grant funds, the Subgrantee, upon specific request from the U.S. Department of Homeland Security, agrees to cooperate with the U.S. Department of Homeland Security in any preparation by the U.S. Department of Homeland Security of a national or program environmental assessment of that funded program or activity.

F. Drug Free Workplace Requirements. The Subgrantee certifies that it will provide a drug-free workplace. There are two general requirements if you are a recipient other than an individual.

1. You must make a good faith effort, on a continuing basis, to maintain a drug-free workplace. Briefly, those measures are to:
  - a. Publish a drug-free workplace statement and establish a drug-free awareness program for your employees (see 44 CFR Part 17.6); and
  - b. Take actions concerning employees who are convicted of violating drug statutes in the workplace.
2. You must identify all known workplaces under your Federal awards.

Additional information can be referenced at: [http://www.access.gpo.gov/nara/cfr/waisidx\\_08/44cfrv1\\_08.html](http://www.access.gpo.gov/nara/cfr/waisidx_08/44cfrv1_08.html).

G. Classified National Security Information. No funding under this award shall be used to support a contract, subaward or other agreement for goods or services that will include access to classified national security information if the award recipient has not been approved for and has access to such information. Classified national security information as defined in Executive Order (EO) 12958, as amended, means information that has been determined pursuant to EO 12958 or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

H. Human Trafficking. The Subgrantee, employees, contractors and subrecipients under this award and their respective employees may not:

1. Engage in severe forms of trafficking in persons during the period of the time the award is in effect;
2. Procure a commercial sex act during the period of time the award is in effect; or
3. Use forced labor in the performance of the award or subawards under the award.

The Subgrantee must inform OEM immediately of any information the Subgrantee receives from any source alleging a violation of any of the above prohibitions in this award term. OEM's right to terminate unilaterally is in addition to all other remedies under this award. The Subgrantee must include these requirements in any subaward made to public or private entities.

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#### IV. Suspension or Termination of Funding

OEM may suspend funding in whole or in part, terminate funding, or impose another sanction on a Homeland Security Grant Program recipient for any of the following reasons:

- A. Failure to comply substantially with the requirements or statutory objectives of the Homeland Security Grant Program – Urban Area Securities Initiative guidelines issued thereunder, or other provisions of federal law.
- B. Failure to make satisfactory progress toward the goals and objectives set forth in the approved Project Justification(s).
- C. Failure to adhere to the requirements of the grant award and standard or special conditions.
- D. Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected.
- E. Failing to comply substantially with any other applicable federal or state statute, regulation, or guideline. Before imposing sanctions, OEM will provide reasonable notice to the Subgrantee of its intent to impose sanctions and will attempt to resolve the problem informally.

#### V. Termination of Agreement

OEM may unilaterally terminate all or part of this Agreement or may reduce its scope of work if there is:

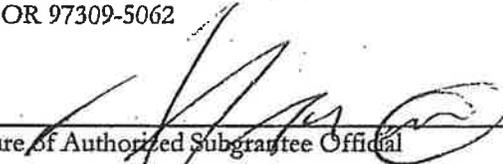
- A. A reduction in federal funds which are the basis for this Agreement.
- B. A material misrepresentation, error, or inaccuracy in Subgrantee's application.
- C. A change, modification or interpretation of State or Federal laws, regulations or guidelines that deprives OEM of authority to provide grant funds for the program or provide funds from the planned funding source.

**VI. Subgrantee Representations and Warranties**

The Subgrantee represents and warrants to OEM as follows:

- A. Existence and Power. The Subgrantee is a political subdivision of the State of Oregon. The Subgrantee has full power and authority to transact the business in which it is engaged and full power, authority, and legal right to execute and deliver this Agreement and incur and perform its obligations hereunder.
- B. Authority, No Contravention. The making and performance by the Subgrantee of this Agreement (a) have been duly authorized by all necessary action of the Subgrantee, (b) do not and will not violate any provision of any applicable law, rule, or regulation or order of any court, regulatory commission, board or other administrative agency or any provision of the Subgrantee's articles of incorporation or bylaws and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which the Subgrantee is a party or by which the Subgrantee or any of its properties are bound or affected.
- C. Binding Obligation. This Agreement has been duly authorized, executed and delivered on behalf of the Subgrantee and constitutes the legal, valid, and binding obligation of the Subgrantee, enforceable in accordance with its terms.
- D. Approvals. No authorization, consent, license, approval of, filing or registration with, or notification to, any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by the Subgrantee of this Agreement.

  
\_\_\_\_\_  
John Lewis, Plans and Training Section Director  
Oregon Military Department  
Office of Emergency Management  
PO Box 14370  
Salem, OR 97309-5062  
11 APR 2011  
Date

  
\_\_\_\_\_  
Signature of Authorized Subgrantee Official  
3/17/11  
Date

Sean Adams, Mayor  
\_\_\_\_\_  
Name/Title

  
\_\_\_\_\_  
Signature of Authorized Fiscal Representative of Subgrantee Agency  
3.10.11  
Date

Shell: Tompkins - Finance and Grants Manager  
\_\_\_\_\_  
Name/Title

Approved for Legal Sufficiency:  
  
Steven A. Wolf by email  
Assistant Attorney General  
February 23, 2011  
Date

TO: Sherwood City Council

FROM: Bob Galati, P.E., City Engineer, Engineering Department

**SUBJECT: RESOLUTION 2011-085, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ENVIRONMENTAL SCIENCE AND ASSESSMENT, LLC (ES&A) FOR ON-CALL ENVIRONMENTAL ENGINEERING SERVICES.**

**ISSUE:** Shall the City Council adopt Resolution 2011-085 which authorizes the City Manager to enter into a contract with Environmental Science and Assessment, LLC (ES&A) for On-Call Environmental Engineering Services?

**BACKGROUND:** Environmental engineering is a specialized branch of civil engineering in which the City's Engineering Department staff does not have extensive experience or skillsets to provide this service in-house. The best way for the City to acquire this capability is to contract with a consulting engineering firm for these services.

The Community Development Division will utilize the on-call environmental engineering services in planning review and approval process for private development submittals, and for development and amending the City's Ordinances related to environmental impacts on an as-needed basis. The Engineering Department may also utilize the environmental engineering consultant on the development of minor capital improvement projects (CIP's) on an as-needed basis.

**FINDINGS:** On May 2<sup>nd</sup>, 2011, staff solicited proposals from qualified consulting firms for on-call environmental engineering services. Proposal submittals were to be submitted on May 19<sup>th</sup>, 2011. Eight environmental engineering consulting firms responded with submittals of their qualifications and proposals.

A review committee comprised of staff from the engineering and planning departments reviewed and ranked the proposals based on a simple point system. Four of the consultants with the highest ranking were then asked to attend an interview with City review committee. Interviews were held over a 2 day period with the interviewees being ranked by a simple point system based on their presentations and responses to questions. The highest ranking consulting firm, Environmental Science and Assessment, LLC (ES&A), was selected to provide the on-call environmental engineering services to the City.

Negotiations with ES&A took place and a scope of work letter was defined and agreed to. ES&A provided an Escalated Salary Rate Schedule which will be used to determine payments. Both documents are attachments to the professional services contract.

The On-Call Environmental Engineering Services contract will run for a period of three years with a lump sum contract amount not to exceed \$75,000.00. The contract period may be extended twice in one year increments if the remaining budget will cover the expected consultant time during the extension.

**RECOMMENDATION: MOTION TO APPROVE RESOLUTION 2011-085 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ENVIRONMENTAL SCIENCE AND ASSESSMENT, LLC (ES&A) FOR ON-CALL ENVIRONMENTAL ENGINEERING SERVICES.**



**RESOLUTION 2011-085**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ENVIRONMENTAL SCIENCE AND ASSESSMENT, LLC (ES&A) FOR ON-CALL ENVIRONMENTAL ENGINEERING SERVICES**

**WHEREAS**, the City solicited proposals for in-call environmental engineering services supporting staff in private development reviews and very small capital improvement projects where issuance of a professional services RFP is not warranted or cost effective; and

**WHEREAS**, the request for proposal (RFP) was publicly advertised and eight qualified consulting firm proposals were received, evaluated and ranked based on a simple point system, with the top four ranked consulting firm proposals receiving invitations to be interviewed and to make a presentation to City staff; and

**WHEREAS**, interviews and presentations were conducted by City staff with the four consulting firms being ranked based on a simple point system; and

**WHEREAS**; the highest ranked consulting firm, Environmental Science and Assessment, LLC was selected to provide the on-call environmental services to the City.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1:** The City Council authorizes the City Manager to enter into a contract with Environmental Science and Assessment, LLC (ES&A), for on-call environmental engineering services. The *Scope of Work* letter is attached as "Exhibit A" and an *Escalated Rates Schedule* is attached as "Exhibit B".

**Section 2:** The Contract for On-Call Environmental Services will have a "not to exceed" amount of \$75,000 for a term of three (3) years. The contract may be extended twice (2x) in one (1) year increments if remaining budget will cover the expected consultant time during the one year contract extension period.

**Section 3:** This Resolution shall be in effect upon its approval and adoption.

**Duly passed by the City Council this 4<sup>th</sup> day of October 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder



September 23, 2011

Bob Galati  
City of Sherwood  
22560 SW Pine St.  
Sherwood, OR 97140

RE: Sherwood On-Call Environmental Services

Dear Bob:

Thank you for selecting Environmental Science and Assessment (ES&A) for on-call environmental services. We look forward to a productive three years of working with the City. We have prepared this work scope to describe the services that will be covered on a task to task basis. A current fee schedule has also been provided.

## **SCOPE OF SERVICES**

ES&A, LLC will assist City staff with their development review efforts to determine compliance with municipal code sections applicable to environmental resources under Division VIII (Sections 16.144 to 16.150). ES&A will coordinate with City staff and determine need for sub-consultants technical review in each of the environmental specialty areas. Coordination with City staff may occur at the pre-application stage or during development application review.

### **A. Permit Application Review**

- Review Development Applications to determine compliance with U.S. Army Corps of Engineers (USACE), the Oregon Department of State Lands (DSL) regulations for Joint Permit Applications (JPA)
- Review Development Applications to determine compliance with NEPA requirements
- Provide technical advice/reports as needed

### **B. Natural Resource Assessment**

- Evaluate wetland assessment documents and provide city staff with comments in the form of a technical memo
- Determine compliance with CWS standards.
- Review wetland mitigation proposals for feasibility and compliance with state and federal regulations.
- Determine if applicants have met requirements under the federal Endangered Species Act and the National Historic Preservation Act (cultural resources).

### **C. Environmental Site Assessment Review**

- Review development applications to determine compliance with EPA and Oregon DEQ requirements
- Review submitted assessments for compliance with American Society for Testing and Materials (ASTM) standards
- Provide technical advice/reports as needed

### **D. Air Quality/Noise Analysis Review**

- Review development applications to determine compliance with NEPA, ODOT, FHWA and FTA requirements for noise and vibration

Environmental Science & Assessment, LLC

- Review development applications to determine compliance with EPA air quality standards
- Provide technical advice/reports as needed

E. Incidental Services

- Assist City with development of City programs to assist in compliance with federal, state and local regulations
- Conduct site visits to determine presence of significant or regulated resources and verify existing conditions
- Provide technical reports, memoranda, plans as required
- Attend public hearings and other meetings as requested by the City

**TASK AUTHORIZATION**

ES&A, LLC will perform On-Call Environmental Services as required by the City. For each task, the City will authorize a task scope, budget and schedule. For significant tasks a separate, detailed scoping letter may be provided at City staff request.

**BUDGET**

ES&A, LLC will be compensated on a time and materials basis in accordance with the hourly billing rates set forth in the attached fee schedule for a maximum fee not to exceed of \$75,000. This fee is based upon the scope of services presented above.

ES&A will invoice monthly based on time and materials expended. Should changes occur in the scope or level of effort, or should the completion date extend past October 5, 2014 due to circumstances beyond ES&A's control, we reserve the right to revise the scope, billing rates, budget and schedule to reflect conditions then current. Such revisions will be effected through amendments to this agreement.

Two originals of this letter have been provided. If this agreement is acceptable, please sign below and return one original for our file. That signature will constitute formal authorization to proceed with the services according to the above terms.

**EXCLUSION**

ES&A, LLC understands that this contract does not preclude ES&A, LLC from being eligible from City capital improvement project solicitations or private development projects within the City's jurisdictional authority, where the City determines that no conflicts of interest exist.

ES&A, LLC understands that this contract does not preclude ES&A, LLC from being eligible for City capital improvement solicitations or private development projects within the City's jurisdictional authority, where no conflict of interest exists.

Sincerely,

Environmental Science & Assessment, LLC



Wallace Leake  
Principal/Sr Environmental Scientist

**City of Sherwood On-Call Services  
Escalated Rates Schedule  
23-Sep-11**

**ES&A,LLC                                      2011 Rate      2012 Rate      2013 Rate**

<i>Escalation Rate*</i>	<i>1.045</i>	<i>1.045</i>	
Principal/PM	\$122.72	\$128.24	\$134.01
Sr. Scientist 2	\$103.38	\$108.03	\$112.89
Sr. Scientist 1	\$100.04	\$104.54	\$109.25
Scientist	\$69.36	\$72.48	\$75.74

**Assessment Associates, Inc.**

<i>Escalation Rate*</i>	<i>1.045</i>	<i>1.045</i>	
Senior PM	\$95.00	\$99.28	\$103.75
PM	\$85.00	\$88.83	\$92.82

**Boardman Studio**

<i>Escalation Rate*</i>	<i>1.045</i>	<i>1.045</i>	
Principal/PM	\$105.00	\$109.73	\$114.66
GIS/Drafter/Graphics	\$55.00	\$57.48	\$60.06
Admin/Clerical	\$45.00	\$47.03	\$49.14

**Michael Minor & Associates**

<i>Escalation Rate*</i>	<i>1.045</i>	<i>1.045</i>	
Principal/PM	\$140.00	\$146.30	\$152.88
Project Engineer	\$130.00	\$135.85	\$141.96
Air Specialist	\$110.00	\$114.95	\$120.12
Technical	\$95.00	\$99.28	\$103.74
Graphics/Editing	\$75.00	\$78.38	\$81.90

**Willamette CRA**

<i>Escalation Rate*</i>	<i>1.045</i>	<i>1.045</i>	
Principal/PM	\$77.54	\$81.03	\$84.68
Field Director	\$73.37	\$76.67	\$80.12
Field Coordinator	\$64.33	\$67.22	\$70.25
Ethnographer	\$74.13	\$77.47	\$80.95
Project Asst.	\$54.34	\$54.34	\$56.79
Field Archaeologist	\$47.72	\$49.87	\$52.11

**Wannamaker Consulting**

<i>Escalation Rate*</i>	<i>1.045</i>	<i>1.045</i>	
Senior Consultant	\$154.00	\$160.93	\$168.17
Senior Planner	\$124.00	\$129.58	\$135.41
Planner/Public Involvement 2	\$93.00	\$97.19	\$101.56
Planner/Public Involvement 1	\$63.00	\$65.84	\$68.80
Project Assistant	\$51.00	\$53.30	\$55.69
Graphics	\$53.00	\$55.39	\$57.88

*\*Escalation Rate will not exceed 1.045.*



**RESOLUTION 2011-086**

**A RESOLUTION FOR CITY MANAGER PRO TEM TO RECEIVE  
OUT OF CLASS PAY**

**WHEREAS**, the City Manager position will become vacant after October 5, 2011 and Tom Pessemier has been selected as City Manager Pro Tem, and

**WHEREAS**, The City of Sherwood has regularly paid a 5% out of class incentive for staff working significantly outside of their regularly assigned duties,

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

Section 1. Provide a 5% out of class payment premium during the period that Tom Pessemier fills the City Manager Pro Tem position.

Section 2. The Human Resources and Finance Staff shall prepare the appropriate paperwork for the Mayor to sign to enact the out of class pay.

**Duly passed by the City Council this 4<sup>th</sup> day of October 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

TO: Sherwood City Council  
FROM: Michelle Miller, AICP Associate Planner  
Through: Tom Pessemier, Community Development Director  
Subject: Development Code Clean-Up: Public Infrastructure, Land Division, and Site Plan Modification

### EXECUTIVE SUMMARY

**Summary:** As part of a multi-phase code clean-up project with the goal of providing a more clear and usable code for both citizens and developers alike, the proposed amendments include updates to: 1) public infrastructure with added, tables and figures, 2) the land division process including subdivisions, partitions and lot line adjustments, and 3) site plan modifications. The Planning Commission held a public hearing on August 23, 2011 and forwarded a recommendation (Exhibit 1) of approval to the City Council. The Planning Commission's recommended code amendments are attached as Exhibit 1-A showing the scrivener error corrections from the September 20, 2011 Council hearing. The Council continued the hearing order to discuss lot averaging for subdivisions and the construction bond amount.

**Previous Council Action:** The City Council held a hearing on September 20, 2011 and continued the deliberations to October 4, 2011 in order to address the issue of lot averaging and the appropriate amount to calculate for a construction bond for the public improvements.

**Background/Problem Discussion:** The City began the multi-phase code update in April 2010, with updates to multiple sections of the Sherwood Zoning and Development Code. Council held a public hearing regarding land divisions, public infrastructure and site plan modifications. Council requested staff propose alternative language to the Council regarding lot averaging for subdivisions and address the appropriate construction bond amount for public infrastructure. Attachment 2 includes more detailed discussion of the lot averaging language and options for Council to consider.

**Alternatives:** Approve, approve with modifications or deny the Planning Commission recommendation.

**Financial Implications:** There will be costs associated with making the Code updates available online and also updates to forms and providing informational materials to the public.

**Recommendation:** Staff recommends that the City Council discuss the proposed amended language on lot averaging and construction bond amount in order to adopt the attached Ordinance or direct staff to make additional modifications to the proposed text changes.

#### Attachments:

- Attachment 1: Alternative Proposed Code language regarding lot average and response to construction bond amount
- Ordinance: Ordinance 2011-011
- Exhibit 1: Planning Commission Recommendation
- Exhibit 1-A: Proposed Development Code Amendments with "Track Changes" as amended



## MEMORANDUM

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To: City Council  
From: Michelle Miller, AICP Associate Planner  
Date: October 4, 2011  
RE: Analysis of Lot Averaging and Construction Bond Amount

At the hearing on September 20, 2011, staff introduced the Planning Commission recommendation for proposed amendments to the Sherwood Zoning and Development Code regarding site plan modifications, public infrastructure and land divisions. PA 11-03. Council appeared generally supportive of most of the proposed code amendments, but requested further information and evaluation on the issue of lot averaging and the construction bond amount received prior to construction of the public infrastructure.

### **Lot Averaging**

The current Development Code has several alternatives in place to provide flexibility to the minimum lot size requirements in residential zones. An applicant may use Infill Development standards (§ 16.68) and Planned Unit Developments (PUD) § 16.40 to reduce some lots below the minimum lot size so long as the average size of all of the lots meets the minimum lot size for the entire development.

The proposed lot averaging code language creates another flexible alternative for developments rather than a planned unit development or infill when the only flexibility needed is a slight modification to the minimum lot size standard for some of the lots but keeps the development within an “average” lot size that meets the minimum lot size requirements overall. The lot size averaging is not uncommon among neighboring jurisdictions and grants the ability to provide a better site layout than might otherwise be available if strict adherence to the minimum lot size is required.

The following table reflects the minimum lot size per residential zone, the twenty percent reduction allowance for average lot size, the infill development standard for comparison purposes and describes a maximum lot size if lot averaging is used.

Residential Zone	Minimum Lot Size-single family	20 % Reduction in min. lot size	Infill Development 15% reduction (sites less than 5 acres)	Maximum Lot 20 % over min. lot size
Very low density (VLDR)	40,000	32,000	34,000	48,000
Low Density (LDR)	7000	5600	5950	8400
Medium Density Residential Low (MDRL)	5000	4000	4250	6000
Medium Density Residential High (MDRH)	5000	4000	4250	6000
High Density (HDR)	5000	4000	4250	6000

**Planning Commission Recommendation Proposed Language:**

*16.120.020 General Subdivision Provisions*

*E. Lot averaging*

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

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

**Proposed Language Alternatives**

1. Add a provision that the minimum lot size cannot fall below 5000 square feet (or other minimum amount.)  
This would result in the lot size averaging only being a viable option in LDR and VLDR zones; however the remaining zones would have some flexibility if the infill or PUD standards were used and there would also be the opportunity for multi-family developments with smaller lot sizes.
2. Add a provision that the maximum lot size cannot be greater than 20% of the minimum lot size. This would ensure that the development does not have only one or a few

disproportionately large lots compared to the remaining smaller lots being less than the minimum lot size.

3. Add a provision that all existing setback requirements are to remain in effect. This would specify that while the lot size may be less than the minimum lot size, all setbacks remain in effect.
4. Change the percentage of minimum lot size to 85% so that it is the same as the infill standards.
5. Modify the minimum lot size average overall to 10%

**Staff recommendation:**

Based on the discussion of the alternatives, it is recommended that the Council modify the proposed code amendments to incorporate both alternatives 1 and 2. Doing so would maintain the benefits of infill standards for MDRL, MDRH and HDR properties, while ensuring that the intent of the lot averaging is met. The following reflects the staff recommended change:

E. Lot averaging

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

1. The average lot area for all lots is not less than allowed by the underlying zoning district.
2. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district.
3. [The minimum lot size cannot fall below 5000 square feet.](#)
4. [The maximum lot size cannot be greater than 20% of the minimum lot size.](#)

**Construction Bond Provision**

At the hearing on September 20, 2011 City Attorney Elsner recommended that the bond amount be raised to 125% of the construction costs in order to ensure that the City has adequate funds available to complete the public infrastructure should the developer be unable to complete the project. Staff has reviewed this recommendation and concurs.

**Staff recommendation:** Change 16.108.020 to reflect the following:

**16.108.020 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 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 ~~twenty-five~~ percent (~~100~~<sup>125</sup>%) 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 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 irrevocable standing letter of credit.



**ORDINANCE 2011-011**

**AN ORDINANCE AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS III, V, VI, AND VII**

**WHEREAS**, The Sherwood Zoning and Community Development Code has not been comprehensively updated in many years; and

**WHEREAS**, the City has undertaken a multi-phase, multi-year program to comprehensively update the development code to ensure that it is clear, consistent, and current; and

**WHEREAS**, the Planning Commission helped guide the development of proposed amendments after extensive public outreach and opportunity for public input; and

**WHEREAS**, this phase includes amendments to Divisions III, V, VI and VII, specifically related to the public infrastructure, land divisions, site plan modifications and administrative process; and

**WHEREAS**, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

**WHEREAS**, the proposed amendments were subject to full and proper notice and review and a public hearing was held before the Planning Commission on August 23, 2011; and

**WHEREAS**, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed Development Code modifications; and

**WHEREAS**, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

**WHEREAS**, the City Council held a public hearing on September 20, 2011 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1. Findings.** After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the Council adopts the findings of fact contained in the Planning Commission

recommendation attached as Exhibit 1 finding that the text of the SZCDC shall be amended as documented in Exhibit 1-A.

**Section 2. Approval.** The proposed amendments for Plan Text Amendment (PA) 11-03 identified in Exhibits 1-A is hereby **APPROVED**.

**Section 3 - Manager Authorized.** The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCDC and necessary updates to Chapter 16 of the municipal code in accordance with City ordinances and regulations.

**Section 4 - Applicability.** The amendments to the City of Sherwood Zoning and Community Development Code by Sections 1 to 3 of this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

**Section 5 - Effective Date.** This ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 4<sup>th</sup> day of October 2011.**

\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, CMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Henderson	_____	_____
Grant	_____	_____
Mays	_____	_____

**City of Sherwood  
Staff Report Following Planning Commission  
Recommendation to the City Council**

**September 9, 2011**

**File No: PA 11-03 Land Divisions, Public Infrastructure and Site Plan  
Modifications**

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**Proposal:** Amendments to the Development Code on this phase of the “Code Clean-Up” project include updates to: 1) site plan modifications, 2) public infrastructure with added tables and figures, and the 3) the land division process including subdivisions, partitions and lot line adjustments.

The Planning Commission held a hearing on August 23, 2011. After discussion of the various topics within the sections, the Commission recommended several minor alterations to the proposed language. After consideration of the public testimony and staff recommended changes, the Commission voted to forward the proposed amendments to the Council for approval.

**I. BACKGROUND**

- A. Applicant: This is a City-initiated text amendment; therefore the applicant is the City of Sherwood.
- B. Location: The proposed amendment is to the text of the development code and, therefore applies citywide.
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. Any appeal of the City Council decision would go directly to the Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the August 23, 2011 Planning Commission hearing on the proposed amendment was published in *The Gazette* on 8/1/11 and *The Times* on 8/18/11. Notice was posted in 5 public locations around town and on the web site on 7/22/11. Regular updates were provided in the City newsletter.

While this does apply citywide, it does not affect the permissible uses of any property; therefore Measure 56 notice was not required or provided. DLCDC notice was provided 7/1/11.

- E. Review Criteria:  
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).
- F. Background:  
The city began the comprehensive code clean-up project in 2010 as a way to update all sections of the code to provide clarity to citizens and developers and to address any local, county, regional or state standards that have gone into effect and that require changes to the code. The Planning Commission has reviewed and the City Council has adopted multiple sections of the Code recently including the topics: residential uses, variances, street trees, and open space requirements for subdivisions.

## II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

### Agencies:

The City sent request for comments to the standard agency notification list. The City has received no responses to date.

### Public:

No formal public comments have been received to date on the proposed amendments; however the City and Commission have received input from the public during informal listening sessions and via public surveys. In addition, staff held a “brown bag” lunch meeting with private consultants and developers to get feedback on these issues.

## III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3.

### 16.80.030.1 - Text Amendment Review

**An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.**

### Need Identified

As discussed briefly above, the following proposed Code amendments were identified to clarify and create greater flexibility and organization for those that are seeking land use approval or modifications to existing site plans. The Planning Commission held a series of work sessions to discuss the proposed changes and considered public input before the changes were recommended. The following analyzes separately how the relevant chapters and divisions meet the need requirement.

### Site Plan Modification § 16.90.030

Currently, the Sherwood Zoning and Community Development Code, Section 16.90.020.3.0, requires all “proposed changes” to approved site plans to be “submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee”. This ambiguous, one-size-fits-all language has been a stumbling block to developers making changes, including improvements, to approved site plans. It has also resulted in staff reports in excess of 30 pages for a simple change to the parking layout or addition of a very small, accessory building to the site. While some proposed modifications to approved plans do warrant a full re-review, others can be processed quickly and efficiently at little cost to the developer or the community.

### Division VI. Public Infrastructure

This chapter regulates and describes standards for public improvements to the City’s infrastructure when development occurs. Several of the provisions included in this chapter need reorganizing, updating or removal because they are better suited in other sections of the Municipal Code or are technical design standards better addressed in the Engineering Design and Standards Detail Manual. For example, the Street Renaming procedure is Council policy design and not a land use decision. The Street Design Modifications process is arbitrary and confusing so a clearer process that is initiated at the time of land use submittal has been developed.

Other steps that have been taken to improve the clarity of the document include:

- Technical street design standards have been removed
- Language was inserted to refer to the Transportation System Plan and Engineering Design Manual instead of a specific criteria described in the development code
- Language requiring a rough proportionality finding
- New requirements for when a Transportation Study is required

### Division VII. Subdivisions, Partitions and Lot Line Adjustments

The current chapters are divided between the preliminary plat approval and the final plat approval. There is also a property or lot line adjustment chapter along with a chapter on lot design standard requirements. This has led to confusion regarding which standards and criteria apply to partitions, subdivisions and lot line adjustments. The proposed Code amendments reorganize these chapters into “subdivision” “partition” and “lot line adjustment” rather than “preliminary plat,” “final plat” and “partitions.” Currently, there is no specific subdivision chapter and the requirements for subdivisions are intermixed among the three chapters, causing confusion and misinterpretation of the requirements and order of the process for the particular land division process. By reorganizing the chapters, it will make the submittal requirements, process and criteria easier for the applicant to locate based on the type of land division requested. It also helps to clarify the appropriate process for recording the final plat at Washington County and provides the appropriate deadlines for processing these applications. Other changes help provide greater flexibility in the development process including allowing the entire subdivision to have an overall “average lot size” rather than a minimum lot size for each individual lot. The provisions retain a maximum amount that a lot size can be “flexed” to ensure that lot sizes do not get reduced below a buildable or acceptable amount. The proposed changes also allow smaller subdivisions (4-10 lots) to follow a Type II (staff review) process. Finally, a new process was developed for re-platting and vacating plats to help make the process clear as the current code is silent on the issue.

Upon review of the Comprehensive Plan, the following policies or strategies relate to all or some of the proposed amendments:

#### Comprehensive Plan and Code

##### *Chapter 6 Transportation Goal 2*

*Develop a transportation system that is consistent with the City’s adopted comprehensive land use plans and with the adopted plans of state local and regional jurisdictions.* The proposed amendments to the public infrastructure chapter were evaluated to ensure that they were consistent with the adopted local, state and regional jurisdictions. Specifically, the amendments provide for added reference to the Transportation System Plan and clearer requirements for transportation studies.

#### Applicable Regional (Metro) standards

There are no known Metro standards that this proposed amendment would conflict with.

#### Consistency with Statewide Planning Goals

##### Goal 1- “Citizen Involvement”

The purpose statement of Goal 1 is “to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”

The proposed code changes do not include changes to the City’s citizen involvement program, which is in compliance with Goal 1. Public outreach for this project includes informal listening sessions and staff held a “brown bag” lunch meeting with private consultants and developers to get feedback on these issues.

##### Goal 2- “Land Use Planning”

The purpose statement of Goal 2 is “to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions”.

The proposed code changes affect the land use process by making it easier to follow and use but do not change the way the land use application Code requirements are applied or the policy framework for which they are established. The City’s land use planning process and policy framework, which are in compliance with Goal 2, will not change.

**16.80.030.2 – Transportation Planning Rule Consistency**

**A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.**

**FINDING:** The amendments will not result in a change of uses otherwise permitted and will have no impact on the amount of traffic on the transportation system; therefore this policy is not applicable to the proposed amendment.

Added Code language to the chapters are identified with blue underline and deletions are identified with ~~a red strikethrough~~. Moving text from one section to another is identified with ~~green double strike-through~~ and where the language moved to is identified with green double underline.

## 16.90.020 Site Plan Review

### A. Site Plan Review Required

Site Plan review shall be required prior to any substantial change to a site or use, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use, and prior to the issuance of a sign permit for the erection or construction of a sign

For the purposes of Section 16.90.020, the term "substantial ~~alteration~~change" and "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48.
4. The activity constitutes a change in a City approved plan, ~~as~~ per Section 16.90.020 and is not considered a modification.
5. The activity involves the cutting of more than five (5) existing mature trees per acre, per calendar year.
6. The activity is subject to site plan review by other requirements of this Code.

7. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

~~7. Review of any proposed activity indicates that the project does not meet the standards of Section 16.90.020~~

### B. Exemption to Site Plan Requirement

1. Single and two family uses

2. Manufactured homes located on individual residential lots per Section 16.46.010, but including manufactured home parks,

3. Major modifications

4. Minor modifications

## ~~B. Exemptions~~

~~The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The action of the City Manager or his or her designee may be appealed as per Chapter 16.76.~~

## ~~CB. Plan Changes~~ 16.90.030 Site Plan Modifications and Revocation

### ~~1A. Changes~~ Modifications to Approved Site Plans

~~Construction, site development, landscaping, tree mitigation, habitat preservation, and other development activities shall be carried out in accordance with the site development plans per Chapter 16.72. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 16.90.020, that conflict with original approvals, or that otherwise may conflict with the standards of Section 16.90.020, shall be submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee.~~

#### 1. Major Modifications to Approved Site Plans

a. Defined. The review authority shall determine that a major modification(s) review is required if one or more of the changes listed below are proposed:

(1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);

(2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;

(3) A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;

(4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;

(5) An increase in the floor area or height proposed for non-residential use by more than 10 percent;

(6) A reduction of more than 10 percent of the area reserved for common open space; or

(7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items (1)-(2) as determined by the Review Authority.

b. Approval Criteria. An applicant may request a major modification as follows:

(1) Upon the review authority determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.

(2) The application shall be subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.

(3) The scope of review shall be limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.

(4) Notice shall be provided in accordance with Chapter 16.72.020.

(5) The decision maker shall approve, deny, or approve with conditions an application for major modification based on written findings of the criteria.

## 2. Minor Modifications to Approved Site Plans

a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification as provided, above.

b. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications shall involve only clear and objective code standards.

c. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, updated Clean Water Services (CWS) Service Provider Letter or equivalent acknowledgement from CWS, and a site plan using the same plan format as in the original approval if possible. The review authority may require other relevant information, as necessary, to evaluate the request.

d. Minor Modification Approval Criteria. The review authority shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as above.

## B. Revocation

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked.

# Division VI.

## **PUBLIC IMPROVEMENTS** INFRASTRUCTURE

### Chapter 16.104

#### GENERAL PROVISIONS\*

##### Sections:

##### **16.104.010** ~~Standards~~ Purpose

##### **16.104.020** Future Improvements

##### **16.104.030** Improvement Procedures

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

##### **16.104.010** ~~Standards~~ 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 any proposed construction of buildings and or other 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 to 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 ~~Construction Standard Drawings~~ Engineering Design and Standard Details Manual (Engineering Design 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 the maintenance costs to the City are comparable to traditional streets. ~~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 the Transportation System Plan (TSP) Chapters 4, 5, 6 and 7 of the Community Development Plan, are intended as general locations only. The precise alignments and locations of a public improvements shall be established during the actual development and use process and shall be depicted on public improvement plans submitted and approved pursuant to § 16. ~~106 and 108 and~~ 108 and other applicable sections of this Code.

(Ord. 2005-006 § 5; Ord. 86-851)

##### **16.104.030** Improvement Procedures

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the [Engineering Design Manual](#) and ~~shall be~~ installed in accordance with Chapter 16.10~~106.8~~. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, ~~Nea~~ public improvements shall not be undertaken until land use approval has been granted, an a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.

(Ord. 2005-006 § 5; Ord. 86-851)

~~Chapter 16.106~~

~~IMPROVEMENT 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~~

~~Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per this Section.~~

~~A. Review Fee~~

~~Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business 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.~~

~~B. Engineering Agreement~~

~~A copy of an agreement or contract between the applicant and Registered Civil Engineer for:~~

~~1. Surveying sufficient to prepare construction plans.~~

~~2. Preparation of construction plans and specifications.~~

~~3. Construction staking, and adequate inspection.~~

~~4. Construction notes sufficient to develop accurate as-built plans.~~

- ~~5. Drawing of accurate as-built plans and submission of reproducible mylars to the City.~~
  - ~~6. Certificate stating that construction was completed in accordance with required plans and specifications.~~
- ~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)~~

**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~~

~~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\*~~ Chapter 16.106

TRANSPORTATION FACILITIES

Sections:

16.108106.010 Generally

16.108106.0230 Required Improvements

16.108106.040-030 Location

16.108106.050-040 Street Design

16.108106.060-050 Sidewalks

16.108106.070-060 Hwy. 99W Capacity Allocation Program (CAP)

16.108106.080-070 Bike Paths

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

16.108106.010 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 street classification ~~of said streets~~, as shown on the ~~Transportation Plan (TSP) Map~~ and in, shown in Figure 1, of Chapter 6 of the Community Development Plan, and ~~in~~ other applicable City standards. The following table depicts the guidelines for the street characteristics.

Type of Street	Right of Way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (exclusive of Curb)	Median Width
<b>Principal Arterial (99W)</b>	122'	4-6	12'	Prohibited	6'	6'	5'	14'
<b>Arterial</b>	60-102'	2-5	12'	Limited	6 feet	6-8 f'	5'	14' if required
<b>Collector</b>	58-92'	2-3	11'	8' optional	6'	6-8'	5'	14' median turn lane
<b>40' Commercial/Industrial Not Exceeding 3000 vehicles per day</b>	64'	2	20'	8'	none	6'	5'	none
<b>50' Commercial/Industrial Exceeding 3000 vehicles per day</b>	64'	2	12'	8'	5'	6'	5'	none
<b>Neighborhood 1,000 vehicles per day</b>	64'	2	18'	8'	None	8'	5' with 1' buffer	none
<b>Local</b>	52'	2	14'	8' on one side only	None	6'	5' with 1' buffer	none
<b>Alley</b>	16-25'	1-2	10-12'	One side if 20'	none	none	none	none
<b>Downtown Street Standard</b>	60'	2	11'	7'	none	12' pedestrian zone	4' (included in pedestrian zone)	none

B. Street Naming

1. All streets created by ~~the~~ subdivision or partition ~~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, a~~ At the request of the owner(s), ~~a private may be named and addresses issued with the approval of the City~~ the City may approve a private street name and address. 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~~ \*Note: Move to Municipal Code Title 12 on Streets, Sidewalks and Public Places

~~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:~~

~~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.~~

DC. 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.

**ED.** [Preferred](#) 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.
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)

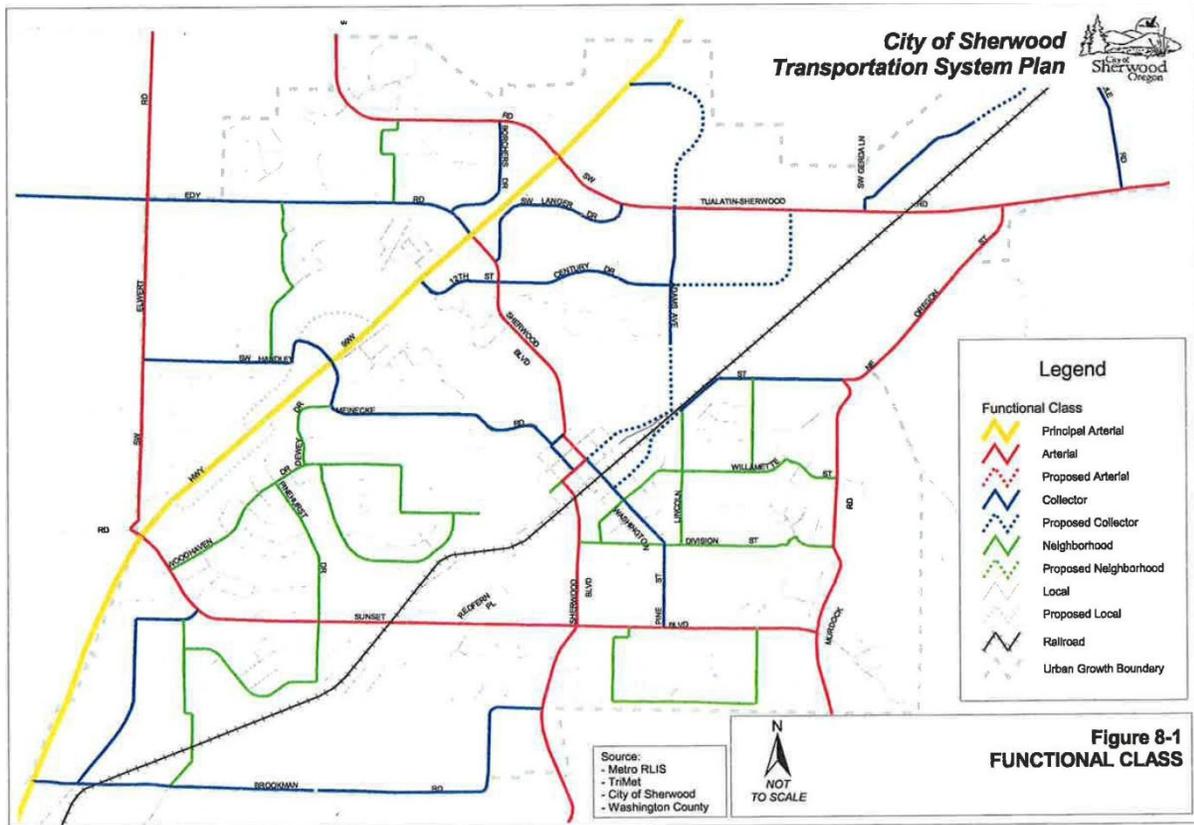
Note: Section 16.108.020, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) and permanently relocated in the Municipal Code).

**16.108.106.030-020** 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. The following figure provides

the depiction of the functional classification of the street network as found in the Transportation System Plan, Figure 8-1.



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

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the [Transportation System Plan TSP](#) and

applicable City ~~standards and~~ specifications included in the City of Sherwood Construction Standards, ~~and~~ Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. ~~An a~~ Applicants may be required to dedicate land ~~and build for required public improvements only when~~ the exaction is directly related to and roughly proportional to the impact of the development.

2. ~~If the City could and would otherwise require~~ the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:
  - a. ~~A partial improvement is not feasible due to the inability to achieve proper design standards;~~
  - b. ~~A partial improvement may create a potential safety hazard to motorists or pedestrians.~~
  - c. ~~Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;~~
  - d. ~~The improvement would be in conflict with an adopted capital improvement plan;~~
  - e. ~~The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or~~
  - f. ~~Additional planning work is required to define the appropriate design standards for the street and the application is for a project which that would contribute only a minor portion of the anticipated future traffic on the street.~~

~~Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.~~

E. Street Transportation Facilities Modifications

1. ~~A m~~Modifications to ~~a~~ 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~~ A mModification requests concerns a deviation from the ~~construction of facilities, rather than their~~ general design

standards for of public facilities, and are ~~limited to the following when a deviating deviation from standards~~ in this Chapter, Section ~~16.58.010, the~~ 1 or ~~Chapter 8 contained~~ i in the adopted Transportation System Plan: The following standards that ~~may be modified through the following process include but are not limited to:~~

~~(1) Surfacing materials for roads or pedestrian facilities.~~

~~(2) Asphalt and/or base rock thickness less than required.~~

~~(3) Pavement marking layout.~~

~~(4) Exceeding the maximum street grade.~~

~~(5) Type and/or location of signage.~~

~~(6) Channelization.~~

~~(7) Intersection interior angles and curb radii less than required.~~

~~(8) Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested.~~

~~(9) Access-related modifications onto collectors, arterials, and state routes provided other substantive criteria such as sight distance and limited access points are met; and provided further that access to a lesser classification of road is not available.~~

~~(10) Needed changes as a result of a field investigation during construction.~~

~~(11) Similar revisions to the standards.~~

~~b. Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from this Chapter, Section 16.58.010 or Chapter 8 cross sections in the adopted Transportation System Plan:(1)~~

a. Reduced sight distances.

~~(2)~~b. Vertical alignment.

~~(3)~~c. Horizontal alignment.

~~(4)~~d. Geometric design (length, width, bulb radius, etc.).

~~(5)~~e. Design speed.

~~(6)~~f. Crossroads.

~~(7)~~g. Access policy.

8)h. A proposed alternative design which provides a plan superior to these standards.

(9)j. ~~All other standards.~~ Low impact development.

j. Access Management Plans

~~3. Procedure. A modification request shall be classified as an administrative decision by the City Engineer. 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 as Type II applications, unless defined under (C)(2) below. The application shall include sufficient technical analysis to enable a reasoned decision and shall include a letter of concurrency from the City Engineer.~~

~~b3. Design Modification Procedure~~

a. Design Mm ~~A m~~ modifications shall be proposed with the submittal application for land use approval. ~~land use approval.~~

~~in conjunction with the application for the underlying development proposal and~~

b. A The modification is processed as a Type III application. ~~Design m~~ Modification requests shall be processed in conjunction with the underlying development proposal, unless it is submitted subsequent to the decision for the underlying development proposal. The design modification application shall:

c. When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.

~~(1) Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable.~~

~~(2) Include a letter of Concurrency from the City Engineer.~~

~~(3) 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.~~

~~(4) 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.~~

~~(5) 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.~~

4. Criteria for Modification: Street modifications ~~Modifications~~ may be granted when criterion 4a and any one of ~~criteria 4b through 4f~~ 4e are met:

~~a. A letter of concurrency is obtained from the City Engineer or designee. f~~

~~a. In reviewing a modification request, c shall~~ 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.

b. 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.

c. 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.

d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.

e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.

~~f. 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)~~

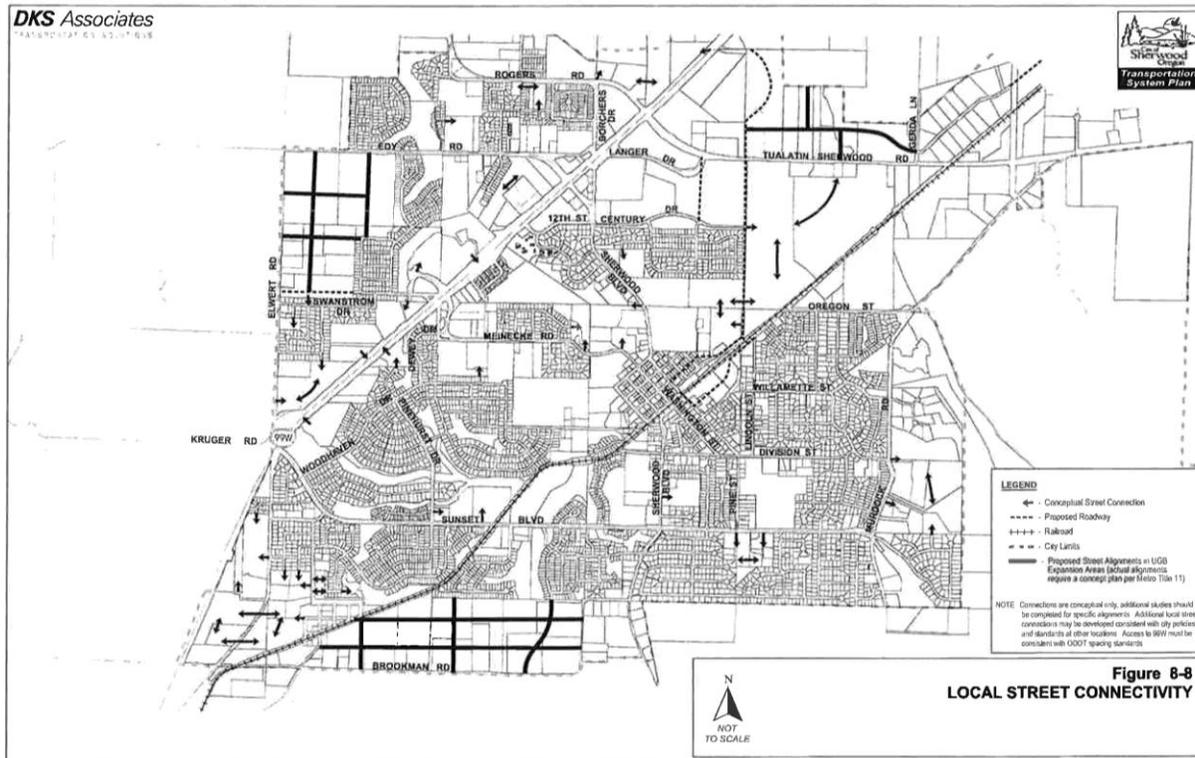
#### **16.108106.040-030 Location**

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.

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. \_\_\_ 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 decision-maker.

b. \_\_\_ 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.

c. \_\_\_ 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 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 ~~TSP~~ [Transportation System Plan](#).
7. Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:
  - a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.
  - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
  - c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

#### 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)

**D. Additional Setbacks**

Generally ~~Additional~~additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.

TABLE INSET:

	Classification	Additional Setback
1.	<del>Major-Principle</del> Arterial <u>(99W)</u>	61 feet
2.	<del>Minor</del> -Arterial	37 feet
3.	Collector	<del>29 feet</del> <u>32 feet</u>
4.	<del>Local</del> <u>Neighborhood Route</u>	<del>26 feet</del> <u>32 feet</u>
5.	<u>Local</u>	<u>26 feet</u>

**16.108106.050-040 Street Design**

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

A. Reserve Strips

Reserve strips or street plugs controlling access or extensions to streets ~~shall~~are 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 appropriate jurisdiction that maintains the street.

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~~are 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 proposed development and provide at the required roadway width ~~necessary for the future 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.~~ the Engineering Design Manual.

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 all cases, the applicant shall comply with refer to the Engineering Design Manual. 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. A cul-de-sac and shall not be no more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.

2. All cul-de-sacs shall terminate with a ~~circular turnaround no more than 40 feet in radius (i.e. from center to edge of pavement) or hammerhead~~ turnaround in accordance with the specifications in the Engineering Design and Construction Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.

~~the near side of the intersecting street to the farthest point of the cu~~4.3. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sacs or dead-end streets are is 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, the TSP, and other the Engineering Design and Standards Detail Manual or other provisions identified in this Code for the preservation of in order to preserve trees.

F. Grades and Curves

Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual. ~~not exceed six percent (6%) for arterials, ten percent (10%) for collector streets or neighborhood routes, and twelve percent (12%) for other streets. Center line radii of curves shall not be less than two hundred (200) feet for arterials or one hundred (100) feet for other streets. Where existing conditions, such as topography, make buildable sites impractical, steeper grades and sharper curves may be approved. Finished street grades shall have a minimum slope of one-half percent (1/2%).~~

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, Chapter 8, median islands may be required ~~used~~ on arterial or collector streets for the purpose of controlling access, providing for pedestrian ~~or safety or~~ for aesthetic purposes.

~~J. Curbs~~

~~Except in the Old Town Overlay District where curbless (woonerf) streets are permitted, or as otherwise approved by the City Engineer, curbs shall be installed on both sides of public streets and shall be at least six (6) inches in height.~~ ~~K.~~

J. Transit Facilities

Developments along an existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, ~~shall be~~ is 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~~K. Traffic Controls

1. ~~For An application for a proposed residential developments that will generate more than with over an estimated 200 average daily vehicle trips (ADT) For developments of five (5) acres or more, the City may require requires must include~~ 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 prioissuance of a constructi~~
2. For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.

~~M~~L. Traffic Calming

- 1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:
  - a. Curb extensions (bulb-outs).
  - b. Traffic diverters/circles.
  - c. Alternative paving and painting patterns.
  - d. Raised crosswalks, speed humps, and pedestrian refuges.
  - e. Other methods demonstrated as effective through peer reviewed engineering studies.
2. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.

M.A. 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~~ [Engineering Design Manual](#).

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 ~~the City 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 UNAVAILABLE: [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.

~~There~~ 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:

(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 submitted to \_\_\_\_\_ and reviewed and \_\_\_\_\_ approved by the City Engineer ~~after considering the applicant's compliance with this Chapter~~ as Tthe access management plan must be included as part of the part of land use submittal or an application for modification as described in § 16.106.020 E. (Transportation —Facilities Modifications) and the Engineering Design - Manual.

~~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. References to standards or publications used to prepare the Access Management Application shall be included with the application, including citations and numbers of engineering publications used to demonstrate compliance.~~

~~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~~

b. 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)

**16.118.050 N. Private Streets**

1. The construction of a new private streets, serving a single-family residential developments shall be is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).

2. 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.

3. 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.

4. A private street shall also be signed differently from public streets and include the words "Private Street".

## **16.108106.060 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 ~~Commission~~ City Manager or designee 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~~ City Manager or designee.

### **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.

### **C. Pedestrian and Bicycle Paths**

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.

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

Chapter 16.106108-

IMPROVEMENT PLAN REVIEW\*

Sections:

16.106108.010 Preparation and Submission

16.106108.020 Construction Permit

16.106108.030 Construction

16.106108.040 Acceptance of Improvements

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

16.106108.010 Preparation and Submission

Required An improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of ~~said~~ the plans shall be submitted to the City for review. An ~~improvements~~ plans shall be accompanied by a review fee as per this Section.

A. Review Fee

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business 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.

B. Engineering Agreement

A copy of an agreement or contract between the applicant and Registered Civil Engineer for:

1. Surveying sufficient to prepare construction plans.
2. Preparation of construction plans and specifications.
3. Construction staking, and adequate inspection.
4. Construction notes sufficient to develop accurate as-built plans.
5. Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.
6. Certificate stating that construction was completed in accordance with required plans and specifications.

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

16.106108.020 Construction Permit

A. Approval

The City will return one (1) set of plans to the applicant marked "approved," ~~or~~ "approved as noted" 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 e~~asements 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, ~~or~~ a cash deposit, or ~~irrevocable letter of credit,~~ ~~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)

### **16.106108.030 Construction**

#### **A. Initiation of Construction**

Actual construction of 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 and an electronic copy of the base files in "AutoCad" or PDF format 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~~ may 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~~108.040 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~~ notice 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

Prior to ~~At the time of~~ City acceptance of public improvements, the applicant shall ~~file with~~ provide the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, for the purpose of correcting ~~to provide for correction of~~ any defective work or maintenance that ~~becomes~~ing apparent or arisesing within ~~one two~~ (12) years after final acceptance of the public improvements.

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

Division VII. LAND DIVISIONS

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

Chapter 16.120

~~GENERAL PROVISIONS~~ SUBDIVISIONS\*

Sections:

**16.120.010 Purpose**

**16.120.020 General Subdivision Provisions**

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

**16.120.040 Approval Criteria: Preliminary Plat**

**16.120.050 Final Subdivision Plat**

**16.120.060 Improvement Agreement**

**16.120.070 Bond**

**16.120.080 Filing and Recording**

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

**16.120.010 Purpose**

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

(Ord. 86-851, § 3)

**16.120.020 General Subdivision Provisions**

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

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

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

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

C. Future re-division

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

D. Future Partitioning

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

E. Lot averaging

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

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

F. Required Setbacks

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

DG. Property Sales

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

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

A. Approval Authority

1. The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.
  - a. A subdivision application for 4-10 lots will follow a Type II review process.
  - b. A subdivision application for 11-50 lots will follow a Type III review process.
  - c. A subdivision application for over 50 lots will follow a Type IV review process.
2. Approval of subdivisions ~~and partitions~~ is required in accordance with this Code before a plat for any such subdivision ~~or partition~~ may be filed or recorded with ~~Washington~~ County. Appeals to a decision may be filed pursuant to Chapter 16.76.

~~B. Future Partitioning~~

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

~~C. Required Setbacks~~

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

~~D. Property Sales~~

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

B. Phased Development

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

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

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

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

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

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

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

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

No preliminary plat shall be approved unless:

1A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

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

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

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

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

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

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

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

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

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

## **Chapter 16.122**

### **PRELIMINARY PLATS\***

Sections:

#### **16.122.010 Generally**

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

#### **16.122.010 Generally**

~~A. — Approval Required~~

~~All subdivisions and partitions are subject to preliminary plat approval through the Type II, Type III or Type IV review processes. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall however, be binding upon the City for the purpose of preparation of~~

~~the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.~~

~~B. Action~~

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

~~Chapter 16.124~~

~~FINAL PLATS\*~~

~~Sections:~~

~~16.124.010 Generally~~

~~16.124.020 Final Plat Review~~

~~16.124.030 Creation of Streets~~

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

~~16.124.010 Generally~~ 16.120.050 Final Subdivision Plat

A. ~~Time Limits~~ Procedure

1. ~~Unless otherwise noted below, Within two (2) years after approval of the preliminary plat, a final plat shall be submitted.~~ final subdivision approval includes meeting all conditions from the land use approval, review and approval by County, and the signature of the City's designee on the mylar.
2. The subdivider shall submit ~~to the City six (6) copies of~~ the final plat, and all supplementary information required by the Planning Department or pursuant to this Code.
3. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.
4. All requirements for signature of the mylar shall be completed within two years of approval of the final plat.

B. Extensions

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

~~C. — Staging~~

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

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

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

1. The final plat is consistent in design (e.g., number and dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems;
5. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
6. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);

7. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance Division VI of this Code, and the bond requirements of 16.120.070. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;

8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

~~1. Date of approval, scale, north arrow, legend, and controlling topography such as creeks, highways, and railroads.~~

~~2. Legal description of the plat boundaries.~~

~~3. Existing surveys related to the plat by distances and bearings, and referenced as follows:~~

~~a. The location and description of all stakes, monuments, and other evidence used to determine the boundaries of the subdivision.~~

~~b. Adjoining corners of all contiguous subdivisions.~~

~~c. Section, township, range, donation land claim lines and boundaries of any lots within previously recorded subdivision plats within or adjacent to the plat.~~

~~d. Location and description of all monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Code.~~

~~4. Tract, block and lot boundary lines, and street rights-of-way and centerlines, with dimensions, bearings, radii, arcs, delta angles, points of curvature and tangent bearings. Normal highwater lines for any creek or other body of water shall be shown. Error of closure shall be within the limits of one (1) foot in four thousand (4,000) feet. No ditto marks shall be used. Lots containing one (1) acre or more shall be shown to the nearest 0.01 feet. Bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.~~

~~5. The width of streets being dedicated, the width of any existing rights-of-way, and the widths on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline, and in addition to centerline dimensions shall indicate the radius and central angle. This data may be shown in a table.~~

~~6. Easements within or adjacent to the plat denoted by fine dotted lines, clearly identified, and, if already of record, a recorded reference. If any easement is not of record, a statement of the easement~~

showing the widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, shall be properly referenced in the certificate of dedication.

~~7. Lot numbers beginning with the number "1" and numbered consecutively in each block. Block numbers, if used, should begin with the number "1" and continue consecutively without omission or duplication. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the plat last filed.~~

~~8. Land parcels to be dedicated for any purpose are to be distinguished from lots intended for sale, and titled to identify their intended use.~~

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

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

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

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

~~E. Submitted With Plat~~

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

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

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

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

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

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

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

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

**16.120.060 Improvement Agreement**

**~~16.124.020 Final Plat Review~~**

A. Subdivision Agreement

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

B. Performance Security

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

~~A. Approval~~

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

~~B. Exceptions~~

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

~~1. The street creation is required by the City and is essential to general traffic circulation.~~

~~2. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less.~~

~~C. Easements~~

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

~~1. The access is to a parcel exceeding five (5) acres in size, and used for agriculture, horticulture, grazing, or timber growing, or~~

~~2. The easement is the only reasonable method by which the rear portion of an unusually deep lot, large enough to warrant partitioning into two (2) or more parcels, may obtain access. Such easement shall conform to all other access provisions of this Code.~~

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

~~c. Utilities~~

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

~~d. Drainages~~

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

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

**16.120.070 Bond**

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

1. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.
2. 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.
3. 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.
4. 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 for reimbursement.
5. Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.

~~C. Staff Review~~

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

**16.120.080 Filing and Recording of Final Subdivision Plat**

~~D. Plat Approval~~

A. County Review

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

EB. County Approval Recording the Plat

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

FC. Effective Date

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

~~G. Required Findings~~

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

- ~~1. All required public streets and floodplain areas are dedicated without any reservation or restriction other than easements for public utilities and facilities.~~
- ~~2. Streets and roads held for private use have been approved by the City.~~
- ~~3. The plat complies with the standards of the underlying zoning district and other applicable standards of this Code and is in conformity with the approved preliminary plat.~~

~~4. The plat dedicates to the public all required common improvements and areas, including but not limited to streets, floodplains, parks, sanitary sewer, storm water, and water supply systems.~~

~~5. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the subdivided land, as determined by the City and are in compliance with City standards. For the purposes of this section:~~

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

~~b. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system.~~

~~c. The adequacy of other public facilities such as storm water and streets shall be determined by the City based on applicable City policies, plans, and standards for said facilities.~~

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

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

## ~~16.124.030 Creation of Streets~~

### ~~Chapter 16.126~~

#### ~~DESIGN STANDARDS\*~~

~~Sections:~~

#### ~~16.126.010 Blocks~~

#### ~~16.126.020 Easements~~

#### ~~16.126.030 Pedestrian and Bicycle Ways~~

#### ~~16.126.040 Lots~~

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

#### ~~16.126.010 Blocks~~

##### ~~A. Connectivity~~

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

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

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

Figure 7.401—Block Connectivity

GRAPHIC UNAVAILABLE: [Click here](#)

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

### **16.126.020 Easements**

#### **A. Utilities**

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

#### **B. Drainages**

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

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

### **16.126.030 Pedestrian and Bicycle Ways**

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

~~(Ord. 86-851, § 3)~~

### **16.126.040 Lots**

#### **A. Size and Shape**

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

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

**B. Access**

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

**C. Double Frontage**

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

**D. Side Lot Lines**

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

**E. Grading**

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

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

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

**Chapter 16.128122**

**LAND PARTITIONS\***

Sections:

**16.128122.010 Generally**

**16.122.020 Approval Criteria: Preliminary Partition Plat**

**16.122.030 Approval Criteria: Final Plat**

**16.128122.020-040 Subdivision-Partition Compliance**

**16.128122.030-050 Dedications**

**16.128122.040-060 Filing Requirements**

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

**16.128122.010 Generally**

A. Approval Required

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

B. City Action

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

~~C.~~ 16.122.020 Required Findings Approval Criteria: Preliminary Plat

Partitions shall not be approved unless:

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

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

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

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

~~b2.~~ b2. Connection to the City sewer system shall be deemed to be adequate ~~Adequate~~ sanitary sewer service ~~shall be deemed to be connection to the City sewer system~~ if sewer lines are within ~~one hundred fifty (150)~~ three hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within ~~one hundred fifty (150)~~ three hundred (300) feet.

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

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

**DE.** Future Development Ability

In addition to the findings required by Section 16.~~128~~122.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

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

**16.122.030: Final Partition Plat**

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

- A. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
- B. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.
- C. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
- D. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;
- E. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
- F. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
- G. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

**16. ~~128122.020~~ 040 Future Subdivision Compliance**

~~A. Generally~~

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

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

**16. ~~128.030~~ Dedications**

~~A. Generally~~

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

~~B. Dedications Acceptance~~

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

~~C. Owner Declaration~~

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

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

**16. ~~128122.040~~ 050 Filing and Recording Requirements**

A. Generally

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

B. Time Limit

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

C. Extension

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

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

## Chapter 16. ~~130~~124

### PROPERTY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS\*

Sections:

#### 16.124.010 Approval Process

#### ~~16.130~~124.010-020 ~~Generally~~Approval Criteria

#### ~~16.130~~124.020-030 Filing and Recording Requirements

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

#### ~~16.130~~124.010 ~~Generally~~Approval Process

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

#### B. Time Limit on Approval

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

#### C. Extension of Approval

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

#### 16.124.020 Approval Criteria

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

1. No new lots are created
2. The adjusted lots comply with the applicable zone requirements.

3. The adjusted lots continue to comply with other regulatory agency or department requirements.
- B. If the property line adjustment is processed with another development application, all applicable standards of the Code shall apply.

~~16.130~~124.020-030 **Filing and Recording Requirements**

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

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

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

**16.126 REPLATTING, LOT CONSOLIDATIONS AND VACATION OF PLATS**

**16.126.010. Generally**

**16.126.020 Basis for Denial.**

**16.126.030. Timing of Vacations.**

**16.126.040 After Sale of Lots.**

**16.126.050 Lot Consolidations**

**16.126.010. Generally**

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

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

**16.126.020 Basis for Denial**

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

**16.126.030. Timing of Vacations**

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

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

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

**16.126.040 After Sale of Lots**

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

**16.126.050 Lot Consolidations**

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

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

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

**Chapter 16.126128 LAND DIVISION DESIGN STANDARDS \***

**16.126128.010 Blocks**

**16.126128.020 Pedestrian and Bicycle Ways**

**16.126128.030 Lots**

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

**16.126128.010 Blocks**

A. \_\_\_\_\_ Connectivity

1. \_\_\_\_\_ Block Size:

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

2. \_\_\_\_\_ Block Length

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

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

Figure 7.401 -- Block Connectivity

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

A.B. Utilities

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

B.C. Drainages

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

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

16.126128.020 Pedestrian and Bicycle Ways

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

(Ord. 86-851, § 3)

16.126128.030 Lots

A. Size and Shape

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

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

B. Access

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

C. Double Frontage

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

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

E. Grading

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

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

## Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS\*

### Sections:

[16.72.010 Generally](#)

[16.72.020 Public Notice and Hearing](#)

[16.72.030 Content of Notice](#)

[16.72.040 Planning Staff Reports](#)

[16.72.050 Conduct of Public Hearings](#)

[16.72.060 Notice of Decision](#)

[16.72.070 Registry of Decisions](#)

[16.72.080 Final Action on Permit or Zone Change](#)

### 16.72.010 Generally

#### A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

#### 1. Type I

The following quasi-judicial actions shall be subject to a Type I review process:

- a. Signs
- b. Property Line Adjustments
- c. Interpretation of Similar Uses
- d. Temporary Uses
- e. Final [subdivision and partition plats](#)
- f. Final Site Plan Review
- g. Time extensions of approval, per Sections 16.90.020; 16.124.010
- h. Class A Home Occupation Permits
- i. Interpretive Decisions by the City Manager or his/her designee
- j. Tree Removal Permit - a street trees over five (5) inches DBH, per Section 16.142.050.B.2 and 3.
- k. Adjustments
- l. [Replating, Lot Consolidations and Vacations of Plats](#)
- m. [Minor Modifications to Approved Site Plans](#)

#### 2. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

- a. Land Partitions
- b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.
- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.4, below.
- d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum

of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.4.G.4.

e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in 16.90.020.4.H.1.

f. Class B Variance

[g. Street Design Modification](#)

[h. Subdivisions between 4-10 lots](#)

### 3. Type III

The following quasi-judicial actions shall be subject to a Type III review process:

a. Conditional Uses

b. Site Plan Review -- between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.4, below.

c. Subdivisions -- ~~Less than~~ [between 11-](#) 50 lots.

### 4. Type IV

The following quasi-judicial actions shall be subject to a Type IV review process:

a. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.

b. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.

c. Site Plans -- Greater than 40,000 square feet of floor area, parking or seating capacity.

d. Site Plans subject to Section 16.90.020.4.G.6.

e. Industrial Site Plans subject to Section 16.90.020.4.H.2.

f. Subdivisions -- ~~More than~~ [over](#) 50 lots.

g. Class A Variance

### 5. Type V

The following legislative actions shall be subject to a Type V review process:

a. Plan Map Amendments

b. Plan Text Amendments

c. Planned Unit Development -- Preliminary Development Plan and Overlay District.