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**SECTION 400  
OVERLAY ZONES**

**400.010 Overlay Zone Application.** The following overlay zones and conditions therein, shall be applied to any zoning district which the Planning Commission deems necessary to carry out the intention of the overlay.

**400.020 Purpose.** Overlay zones are intended to address special conditions which are found in limited areas of the City. These conditions can arise from the natural or man made environment. The overlay zone may further restrict the uses or development standards than the base zoning or may further define specific development standards. Overlay zones may not permit any use which is otherwise prohibited, conditional or limited under the base zone or relax development standards.

**AIRPORT OVERLAY ZONE**

**410.010 Purpose.** This overlay zone is intended to comply with necessary restrictions associated with the Troutdale Airport. In order to carry out the provisions of this overlay zone, certain zones are defined and established which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to the City of Wood Village. Such zones are shown on the current Master Height Restriction Map (or equivalent) as prepared by the Port of Portland.

This overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls.

**410.020 Compliance.** In addition to complying with the provisions of the primary zoning district, uses and activities shall comply with the provisions of this overlay zone. In the event of any conflict between any provisions of this overlay zone and the primary zoning district, the more restrictive provisions shall apply.

**410.030 Special Definitions.**

- A. **Airport Approach Safety Zone.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for a Utility Runway having only visual approaches; 2,500 feet for a runway other than a Utility Runway having only visual approaches; 2,000 feet for a Utility Runway having a non-precision instrument approach; and 3,500 feet for a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile. The Airport Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet for each foot upward (20:1)

for all utility and visual runways and 10,000 feet at a slope of 34 feet for each one foot upward (34:1) for all non-precision instrument runways other than utility.

- B. **Airport Hazard.** Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
- C. **Airport Imaginary Surfaces.** Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
- D. **Clear Zone.** Extends from the primary surface to a point where the approach surface is 50 feet above the runway and elevation.
- E. **Conical Surface.** Extends one foot upward for each 20 feet outward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway or 10,000 feet for all non-precision instrument runways other than utility at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.
- F. **Horizontal Surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and 10,000 feet from the center of each end of the Primary Surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.
- G. **Noise Impact.** Noise levels exceeding 55 Ldn.
- H. **Place of Public Assembly.** A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.
- I. **Primary Surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches, 500 feet for Utility Runways having non-precision instrument approaches and 500 feet for other than Utility Runways.
- J. **Transitional Zones.** Extend one foot upward for each seven feet outward (7:1) beginning on each side of the Primary Surface which point is the same elevation

as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

- K. **Utility Runway.** A runway is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

**410.040 Use Restrictions.** Any use permitted in the zoning district in which the land is located, except as hereinafter limited by Section 410.050.

**410.050 Uses Requiring Conditional Use Review.**

- A. Single-family dwellings, manufactured homes, duplexes and multi-family dwellings, when authorized in the primary zoning district.
- B. Commercial and industrial uses, when authorized in the primary zoning district, which may result in the following:
  - (1) Electrical interference with navigational signals or radio communication between the airport and aircraft.
  - (2) Difficulty for pilots in distinguishing between airport lights and others.
  - (3) Impaired visibility.
  - (4) Creation of bird strike hazards.
  - (5) Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
  - (6) Attraction of large numbers of people.

**410.060 Prohibited Uses.**

- A. No place of public assembly shall be permitted in the Airport Approach Safety Zone.
- B. No structure or building shall be allowed within the Clear Zone.

**410.070 Development Restrictions.**

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above in Section 410.030 (C).

- B. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- C. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.

**410.080 Master Height Restriction Map.** See map on Page 4-7.  
(Prepared by Port of Portland)

**410.090 Review Procedure.** Uses requiring conditional use review shall be processed as a Type III review.

**410.095 Review Criteria.**

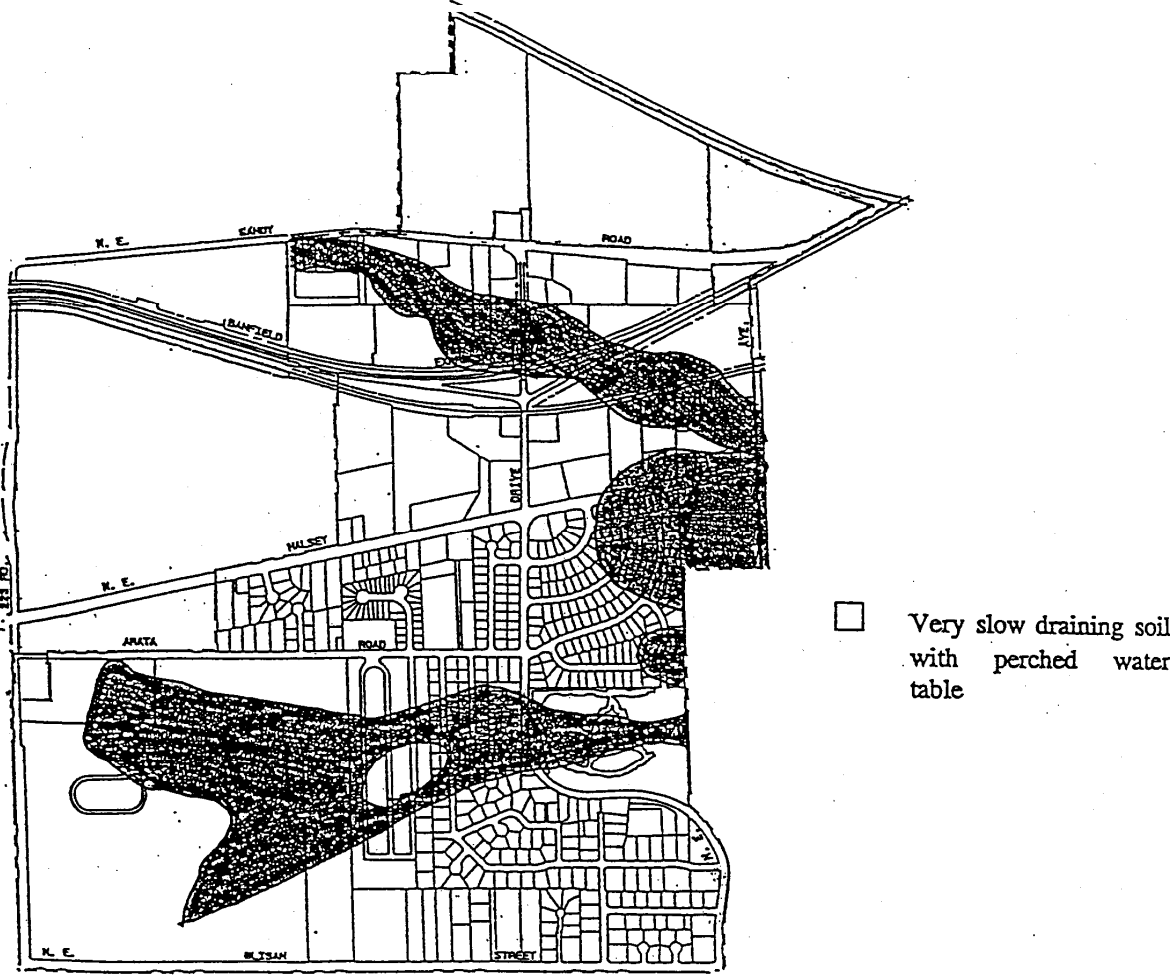
- A. Single family dwellings, manufactured homes, duplexes and multi family dwellings shall be approved provided that the landowner signs and records in the deed and mortgage records of Multnomah County a Noise Disclosure Statement and Aviation and Hazard Easement and submits them to the Port of Portland and City Planning Department.
- B. Commercial and industrial uses which create problems as defined in 410.050B shall be reviewed with assistance from an appropriate Port of Portland official. Necessary conditions will be developed in consultation with that official.



## **SOIL CONSTRAINT OVERLAY ZONE**

- 420.010 Purpose.** The Soil Constraint Overlay provides for additional review by the Director of Public Works to assure that proper site drainage has been provided in areas which have been determined to have poorly draining soils. The Soil Constraint overlay applies to areas indicated on the Poor Soil map of the City of Wood Village Comprehensive Plan.
- 420.020 Use Restrictions.** Any permitted, conditional or limited use as defined by the bare zone shall be allowed in the Soil Constraint Overlay zone.
- 420.030 Development Restrictions.** The development standards as stated in the base zone shall apply in the Soil Overlay zone.
- 420.040 Review by the Director of Public Works.** The Director of Public Works shall review all Land Use Review, Design Review and Building Permit applications to assure that adequate site drainage is provided for any use development, building or structure proposed. The Director of Public Works shall use the Uniform Building Code or other commonly accepted standards in his determination of adequacy of site drainage. The Director of Public Works review shall be handled as a Type I administrative review requiring no public notice or hearing. No permit shall be issued to a site within the Soil Drainage overlay without the approval of the City Engineer.
- 420.050 Poor Soil Map of the City of Wood Village Comprehensive Plan.**  
See map on Page 4-9

POOR SOIL  
CONSTRAINTS



Wood Village  
Comprehensive Plan

**SECTION 430**  
**WATER QUALITY RESOURCE AREA OVERLAY ZONE**

**430.100**     **Intent.** In addition to the standards in the Storm Water and Water Master Plans for the City, the purpose of this section is to protect and improve water quality in Wood Village and to comply with Sections 1-4 of Title 3 of Metro’s Urban Growth Management Functional Plan.

- A.     To protect and improve water quality, to support the designated beneficial water uses and to protect the functions and values of existing and newly established Water Quality Resource Areas, which include, but are not limited to:
  - 1.     Provide a vegetated corridor to separate Protected Water Features from development;
  - 2.     Maintain or reduce stream temperatures;
  - 3.     Maintain natural stream corridors;
  - 4.     Minimize erosion, nutrient and pollutant loading into water;
  - 5.     Provide filtration, infiltration and natural water purification;
  - 6.     Stabilize slopes to prevent landslides contributing to sedimentation of water features.
  
- B.     To establish an overlay zone for Water Quality Resource Areas which operates contemporaneously with the base zone and implements the performance standards of Title 3 of the Urban Growth Management Functional Plan.

**430.110**     **Applicability**

- A.     This provision applies to:
  - 1.     Development in the Water Quality Resource Area Overlay Zone. The overlay zone restricts the uses that are allowed in the base zone by right, with limitations, or as conditional uses.
  - 2.     Development that may cause visible or measurable erosion on any property within the city limits.
  
- B.     This provision does not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that after the emergency has passed, adverse impacts are mitigated in accordance with Table 2 standards for restoring marginal existing vegetated corridors.



**430.120****Administration**

- A. The City allows for one method for applying the provisions of this section to applications to allow development in the Water Quality Resource Areas Overlay Zone.

The City requires the text of this section, including definitions, to describe and regulate the protected areas shown on the City Water Quality Management Areas map using the map as a reference. The definitions and measurement methods are available from City staff.

- B. **Map as Reference**

- 1. The text provisions of this section shall be used to determine whether applications to allow development in the Water Quality Resource Area Overlay Zone are subject to the requirements of this section.
- 2. The Water Quality map shall be a reference for identifying areas subject to the Water Quality Resource Area Overlay Zone.
- 3. Applicants are required to provide the City with a delineation of the Water Quality Resource Areas on the subject property as part of their application. An application shall not be complete until this delineation is submitted to the City.
- 4. Wetlands which meet the criteria in Section 430.700D shall be subject to the standards which apply to the Water Quality Resource Areas Overlay Zone.

- C. The City shall review the Water Quality Areas Map during periodic review as required by ORS 197.633 (1997).

**430.200****Water Quality Resource Areas**

- A. The purpose of this section is to protect and improve the beneficial water uses and functions and values of Water Quality Resource Areas.
- B. The provisions establish a Water Quality Resource Area Overlay Zone, which is delineated on the Water Quality map attached and incorporated by reference as part of this section.
- C. The Water Quality Resource Area is the vegetated corridor and the Protected Water Feature. The width of the vegetated corridor is specified in Table One. At least three slope measurements along the water feature, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending on the width of the property, the width of the vegetated corridor will vary.

**Table 1**

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor
Primary Protected Water Features <sup>1</sup> (Arata Creek)	< 25%	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	50 feet
Primary Protected Water Features <sup>1</sup>	≥ 25% for 150 feet or more <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	200 feet
Primary Protected Water Features <sup>1</sup>	≥ 25% for less than 150 feet <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	Distance from starting point of measurement to top of ravine (break in ≥ 25% slope) <sup>3</sup> plus 50 feet <sup>4</sup>
Secondary Protected Water Features <sup>2</sup> (No-name Creek)	< 25%	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	15 feet
Secondary Protected Water Features <sup>2</sup>	≥ 25% <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	50 feet

<sup>1</sup> Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

<sup>2</sup> Secondary Protected Water Features include intermittent streams draining 50-100 acres.

<sup>3</sup> Where the Protected Water Feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25% slope ( see slope measurement in Appendix).

<sup>4</sup> A maximum reduction of 25 feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

<sup>5</sup> Vegetated corridors in excess of 50-feet for primary protected features, or in excess of 15-feet for secondary protected features, apply on steep slopes only in the **uphill** direction from the protected water feature.

(Note: The following methodology is an alternative for the purposes of substantial compliance: a jurisdiction can meet the performance standards in Title 3 by applying the following method to the water quality resource area: for areas with zero slope (as measured parallel to the ground) the buffer will be 50 feet from top of waterway bank, but for every one percent (1%) slope after that point, add six (6) feet).

**D. Uses Permitted Outright**

1. Stream, wetland, riparian and upland enhancement or restoration projects; and farming practices as defined in ORS 30.930 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
2. Placement of structures that do not require a grading or building permit.
3. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses and other development.

**E. Uses Under Prescribed Conditions**

1. Repair, replacement or improvement of utility facilities where:
  - a. The disturbed portion of the Water Quality Resource Area is restored; and
  - b. Non-native vegetation is removed from the Water Quality Resource Area and replaced with vegetation from the Metro Native Plant List.
2. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase existing structural footprint in the Water Quality Resource Area where the disturbed portion of the Water Quality Resource Area is restored using native vegetative cover.

**F. Conditional Uses**

The following uses are allowed in the Water Quality Resource Area Overlay Zone subject to compliance with the Application Requirements and Development Standards of subsections H and I:

1. Any use allowed in the base zone, other than those listed in subsection D and E above.
2. Measures to remove or abate nuisances, or any other violation of State statute, administrative agency rule or city or county ordinance.
3. Roads to provide access to Protected Water Features or necessary ingress and egress across Water Quality Resource Areas.
4. New public or private utility facility construction.
5. Walkways and bike paths. (Subsection I.5)

6. New stormwater pre-treatment facilities. (Subsection I.6)
7. Widening an existing road adjacent to or running parallel to a Water Quality Resource Area.
8. Additions, alterations, rehabilitation or replacement of existing structures, roadways, accessory uses and development that increase the structural footprint within the Water Quality Resource Area consistent with Subsection I.7.

**G. Prohibited Uses**

1. Any new structures, development, other than those listed in subsections D, E and F above, construction activities, gardens, lawns, dumping of any materials of any kind.
2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

**H. Application Requirements**

Applications for Conditional Uses in the Water Quality Resource Area Overlay Zone must provide the following information in addition to the information required for the base zone:

1. A topographic map of the site at contour levels of five feet or less showing a delineation of the Water Quality Resource Area, which includes areas shown on the city Water Quality Area map, and that meets the definition of Water Quality Resource Areas in Table 1.
2. The location of all existing natural features including, but not limited to, all trees of a caliper greater than six (6) inches diameter at breast height (DBH), natural drainages on the site, springs, seeps and outcroppings of rocks, or boulders within the Water Quality Resource Area.
3. Location of Title 3 wetlands. Where Title 3 wetlands are identified, the applicant shall follow the Division of State Lands recommended wetlands delineation process. The delineation shall be prepared by a professional wetlands specialist.
4. An inventory and location of existing debris and noxious materials.
5. An assessment of the existing condition of the Water Quality Resource Area in accordance with Table 2.

6. An inventory of vegetation, including percentage ground and canopy coverage.
7. Alternatives analysis demonstrating that:
  - a. No practicable alternatives to the requested development exist that will not disturb the Water Quality Resource Area; and
  - b. Development in the Water Quality Resource Area has been limited to the area necessary to allow for the proposed use; and
  - c. The Water Quality Resource Area can be restored to an equal or better condition in accordance with Table 2; and
  - d. It will be consistent with a Water Quality Resource Area Mitigation Plan.
  - e. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided and/or minimized.
  - f. For applications seeking an alteration, addition, rehabilitation or replacement of existing structures:
    - i. Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed; and
    - ii. If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and
    - iii. Provide mitigation to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.
8. A Water Quality Resource Area Mitigation Plan shall contain the following information:
  - a. A description of adverse impacts that will be caused as a result of development.

- b. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 2.
- c. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.
- d. A map showing where specific mitigation activities will occur.
- e. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

**I. Development Standards**

Applications for Conditional Uses in the Water Quality Resource Area Overlay Zone shall satisfy the following standards:

- 1. The Water Quality Resource Area shall be restored and maintained in accordance with the mitigation plan and the specifications in Table 2.
- 2. To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the Water Quality Resource Area. Trees in the Water Quality Resource Area shall not be used as anchors for stabilizing construction equipment.
- 3. Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established as soon as practicable. Nuisance plants, as identified in the Metro Native Plant List, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Nuisance plants shall be replaced with non-nuisance plants by the next growing season.
- 4. Prior to construction, the Water Quality Resource Area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as allowed in Subsection F. Such markings shall be maintained until construction is complete.

5. **Walkways and Bike Paths:**

- a. A gravel walkway or bike path shall not be constructed closer than 10 feet from the boundary of the Protected Water Feature. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of 10 percent of the trail may be within 30 feet of the Protected Water Feature.
- b. A paved walkway or bike path shall not be constructed closer than 10 feet from the boundary of the Protected Water Feature. For any paved walkway or bike path, the width of the Water Quality Resource Area must be increased by a distance equal to the width of the path. Walkways and bike paths shall be constructed so as to minimize disturbance to existing vegetation. Where practicable, a maximum of 10 percent of the trail may be within 30 feet of the Protected Water Feature; and
- c. A walkway or bike path shall not exceed 10 feet in width.

6. **Stormwater Pre-treatment Facilities:**

- a. The stormwater pre-treatment facility may only encroach a maximum of 25 feet into the outside boundary of the Water Quality Resource Area of a primary water feature; and
- b. The area of encroachment must be replaced by adding an equal area to the Water Quality Resource Area on the subject property.

7. **Additions, alterations, rehabilitation and replacement of lawful structures:**

- a. For existing structures, roadways, driveways, accessory uses and development which are non-conforming, this section shall apply in addition to the non-conforming use regulations in Section 640 of this Code.
- b. Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development shall not encroach closer to the Protected Water Feature than the existing structures, roadways, driveways, accessory uses and development.

8. **Off-site Mitigation:**
- a. Where the alternatives analysis demonstrates that there are no practicable alternatives for mitigation on site, off-site mitigation shall be located as follows:
    - i. As close to the development as is practicable above the confluence of the next downstream tributary, or if this is not practicable;
    - ii. Within the watershed where the development will take place or as otherwise specified by the City in an approved Wetland Mitigation Bank.
  - b. In order to ensure that the mitigation area will be protected in perpetuity, proof that a deed restriction has been placed on the property where the mitigation is to occur is required.

**Table 2**  
**WATER QUALITY RESOURCE AREA REQUIREMENTS**

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains <b>Undisturbed</b> During Construction	Requirements if Water Quality Resource Area is <b>Disturbed</b> During Construction
<p><b>Good Existing Corridor:</b> Combination of trees, shrubs and groundcover are 80% present, and there is more than 50% tree canopy coverage in the vegetated corridor.</p>	<p><i>Provide certification by registered professional engineer, landscape architect, or biologist or other person trained or certified in riparian or wetland delineation that vegetated corridor meets the standards of this ordinance.</i></p> <p><i>Inventory and remove debris and noxious materials.</i></p>	<p>Prior to construction, a biologist or landscape architect shall prepare and submit an inventory of vegetation in areas proposed to be disturbed and a plan for mitigating water quality impacts related to the development, including:</p> <p>Sediments, temperature and nutrients, sediment control, temperature control, or addressing any other condition that may have caused the Protected Water Feature to be listed on DEQ's 303 (d) list.</p> <p>Inventory and remove debris and noxious materials.</p>

Note: The middle column, being italicized, indicates that it is an option for consideration in the development review process.

## WATER QUALITY RESOURCE AREA REQUIREMENTS

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains <b>Undisturbed</b> During Construction	Requirements if Water Quality Resource Area is <b>Disturbed</b> During Construction
<p><b>Marginal Existing Vegetated Corridor:</b></p> <p>Combination of trees, shrubs and groundcover are 80% present, and 25-50 percent canopy coverage in the vegetated corridor.</p>	<p><i>Provide certification by registered professional engineer, landscape architect, or biologist or other person trained or certified in riparian or wetland delineation that vegetated corridor meets the standards of this ordinance.</i></p> <p><i>Inventory and remove debris and noxious materials.</i></p>	<p>Vegetate disturbed and bare areas with, non-nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p> <p>Revegetate with native species using a City/County approved plan developed to represent the vegetative composition that would naturally occur on the site. Seeding may be required prior to establishing plants for site stabilization.</p> <p>Revegetation must occur during the next planting season following site disturbance. Annual replacement of plants that do not survive is required until vegetation representative of natural conditions is established on the site.</p> <p>Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris noxious materials.</p>

Note: The middle column, being italicized, indicates that it is an option for consideration in the development review process.

## WATER QUALITY RESOURCE AREA REQUIREMENTS

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains <b>Undisturbed</b> During Construction	Requirements if Water Quality Resource Area is <b>Disturbed</b> During Construction
<p><b>Degraded Existing Vegetated Corridor:</b></p> <p>Less vegetation and canopy coverage than Marginal Vegetated Corridors, and/or greater than 10% surface coverage of any non-native species.</p>	<p><i>Vegetate bare areas with plantings from approved Native Plant List.</i></p> <p><i>Remove non-native species and revegetate with plantings from approved Native Plants List.</i></p> <p><i>Inventory and remove debris and noxious materials.</i></p>	<p>Vegetate disturbed and bare areas with appropriate plants from Native Plants List.</p> <p>Remove non-native species and revegetate with non-nuisance plantings from Native Plants List.</p> <p>Plant and seed to provide 100 percent coverage.</p> <p>Restore and mitigate according to approved plan using non-nuisance plantings from Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p>

Note: The middle column, being italicized, indicates that it is an option for consideration in the development review process.

### 430.300 Subdivisions and Partitions

- A. The standards for land divisions in Water Quality Resource Areas Overlay Zone shall apply in addition to the requirements of Section 450 of this Code.
- B. Prior to preliminary plat approval, the Water Quality Resource Area shall be shown as a separate tract, which shall not be a part of any parcel used for construction of a dwelling unit.
- C. Prior to final plat approval, ownership of the Water Quality Resource Area tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

1. Private open space held by the owner or homeowners association; or
  2. For residential land divisions, private open space subject to an easement conveying storm and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this section; or
  3. At the owner's option, public open space where the tract has been dedicated to the city or other governmental unit; or
  4. Any other ownership proposed by the owner and approved by the Planning Commission.
- D. Where the Water Quality Resource Area tract is dedicated to the city or other governmental unit, development shall be subject to a minimum 3-foot setback from the Water Quality Resource Area.

#### **430.400**

#### **Density Transfers**

- A. The purpose of this section is to allow density accruing to portions of a property within the Water Quality Resource Area Overlay Zones to be transferred outside the overlay zones.
- B. Development applications that request a density transfer must provide the following information:
1. A map showing the net buildable area to which the density will be transferred.
  2. Calculations justifying the requested density increase.
- C. Density transfers shall be allowed if the applicant demonstrates compliance with the following standards:
1. The density proposed for the lot receiving the density is not increased to more than two (2) times the permitted density of the base zone. Fractional units shall be rounded down to the next whole number.
  2. Minimum density standards will not increase due to the density transfers.
- D. The area of land contained in a Water Quality Resource Area may be excluded from the calculations for determining compliance with the zone's minimum density requirements.
- E. All standards of the base zone other than density requirements continue to apply.

- F. Density transfers shall be recorded on the title of the lot in the Water Quality Resource Area and on the title of the transfer lot.
- G. Once density is transferred from a lot in the Water Quality Resource Area, the density increase allocated to the transfer lot may not be transferred to any other lot.

**430.500 Erosion Prevention and Sediment Control**

- A. The purpose of this section is to require erosion prevention measures and sediment control practices for all development inside and outside the Water Quality Resource Area Zone during construction to prevent and restrict the discharge of sediments, and to require final permanent erosion prevention measures, which may include landscaping, after development is completed. Erosion prevention techniques shall be designed to protect soil particles from the force of water and wind so that they will not be transported from the site. Sediment control measures shall be designed to capture soil particles after they have become dislodged by erosion and attempt to retain the soil particles on site.
- B. Prior to, or contemporaneous with, approval of an application that may cause visible or measurable erosion, the applicant must obtain an Erosion and Sediment Control Permit.
- C. An application for an Erosion and Sediment Control Permit shall include an Erosion and Sediment Control Plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion. The plan shall demonstrate the following:
  - 1. The Erosion and Sediment Control Plan meets the requirements of the *Erosion Prevention and Sediment Control Plans, Technical Guidance Handbook (Handbook)* and incorporated by reference as part of this section;
  - 2. The Erosion and Sediment Control Plan will:
    - a. Prevent erosion by employing prevention practices such as non-disturbance, construction schedules, erosion blankets and mulch covers; or
    - b. Ensure that where erosion cannot be completely avoided, the sediment control measures will be adequate to prevent erosion from entering the public stormwater system, surface water system, and Water Quality Resource Areas; and

- c. Allow no more than a ten percent cumulative increase in natural stream turbidities, as measured relative to a control point immediately upstream of the turbidity causing activity. However, limited duration activities necessary to address an emergency or to accommodate essential dredging, construction or other legitimate activities, and that cause the standard to be exceeded may be authorized provided all practicable turbidity control techniques have been applied.
- 3. The applicant will actively manage and maintain erosion control measures and utilize techniques described in the Permit to prevent or control erosion during and following development. Erosion and sediment control measures required by the Permit shall remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures;
- 4. No mud, dirt, rock or other debris will be deposited upon a public street or any part of the public stormwater system, surface water system, Water Quality Resource Area, or any part of a private stormwater system or surface water system that drains or connects to the public stormwater or surface water system.
- D. The Erosion and Sediment Control Plan shall be reviewed in conjunction with the requested development approval. If the development does not require review under Sections 430.120 and 430.200, the Public Works Director may approve or deny the permit with notice of the decision to the applicant.
- E. The City may inspect the development site to determine compliance with the Erosion and Sediment Control Plan and Permit.
- F. Erosion that occurs on a development site that does not have an Erosion and Sediment Control Permit, or that results from a failure to comply with the terms of such a Permit, constitutes a violation of this code section.
- G. If the Public Works Director finds that the facilities and techniques approved in an Erosion and Sediment Control Plan and Permit are not sufficient to prevent erosion, the Director shall notify the permittee. Upon receiving notice, the permittee shall immediately install interim erosion sediment control measures as specified in the *Handbook*. Within three days from the date of notice, the permittee shall submit a revised Erosion and Sediment Control Plan to the City. Upon approval of the revised plan and issuance of an amended Permit, the permittee shall immediately implement the revised plan.

## 430.600

### Variances

- A. The purpose of this Section is to ensure that compliance with this Code does not cause unreasonable hardship. To avoid such instances, the requirements of Section 430 may be varied. Variances are also allowed when strict application of these provisions would deprive an owner of all economically viable use of land.
- B. This Section applies in addition to the standards governing proposals to vary the requirements of the base zone, as per Section 660 Variances.
- C. Development may occur on lots located completely within the Water Quality Resource Overlay Zone that are recorded with the county assessor's office on or before July 14, 1999. Development shall not disturb more than 5,000 square feet of the vegetated corridor, including access roads and driveways, subject to the erosion and sediment control standards of this Code.

#### D. **Hardship Variance**

Variances to avoid unreasonable hardship caused by the strict application of these regulations are permitted subject to the criteria set forth in this section. To vary from the requirements, the applicant must demonstrate the following:

1. The variance is the minimum necessary to allow the proposed use or activity;
2. The variance does not increase danger to life and property due to flooding or erosion;
3. The impact of the increase in flood hazard, which will result from the variance, will not prevent the city from meeting the requirements of this Code. In support of this criteria the applicant shall have a qualified professional engineer document the expected height, velocity and duration of flood waters, and estimate the rate of increase in sediment transport of the flood waters expected both downstream and upstream as a result of the variance;
4. The variance will not increase the cost of providing and maintaining public services during and after flood conditions so as to unduly burden public agencies and taxpayers;
5. Unless the proposed variance is from Section 430.200H.8 (mitigation) or 430.500 (erosion control), the proposed use will comply with those standards; and
6. The proposed use complies with the standards of the base zone.

#### E. **Buildable Lot Variance**

A variance to avoid the loss of all economically viable use of a lot that is partially inside the Water Quality Resource Overlay Zone is permitted. Development on such lots shall not disturb more than 5,000 square feet of the vegetated corridor, including access roads and driveways, subject to the erosion and sediment control standards in Section 430.500. Applicants must demonstrate the following:

1. Without the proposed variance, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that:
  - a. The proposed use cannot meet the standards in Section 430.600D (hardship variance); and
  - b. No other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.
2. The proposed variance is the minimum necessary to allow for the requested use;
3. The proposed variance will comply with Section 430.200 H.8. (mitigation) and Section 430.500 (erosion control); and
4. The proposed use complies with the standards of the base zone.

**F. Variance Conditions**

The Public Works Director may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. If a variance is granted pursuant to subsections E.1-6 above, the variance shall be subject to the following conditions:

1. The minimum width of the vegetated corridor shall be 15 feet on each side of a Primary Protected Water Feature, except as allowed in Section 430.200F;
2. No more than 25 percent of the length of the Water Quality Resource Area for a Primary Protected Water Feature within a development site can be less than 30 feet in width on each side of the water feature; and
3. In either case, the average width of the Water Quality Resource Area shall be a minimum of 15 feet on each side for Secondary Protected

Water Features, a minimum of 50 feet on each side for Primary Protected Water Features; or up to 200 feet on each side in areas with slopes greater than 25 percent. The stream shall be allowed to meander within this area, but in no case shall the stream be less than 10 feet from the outer boundary of the Water Quality Resource Area.

**430.700 Map Administration**

A. The purpose of this section is to provide a process for amending the Water Quality map to add wetlands and correct the location of Protected Water Features and the Water Quality Resource Areas Overlay Zone.

**B. Map Corrections**

1. Within 90 days of receiving information establishing a possible error in the existence or location of a Protected Water Feature or Water Quality Resource Areas Overlay Zone, the City shall provide notice to interested parties of a public hearing at which the City will review the information.
2. The City shall amend the Water Quality map if the information demonstrates:
  - a. That a Primary or Secondary Protected Water Feature no longer exists because the area has been legally filled, culverted or developed prior to July 14, 1999; or
  - b. The boundaries of the Water Quality Resource Areas Overlay Zone have changed since adoption of the Water Quality Areas map.

**C. Modification of the Water Quality Resource Area**

To modify the Water Quality Resource Areas Overlay Zone, the applicant shall demonstrate that the modification will offer the same or better protection of the Protected Water Feature and Water Quality Resource Area by:

1. Preserving a vegetated corridor that will separate the Protected Water Feature from proposed development; and
2. Preserving existing vegetated cover or enhancing the Water Quality Resource Area sufficient to assist in maintaining or reducing water temperatures in the adjacent Protected Water Feature; and
3. Enhancing the Water Quality Resource Area sufficient to minimize erosion, nutrient and pollutant loading into the adjacent Protected Water

Feature; and

4. Protecting the vegetated corridor sufficient to provide filtration, infiltration and natural water purification for the adjacent Protected Water Feature; and
5. Stabilizing slopes adjacent to the Protected Water Feature.

**D. Adding Title 3 Wetlands**

1. Within 90 days of receiving evidence that wetland meets any of one of the criteria in D.2. below, the City shall provide notice to interested parties of a public hearing at which the City will review the evidence.
2. A wetland shall be protected by the standards set forth in this section if the wetland meets any one of the following criteria:
  - a. The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or the wetland qualifies as having “intact water quality function” under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
  - b. The wetland is in the Flood Management Area, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or the wetland qualifies as having “intact hydrological control function” under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
  - c. The wetland or a portion of the wetland is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of “water quality limited water body” in OAR Chapter 340, Division 41 (1996).

**430.800 Consistency**

Where the provisions of this section are less restrictive or conflict with comparable provisions of the zoning code, regional, state and federal law, the provisions that are more restrictive shall govern. Where this section imposes restrictions that are more stringent than regional, state and federal law, the provisions of this section shall govern.

**430.810 Warning and Disclaimer of Liability**

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This section shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any damages that result from reliance on this section or any administrative decision lawfully made hereunder.

**430.820 Severability**

The provisions of this section are severable. If any section, clause or phrase of this section is adjudged to be invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this section.

**430.830 Enforcement**

- A. No person shall engage in or cause to occur any development, use or activity that fails to meet the standards and requirements of this section. Development, uses or activities that are not specifically allowed within the Water Quality Resource Area are prohibited. All activities that may cause visible or measurable erosion are prohibited prior to the applicant obtaining an Erosion and Sediment Control Permit.
- B. In addition to other powers the City may exercise to enforce this section, the City may:
  - 1. Establish a cooperative agreement between the City of Wood Village and the applicant (or responsible party) to remedy the violation.
  - 2. Issue a stop work order.
  - 3. Impose a civil penalty in accordance with Section 100.250 of this Code.
  - 4. Cause an action to be instituted in a court of competent jurisdiction.
  - 5. Authorize summary abatement and subsequent abatement and subsequent recovery of costs incurred by the City.
- C. Upon notification by the City of any violation of this section the applicant, permittee, contractor or person responsible for carrying out development work may be required to immediately install emergency erosion and sediment control measures that comply with Section 430.500.

**SECTION 450**  
**SUBDIVISION AND LAND PARTITIONS**

**450.010**      **Definitions** Section 720.

**450.020**      **Scope of Regulations and Procedures:** Subdivision plats and Land Partitions shall be approved by the Planning Commission in accordance with the provisions of this Code and applicable provisions of State law (ORS 92). Subdivision and partition approvals by the Planning Commission as herein set forth, shall be subject to formal approval of the preliminary and final plat before they become effective. No partitioning and no subdivision within the City of Wood Village shall become effective or be recorded until such approval by the Planning Commission be granted thereto. A person desiring to subdivide land or desiring to partition land shall submit tentative plans and final documents for approval as provided in this Code and the State law.

**450.030**      **Submission of Tentative Subdivision Plan:** A subdivider shall prepare a tentative plan together with such improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit fifteen copies of the tentative plan to the City Recorder's office at least 45 days prior to the Planning Commission meeting at which consideration of the plan is desired. Final determination as to the needed information and materials to be submitted shall rest with the Planning Commission.

- A.      **Scale:** The tentative plan of a subdivision shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of such size as required by the County surveyor.
  
- B.      **General Information:** The following general information shall be shown on the tentative plan of a subdivision:
  - (1)      Proposed name of the subdivision: This name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the Planning Commission and the Multnomah County Assessor's Office.
  
  - (2)      Date, north point and scale of drawing.
  
  - (3)      Appropriate identification of the drawing as a tentative plan.
  
  - (4)      Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries.
  
  - (5)      Names and addresses of the owner, subdivider and engineer or surveyor.

C. **Existing Conditions:** The following existing conditions shall be shown on the tentative plan:

- (1) The location, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features such as section lines, section corners, city boundary lines and monuments.
- (2) Contour lines related to some established bench mark or other datum approved by the City engineer and having minimum intervals as follows:
  - (a) For slopes of less than five percent: show the direction of a slope by means of arrows or other suitable symbol together with not less than four spot elevations per acre, evenly distributed, one-foot contours.
  - (b) For slopes of five percent to 15 percent: two-foot contours.
  - (c) For slopes of 15 percent to 20 percent: five-foot contours.
  - (d) For slopes of over 20 percent: ten-foot contours.
- (3) The location of at least one temporary bench mark within the subdivision boundaries.
- (4) The location and direction of water courses and the location of areas subject to flooding.
- (5) Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees.
- (6) Existing uses of the property and location of existing structures to remain on the property after platting.

D. **Proposed Plan of Subdivision:** The following information shall be included on the tentative plan of a subdivision:

- (1) The location, width, names, approximate grades and radii of curves of proposed streets. The relationship of streets to projected streets as shown on any development plan or, if no complete development plan is in effect in the area, as suggested by the Planning Commission to assure adequate traffic circulation.
- (2) The location of possible street connections, (except where prevented by topography, lot dimensions, barriers or environmental constraints), at

intervals of no more than 530 feet, both within the development and to adjacent land in compliance with City, County and Regional Transportation Plans. Street connections at intervals of no more than 330 feet are recommended in areas planned for the highest density.

- (3) The location of pedestrian, bicycle and emergency vehicle accessways with spacing between street connections or accessways of no more than 330 feet, except where prevented by topography, barriers or environmental constraints.
- (4) The location, width and purpose of proposed easements.
- (5) The location and approximate dimensions of proposed lots and the proposed lot and block numbers.
- (6) Proposed sites, if any, allocated for purposes other than single-family dwellings.
- (7) Cul-de-sacs shall be designed in accordance with City and emergency access standards. Cul-de-sacs should be provided with a landscaped island designed to improve storm water retention. The property owners and the City shall enter into an agreement for maintenance of the island, whereby the property owners will provide on-going maintenance, and the City will provide periodic storm water system maintenance. Plant materials should be native and/or drought tolerant, but may be determined by the adjoining property owners.

E. **Partial Development:** If the subdivision proposal pertains to only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

F. **Explanatory Information with Tentative Plan:** Any of the following information may be required by the Planning Commission and, if it cannot be shown practicably on the tentative plan of a subdivision, it shall be submitted in separate statements accompanying the plan.

- (1) A vicinity map showing existing subdivisions and undivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.
- (2) Proposed deed restrictions, if any, in outline form.
- (3) The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes and electric lines.

- (4) For developments that are likely to generate more than 400 average daily motor vehicle trips (ADT's), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system. The scope of the study or analysis shall be determined by the agency responsible for the affected roadway.
- (5) The location of water resources as identified on the City Water Quality Map and in accordance with Section 430.300.

**G. Supplemental Proposals with Tentative Plan:** Any of the following may be required by the Planning Commission to supplement the plan of subdivision.

- (1) Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
- (2) A plan for domestic water supply lines and related water service facilities.
- (3) Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.
- (4) If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
- (5) Proposals for other improvements such as electric utilities and sidewalks.

**H. Preliminary Review of Tentative Plan:** Upon receipt, the City Administrator shall furnish one copy of a tentative plan and supplementary material to the City Engineer and such other agencies such as ODOT, Multnomah County, Tri-Met, Metro and the Fire Marshall. Other agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given a reasonable time to review the plan and to suggest revisions that appear to be in the public interest.

**450.040 Approval of Tentative Subdivision Plan:**

A. Approval of a Tentative Subdivision Plan shall be in accordance with Section 520.100 Type II Procedures. Within 45 days from the first regular Planning Commission meeting following submission of a tentative plan of a subdivision, the Planning Commission shall review the plan and the reports of appropriate officials and agencies.

- B. **Required Findings:** No tentative plan shall be approved unless:
- (1) Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the Commission determines that the public interest is served by modifying streets or road patterns.
  - (2) 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.
  - (3) The plat complies with the Comprehensive Plan, the City, County and Regional Transportation Plans, the City Stormwater and Water Master Plans, and applicable zoning district regulations. Further, ODOT access permit approval is required on abutting state roadways prior to subdivision approval by the City.
  - (4) Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.
  - (5) Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.
  - (6) Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.
- C. **Conditions of Approval.** Conditions and/or restrictions may be applied to the approval of a tentative subdivision plan in order to assure code compliance and mitigate transportation or public facility impacts and to protect those facilities.
- D. The action of the Planning Commission shall be noted on three copies of the tentative plan, including reference to any attached documents describing conditions.
- E. Approval of the tentative plan by the Planning Commission shall indicate approval of the final plat if there is no change in the plat of the subdivision and if the subdivider complies with the requirements of this Code.

### **Final Subdivision Plat**

#### **450.050 Submission of Final Subdivision Plat:**

- A. Within one year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The subdivider shall submit

the original drawing, five prints, and any supplementary information to the City. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he must submit a new tentative plan and make any revision necessary to meet changed conditions as determined by the Planning Commission.

- B. Extension of time in which to submit the supportive documents and material without submission of a new tentative plan may be granted for an additional period of one year only, and then only upon application to and approval by the Planning Commission.
- C. **Information on Plat:** In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the final plat:
  - (1) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
    - (a) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
    - (b) Adjoining corners of adjoining subdivision.
    - (c) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Code.
  - (2) The exact location and width of streets and easements intercepting the boundary of the tract.
  - (3) Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest .01 second with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.
  - (4) The width of the portion of streets being dedicated and the width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
  - (5) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width

of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

- (6) Lot numbers beginning with the number "1" and numbered consecutively in each block.
- (7) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. 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 an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- (8) Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
- (9) Building setback lines, if any, are to be made a part of the subdivision restrictions.
- (10) The following certificates which may be combined where appropriate:
  - (a) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
  - (b) A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
  - (c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map.
  - (d) Other certificates now or hereafter required by law.

**D. Supplemental Information with Plat:** The following data shall accompany the plat:

- (1) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- (2) Sheets and drawings showing the following:

- (a) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
  - (b) The computation of distances, angles and courses shown on the plat.
  - (c) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
- (3) A copy of any deed restrictions applicable to the subdivision.
  - (4) A copy of any dedication requiring separate documents.
  - (5) A list of all taxes and assessments on the tract which have become a lien on the tract.

**E. Technical Plat Review:**

- (1) Upon receipt by the City, the plat and other data shall be reviewed by the City Engineer who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that there has been compliance with provisions of the law and of this Code.
- (2) The City Engineer may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and his representatives may enter the property for this purpose.
- (3) If the City Engineer determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.

**450.060 Approval of Plat:**

- A. Upon receipt of the plat with the approval of the City Engineer, the Planning Commission shall determine whether it conforms with the approved tentative plan and with these regulations. If the Planning Commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Commission determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of

the president of the Planning Commission. The approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat.

**B. Required Findings:** No final subdivision plat shall be approved unless:

- (1) All required public streets 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, and 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 Commission 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.

**C. Filing of Plat:** A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained. 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.

D. **Creation of Streets:**

(1) **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.

(2) **Exceptions.**

The Planning Commission 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 conformation to the standards of this Code. One or more of the following conditions must apply:

(a) The street creation is required by the City and is essential to general traffic circulation.

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

**450.070**

**Land Partitions**

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.

B. **Partitioning Procedures:** A partition shall be submitted under the following procedure:

(1) There shall be submitted to the City a tracing of a tentative plan 18 by 24 inches in size with the following information:

(a) The date, north point, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location.

(b) Name and address of the record owner and of the person who prepared the tentative plan.

(c) Approximate acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning.

- (d) For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets; location, width and purpose of other existing easements; and location and size of sewer and water lines and drainage ways and the location of power poles.
  - (e) Outline and location of existing buildings to remain in place.
  - (f) Parcel layout, showing size and relationship to existing or proposed streets and utility easements.
  - (g) Such additional information as required by the Planning Commission.
- (2) The Planning Commission may define the circumstances under which an application for partitioning may be given routine administrative review and approval. Under this procedure, the City Administrator shall check the proposal against the development plan and may approve the proposal without submitting it to the Planning Commission.
  - (3) If the location or type of land is not such as has been defined for routine administrative approval or if the proposed partitioning does not appear to comply with the requirements for routine administrative approval, the tentative plan shall be submitted for Planning Commission review and determination that the proposal will comply with this Code. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than could be required if the tract were subdivided.
  - (4) When a tentative plan has been approved, all copies shall be marked with the date and conditions, if any, of approval. When compliance with conditions has been assured, the plan shall be marked approved and then becomes the partition map.
  - (5) In the event that the tentative plan and partition is not approved by the Planning Commission, the same shall be returned to the City Recorder for appropriate action in conformance therewith.
- C. **Flag Lot Partitions in Residential Zones** – Partitions involving the creation of flag lots in residential zones shall be approved by the Planning Commission in accordance with the partition approval procedure if the following conditions are satisfied:

- (1) Findings for Partition Approval have been met.
- (2) The partition does not cause undue harm to adjacent property owners.
- (3)
  - a. The access for flag lots shall comply with Section 460.030 B. of this Code and shall have a minimum of 15 foot width paved driving surface. For drives serving two lots, there shall be a minimum of 15 feet width of driving surface to the back of the first lot, and 12 feet width respectively, for the rear lot. Drives shared by adjacent properties shall have a 15 foot width paved driving surface.
  - b. Flag drives shall be constructed so as to prevent surface drainage from flowing over sidewalks or other public ways. Flag drives shall be in the same ownership as the flag lots served. If a drive is shared between owners, there shall be provided a joint driveway access easement and maintenance agreement to ensure legal access and adequate maintenance of the drive.
  - c. Flag drives shall not exceed a minimum grade of 15 %.
  - d. Flag drives greater than 250 feet in length shall provide an adequate turnaround for emergency vehicles.
- (4) A site plan of the flag lot partition shall be submitted illustrating the following:
  - a. The location of all proposed structures in the partition.
  - b. The location of driveways, turnarounds and parking spaces.
  - c. Landscaping or screening adjoining the drive.
- (5) No more than two (2) lots are to be served by the flag drive.
- (6) For the purpose of meeting the lot area requirement, the lot area, exclusive of the flag drive area, must meet the minimum square footage requirements of the zoning district.

**450.080 Required Findings for Partition Approval:** Partitions shall not be approved unless:

- A. No new rights-of-way, roads, or streets are created, except for widening of existing rights-of-way. Partitions creating such new streets shall be processed as subdivisions.

- B. The partition complies with the standards of the underlying zoning district and other applicable standards of this Code.
- C. 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.
- D. 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 and in accordance with the City Stormwater and Water Master Plans and Transportation Plan.
- E. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

**450.090 Future Developability**

In addition to the findings required by Section 450.080, the Commission must find, for any partition creating lots averaging one (1) acre or more, that the lots may be repartitioned or resubdivided in the future in full compliance with the standards of this Code. The Commission may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If repartitioning or resubdividing in full compliance with this Code is determined not to be feasible, the Commission 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.

**450.100 Subdivision Compliance**

**Generally**

If a partition exceeds two (2) acres and within one (1) year is repartitioned 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.

**450.110 Dedications:**

**A. Generally**

The City's requirements for dedication of public lands as per this Code, including road rights-of-way shall apply to partitions. Actual public improvements may not be required at the time of partition, at the Commission's discretion.

**B. Dedications Acceptance**

The City Administrator 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.

**450.120 Filing Requirements**

**A. Generally**

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

**B. Extension**

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The Commission 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.

**450.130 Property Line Adjustments**

**A. Generally**

The City Administrator may approve a property line adjustment without public notice or a public hearing provided that no new lots are created and that the adjusted lots comply with the applicable zone requirements. If the property line adjustment is processed with another development application, all applicable standards of the Code shall apply.

**B. Filing Requirements**

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

**450.140****Improvement Agreement Required:**

- A. No final plat shall be approved unless the City has received adequate assurances that the subdivider or partitioner has agreed to make all public improvements which are required as conditions of approval of the tentative plan, including, but not limited to streets, alleys, pedestrian ways, and storm drainage, sewer and water systems. The following constitute acceptable adequate assurances:
1. Certification by the City Engineer that all required improvements, both public and private, are completed and accepted by the City Council, and a maintenance agreement and guarantee have been executed pursuant to Section 450.155 of this Code; or
  2. An executed improvement agreement between the City and the developer, executed and filed with the City, requiring the developer to complete all required improvements within one (1) year of the approval of the tentative plan. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City. The agreement shall include a performance guarantee as set forth in Section 450.150, and an agreement to file a one year maintenance agreement and performance guarantee as set forth in Section 450.155. The agreement may be continued for an additional one (1) year period, provided that the performance guarantee is modified to reflect any changes in the cost of construction. The agreement shall state that, should all improvements not be completed within the term of the agreement or its extension, the City shall estimate the cost of completing the work, call upon the performance guarantee as necessary to cover the cost, and complete the improvement from funds collected under the performance guarantee. If the funds collected under the performance guarantee are insufficient to install the required improvements, the City may:
    - a. Hold the collected funds until additional funds are authorized for the improvement;
    - b. Expend the funds on a revised improvement or on a portion of the improvement as determined to be reasonable by the City Engineer; or
    - c. Complete the project. Upon completion, the excess amount due to the City, plus a 10% administrative charge, shall become a lien on the real property subject to the performance agreement. The lien shall attach upon entry in the City lien docket and the giving of notice of the claim for the amount due for the completion of the project pursuant to the performance agreement. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the cost of the

fulfillment of the obligation, and allege the applicant's failure to complete the public improvements as required by the improvement agreement. The lien may be foreclosed in the manner prescribed in ORS Chapter 223 for foreclosing liens on real property.

- B. If a developer has begun construction pursuant to the tentative plan but fails to submit the final plat for approval within one year of approval of the tentative plan as required by Section 450.050(A) of this Code, the City may require execution of an improvement agreement and performance guarantee pursuant to Subsection A(2) of this section as a condition of granting an extension of time pursuant to Section 450.050(B).

**450.150 Performance Guarantee Required.**

- A. When required pursuant to Section 450.140 above, the developer shall file one of the following to insure the full and faithful performance of all terms of the improvement agreement:
  - 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon, in a form approved by the City Attorney, in an amount equal to 110 percent of the construction cost of the required improvements as verified by the City Engineer.
  - 2. A deposit with the City or, at the option of the City, a verified deposit with a responsible escrow agent or trust company, of cash or negotiable bonds in an amount equal to 110 percent of the construction costs of the required improvements, together with an agreement that the deposit may be disbursed only upon approval by the City Administrator. The agreement shall include a provision that the City allow release of the deposit in such amounts and at such times as a corresponding portion of the required improvements are completed to the satisfaction of the City Engineer, following inspection by the Director or the Director's designee.
  - 3. An agreement between the City, developer and one or more financial or lending institutions pledging that funds equal to 110 percent of the construction cost of all required improvements are available to the developer and are guaranteed for payment of the improvements. An irrevocable letter of credit is acceptable.

If the applicant fails to complete all improvements, the City may call on the performance guarantee as provided in Section 450.140(A)(2) of this Code.

#### 450.155

#### **Maintenance Agreement and Guarantee Required.**

- A. At the time of submittal of the final plat pursuant to Section 450.140(A)(1) or at the time of City acceptance of the public improvements pursuant to Section 450.150(A)(2), the developer shall execute a maintenance agreement agreeing to maintain the public facilities for a period of one year following the date of acceptance of the public facilities by the City. The developer shall be responsible for correcting all deficiencies in construction and maintenance brought to the attention of the developer during the one-year warranty period. The agreement shall state that, should the developer fail to maintain the facilities or correct any defects brought to the developers attention, the City shall estimate the cost of completing the work, call upon the performance guarantee as necessary to cover the cost, and complete the improvement from funds collected under the performance guarantee. If the funds collected under the performance guarantee are insufficient to make the required improvements, the City may:
- a. Hold the collected funds until additional funds are authorized for the improvement;
  - b. Expend the funds on a revised improvement or on a portion of the improvement as determined to be reasonable by the City Engineer; or
  - c. Complete the project and seek reimbursement from the developer.

The developer shall post a maintenance guarantee in the amount of ten percent of the cost of the public improvements accepted by the City to insure this obligation. The maintenance guarantee shall be in the form set forth in Section 450.150(A). At the end of the one-year period, the City shall release any remaining maintenance guarantee.

#### 450.160

#### **Easements:**

- A. **Utility Lines:** Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to six feet in width.
- B. **Water Courses:** If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.
- C. **Pedestrian and Bicycle Ways:** In compliance with the Transportation Plan, a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation, as per Section 460.100 E. and F. Bicycle lanes on County streets shall comply with County bicycle lane standards.

**SECTION 460**  
**TRANSPORTATION AND UTILITY DESIGN STANDARDS**

**460.010 Streets**

- A. **Generally.** The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, to the proposed use of land to be served by the streets and the public interest. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:
- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - (2) Conform to the Transportation System Plan or to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- B. **Creation or Extension of Public Street Outside Subdivision:**
- (1) The creation or extension of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions except, however, the Planning Commission shall approve the creation or extension of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
    - (a) The establishment or extension of the public street is initiated by the City Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
    - (b) The tract in which the street, new or extension, is to be dedicated is a major partition within an isolated ownership either of not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
  - (2) In those cases where approval of a public street or extension is to be without full compliance with the regulations applicable to subdivision, a copy of a tentative plan and the proposed deed shall be submitted to the City at least fifteen days prior to the Planning Commission meeting at

which consideration is desired. The plan, deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Section 460 of this Code, shall be approved with conditions necessary to preserve these standards.

- (3) In those cases in which the Planning Commission has granted approval to a proposal for a street or extension thereof under B(1) above the same shall thereafter be submitted to the City Council, which shall within thirty days of such submission, make determination by appropriate resolution that said street or extension thereof is in the public interest. Such determination by the Council shall be required before any street or extension thereof created under B(1) above be effective. If the City Council finds that such street proposal is not in the public interest, it shall indicate the same by appropriate resolution, setting forth reasons for its determination, which shall be submitted to the applicant for such street or extension.

C. **Creation of Private Street Outside a Subdivision:** A street which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in B above, except that a private street to be established by deed without full compliance with these regulations shall be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep land parcel of a size to warrant partitioning into not over two parcels may be provided with access. A copy of the tentative plan to create the street and partition the tract shall be submitted to the City at least fifteen days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved.

- (1) In the event the Planning Commission shall grant approval to said proposal under this Section, the same shall thereafter be submitted to the City Council for its approval or disapproval for the reason and in the manner indicated in B(3) above.

D. **Minimum right-of-way and roadway width:** Unless otherwise indicated on the development plan approved by the City, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table and as illustrated in Section 730.120. Right-of-way and roadway width on county roads shall be in compliance with Multnomah County Streets Standards. Further, the City will consider regional design standards when reviewing new development on NE Halsey Street and 238<sup>th</sup> Drive (community street design), Sandy Blvd. (urban road design), 223<sup>rd</sup> Ave. (community boulevard design), and Glisan Street (regional street design).

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width
Arterial	80-120 feet	40-52 feet
Collector Street	60-80 feet	36-48 feet
Local Street	55 feet	32 feet
Minor streets less than 2,400 feet in length which cannot be extended	44 feet	28 feet
Radium for turn-around at end of cul-de-sac	50 feet	35 feet
Alleys	20 feet	20 feet

Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrow right-of-way may be accepted, ordinarily not less than 50 feet. If necessary, slope easements may be required.

- E. **Reserve strips:** Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.
  
- F. **Alignment:** As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet.
  
- G. **Future Extensions of Streets:** Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
  
- H. **Intersection Angles:** Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 80° degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80° degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.

- I. **Existing Streets:** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.
- J. **Half Streets:** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the development, subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
- K. **Cul-de-sac:** A cul-de-sac shall be as short as possible and shall have a maximum length of 200 feet (except for long narrow lots on Glisan Street where cul-de-sacs may not exceed 400 feet) and serve building sites for not more than 25 dwelling units. A cul-de-sac shall terminate with a circular turn-around.
- L. **Street Names:** Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.
- M. **Grades and Curves:** Grades shall not exceed six percent on arterials, ten percent on collector streets or 12 percent on other streets. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials or 100 feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.5 percent.
- N. **Streets Adjacent to Railroad Right-of-Way:** Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets.
- O. **Marginal Access Streets:** Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- P. **Alleys:** Alleys may be provided in any zoning district, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.

**460.020 Block Requirements:**

- A. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.
- B. **Size:** No block shall be more than 530 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

**460.030 Building Sites:**

- A. **Sizes and Shape:** The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of this Code with the following exceptions:
  - (1) In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.
  - (2) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
  - (3) Under no circumstances shall the basic areas provided under (1) and (2) above be less than the minimum required by the pertinent provisions of this Code or be less than the standards set forth therein and at all times such requirements as provided in (1) and (2) above shall be equal to the minimum requirement of other applicable ordinances of the City relating to sewers, sewer connections and sewer service for the disposal of sewage effluence and storm and surface drainage.

- B. **Access:** Except as set forth in Section 460.010 (C) each lot and parcel shall abut upon a street other than an alley for a width of **20** feet, or **15** feet for flag lots.
- C. **Through Lots and Parcels:** Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incompatible use.
- D. **Lot and Parcel Side Lines:** The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

**460.040 Grading of Building Sites:** Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

- A. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
- B. Fill slopes shall not exceed two feet horizontally to one foot vertically.
- C. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

**460.050 Building Lines:** If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat or, if temporary in nature, they shall be included in the deed restrictions.

**460.060 Large Building Sites:** In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

**460.070 Land for Public Purposes:** If the City has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

Within or adjacent to a subdivision, a parcel of land of not less than six percent of the gross area of the subdivision shall be set aside and dedicated to the public by the

subdivider. The parcel shall be approved by the Planning Commission as being suitable and adaptable for park and recreation uses. In the event no such area is suitable for park and recreation purposes, the subdivider shall, in lieu of setting aside land, pay into a public land acquisition fund a sum of money equal to current comparable assessed value. The sums so contributed shall be used to aid in securing suitable areas for park and recreation purposes to serve the area containing the subdivision. If the nature of the subdivision is such that over 34 percent of the tract to be subdivided is being dedicated to the public for streets, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed 40 percent.

**460.080 Improvement Procedures:** In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his own option, shall conform to the requirements of this Code and improvement standards and specifications followed by the City in accordance with the City Stormwater Master Plan and Water Master Plan, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition.
- B. Improvement work shall not commence until after the City is notified, and if work is discontinued for any reason, it shall not be resumed until after the City is notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
- D. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to the length obviating the necessity for disturbing the street improvements when service connections are made.
- E. A map showing public improvements as built shall be filed with the City upon completion of the improvements.

**460.090 Specifications for Improvements:** The Public Works Director shall prepare and submit to the City Council specifications to supplement the standards of this Code based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the design and construction of required public improvements, such other public facilities as a developer may elect to install, and private streets.

**460.100 Improvements in Subdivisions:** The following improvements shall be installed at the

expense of the subdivider and at the time of subdivision.

- A. **Streets:** Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines.
  
- B. **Surface Drainage and Storm Sewer System:** Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
  
- C. **Sanitary Sewers:** Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the City trunk system, the Planning Commission may recommend to the City Council and the City Council may authorize by appropriate ordinance to which the emergency clause will not be attached after public hearing before the Council, if public need and necessity be shown, the use of septic tanks if lot areas are adequate considering the physical characteristics of the areas and if sewer laterals designed for future connection to a sewage disposal system are installed and sealed. Design by the City Engineer shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will without further sewer construction directly serve property outside the subdivision, the following agreements will be made to equitably distribute the cost:

- (1) If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing his share of the construction.
- D. **Water System:** Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to City mains shall be installed. The City Engineer's design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system.

- E. **Sidewalks:** Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within a development or a subdivision, except that in the case of primary or secondary arterials, or special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available and if they provide safe, convenient and reasonably direct pedestrian circulation. On local City streets concrete sidewalks, five (5) feet wide (6 feet in commercial areas), separated from the street by a 4-5 foot wide planter strip for approved, uniformly planted street trees, are required. In the event a pathway is preferable for access, multi-use pathways shall be eight (8) feet wide, asphalted or compacted gravel to meet ADA standards. Pathways shall be located in a 20 foot wide public easement. On County streets, sidewalks shall be provided in accordance with Multnomah County Street Standards and regional street design standards.
- F. **Bicycle Routes:** If appropriate to the extension of a system of bicycle routes, existing or planned in compliance with the City, County or Regional Transportation Plans, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths. Existing and planned bicycle routes in the City as illustrated in the City Transportation System Plan, shall be built to Multnomah County bicycle path standards.
- G. **Street Name Signs:** Street name signs shall be installed at all street intersections in a manner provided by pertinent City regulations.
- H. **Street Lights:** Street lights shall be installed by the developer and shall be served from an underground source of supply. Street light style shall be approved by the City.
- I. **Other:** The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

**460.110**

**Improvements in Partitions:** The same improvements shall be installed to serve each building site of a partition as is required for a subdivision. However, if the Planning Commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Commission shall recommend to the City Council such exception as appears necessary. The City Council shall, within 30 days after date of submission of such recommendation, approve or disapprove said recommendation. In lieu of accepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.