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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.

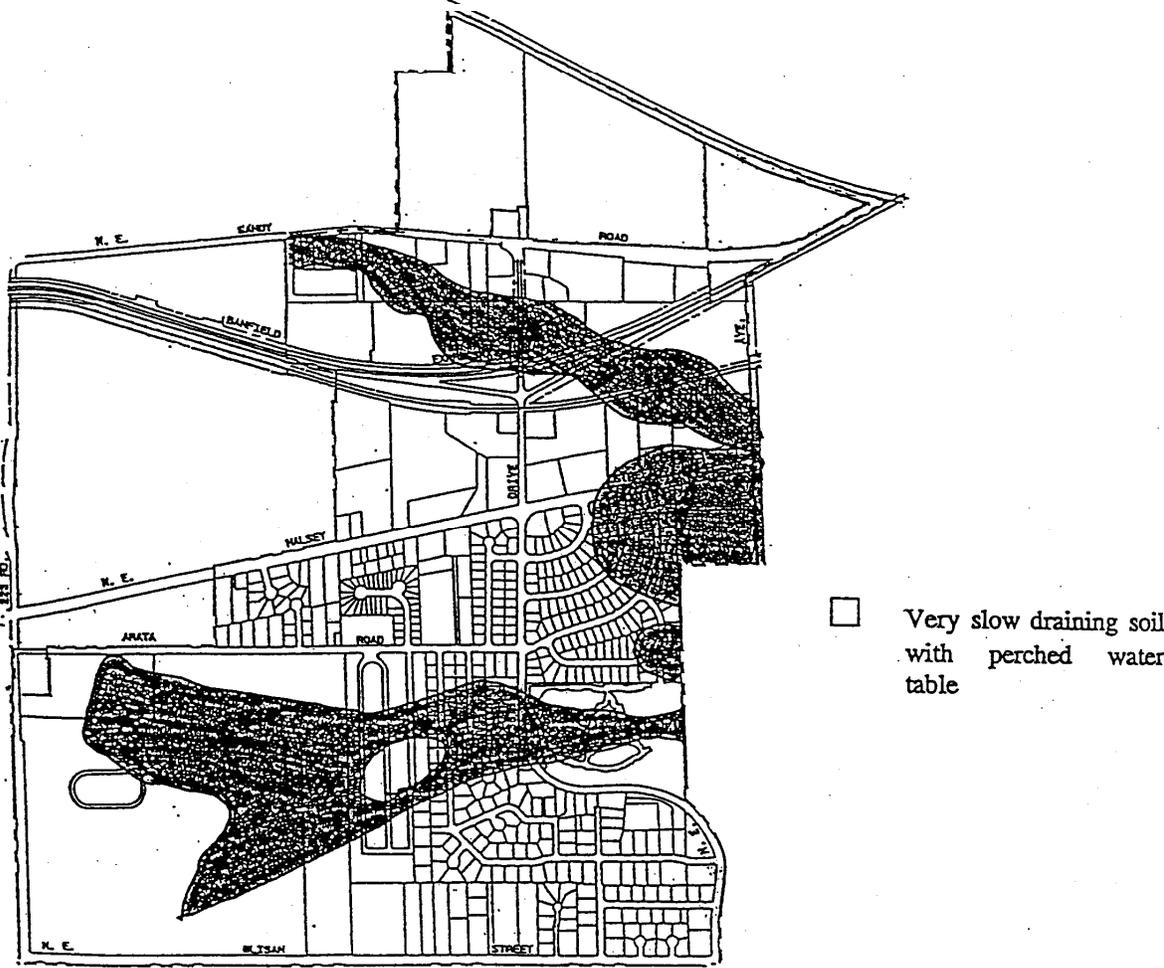
410.095 Review Criteria.

- 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 PROTECTION

GENERAL PROVISIONS

430.100 Intent

- A. In addition to the standards in the Stormwater and Water Master Plans for the City, the purpose of this Section is to protect and improve water quality resources in Wood Village under Statewide Land Use Planning Goal 6 and Sections 1-4 of Title 3 of the Metro Urban Growth Management Functional Plan (UGMFP). The Water Quality Resource Area Protection (this Section) provisions also provide protection for designated natural resources that have been identified for the purposes of implementing Statewide Planning Goal 5 relating to significant natural riparian, wildlife, and wetland resources and Title 13 of the UGMFP.
- B. These regulations seek to minimize additional adverse impacts and to restore and improve resources, where possible, while balancing property rights and development needs of the city.
- C. It is also the intent of this Section to:
 - 1. Designate water quality resources (WQR) to protect the functions and values of riparian and wetland resources at the time of development.
 - 2. To protect and improve water quality, to support the designated beneficial water uses, to protect the functions and values of existing and newly established Water Quality Resource Areas (WQRA), which include, but are not limited to:
 - a. A vegetated corridor to separate Protected Water Features from development;
 - b. Microclimate and shade;
 - c. Stream flow moderation and water storage;
 - d. Water filtration, infiltration and natural purification;
 - e. Bank stabilization, sediment and pollution control;
 - f. Large wood recruitment and retention;

- g. Natural channel dynamics;
 - h. Organic material resources.
 - 3. Designate habitat conservation areas (HCA) to implement the performance standards of Title 13 of the UGMFP for riparian areas and fish and wildlife habitat, and to protect significant local Goal 5 resources such as wetlands.
 - 4. Provide nondiscretionary (clear and objective) standards, as well as a discretionary review process, applicable to development in an HCA, in accordance with Goal 5.
 - 5. Allow and encourage habitat-friendly development while minimizing the impact on water quality, fish and wildlife habitat functions.
 - 6. Provide mitigation standards for the replacement of ecological functions and values lost through development in a WQR and HCA. This includes restoration of designated natural resources that are temporarily disturbed during development, as well as mitigation for permanent disturbance of those areas as a result of development.
 - 7. Preserve existing native vegetation against removal and replacement with lawns, gardens or other nonnative plantings.
- D. This Section allows development in situations where adverse impacts from the development can be avoided or mitigated and where the strict application of these rules would deny reasonable economic use of property.
- E. It is not the intent of this Section to:
 - 1. Impose any obligation on property owners to restore existing developed sites to predevelopment or natural conditions when no new activity is proposed.
 - 2. Impose any unreasonable hardship against the continued maintenance of existing legal site conditions.
 - 3. Apply to activities that do not affect a WQR or HCA.
 - 4. Prohibit normal lawn and yard landscape planting and maintenance that does not involve removal and replacement of existing native vegetation. Normal lawn and yard planting and maintenance does not include the planting of invasive nonnative or noxious vegetation, including, but not limited to plants that are a nuisance species.

430.110 Coordination with Other Regulations

- A. Implementation of this Section is in addition to, and shall be coordinated with the entirety of the Wood Village Zoning and Development Code, the Wood Village Comprehensive Plan and the City of Wood Village Construction Standards.
- B. Nonconforming development shall be subject to the provisions of the Wood Village Zoning and Development Code (ZDC) Chapter 640.
- C. The requirements of this Section apply in addition to all applicable local, regional, state, and federal regulations, including those for wetlands and flood management areas. Where this Section imposes restrictions that are more stringent than regional, state, and federal regulations, the requirements of this Section shall govern.
- D. Development in or near wetlands and streams may require permits from the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (Corps). If a federal permit is required, a water quality certification from the Oregon Department of Environmental Quality (DEQ) may also be required. The City shall notify DSL and the Corps when an application for development within streams and wetlands is submitted. Because these agencies may have more restrictive regulations than the City, applicants are encouraged to contact them before preparing development plans.
- E. A document or other list used to identify native, nuisance and prohibited plants shall be maintained by the Wood Village Public Works Department from the following sources – The Wood Village Tree and Plant List and the Portland Plant List, hereafter referred to as the City Plant List.

430.120 Map Administration

- A. **Intent.** The purpose of this Subsection is to provide a process for amending the Water Quality (WQ) map to add wetlands and correct the location of Protected Water Features and the WQRA.
- 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 WQRA, 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 WQ 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 WQRA have changed since adoption of the WQ map.

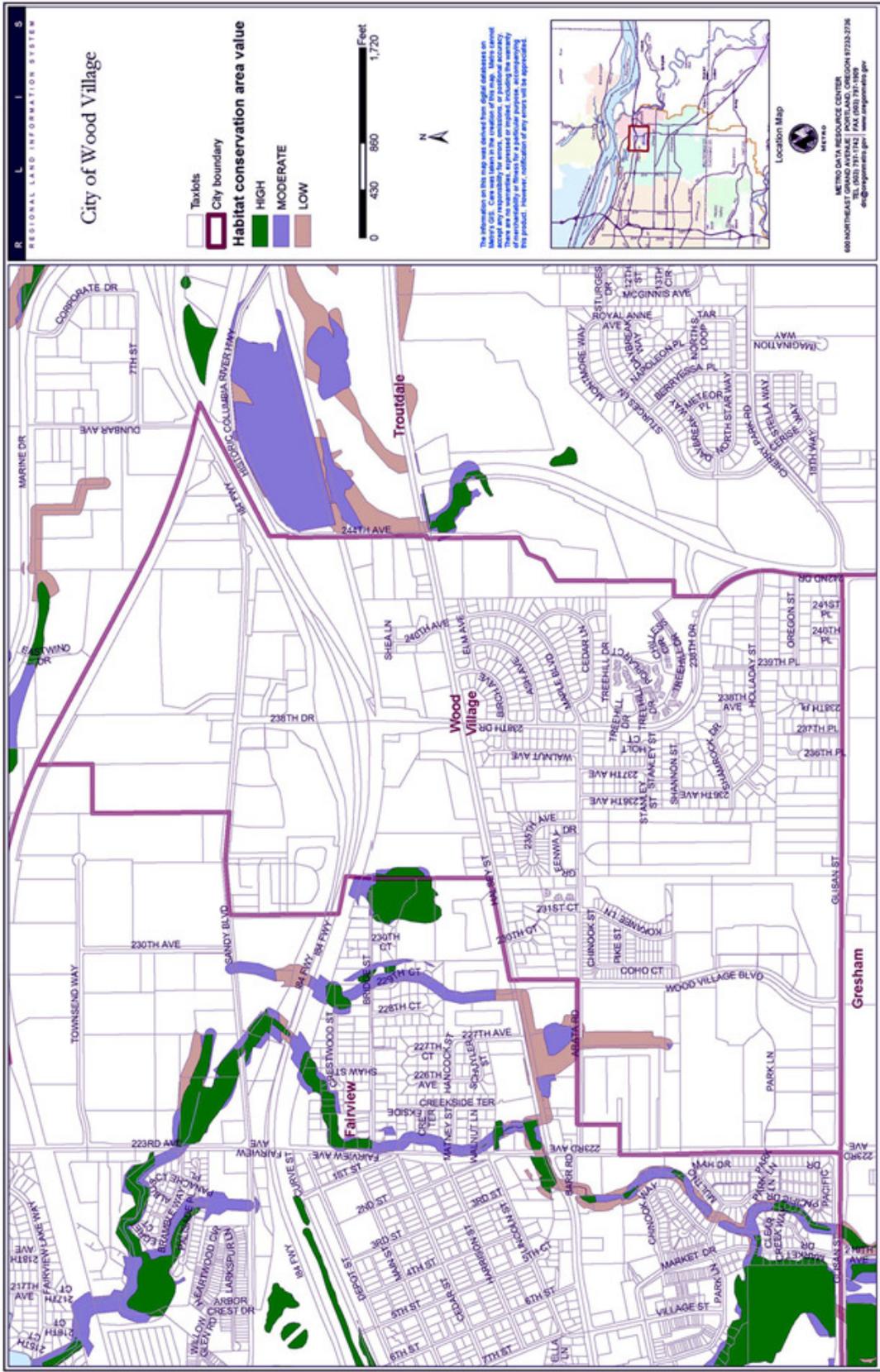
C. Modification of the Water Quality Resource Area

To modify the WQRA identified on the WQ Map, the applicant shall demonstrate that the modification will offer the same or better protection of the Protected Water Feature and WQRA 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 WQRA sufficient to assist in maintaining or reducing water temperatures in the adjacent Protected Water Feature; and
3. Enhancing the WQRA 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



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430.130 Water Quality Resource Areas

- A. The purpose of this Section is to protect and improve the beneficial water uses, functions and values of a WQRA.
- B. These provisions establish a WQRA, which is delineated on the WQ Map attached and incorporated by reference as part of this Section.
- C. The WQRA is the vegetated corridor and the Protected Water Feature. The width of the vegetated corridor is specified in Table 1 below. 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 Features

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

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

² Secondary Protected Water Features include intermittent streams draining 50-100 acres.

³ 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).

⁴ 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).

⁵ 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).

USE REGULATIONS

430.140 Applicability

- A. The regulations in this Section apply to all properties that contain, or are within 100 ft of a WQR and/or HCA (including any locally significant Goal 5 wetlands or habitat areas identified by the City) as shown on the WQ Map.
- B. For properties that do not contain, but are within 100 ft of a WQR and/or HCA, as shown on the WQ Map, and where an activity not listed as exempt in Section 430.150 A. will disturb more than 500 sq ft, a Construction Management Plan is required in accordance with Section 430.190.
- C. The WQ Map, which shows a WQR and an HCA, is adopted by reference. The WQ Map shall be used to determine the applicability of this Section and shall be administered in accordance with Section 430.120.
- D. Designated natural resources are shown on the WQ Map as follows:
 - 1. A WQR includes protected water features and their associated vegetated corridors, as specified in Table 1. The vegetated corridor is a buffer around each protected water feature established to prevent damage to the water feature. The width of the vegetated corridor varies depending on the type of protected water feature, upstream drainage area served, and slope adjacent to the protected water feature. The WQ Map is a general indicator of the location of vegetated corridors. The specific location of vegetated corridors shall be determined in the field in accordance with Table 2.
 - 2. An HCA includes significant Goal 5 wetlands, riparian areas, and fish and wildlife habitat. An HCA is designated based on a combination of inventory of vegetative cover, analysis of habitat value and urban development value. HCA locations on the WQ Map are assumed to be correct unless demonstrated otherwise; verifications and corrections shall be processed in accordance with the procedures established in Table 1.
- E. To determine whether a proposed activity on a given property will trigger any requirements of this Section, the City shall use the latest available aerial photographs; a copy of the applicable section of the WQ Map; and, in the case of a WQR, the parameters established in Table 1. If a property owner or applicant believes that the WQ Map is inaccurate, they may propose corrections according to the standards established in Section 430.120.
- F. In the context of designated natural resources, a "disturbance" is a condition or result of an act that "disturbs" as noted below.

1. Temporary disturbances are those that occur during an allowed or approved development or activity but will not persist beyond completion of the project. Temporary disturbances include, but are not limited to, accessways for construction equipment; material staging and stockpile areas; and excavation areas for building foundations, utilities, stormwater facilities, etc.
 2. Permanent disturbances are those that remain in place after an allowed or approved development or activity is completed. Permanent disturbances include, but are not limited to, buildings, driveways, walkways, and other permanent structures.
- G. If more than 500 sq ft of area will be disturbed in conjunction with a proposed activity listed as exempt in Subsection 430.150, a Construction Management Plan shall be submitted according to the provisions of Subsection 430.190. This requirement applies even when the proposed activity will not occur within a designated natural resource but is within at least 100 ft of the resource, in accordance with Table 1.
- H. Proposed activities that are listed as exempt or occur more than 100 ft from a WQR or HCA, as shown on the WQ Map or determined in accordance with Table 1 do not require review under the provisions of this Section.
- I. Those portions of streams, creeks and other protected water features that appear on the WQ Map, but are enclosed in pipes, culverts or similar structures, are not subject to the provisions of this Section, except where a proposed activity will expose or directly disturb the protected water feature, such as with excavation.
- J. The requirements of this Section apply to both properties that include a WQR and/or an HCA, and to properties that do not include a WQR or HCA, but where an activity is proposed within 100 ft of a WQR or HCA.

430.150 Exempt Activities

A. Outright Exemptions

The following activities in a WQR or HCA are exempt from the provisions of this Section:

1. Action taken on a building permit for any portion of a phased development project for which the applicant has previously met the applicable requirements of this Section, including the provision of a Construction Management Plan. This exemption applies so long as the building site for new construction was identified on the original

application, no new portion of the WQR and/or HCA will be disturbed, and no related land use approvals have expired.

2. Stream, wetland, riparian, and upland enhancement or restoration projects and development in compliance with a Natural Resource Management Plan or mitigation plan approved by the City, State or Federal agency.
3. Emergency procedures or activities undertaken that are necessary to remove or abate hazards to person or property, provided that the timeframe for such remedial or preventative action is too short to allow for compliance with the requirements of this Section. After the emergency, the person or agency undertaking the action shall repair any impacts to the designated natural resource resulting from the emergency action; e.g., remove any temporary flood protection such as sandbags, restore hydrologic connections, or replant disturbed areas with native vegetation.
4. The planting or propagation of plants categorized as native species on the City Plant List.
5. Removal of plants categorized as nuisance species as listed in the City Plant List. After removal, all open soil areas shall be replanted and/or protected from erosion.
6. Removal of trees under any of the following circumstances:
 - a. The tree has been downed by natural causes, and no more than 500 sq ft of earth disturbance will occur in the process of removing the tree.
 - b. The tree is categorized as a nuisance species and no more than 3 such trees will be removed from one property during any 12-month period, and no more than 500 sq ft of earth disturbance will occur in the process of removing the tree(s).
 - c. The tree presents an emergency situation with immediate danger to persons or property. Emergency situations may include, but are not limited to, situations in which a tree or portion of a tree has been compromised and has damage, or is damaging structures or utilities on private or public property, or where a tree or portion of a tree is prohibiting safe passage in the public right-of-way. Examples are trees that have fallen into or against a house or other occupied building, or trees downed across power lines or roadways. This exemption is limited to removal of the tree or

portion of the tree as necessary to eliminate the hazard. Any damage or impacts to the designated natural resource shall be repaired after the emergency has been resolved.

- d. Removal of the tree is in accordance with an approved Natural Resource Management Plan per Section 430.200.
 - e. Major pruning of trees and shrubs within 10 ft of existing structures.
7. Landscaping and maintenance of existing landscaping and gardens. This exemption extends to:
- a. The installation of new irrigation and drainage facilities.
 - b. Erosion control features.
 - c. Landscaping activities that do not involve the removal of native plants or plants required as mitigation.
 - d. Landscaping activities that do not involve the planting of any vegetation identified as a nuisance species.
 - e. Landscaping activities that do not produce anything that increases impervious area.
 - f. Other changes that do not result in increased direct stormwater discharges to the WQR.
8. Additional disturbance for outdoor uses, such as gardens and play areas, where the new disturbance area does not exceed 500 sq ft; does not involve the removal of any trees of larger than 6-in diameter; and is located at least 30 ft from the top of bank of a stream or drainage and at least 50 ft from the edge of a wetland.
9. Routine repair and maintenance, alteration, demolition, and/or change of use of existing legal structures, provided that the following criteria are met:
- a. There is no change in the location or increase in the footprint of any portion of a building, impervious surface or outdoor storage area within a WQR or HCA.
 - b. No other site changes are proposed that could result in increased direct stormwater discharges to a WQR. If the project will result

in increased direct stormwater discharges, the proposal is subject to the Type II review process established in ZDC Chapter 630 Design Review.

10. Routine repair and maintenance, alteration, and/or total replacement of existing utility facilities, accesses, streets, driveways, trails, walkways, and parking improvements (including asphalt overlays); provided that there is no new disturbance of the WQR or HCA, no increase in impervious area, no reduction in landscaped areas or tree cover, and no other change that could result in increased direct stormwater discharges to the WQR.
11. Routine repair and maintenance of public and private stormwater facilities in accordance with a stormwater management plan approved by the City.
12. Existing agricultural practices or uses, excluding buildings and structures, provided that such activities or uses do not result in increased direct stormwater discharges to WQR.
13. Removal of debris.
14. Change of ownership.
15. Lot consolidations, as defined in ZDC Chapter 450 Subdivisions and Land Partitions.
16. Activities and improvements in existing public rights-of-way.
17. Establishment and maintenance of trails in accordance with the following standards:
 - a. Trails shall be confined to a single ownership or within a public trail easement.
 - b. Trails shall be located at least 15 ft from the top of bank of all water bodies.

430.160 Limited Exemptions Within an HCA

The following activities within an HCA are exempt from the provisions of this Section except that a Construction Management Plan is required where the activity disturbs a total of more than 500 sq ft:

1. The alteration and/or total replacement of existing structures, provided that both of the following standards are met:
 - a. The alteration and/or replacement shall not intrude more than 500 sq ft into the HCA, beyond the area defined as the building footprint.
 - b. The alteration and/or replacement shall not result in increased direct stormwater discharges to a WQR.
2. Minor encroachments, not to exceed 500 sq ft for residential and nonresidential zones, for new features such as accessory buildings, patios, walkways, or retaining walls.
3. Temporary and minor clearing, excavation, or other disturbances, not to exceed 500 sq ft, for the purpose of: site investigations or preparation of soil profiles; installation of underground utility facilities or other infrastructure; routine repair and maintenance and/or alteration of existing utility facilities, access, streets, driveways, and parking improvements; or similar activities, provided that such disturbed areas are restored to their original condition when the activity is complete.
4. Low-impact outdoor recreation facilities for public use—including, but not limited to, multi-use paths, accessways, trails, picnic areas, or interpretive and educational displays and overlooks that include benches and outdoor furniture—provided that such facilities contain no more than 500 sq ft of new impervious surface.
5. Facilities that infiltrate stormwater on the site, including the associated piping, so long as the forest canopy and the areas within the driplines of the trees are not disturbed. Such facilities may include, but are not limited to, vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins. Native or nonnative vegetation may be planted in these facilities, provided that none of the plantings are identified as a nuisance species.

430.170 Prohibited Activities

This Section is comprised of regulations that deal with the use of land; it does not extend into the broader realm of laws that regulate personal activities unrelated to land use and development. Given such limitations, the following activities are prohibited within a WQR and an HCA:

- A. New structures, development or landscaping activity other than those allowed by Subsection 430.150 and 430.160.
- B. Uncontained areas of hazardous materials as defined by the Department of

Environmental Quality.

- C. Planting any vegetation listed as a nuisance species.
- D. Outside storage of materials unless such storage is approved according to the applicable provisions of this Section.
- E. Application of pesticides or herbicides with any of the active ingredients listed on the Environmental Protection Agency's (EPA) 2011 Banned or Severely Restricted Pesticides List.

REVIEW PROCEDURES

430.180 Activities Requiring City Review

In accordance with Subsection 430.140, except as specifically exempted in Subsections 430.150 and 430.160, within either a WQR or an HCA, the following activities and items are subject to Administrative Review (Type I) or Planning Commission (Type II) review if required by other sections of the ZDC:

- A. The activities listed below are subject to a Type I review procedure in accordance with Subsection 510.100 except as otherwise provided in this Section.
 - 1. Construction Management Plans
 - 2. Tree Removal or Pruning
 - 3. Natural Resource Management Plans
 - 4. Maintenance of Existing Utility Facilities
 - 5. Utility Connections
 - 6. Nuisance Abatement
 - 7. Boundary Verification
 - 8. Special Uses
 - a. Improvement or construction of public or private utility facilities
 - b. New stormwater facilities

- c. Walkways and bike paths
 - 9. Stormwater Management Plans
 - 10. Other Uses and Activities with Minimal Impacts to WQR
 - 11. New agricultural practices or uses, excluding buildings and structures that result in increased direct stormwater discharges to WQR.
 - 12. Landscaping and maintenance of existing landscaping that would increase impervious area within a WQR by no more than 500 sq ft and/or would result in increased direct stormwater discharges to the WQR.
 - 13. Routine repair and maintenance, alteration, and/or total replacement of existing legal buildings or structures that increases the disturbance area by no more than 500 sq ft within the WQR.
 - 14. Routine repair and maintenance, alteration, and/or total replacement of existing utility facilities, accesses, streets, driveways, and parking improvements that disturbs no more than 500 sq ft within the WQR. Activities approved under this subsection shall be subject to the following requirements:
 - i. Restore the disturbed portion of the WQR.
 - ii. Within the disturbed portion of the WQR, remove any vegetation categorized as a nuisance species and replace it with native vegetation recommended on the City Plant List.
- B. The activities listed below are subject to a Type II review procedure in accordance with Section 520.100 except as otherwise provided in this Section:
- 1. Partitions or Subdivisions
 - 2. Design Review

DEVELOPMENT STANDARDS

430.190 Construction Management Plans

Prior to issuing any permits in a WQRA a Construction Management Plan must be submitted to the City as follows:

- A. Construction Management Plans are subject to Type I review per ZDC Chapter 510 and the City of Wood Village Construction Standards.
- B. Construction Management Plans shall provide the following information:
 - 1. Determination of a WQRA and description of work to be done in compliance with the requirements listed in Table 2.
 - 2. Scaled site plan showing a demarcation of a WQR and/or an HCA and the location of excavation areas for building foundations, utilities, stormwater facilities, etc.
 - 3. Location of site access and egress that construction equipment will use.
 - 4. Equipment, material staging and stockpile areas.
 - 5. Erosion and sediment control measures.
 - 6. Measures to protect trees and other vegetation located within the potentially affected WQR and/or HCA. A root protection zone shall be established around each tree in the WQR or HCA that is adjacent to any approved work area. The root protection zone shall extend from the trunk to the outer edge of the tree's canopy, or as close to the outer edge of the canopy as is practicable for the approved project. The perimeter of the root protection zone shall be flagged, fenced, or otherwise marked and shall remain undisturbed. Material storage and construction access is prohibited within the perimeter. The root protection zone shall be maintained until construction is complete.

When required for a property that does not include a designated natural resource, the Construction Management Plan shall show the protective measures that will be established on the applicant's property.

430.200 Natural Resource Management Plans

Prior to issuing any permits in a WQRA a Natural Resource Management Plan must be submitted to the City as follows:

Natural Resource Management Plans or restoration plans that authorize limited disturbance within the WQR or HCA may be approved with a Type I or II review, subject to the following standards:

A. Plans Eligible for Type I Review

The plan has already been approved by the U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife (ODFW), DSL, Oregon Watershed Enhancement Board (OWEB), Metro, East Multnomah County Soil and Water Conservation District, or other agency approved by the City Administrator.

B. Plans Eligible for Type II Review

The plan has been prepared in accordance with particular standards and guidelines promulgated by a natural resource agency, such as OWEB's Oregon Aquatic Habitat Restoration and Enhancement Guide, ODFW's Western Oregon Stream Restoration Program, DSL's Hydrogeomorphic (HGM) approach of assessment for wetland and riparian functions, or other standards approved by the City Administrator.

C. Approval Criteria

Every plan prepared for approval in this Section shall demonstrate that it encourages restoration activities that have any of the following effects:

1. Changes the trend of habitat function from one of a diminishing ability to support salmonids and other organisms to one that supports a complex, self-sustaining system.
2. Corrects or improves conditions caused by past management and/or disturbance events.
3. Maximizes beneficial habitat in the short term where watershed degradation has been extensive and natural processes will need substantial time to restore habitat.
4. Creates beneficial habitat and restores stream function and hydrology to the fullest extent practicable within developed areas where there is no reasonable expectation of returning to natural conditions.

D. Construction Management Plans

A Construction Management Plan (Section 430.190) is required with each Natural Resource Management Plan.

E. Ongoing Maintenance

Natural Resource Management Plans shall demonstrate how ongoing maintenance is part of the associated restoration or enhancement activities.

F. Expiration of Plans

The approval of a Natural Resource Management Plan shall be valid for 5 years. Approved plans may be renewed through the Type I review process by demonstrating that the original approved plan still meets the criteria provided in this Section. Plans that demonstrate an adaptive management component and/or that involve partnership with one of the agencies noted in this Section may be approved as valid for up to 20 years upon request.

Table 2
WATER QUALITY RESOURCE AREA DETERMINATION
OF CONDITION AND REQUIREMENTS

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains Undisturbed During Construction	Requirements if Water Quality Resource Area is Disturbed During Construction
<p>Good Existing Corridor:</p> <p>Combination of trees, shrubs and ground cover are 80% present, and there is more than 50% tree canopy coverage in the vegetated corridor.</p>	<p>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.</p> <p>Inventory and remove debris and noxious materials.</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>

WATER QUALITY RESOURCE AREA REQUIREMENTS

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains Undisturbed During Construction	Requirements if Water Quality Resource Area is Disturbed During Construction
<p>Marginal Existing Vegetated Corridor:</p> <p>Combination of trees, shrubs and groundcover are 80% present, and 25-50% canopy coverage in the vegetated corridor.</p>	<p>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.</p> <p>Inventory and remove debris and noxious materials.</p>	<p>Vegetate disturbed and bare areas with, non-nuisance plantings from the City Plant 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 the City Plant List.</p> <p>Inventory and remove debris noxious materials.</p>

WATER QUALITY RESOURCE AREA REQUIREMENTS

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains Undisturbed During Construction	Requirements if Water Quality Resource Area is Disturbed During Construction
<p>Degraded Existing Vegetated Corridor:</p> <p>Combination of trees, shrubs, and ground cover are less than 80% present and/or less than 25% canopy coverage in vegetated corridor.</p>	<p>Vegetate bare areas with plantings from approved Native Plant List.</p> <p>Remove non-native species and revegetate with plantings from approved Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p>	<p>Vegetate disturbed and bare areas with appropriate plants from the City Plant List.</p> <p>Remove non-native species and revegetate with non-nuisance plantings from the City Plant 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 the City Plant List.</p> <p>Inventory and remove debris and noxious materials.</p>

430.210 Site Development Protection and Mitigation

A. Protection of Natural Resources During Site Development

During development of any site containing a designated natural resource, the following standards shall apply:

1. Work areas shall be marked to reduce potential damage to the WQR and/or HCA.
2. Trees in a WQR or HCA shall not be used as anchors for stabilizing construction equipment.

3. Native soils disturbed during development shall be conserved on the property.
4. An erosion and sediment control plan is required and shall be prepared in compliance with requirements set forth in Subsection 430.220 and the City of Wood Village Public Works Standards.
5. Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to any WQR adjacent to the project area.
6. Stormwater flows that result from proposed development within and to natural drainage courses shall not exceed predevelopment flows.
7. Prior to construction, the WQR and/or HCA that is to remain undeveloped shall be flagged, fenced or otherwise marked and shall remain undisturbed. Such markings shall be maintained until construction is complete.
8. The construction phase of the development shall be done in such a manner as to safeguard the resource portions of the site that have not been approved for development.
9. Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size and intensity of lighting shall be selected so that impacts to habitat functions are minimized.
10. All work on the property shall conform to a Construction Management Plan prepared according to Section 430.190.

B. General Standards for Required Mitigation

Where mitigation is required by this Section for disturbance to a WQR and/or HCA, the applicable sections of Table 2 and the following general standards shall apply:

1. Disturbance

- a. Designated natural resources that are affected by temporary disturbances shall be restored, and those affected by permanent disturbances shall be mitigated as applicable.
- b. Landscape plantings are not considered to be disturbances, except for those plantings that are part of a non-exempt stormwater facility; e.g., rain garden or bioswale.

2. Required Plants

Unless specified elsewhere in this Section, all trees, shrubs and ground cover planted as mitigation shall be native plants, as identified on the City Plant List. Applicants are encouraged to choose particular native species that are appropriately suited for the specific conditions of the planting site; e.g., shade, soil type, moisture, topography, etc. Plant size, spacing and diversity will be approved through discretionary review by the City. The minimum ratio of mitigation shall be 2:1.

3. Location of Mitigation Area

a. On-Site Mitigation

All mitigation vegetation shall be planted on the applicant's site within the designated natural resource that is disturbed, or in an area contiguous to the resource area; however, if the vegetation is planted outside of the resource area, the applicant shall preserve the contiguous planting area by executing a deed restriction, such as a restrictive covenant.

b. Off-Site Mitigation

1. For disturbances allowed within a WQR, off-site mitigation shall not be used to meet the mitigation requirements of this Chapter.
2. For disturbances allowed within an HCA, off-site mitigation vegetation may be planted within an area contiguous to the subject-property HCA, provided there is documentation that the applicant possesses legal authority to conduct and maintain the mitigation, such as having a sufficient ownership interest in the mitigation site. If the off-site mitigation is not within an HCA, the applicant shall document that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.

4. Invasive Vegetation

Invasive nonnative or noxious vegetation shall be removed within the mitigation area prior to planting, including, but not limited to, species identified as nuisance plants on the City Plant List.

5. Ground Cover

Bare or open soil areas remaining after the required tree and shrub plantings

shall be planted or seeded to 100% surface coverage with grasses or other ground cover species identified as native on the City Plant List. Revegetation shall occur during the next planting season following the site disturbance.

6. Tree and Shrub Survival

A minimum of 80% of the trees and shrubs planted shall remain alive on the second anniversary of the date that the mitigation planting is completed.

a. Required Practices

To enhance survival of the mitigation plantings, the following practices are required:

- (1) Mulch new plantings to a minimum of 3-in depth and 18-in diameter to retain moisture and discourage weed growth.
- (2) Remove or control nonnative or noxious vegetation throughout the maintenance period.

b. Recommended Practices

To enhance survival of tree replacement and vegetation plantings, the following practices are recommended:

- (1) Plant bare root trees between December 1 and April 15; plant potted plants between October 15 and April 30.
- (2) Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and the resulting damage to plants.
- (3) Water new plantings at a rate of 1 inch per week between June 15 and October 15 for the first 2 years following planting.

c. Monitoring and Reporting

Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die shall be replaced in kind as needed to ensure the minimum 80% survival rate. The City may require a maintenance bond to cover the continued health and survival of all plantings. A maintenance bond shall not be required for land use applications related to owner-occupied single-family residential projects. An annual report on the survival rate of all plantings shall be submitted for 2 years.

7. Light Impacts

Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size and intensity of lighting shall be selected so that impacts to habitat functions are minimized and are subject to City review.

C. Mitigation Requirements for Disturbance within WQR

1. The requirements for mitigation vary depending on the existing condition of the WQR on the project site at the time of application which will be assessed in accordance with the categories established in Table 2. When disturbances within a WQR is approved according to the standards of this Section, the disturbance shall be mitigated according to the requirements outlined in Table 3 and the standards established in Section 430.190 E. Limitations and Mitigation for Disturbance of an HCA.

When disturbances within an HCA are allowed, the City shall remove the HCA designation from such disturbance areas on the WQ Map.

2. Mitigation Requirements for Disturbance in an HCA

To achieve the goal of reestablishing forested canopy that meets ecological values and functions when development intrudes into an HCA, tree replacement and vegetation planting is required according to the following standards, unless the planting is also subject to wetlands mitigation requirements imposed by state and federal law.

These mitigation options apply to tree removal and/or site disturbance in conjunction with development activities that are otherwise permitted. They do not apply to situations in which tree removal is exempt.

An applicant shall meet the requirement of Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the disturbance area is 1 acre or more, the applicant shall comply with Mitigation Option 2 as shown in Table 3 below.

Wastewater treatment plants, raw water intakes, pump stations, transmission mains, conduits or service lines, terminal storage reservoirs, and outfall devices may be built, expanded, repaired, maintained, reconfigured, rehabilitated, replaced, or upsized in accordance with the following criteria:

- a. Such projects shall not be required to avoid the resource area provided that, where practicable, the project does not encroach closer to a

protected water feature than existing operations and development; or, for new projects where there are no existing operations or development, provided that the project does not encroach closer to a protected water feature than practicable.

- b. Best management practices will be employed that accomplish all of the following:
- (1) Account for watershed assessment information in project design.
 - (2) Minimize the trench area and tree removal within the resource area.
 - (3) Utilize and maintain erosion controls until other site stabilization measures are established, post-construction.
 - (4) Replant immediately after backfilling, or as soon as effective.
 - (5) Preserve wetland soils and retain soil profiles.
 - (6) Minimize compactions and the duration of the work within the resource area.
 - (7) Complete in-water construction during appropriate seasons, or as approved within requisite federal or State permits.
 - (8) Monitor water quality during the construction phases, if applicable.
 - (9) Implement a full inspection and monitoring program during and after project completion, if applicable.

Table 3 - Tree Replacement

Size of Tree to be Removed (inches in diameter)	Number of Trees and Shrubs to be Planted
6 to 12	2 trees and 3 shrubs
13 to 18	3 trees and 6 shrubs
19 to 24	5 trees and 12 shrubs
25 to 30	7 trees and 18 shrubs
over 30	10 trees and 30 shrubs

c. Mitigation Option 1

This mitigation requirement is calculated based on the number and size of trees that are removed from the site. Trees that are removed from the site shall be replaced as shown in Table 3. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses or herbs. Nonnative sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

d. Mitigation Option 2

This mitigation requirement is calculated based on the size of the disturbance area within an HCA. Native trees and shrubs are required to be planted at a rate of 5 trees and 25 shrubs per 500 sq ft of disturbance area. This is calculated by dividing the number of square feet of disturbance area by 500, multiplying that result times 5 trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs.

For example:

For 330 sq ft of disturbance area: $330 \div 500 = 0.66$, and $0.66 \times 5 = 3.3$, so 3 trees must be planted. $0.66 \times 25 = 16.5$, so 17 shrubs must be planted. Bare ground shall be planted or seeded with native grasses or herbs. Nonnative sterile wheat grass may also be planted or seeded, in equal or lesser proportion to native grasses or herbs.

D. Limitations and Mitigation for Disturbance of HCA

1. Discretionary Review to Approve Additional Disturbance within an HCA

An applicant seeking discretionary approval to disturb more of an HCA than is allowed shall submit an Impact Evaluation and Alternatives Analysis and shall be subject to the approval criteria provided in ZDC Chapter 510.100 Type I Administrative Process.

2. Discretionary Review to Approve Mitigation that Varies the Number and Size of Trees and Shrubs within an HCA

An applicant seeking discretionary approval to proportionally vary the number and size of trees and shrubs required to be planted, but who will comply with all other applicable provisions, shall be subject to the following process:

a. The applicant shall submit the following information:

- (1) A calculation of the number and size of trees and shrubs the applicant would be required to plant according to this Section.
- (2) The number and size of trees and shrubs that the applicant proposes to plant.
- (3) An explanation of how the proposed number and size of trees and shrubs will achieve, at the end of the third year after initial planting, comparable or better mitigation results than would be achieved if the applicant complied with all of the requirements of this Section. Such explanation shall be prepared and signed by a knowledgeable and qualified natural resource professional or a certified landscape architect. It shall include discussion of site preparation including soil additives, removal of invasive and noxious vegetation, plant diversity, plant spacing, and planting season; and immediate post-planting care, including mulching, irrigation, wildlife protection, and weed control.
- (4) A mitigation, site-monitoring, and site-reporting plan.

b. Approval of the request shall be based on consideration of the following:

- (1) Whether the proposed planting will achieve, at the end of the third year after initial planting, comparable or better mitigation results than would be achieved if the applicant complied with all of the requirements of this Section.
- (2) Whether the proposed mitigation adequately addresses the plant diversity, plant survival, and monitoring practices established in this Section.

430.220 Erosion Prevention and Sediment Control

- A. The purpose of this Subsection is to require erosion prevention measures and sediment control practices for all development inside and outside the WQRA 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 WQRA; 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, WQRA, 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 430.150 and 430.160, 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.

430.230 Subdivisions and Partitions

- A. The standards for land divisions in WQRA shall apply in addition to the requirements of ZDC Section 450 Subdivision and Land Partitions.
- B. Prior to preliminary plat approval, the WQRA 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 WQRA 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 WQRA tract is dedicated to the city or other governmental unit, development shall be subject to a minimum 3-foot setback from the WQRA.

430.240 Density Transfers

- A. The purpose of this Section is to allow density accruing to portions of a property within the WQRA to be transferred outside the WQRA.
- 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 WQRA 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 WQRA and on the title of the transfer lot.
- G. Once density is transferred from a lot in the WQRA, the density increase allocated to the transfer lot may not be transferred to any other lot.

430.250 Variances

To encourage applicants to avoid or minimize impacts to a WQR and/or HCA, variances are available for use on any property that includes a WQR or an HCA.

Requests to vary any standards shall be subject to the review process and approval criteria for variances established in ZDC Chapter 660 Variances.

In granting any variance request related to this Section, the Planning Commission may impose such conditions as are deemed necessary to minimize adverse impacts that may result from granting the variance. Examples of such conditions include, but are not limited to, maintaining a minimum width of the vegetated corridor alongside a primary protected water feature and limiting the amount of a WQR for which the adjacent vegetated corridor width can be reduced.

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.

B. **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.

C. **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.

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width
Major Arterial	80-115 feet	66-84 feet
Minor Arterial	80-105 feet	44-73 feet
Major Collector	60-98 feet	40-65 feet
Neighborhood Collector	50 feet	32 feet
Standard Local Street	55-60 feet	32 feet
Local "Skinny" Street	40 feet	26 feet
Alleys	20 feet	20 feet
Note: Typical rights-of-way and ultimate roadway widths shown. Additional width may be needed to accommodate additional turn lanes at intersections or as needed to address circulation needs. The need for additional width will be based on an engineering study and approved by the Public Works Director.		

Local Skinny Street standards may only be utilized where maximum block length does not exceed 330 feet, or where the street is less than 2,400 feet in length and cannot be connected or extended.

- 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. Stubbed streets shall be limited to 200 feet in length and have no more than 25 dwelling units. The street end shall be posted identifying it as the site for possible street extension when there is future development.

- 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:** In order to improve connectivity in the city, cul-de-sacs shall generally be prohibited. When environmental or topographical constraints or existing development patterns preclude local street connectivity, 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.
- Q. **Sidewalks:** Sidewalks shall be installed on all public streets adjacent to the proposed development. Planning Commission may recommend approval for development without sidewalks if a variance application is submitted, alternative pedestrian routes are planned or available, and if it can be shown that the proposed routes adequately provides for pedestrian circulation within, and connectivity to and from, the development. On local City streets, concrete sidewalks, planter strips or furnishing zones, and street trees shall be provided as shown in the cross-sections in the City Transportation System Plan. On County streets, sidewalks shall be provided in accordance with Multnomah County Street Standards and regional street design standards. In all cases, at least five feet shall be clear for through travel on sidewalks.
- R. **Multi-use pathways:** Multi-use pathways shall be eight (8) feet wide, surfaced with asphalt, concrete, turf pavers, low-impact pavers, compacted gravel, engineered wood fiber, or other City approved materials to meet ADA standards. Pathways shall be located in a 20 foot wide public easement. Pathway width and easements or rights-of-way may be altered with the specific approval of the City if such pathway alternatives are constrained by existing right-of-way, easements, topography, and as specifically directed in the water quality resource area overlay zone Section 430 of this code. In all cases, at least five feet shall be clear for through travel on pathways.

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, or a similar constraint justifies an exception. Where existing street spacing is non-conforming, or a variance to the street spacing standards is proposed, a pedestrian and bicycle multi-use pathway shall be provided with spacing no more than 330 feet except where impracticable due to factors such as topography, environmental features, or existing development.

Block size for the use of the Local “Skinny” Street standard shall not exceed 330 lineal feet in any dimension without connection to street corner lines. However, where constrained by topography, environmental features, or existing development, the Local “Skinny” Street standard may be used in any roadway less than 2,400 feet in length and for which extension or connection to other streets is not possible.

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.
- (1) Pedestrian access;
 - (a) Pedestrian connections to adjoining properties shall be provided except where such a connection cannot be reasonably accommodated due to existing development, topography, or environmental constraints. Pedestrian connections shall connect the on-site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, accessways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property;
 - (2) Access to transit: Proposed development within 600 feet of an existing or planned transit route or stop shall provide for pedestrian access to transit through the following measures:
 - (a) Locate building for the primary use within 20 feet of an existing or planned transit stop, a street with existing or planned transit service, or an intersecting street;
 - (b) Provide a direct pedestrian connection between the transit facility and building entrances on the site;
 - (c) Provide a transit passenger landing pad accessible to disabled persons;
 - (d) Provide an easement or dedication for a passenger shelter if requested by the transit provider; and
 - (e) Provide lighting to a transit facility, if located on site;
- C. **Pedestrian Circulation**
- (1) Walkways shall be provided connecting building entrances and streets adjoining the site;
 - (2) Connections shall be direct and driveway crossings minimized; and
 - (3) Walkways shall be at least five-feet-wide, raised, include curbing, or have different paving material when crossing driveways.
- D. **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.
- E. **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.