

501 PUBLIC FACILITY AND SERVICE REQUIREMENTS

501-1 Intent and Purpose

The intent of this Section is to identify those public facilities and services that are necessary at a minimum level to accommodate development authorized by Article III and Article VI. The standards of this Section are not applicable to uses authorized by Article VII unless specifically required by Article VII.

501-2 Application of the Public Facility and Service Standards Inside a UGB

Application of the Public Facility and Service Standards (Section 501-1 through 501-8) shall apply to the Urban Unincorporated Area as follows:

501-2.1 To all land divisions and property line adjustments except:

- A. Property line adjustments except as required by Subsection 605-1.3; or
- B. Land divisions which result in all lots or parcels containing a land area of ten (10) acres or greater except as required by Subsection 501-8.5.

501-2.2 To all new construction of structures or expansion of an existing structure, except for construction of a single (one only) detached dwelling unit or duplex on an approved duplex lot (Section 430-13.3), or other structures which meet all of the following:

- A. Contains two thousand (2,000) square feet or less;
- B. Does not, in itself, generate more than fourteen (14) vehicle trips per day, as defined by the Institute of Traffic Engineers, Trip Generation Information Report;
- C. Contains no plumbing fixtures, or has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer; and
- D. Does not pose any unique public health or safety issues.

501.2-3 To all changes in use, except those which meet all of the following:

- A. Does not require a building permit;
- B. Does not, in itself, generate more than fourteen (14) additional vehicle trips per day as defined by the Institute of Traffic Engineers, Trip Generation Information Report;
- C. Has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer; and
- D. Does not pose any unique public health or safety issues.

501-2.4 To the following off-street parking areas:

- A. New commercial parking facilities (Section 313-3.21);

- B. New surface parking lots or parking garages that have not been approved in conjunction with an allowed use; and
- C. Expansions to existing commercial parking facilities (Section 313-3.21), surface parking lots, or parking garages that:
 - (1) add or relocate existing access points;
 - (2) provide connections to developed adjoining properties that were not approved through the initial development approval; or
 - (3) have additional road frontage that was not part of the initial development approval.

501-2.5 Notwithstanding Section 501-2, all new construction and expansion of existing structures shall pay the Transportation Development Tax, except as provided in the Transportation Development Tax Ordinance.

501-3 Application of the Public Facility and Service Standards for Multiple Actions

501-3.1 When multiple development actions are proposed for a site, the Public Facility and Service Standards shall be applied to the first action unless during that action specific findings are presented which make it appropriate to postpone application of the standards to a subsequent development action. Postponement of payment of the Transportation Development Tax shall be allowed only as provided in the Transportation Development Tax Ordinance.

501-3.2 Initial application of the Public Facility and Service Standards shall be through a Type II or Type III process. Subsequent development actions on the property for the same development shall be reviewed for consistency with the action taken in the initial application of the Public Facility and Service Standards. This shall be done through a Type I process. If the Review Authority determines and makes findings that circumstances have changed or the impacts of the subsequent development exceed the Public Facility and Service requirements by an amount greater than would be allowed by the exceptions of Section 501-2, the application shall be reevaluated for conformance with the Public Facility and Service Standards through the same procedure type as the prior approval.

501-4 Deferral of Public Facility and Service Standards

Based on a preliminary analysis of Public Facility and Service Standards impacts, the Review Authority may:

501-4.1 Defer final application of the Public Facilities and Service Standards, within the impact or analysis area, until a subsequent stage in the development process if the Review Authority determines that there is insufficient certainty as to the ultimate use and resulting public facility and service demands to accurately assess the facility and service impacts and appropriate conditions of approval.

501-4.2 If such a deferral is allowed, consideration of the deferred public facility and service issues shall occur through a Type II or III process, separate from or in conjunction with other required development hearings. Building permits for any phase of a

development shall not be issued until all public facility and service issues associated with that phase are satisfactorily resolved in accordance with this Article.

501-5 Exemptions from Public Facility and Service Standards of Section 501-2

501-5.1 When an applicant seeks a development permit for a proposal exempt from the Public Facility and Service Standards as provided in Section 501-2, the applicant shall demonstrate that the service or services are in fact not available for the proposal.

501-5.2 In the case of sewer service, if sewer is within three hundred (300) feet of a property line of the proposed development, the service shall be deemed available for purposes of application of Sections 501-2 and 501-5.

501-6 Exceptions for Critical and Essential Services

501-6.1 Development proposals that cannot ensure critical and essential services other than those required by Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] within the required time frames shall be denied unless all of the following findings can be made:

- A. The particular inadequate facility(ies) or service(s) is not necessary for the particular proposal within the time period identified by the service provider;
- B. The approval of the development application will not substantially interfere with the ability to later provide the particular inadequate facility(ies) or service(s) to anticipated uses in the vicinity of the subject property;
- C. The approval of the development application without the assurance of the particular inadequate facility(ies) and service(s) will not cause a danger to the public or residents in the vicinity of the subject property; and
- D. It is shown that the applicant has exhausted all practical methods within the ability of the applicant to ensure the provisions of the unacceptable facility(ies) and service(s).

501-6.2 Exceptions to the Public Facility and Service Standards as provided under Section 501-6.1 will be reviewed through a Type III process.

501-6.3 Development proposals that cannot ensure improvements required by Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] within the required time frames shall be denied unless the Review Authority determines that the findings required under Sections 501-6.1 B. and C. plus the findings required by at least one of Sections 501-6.3 A. through C. below can be made.

- A. Within 500 feet of the subject site (not including the subject site), measured in each direction along the frontage road, but not beyond the nearest intersecting Collector or Arterial road:
 - (1) No similar frontage improvements exist on the same side of the street as the subject site; and

- (2) 75 percent or more of the parcels fronting on the same side as the subject site cannot be divided based on the allowed minimum lot size or density requirements of the applicable land use district(s).
- B. The subject improvements will be constructed as part of a planned and funded public road improvement project scheduled to begin construction within twelve (12) months of the proposed development's approval date.
 - C. The County Engineer makes a written determination that there are technical feasibility constraints that preclude construction of the required improvements with the proposed development, including but not limited to one or more of the following:
 - (1) The ultimate alignment and grade for the roadway cannot be established;
 - (2) Construction of the required improvements would be inconsistent with the ultimate alignment and grade for the roadway, due to existing conditions in the vicinity of the proposed development site;
 - (3) Topographic or environmental features make construction physically impracticable; or
 - (4) Construction of the subject improvements would cause substantial negative effects on adjacent properties or on natural resources, provided that the negative effects could be avoided with a comprehensive public roadway improvement project on the subject road, designed and constructed in accordance with the Washington County Transportation Plan and Uniform Road Improvement Design Standards.
- 501-6.4 Requests for exceptions to the requirements of Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] as provided under Section 501-6.3 shall be reviewed through the same procedure type otherwise required for the proposed development action(s), separate from or in conjunction with other required development hearings.
- 501-6.5 If an exception to Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] is granted pursuant to Section 501-6.3, the applicant shall:
- A. Be required to provide improvements necessary to mitigate the impact of the proposed development on the road system; and
 - B. Assure the following, with said assurance provided prior to issuance of a building permit:
 - (1) All other applicable requirements of Sections 501-8.1 and 501-8.2, as determined by the Review Authority, shall be satisfied prior to occupancy of the development;
 - (2) All identified safety improvements, both on-site and within the impact and analysis area (pursuant to Resolution and Order No. 86-95 "Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance – Process Documentation" as modified or updated), shall be constructed prior to occupancy of the development; and

- (3) Sidewalks must be constructed adjacent to any road directly abutting the development site as otherwise required by this Article prior to occupancy of the development.

501-6.6 Notwithstanding the provisions of this Section 501-6, all new construction and expansion of the existing structures shall pay the Transportation Development Tax, except as provided in the Transportation Development Tax Ordinance (Ordinance 691). No exception to the Transportation Development Tax shall be granted except as provided in the Transportation Development Tax Ordinance.

501-7 Levels of Public Facilities and Services

501-7.1 Implementation strategies of the Comprehensive Plan have placed Public Facilities and Services into three (3) categories for development:

- A. Critical Services -- public water, public sewer, fire protection, drainage and access on Local and Neighborhood Route roads;
- B. Essential Services -- schools, Arterial (including State highways) and Collector roads, transit improvements, police protection, street lighting and on-site pedestrian facilities in the public right-of-way; and
- C. Desirable Services -- public transportation service, parks, bicycle facilities and off-site pedestrian facilities, including off-street trails identified on the Transportation Plan Trails and Pedestrian System map, off-street pathways, Special Area Trails and Pedestrian Connectivity Areas identified on the Community Plans.

501-7.2 As used in Article V, the words listed below include the following meaning unless otherwise specifically identified:

- A. When the term "Collector" is used, it shall include "Special Area Collector" facilities.
- B. When the term "Neighborhood Route" is used, it shall include "Special Area Neighborhood Route" facilities.
- C. When the term "Local" street or road is used, it shall include "Special Area Local Streets" and "Special Area Commercial Street" facilities.

501-7.3 The level of on- and off-site improvements shall be determined based upon the impact and benefit of the proposed development on each facility or service. The boundaries of the impact area for each facility or service shall be determined by the service provider. The boundaries of each impact area need not be identical.

501-7.4 The service provider's information shall be treated as a rebuttable assumption as to the ability to provide an acceptable level of service. However, the evidence that can rebut it must be compelling evidence based upon objective data in order to controvert the determination of the service provider.

501-7.5 The analysis area for collector and arterial roads shall be that geographic area directly impacted and benefited by the proposed development. Data required for determining this area is the responsibility of the applicant and shall be provided to and approved as to adequacy by the County prior to processing of the application by the County.

501-8 Standards for Development

501-8.1 Critical Services

- A. An applicant for development shall provide documentation from the appropriate non-County service provider that adequate water, sewer and fire protection can be provided to the proposed development prior to occupancy. The documentation shall be no more than ninety (90) days old.
- B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:
 - (1) Those Local and Neighborhood Route roads, new or existing, lying wholly within the property's real property boundaries, or future roadway alignments designated in the Washington County Transportation Plan, shall be developed in accordance with Washington County's Uniform Road Improvement Design Standards; and
 - (2) For those access roads lying adjacent to and between the property owner's proposed development and the nearest adequate Collector or Arterial road, as defined in Essential Services, or future roadway alignments designated in the Washington County Transportation Plan, likely to attract the highest traffic volume from the proposed development (based on existing and/or forecast traffic volumes) the road(s) must meet the following minimum standards:
 - (a) Have a wearing surface and structural life expectancy period of no less than five (5) years (paved) as determined by the County Operations Engineer;
 - (b) Paved surfaces for existing roadways shall be twenty-two feet or greater in width. New roads shall meet the adopted County Road Standards;
 - (c) On-site means all lands in the land use application and one half (½) the right-of-way of existing roads lying adjacent to such lands;
 - (d) On-site entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), 1990; and
 - (e) Right-of-way on or adjacent to the frontage property meets Washington County functional classification standards.

- (3) For a proposed development which abuts an existing Local or Neighborhood Route stub street, the applicant must develop a site plan which extends the stub street into or through the development site.
 - (4) A half-street improvement shall be constructed along the site's frontage of existing Local and Neighborhood Route roads which abut the site and are not improved in accordance with the Washington County Transportation Plan and Uniform Road Improvement Design Standards.
- C. No development shall be approved without adequate drainage as prescribed by the County Drainage Master Plan or the adopted Drainage Ordinance or Resolution and Order, and adequate provisions for storm water, surface water and water quality management as required by the Clean Water Services' "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor.
- D. No development shall be approved on property that is located outside of the Washington County Urban Road Maintenance District. The subject property shall be annexed into this district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.
- E. For development in a transit oriented district, or development outside a transit oriented district but adjacent to a designated Special Area street, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Neighborhood Route or Special Area Commercial street. A ten (10) foot pedestrian/utility easement shall be recorded adjacent to a Special Area Local street. If the required sidewalk width is greater than the sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.

501-8.2 Essential Services

A. Service Provider Documentation

- (1) An applicant shall provide documentation from the appropriate school district, police or sheriff department, transit agency and highway department that adequate levels of service are available or will be available to the proposed development within the time-frames required by the service provider.
- (2) If the service provider documents that an adequate level of service is not available or will not be available within the time frame required, the service provider shall be requested to provide information regarding the service provider's ability to provide adequate levels of services and alternative means which could be employed to provide adequate levels of service. Documentation of adequacy and alternatives to provide adequate levels of services may include but are not limited to the following:
 - (a) Schools:

- (i) Amount of bonded indebtedness;
 - (ii) Use of double shifting;
 - (iii) Extended school periods;
 - (iv) Bussing to underutilized facilities;
 - (v) Year-round school;
 - (vi) Construction of new facilities;
 - (vii) Portable classrooms;
 - (viii) Impact fees;
 - (ix) Any combination of these or other alternatives.
- (b) Police or Sheriff Services:
- (i) Contracting with private agency;
 - (ii) Contracting with other public agency;
 - (iii) Impact fees;
 - (iv) Any combination of these or other alternatives.
- (c) Provision of Transit Improvements:
- (i) All applications subject to Article V shall provide documentation from the transit agency which demonstrates whether or not an appropriate level of transit access to the proposed site exists. The documentation from the Transit District shall indicate: a) whether existing transit service exists near the site, and if it does b) whether bus stops located near the site are adequate, and, if not, what improvements are necessary.
 - (ii) Property located along an Arterial or Collector which currently has hourly headways during the mid-day on a weekday. If an existing transit stop is located in front of the subject property, the transit district may request via the service availability letter that the County require an easement or dedication of right-of-way at the stop in order to make future passenger boarding facility improvements. Additionally, the transit district may relocate an existing stop or request via the service availability letter that the County require a new stop in front of the property along with an easement at the stop. The transit district shall make the determination as to whether or not additional right of way or an easement is necessary.

- (iii) Properties subject to this section may also be subject to more expansive transit related requirements as set forth in Section 380, Convenient Access to Transit Overlay District.

B. Adequate Level of Arterial and Collector Roads

No development shall be approved without an adequate level of Arterial and Collector roads available to the proposed development in place or assured at the time of occupancy. This requirement is satisfied by payment of the Transportation Development Tax unless the provisions of Section 501-10 and 501-11 are applicable. In addition, payment of the Transportation Development Tax is not an assurance for improvements required by Sections 501-8.2 C. through J. In addition to payment of the Transportation Development Tax an applicant shall, at a minimum, assure the following with said assurance provided prior to issuance of a building permit:

- (1) All identified safety improvements within the impact and analysis area (pursuant to Resolution and Order No. 86-95 "Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance – Process Documentation" as modified or updated), shall be constructed prior to occupancy of the development;
- (2) On-site road drainage is adequate to protect the facility. On-site means all lands in the land use application and one-half (½) the right-of-way of existing roads lying adjacent to such lands;
- (3) Entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), 1990;
- (4) Right-of-way on or adjacent to the frontage property meets Washington County Functional Classification Standards;
- (5) Access to Arterials and Collectors is in accordance with Section 501-8.5; and
- (6) Collectors or Arterials inside the UGB that abut a site and have an existing gravel surface must be brought up to urban standards in accordance with Section 501-8.2 E.

C. Street Lighting

For all new Local, Neighborhood Route, Collector and Arterial streets, and half street improvements an applicant shall provide street lighting consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.

- D. Applicants shall be required to dedicate or reserve appropriate right-of-way for the planned transit corridor if it is determined in the development review process that the County has the funds available to pay for the land to be acquired or the applicant chooses to receive the density bonus provided in Section 375-13.2.
- E. Gravel roads are unacceptable for development within the Urban Growth Boundary and they shall be improved in accordance with the Washington County Transportation Plan and Uniform Road Improvement Design Standards, including the installation of street lights consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.
- F. Future alignments of Collectors or Arterials as designated on the Transportation Plan or an adopted study, lying within or adjacent to the development's boundary shall be constructed in accordance with the Washington County Transportation Plan and Uniform Road Improvement Design Standards.
- G. A half-street improvement shall be constructed along the site's frontage of existing Collector and Arterial roads which abut the site and are not improved in accordance with the Washington County Transportation Plan and Uniform Road Improvement Design Standards.
- H. For development in a transit oriented district, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Collector street. If the required sidewalk width is greater than this sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.
- I. Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along Arterials and Collectors. The level of pedestrian and bicycle improvement shall be determined by the Review Authority, based upon the impact of the proposed development.
- J. When a development site includes frontage on a roadway that is identified as a 'Boulevard' or 'Street' on the Regional Street Design Overlay Map in the Transportation Plan, the Director shall determine if additional right-of-way, set backs, easements or right-of-way reservations are required so that implementation of Regional Street Design Guidelines will not be precluded.
- K. Law Enforcement Services

No development shall be approved on property that is located outside of the Washington County Enhanced Sheriff's Patrol District. The subject property shall be annexed into the district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.

501-8.3 Desirable Services

A. Pedestrian walkways, off-street trails and pathways and bicycle facilities

- (1) Applications may be conditioned to provide on- and off-site pedestrian walkways, off-street trails and pathways; and on- and off-site bicycle facilities, including appropriate open space or easement reservations or dedications, when identified by the appropriate agency and a direct impact or benefit to the proposed use is identified.
- (2) Applications shall address any off-street trail, pathway or walkway identified on the Transportation Plan Trails and Pedestrian System map or the applicable Community Plan (including facilities identified in Pedestrian Connectivity Areas), that is adjacent to or in proximity to the subject site. Specifically, the applicant shall:
 - (a) Provide documentation from the current or identified long-term trail provider about needed open space or easement reservations or dedications and/or any necessary improvements for any identified on- or off- site walkway, trail or pathway; and
 - (b) Include in the submitted site plan any open space or easement reservation or dedication area and/or off-street trail, pathway or walkway identified by the trail provider in the documentation provided pursuant to (a) above.

B. Park and recreation facilities

- (1) Properties not currently located within the boundary of a Park District shall annex to the District when the following conditions are met:
 - (a) The property lies within an area identified for park service by the Park District in an urban service agreement; or,
 - (b) If no urban service agreement applies to the property, the property lies between the Hillsboro, Tigard and Portland Urban Service Boundaries or lies within an area for which the District is designated a party in a cooperative agreement; and
 - (c) The Park District has adopted a Park Master Plan for the area the property is located in.
- (2) Provision of park and recreation services to properties added to the UGB after 1998:

No development shall be approved on property added to the UGB after 1998 when a Park District is identified as the long-term park and recreation service provider and the subject property is located outside of the Park District's boundary unless the property is annexed to the District.
- (3) If the conditions in Subsection (1) and (2) exist, the development application shall not be approved unless the applicant has filed with the

County a legally sufficient petition for annexation to the Park District containing the consent of all property owners and a majority of the electors for the property that is the subject of the application. Further, the application shall be conditioned that documentation of final annexation approval be provided prior to issuance of final approval for land divisions and prior to issuance of final approval and building permits for other development. The requirements of Subsections (1) and (2) may be waived only if the applicant provides documentation from the Park District that the District is unable or unwilling to accept annexation of the property into the District.

501-8.4 Dedication of Right-of-Way

Except as provided in Section 418-2.2, dedication of right-of-way shall be required pursuant to the classification of the facility as designated by the Washington County Transportation Plan and based upon the County Road Standards.

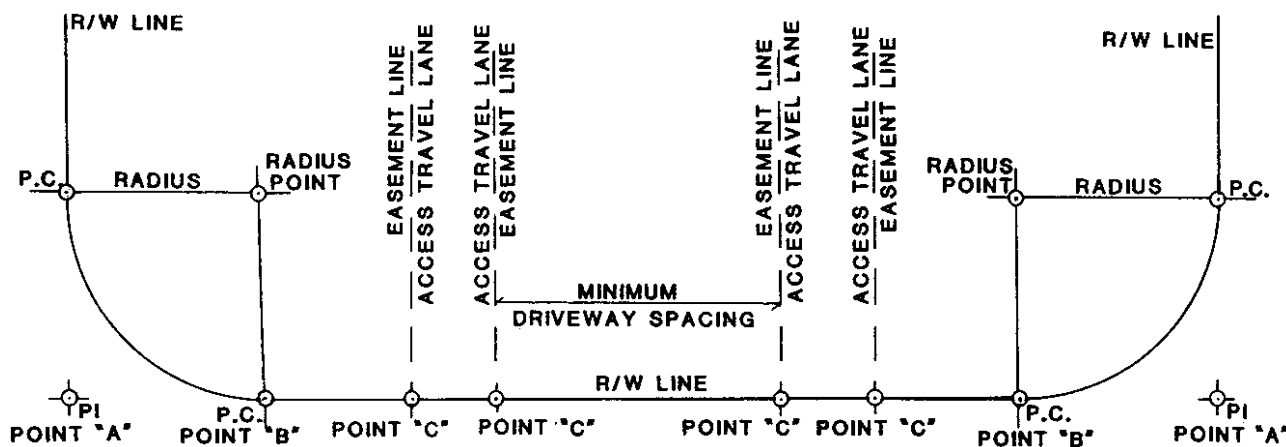
501-8.5 Access to County and Public Roads

All developments shall have legal access to a County or public road. Except for interim access as provided in Section 501-8.5 E. [Interim Access], access onto any County road in the unincorporated or incorporated urban area shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the County road standards and the standards of Section 501.

A. Roadway Access

See following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.

- (1) Minimum right-of-way radius at intersections shall conform to the County Road Standards.
- (2) All minimum distances stated in the following sections shall be governed by sight distance requirements according to County Road Standards.
- (3) All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
- (4) All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
- (5) Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:



B. Roadway Access:

No use will be permitted to have direct access to a street or road except as specified below, or as provided in Section 501-8.5 E. (Interim Access). Access spacing shall be measured from existing or approved accesses on either side of a street or road.

(1) Local Streets

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in an access spacing greater than ten (10) feet. Interim access may be permitted, pursuant to the standards of Section 501-8.5 E. (Interim Access).

(2) Neighborhood Routes

All residential, commercial, institutional and industrial uses with seventy (70) feet or more of frontage will be permitted direct access to a Neighborhood Route. Uses with less than seventy (70) feet of frontage shall not be permitted a permanent single or separate direct access to a Neighborhood Route. Interim access which does not preclude a future common entrance with adjacent property may be permitted pursuant to the standards of Section 501-8.5 E. (Interim Access). Where a common access is available it shall be used, provided that such use will not result in serious operational or safety problems.

No use will be permitted direct access to a Neighborhood Route within fifty (50) feet of Point "A"; or future "P.I." as designated in the Transportation Plan. In the case of a private Neighborhood Route which is entirely within a development, double aisle parking areas will be permitted direct access to that Neighborhood Route. Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in an access spacing greater than fifty (50) feet.

(3) Collectors

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors. Interim access which does not preclude future common entrance with adjacent property may be permitted pursuant to the standards of Section 501-8.5 E. (Interim Access). Where a common access is available it shall be used, provided that such use will not result in serious operational or safety problems. No use will be permitted direct access to a Collector within one-hundred (100) feet of any present Point "A"; or future "P.I." as designated in the Transportation Plan. In the case of a private Collector which is entirely within a single development and which provides circulation only within that development, double aisle parking areas will be permitted access to that Collector. Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all

instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. Additionally, access shall be located to provide adequate left turn refuge as required by Resolution and Order No. 86-95 as modified or updated. This requirement may result in an access spacing greater than one hundred (100) feet.

(4) Arterials

Direct access to arterial roads shall be from collector or other arterial streets. Exceptions for local streets and private accesses may be allowed through a Type II process when collector access is found to be unavailable and impracticable by the Director. Access to arterials shall comply with the following standards:

(a) Arterials

Direct access to an arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that minor arterial (Point 'C').

(b) Principal Arterials

Principal Arterials shall be designed and developed as limited access facilities. Access to a Principal Arterial is subject to approval by ODOT through the State's Access Management Policy and its implementing measures. Access to Tualatin Valley Highway, between SW 170th and SW 209th Avenues, is subject to the provisions of the TV Highway Access Management Plan contained in the Aloha-Reedville-Cooper Mountain Community Plan.

C. Exception to Access Criteria

- (1) Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is reviewed and approved by the Review Authority after considering the applicant's compliance with this Article.
- (2) An application for an Access Management Plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. References to standards or publications used to prepare the Access Management Application shall be included with the application.
- (3) An access management plan shall address the safety and operational problems which would be encountered should a modification to the access spacing standards be granted. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:
 - (a) The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, as set

forth in Section 501-8.5 B., measured from the property lines or access point(s), whichever is greater. For example, a property with 500 feet of frontage on a minor arterial (required 600 foot access spacing standard) shall have a minimum study area which is 1,700 feet in length.

- (b) The access management plan shall address the potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.
 - (c) The access management plan shall include a comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the County standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.
 - (d) The access management plan shall include a list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.
- (4) Notice for a proposed access management plan shall include all property owners within the study area defined in 501-8.5 C. (3) (a).

D. Access in Transit Oriented Districts

Access points shown in the Transportation Plan or on a Community Plan within a Transit Oriented District are not subject to the access spacing standards, and do not need an access spacing variance or an access management plan. However, as part of the development review process, the exact location of such access points shall be determined and safety impacts associated with such access points shall be identified and mitigated.

E. Interim Access

No development shall be denied a Development Permit for the sole reason that the parcel for which it is sought cannot physically accommodate the access spacing requirements of this Code. In such an event, the use may be issued an interim access permit which shall expire when access as required under Article V becomes available. An interim access permit may be granted based upon the following:

- (1) The site is situated such that adequate access cannot otherwise be provided in accord with the access spacing requirements of this Code.
- (2) The interim access shall meet minimum County traffic safety and operational requirements, including sight distance.
- (3) Alternate access shall not be deemed adequate and connections to alternate access shall not be required if the resulting route of access would

require a trip in excess of one (1) block or five-hundred (500) feet out of direction (whichever is less).

- (4) The property owner signs a waiver of the right to remonstrate against the formation of a Local Improvement District or similar financing mechanism for the primary purpose of constructing a public road or right-of-way providing access to the arterial or collector road; such access shall meet the minimum applicable County standard.
- (5) The property owner records an agreement to participate in any project that would consolidate access points where such project would not result in new or more severe traffic operation or safety problems.
- (6) The property owner records an agreement to abandon use of the existing private access way when an adequate alternative access becomes available.

F. Sight Distance

The following specifies the minimum requirements for sight distance for roads intersecting each other and for driveways intersecting public roads. It is the intent of this section to regulate the creation of new access points and new lots or parcels and development in the County in a manner that will insure that each new access point or each new lot or parcel created or development will have a safe access to a public road.

- (1) Inside a UGB, existing access points which do not meet the sight distance standards and are on property included with a development action which will not add any additional vehicle trips to that access, are exempt from this Section (501-8.5 F.), except as required by Section 501-2.1 A. Improvements at these existing access points may be required to maximize sight distance to the extent practicable by the County Operations Division through an Access Permit or Right-of-way Permit.
- (2) The minimum intersectional sight distance shall be based on the vehicular speeds of the road. The vehicular speeds for the purpose of determining intersectional sight distance shall be the greater of the following unless the eighty-five percentile speed is determined to be less by the Review Authority pursuant to the standards of Section 501-8.5 F. (2)(c).
 - (a) Design Speed - A speed selected by a registered engineer (Oregon) for purposes of design and correlation of those features of a road, such as curvature, superelevation, and sight distance, upon which the safe operation of vehicles is dependent.
 - (b) Posted Speed - That speed which has been established by the Oregon State Speed Control Board and is posted by the County.
 - (c) Eighty-five Percentile Speed - That speed as certified by a registered engineer (Oregon) below which 85 percent of all traffic units travel, and above which 15 percent travel. The eighty-fifth percentile speed shall be measured at the point where the sight restriction occurs.

- (3) The intersectional sight distance shall:
 - (a) Be based on an eye height of 3.5 feet and an object height of 4.25 feet above the road; and
 - (b) Be assumed to be 10 feet from the near edge of pavement or the extended curb line or the near edge of the graveled surface of a gravel road to the front of a stopped vehicle.
- (4) Minimum intersectional sight distance shall be equal to ten (10) times the vehicular speed of the road as determined by the standards of Section 501-8.5 F. (1) and (2) such as in the following table.

INTERSECTIONAL SIGHT DISTANCE	
MPH	DISTANCE ALONG CROSSROAD (FT)
25	250
30	300
35	350
40	400
45	450
50	500
55	550

- (5) Intersectional sight distance values shall conform with (3) above. For significant road improvement projects, the above intersectional standards shall be met in addition to the AASHTO remaining sight distance standards.
- (6) For land development actions, the following specifies the procedure for determining whether or not minimum sight distance requirements are met:
 - (a) Current Planning personnel will review the Traffic Impact Statement.
 - (b) Current Planning personnel will perform the initial sight distance measurements.
 - (c) If the measurements made under (b) above do not meet the minimum requirements shown in the table, the applicant may request the Operations Division personnel to perform more precise measurements.
 - (d) If the measurements made under (b) or (c) above do not meet the minimum requirements shown in the table, the applicant may retain a State of Oregon registered professional engineer to perform the field measurements. If the applicant's engineer does perform the measurements and submits the information to the County for acceptance, the information must bear the stamp and signature of the engineer and must meet the minimum sight distance requirements.
- (7) In those instances where there are no access locations available to the site that meet or can meet the sight distance requirements, a written request for

modification may be submitted to the Director. The request for modification shall be specifically stated in the notice for the accompanying development permit and shall be considered as part of said development permit. The request for modification of the sight distance requirements shall be subject to the following:

- (a) Submitted and certified by a registered engineer (Oregon);
- (b) Documented and reference nationally accepted specifications or standards;
- (c) Certified that the modification will not compromise safety or the intent of the County's transportation standards, which include but are not limited to the following: Washington County Transportation Plan; Washington County Uniform Road Improvement Design Standards; Resolution and Order No. 86-95 as modified or updated, (Determining Traffic Safety Improvements Under the Traffic Impact Ordinance - Process Documentation); Community Plans; Comprehensive Framework Plan for the Urban Area; and the Community Development Code;
- (d) The cost of any modifications agreed to must be borne by the applicant; and
- (e) There shall be no location available to provide access to the proposed development site which currently meets the sight distance requirements, or which can be altered to meet the sight distance requirements. Alterations needed to provide adequate sight distance include but are not limited to grading and the removal of vegetation. For the purpose of this subsection alternative access location means:
 - 1. Any location on the proposed development site which meets or can meet the sight distance requirements; or
 - 2. Any location off the proposed development site which:
 - (i) Can provide access to the site by an existing access easement or through an access easement which will be provided to the site as part of the development application; and
 - (ii) Meets or can meet the sight distance requirements.

G. Motor Vehicle Access Restriction

- (1) In order to implement the access spacing and safety requirements of this article, a motor vehicle access restriction shall be recorded along a development site's frontage on a Collector or Arterial road, except at approved motor vehicle access locations. The Review Authority may require a motor vehicle access restriction to be recorded along a site's frontage on a Local or Neighborhood Route street that intersects with a Collector or Arterial road in order to address operational and safety concerns at the intersection(s).

- (2) The motor vehicle access restriction shall be recorded as a restrictive covenant or, if a plat is filed, as a partition or subdivision plat restriction.

H. Road Standards

- (1) All roads proposed to be of public ownership shall conform to the County Road Standards.
- (2) All proposed curve radii shall be designed to County Road Standards for truck-turning requirements.
- (3) All roads not proposed to be of public ownership shall conform to Section 409 (Private Streets).

501-8.6 Methods to Assure Facilities and Services

A legal and enforceable document, contract or process which assures the County that a public improvement will be accomplished. Assurances may include but are not limited to the following:

A. For Arterial and Collector roadways, payment of the Transportation Development Tax, except:

- (1) As provided in Sections 501-10 and 501-11;
- (2) For improvements required by Sections 501-8.2 C. through J.; and
- (3) For safety improvements required by Resolution and Order 86-95 as modified or updated.

B. All Critical, Essential [including 501-8.2 B. (2) through (6)], and Desirable Facilities and Services

- (1) Cash in escrow, letter of credit, or cash deposit with the County, or other form of financial assurance acceptable to the County.
- (2) Establishment of a Local Improvement District (LID) through the post-remonstrance period. Failure of the County to accept the LID shall constitute a waiver of the assurance requirement.
- (3) Evidence of formal action by public or private agencies or companies, including Washington County, appropriating monies for the requisite public improvement.
- (4) Annexation of the subject property into an area where a public agency has jurisdiction and has pledged to assume the responsibility for the required improvement.
- (5) Any other legally binding arrangement that assures the improvements will be made within the required timeframe, including:
 - (a) Phasing of the development;

- (b) Construction of interim improvements;
- (c) Construction of improvements on a phased basis; or
- (d) Modification of engineering standards (i.e., reduced right-of-way widths, sidewalks on only one side of a street, etc.), only when approved through a Type III process.

- (6) State road capacity and intersection deficiencies will be determined to be assured if they are included in the Metro adopted Transportation Improvement Program (TIP), which includes the State of Oregon's Six Year Highway Improvement Plan (HIP), unless otherwise specified by the State during the processing of the application.

501-8.7 Notwithstanding any other provision, the Board may, by Resolution and Order, adopt an updated version of the generally accepted transportation manuals cited herein. Upon such adoption, the updated version adopted shall control.

501-8.8 Definitions

A. Half-Street Improvement

Improvement of one-half ($\frac{1}{2}$) of an existing substandard road directly abutting a proposed development site in accordance with the Washington County Community Development Code, Transportation Plan, Uniform Road Improvement Design Standards, and other applicable County standards. One-half ($\frac{1}{2}$) of the road shall mean the area between the right-of-way centerline and the ultimate right-of-way line directly abutting the development site, along the entire length of the development site's frontage on the abutting road(s), except as provided herein. Required improvements may include any or all of the following elements as determined by the Review Authority and the County Engineering Division through the development review process:

- (1) Dedication of right-of-way and/or easements;
- (2) Grading and subgrade preparation;
- (3) Construction or reconstruction of roadway paving, which may include:
 - (a) Turn lanes and/or bike lanes where required by the applicable standards, and/or
 - (b) Up to eleven (11) feet of additional roadway paving width beyond the centerline of the right-of-way, if determined necessary by the County Engineer;
- (4) Construction or reconstruction of concrete curb and gutter;
- (5) Pavement markings where required;

- (6) Construction or reconstruction of concrete sidewalk paving as otherwise required in this Article;
- (7) Construction, reconstruction, or extension of underground storm drainage and inlets;
- (8) Construction, reconstruction, or extension of fire, water, or sanitary sewer facilities;
- (9) Relocation of existing utilities where required;
- (10) Illumination at access points and along roadways where required; and
- (11) Street trees, where required.

B. Impact or Analysis Area

That geographic area determined by a service provider within which the development will impact upon or benefit from the service. A preliminary area will be defined by the service provider if deemed necessary and a final area will be defined based upon information provided by the applicant.

C. Impact and Benefit (with respect to roads in the impact area)

A development shall be determined to impact a roadway or intersection and benefit from improvements if the road or intersection meets any of the following criteria:

- (1) The estimated traffic to be generated by the development exceeds ten (10) percent of the existing average daily traffic (ADT) (See existing traffic below).
- (2) "In Process" traffic volumes result in the facilities operating below Level of Service "E" for more than twenty (20) minutes of one peak hour and the proposed development's traffic will be five (5) percent or greater of total "In Process" traffic.
- (3) Pavement structure, pavement surface, vertical or horizontal alignments or drainage do not meet County standards.

D. On-Site Improvements

"On-site" shall mean all lands in the development application and one-half ($\frac{1}{2}$) the right-of-way (to centerline) of roads lying adjacent to such lands.

E. Off-Site Improvements

"Off-site" facilities or improvements shall mean any existing or new facility improvement which is within the analysis area but does not lie adjacent to the applicant's or owner's land.

F. Existing Traffic Volumes

Traffic volumes observed within six (6) months of the traffic analysis for the application and adjusted for daily and seasonal traffic variations using factors supplied by the County.

G. Routine Maintenance Procedure

Any road maintenance activity except pavement seals or overlays or the installation of new drainage facilities.

H. "In Phase" Traffic

"In Phase" traffic on any road segment is defined as including the following:

- (1) Existing traffic;
- (2) Traffic from any phase of development of the subject site; and
- (3) Traffic from phases of other developments which are "In Process" based upon a final plat or development permit.

I. "In Process" Traffic

"In Process" traffic on any road segment is defined as including the following:

- (1) Existing traffic;
- (2) Proposed development's (site's) traffic; and
- (3) Traffic from other developments which have been submitted to the County for land development action.

J. Level of Service

- (1) A measure of the mobility characteristic of an intersection or road section as determined by vehicle delay and volume/capacity ratio as specified in the Highway Capacity Manual (HCM), Special Report 209, Transportation Research Board (TRB), 1985, including revisions and updates as adopted and published by the TRB Committee on Highway Capacity and Air Quality of Service or successor body.
- (2) Regional Level of Service is the regional peak-hour level of service goal as adopted by Metro.

501-9 Limited Application of the Public Facility and Service Standards Outside the UGB

501-9.1 For the purpose of determining the impact and adequacy of public facilities and service outside the UGB only this Section of Article V applies.

- 501-9.2 For all Type II and Type III applications, with the exceptions noted below, impact on the following public facilities shall be considered: school, fire, police protection and public roads.
- 501-9.3 For the purpose of determining impact and adequacy of public roads, Section 501-8.5 F. (Sight Distance), 501-8.5 H. (Road Standards), and 501-8.4 (Dedication of Right-of-way) of this article shall apply except as provided in Sections 501-9.4 and 501-9.5. However, in all instances, traffic safety issues shall be addressed. Consideration of traffic safety shall include but not be limited to the following:
- A. Applicants for developments that will generate 500 or more average daily trips (ADT), based on the Institute of Transportation Engineers (ITE) Trip Generation Manual – 7th Edition, shall submit a traffic analysis which evaluates and makes recommendations for traffic safety. The traffic analysis shall be prepared by a certified Traffic or Civil Engineer registered in the State of Oregon. Submitted traffic analyses will be reviewed by the County Engineer for adequacy and completeness. Where development will access a State Highway, the requirement to provide a traffic report shall be determined by the Oregon Department of Transportation (ODOT).
 - B. Based on evaluation of the traffic analysis by the County Engineer, improvements such as signalization, acceleration lanes, deceleration lanes, turning lanes, and channelization may be required by the County Engineer when found to be necessary for traffic safety under accepted traffic engineering standards and practices.
 - C. Sections 501-8.5 A., 501-8.5 B.(4), 501-8.5 C. and 501-8.5 E. may apply to development that will generate at least 200 ADT and that will access arterial roadways upon the County Engineer's determination that the application of these standards is in the best interest of preserving the safety of arterial roadways.
- 501-9.4 Applications for Type II replacement dwellings, property line adjustments, nonbuildable parcels, temporary housing permits, home occupations and Type II and Type III applications for one dwelling on an existing vacant parcel, are not subject to the requirements of Section 501-8.4 (Dedication of Right-of-way).
- 501-9.5 The standards of Section 501-8.5 F. (Sight Distance Standards) shall apply to all property line adjustment applications except as specifically provided in this subsection. Property line adjustments for parcels or lots which do not meet the sight distance standards of Section 501-8.5 F., (including existing accesses), shall be approved if the parcel or lot's sight distance is not decreased as a result of the property line adjustment.
- 501-9.6 Accesses for the following development actions are exempt from the Sight Distance standards (Section 501-8.5 F.), but are subject to improvements to maximize sight distance to the extent practicable by the County Operations Division through an Access Permit or Right-of-way Permit:
- A. Replacement dwellings;
 - B. Nonbuildable parcels;

- C. Type II and Type III applications for one dwelling on an existing vacant parcel;
 - D. Home Occupation applications under Section 430-63.1 in the EFU, AF-20 and EFC Districts; or
 - E. Applications which will not add additional vehicle trips to an existing access which does not meet the sight distance standards, except as required by Section 501-9.5.
- 501-9.7 Where partitions create less than four (4) parcels or there is a request for a Special Use for a dwelling, the applicant shall not be required to obtain service letters.
- 501-9.8 For those Local and Neighborhood Route roads which are not improved in accordance with Washington County's Uniform Road Standards or maintained by the County, and which abut the property owner's proposed development or which do not abut the development but provide direct access to the development, the property owner shall sign a waiver not to remonstrate against the formation of a local improvement district or other mechanism to improve and maintain these roads to County standards. Applications for Type II property line adjustments, nonbuildable parcels, temporary housing permits, and Type II and III applications for one dwelling on an existing vacant parcel, are not subject to this requirement.
- 501-9.9 For those Arterial and Collector roads which are not improved in accordance with Washington County's Uniform Road Standards and which abut the development site or those roads which do not abut the development site but provide access to the site, the property owner shall sign a waiver not to remonstrate against the formation of a local improvement district or other mechanism to improve the base facility of this road(s) to County standards. Applications for Type II property line adjustments, nonbuildable parcels, temporary housing permits, and Type II and III applications for one dwelling on an existing vacant parcel, are not subject to this requirement.
- 501-9.10 Service provider letters from schools are only required for partitions, subdivisions, and any other development that results in the addition of dwellings (as defined in Section 106-69).
- 501-10 Transportation Development Tax Not an Assurance**
- 501-10.1 Notwithstanding Section 501-8.2 B., payment of the Transportation Development Tax shall not be deemed to ensure an adequate level of Arterial and Collector roads will be available to the proposed development if:
- A. The electors of the State of Oregon enact the "State Constitutional Limit On Property Taxes for Schools, Government Operations" (Ballot Measure 5) at the November 6, 1990, general election; and either the County or a court of competent jurisdiction determines that the Transportation Development Tax is subject to the tax limitation; or
 - B. The applicant is a state or federal agency.
- 501-10.2 In the event that the Transportation Development Tax is not an assurance, the provisions of Section 501-11 shall apply to all development subject to application of the public facilities standards.

501-11 Arterial and Collector Adequacy

If the Transportation Development Tax is deemed not to be an assurance, the developer shall assure that all Arterials and Collectors within the analysis area shall meet the following within five years (5) of development approval:

- A. The road can be maintained through routine maintenance procedures for a period of at least five (5) years.
- B. Roadway widths are equal to or greater than twenty-two (22) feet;
- C. Roads and intersections within the impact area will operate at the Regional Level of Service standard or better as determined using procedures established by the Highway Capacity Manual (HCM), Special Report 209, Transportation Research Board (TRB), 1985, including revisions and updates as adopted and published by the TRB Committee on Highway Capacity and Air Quality of Service or successor body. Existing traffic peaking characteristics will be utilized to estimate Level of Service within the peak hour.
- D. A sufficient number of seven (7) second gaps in projected Year 2000 traffic must be assured to accommodate the site entering and exiting volumes or the access design will be rejected. In all situations where new access to an arterial street would create curb cuts within three-hundred-fifty (350) feet, or on Collectors two-hundred (200) feet of one another, analysis and conditioning will consider their approaches to function as one entrance. In addition, access management and interior circulation plans which minimize and consolidate curb cuts shall be required; and
- E. On-site pedestrian walkways.

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