

ORDINANCE NO. 748

AN ORDINANCE AMENDING CHAPTER 7 OF THE TROUTDALE DEVELOPMENT CODE RELATING TO LAND DIVISION (TEXT AMENDMENT NO. 35)

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The proposed amendments pertain to Chapter 7 of the Troutdale Development Code that regulates land divisions. These proposed amendments consist almost entirely of housekeeping changes for improved organization and clarity as well as removing outdated provisions that are no longer applicable.
2. The Troutdale Development Code needs to be periodically reviewed and modified so that it is clear, easy to understand and reflects current practices and conditions. Public need is best satisfied by these amendments to clarify meaning, to improve structure and organization, and to correct outdated provisions of the current code.
3. The proposed change to the land division regulations will not adversely affect the health, safety and welfare of the community because they are principally housekeeping in nature and are intended to improve organization and clarity and to eliminate provisions that are no longer applicable. The changes encompassed in these proposed amendments will be a positive contribution to the public health, safety and welfare.
4. These amendments do not conflict with any goals or policies from the Troutdale Comprehensive Plan. The amendments are consistent with the Metro Urban Growth Management Functional Plan.
5. Notice of the public hearing has been provided in accordance with applicable law.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The Troutdale Development Code is hereby amended to read as shown in Attachment A.

YEAS: 7
NAYS: 0
ABSTAINED: 0


Paul Thalhofer, Mayor
April 14, 2004
Date


Debbie Stickney, City Recorder

Adopted: April 13, 2004

CHAPTER 7 - LAND DIVISION

7.010 Purpose. To provide for an orderly division of land, uniform monumentation, and provision of public services. [Adopted by Ord. 550, ef. 9/25/90]

7.020 Division of Land.

- A. No land shall be divided prior to approval of a minor partition, major partition, or subdivision in accordance with this code. If a land division application is submitted that does not involve other proposed development, the application shall state the intended form of future development for the resulting land parcels. This intended future development will be considered in conjunction with the land division processing just as though the subdivider were intending to proceed with the future development.
- B. No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of a lot with less than the minimum lot, yard, or setback requirements of the zoning district.
- C. Land division is processed by approving a tentative plat prior to approval of the completed land division plat or map. Where a Type II or III procedure is required for land division approval, that procedure shall apply to the tentative plat approval. As long as there is compliance with the approved tentative plat, the Director shall have authority to approve final plats and maps for land divisions in conjunction with developments. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.030 Procedures.

- A. Type I Land Division (Lot Line Adjustment). Lot line adjustments shall be a Type I procedure if the resulting parcels comply with standards of this code and section 7.040, Approval Criteria, of this chapter.
- B. Type I Land Division (Minor Partition). Minor partitioning shall be a Type I procedure if the land division does not create additional public streets and the resulting parcels comply with standards of this code and section 7.040, Approval Criteria, of this chapter.
- C. Type II Land Division (Major Partition). A major partition shall be a Type II procedure when satisfactory street conditions exist and the resulting parcels comply with standards of this code and section 7.040, Approval Criteria, of this chapter. Satisfactory street conditions exist when the Director determines one of the following:
 - 1. An existing street or a new proposed street need not continue beyond the land to be partitioned in order to complete an appropriate street system or to provide access to adjacent property.

2. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Land Use Plan or an officially adopted City street plan.
- D. Type II Land Division (Minor Revised Plat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) is existing and no extension or reconstruction/realignment is necessary, the replat does not increase the allowable density, the resulting parcels comply with standards of this code and section 7.040, Approval Criteria, of this chapter, and the replat involves no more than six lots.
 - E. Type III Partition. A major partition shall be a Type III procedure if unsatisfactory street conditions exist. The Director shall determine if unsatisfactory conditions exist based on one of the following criteria:
 1. An existing street or a new proposed street will be extended beyond the parcels to be partitioned to complete a street system or provide access to adjacent property.
 2. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Land Use Plan or officially adopted City street plan.
 - F. Type III Land Division (Major Revised Plat). A major replat involves the realignment of lot lines (including a re-subdivision of six or more lots, even if the replat does not increase the allowable density). All parcels resulting from the replat must comply with the standards of this code and section 7.040, Approval Criteria, of this chapter. Any replat involving the creation, extension, or modification of a street shall be processed as a major replat.
 - G. Type III Land Division (Subdivision). Creation of a subdivision shall be a Type III procedure. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]
- 7.040 Approval Criteria. An application may be approved, approved with conditions, or denied based upon applicable criteria.
- A. An application shall comply with the following criteria:
 1. All applicable statutory provisions.
 2. The City's Comprehensive Land Use Plan, Development Code and all other applicable laws of this City, appropriate agency, or jurisdiction.
 3. The City's Transportation System Plan, Parks and Greenway Plan, Capital Improvements Plan, and any other applicable Plan adopted by the City.
 4. The City's Construction Standards for Public Works Facilities.
 - B. The subdivider shall demonstrate that the street, parcel, and block pattern proposed meets the following criteria:

1. Proposed parcels shall be suitable in area and dimensions to the types of development anticipated.
2. Street right-of-ways, pavement widths, and sidewalks shall be adequate to accommodate the type and volume of anticipated traffic.
3. Public utilities, including water, sewer, and stormwater drainage to serve the proposed subdivision can be provided in accordance with the City's Construction Standards for Public Works Facilities.
4. Residential areas shall be protected from potential nuisance from a proposed commercial or industrial subdivision, to the extent feasible or possible, by providing extra depth in parcels backing up on existing or potential developments, a landscaped buffer strip, and other similar measures.
5. Physical limitations of the site such as flood or slide hazard, natural features, or any other constraint shall be accommodated within the design of the proposed land division. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.050 Land Division Process Outline.

- A. Pre-application conference.
- B. Submittal of application.
 1. Tentative plat sketch.
 2. General plan and program narrative.
 3. Supplemental data.
 4. Payment of fees.
 5. Submission of property ownership list.
- C. Acceptance of application, or return for completion or supplemental data.
- D. Review of tentative plat by the Director, staff, and affected agencies.
- E. Provision for extension of time for review.
- F. Approval, denial, or approval with conditions by the Director for Type I and II land divisions.
- G. Referral to Planning Commission with staff recommendations for Type III land division.
- H. Approval, denial, or approval with conditions by the Planning Commission at the scheduled public hearing.

- I. Transmittal of final plat with changes as conditioned.
- J. Submittal of construction drawings and project development inspection fee.
- K. Approval of construction drawings.
- L. Provision of adequate performance guarantee.
- M. Preconstruction conference.
- N. Commencement of construction.
- O. Inspection of improvements.
- P. Acceptance of constructed public improvements.
- Q. Warranty of workmanship and materials.
- R. Plat acceptance (may occur after subsection (L) of this section). [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.060 Pre-Application Conference. Pursuant to section 2.030, Pre-Application Conference, of this code, prior to submission of a tentative plat the subdivider shall request the Director to arrange a pre-application conference unless the subdivider and the Director agree that the conference is not needed. The subdivider shall submit to the Director a tentative sketch of the proposed development. The sketch shall be drawn to scale which shall be noted on the plan. The following information shall be provided:

- A. Names and right-of-way widths of all streets within 150 feet of the proposed development.
- B. Scale of drawing, legend, north arrow, and date; a scale of 1"=100' is preferred.
- C. Proposed land uses and number of units by type of units.
- D. Natural features (such as trees, streams, and rock outcroppings).
- E. Approximate sizes of lots.
- F. Proposed street pattern, including both public and private streets, with right-of-way widths.
- G. All contiguous holdings of the owner including land in the "same ownership", with an indication of the portion which is proposed to be divided. The following information is not required but is helpful in reviewing the project:
 - 1. Ground elevations shown by contour lines at two-foot vertical intervals.
 - 2. All property lines within 250 feet of the proposed development. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

- 7.070 Application for Tentative Plat. The subdivider of a partition or subdivision shall submit an application, appropriate fees, copies of a tentative plat, and copies of all other supplementary material as may be required to indicate the general program and objectives of the project. The tentative plat should present all relevant graphic data to scale.
- A. Format. The tentative plat shall be drawn on a sheet 18"x24" in size and at a scale of no less than 1"=50' nor more than 1"=100'. The application shall include one copy of a scaled drawing of the proposed subdivision and one copy of the conceptual utility layout on 8½"x11" sheets suitable for reproduction.
- B. Data Requirements.
1. Proposed subdivision name. The proposed name must be reviewed and approved by the Multnomah County Division of Assessment and Taxation and cannot duplicate or resemble the name of any other subdivision in Multnomah County.
 2. Scale of drawing, legend, north arrow, and date.
 3. Location of the subdivision by section, township, and range, and a legal description sufficient to define the location and boundaries of the proposed tract.
 4. A vicinity map, showing adjacent property boundaries and how the proposed streets may be extended to connect to existing streets.
 5. Names, addresses, and telephone numbers of the owner or owners of the property, designer of the subdivision, surveyor, and the date of the survey.
 6. Street locations, names, alleys, right-of-ways, and pavement widths (existing and proposed) on and abutting the tract.
 7. Easement locations, widths, and purpose of all easements of record (existing and proposed) on or serving the tract.
 8. Locations of collection, conveyance, control, fire suppression, and disposal facilities for storm drainage, sanitary sewers, and water utilities (both existing and proposed, public and private) including service laterals on and abutting the tract. If utilities are not on or abutting the tract, indicate the route and distance to the nearest feasible connection point(s).
 9. Ground elevations shown by contour lines at two-foot vertical intervals. Ground elevation shall be related to an established benchmark or other datum approved by the Director.
 10. Natural features such as rock outcroppings, wetlands, water bodies, and watercourses, including drainage ditches, on and abutting the property; location of all existing trees 6" in diameter or larger; and other significant

wooded areas on the tract. Existing trees 6" in diameter or larger that are proposed for removal shall be indicated.

11. Approximate location of areas subject to periodic inundation or storm sewer overflow; the location of special flood hazard areas inundated by 100-year flood as shown on the Flood Insurance Rate Map (FIRM) for the City; and the location, width, and direction of flow of all watercourses.
12. The location of at least one temporary benchmark within the tract boundaries.
13. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
14. Approximate dimensions of all lots, lot sizes, and proposed lot numbers numbered according to Multnomah County Survey standards.
15. Proposed land use and number of units by type of unit.
16. All parcels of land intended to be dedicated or reserved for public use, with the purpose, conditions, and limitations of such reservations clearly indicated.
17. Proposed development phases, if any.
18. Location of any existing public or private wells or septic systems. Statements of any water rights appurtenant to the subject property and the proposed disposition of such rights.
19. Any other information, as determined by the Director, which is necessary to review the tentative plat, such as a soils report, traffic analysis, or other engineering study. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.080 Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within one year following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request by the subdivider, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refile of the tentative plat. [Adopted by Ord. 550, ef. 9/25/90]

7.090 Submission and Review of Final Plat. A final plat shall be filed with the Director for final approval. Within 15 business days of filing, the Director shall determine whether the material conforms with the approved tentative plat and with the applicable requirements of this code. If the Director determines that there is a failure to conform, the subdivider shall be advised and afforded an opportunity to make corrections. When the plat is found to be in conformity, it shall be signed and dated by the Director. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.100 Final Plat Submission. Following approval of the tentative plat, the subdivider shall prepare three originals (drawn on 7-10 mil double-matted polyester drafting film) and two paper prints of the final plat, together with any other supplementary material as may be required to indicate the general program and objectives of the project.

A. Format. The final plat shall be drawn as follows:

1. The final subdivision plat shall be drawn in the manner provided by ORS Chapter 92 as administered by Multnomah County at a scale of 1"=100', with permanent black ink or toner on material (polyester double-matted drafting film 7 mil base thickness) that is 18"x24". If more than one sheet is required, the additional sheets shall be numbered and indexed. No portion of the writing, map, or border shall be closer than one inch to the outer edges of the sheet.
2. Plats shall be drawn in the manner provided by ORS 209.250 for preparation of surveys.

B. Data Requirements. In addition to that specified by law, the following information shall be shown on the plat:

1. Reference points of existing surveys identified, related to the plat by distances and bearing, 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 subdivisions or partitions.
 - c. Other monuments found or established in making the survey of the subdivision or required to be installed by state law.
2. State plane coordinates. Three distinctly remote corners of the subdivision exterior boundary shall be tied to the State of Oregon plane coordinate system.
3. The location, width, and centerline of streets and easements abutting or within the boundaries of the tract.
4. Normal flood plain or high waterline for any creek or other minor body of water or natural drainageway and the 100-year flood line of major water bodies.
5. Tract, lot, or parcel boundary lines; street right-of-ways and centerlines with dimensions; bearings or deflection angles; radii arc points of curvature; and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest second with basis of bearings. Distances shall be shown to the nearest 0.01 feet.

6. The width of the portion of streets being dedicated and the width of existing right-of-ways. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius, cord distance, bearing, and central angle shall be indicated.
7. Easements, 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 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.
8. Lot numbers beginning with the number "1" and numbered consecutively in the subdivision.
9. Identification of land to be dedicated as a separate tract for any purpose, either public or private, to distinguish it from lots or parcels intended for sale.
10. The following certificates 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 with the seal and signature of the surveyor responsible for the survey and final map.
 - c. A certificate signed and acknowledged as above, dedicating to the public all land, easements, and improvements intended for public use.
 - d. The following information shall accompany the plat:
 - i. A copy of any deed restrictions.
 - ii. A copy of any dedication requiring separate documents.
 - iii. Deeds conveying property to the City.
 - iv. Vacation of existing right-of-ways or easements.
11. Approval block for signatures. An approval block labeled City of Troutdale with appropriate date and signature lines for the Director and other signatures as required by law.
12. Reference on plat to the City's case file number. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 748, ef. 5/13/04]

7.110 Submission Responsibilities of the Developer - Final Plat. Prior to review and approval of a final plat, the developer shall obtain a signature thereon by a surveyor licensed or

registered in the State of Oregon certifying that the subdivision plat complies with applicable laws. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.120 Review and Approval of Final Plat. Following receipt of the final plat, the Director shall take the following actions:

- A. Verify that the final plat is in conformance with the approved tentative plat. If necessary, the Director may cause field investigations to be made to verify that the plat survey is sufficiently accurate. If it is determined that there has been a failure to comply, the subdivider shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Director.
- B. Sign the plat certifying plat approval.
- C. Notify the subdivider that the approved subdivision plat and accompanying documents are ready to be picked up and delivered to the County Recorder for recording. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.130 Tentative and Final Plats for Major and Minor Partitions.

- A. Standards for major and minor partitions are the same as for subdivision tentative and final plats with the following exceptions:
 - 1. Data requirements do not include a “proposed name” for the partition but must reference the “Plat No.” and City case file number.
 - 2. “Proposed improvements” need be shown only where applicable.
- B. Standards for major and minor partitions may be modified by the Director to reduce or eliminate non-essential requirements when warranted by the application. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.140 Approval Signatures for Final Partition Plat. Following review and approval of a final partition plat, the Director shall:

- A. Review Plat for Accuracy. The Director may cause a field investigation to be made to verify that the plat survey is sufficiently accurate. If it is determined that there has been a failure to comply, the subdivider shall be notified and afforded an opportunity to make corrections.
- B. When the plat is found to conform, it shall be signed and dated by the Director to certify that it is approved.
- C. Notify the subdivider that the partition plat and accompanying documents have been approved and are ready to be picked up and delivered to the County Recorder for recording. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

- 7.150 Effective Date for Final Subdivision or Partition Plat Approval. The approval process for a land division shall become final upon the recording of the approved plat, under ORS 92.120(1), and for a partition, upon the recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place prior to processing of the final plat. The documents effectuating a subdivision or partition shall become null and void if not recorded with the County Recorder within one year following approval. [Adopted by Ord. 550, ef. 9/25/90]
- 7.160 Changes to Approved Plat. A change in an approved plat or plan that affects the street layout, reserved public use areas, or lotting shall require reapplication and review as provided in this section for a new application. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]
- 7.170 Vacation of Plats. A plat, or portion of a plat, may be vacated by its owner anytime prior to the sale of any lot by a written instrument declaring such a plat vacated and seeking approval of the same by the Planning Commission, provided such instrument does not abridge or destroy any public rights in any of its public uses, improvements, streets, or alleys. Such instrument shall be executed, acknowledged or approved, and recorded or filed, in the same manner as a plat. When lots have been sold, a plat may be vacated provided all owners of lots in such plat approve of the vacation. [Adopted by Ord. 550, ef. 9/25/90]
- 7.180 Design Requirements.
- A. Character of the Land. Land which the Planning Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the partition or subdivision and the surrounding areas, shall not be developed unless adequate methods are formulated by the subdivider and approved by the Planning Commission, upon recommendation of the Director, to solve the problems created by the unsuitable land conditions. Such land shall be set aside as separate tracts for uses as shall not involve such a danger.
 - B. Water Facilities. Waterlines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, hydrants, service laterals, meter boxes, and other required appurtenances shall be in accordance with the standards of the Fire District, the City, and the State.
 - C. Underground Utilities. All subdivisions or major partitions shall be required to install underground utilities including, but not limited to, electrical, cable television, and telephone wiring. The utilities shall be installed and easements provided pursuant to the requirements of the utility company. Electric power transmission lines, or primary feeder lines, and transformer vaults shall be underground.

D. Street Trees.

1. Developers of proposed nonresidential subdivisions shall be required to prepare a street tree planting plan prior to submission of the final plat. It will be the developer's responsibility to install street trees, as indicated on the approved plan.
2. Developers of proposed residential subdivisions shall be required to pay the City a street tree assessment in accordance with the fee schedule adopted by resolution of the City Council. The City will be responsible for planting the trees at the time the residential lots are occupied.
3. Street trees shall be maintained by the property owner in conformance with Chapter 13.10, Trees, of the Troutdale Municipal Code.

E. Lot Design.

1. Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with this code.
2. Lot dimensions. The lot dimensions shall comply with the minimum standards of this code. When lots are more than double the minimum required area for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
3. The lot or parcel width at the front building line shall meet the requirements of this code and shall abut a public street other than an alley for a width of at least 20 feet. A street frontage of not less than 15 feet is acceptable in the case of a flag (panhandle) parcel resulting from the division of an unusually deep land parcel.
4. Double frontage lots and access to lots. Lots both fronting and backing to a street shall be avoided except where necessary to provide separation of residential developments from arterial streets, or to overcome specific disadvantages of topography or orientation. If created, a landscaped, fenced, or screened easement, at least ten feet wide, shall be provided across which there is no right of access to the abutting arterial street.
5. Lots shall avoid deriving access from major or minor arterials. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such streets. Where possible, driveways should be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.
6. Fencing. A subdivider shall be required to furnish and install fencing whenever the Director or Planning Commission determines that a nuisance

or hazardous condition may exist. The fencing shall be constructed according to standards established by the Director. No certificate of completion shall be issued until the fence improvements have been installed.

7. In a location that will not be served by a public sewer, a lot shall have sufficient size to permit compliance with the requirements of the Department of Environmental Quality for sewage disposal by septic tank and tile field, and permit continued reliance on that method of sewage disposal. If the location will not be served by a community water system, a lot shall have sufficient additional size to permit an on-site water supply for each lot without conflict between water supply and sewage disposal facilities.
8. Shared private drives. Shared private drives serving multiple lots may be approved by the Director when the following conditions are met:
 - a. The private drive does not serve more than six dwelling units.
 - b. A homeowner's association, or other mechanism found acceptable to the Director, is created to maintain the drive.
 - c. All utilities, except the private drive or approved stormwater laterals, shall have separate connections to the public system.
 - d. Any utilities or facilities shared by two or more property owners shall meet established City standards.
 - e. Private drives serving two or more residences shall be fully improved with hard surface pavement with a minimum width of:
 - i. 20 feet when accommodating two-way traffic; or
 - ii. Ten feet when accommodating one-way traffic.
9. Flag lots. Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:
 - a. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
 - b. The access strip may not be counted towards the lot size or area requirements.
 - c. The accessway shall have a minimum paved width of ten feet.
- F. Erosion Control. Erosion control shall be provided in accordance with chapter 5.600, Erosion Control and Water Quality Standards, of this code.

G. Surface Drainage and Storm Sewer Systems.

1. General provisions. No partition or subdivision shall be approved which does not make adequate provisions for storm or floodwater runoff in accordance with chapter 5.800, Stormwater Management, of this code. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Surface water drainage systems shall be approved by the Director of Public Works.
2. Accommodation of upstream drainage areas. Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the upstream drainage area, whether inside or outside of the development, that drains to the subject property. The Director of Public Works shall approve the size of the facility, based on the provisions of the construction standards and specifications, assuming conditions of maximum potential watershed development permitted by this code.
3. Effect on downstream drainage. Where additional runoff incidental to the development of the subdivision will overload an existing drainage facility, approval of the subdivision may be withheld until provisions have been made for improvement of said potential condition.
4. Drainage easements. When topography or other conditions make it impractical to include drainage facilities within street right-of-ways, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the street. When a proposed drainage system will carry water across private land outside the development that has not historically accommodated drainage from the subject property, appropriate drainage rights must be verified or secured.

H. Sewerage Facilities.

1. General provisions. The subdivider shall install sanitary sewer facilities in a manner prescribed by the Department of Environmental Quality and the Director of Public Works. Where sanitary sewer facilities are not required, an individual disposal system shall be used. The individual disposal system, including the size of the septic tanks, tile fields, or other treatment device, shall be approved by the City of Portland Bureau of Environmental Services.
2. Sizing system. Sanitary sewer systems should be designed for the ultimate tributary population, which should be determined by consideration of the current zoning and Comprehensive Land Use Plan designations. Sewer capacities should be adequate to handle maximum hourly quantities of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow and must meet city construction standards.

- I. Pedestrian Access. Any Type II land divisions, where further divisions are possible, and all Type III land divisions shall comply with the requirements of section 8.054, Accessways, of this code.
- J. Utility Easements. A minimum five-foot wide utility easement shall be required along the front of all lots. In addition, utility easements will be required for public utilities on private property.
- K. Preservation of Natural Features and Amenities. Existing features which would add value to developments or to the City as a whole such as trees, watercourses, beaches, historical places, and similar irreplaceable assets, shall be preserved in the design of the development. No trees shall be removed from any development nor any change of grade of the land effected until approval of the final plat has been granted. All trees on the site which have been designated to be retained shall be preserved using best management practices as specified in an arborist's report.
- L. Streets. No subdivision or partition shall be approved unless the development has frontage or approved access to an existing or proposed public street. In addition, all proposed public streets shall be designed, improved, and in conformance with the *City of Troutdale Construction Standards for Public Works Facilities*. The Director of Public Works must approve the construction drawings.
 - 1. Topography and arrangements. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers, and to the pattern of existing and proposed land uses.
 - 2. Local streets. Local streets shall be laid out to conform as much as possible to the topography, permit efficient drainage and utility systems, and require the minimum number of streets necessary to provide convenient and safe access to property. Where the length or design of the street allows or promotes excessive speeds, traffic management measures such as speed humps and traffic circles are encouraged and may be required, if needed, to ensure the safe operation of the street. Local street design shall provide for adequate sight distance at all cross streets and accessway junctions.
 - 3. Local street connectivity. The City of Troutdale Comprehensive Land Use Plan, Troutdale's Transportation System Plan, and applicable regulations shall be used to identify potential street and accessway connections. Development shall include street plans consistent with the requirements of this code that provide the following:
 - a. For residential and mixed-use developments, local street connections shall be spaced at intervals of no more than 530 feet as measured from the near side right-of-way line, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers. Local street connections at intervals of no more than 330 feet are preferable in areas planned for the highest density mixed-use development.

- b. Accessways shall be provided for pedestrians, bicycles, or emergency vehicles on a public easement or right-of-way where full street connections are not possible in accordance with subsection (M)(3)(a) of this section, with spacing of no more than 330 feet as measured from the near side right-of-way or easement line, except where prevented by topography barriers, such as railroads or freeways, or environmental constraints such as major streams and rivers. Accessways shall include at least a 15-foot wide right-of-way or easement and a ten-foot wide usable surface.
 - c. Street connections and accessways shall be designed to minimize conflict of movement between the various types of traffic, including pedestrian.
- 4. Commercial and industrial streets. In commercial and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walkways and parking areas to minimize conflict of movement between the various types of traffic, including pedestrian.
- 5. Proposed streets. Proposed streets shall be extended to the boundary lines of the tract to be subdivided. A barricade shall be built at the end of the street by the subdivider in accordance with the *City of Troutdale Construction Standards for Public Works Facilities* and it shall not be removed until authorized by the Director of Public Works.
- 6. Blocks. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. However, exceptions to the block width shall be allowed for blocks which are adjacent to arterial streets or natural features. Blocks along arterials or collector streets shall not be less than 500 feet in length, wherever possible. The average perimeter of blocks formed by streets should not exceed 1,500 feet except where street location is restricted by natural topography, wetlands, or other bodies of water.
- 7. Access to arterials. When a major partition or subdivision abuts an existing or proposed arterial, access to such streets may be limited by one of the following means:
 - a. The subdivision of lots so as to back onto the arterial and front onto a parallel local street.
 - b. A series of U-shaped streets, short loops, or cul-de-sacs entered from, and designed generally at, right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.
- 8. Curve radius. All local and neighborhood collector streets shall have a minimum right-of-way curve radius (at intersections of right-of-ways) of 20 feet, unless otherwise approved by the Director of Public Works. When a local or neighborhood collector enters onto a collector or arterial street, the

right-of-way curve radius shall be a minimum of 30 feet, unless otherwise approved by the Director of Public Works.

9. Street signs. The subdivider shall pay the cost of street signs prior to the issuance of a Certificate of Completion. The City shall install all street signs and upon completion will bill the developer for costs associated with installation. In addition, the subdivider may be required to pay for any traffic safety devices related to the development. The type and location of the street signs and/or traffic safety devices shall be specified by the Director of Public Works.
10. Cul-de-sac. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the City's construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall serve no more than 25 single-family/multiple-family dwelling units, and shall not exceed 200 feet in length as measured to the terminus of the cul-de-sac street, except where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers, prevent street extension that would make the dwelling unit limitation and the street length limitation impractical.
11. Surfacing and improvements. Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the standards of the Oregon Department of Transportation. An overlay of asphaltic concrete, or material approved by the Director of Public Works, shall be placed on all streets within the development. When required by the Director of Public Works, neighborhood traffic management measures shall be constructed in conformance with the City's standards and specifications.
12. Arterial street setback. In residential districts, a building setback line, which shall extend 20 feet back from the right-of-way line of an arterial street or landscaping, fencing, or other method of buffering residential uses from traffic noise, odor, dust, etc., shall be provided adjacent to the arterial. If the use of a buffer strip is selected, no structures may be placed within the buffer.
13. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75° shall not be acceptable. An oblique street should be approximately at right angles for at least 100 feet therefrom. Not more than two streets shall intersect at any one point unless specifically approved by the Director of Public Works.
14. Street lighting. A complete street light system including, but not limited to, conduits, wiring, junction boxes, transformers, controls, bases, poles, mast arms, and luminaires shall be designed and installed by the subdivider at his/her expense on all streets within or abutting the subdivision. The design must comply with the standards of the Mid-County Lighting District and the

standards of the Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting. The Mid-County Lighting District will assume ownership and maintenance responsibility for all street lighting systems within public right-of-ways.

- a. The design must be reviewed and approved by the Mid-County Lighting District to ensure compliance with its standards and list of acceptable materials. A copy of that written approval document must be provided to the City for its records.
- b. The design must be included as an integral part of the subdivision construction drawings for review and approval by the City to avoid conflicts with other utilities and structures.

M. Street Standards.

1. Arterials. Arterial streets comprise the regional roadway network and provide for travel between communities. Arterial streets accommodate the full array of travel modes including the regional bikeway system, fixed-route network, goods delivery, and higher volume automobile traffic.
 - a. Principal arterial streets connect to freeways and highways that serve travelers without an origin or destination in the county. This interstate and interregional traffic, including trucks, is in addition to regional traffic traveling between cities and counties, and traffic generated by intensive and higher density land uses along the arterial corridor. The ability to move auto, truck, and regional bicycle traffic is preserved.
 - b. Major arterial streets carry high volumes of traffic between cities in the county as part of the regional trafficway system. Priority may be given to transit- and pedestrian-oriented land uses by way of regional boulevard design treatment. Design and management of major arterial streets emphasizes preservation of the ability to move auto and transit traffic by limiting accesses while also accommodating regional bikeways and pedestrian movements.
 - c. Minor arterial streets are the lowest order arterial facility in the urban regional street network. They typically carry less traffic volume than principal and major arterial streets, but have a high degree of connectivity between communities. Minor arterial streets provide major links in the regional road and bikeway networks, provide for truck mobility and transit corridors, and may serve as significant links in the local pedestrian system, especially where they are designed as community boulevards.
2. Collectors. Collector streets distribute traffic between local streets and the arterial street network. They are not intended to serve trips without an origin or destination inside the county. Collector streets provide for automobile, bicycle, and pedestrian circulation, and basic transit service.

- a. Major collector streets serve several purposes including linking neighborhoods to the regional system of bicycle and automobile streets, and basic transit service. They typically provide direct access between residential and commercial developments, schools, and parks.
 - b. Neighborhood collector streets provide access primarily to residential land uses and link neighborhoods to higher order roads. They generally have higher traffic volumes than local streets but through or non-local traffic is discouraged.
 - 3. Local streets. Local streets provide access to abutting land uses and do not serve through traffic. Local streets may be further classified by adjacent land use such as residential, commercial, and industrial. Their primary purpose is to serve local pedestrian, bicycle, and automobile trips in urban areas.
 - 4. City streets shall be designed in accordance with the *City of Troutdale Construction Standards for Public Works Facilities*.
 - 5. Streets belonging to other jurisdictions shall be designed in accordance with the standards of the governing jurisdiction.
 - N. Transit Facility Design. Any Type II land divisions where further divisions are possible, and all Type III land divisions, shall comply with the requirements of section 8.056, Transit Facility Design, of this code. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 622, ef. 4/13/95; Amended by Ord. 638, ef. 2/23/96; Amended by Ord. 653, ef. 9/12/97; Amended by Ord. 690, ef. 7/27/00; Amended by Ord. 716, ef. 5/9/02; Amended by Ord. 748, ef. 5/13/04]
- 7.190 Requirements for Bike and Pedestrian Access. Any Type II land divisions where further divisions are possible, and all Type III land divisions, shall meet the following requirements for future street plan, connections, spacing, and cul-de-sacs:
- A. Future Street Plan. A future street proposal shall be filed by the applicant in conjunction with an application for a subdivision or partition. The proposal shall show the pattern of existing and proposed future streets within the boundaries of the proposed land division and shall include proposed connections to abutting properties. The access spacing standards as specified in subsection 7.180(M) of this chapter shall be considered in determining the need for connections to adjacent properties. Stub streets will be required to avoid landlocking a parcel(s) due to the collector and arterial access spacing standards.
 - B. Connections.
 - 1. Except as permitted in subsection (E) of this section, all streets, alleys, and pedestrian walkways shall connect to other streets within the development, existing and planned streets outside the development, and undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools, or other public land within a neighborhood.

2. Where practicable, local roads shall align and connect with other roads when crossing collectors and arterials.
 3. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas, and parks.
 4. For residential and mixed-use developments, bicycle and pedestrian connections shall be provided on public easements or right-of-ways when full street connections are not possible, with spacing of no more than 330 feet as measured from the near side right-of-way or easement line, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers.
- C. Spacing. Street layout shall be generally in a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.
- D. Cul-de-sacs. Cul-de-sacs and dead end streets or alleys shall only be permitted when the following conditions are met:
1. One or more of the following conditions prevent a required street connection: constrained slope (15% or more), presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property prevents a street connection, or presence of a freeway, limited access highway, or railroad.
 2. An accessway is provided consistent with the standards for accessways.
 3. Cul-de-sacs shall be as short as possible and shall not exceed 200 feet in length as measured to the terminus of the cul-de-sac street, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers that would make the dwelling unit limitation and the street length limitation impractical.
- E. Exemptions.
1. A future street plan specified in subsection (A) of this section is not required for major or minor partitions of residentially zoned land dividing a property into parcels none of which may be redivided under existing minimum lot size standards.
 2. Standards for street connections specified in subsection (B) of this section do not apply to freeways and other highways with full access control.
 3. When these street connection standards are inconsistent with an adopted street spacing standard for arterials or collectors, a right turn in/right turn out only design, including median control, may be approved. Where the compliance with the standards would result in unacceptable sight distances, an accessway may be approved in place of a street connection. [Adopted by Ord. 622, ef. 4/13/95; Amended by Ord. 690, ef. 7/27/00]

7.200 Other Sidewalk and Bikeway Standards. New and reconstructed arterials, collectors, neighborhood collectors, and local streets shall meet the following standards:

A. Requirements.

1. Bikeways and sidewalks shall be constructed during the construction or reconstruction of all arterials and collectors, and any neighborhood collector or local street in other than single-family residential developments. On local streets, in areas planned for single-family residential development, sidewalks shall be constructed during home construction.
2. Sidewalks shall be constructed along the frontage of all public streets, and within and along the frontage of all new development or redevelopment.
3. Sidewalks are required on both sides of all new public streets and on both sides of reconstructed public streets, unless there is insufficient right-of-way to permit sidewalks on both sides of the reconstructed street.
4. Where lack of public right-of-way width prevents including sidewalks within the public right-of-way, an easement may be required to provide for all, or part of one or both, sidewalks.
5. If a street is being constructed to an interim standard which does not include bike lanes or sidewalks, interim bikeways or pedestrian walkways shall be provided through construction of paved roadway shoulders at least eight feet in width on arterials and six feet on other streets.

B. Design. Sidewalks shall be designed to parallel streets or to be integrated into an overall site design for the development consistent with the site's topography and vegetative coverage.

C. Sidewalk Construction. Sidewalks shall be constructed to meet the standards found in *City of Troutdale Construction Standards for Public Works Facilities*.

D. Bikeways. Bikeways shall be designed and constructed in accordance with Multnomah County construction standards.

E. Lighting. Lighting of sidewalks and bicycle paths shall be provided in conjunction with construction of new roads, reconstruction of existing roads, and new development. [Adopted by Ord. 622, ef. 4/13/95]

7.350 Guarantee.

- A. The subdivider may elect to complete all required public improvements and all other items required as part of the construction drawings and applicable conditions of approval (hereinafter "improvements") prior to requesting approval of the final plat. In such case, no performance guarantee will be required. All improvements must be completed in accordance with City standards, inspected, and accepted by the City prior to approval of the final plat. A warranty of workmanship and materials shall be required as specified in section 7.410,

Certificate of Completion, of this chapter. All improvements shall remain the property of the subdivider until formally accepted by the City.

- B. If the subdivider elects to file the partition map or subdivision plat prior to the completion and acceptance of the improvements, the subdivider shall secure a surety bond, present a cashier's check or certified check for deposit with the City, or provide an Irrevocable Letter of Credit with the City as beneficiary as assurance for faithful performance of the required improvements (hereinafter collectively referred to as "financial assurance"). The value of the financial assurance shall be equal to 110% of the estimated value of the improvements. The value of the financial assurance shall not diminish during the life of the instrument. All estimates furnished by the subdivider shall be verified by the Director of Public Works.
- C. In the event the subdivider fails to satisfactorily complete all improvements within the time authorized and the City desires to complete such improvements, the City shall be authorized to use the cashier's check, certified check, or Irrevocable Letter of Credit to complete the improvements, or to bring an action or claim on the surety bond.
- D. If the amount of the financial assurance exceeds costs and expenses incurred by the City to complete the improvements, the City shall release the remainder. If the amount of the financial assurance is less than the cost and expenses incurred by the City, the subdivider shall be liable to the City for the difference. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.360 Development Inspection Fee. The subdivider shall reimburse the City for the actual cost the City incurs for construction inspection of the improvements within 30 days following receipt of an invoice for such costs. Final acceptance of the improvements shall not occur until all such reimbursements are received by the City. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.370 Construction Drawing Requirements.

- A. General. No public improvements shall be constructed prior to approval of formal construction plans by the Director of Public Works or the Director's designee. Designs submitted shall be stamped by a registered professional engineer licensed to practice in the State of Oregon.
- B. Submittal Requirements. The subdivider shall submit seven sets of construction drawings that include site grading, erosion control, streets, sanitary sewers, storm sewers, water mains, street lighting, and associated details. Drainage plans shall be accompanied by design calculations (two sets only). Plans shall also include parks and open spaces if public improvements extend into those areas.
- C. Design Plan Format.
 - 1. General.
 - a. Plans shall be submitted on standard sheets having dimensions of 24"x36" or 22"x34".

- b. A vicinity map shall be located on the first sheet of the plans and shall show the location of the project with respect to the nearest collector or arterial level street and major intersection. The first sheet shall also include an index of all sheets contained in the plans.
 - c. A title block shall be placed on each sheet of the plan set in the lower right-hand corner, across the bottom edge of the sheet, or across the right-hand edge of the sheet. The title block shall include the name of the project, the name and address of the owner and engineering firm, the sheet title, the total number of sheets, and the number of that particular sheet.
 - d. The seal and signature of the registered professional engineer responsible for preparation of the plans shall appear on each sheet.
 - e. A north arrow shall be shown on each plan view sheet of the plans and adjacent to any detail which is not oriented the same as other details on a common sheet. The north arrow shall, whenever practical, be pointing to the top or right side of the page.
 - f. Engineering scales of one inch equals 2', 4', 5', or 10' vertically and one inch equals 10', 20', 40' or 50' horizontally shall be used on all drawings except structural or architectural drawings.
 - g. Letter size shall not be smaller than 0.10 inches high.
 - h. The location and elevation of the nearest National Geodetic Survey, U.S. Geological Survey, Oregon State Highway Division, or Multnomah County benchmark used as the elevation datum shall be shown or described on the plans. At least one permanent monument shall be installed to City standards and its elevation, state plane coordinate or system grid coordinates, and survey tie data supplied to the City with surveyor's certification.
 - i. The description and date of all revisions to the plans shall be shown on each sheet affected.
 - j. A general legend shall be shown at least once for each set of drawings.
 - k. Construction notes shall be detailed when appropriate.
2. Plan views shall include:
- a. Street and drainage plan views together, and sanitary sewer and water main plan views together.
 - b. All street right-of-ways, property lines, tract boundaries, and easement lines.
 - c. The subdivision or partition lot lines, lot numbers, and street names.

- d. Location and stationing of all proposed street centerlines, including all horizontal curve data and curb returns data.
 - e. Centerline stationing of all intersecting streets.
 - f. Transition from one typical section to another.
 - g. Street associated details such as sidewalks, wheelchair ramps, street monuments, pedestrian accessways, etc.
 - h. Complete drainage details, including drain pipe locations, pipe sizes, manholes, dry wells, catch inlets, subsurface drains, and outfall or connection details.
 - i. Sanitary sewage collection system showing compliance with the standards of the Oregon Department of Environmental Quality, including sewer pipe locations, pipe sizes, manholes, clean outs, and service line locations.
 - j. Water distribution system as an extension of the existing grid system providing for adequate fire flow and system reliability. Drawings shall show the location of all mains, service lines, meters, valves, fittings, fire hydrants, and appurtenances.
3. Profile views shall include:
- a. Original ground line at centerline, left and right curb lines, and left and right right-of-way lines when cross slopes are significant.
 - b. Centerline of existing streets for a distance of 300 feet each way at intersection with proposed street.
 - c. Vertical alignment of new streets, including stationing, elevations of control points, vertical curve data, and longitudinal slopes for centerline and top of curbs.
 - d. The top of curbs when they deviate from the typical section such as super-elevated sections, offset crowns, cul-de-sacs, eyebrows, and intersection curb returns.
 - e. Extension of the profile of the streets that will be extended in the future (stub streets). The extended profile shall be at least 200 feet for local and collector level streets.
 - f. All existing and proposed drainage facilities, their type, all invert and crown elevations, slopes, materials, and lengths.
 - g. All existing and proposed sanitary and storm lines, their type, all invert elevations, slopes, materials, and lengths.

- h. All known utilities which may or may not conflict or interfere with the installation proposed. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.400 Commencement of Construction.

- A. The Director of Public Works shall issue an "Authorization to Commence Construction" upon the subdivider's completion of the following:
 - 1. The subdivider shall request in writing to the Director of Public Works that he be allowed to commence construction.
 - 2. The subdivider shall pay all outstanding fees, assessments, and liens on the property including, but not limited to, sewer or water assessment, and all taxes on any property being deeded to the City or dedicated to the public.
 - 3. The subdivider shall submit and obtain the City's approval of the construction drawings.
 - 4. The subdivider shall submit and obtain the City's approval of a Performance Guarantee in accordance with section 7.350, Guarantee, of this chapter.
- B. No construction shall take place prior to issuance of an "Authorization to Commence Construction". [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

7.410 Certificate of Completion. The Certificate of Completion shall be issued when the following items are completed:

- A. The Director of Public Works following a field inspection by a designated representative, has verified that the required improvements have been constructed in accordance with the applicable construction drawings, standards and specifications (incorporating any approved exceptions) and that the streets, sanitary and storm sewers, water system, and other improvements (including, but not limited to, street lighting and underground utilities) are operable and suitable for public use.
- B. The subdivider has submitted a financial assurance in an amount which is not less than ten percent of the cost of the improvements. The financial assurance shall run for a period of at least two years following issuance of the Certificate of Completion by the City and shall require the subdivider to promptly correct all deficiencies of workmanship and materials within the development for that period. The City Council may require a larger financial assurance, or require the financial assurance to run for a longer period.
- C. The subdivider has submitted a financial assurance equal to the total estimated cost, guaranteeing the placement of the final lift of asphaltic concrete on all streets constructed with the development. The subdivider shall place the final lift on all streets after 90% of the buildings within the development have received Certificates of Final Inspection or two years have transpired since the issuance of

the Certificate of Completion, whichever occurs first. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]

- 7.415 Restriction on Issurance of Building Permits. No building permits will be issued until a Certificate of Completion has been issued. [Adopted by Ord. 748, ef. 5/13/04]
- 7.420 Acceptance of Construction Improvements. Operation, maintenance, and repair of improvements that are to become public are the responsibility of the subdivider until the subdivider makes written request to the City for their acceptance and the City Council accepts such improvements by Resolution. Acceptance will not occur until after a Certificate of Completion has been issued and as-built drawings (one mylar set and four copies) have been received by the City. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 748, ef. 5/13/04]