

ARTICLE 8

GENERAL DEVELOPMENT STANDARDS

10.8.000 OVERVIEW OF ARTICLE 8

This Article describes general development and improvement standards that apply to development authorized by this Code. In the event the standards of this Article conflict with the provisions of the base zoning district, the standards of this Article shall prevail.

The following list summarizes the topics covered in Article 8:

- Access & Circulation
- Clear Vision Area
- Open Space, Recreation Facilities and Common Areas
- Hazard and Resources
- Landscaping, Screening and Buffering
- Off-Street Parking and Loading
- Public Improvements
- Building Design and Development Standards
- Lighting Standards
- Signs
- Other Development Review Standards
- Land Division Standards
- Covenants, Conditions And Requirements

These headings can assist the user in locating information. The table of contents contains a complete list of the material included in this Article.

10.8.005 ADOPTION OF OTHER AGENCY STANDARDS BY REFERENCE

Unless modified by the provisions of this Code, the following standards and requirements as they may be amended are adopted by reference and shall be complied with, as applicable, as part of the development standards set forth in this Article:

- A. City of Forest Grove standards and specifications for public improvements;
- B. Washington County “Uniform Road Improvement Design Standards” as may be applied by the Forest Grove Public Works Department;
- C. Clean Water Services “Design and Construction Standards for Sanitary Sewer and Surface Water Management;”
- D. Regionally Significant Fish and Wildlife Habitat Inventory Map dated at the time of adoption of this section or as amended in the future.

Nothing in this Section limits or reduces compliance with the provisions of §10.1.125.

ACCESS AND CIRCULATION

10.8.100 PURPOSE

The purpose of this section is to establish standards and regulations for safe and efficient vehicle access and egress on a site and for general circulation within the site, including pedestrian circulation.

10.8.105 APPLICABILITY

- A. When Provisions Apply. The provisions of this article shall apply to all development, including the construction of new structures, and the remodeling or new structures or a change of use which increases the on-site parking or loading requirements or which changes the access requirements.
- B. When Site Plan/Design Review Is Not Required. Where the provisions of site plan review or design review do not apply to the proposed developments, the Director shall approve, approve with conditions, or deny an access plan submitted under the provisions of this Article in conjunction with another permit or land use action.
- C. Conflict with Land Division Requirements. The requirements and standards of this article shall not apply where they conflict with the land division rules and standards of Article 6.

10.8.110 GENERAL PROVISIONS

- A. Continuing Obligation of Property Owner. The provision and maintenance of access and egress stipulated in this section are continuing requirements for the use of any structure or parcel of real property in the City.
- B. Access Plan Requirements. No building or other permit shall be issued until a scaled site plan is submitted that shows how access, egress and circulation requirements are to be fulfilled. The Director shall provide the applicant with information about the submittal requirements for an access plan.
- C. Joint Access. Owners of two or more uses, structures, or parcels of land may agree to jointly use the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies their requirements as designated in this Article, provided:
 - 1. Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and
 - 2. Copies of the deeds, easements, leases or contracts are placed on permanent file with the City.
- D. Public Street Access. All vehicular access and egress shall connect directly with a public or private street approved by the City for public use, except where joint access is provided through adjacent or other property which is connected to a street. Vehicular access to a residential use shall be provided within the same lot for single-family and two-family dwellings, and within the same lot or development for multi-family

dwelling. Access to multi-family units shall avoid being located through single family residential areas before being connected to a collector or arterial as designated by the City's Transportation Plan.

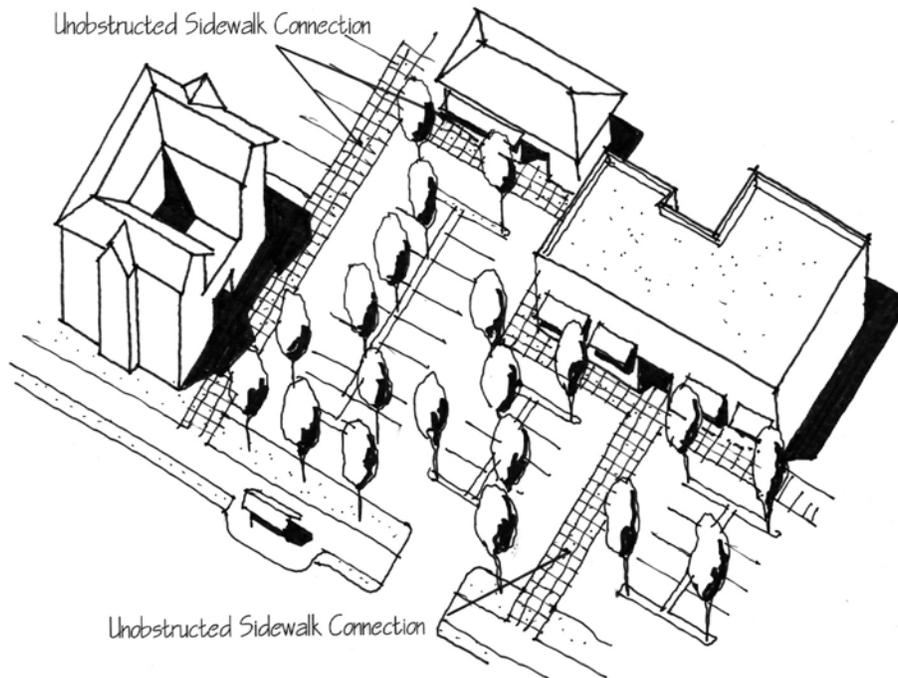
- E. Transit Agency Referral. The City shall submit all development proposals located along the Pacific Avenue/19th Avenue transit corridor to Tri-Met and along existing and proposed collectors and arterials in the Westside Planning Area to Ride Connection/GroveLink for review and comment regarding facilities necessary to support transit. The following facilities may be required as a condition of a permit:
1. Walkways to transit stops;
 2. Bus stop shelters or waiting areas;
 3. Turnouts for buses.
- F. Where hard surfaces are stipulated by these requirements, pervious surfaces are encouraged to be used. Where improvements are within the public rights-of-way, such surfaces can be used upon approval by the City Engineer.
- G. Landscaped areas should include water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other plant material when possible so as to cover landscape areas.

10.8.115 ON-SITE PEDESTRIAN WALKWAYS

- A. Required Walkways. On-site pedestrian walkways are required as follows:
1. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the public sidewalk or curb of the public street or streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Walkways shall be constructed between a new development and neighboring developments. If connections aren't currently available, then planned connections shall be designed to provide an opportunity to connect adjoining developments.
 2. The maximum distance between a parking space and a walkway shall not exceed forty-five (45) feet. All walkways constructed within parking lots shall be raised to standard sidewalk height. All surface treatment of walkways shall be firm, stable and slip resistant.
 3. Required walkways shall be paved with hard-surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways may be required to be lighted and/or signed as needed for safety purposes. Lighting and or signs may be required for walkways for safety purposes.
 4. Whenever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum six (6)-inch vertical separation (curbed) or a minimum three (3)-foot

horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than thirty-six (36) feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four (4) feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and signposts, and shall be in compliance with ADA standards.

Figure 8-1: Unobstructed Sidewalk Connection



5. Where required for pedestrian access, interior landscape areas in combination with pedestrian walkways between rows of parking shall be at least ten (10) feet in width to accommodate walkways, shrubbery, and trees 20 to 30 feet on-center. This ten (10) foot width may be reduced between tree areas depending on the characteristics of the vegetation. Angled or perpendicular parking spaces shall provide bumper stops or widened curbs to prevent bumper overhang into interior landscaped areas or walkways.

10.8.120 MINIMUM ACCESS REQUIREMENTS FOR RESIDENTIAL USES

- A. Direct Access to Arterial Streets from a residential dwelling established after the effective date of this Code is prohibited. The City may permit direct access to an arterial for lots of subdivisions approved prior to the effective date of this Code, and for multi-family residential complexes if the access is designed to local residential street standards.
- B. Single-Family Dwellings and Duplexes shall be required to have one driveway, fully improved with hard surface pavement, with a minimum width of 10 feet.
- C. Service Drives for Multi-Family Dwellings shall be fully improved with hard surface pavement with a minimum width of:

1. 12 feet when accommodating one-way traffic, or
2. 20 feet when accommodating two-way traffic.

In no case shall the design or said service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street.

- D. Private Residential Access Drives shall be provided and maintained in accordance with the provisions of the Uniform Fire Code.
- E. Dead End Access Drives In Excess Of 150 Feet shall be provided with approved provisions for the turning around of fire apparatus by one of the following:
1. A circular, paved surface having a minimum turn radius measured from center point to outside edge of thirty-five (35) feet; or
 2. A hammerhead, paved surface with each leg of the hammerhead having a minimum depth of forty (40) feet and a minimum width of twenty (20) feet.
 3. The maximum cross slope of a required turnaround is 5%.
- F. Driveway Grades shall not exceed a maximum of 20%.

10.8.125 MINIMUM ACCESS REQUIREMENTS FOR NON-RESIDENTIAL USES

- A. Service Drives for Non-Residential Uses shall be fully improved with hard surface pavement with a minimum width of:
1. 15 feet when accommodating one-way traffic, or
 2. 24 feet when accommodating two-way traffic.
- B. All non-residential uses shall be served by one (1) or more service drives as determined necessary to provide convenient and safe access to the property. In no case shall the design of said service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.

10.8.130 WIDTHS AND LOCATIONS OF DRIVEWAYS AND CURB CUTS

- A. Minimum Driveway Widths at the street right-of-way line shall be fifteen (15) feet for institutional, commercial, industrial, and multi-family residential uses, and ten (10) feet for single-family and two-family residential uses.
- B. Maximum Driveway Widths at the street right-of-way line shall be as follows:
1. In residential zones –
 - a. 24 feet for lots with less than 60 feet of street frontage
 - b. 30 feet for lots with street frontages of 60 feet or greater
 - c. There shall be a minimum distance of 30 feet between any two adjacent curb cuts on the same lot
 2. 36 feet in institutional, town center or commercial zones
 3. 40 feet in industrial zones

- C. Location of Curb Cut. No portion of a curb cut shall be located closer to an intersecting street right-of-way line than:
1. 100 feet on an arterial street with four or more travel lanes
 2. 50 feet on an arterial street with two or three travel lanes
 3. 50 feet on a collector street
 4. 20 feet on a local street
- D. Minimum Distance between Curb Cuts. On arterial and collector streets, minimum distances shall be maintained as follows between adjacent curb cuts on the same side of any such street:
1. 85 feet where the speed limit is 20 mph or less
 2. 105 feet where the speed limit is 25 mph
 3. 125 feet where the speed limit is 30 mph
 4. 150 feet where the speed limit is 35 mph
 5. 185 feet where the speed limit is 40 mph
 6. 230 feet where the speed limit is 45 mph
 7. 275 feet where the speed limit is 50 mph or greater
- E. In measuring the distance between curb cuts on arterial and collector streets, existing curb cuts, or accesses serving single-family and two-family dwellings shall not be considered.
- F. City Engineer’s Authority to Restrict Driveway Widths and Locations. To ensure that driveways do not conflict with public infrastructure, the City Engineer has the authority to restrict the width and location of any driveway.

10.8.135 SPECIAL ACCESS-EGRESS PROVISIONS

- A. One-Way Vehicular Access Points. Where a proposed parking facility indicates only one-way traffic flow on the site, it shall be accommodated by a specific driveway serving the facility; the entrance drive shall be situated closest to oncoming traffic and the exit drive shall be situated farthest from oncoming traffic.
- B. Director’s Authority to Restrict Access. The Director has the authority to restrict access when the need to do so is required by one or more of the following conditions:
1. To provide for increased traffic movement on congested streets and to eliminate turning movement problems, the Director may restrict the location of driveways on streets and require that the location of driveways be placed on adjacent streets, upon the finding that the proposed access would:
 - a. Cause or increase existing hazardous traffic conditions; or
 - b. Provide inadequate access for emergency vehicles; or
 - c. Cause hazardous conditions to exist, which would constitute a clear and present danger to the public health, safety, and general welfare.
 2. To eliminate the need to use public streets for movements between commercial or industrial properties, parking areas shall be designed to connect with parking

areas on adjacent properties unless not feasible. The Director shall require access easements between properties where necessary to provide for parking area connections.

3. To facilitate pedestrian and bicycle circulation, access and parking area plans shall provide efficient sidewalk and/or a pathway connection, as feasible, between neighboring developments and land uses.
 4. A decision by the Director per subsection (B) 1-3 above may be appealed by means of a Type II procedure.
- C. Joint Access in the Community Commercial Zone. If feasible, joint access and the provision of reciprocal easements shall be required as a condition of issuing a building permit in the Community Commercial (CC) Zone.
- D. In all zones where the spacing of access and egress drives cannot be readily achieved within a particular parcel; joint access with an adjoining property shall be sought. If the Director is satisfied that sufficient attempts to secure joint access have been made and the joint access is not possible, and access separation as specified in §10.8.130 cannot be maintained, driveway access may be granted with less separation between adjacent driveways. The spacing shall be the minimum required to provide adequate, yet safe and convenient access to the property. The clear vision area requirements of Article 8 are applicable.

10.8.140 SPECIFIC SITE ACCESS AND CIRCULATION STANDARDS

The following access and circulation standards apply specifically to certain types of development or apply within certain locations within the community.

- A. Multi-Unit Development. A functional and safe environment for vehicles and pedestrians is important within residential areas. Multi-unit development should be visually appealing from the adjacent street right-of-way and be functionally and aesthetically tied to adjacent residential neighborhoods.
1. Circulation
 - a. A continuous pedestrian connection shall be provided from the front door of all residential buildings to the public sidewalk.
 - b. Separate pathways from dwellings a minimum distance of ten (10) feet. The separation is measured from the pathway edge closest to any dwelling unit.
 - c. On-site pedestrian walkways are required to be a minimum width of five (5) feet connecting dwelling units to parking/open space/recreation areas.
 2. Parking Areas
 - a. Separate physically and visually parking areas greater than 10,000 square feet in area with landscape planter bays at least eighteen feet in width. Individual parking areas may be connected by a driveway.

- b. The sidewalk system shall connect the front door of all residential buildings to parking area(s).
3. Pedestrian Environment
- a. Residential doors which face a public right-of-way shall be setback a minimum of 3 feet plus any additional width needed to meet the minimum sidewalk requirements (where applicable) from a public sidewalk.
 - b. The following types of doors shall not provide the primary entrance into a dwelling unit: sliding glass or solid metal doors without glazing.
 - c. Residential stoops, porches or terraces shall be raised a maximum of 3 feet above grade at the adjacent right-of-way.
 - d. Residences with entry porches or terraces shall have a minimum area of 40 square feet.
 - e. Residential entries shall be lowered a maximum of 4 feet below grade measured at adjacent right-of-way.

Figure 8-2: Example Site Layout for Multi-Unit Development

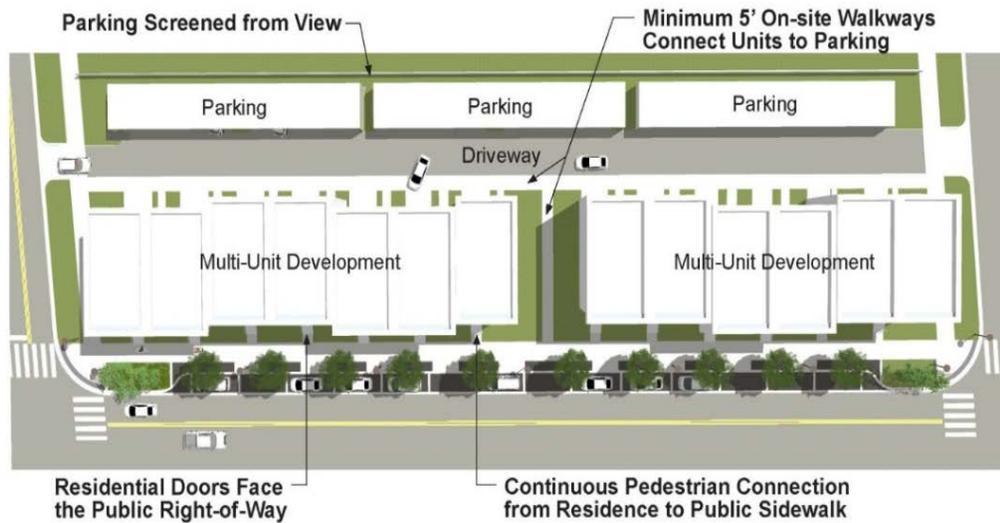


Figure 8-3: Pedestrian Environment for Multi-Unit Development



4. Screening/Service Areas

- a. All mechanical equipment shall be screened from view by an opaque fence or solid landscape screen 8 feet high.
- b. Service/refuse collection areas shall not be located within 20 feet of public rights-of-way.
- c. All development of two or more stories in height shall be required to provide screening of garbage collection and storage areas from above.
- d. All roof mounted mechanical equipment other than vents shall be screened from ground level view. The screening shall be as high as the height of the equipment and shall be integrated with the exterior building façade

5. Landscaping

- a. At least 75% of required landscaped area shall be planted with any suitable combination of trees, shrubs, or evergreen ground cover.
- b. A maximum of 25% of required landscaped area may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, rock groupings, decorative hard paving and gravel areas interspersed with planting areas.

6. Crime Prevention Through Environmental Design (CPTED)

- a. No landscaping, fences, walls or plant materials greater than 5 feet in height shall be installed which obstruct the visibility of a dwelling entry from a public street.
- b. A minimum of 25 square feet of window area shall be provided within each dwelling unit facing a common open space, pedestrian path or car park to allow visual surveillance.

- c. A clear line of site between all front building entries and the public sidewalk or car park shall be maintained.
- d. Lighting shall be provided at all exterior dwelling unit entrances.
- e. Guard or a keyed variation of gated residential development is prohibited.
- f. Motion activated security lighting is prohibited along public rights-of-way.

B. Commercial Development. Commercial development should accommodate automobiles, mass transit, bicycles and pedestrians in a safe, functional and visually appealing manner.

1. Circulation

- a. Auto/truck access to parking shall be from a local or collector street, an adjacent development, alley, or existing driveways along arterial roads.
- b. Where buildings are setback from right-of-ways, a continuous and direct sidewalk with a 12-foot minimum width shall be provided between the public sidewalk and the front door to all buildings on site.
- c. All roadways or drives shall include sidewalks on both sides of travel lanes with the exception of vehicle facilities that provide access to loading and service areas.

2. Parking

- a. Construct off-street surface parking that does not occupy more than 50% of the street frontage. Where a site has frontage along a side street a surface car park may occupy more than 50% of the side street frontage.
- b. Screen parking with a solid perimeter wall, decorative welded metal (wrought iron) fencing and columns, earthen berm or evergreen hedge (or a combination thereof). The maximum height of screening shall be five (5) feet except along the street frontage where the maximum height shall be three (3) feet six (6) inches.
- c. Provide a minimum of 15% of the car park as water pervious surface – either paving or landscaped retention areas.
- d. Development sites shall not consist of paved parking areas of more than 50% of the entire site area.

Figure 8-4: Parking for Commercial Development



3. Pedestrian Environment

- a. The sidewalk system shall connect all customer entrances to the public sidewalk.
- b. Minimum sidewalk width 10 feet. Sidewalks shall meet American with Disabilities Act (ADA) requirements and may include landscaped areas, benches and other pedestrian amenities.
- c. Plazas, squares or courts shall be fronted by commercial building facades with 75% or more transparency/window opening of first 15 feet of building.
- d. All development shall provide a sheltered entry area at the entrance to each commercial establishment with a minimum area of fifty (50) square feet and a minimum dimension of six (6) feet.

4. Screening of Service Areas

- a. All loading areas shall be physically separated from customer pedestrian and residential areas with a solid 5-foot tall fence, evergreen hedge, arbor, berm or a combination of these elements.
- b. All ground level and roof-top mechanical equipment shall be screened from view with landscaping, fencing and or walls. The height of the screen shall equal or exceed the height of the equipment, and include screening from views from above when visible from adjacent inhabited buildings.

5. Landscaping

- a. Landscaping standards vary depending on zoning, use, adjacent zoning, and existing site conditions.
- b. A landscaped strip at least ten (10) feet in width shall be provided abutting any property line facing a street. The landscape strip shall be appropriately landscaped with ground cover, planted berm, shrubbery and/or trees.

- c. At least 75% of required landscaped area shall be planted with any suitable combination of trees, shrubs, or evergreen ground cover.
- d. A maximum of 25% of required landscaped area may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, rock groupings, decorative hard paving and gravel areas interspersed with planting areas.

C. Town Center Districts. The intent of the following standards is to provide a functional and safe environment for vehicles and pedestrians, where the needs of pedestrian are emphasized. The Town Center should have a clear separation between pedestrian and vehicular areas and should be comfortable and safe in all seasons and hours of the day.

1. Building Orientation

- a. TCC: Building facades shall be built along at least 80% of the primary building frontage line.
- b. TCT: Building facades shall be built along at least 75% of the primary building frontage line.
- c. One (1) entrance shall be provided for each building façade. When building is located on a corner, one entrance at the corner is permitted.
- d. If a building is setback from right-of-way, it shall be a minimum of four feet (4') in depth and include plazas, forecourts or other paved areas for public seating, artwork and landscaped planting beds.
- e. If a building is setback from the right-of-way, mechanical units, meters or other above grade or wall mounted utilities shall not be located in the front setback area.

2. Pedestrian Connections

- a. When provided on-site, parking shall not be located between the front façade and the front property line.
- b. Where walkways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed or separated from the driveway/street with bollards and/or a 3-foot minimum landscape barrier.
- c. Where pathways cross a parking area, driveway or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.
- d. All mechanical equipment, outdoor storage, and manufacturing and service and delivery areas shall be screened from view from pedestrian sidewalks. Screening shall be provided by one or more of the following: decorative wall (masonry or similar quality material, evergreen hedge, wood fence - non-see through).

3. Site Amenities. Every development shall provide at least one of the “pedestrian amenities” listed below:
 - a. A plaza, courtyard next to the building entrance a minimum of 4 feet in depth for residential food, beverage or entertainment establishments only or, for other uses, an area with public art which incorporates seating (e.g. a fountain).
 - b. Public seating areas (chairs, tables, benches)
 - c. Building canopy, awning or similar weather protection across 75% of the façade, projecting a minimum of four feet over the sidewalk.

CLEAR VISION AREA

10.8.150 PURPOSE

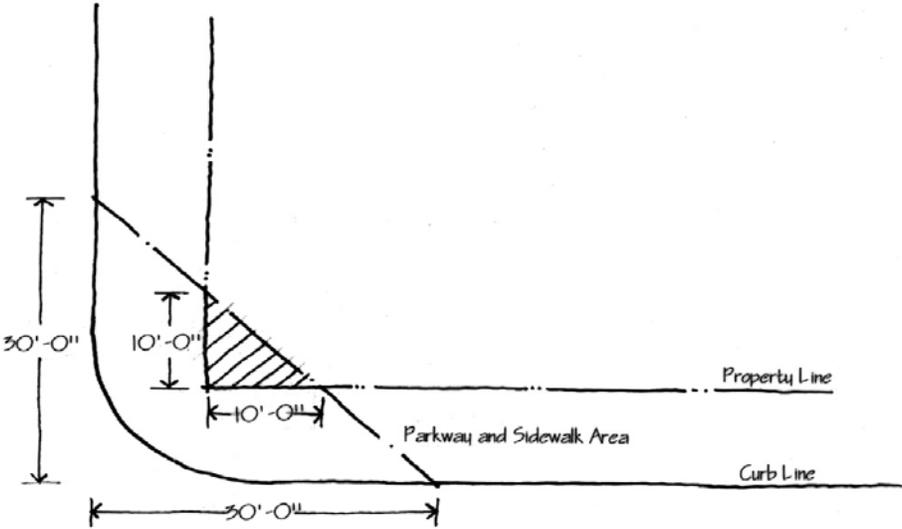
The purpose of this section is to establish standards that will ensure proper sight distances at intersections to reduce the hazard from vehicular turning movements.

10.8.155 STANDARDS

Except in the Town Center zones, a clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing vehicular access to a public street, excluding alleys.

- A. On Corner Lots, no vehicle, fence, wall, hedge or other planting or structure shall be parked, erected, planted, placed, located or maintained, except for occasional tree trunks or poles, so as to impede visibility within the greater of the two clear vision areas defined below (see Figure 8-5):
 - 1. The triangular area formed by the curb lines along such lots and a straight line joining said curb lines at points which are 30 feet distant from the intersection of the curb lines and measured along such lines; or
 - 2. The triangular area formed by the property lines of such lots and a straight line joining said property lines at points which are 10 feet distant from the intersection of the property lines and measured along such lines.
- B. A Private Access shall be treated as a public street for the purpose of this section. The edge of the paved surface area of the private access, be it roadway, curb or sidewalk, shall be treated as the curb line in determining the vision clearance area.
- C. The vision clearance area for all commercial, industrial, institutional, and multi-family uses shall be determined in the manner set forth in §§(A)(1) above.
- D. The vision clearance area for single-family homes and duplexes shall be determined in the manner set forth in §§(A)(2) above.
- E. Any obstruction maintained in violation of this section shall be deemed in violation of the Development Code and shall be abated pursuant to §10.1.400 enforcement procedures.

Figure 8-5: Clear Vision Area



OPEN SPACE, RECREATIONAL FACILITIES AND COMMON AREAS

10.8.200 PURPOSE

The purpose of this section is to establish standards for the provision of open space and recreational facilities, and where part of development, requirements for common areas.

10.8.205 STANDARDS

- A. Open space areas may be required to avoid placing structures or other improvements either in identified hazard or resource areas as required by §10.5.005 et. seq. and §10.8.300 et. seq.
- B. Areas retained to comply with Clean Water Services (CWS) water quality sensitive area and vegetative corridor requirements of the Design and Construction Standards or surface water quality or quantity facilities requiring over 100 square feet of area shall be considered open space but not be considered a recreational area unless so designed as to be integrated with a development's site design and available for access for residents in the development.
- C. Except for developments in TCC or TCT zones, any development not involved in a division of land, open space and recreation areas shall be held in common for residential condominiums or by the primary land owner for apartment complexes or non-residential development. The area shall be placed within an easement unless waived by the Director for minor recreation facilities or recreation facilities that are integrated with the developed portion of the project. Developments within the NMU zone may modify the standards below through an approved MUPD.
 - 1. Residential projects in the Residential Multifamily Low (RML) and Residential Multifamily High (RMH) districts shall provide the following: All condominium, two-family dwellings, multi-family dwellings, residential care facilities, residential care institutions, and nursing or convalescent homes shall provide 20% of the lot area in open space, excluding that area designated in the site plan and improved for off-street parking and driveways. All dwelling units shall be immediately accessible to a minimum of 600 square feet of open space.
 - 2. All condominium, two-family dwellings and multi-family dwellings of 20 units or more, residential care facilities, residential care institutions, and nursing or convalescent homes shall improve 1/2 of the required open space as recreation space. Recreation space shall be planted in grass and/or improved for recreational use, and have a minimum area of 870 square feet and a minimum dimension of 20 feet. For two-family and multi-family dwellings, the recreational area shall include a children's play area. A fence shall be installed that is a minimum of thirty (30) inches in height to separate a parking lot, street, or driveway from any children's play area.
 - 3. For the development of condominiums, two-family and multi-family dwellings of 20 units or more, residential care facilities and residential care institutions, individual private open space (patio or balcony) shall be provided for each

dwelling unit. All private open space shall be directly accessible from the dwelling unit through a doorway. Patios and balconies shall be at least 48 square feet in size with a minimum width dimension of four (4) feet.

4. Floor area of ground floor patios and all balconies for individual units can be used to meet no more than 1/2 of the recreational land area requirement. Private open space shall be separated from common open space through the use of perimeter landscaping, fencing or a change in vertical grade (e.g. second floor balconies).
5. Where a proposed condominium, multi-family development, residential care facility, residential care institution, or nursing or convalescent home will abut an existing or proposed public park or open space, the development shall integrate into its design the adjoining park or open space to maximize its benefits to development residents.
6. No less than 75% of all open space areas excluding recreational space shall be landscaped with living ground cover, shrubs or trees.
7. State law and administrative codes pertaining to residential care facilities, assisted care and nursing facilities shall supersede the provisions of this section where there is a conflict.

D. Areas and tracts of land to be held in common, shall meet the following requirements:

1. Common areas shall be held in ownership by either a homeowners association or operator of a multi-family development, residential care facility, residential care institution, or nursing or convalescent home.
2. To ensure adequate maintenance of common areas within the land division, the applicant shall provide maintenance provisions in Covenants, Conditions and Requirements (CC&Rs) when to be maintained by a homeowners association or another method an operator of a multi-family development, residential care facility, residential care institution, or nursing or convalescent home.

E. A development shall include proposed dedication of open space or recreational facilities to the City or reserve such areas for acquisition by the City based on the following requirements:

1. The dedication or reservation shall be approved by the Parks and Recreation Commission prior to any acceptance of the reservation or dedication by the City. The Parks and Recreation Commission shall only consider any dedication or reservation if found:
 - a. Consistent with the Parks, Recreation and Open Space Master Plan in terms of location, size, shape and purpose of the facility or area;
 - b. Adequate recreational elements for active and/or passive recreational needs (e.g. trails, benches, play equipment, ball fields, etc.) are provided;

- c. Open space areas provide connectivity with other open space or recreational areas as shown on the Parks, Recreation and Open Space Master Plan;
 - d. Adequate services and facilities are available to maintain the dedication or reservation; and
 - e. For reservations, that acquisition of the property has been programmed in the most recently adopted capital improvement program or otherwise authorized by the City Council.
2. Where the City will accept a dedication pursuant to paragraph (1) above, no more than 50% of the System Development Charges (SDC) for a project can be waived by the Community Development Director upon consultation with the Parks and Recreation Director. The amount of the waiver shall be based on the completeness of the recreational elements and maintenance facilities provided, and the importance of the property to the completion of the Park, Recreation and Open Space Master Plan. There shall be no waiver of park SDC for any reservation of an open space area or recreational facility.
3. If the developer is required to reserve land area for a park, playground, or other public use, such land shall be acquired by the appropriate public agency within eighteen (18) months following final land use approval including but not limited to final plat, site plan, conditional use or design review approvals. The price shall be agreed upon prior to final approval or such reservation shall be released to the subdivider.
- F. Where it is determined by the Director that to achieve a greater sense of open space of an area, open space that is proposed for two adjoining developments shall be located adjacent to each other.

HAZARDS AND RESOURCES

10.8.300 PURPOSE

The purpose of this section is to establish standards and requirements where development is subject to resources or hazards as defined by these provisions.

10.8.305 RESOURCE AREAS

- A. Wetlands, Wetland Buffer Areas, Wildlife Conservation Areas and Vegetated Corridors subject to the provisions of §10.5.005 shall be left undisturbed unless:
1. Division of State Lands has issued a permit to allow fill in a wetland; or
 2. Enhancements that are required or allowed either by the report approved by the City for Wildlife Conservation Areas pursuant to §10.5.025 or by the Service Provider Letter issued by Clean Water Service.
- B. Wetland buffer areas and vegetated corridors shall be provided consistent with the requirements of Clean Water Service (CWS) Design and Construction Standards. Pursuant to §10.5.025(A), a service provider letter from CWS shall be issued prior to filing for a land use permit with the City.
- C. All development within Natural Resource Areas shall attempt to design development through avoidance of the resource area. If that cannot be achieved through standard development requirements, then the requirements of §10.5.005 et. seq. shall apply and shall override any conflicting development requirements established by other portions of the Development Code in order to minimize intrusion into the NRA.
- D. All wetlands, wetland buffers, vegetated corridors and wildlife habitats shall be established as follows:
1. For divisions of land, the area shall be placed in an open space tract separate from areas intended for development. The open space tract is subject to the requirements of §10.8.200 et. seq.
 2. For development not involved in a division of land, the area shall be held in common for residential condominiums or by the primary land owner for apartment complexes or non-residential development. The area shall be placed within an easement and adequate maintenance provisions shall be provided consistent with the requirements of §10.8.200.
- E. Historic Structures and Trees

Any modification of historic structures or the removal of trees shall comply with the requirements of §§10.5.200 et. seq. and 10.5.100 et. seq. respectively.

10.8.310 HAZARD AREAS

A. Information and studies for hazards shall be provided as follows:

1. For development sites partially or totally within Flood Management Areas or areas of special flood hazard as determined by §10.8.315(B), there shall be provided a study prepared by an engineer certified by the State of Oregon to provide hydraulic, flood plain elevation and any other necessary analysis to meet the requirements of §10.8.325(D) as determined by the City Engineer.
2. For development sites having slopes of 10% or more, the following requirements shall be met. To ensure compliance with the provisions of this ordinance, prior to the issuance of a building permit for the construction of any new building (as defined by §10.12.210(B)(8)) within the city, and prior to any grading, excavation or filling or other site modification within areas having a slope of 10% or greater, there shall be submitted to the Community Development Department for review and approval, or approval with modifications:
 - a. A site plan (showing any grading, excavating or filling) drawn to scale of the entire property developed and of the proposed construction;
 - b. The submission of a geological assessment and geotechnical report prepared and stamped by a Certified Engineering Geologist who is a registered geologist certified in the specialty of Engineering Geology under provisions of ORS 672.505 to 672.705 and a Geotechnical Engineer under provisions of ORS 672.002 to 672.325. The assessment and report shall address the entire site and meet the following requirements:
 - i. The geological and engineering assessment shall include information and data regarding the nature, distribution of underlying geology, and the physical and chemical properties of existing soils; an opinion as to stability of the site, and conclusions regarding the effect of geo-logic conditions on the proposed development.
 - ii. The geotechnical report shall include a comprehensive description of the site topography and geology; an opinion as to the adequacy of the proposed development from an engineering standpoint; and opinion as to the extent that instability on adjacent properties may adversely affect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed development; and specific requirements for plan modification, corrective grading and special techniques and systems to facilitate a safe and stable development. The report shall provide other recommendations as necessary, commensurate with the project grading and development.
 - iii. Address the requirements of §10.8.310(B).

- B. Through hazard study(ies) required pursuant to §10.8.310(A), the applicant shall establish methods to minimize hazards to acceptable risks by:
1. Site design approaches that avoids development within hazard area;
 2. Grading, erosion control and other site preparation techniques to minimize hazard impacts;
 3. Techniques to minimize impacts from utility installation; and/or
 4. Building and foundation techniques to minimize hazard impacts.
- C. Where a hazard area is proposed to be avoided:
1. For divisions of land, the area shall be placed in an open space tract separate from areas intended for development. The open space tract is subject to the requirements of §10.8.200 et. seq.
 2. For development not involved in a division of land, the area shall be held in common for residential condominiums or by the primary land owner for apartment complexes or non-residential development. The area shall be placed within an easement and adequate maintenance provisions shall be provided consistent with the requirements of §10.8.200.
 3. The tract or easement area shall be restricted to open space. Utilities may be located within the area provided that the report proposes acceptable measures to minimize hazard impacts. Open space tracts are subject to the provisions of §10.8.200.

10.8.315 FLOODPLAINS AND FLOOD MANAGEMENT AREAS

A. Lands to Which This Code Applies

This code applies to all areas of special flood hazard within the jurisdiction of the City of Forest Grove.

B. Basis for Establishing Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Washington County and Incorporated Areas” dated November 4, 2016, with accompanying Flood Insurance Rate Maps (FIRM) are hereby adopted by reference and declared to be a part of this code. The Flood Insurance Study is on file at the Forest Grove Engineering Department. The best available information for flood hazard area identification as outlined in §10.8.325(C) shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under §10.8.325(C).

C. Warning and Disclaimer of Liability

The degree of flood protection required by this code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.

This code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This code shall not create liability on the part of the City of Forest Grove, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this code or any administrative decision lawfully made hereunder.

10.8.320 ESTABLISHMENT OF DEVELOPMENT PERMIT

- A. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in §10.8.315(B). The permit shall be for all structures including manufactured homes, as set forth in the definitions and for all development including fill and other activities, also as set forth in the definitions.
- B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the Engineering Department and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 2. Elevation in relation to mean sea level of floodproofing in any structure;
 3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in §10.8.335(B)(3); and
 4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
- C. Land below the elevation of the base flood shall be placed in open space or parking lot and landscaped areas if within the developed portion of the site.

10.8.325 DESIGNATION, DUTIES & RESPONSIBILITIES OF THE CITY ENGINEER

- A. The City Engineer is hereby appointed to administer and implement this code by granting or denying development permit applications in accordance with its provisions.
- B. The duties of the City Engineer shall include, but not be limited to:
1. Reviewing all development permits to determine that the permit requirements of this code have been satisfied.
 2. Reviewing all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
 3. Reviewing all development permits to determine if the proposed development is located in the floodway. If located in the floodway, ensure that the encroachment provisions of §10.8.345 are met.
 4. Providing the base flood elevation as has been determined in accordance with §10.8.315(B) Basis for Establishing Areas of Special Flood Hazard to the Building

Official, along with any freeboard requirements established in §10.8.335(B) Specific Standards.

C. Use of Other Base Flood Data in “A” Zones. When base flood elevation data has not been provided in accordance with §10.8.315(B) Basis for Establishing the Areas of Special Flood Hazard, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer §§10.8.335(B) Specific Standards and 10.8.345 Floodways.

D. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in §10.8.325, the City Engineer shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in §10.8.325, the City Engineer shall:
 - a. Verify and record the actual elevation (in relation to mean seal level), and
 - b. Maintain the floodproofing certifications required in §10.8.320(B)(3).
 - c. Maintain for public inspection all records pertaining to the provisions of this code.

E. Alteration of Watercourses.

1. Development shall not diminish the flood-carrying capacity of a watercourse. If any watercourse will be altered or relocated as a result of the proposed development, the applicant shall submit certification by a registered professional engineer that the flood-carrying capacity of the watercourse will not be diminished.
2. The City Engineer shall:
 - a. Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
3. Applicants shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before any encroachment, including fill, new construction, substantial improvement, or other development, in the regulatory floodway is permitted. The applicant shall be responsible for preparing technical data to support the CLOR application any paying any processing or application fees to FEMA.

F. Requirement to Submit New Technical Data.

1. The City Engineer shall:

- a. Notify FEMA within six months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Revision (LOMR).
 - b. Be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable State and Federal laws.
2. The applicant shall be responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.
- G. Non-Conversion of Enclosed Areas Below the Lowest Floor. To ensure that enclosed areas below the lowest floor continue to be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation/recreation/bathrooms, etc., the City Engineer shall:
1. Determine which applicants for new construction and/or substantial improvements have fully-enclosed areas below the lowest floor that are 5 feet or higher;
 2. Require such applicants to enter in a “Non-Conversion Deed Declaration for Construction within Flood Hazard Areas” or equivalent. The deed declaration shall be recorded with Washington County and shall be in a form acceptable to the City Engineer.
- H. Interpretation of FIRM Boundaries. The City Engineer shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §10.8.330.

10.8.330 VARIANCE PROCEDURE

- A. Appeal Board. The Planning Commission shall hear and decide appeals and requests for variances from the requirements of this code. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City of Forest Grove in the enforcement or administration of this code.
- B. Any affected party may appeal the decision of the Planning Commission to the City Council, as provided in §10.1.640.
- C. In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this code, and:
1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. Upon consideration of the factors of §10.8.330(C) and the purposes of this code, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this code.

E. The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

F. Conditions for Variances.

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in §10.8.330(C) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in §10.8.330(C), or conflict with existing local laws or codes.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or

financial circumstances, they primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except §10.8.330(F)(1), and otherwise complies with §10.8.335(A)(1)-(3) of the General Standards.
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

10.8.335 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS. In all areas of special flood hazards, the following standards are required:

1. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Refer to FEMA's "*Manufactured Home Installation in Flood Hazard Areas*" guidebook for additional techniques).
2. Construction Materials and Methods.
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Utilities.
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

4. Subdivision Proposals.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (§10.8.325(C)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

B. SPECIFIC STANDARDS. In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in §10.8.315(B) Basis for Establishing the Areas of Special Flood Hazard, or §10.8.325(C) Use of Other Base Flood Data in “A” Zones, the following provisions are required:

1. Residential Construction.

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - c. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - d. The bottom of all openings shall be no higher than one foot above grade.
 - e. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Manufactured Dwellings.

- a. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with §10.8.335(A)(1)(b) above.

- b. The bottom of the longitudinal chassis frame beam in “A” zones, shall be at or above BFE;
 - c. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Refer to FEMA’s “*Manufactured Home Installation in Flood Hazard Areas*” guidebook for additional techniques); and
 - d. Electrical crossover connections shall be a minimum of 12 inches above BFE.
3. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in §10.8.320(B)(3);
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in §10.8.335(B)(1)(b);
 - e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below.
 - f. Applicants shall supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
 - g. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.
4. Recreational Vehicles. Recreational vehicles placed on sites are required to:
- a. Be on the site for fewer than 180 consecutive days, and
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the requirements of §10.8.335(B)(2) above and the elevation and anchoring requirements for manufactured homes.

5. Accessory Structures. Relief from elevation or floodproofing as required in §10.8.335(B)(1) or 10.8.335(B)(3) above may be granted for accessory structures that are:
 - a. less than 200 square feet and do not exceed one story;
 - b. not temperature controlled;
 - c. not used for human habitation and are used solely for parking of vehicles or storage of items having low damage potential when submerged; not used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with this code or stored at least one foot above Base Flood Elevation;
 - d. located and constructed to have low damage potential;
 - e. constructed with materials resistant to flood damage;
 - f. anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
 - g. constructed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or:
 - i. provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. the bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
 - iii. the openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention;
 - iv. be constructed with electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
6. Below-Grade Crawl Spaces. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01 *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*:
 - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Subsection (b) below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
 - b. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
 - c. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend

- below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- d. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
 - e. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
 - f. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
 - g. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well- drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
 - h. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used. For more detailed information refer to FEMA Technical Bulletin 11-01.

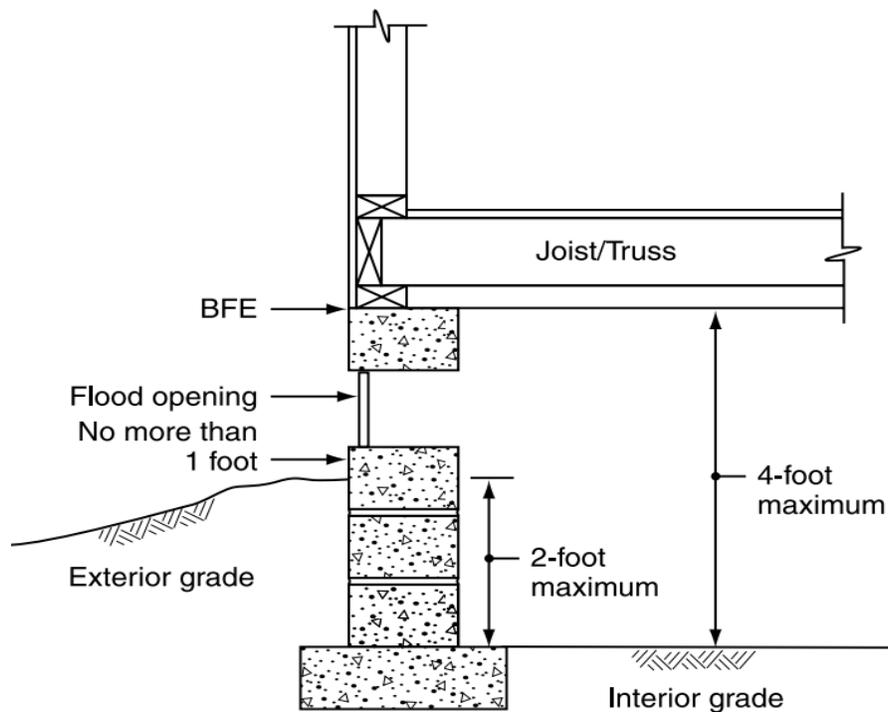


Figure 5-1: Limitations on Below-Grade Crawlspace
Residential Structures must be elevated a minimum of one foot above the Base Flood Elevation (BFE)

10.8.340 BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10.8.345 FLOODWAYS

Located within areas of special flood hazard established in §10.8.315(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Except as provided in paragraph (C) below, prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If §10.8.345(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §10.8.335 Provisions for Flood Hazard Reduction.
- C. Projects for stream habitat restoration may be permitted in the floodway provided:
 - 1. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and
 - 2. A qualified professional (a Registered Professional Engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and
 - 3. No structures would be impacted by a potential rise in flood elevation; and
 - 4. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.
- D. Temporary structures placed in the floodway: Relief from no-rise evaluation, elevation or dry flood-proofing standards may be granted for a non-residential structure placed during the dry season (June – October) and for a period of less than 90 days. A plan for the removal of the temporary structure after the dry season or when a flood event threatens shall be provided. The plan shall include disconnecting and protecting from water infiltration and damage all utilities servicing the temporary structure.
- E. Temporary storage of goods and materials, not including hazardous materials, is allowed in the floodway for a period of less than 90 days within the dry season (June – October).

10.8.350 CRITICAL FACILITY

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

10.8.355 ENVIRONMENTAL PRACTICE

All property owners, developers, or other persons proposing to modify land in the city limits of Forest Grove are encouraged to integrate the habitat-friendly development practices listed in Table 8-1 as part of any modification of the site. Those practices within road rights-of-way or other public property shall be approved by the City Engineer. Other practices shall be approved by the Community Development Department. Said approvals shall be obtained:

- A. Where no land use permit is required, prior to any physical modification of the site;
- B. Where any land use permit is required by the Development Code, concurrent with an approval of the permit; or
- C. Where there is a Natural Resource Area and alternative discretionary development standards are used pursuant to the requirements of §10.5.040.

Table 8-1: Habitat-Friendly Development Practices.¹

Part (a): Design and Construction Practices to Minimize Hydrologic Impacts
<ol style="list-style-type: none">1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.2. Use pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs.3. Incorporate stormwater management in road right-of-ways.4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.8. Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems.9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.

¹ These development practices represent the state of scientific knowledge at the time of this ordinance's enactment, if more effective habitat-friendly practices become available, they should be used.

11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
13. Use shared driveways.
14. Reduce width of residential streets, depending on traffic and parking needs.
15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.
17. Eliminate redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).
18. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.
19. Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible.
20. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.

Part (b): Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage

1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.
2. Use bridge crossings rather than culverts wherever possible.
3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.
4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.
5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.

Part (c): Miscellaneous Other Habitat-Friendly Design and Construction Practices

1. Use native plants throughout the development (not just in NRA).
2. Locate landscaping (required by other sections of the code) adjacent to NRA.
3. Reduce light-spill off into NRAs from development.

LANDSCAPING, SCREENING AND BUFFERING

10.8.400 PURPOSE

The purpose of this section is to establish standards for landscaping, buffering, and screening of land use within Forest Grove in order to enhance the aesthetic and environmental quality of the City:

- A. By requiring street trees in new developments;
- B. By using plant materials as a unifying design element;
- C. By using plant materials to define spaces and articulate the uses of specific areas; and
- D. By using trees and other landscape materials to mitigate the effects of noise and lack of privacy and provide buffering and screening.

10.8.405 APPLICABILITY

- A. Applicability. The provisions of this section shall apply to all new development and to a change of use that result in the need for increased on-site parking.
- B. When Site Development/Design Review Does Not Apply. Where the provisions of Site Development Review or Design Review do not apply, the Director shall approve, approve with conditions, or deny a landscape plan submitted under the provisions of this section by means of a Type I procedure.
- C. Landscape Plan. The applicant shall submit a landscape plan. The Director shall provide the applicant with information on the submittal requirements.

10.8.410 GENERAL PROVISIONS

- A. Obligation to Maintain. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.
- B. Ground Preparation. The ground in all required landscaped areas should be properly prepared with suitable soil and fertilizer. Specifications shall be submitted with the landscape plans showing that adequate preparation of the top soil and sub-soil will be undertaken prior to planting to support the plantings over a long period of time.
- C. Installation Requirements. The installation of all landscaping shall be as follows:
 - 1. All landscaping shall be installed according to accepted planting procedures and the provisions of this article;
 - 2. The plant materials shall be of high grade, and shall meet the size and grading standards of the American Standards for Nursery Stock;
 - 3. All required landscaped areas must be provided with a piped underground irrigation system unless a licensed landscape architect or certified nurseryman

submits written verification that the proposed plant materials do not require irrigation.

- D. Pruning Required. All plant growth in landscaped areas of developments shall be controlled by pruning or trimming so that it will not:
 - 1. Interfere with the maintenance or repair of any public utility;
 - 2. Restrict pedestrian or vehicular access; and
 - 3. Constitute a traffic hazard because of reduced visibility.
- E. Certificate of Occupancy. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the City such as the posting of a performance bond or security equal to 125% of the cost of the landscaping.
- F. Care Of Landscaping Along Public Rights-Of-Way. Appropriate methods for the care and maintenance of street trees and landscaping materials shall be provided by the owner of the property abutting the rights-of-way unless otherwise required for emergency conditions and the safety of the general public.

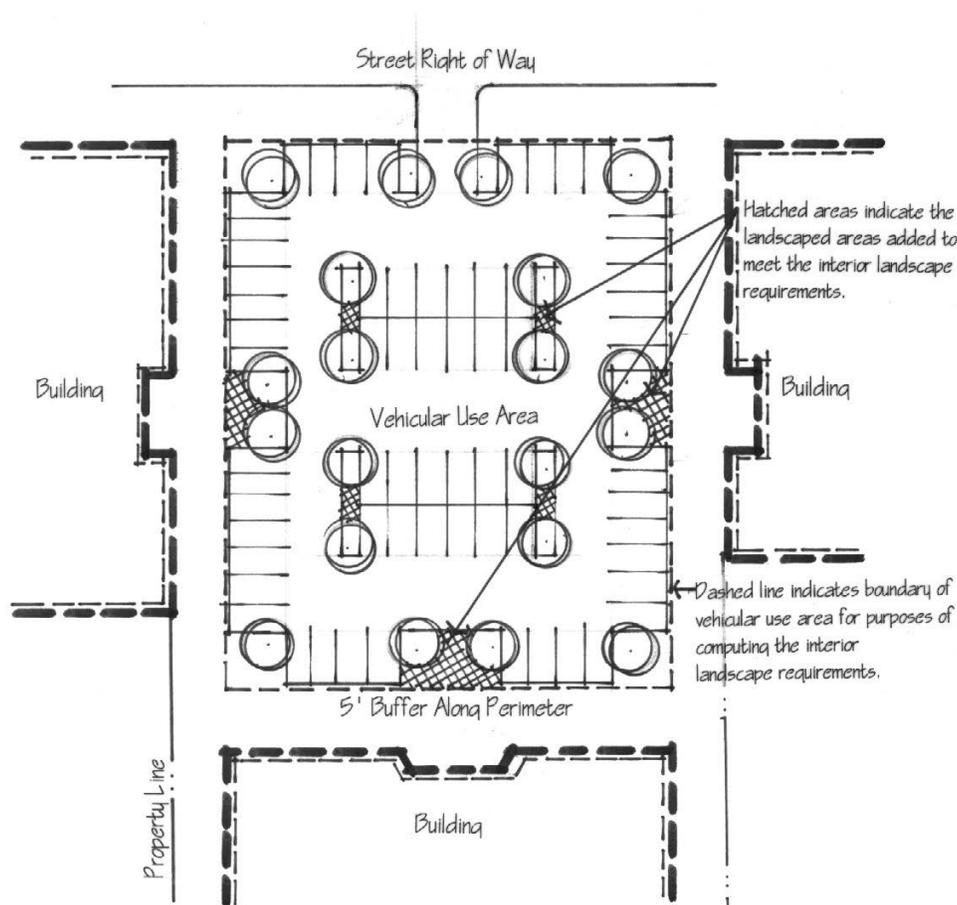
10.8.415 GENERAL STANDARDS

- A. Non-invasive native vegetation is encouraged to be used for all landscaping except within 100 feet of a natural resource area. In such situations, native vegetation is required.
- B. Installation of bio-swales or preservation of wetlands should be located where possible in landscaped areas.
- C. Required Landscaping Adjacent to Public Rights-Of-Way -- A strip of land at least 5 feet in width located between the abutting right-of-way and the off-street parking area or vehicle use area which is exposed to an abutting right-of-way, except in required vision clearance areas.
- D. Perimeter Landscaping Relating to Abutting Properties -- On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area, where such areas will not be entirely screened visually by an intervening building or structure from abutting property, a 5-foot landscaped strip shall be between the common lot line and the off-street parking area or other vehicular use area exposed to abutting property. Landscaped areas should include where possible water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other plant material so as to cover the landscape area.
- E. Parking Area Interior Landscaping -- Landscaped areas shall be appropriately distributed to break up large expanses of pavement, improve the appearance and climate of the site, improve safety, and delineate pedestrian walkways and traffic lanes. Except for industrial development within industrial zones, the following interior landscaping shall be met:
 - 1. Percentage Approach. For the purpose of this section, Interior Parking Lot Area is defined as the hard surface parking area (parking stalls and aisles). Such area does

not include loading and unloading zones or perimeter landscaping around the lot. Where perimeter landscaping intrudes into the parking lot four or more feet, that area is included in both the interior parking lot area and interior parking lot landscaping.

Figure 8-6: Parking Lot Landscaping

Interior Landscaping for Vehicular Use Areas



2. A required landscaped area shall have a minimum interior dimension of 6 feet and be no less than 48 square feet in area.
3. At least 8% of the Interior Parking Lot Area shall be landscaped. Landscaped areas may include water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other plant material so as to cover the landscape area.
4. One tree shall be required for every 1,600 square feet of Interior Parking Lot Area as defined in (1) above. Trees shall have a minimum 2-inch caliper and 6-foot branch height at time of planting.
5. Interior parking area landscaping and trees must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed. Required trees may be planted within 5 feet of the edges of the parking area.

6. Perimeter landscaping area may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends 4 feet or more into the parking area from the perimeter landscape line.

10.8.420 LANDSCAPING REQUIREMENTS BY ZONE

- A. Landscaping Required in the Neighborhood Commercial Zone. All required yards (exclusive of accessways and other permitted intrusions) adjacent to a public or private street shall be landscaped.
- B. Landscaping Required in the Community Commercial Zones. A landscaped strip at least ten (10) feet in width shall be provided abutting any property line facing a street. The landscape strip shall be appropriately landscaped with ground cover, planted berm, shrubbery and/or trees.
- C. Landscaping Required in the Town Center Zones. All new commercial and residential developments in the Town Center Transition Zone shall landscape no less than 5% of the lot area using appropriate native plant materials and/or architectural features such as benches, planters, and water fountains which are suitable and supportive of the downtown commercial environment. Jointly improved landscaped areas are encouraged to facilitate continuity of landscape design within the Town Center. The City may choose to waive this requirement for developments that provide streetscape amenities within the public right-of-way. New development in the Town Center Core zone is exempt from the minimum landscaping requirement.
- D. Landscaping Required in the Institutional Zone. Landscaping shall be in context with the use and surrounding zones. For institutional uses that consist of primarily open space, such as a park or playground, the landscaped area shall be defined by the site plan and include a landscaped strip at least ten (10) feet in width abutting any property line facing a street. For institutional uses in which the site is primarily devoted to non-open space, the landscaping requirements shall match the zone district immediately adjacent to the use. Where there are no landscaping requirements for the adjoining zone, the landscaping requirements shall meet the requirements of subsection (B) *Community Commercial* above.
- E. 75% Coverage. Except in the Town Center Core Zone, at least 75% of the required landscaped area shall be planted with any suitable combination of trees, shrubs, or evergreen ground cover. The required 75% coverage shall be based on the size of the plant material within a specified time as follows:
 1. Trees – within five (5) years from the date of final inspection by the Building Official.
 2. Shrubs – within two (2) years from the date of final inspection by the building Official.
 3. Ground covers – at the time of final inspection by the Building Official.
- F. 25% Architectural Features. Except in the Town Center Core Zone, landscaped areas as required by this article may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, fences, rock groupings, decorative hard

paving and gravel areas, interspersed with planting areas. The exposed area developed with such features shall not exceed 25% of the required landscaped area. Artificial plants are prohibited in any required landscaped area.

10.8.425 BUFFERING AND SCREENING STANDARDS

A. General Provisions

1. It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles;
2. Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter (Tables 8-2, 8-3 and 8-4). The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening.
3. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the Director's approval as an alternative to the standards, provided it affords the same degree of buffering and screening as required by this code.

B. Buffering and Screening Requirements

1. A buffer consists of an area within a required setback adjacent to a property line and having a depth equal to the amount specified in the buffering and screening matrix and containing a length equal to the length of the property line of the abutting use or uses.
2. Utilities, screening, sidewalks and bikeways, and landscaping may only occupy a buffer area. No buildings, accessways or parking areas shall be allowed in a buffer area except where an accessway has been approved by the City.
3. The minimum improvements within a buffer area shall consist of combinations for landscaping and screening as specified in Tables 8-2, 8-3 and 8-4. In addition, improvements shall meet the following specifications:
 - a. At least one (1) row of trees shall be planted. They shall have a minimum caliper of two (2) inches at four (4) feet in height above grade for deciduous trees and a minimum height of five (5) feet high for evergreen trees at the time of planting. Spacing for trees shall be as follows:
 1. Small or narrow-stature trees, less than twenty-five (25) feet tall or less than sixteen (16) feet wide at maturity shall be spaced no further than twenty (20) feet apart;
 2. Medium-sized trees between twenty-five to forty (25-40) feet tall and with sixteen to thirty-five (16-35) feet wide branching at maturity shall be spaced no greater than thirty (30) feet apart;

3. Large trees, over forty (40) feet tall and with more than thirty-five (35) feet wide branching at maturity, shall be spaced no greater than forty (40) feet apart.
 - b. In addition, at least ten (10) five-gallon shrubs or twenty (20) one-gallon shrubs shall be planted for each 1,000 square feet of required buffer area;
 - c. The remaining area shall be planted in lawn or other living ground cover.
4. Where screening is required the following standards shall apply in addition to those required for buffering:
 - a. A hedge of narrow or broad leaf evergreen shrubs shall be planted which will form a four (4)-foot continuous screen of the height specified in Table 8-3 within two (2) years of planting; or
 - b. An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen of the height specified in Table 8-3 within two (2) years; or
 - c. A fence or wall of the height specified in Table 8-3 shall be constructed to provide a continuous sight-obscuring screen.
5. Buffering and screening provisions shall be superseded by the clear vision area requirements as set forth in §10.8.150.
6. When the use to be screened is downhill from the adjoining zone or use, the prescribed heights of required fences, walls, or landscape screening shall be measured from the actual grade of the adjoining property. In this case, fences and walls may exceed the permitted six (6)-foot height at the discretion of the Director as a condition of approval. When the grades are so steep so as to make the installation of walls, fences or landscaping to the required height impractical, a detailed landscape/screening plan shall be submitted for approval.
7. Fences and Walls
 - a. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock or brick, or otherwise acceptable by the Director;
 - b. Such fence or wall construction shall be in compliance with other City regulations;
 - c. Walls shall be a minimum of six (6) inches thick; and
 - d. Chain link fences with slats shall qualify for screening. However, chain link fences without slats shall require the planting of a continuous evergreen hedge to be considered screening.

C. Screening: Special Provisions

1. Screening and Landscaping Of Parking and Loading Areas. Screening and landscaping of parking and loading areas is required as provided in this Article.

2. Screening of Service Facilities. Except for one-family and two-family dwellings, any service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight (5-8) feet in height.
3. Screening of Refuse Containers. Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.
4. Screening of Swimming Pools. All swimming pools shall be enclosed as required by the City of Forest Grove Building Code.

D. Buffer Matrix

1. The Buffer Matrices contained in Tables 8-2, 8-3 and 8-4 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses and abutting uses or zoning districts.
2. An application for an adjustment or variance to the standards required in Tables 8-2, 8-3 and 8-4 shall be processed as a Type I, II or III procedure, as regulated by Article 2 provisions for Adjustments and Variances.

TABLE 8-2: BUFFER MATRIX PROPOSED USE

DEVELOPMENT SITE → ABUTTING USE	Single Units, Detached; Manufactured Units	Attached Single Units and Multifamily, 1-5 Units; Duplexes	Attached Single Units and Multifamily, 5+ Units	Commercial and Institutional Zones (NC, CC, INST)	Town Center Zones (TCC, TCT)	Industrial Zones (LI, GI)
Detached Single Units; Manufactured Units	--	A	C	D	C	E
Attached Single Units and Multifamily, 1-5 Units, Duplexes	A	--	B	D	C	E
Attached Single Units and Multifamily, 5+ Units	A	A	--	D	C	E
Commercial Zones (NC, CC)	C	C	C	--	--	D
Town Center Zones (TCC, TCT)	C	C	C	--	--	D
Industrial Zones (LI, GI)	D	D	D	B	--	--

Note: See Table 8-3 for alternative combinations for meeting these screening requirements.

**TABLE 8-3
BUFFER COMBINATIONS FOR LANDSCAPING AND SCREENING [1]**

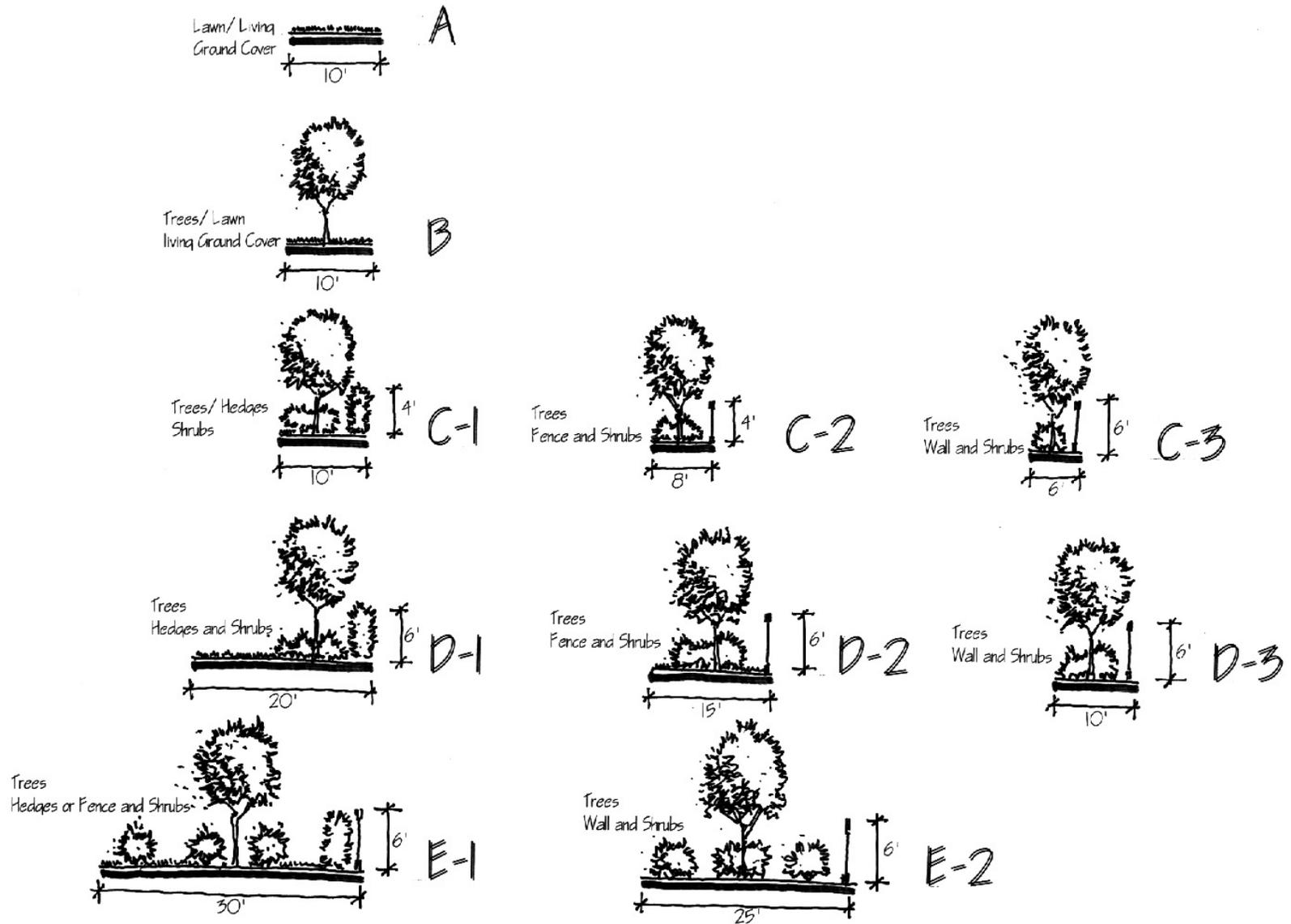
	Options	Minimum Width (feet)	Trees (per linear feet of buffer)	Shrubs or Groundcover	Screening
A	--	10	--	Lawn / living groundcover	--
B	--	10	20' min / 30' max spacing	Lawn / living groundcover	--
C	1	10	15' min / 30' max spacing	Shrubs	4' hedges
	2	8		Shrubs	5' fence
	3	6		Shrubs	6' wall
D	1	20	10' min / 20' max spacing	Shrubs	6' hedge
	2	15		Shrubs	6' fence
	3	10		Shrubs	6' wall
E	1	30	10' min / 20' max spacing	Shrubs	6' hedge or fence
	2	25		Shrubs	5' earthen berm or wall

[1] Buffers are not required between abutting uses that are not of a different type when the uses are separated by a street. Adjustments from these requirements can be obtained; see Article 2.

Figure 8-7: Buffer Example – Between Single-Family and Multi-Family



**TABLE 8-4
BUFFER COMBINATIONS FOR LANDSCAPING AND SCREENING**



OFF-STREET PARKING AND LOADING

10.8.500 PURPOSE

- A. Ensure Adequate Vehicle Parking. These parking requirements are intended to provide sufficient vehicle parking in close proximity to the various uses for residents, customers and employees, and to establish standards that will maintain the traffic carrying capacity of nearby streets.
- B. Adequate Capacity. These regulations are also intended to establish vehicle parking areas which have adequate capacity and which are appropriately located and designed to minimize any hazardous conditions on the site and at access points.

10.8.505 APPLICABILITY

- A. New Construction. At the time of the erection of a new structure within any residential, commercial, institutional, and industrial zoning district, off-street vehicle parking shall be provided in accordance with this section. Except as specified in subsection (D) below, uses in the Town Center zones are exempt from the requirement to provide off-street parking.
- B. Expansion of Existing Use. At the time of an enlargement of a structure, which increases the on-site vehicle parking requirement, off-street vehicle parking shall be provided in accordance with this section, subject to the following:
 - 1. On the date of adoption of this code, the number of vehicle parking and loading spaces required shall be based only on floor area or capacity of such enlargement.
- C. Change of Use. When an existing structure is changed from one use to another as listed in this section, the following provisions shall apply:
 - 1. If the parking requirements for each use are the same, no additional vehicle parking shall be required;
 - 2. Where a change results in an intensification of use in terms of the number of vehicle parking spaces required, additional vehicle parking spaces shall be provided in an amount equal to the difference between the number of spaces required for the existing use and the number of spaces required for the more intensive use;
 - 3. Where the change results in a decrease in intensity of use, the applicant may eliminate excess vehicle parking spaces in an amount equal to the difference between the number of spaces required for the existing use and the number of spaces required for the less intensive use.
- D. Parking Exemption for the Town Center Zones. Except for new multi-family dwelling units, all development in the Town Center zones shall be exempt from off-street parking requirements for new construction, expansion of existing use and change of use. New

multi-family or mixed use developments (residential portion only) shall provide the minimum required spaces in accordance with Table 8-5 except that:

1. In order to encourage the preservation and reuse of historic buildings, no parking shall be required for new or existing multi-family units above the ground floor in buildings built before 1950.
2. A 25% reduction in the minimum number of parking spaces required is allowed for age-restricted senior housing.
3. A reduction of three (3) parking spaces is allowed for every one (1) dedicated car-share space provided.

10.8.510 GENERAL PROVISIONS

- A. When Site Development/Design Review Is Not Required. Where the provisions of Article 2 for Site Development Review and Design Review do not apply, the Director shall approve, approve with conditions, or deny a parking plan submitted under the provisions of this Article by means of a Type I review.
- B. Parking Plan Requirements. The parking plan, drawn to scale, shall show all elements necessary to indicate that off-street parking requirements are met. The parking plan shall include but not be limited to:
 1. Delineation of individual parking and loading spaces and their dimensions;
 2. Circulation area necessary to serve parking spaces;
 3. Access to streets, alleys and properties to be served;
 4. Curb cuts;
 5. Location and dimensions of all parking area landscaping (does not apply to single family dwellings and duplexes);
 6. Grading and drainage (does not apply to single family dwellings and duplexes); and
 7. Specifications as to signs and bumper guards (does not apply to single family dwellings and duplexes).
- C. Building Permit Conditions. The provisions and maintenance of off-street vehicle parking and loading spaces are the continuing obligation of the property owner:
 1. No building or other permit shall be issued until plans are presented to the Director to show that property is and will remain available for exclusive use as off-street vehicle parking and loading space; and
 2. Required vehicle parking shall:
 - a. Be available for the parking of operable passenger vehicles of residents, patrons

- and employees only;
 - b. Not be used for storage of vehicles or materials or for the parking of trucks not used in conduct of the business or use; and
 - c. Not be rented, leased or assigned to any other person or organization.
- D. Joint Use of Parking. Owners of two (2) or more uses, structures, or parcels of land may agree to jointly use the same parking and loading spaces when the peak hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Director in the form of deeds, leases, and/or contracts to establish the joint use.
- E. Parking Area Connections. In order to eliminate the need to use public streets for movements between commercial or industrial properties, parking areas shall be designed to connect with parking areas within a project site and on adjacent properties unless not feasible. Access easements between properties shall be required where necessary to provide for parking area connections.
- F. Walkway Connections. In order to facilitate pedestrian and bicycle circulation, access and parking area plans shall provide an efficient sidewalk and/or walkway connection between neighboring developments and land uses.
- G. Standards of Measurement. Except as otherwise defined in this code, “one standard parking space” means a parking stall of nine (9) feet in width and eighteen (18) feet in length. To accommodate compact cars more efficiently, up to 50% of the available parking spaces may have a minimum dimension of eight (8) feet in width and sixteen (16) feet in length so long as they are identified as compact car stalls and are not readily accessible to large cars.

“Gross Leasable Area” means all finished floors and excludes elevators, corridors, utility or rest rooms, and interior service areas and all outside service areas, boiler rooms, freight tunnels or corridors and truck docks.

“Gross Floor Area” means the total square footage including all finished floors. This number is estimated to be 10% greater than Gross Leasable Area.
- H. Eligible Parking. Parking spaces available along the public street frontage or alleys are eligible in fulfilling the parking requirements, except for single-family dwellings and duplexes.
- I. Where improvements subject to these off-street parking and loading provisions result in hard surfaces, pervious surfaces are encouraged to be used. Where improvements are within the public rights-of-way, such surfaces can be used upon approval by the City Engineer.

10.8.515 OFF-STREET PARKING REQUIREMENTS

- A. Multiple Uses. In the event several uses occupy a single building or parcel of land, a reduction of 25% of the total required parking is allowed for projects that utilize shared parking on a blended ratio for complementary uses.

- B. Location of Off-Street Parking. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. For all other uses, required off-street parking spaces shall be located not farther than 500 feet from the building or use they are required to serve, except as exempted in the Town Center zones.
- C. Improvements. Required parking spaces shall be improved to the standards as contained in this article and available for use at the time of the final building inspection.
- D. Carpool and Vanpool Parking. Commercial, industrial, and institutional developments (including but not limited to hospitals, nursing and retirement homes, schools, churches, auditoriums, and transit park-and-ride facilities) with twenty (20) or more long-term parking spaces shall designate at least 10% of those spaces for carpool and vanpool parking. These spaces shall be located closer to the primary public or employee entrance than all other parking spaces with the exception of handicapped parking spaces. Carpool and vanpool parking spaces shall be full-sized and clearly designated for use by carpools or vanpools.
- E. Minimum/Maximum Parking. Unless specified below or otherwise exempted by this code, the minimum and maximum number of required parking spaces shall be provided for all uses in accordance with the specifications of Table 8-5.
- F. Exemptions from Maximum Parking Standards. The following uses shall be exempt from the maximum allowable parking standards of Table 8-5. This exemption does not limit any provision or authority to restrict the size, location or design of such uses. On sites where the following parking is provided, it shall not be included in the parking count used for determining the maximum allowable number of parking spaces:
1. Structured parking;
 2. Valet lots;
 3. Pay lots;
 4. Employee carpool parking, when such areas are dedicated by way of on-site reservation;
 5. Fleet parking;
 6. Automobile sales lots; and
 7. Park-and-ride lots and area-wide public parking facilities.
- G. Unlisted Use. Where a use is not specifically listed in Table 8-5, determination of the applicable parking standards shall be made in accordance with the following procedure:
1. The Director shall determine the minimum and maximum parking spaces for all uses not listed in Table 8-5, unless an application is under review by the Planning Commission or Design Review Commission, in which case the Commission shall make the determination.
 2. In all determinations for unlisted uses, the applicant shall be required to submit studies or technical information about the use, parking demand, vehicle trip generation and/or other information as deemed necessary to make a determination. The City may consider testimony and publications of individuals, agencies, or

institutions experienced in parking and traffic engineering in its determination of parking standards.

H. Determination of Parking Zone Classification. Except as provided for in this article or as modified under the Variance process outlined in §10.2.700, parking provided shall not be less than the amount specified in the “Minimum Parking Required” column nor greater than the amount specified in the “Maximum Parking Allowed” column of Table 8-5 based on the appropriate Parking Zone Classification.

1. Parking Zone A. All properties located within one (1/4)-quarter mile walking distance of a transit bus stop that provide 20-minute peak hour service shall be classified as Parking Zone A. In determining walking distance, the shortest distance measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the nearest point of the subject lot located along the nearest street frontage that allows for the shortest walking distance. The transit provider shall be the official source for transit stop location and peak service availability.
2. Parking Zone B. All properties not located within Parking Zone A shall be classified as Parking Zone B.

TABLE 8-5: Parking Requirements

LAND USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING ALLOWED	
		Parking Zone A	Parking Zone B
RESIDENTIAL			
Household Living - Single Units, Attached	See Multi-Family	None	None
- Single Units, Detached	1.0 / DU	None	None
- Accessory Units	1.0 / DU	None	None
- Duplexes	1.0 / DU	None	None
- Multi-Family Units (outside the Town Center)	DU<500 sq. ft: 1.0 / DU 1 bedroom: 1.25 / DU 2 bedroom: 1.50 / DU 3 bedroom: 1.75 / DU	None	None
- Multi-Family Units (Within the Town Center)	DU<500 sq. ft: 0.5 / DU 1 bedroom: 0.75 / DU 2 bedroom: 1.25 / DU 3 bedroom: 1.75 / DU	None	None
- Manufactured Units	1.0 / DU	None	None
- Mobile Home Parks	1.0 / DU	None	None
Group Living	1.0 / room 1.0 / 2.5 beds	None 2.7 / 1000 ^[2]	None
Transitional Housing	1.0 / 2.5 beds	None	None
Home Occupation	None	None	None
CIVIC			
Basic Utilities	None	None	None
Colleges	1.0 / 5 students / staff	1.0 / 3.3 students / staff	1.0 / 3.3 students / staff

LAND USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING ALLOWED	
		Parking Zone A	Parking Zone B
Community Recreation	2.0 / 1,000 ^[2]	2.5 / 1,000 ^[2]	4.0 / 1,000 ^[2]
Cultural Institutions	2.5 / 1,000 ^[2]	3.5 / 1,000 ^[2]	4.5 / 1000 ^[2]
Day Care - Home	None	None	None
- Commercial	2.0 / classroom	2.7 / 1,000 ^[2]	3.2 / 1,000 ^[2]
Emergency Services	3.0 / 1,000 ^[2]	3.5 / 1,000 ^[2]	4.5 / 1,000 ^[2]
Postal Services	2.5 / 1,000 ^[2]	3.0 / 1,000 ^[2]	4.5 / 1,000 ^[2]
Religious Institutions	1.0 / 4 seats in main assembly area	1.0 / 1.7 seats in main assembly area	1.0 / 1.3 seats in main assembly area
Schools			
- Preschool	5.0 + 1 / classroom	7.0 + 1 / classroom	10.0 + 1 / classroom
- K-8	2.0 / classroom	2.5 / classroom	3.5 / classroom
- 9-12	1.0 / 5 students / staff	1.0 / 3.3 students / staff	1.0 / 3.3 students / staff
Social / Fraternal Clubs / Lodges	10.0 / 1,000 ^[2] in main assembly area	12.0 / 1,000 ^[2] in main assembly area	14.0 / 1,000 ^[2] in main assembly area
COMMERCIAL			
Commercial Lodging	1.0 / room	1.2 / room	1.4 / room
Eating and Drinking Establishments	Fast food: 9.9 / 1,000 ^[2] Other: 15.3 / 1,000 ^[2]	12.4 / 1,000 ^[2] 19.1 / 1,000 ^[2]	14.9 / 1,000 ^[2] 23.0 / 1,000 ^[2]
Entertainment Oriented: - Major Event	1.0 / 3 seats or 1.0 / 6' bench	1.0 / 2.5 seats or 1.0 / 5' bench	1.0 / 2 seats or 1.0 / 4' bench
Entertainment - Outdoor Entertainment	4.0 / 1,000 ^[2]	4.5 / 1,000 ^[2]	5.0 / 1,000 ^[2]
- Indoor Entertainment -- Theater	4.3 / 1,000 ^[2] 1.0 / 3 seats	5.4 / 1,000 ^[2] 1.0 / 2.5 seats	6.5 / 1,000 ^[2] 1.0 / 2.0 seats
General Retail - Sales Oriented	3.7 / 1,000 ^[2]	5.1 / 1,000 ^[2]	6.2 / 1,000 ^[2]
- Personal Services -- Bank with drive in	2.5 / 1,000 ^[2] 4.3 / 1,000 ^[2]	3.0 / 1,000 ^[2] 5.4 / 1,000 ^[2]	4.5 / 1,000 ^[2] 6.5 / 1,000 ^[2]
- Repair Oriented	3.3 / 1,000 ^[2]	4.0 / 1,000 ^[2]	4.5 / 1,000 ^[2]
- Bulk Sales	1.0 / 1,000 ^[2] but not less than 10.0	1.3 / 1,000 ^[2]	2.0 / 1,000 ^[2]
- Outdoor Sales	1.0 / 1,000 ^[2] sales area	1.3 / 1,000 ^[2] sales area	2.0 / 1,000 ^[2] sales area
- Animal Related	3.3 / 1,000 ^[2]	4.0 / 1,000 ^[2]	4.5 / 1,000 ^[2]
Medical Centers	2.0 / 1,000 ^[2] ^[3]	2.7 / 1,000 ^[2] ^[3]	3.2 / 1,000 ^[2] ^[3]
Motor Vehicle Related - Motor Vehicle Sales/Rental	2.0 / 1,000 ^[2] but no less than 4.0	2.3 / 1,000 ^[2] but no less than 4.0	2.0 / 1,000 ^[2] but no less than 4.0
- Motor Vehicle Servicing/Repair	2.0 / 1,000 ^[2] but no less than 4.0	2.3 / 1,000 ^[2] but no less than 4.0	2.6 / 1,000 ^[2] but no less than 4.0
- Vehicle Fuel Sales	3.0 + 2.0 / service bay	4.0 + 2.0 / service bay	4.0 + 2.5 / service bay
Office	2.7 / 1,000 ^[2]	3.4 / 1,000 ^[2]	4.1 / 1,000 ^[2]
- Medical/Dental Office	3.9 / 1,000 ^[2]	4.9 / 1,000 ^[2]	5.9 / 1,000 ^[2]
Self-Service Storage	4.0 at office	None	None
Non-Accessory Parking	None	None	None

LAND USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING ALLOWED	
		Parking Zone A	Parking Zone B
INDUSTRIAL			
Industrial Services	0.8 / 1,000 ^[2]	1.2 / 1,000 ^[2]	1.8 / 1,000 ^[2]
Manufacturing and Production:			
- Light Industrial	1.6 / 1,000 ^[2]	None	None
- General Industrial	1.6 / 1,000 ^[2]	None	None
Railroad Yards	None	None	None
Research and Development	2.0 / 1,000 ^[2]	3.0 / 1,000 ^[2]	3.8 / 1,000 ^[2]
Warehouse/ Freight Movement	<150,000 square feet: 0.5/1,000 ^[2] >150,000 square feet 0.3/ 1,000 ^[2]	0.8 / 1,000 ^[2] 0.4 / 1,000 ^[2]	1.2 / 1,000 ^[2] 0.5 / 1,000 ^[2]
Waste-Related	5.0	7.0	10.0
Wholesale Sales	0.8 / 1,000 ^[2]	1.2 / 1,000 ^[2]	1.8 / 1,000 ^[2]
Agriculture / Horticulture	2.5 / 1,000 ^[2] sales area but no less than 4.0	None	None
Cemeteries	Exempt	Exempt	Exempt
Detention Facilities	1.0 / 2.5 beds	None	None
Heliports	None	None	None
Mining	< 5.0	None	None
Wireless Communication Facilities	None	None	None
Rail Lines Utility Corridors	None	None	None

NA: Not Addressed

DU: Dwelling Unit

^[1] To be determined by the City of Forest Grove based on Metro criteria.

^[2] Refers to 1,000 square feet of floor area, unless otherwise stated.

^[3] Does not include outpatient clinics or medical offices; see Medical/Dental Office.

10.8.520 REDUCTION OR MODIFICATION OF OFF-STREET PARKING REQUIREMENT

A. Parking Reductions Allowed By Right. The following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. The reductions allowed by this section may not be used in conjunction with the reductions allowed by subsection (B) below. In determining walking distance, the shortest distance measured along sidewalks, improved pedestrian ways, or streets, where side-walks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.

1. Parking for commercial and industrial uses may be reduced by 10% providing the development is within 500 feet walking distance of a transit stop.

2. Parking for multifamily uses may be reduced by 10% providing the development is within 500 feet walking distance of a transit stop.
3. Parking facilities may be reduced to the extent necessary to accommodate transit stop and shelters.

B. Modification of Minimum Off-Street Parking Requirements. Minimum parking required may be decreased as follows:

1. For uses requiring a minimum of ten (10) or more parking spaces, inclusive of all uses in the case of mixed use development, required parking may be reduced by up to 15% of the minimum required for sites located in Parking Zone A, upon demonstration that the modification is warranted and meets the following criteria:
 - a. Will not result in undue site congestion;
 - b. Will not result in traffic hazards on the site or adjoining streets; and
 - c. Will not result in an undue reduction in the availability of on street parking or parking located in facilities owned and/or operated by the City.
2. Subject to §10.2.200 Conditional Uses, a reduction of up to 25% of the total required parking may be granted for new development, redevelopment, and substantial improvements, subject to the other requirements of this Section, in such cases where:
 - a. The project is utilizing shared parking where the amount of shared parking is based on a blended ratio and the land uses are shown to be complimentary and will, by virtue of their proximity, reduce the number of vehicle trips generated and the amount of parking needed.
 - b. For mixed use projects, the site is located within Parking Zone A and no less than one-half (½) of the total gross floor area is dedicated to residential uses.
 - c. For the purposes of this Section, “substantial improvement” shall mean any construction, renovation, or modification where the value of the proposed site and building improvements exceeds 30% of the value of the land and buildings thereon.

C. Modification of Maximum Off-Street Parking Requirements. Maximum parking allowed may be increased as follows:

1. Maximum parking allowed may be increased up to 15% of the applicable standard, subject to the requirements of this Section and further subject to compliance with all zoning standards and management of related storm water runoff.
2. Overflow parking areas using “grass-crete” or similar reinforced, drained, and seeded hard surface alternatives may be approved for up to an additional 25% of parking spaces allowed in Table 8-5.

3. Mitigation of adverse impacts may be required as a condition to make an increase of required parking acceptable.
- D. Procedure for Review. The Director may authorize modifications pursuant to this section; unless the application is under review by the Planning Commission or the Design Commission, in which case the Planning Commission or the Design Commission shall consider the request for modification.
1. Parking and traffic analyses needed to demonstrate the feasibility of modifications requested pursuant to this Section shall be prepared by a qualified professional, using methods generally accepted in the field.
 2. The applicant shall follow procedures and criteria for Adjustments or Variances as described in Article 2.

10.8.525 DESIGN AND MAINTENANCE STANDARDS FOR OFF-STREET PARKING AND LOADING

- A. No Backing Movement. Excluding single family and duplex residences, groups of more than two (2) parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right-of-way would be required.
- B. Free Flow Of Traffic. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.
- C. Parking Accessible From Street. Each parking and/or loading space shall be accessible from a street and the access shall be of a width and location as described in §10.8.100 et. seq. for *Access and Circulation*.
- D. Parking Space, Stall and Access Aisle Dimensions. Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicles turning and maneuvering, based on the standards shown in Figures 8-8 and 8-9.
- E. Permanent Marking. Except for single family and duplex residences, any area intended to be used to meet the off-street parking requirements shall have all parking spaces clearly marked using permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of traffic flow and maintain vehicular and pedestrian safety.
- F. Surfacing. Except for single family and duplex residences, all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of city streets. Off-street parking spaces for single family and duplex residences shall be improved with an asphalt or concrete surface to specifications as approved by the Building Official. Where possible, pervious surfacing should be used for off-street parking areas.

- G. Wheel Stops. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high located 1 ½ feet back from the front of the parking stall as defined in Figure 8-6.
- H. Drainage. Off-street parking and loading areas shall provide stormwater drainage in accordance with specifications approved by the City Engineer. Off-street parking and loading facilities shall be drained to avoid flow of water across public sidewalks.
- I. Lighting. Artificial lighting on all off-street parking facilities shall be designed to deflect all light away from surrounding residences and so as not to create a glare hazard to the public use of any road or street.
- J. Maintenance. All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired.
- K. Parking Lots Over 3 Acres in Size. Parking lots over 3 acres in size shall be designed to incorporate curbs and sidewalks along major drive aisles.

Figure 8-8: Parking Stall Dimensions

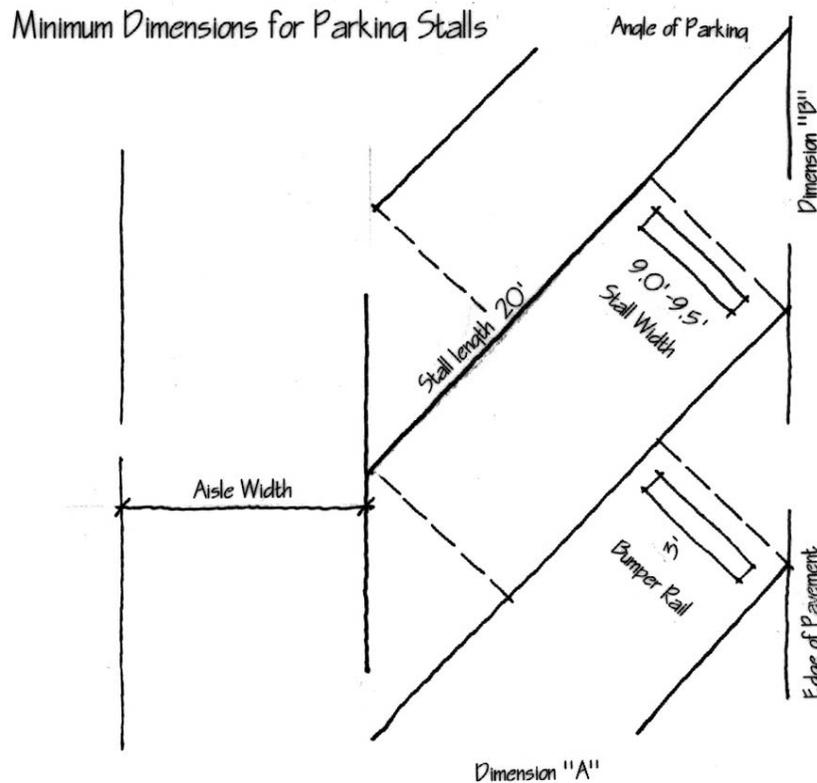
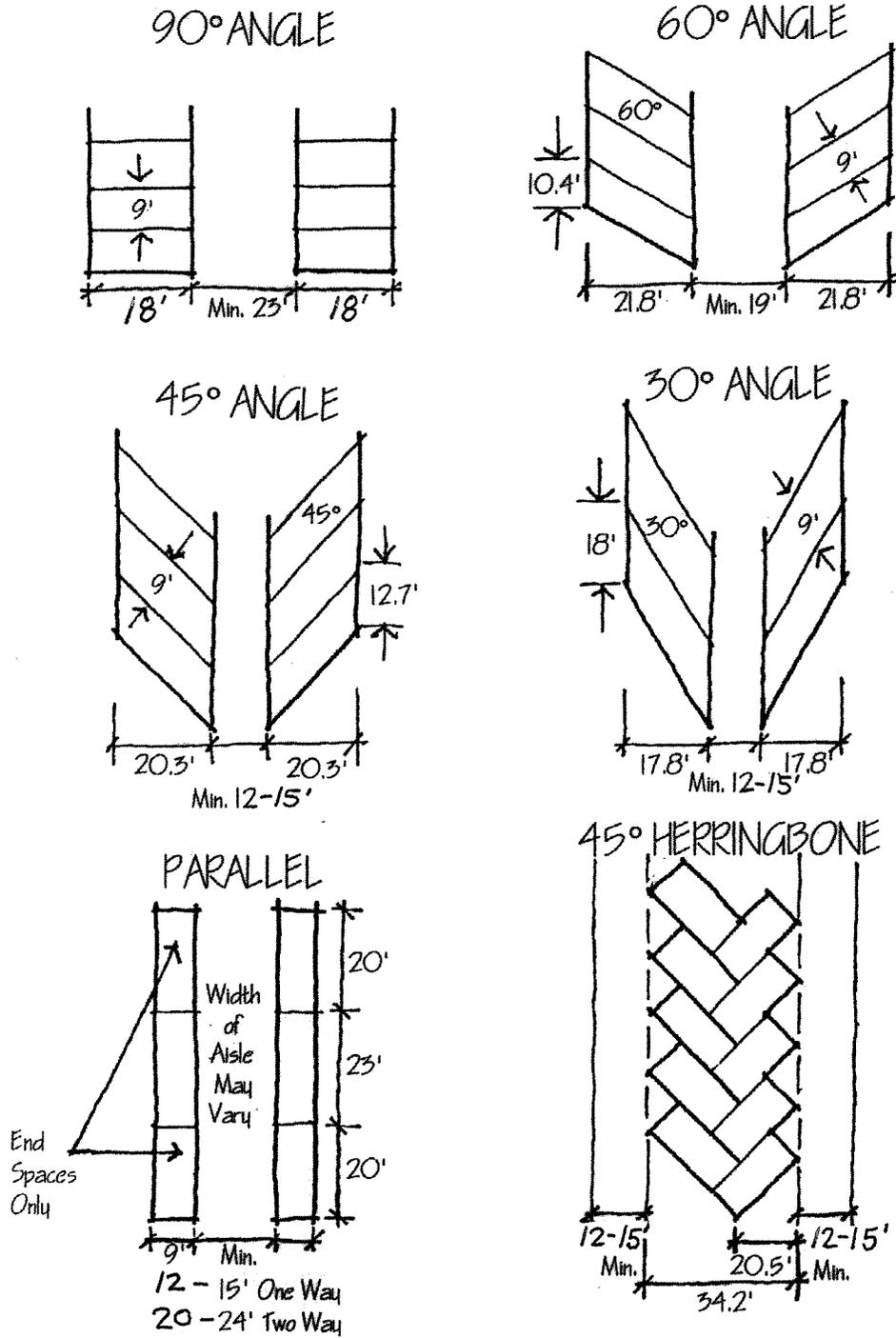


Figure 8-9: Parking Stall and Aisle Dimensions



10.8.530 RESERVOIR REQUIREMENTS

- A. All uses providing drive-in service as defined by this code shall provide on the same site a reservoir for inbound vehicles as shown in Table 8-6.
- B. Minimum required reservoir space may be decreased based on the following criteria:
 - 1. Will not result in undue site congestion;
 - 2. Will not result in traffic hazards on the site or adjoining streets; and
 - 3. Will not result in an undue reduction in the availability of on-site or on-street parking.
- C. Modifications to this Section may be authorized by the Planning Director; unless the application is under review by the Planning Commission or the Design Review Commission, in which case the Planning Commission or the Design Review Commission shall consider the request for modification.
- D. Article 2 procedures and criteria for Adjustments and Variances shall be applicable to a request for modification of the reservoir requirements.

Table 8-6: Minimum Reservoir Requirements

Use	Reservoir Requirement
Drive-in banks	4 spaces/service terminal
Drive-in restaurants	10 spaces/service window
Drive-in theaters	10% of theater capacity
Gasoline service stations	3 spaces/fueling position
Mechanical car washes	3 spaces/washing unit
Parking facilities – free flow entry	1 space/entry driveway
Parking facilities – ticket dispense entry	2 spaces/entry driveway
Parking facilities – manual ticket dispensing	8 spaces/entry driveway
Attendant parking	10% of portion of parking capacity served by the driveway
All other drive-in facilities	Determined by the Director

10.8.535 OFF-STREET LOADING SPACE

- A. Required. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading and maneuvering space in accordance with the requirements of Table 8-7.
- B. Separation from Off-Street Parking Area. Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and appropriately designed to prevent the encroachment of delivery vehicles into off-street parking areas or into public streets.

- C. Loading Area for Schools. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.
- D. Reduction of Loading Space. Minimum loading berths may be decreased based on the following criteria:
1. Will not result in undue site congestion;
 2. Will not result in traffic hazards on the site or adjoining streets; and
 3. Will not result in undue reduction in the availability of on-site or on-street parking.
- E. Modifications. The Director may grant modifications to this Section; unless the application is under review by the Planning Commission or the Design Review Commission, in which case the Planning Commission or the Design Review Commission shall consider the request for modification.

Article 2 procedures and criteria for Adjustments and Variances shall apply, depending on the magnitude of the adjustment requested.

Table 8-7: Minimum On-Site Loading Requirement

Land Use	Gross Floor Area at Which 1st Berth is Required	Gross Floor Area at Which 2nd Berth is Required
Industrial		
- Manufacturing	5,000 square feet	40,000 square feet
- Warehouse	5,000 square feet	40,000 square feet
- Storage	10,000 square feet	100,000 square feet
Commercial		
- Wholesale	10,000 square feet	40,000 square feet
- Retail	10,000 square feet	20,000 square feet
- Service Establishments	10,000 square feet	40,000 square feet
- Commercial Recreational (including bowling alleys)	10,000 square feet	100,000 square feet
- Restaurants	5,000 square feet	25,000 square feet
- Laundry	10,000 square feet	25,000 square feet
- Office Building	10,000 square feet	100,000 square feet
- Hotel	10,000 square feet	100,000 square feet
Institutional		
- Schools	10,000 square feet	100,000 square feet
- Hospitals	10,000 square feet	100,000 square feet
- Sanitariums (homes)	10,000 square feet	100,000 square feet
Public Buildings		
- Terminals	5,000 square feet	40,000 square feet
- Auditoriums	10,000 square feet	100,000 square feet
- Arenas	10,000 square feet	100,000 square feet
- Funeral Homes	10,000 square feet	100,000 square feet

10.8.540 BICYCLE PARKING

- A. When Required. Bicycle parking shall be provided on-site in conjunction with the following uses:
1. Multi-family housing
 2. Retail and office development
 3. Industrial development
 4. Institutional development
 5. Transit stations, park-and-ride lots, and automobile parking structures
- B. Required Number Of Spaces. The number of bicycle parking spaces required shall be at least 20% of the required automobile parking for the use, but not less than two (2) spaces.
- C. Location and Design Standards. Bicycle parking facilities shall be:
1. Located within seventy-five (75) feet of a primary building entrance and dispersed for multiple entrances;
 2. Designed to provide direct access to a public right-of-way, but not to obstruct sidewalks or walkways. Public sidewalks may be utilized for bicycle parking when parking can't be reasonably accommodated on-site and the location is convenient to the building's primary entrance. If a public sidewalk is used for bicycle parking, a minimum of six (6) feet of clear and unobstructed sidewalk must be maintained;
 3. In a location visible to building occupants or from the main parking lot; and
 4. Thoroughly illuminated during working hours. Bicycle parking areas shall be at least as well lit as automobile parking areas.
 5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack to which the bicycle can be locked. All bicycle racks, lockers, or other facilities shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience. Such racks shall be designed to hold bicycles securely by means of the frame, with the frame supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels.
 6. Bicycle parking spaces shall be at least six (6) feet long and two feet wide with an overhead clearance of at least seven (7) feet. An access aisle of at least five (5) feet shall be provided and maintained beside or between each row of bicycle parking. Each required bicycle parking space shall be accessible without moving another bicycle.

10.8.545 LANDSCAPING AND SCREENING OF PARKING AND LOADING AREAS

- A. Purpose. The purpose of this section is to improve the appearance of off-street parking and open lot sales and service areas in Forest Grove and to protect and preserve the appearance, character, and value of the surrounding neighborhoods. It is also the purpose of this section to allow for increased seepage by providing openings in impervious surface; increased safety by breaking up large expanses of pavement; and increased shading to reduce overheating of car interiors, and reduce glare and radiation from large number of vehicles.
- B. Applicability. This section is applicable to all areas used for the display or parking of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, hereinafter referred to as “other vehicular uses”, including but not limited to activities of a drive-in nature such as, but not limited to, filling stations, grocery and dairy stores, banks, restaurants and the like. Screening and landscaping of parking and loading areas is required, with the exception of parking areas serving single-family dwellings and duplexes, and parking areas that are under or within buildings. The interior landscaping requirements do not apply to parking areas for industrial uses in the industrial zones.
- C. Required Landscaping for Parking Lots Adjacent to Public Rights-of-Way. A minimum five (5)-foot landscaped strip is required between the abutting right-of-way and the off-street parking area or vehicle use area.
- D. Perimeter Parking Lot Landscaping. When the off-street parking area or other vehicular use area is not visually screened from an abutting property by an intervening building or structure, a minimum five (5)-foot landscaped strip shall be installed between the common property line and the off-street parking area or other vehicular use area that is visually exposed.
- E. Interior Parking Lot Landscaping. Landscaped areas shall be appropriately distributed to break up large expanses of pavement, improve the appearance and climate of the site, improve safety, and delineate pedestrian walkways and traffic lanes. For the purpose of this section, interior parking lot area is defined as the hard surface parking area (parking stalls and aisles). Such area does not include loading and unloading zones or perimeter landscaping around the lot.
1. At least 8% of the interior parking lot area shall be landscaped. Landscaped areas should include water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other material when possible so as to cover the landscape area.
 2. A required landscaped area shall have a minimum interior dimension of six (6) feet and be no less than forty-eight (48) square feet in area. Landscaping shall be protected from vehicular damage by some form of wheel guard or curb.
 3. One (1) tree shall be required for every 1,600 square feet of interior parking lot area. Trees shall have a minimum two (2)-inch caliper and six (6)-foot branch

height at the time of planting.

4. Interior parking area landscaping and trees must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed.
 5. Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends four (4) feet or more into the parking area from the perimeter landscape line.
- F. Landscaping Within Clear Vision Areas. All landscaping of parking lots within clear vision areas shall provide unobstructed cross-visibility at a level between three-to-ten (3-10) feet above the curb line. With the exception of grass or groundcover, no landscaping shall be located closer than three (3) feet from the edge of any accessway pavement.

PUBLIC IMPROVEMENTS

10.8.600 PURPOSE

- A. Purpose. The purpose of this chapter is to provide standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage.

10.8.605 GENERAL PROVISIONS

- A. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements within the City shall occur in accordance with the standards of this article. No development may occur unless the public facilities related to development comply with the public facility requirements established in this section.
- B. Standard Specifications. The City Engineer shall establish standard specifications consistent with the application of engineering principles.
- C. Adjustments. Adjustments to the provisions in this chapter related to street improvements may be granted by means of a Type II procedure, as governed by §10.2.100.
- D. Use of Pervious Surfaces. Where improvements subject to these off-street parking and loading provisions result in hard surfaces, pervious surfaces should be used where possible. Where improvements are within the public rights-of-way, such surfaces can be used upon approval by the City Engineer.
- E. Open Drainage Facilities. Where public storm sewer lines are proposed, drainage swales and other open drainage facilities may be used with the approval of the City Engineer.

10.8.610 STREETS

- A. Improvements. No development shall occur unless the development has frontage or approved access to a public street:
1. Streets within a development and streets adjacent shall be improved in accordance with this article;
 2. Any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with this code;
 3. New development shall be connected to a collector or arterial by a paved street;
 4. Where transportation-related improvements are required as a result of a transportation study pursuant to §10.1.225(D), the developer shall install said improvements to the satisfaction of the City Engineer, or participate in the financing of said improvement where the impacts are beyond the responsibility of one project; and
 5. The City Engineer may accept a future improvement guarantee in lieu of street or other transportation related improvements if one or more of the following conditions exist:

- a. A partial improvement is not feasible due to the inability to achieve proper design standards;
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
 - d. The improvement would be in conflict with an adopted capital improvement plan;
 - e. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or
 - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.
6. Improvements to streets shall be made according to adopted City standards, unless the approval authority determines that the standards will result in an unacceptable adverse impact on existing development or on the proposed development or on natural features such as wetlands, steep slopes or existing mature trees.
- B. Creation of Rights-Of-Way for Streets and Related Purposes. Rights-of-way shall be created through the approval of a final subdivision plat or major partition; however, the Council may approve the creation of a street by acceptance of a deed, provided that such street is deemed essential by the Council for the purpose of general traffic circulation:
- 1. The Council may approve the creation of a street by deed of dedication without full compliance with the regulations applicable to subdivisions or major partitions if any one or more of the following conditions are found by the Council to be present:
 - a. Establishment of a street is initiated by the Council and is found to be essential for the purpose of general traffic circulation, and partitioning or subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use; or
 - b. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less and such dedication is recommended by the Commission to the Council based on a finding that the proposal is not an attempt to evade the provisions of this title governing the control of subdivisions or major partitions.
 - 2. With each application for approval of a road or street right-of-way not in full compliance with the regulations applicable to the standards, the proposed dedication shall be made a condition of subdivision and major partition approval:
 - a. The applicant shall submit such additional information and justification as may be necessary to enable the Commission in its review to determine whether or not a recommendation for approval by the Council shall be made;
 - b. The recommendation, if any, shall be based upon a finding that the proposal is

not in conflict with the purpose of this title;

- c. The Commission in submitting the proposal with a recommendation to the Council may attach conditions which are necessary to preserve the standards of this title; and
- d. All deeds of dedication shall be in a form prescribed by the City and shall name “the public” as grantee.

C. Creation of Access Easements. The approval authority may approve an access easement established by deed without full compliance with this title provided such an easement is the only reasonable method by which a lot large enough to develop can be created:

1. Access easements shall be provided and maintained in accordance with the Uniform Fire Code;
2. Access shall be in accordance with §10.8.100 et. seq.

D. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to an approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the City Engineer in accordance with subsection (M) below; and
2. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:
 - a. Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or
 - b. Conform to a plan adopted by the Commission, if it is impractical to conform to existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.
3. The City Engineer may require slope easements due to topography, the size and shape of the tract, or other conditions.

E. Minimum Rights-Of-Way and Street Widths. Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street, street right-of-way and roadway widths shall not be less than the minimum width described below. Where a range is indicated, the width shall be determined by the appropriate decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. These are presented in Table 8-8.

1. The decision-making body shall make its decision about desired right-of-way width and pavement width of the various street types within the subdivision or development after consideration of the following:

- a. The type, design and location of the road as set forth in the Transportation System Plan. Standards for specific streets identified in the Transportation System Plan shall apply;
- b. Anticipated traffic generation;
- c. On-street parking needs;
- d. Sidewalk and bikeway requirements;
- e. Requirements for placement of utilities;
- f. Street lighting;
- g. Drainage and slope impacts;
- h. Street tree location;
- i. Planting and landscape areas;
- j. Safety and comfort for motorists, bicyclists, and pedestrians;
- k. Access needs for emergency vehicles.

Table 8-8: Street Standards

Street Classification	Minimum R.O.W. Width	Minimum Roadway Width
Principal Arterial	90-96 feet	52-64 feet
Arterial	66 feet	40 feet
Collector	66 feet	40 feet
Local Industrial	66 feet	40 feet
Local Street	58 feet	32 feet
Local Street	54 feet	28 feet ^[1]
Local Street	50 feet	24 feet ^[2]
Local Street	50 feet ^[3]	15 feet ^[4]
Neighborhood Route	54 feet	28 feet ^[7]
Cul-de-sac	58 feet	32 feet
Circular end of cul-de-sac	55 feet (radius)	42 feet (radius)
Cul-de-sac	50 feet	24 feet ^[5]
Circular end of Cul-de-sac	40 feet (radius)	34 feet (radius) ^[6]
Alley	15 feet	12 feet
Half-Street	35 feet	24 feet ^[8]

Table 8-8 Footnotes:

- [1] These streets shall not exceed 330 feet in length for any one segment. Each end of the segment shall connect to an existing or planned street with a minimum roadway width of 32 feet. Fire hydrants shall be placed at one-third intervals along the street segment. Driveways shall be placed in a manner to provide queuing space to allow for adequate traffic passage including emergency vehicles.
- [2] These streets shall not exceed 330 feet in length for any one segment or the length needed to traverse a wetland or natural resource area. Each end of the segment shall connect to an existing or planned street with a minimum roadway width of 32 feet. Fire hydrants shall be placed at one-third intervals along the street segment. On-street parking is permitted on one side only.
- [3] Street right-of-way may be reduced if approved by the City Engineer to preserve natural features, crossing a wetland or natural resource area or where construction of a full-width street would result in excessive cut-and-fill due to existing topography.
- [4] One-way traffic only; no on-street parking permitted. One-way streets may be permitted only to preserve natural features or where the construction of a full-width street would result in excessive cut-and-fill due to existing topography, as determined by the City Engineer.
- [5] No on-street parking permitted.
- [6] Sidewalks permitted adjacent to curb.
- [7] On-street parking permitted on one side only.

- [8] Half-street improvements apply where a new development requires the installation of a new street or extension of an existing street on the boundary of the development project in order to provide access to that development. The standard identified in the table is based on two 12-foot travel lanes and no parking shall be allowed on either side of the street. The developer may have the option to widen the street to 16-foot lane widths in one or both directions. Where a lane width is 16 feet, on-street parking is allowed for that lane. Such widening does not change sidewalk and parkway requirements.

F. Future Street Plan and Extension of Streets

1. A future street plan shall:
 - a. Be filed by the applicant in conjunction with an application for a subdivision or partition. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet surrounding and adjacent to the proposed land division. At the applicant's request, the City shall prepare a future streets proposal. A street proposal may be modified when subsequent subdivision proposals are submitted.
 - b. Identify existing or proposed bus routes, pullouts or other transit facilities, bicycle routes and pedestrian facilities on or within 530 feet of the site.
2. For new residential and mixed-use development, possible local street connections to contiguous vacant or primary undeveloped land must be identified in conformance with street projections outlined on the Local Street Connectivity Plan, as shown on the Comprehensive Plan Map.
3. Where necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed, and
 - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets at such time as the adjoining property is developed.
 - b. A barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the City Engineer, the cost of which shall be included in the street construction cost.
 - c. Temporary hammerhead turnouts or temporary cul-de-sac bulbs shall be constructed for stub streets in excess of 150 feet in length.

G. Street Alignment and Connections

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of such street.
2. Spacing between local street intersections shall have a minimum separation of 125 feet.
3. All local and minor collector streets that abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns or strict adherence to other standards in this code. A street connection or extension is considered precluded

when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some reasonable street connection.

4. Proposed street or street extensions shall be located to provide direct access to existing or planned transit stops, commercial services, and other neighborhood facilities, such as schools, shopping areas and parks.
5. All developments should provide an internal network of connecting streets that provide short, direct travel routes and minimize travel distances within the development.

H. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle, but in no case shall the angle be less than 75° unless there is special intersection design, and:

1. Streets shall have at least twenty-five (25) feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
2. Intersections which are not at right angles shall have a minimum corner radius of twenty (20) feet along the right-of-way lines of the acute angle; and
3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than twenty (20) feet.

I. Existing Rights-Of-Way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development.

J. Partial Street Improvements. Partial street improvements resulting in a pavement width of less than twenty (20) feet; while generally not acceptable may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.

K. Cul-de-sacs. A cul-de-sac shall be no more than 200 feet long, shall not provide access to greater than twenty (20) dwelling units, and shall only be used when environmental or topographical constraints, existing development pattern, or strict adherence to other standards in this code preclude street extension and through circulation:

1. All cul-de-sacs shall terminate with a turnaround. Use of turnaround configurations other than circular shall be approved by the City Engineer; and

2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
 3. If a cul-de-sac is more than 300 feet long, a lighted direct pathway to an adjacent street may be required to be provided and dedicated to the City.
- L. Street Names. No street name shall be used which will duplicate or be confused with the names of existing streets in Washington County, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.
- M. Grades and Curves. Grades shall not exceed 10% on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades of up to 15% for distances of no greater than 250 feet), and:
1. Centerline radii of curves shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and
 2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization shall provide a landing averaging 5% or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement.
- N. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in this chapter; and:
1. Concrete curbs and driveway approaches are required; except
 2. Where no sidewalk is planned, an asphalt approach may be constructed with City Engineer approval; and
 3. Asphalt and concrete driveway approaches to the property line shall be built to City configuration standards.
- O. Streets Adjacent To Railroad Right-Of-Way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land. The distance shall be determined with due consideration at cross streets or the minimum distance required for approach grades and to provide sufficient depth to allow screen planting along the railroad right-of-way in nonindustrial areas.
- P. Access Control. Access control as described for each classification of street within the transportation element (Transportation System Plan (TSP), shall be implemented when a new street or street extension is built.
- Q. Access to Arterials and Major Collectors. Where a development abuts or is traversed by an existing or proposed arterial or major collector street, the development design shall

provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design shall include any of the following:

1. A parallel access street along the arterial or major collector;
2. Lots of suitable depth abutting the arterial or major collector to provide adequate buffering with frontage along another street;
3. Screen planting at the rear or side property line to be contained in a non-access reservation along the arterial or major collector; or
4. Other treatment suitable to meet the objectives of this subsection;
5. If a lot has access to two streets with different classifications, primary access should be from the lower classification street.

R. Alleys, Public or Private

1. Alleys shall be no less than fifteen (15) feet in width. In commercial and industrial districts, alleys shall be provided unless other permanent provisions for access to off-street parking and loading facilities are made.
2. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than twelve (12) feet.

S. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.

T. Private Streets

1. Design standards for private streets shall be established by the City Engineer; and
2. The City shall require legal assurances for the continued maintenance of private streets, such as a recorded maintenance agreement.
3. Private streets serving more than six (6) dwelling units are permitted only within planned developments, mobile home parks, and multi-family residential developments.

U. Railroad Crossings. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the Public Works Director and approved by the Commission.

- V. Street Signs. The City shall install all street signs, relative to traffic control and street names, as specified by the City Engineer for any development. The cost of signs shall be the responsibility of the developer.
- W. Traffic Signals. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The cost shall be included as a condition of development.
- X. Street Light Standards. Street lights shall be installed in accordance with regulations adopted by the City's direction.
- Y. Street Name Signs. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- Z. Street Cross-Sections. The final lift of asphalt concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one (1) year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer. The final lift shall also be placed no later than when 90% of the structures in the new development are completed or three (3) years from the commencement of initial construction of the development, whichever is less.

10.8.615 EASEMENTS

- A. Easements. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a development traversed by a watercourse, or drainageway, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the watercourse.
- B. Utility Easements. A property owner proposing a development shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be fifteen (15) feet unless otherwise specified by the utility company, applicable district, or City Engineer.
- C. Where the alignment of a utility easement (other than those required perimeter easements) is such that it would also serve as a suitable easement for originating or continuing a pedestrian/bicycle path, the Community Development Director may require that such easement be designated as serving both functions. The walkway shall be designed and improved consistent with the requirements of §10.8.100 *Access and Circulation*.

10.8.620 SIDEWALKS

- A. Sidewalks Required. Sidewalks shall be constructed, replaced or repaired to City design standards as set forth in the standard specifications manual and located as follows:

1. On both sides of arterial and collector streets to be built at the time of street construction;
 2. On both sides of all other streets and in pedestrian easements and rights-of-way, except as provided further in this section, to be constructed along all portions of the property designated for pedestrian ways in conjunction with development of the property; and
 3. On one side of any industrial street to be constructed at the time of street construction or after determination of curb cut locations.
- B. Parkway Requirements. A parkway at least five (5) feet between the curb and the sidewalk shall be required in the design of any arterial or collector street where parking is prohibited adjacent to the curb, except where the following conditions exist: there is inadequate right-of-way; the curbside sidewalks already exist on predominant segments of the street; or it would conflict with the utilities.
- C. Sidewalks in Town Center District. In the Town Center District, sidewalks shall be ten (10) feet in width, and:
1. All sidewalks shall provide a continuous unobstructed path; and
 2. The width of curbside sidewalks shall be measured from the back of the curb.
- D. Maintenance. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.
- E. Application for Permit and Inspection. If the construction of a sidewalk is not included in a performance bond of an approved subdivision or the performance bond has lapsed, then every person, firm or corporation desiring to construct sidewalks as provided by this chapter, shall, before entering upon the work or improvement, apply for a street opening permit to the Engineering department to so build or construct:
1. An occupancy permit shall not be issued for a development until the provisions of this section are satisfied.
 2. The City Engineer may issue a permit and certificate allowing temporary noncompliance with the provisions of this section to the owner, builder or contractor when, in his opinion, the construction of the sidewalk is impractical for one or more of the following reasons:
 - a. Sidewalk grades have not and cannot be established for the property in question within a reasonable length of time;
 - b. Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk;
 - c. Street right-of-way is insufficient to accommodate a sidewalk on one or both sides of the street; or
 - d. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically infeasible; and

3. The City Engineer shall inspect the construction of sidewalks for compliance with the provision set forth in the standard specification manual.

F. Council Initiation of Construction. In the event one or more of the following situations are found by the Council to exist, the Council may adopt a resolution to initiate construction of a sidewalk in accordance with City ordinances:

1. A safety hazard exists for children walking to or from school and sidewalks are necessary to eliminate the hazard;
2. A safety hazard exists for pedestrians walking to or from a public building, commercial area, place of assembly or other general pedestrian traffic, and sidewalks are necessary to eliminate the hazard; and
3. 50% or more of the area in a given block has been improved by the construction of dwellings, multiple dwellings, commercial buildings or public buildings and/or parks.

10.8.625 SANITARY SEWERS

- A. Sewers Required. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 1996 and including any future revisions or amendments) and the adopted policies of the Comprehensive Plan and the City's Master Sewer Plan.
- B. Sewer Plan Approval. The City Engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.
- C. Over-Sizing. Proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.
- D. Permits Denied. Development permits may be restricted by the Commission or Hearings Officer where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

10.8.630 WATER FACILITIES

- A. Water Facilities Required. Water facilities shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in the adopted policies of the Comprehensive Plan and the City's Master Water Plan.
- B. Water Plan Approval. The City Engineer shall approve all plans for water facilities and proposed systems prior to issuance of development permits involving water service.

- C. Over-Sizing. Proposed water facilities shall include consideration of additional development within the area as projected by the Comprehensive Plan.
- D. Permits Denied. Development permits may be restricted by the Planning Commission or Hearings Officer where a deficiency exists in the existing water system or portion thereof which cannot be rectified within the development and which, if not rectified, will result in a threat to public health or safety or violations of local, state or federal standards pertaining to the operation of the water system.

10.8.635 STORM DRAINAGE

- A. General Provisions. The Director and City Engineer shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made, and:
 - 1. The storm water drainage system shall be separate and independent of any sanitary sewerage system;
 - 2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and
 - 3. Surface water drainage patterns shall be shown on every development proposal plan.
- B. Easements. Where a watercourse, drainageway, channel or stream traverses a development, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.
- C. Accommodation of Upstream Drainage.
 - 1. A culvert or other drainage facility shall be large enough to accommodate runoff from its entire upstream drainage area, whether inside or outside the development, and;
 - 2. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted and amended by Clean Water Services) and the City's Master Storm Water Sewer Plan.
- D. Effect on Downstream Drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services and including any future revisions or amendments).

10.8.640 BIKEWAYS

- A. Bikeway Extension. Developments adjoining proposed bikeways identified on the City’s adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way.
- B. Cost of Construction. Development permits issued for planned unit developments, conditional use permits, subdivisions, and other developments which will principally benefit from such bikeways shall be conditioned to include the cost or construction of bikeway improvements.
- C. Minimum Width. Minimum width for bikeways within the roadway is five (5) feet per bicycle travel lane. Minimum width for two-way bikeways separated from the road is eight (8) feet.

10.8.645 UTILITIES

- A. Underground Utilities. All utility lines in new developments shall be placed underground, and:
 - 1. The developer shall make all necessary arrangements with the serving utility to provide the underground services;
 - 2. The City reserves the right to approve location of all surface mounted facilities;
 - 3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
 - 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- B. Information on Development Plans. The applicant for a development shall show on the development plan or in the explanatory information, easements for all underground utility facilities, and:
 - 1. Plans showing the location of all underground facilities as described herein shall be submitted to the City Engineer for review and approval; and
 - 2. Care shall be taken in all cases to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic.
- C. Exception to Under-Grounding Requirement for Infill Development. An applicant for infill development, which is served by above ground utilities, may be exempt from the requirement for undergrounding utilities. This exception shall apply only to existing utility lines.

10.8.650 AGREEMENT

For projects involving public improvements, the applicant shall enter into an agreement with the City Engineer prior to any site preparation or, where there is a partition or subdivision, prior to approval of the final map. The agreement shall be in a form as approved by the City Engineer. At a minimum, it shall include detailed plans for public improvements and provide adequate

assurance to guarantee the installation of the improvements (known as Performance Assurance) and the workmanship and material of the installation (known as Maintenance Assurance). The agreement may be waived by the City Engineer if the level of work is considered minor. However, the assurances shall be required for any public improvements. The assurance shall be based on the following requirements:

- A. Maintenance Assurance. All improvements installed by the developer shall be guaranteed as to workmanship and material for a period of one (1)-year following acceptance by the City Engineer.
- B. Form of Assurance. All assurances shall be secured by cash deposit, bond or irrevocable letter of credit in the amount of 100% of the cost to complete the project as set by the City Engineer.

10.8.655 MONUMENTS

- A. Replacement Required. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

10.8.660 INSTALLATION PREREQUISITE

- A. Approval Required. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued.
- B. Permit Fee. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by Council resolution.

10.8.665 INSTALLATION CONFORMATION

- A. Conformance Required. In addition to other requirements, improvements installed by the developer either as a requirement of these regulations or at his own option, shall conform to the requirements of this chapter and to improvement standards and specifications followed by the City.
- B. Adopted Installation Standards. The Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A., and Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services and including any future revisions or amendments) shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.

10.8.670 PLAN CHECK

- A. Submittal Requirements. Work shall not begin until construction plans and construction estimates have been submitted and checked for adequacy and approved by the City Engineer in writing. The developer can obtain detailed information about submittal requirements from the City Engineer.
- B. Compliance. All such plans shall be prepared in accordance with requirements of the City.

10.8.675 NOTICE TO CITY

- A. Commencement. Work shall not begin until the City has been notified in advance.
- B. Resumption. If work is discontinued for any reason, it shall not be resumed until the City is notified.

10.8.680 CITY INSPECTION

- A. Inspection of Improvements. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.

10.8.685 ENGINEER'S CERTIFICATION

- A. Written Certification Required. The developer's engineer shall provide written certification of a form provided by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade, prior to City acceptance of the subdivision's improvements or any portion thereof for operation and maintenance.

BUILDING DESIGN AND DEVELOPMENT STANDARDS

10.8.700 PURPOSE

This section provides standards for new buildings constructed in the city to help provide compatibility with surrounding neighborhoods and ensure that safe, functional working and living environments are created.

10.8.705 APPLICABILITY

The standards in this section apply to all multi-unit residential and commercial projects, and all projects within Town Center zoning districts.

10.8.710 STANDARDS

A. Building Design Standards for Multi-Unit Development except within Town Center zones.

1. Massing and Form

- a. On lots with an average cross slope of 15% or more, no more than 60% of the site shall be re-graded.
- b. No building shall have a dimension greater than one-hundred and fifty (150) feet without a minimum three (3) feet off-set of the exterior wall.
- c. At a minimum, every two dwelling units shall be offset from the next dwelling unit by at least four (4) feet in depth.
- d. All habitable rooms shall incorporate at least one window when facing parking lots and common areas.

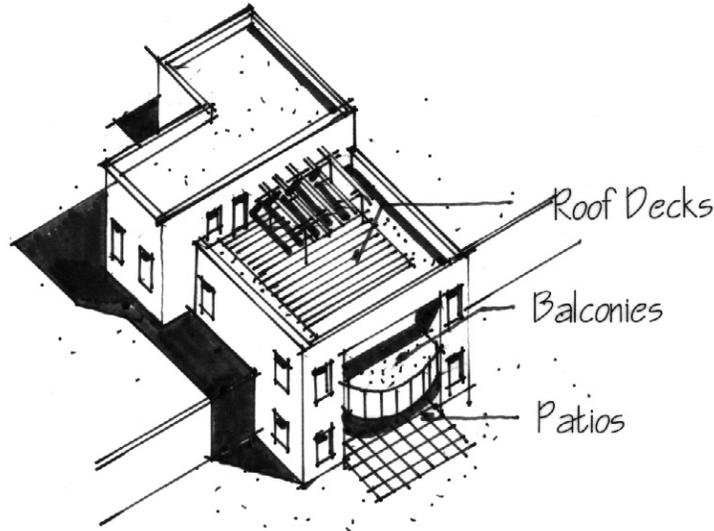
2. Compatibility

- a. All buildings shall incorporate a porch or architecturally defined entry space for each ground level dwelling unit with a minimum area of 16 square feet per dwelling unit, with no dimension less than 4 feet.
- b. Shared porches or entry spaces are permitted. All grade level porches shall include hand-railing, half-walls, or shrubs to define their outside perimeter.

3. Privacy

- a. Front entryways into dwelling units shall be separated vertically or horizontally a minimum of three feet from sidewalks used by more than one dwelling unit.
- b. Bedroom and bathroom windows shall be offset a minimum of four (4) feet from windows on adjacent buildings (unless window glazing is frosted, diffused or glass block)

Figure 8-10: Examples of Private Multi-Family Open Space



4. Building Relationship with Adjacent Arterials
 - a. Buildings shall be setback at least 10 feet from arterials.
 - b. Buildings shall be oriented away from arterials and no front or main entries shall be facing the arterials.
 - c. The setback area shall be landscaped consistent with the buffering requirements of §10.8.425 except that chain link fence shall not be allowed.

B. Building Design Standards for Commercial Development except within Town Center or Mixed Use zones

1. Building Orientation
 - a. Design and construct buildings so that at least one façade is within sixty (60) feet of a dedicated public street right-of-way line.
 - b. Design and construct a minimum of one primary building entrance for each building ground floor use or tenant along a public right-of-way or internal roadway built to City public street engineering standards.
2. Massing and Form
 - a. Provide changes in the depth of the façade plane in excess of two (2) feet for all building walls more than 75 feet in length.
 - b. Maximum length of building facades shall be 200 feet.
 - c. Roofline heights must be varied a minimum of 2 feet for building facades greater than 75 feet in length.
 - d. Provide vertical partitioning of facades by using columns, pilasters and other vertical elements a minimum of every twenty-five (25) feet.

- e. Articulation of building fronts through changes in depth or building relief (e.g. windows, doors, cornices, columns, a change in materials) shall occur a minimum of every fifteen (15) feet in the horizontal or vertical dimensions.

Figure 8-11: Commercial Development Massing and Form

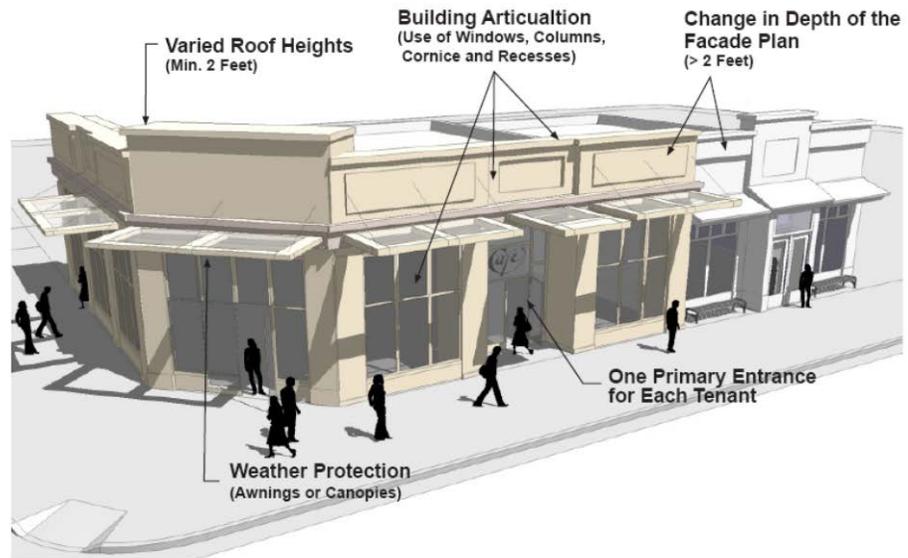


Figure 8-12: Example of Building Entry Design Elements



3. Design Elements

- a. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet shall have a building entrance.
- b. Building facades adjacent to sidewalks or pedestrian connections must include weather protection canopies or awnings along at least 75% of the length of the ground floor façade.
- c. Incorporate a minimum of 50% transparency/window openings on the ground floor facades of buildings that are 5,000 square feet or less, or 20% transparency/window openings for buildings greater than 5,000 square feet facing the public right-of-way. For a building that faces two streets, the requirement shall apply to the predominant street or as determined by the Director where both streets are considered similar.
- d. Windows shall not be reflective, tinted or treated in such a way as to block views into or out of windows unless for energy or security purposes.
- e. Windows must be recessed a minimum of 4 inches from building facades.
- f. Materials such as synthetic stucco (EIFS, Dryvit, etc.) are prohibited at ground floor.
- g. Vinyl cladding of building façade is prohibited at ground floor.

4. Compatibility

- a. Any building or portion of a building that is less than 50 feet from existing residential dwellings must not be higher than 15 feet above the top of the roofline of the nearest existing dwelling.
- b. When adjacent to existing residential development, all commercial structures with floor areas less than 20,000 square feet of total building area must provide a gabled element to the parapet or roof.

5. Safety

- a. Security gates or bars on windows or doors are prohibited along ground floors of commercial buildings, excluding loading and storage areas.
- b. Motion activated security lighting is prohibited along building facades that front onto public rights-of-way.
- c. Public access shall be provided to all commercial uses that provide plazas, squares, or courts intended for food, beverage or entertainment uses.
- d. Parking lots or roadways shall not be gated or secured excluding loading and storage areas or residential parking areas.

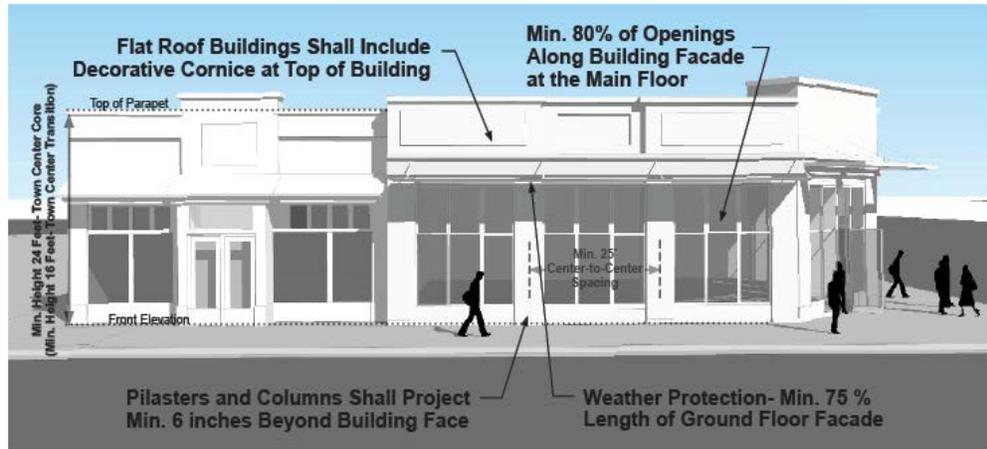
C. Building Design Standards within Town Center Districts

1. Building Form

- a. All new structures shall be a minimum of two-stories in height in the TCC Zone or a minimum height of 16 feet in the TCT Zone, as measured at the front elevation to top of parapet or eave line of lowest point of facade.

- b. All flat-roofed buildings shall have a decorative cornice at top of building (parapet)
- c. Exterior pilasters and columns shall project a minimum of 6 inches beyond building face.
- d. All rooftop mechanical equipment shall be screened by a solid wall from view of the public right-of-way and pedestrian routes.

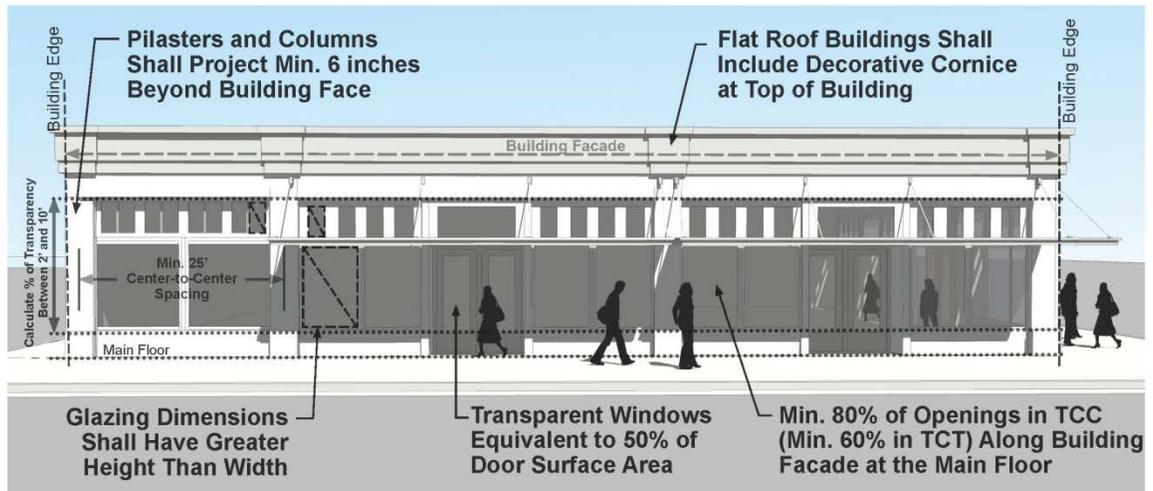
Figure 8-13: Town Center Districts Building Form



2. Retail Storefronts

- a. First floor vertical elements such as columns or pilasters shall be provided and spaced center-to-center at a maximum of 25 feet apart.
- b. Doors on the main floor façade facing a street shall contain windows equivalent in size to 50% of door surface area.
- c. Storefront glazing must be transparent. Reflective, tinted, glazed or techniques that obscure more than 20% of glazed surfaces shall be prohibited.
- d. Glazing dimensions shall have a greater height than width.
- e. Storefront glazing with divided lights shall be limited to transom windows only.
- f. All window frames shall be painted.
- g. Awnings shall be constructed of metal, glass or natural canvas fabrics. Vinyl, synthetic fabric, plastic or backlit awnings are prohibited.

Figure 8-14: Town Center Districts Retail and Storefront Details



3. Commercial Entries

- a. The entry enclosure shall be offset a minimum of 2 feet from the building façade.
- b. Windows and door in exterior wall shall be surrounded with trim of 2-1/2 inches minimum width.
- c. At least 25% of all primary entry doors shall contain transparent glazing.
- d. Unpainted metal frames are prohibited.
- e. Reflective, opaque or tinted glazing is prohibited.

4. Residential Entries

- a. Residential doors which face a public right-of-way shall be setback a minimum of 3 feet from a public sidewalk plus any additional setback needed to meet the minimum sidewalk requirements (where applicable).
- b. The following types of doors shall not provide the primary entrance into a dwelling unit: sliding glass or solid metal doors without glazing.
- c. Residential stoops, porches or terraces shall be raised no higher than 4 feet above grade at the adjacent right of way.
- d. Residences with entry porches or terraces shall have a minimum area of 60 square feet.
- e. Residential entries shall be no lower than 4 feet below grade measured at adjacent right-of-way.

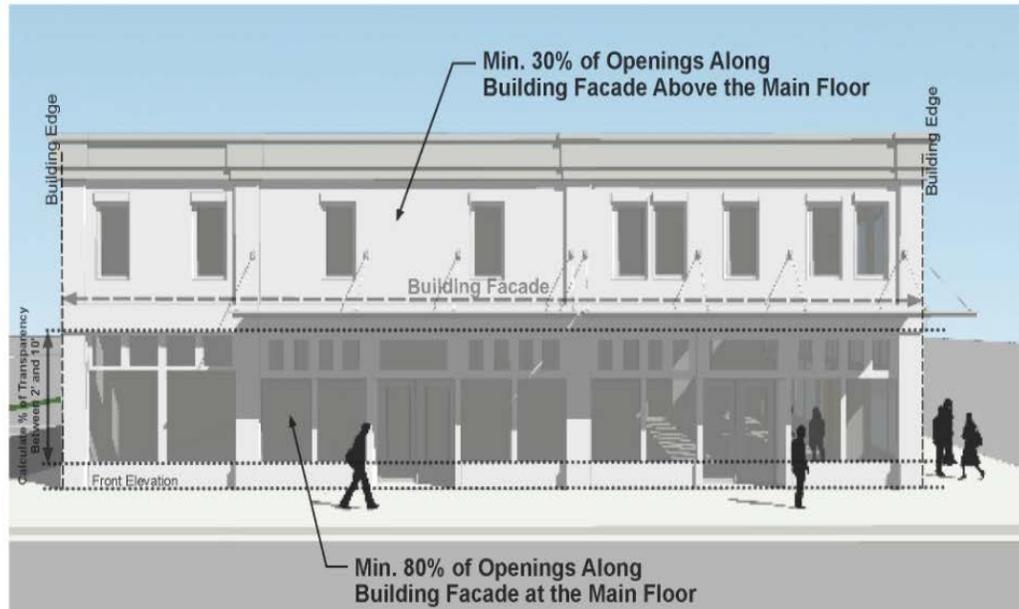
5. Windows and Doors

- a. Window and door openings shall comprise the following minimum portions of the front building facades at the main floor as measured between 2 feet above the sidewalk to 10 feet above the sidewalk: TCC - 80%; TCT - 50%.
- b. Window and door openings shall comprise the following minimum portions of the front building façade above the main floor as measured between 2 feet above the sidewalk to 10 feet above the sidewalk: TCC -

30%; TCT - 30%.

- c. Clear or transparent glazing is required for windows fronting the public rights-of-way.
- d. Glass shall be recessed a minimum of 1-1/2 inches from the surrounding exterior wall surface.
- e. Spandrel, glass curtain-wall or any window wall glazing that creates an opaque, flat or featureless, or reflective surface shall not be used at ground floor.

Figure 8-15: Town Center Districts Window and Door Openings



6. Exterior Walls

- a. Vinyl, plastic or metal siding are prohibited the all Town Center zones.
- b. Synthetic Stucco (EIFS, Dryvit, etc.) insulating cladding materials along the first floor of facades that front public rights-of-way are prohibited.
- c. Flagstone or other stone veneer along the first floor of facades that front public rights-of-way are prohibited.
- d. Simulated or cultured stonework are prohibited for commercial uses.
- e. Wood, asphalt or cement shingles are prohibited at first floor for commercial uses.

7. Walls and Fences

- a. Plastic and/or chain-link fences are prohibited in all Town Center zones.
- b. All wood fences shall be painted.

Building Design Standards for Institutional Development not within the Institutional Zone.

1. Building Orientation: Shall comply with standards for commercial development contained in subsection B.1. above.
2. Massing and Form. Shall comply with the standards for commercial development contained in subsection B.2. above.
3. Design Elements: Shall comply with the standards for commercial development contained in subsection B.3. above with the exception of subsection B.3.b.
4. Town Center Districts: Building design for institutional uses within the Town Center districts are subject to the applicable requirements of subsection C. above. Standards pertaining to retail storefronts and commercial and residential entries shall not apply unless the institutional use is similar to commercial or residential use.
5. Exceptions: The building design standards do not apply to buildings less than 500 square feet.
6. Building design within an Institutional Zone shall comply with the requirements of Section 10.8.885.

E. Building Design Standards for Historic Landmarks and within Historic Districts

All historic landmarks and new development within a historic district are subject to the design standards found in §10.5.220.

LIGHTING STANDARDS

10.8.750 PURPOSE

Lighting should provide security, help create a lively environment at night and highlight building and landscape features. Lighting should create a pleasant and inviting environment to encourage the use of the town center at night. Utilitarian lighting at excessive height or that creating excessive glare is discouraged.

10.8.755 GENERAL PROVISIONS

- A. When Standards Apply. Unless otherwise provided, the provisions of this section apply to lighting that is part of a multi-family or commercial project, or lighting within one of the Town Center zoning districts.
- B. Adjustments. Adjustments to the provisions in this section may be considered as part of the Adjustment, Design Review, Conditional or Planned Development Process.
- C. Luminous Standards. Light intensity standards shall be as follows:
 - 1. Outdoor lighting shall be provided in a manner that enhances security, is appropriate for the use, and avoids adverse impacts on surrounding properties. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 foot-candles of light.
 - 2. Street lights shall meet the lighting requirements of the Public Works Director upon consultation with the Light and Power Director.
 - 3. Pedestrian lighting standards:
 - a. Lighting for on-site pedestrian circulation system shall be lighted to a minimum level of 0.5 foot-candles, a 1.5 foot-candle average, and a maximum to minimum ratio of seven-to-one to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night.
 - b. Pedestrian walkway lighting through parking lots shall be lighted to a 0.5 foot-candle average and a maximum to minimum ratio of ten-to-one to light the walkway and enhance pedestrian safety. Artificial lighting which may be provided shall enhance security, be appropriate for the use, and avoid adverse impacts on surrounding properties and the night sky through appropriate shielding. The lighting shall not cause a measurement in excess of 0.5 foot-candles of light on other properties.

D. Lighting Standards for Multi-Unit Development

1. All exterior dwelling unit entrances and pedestrian walkways shall be lighted.
2. Poles outside of the public right-of-way shall be a maximum of 14 feet in height if the lot is less than 20,000 square feet and 18 feet for lots larger than 20,000 square feet.
3. Concrete light fixture bases taller than 8 inches are prohibited.
4. Area lighting shall be directed downward with no splay of light off the site. Any light source over ten (10) feet high shall incorporate cut-off shield.
5. Plastic signs with internal light source are prohibited.

E. Lighting Standards for Commercial Development

1. Exterior Building Lighting. Building lighting shall be directed downward with no splay of light off the site. Any light source over ten (10) feet high shall incorporate cut-off shield.
2. Parking Lot Lighting
 - a. Lights shall not obstruct vehicular or pedestrian traffic.
 - b. Poles outside of the public right-of-way shall be a maximum of 14 feet in height if the lot is less than 20,000 square feet and 18 feet for lots larger than 20,000 square feet.
 - c. Concrete light fixture bases taller than 8” are prohibited.
 - d. Lights shall be equipped with cut-off fixture to ensure that light does not spill onto adjacent residential property.
3. Sidewalk and Landscape Lighting
 - a. All bollard, wall or stairway lighting shall be directed exclusively downward.
 - b. All up-lighting fixtures shall be screened by landscaping or concealed within structures or located below or flush with grade.
 - c. No walkway lighting shall exceed 14 feet in height.
4. Sign Lighting
 - a. Interior lighted plastic signs are prohibited
 - b. Moving or flashing signs are prohibited.

F. Lighting Standards within Town Center Districts

1. Site and Parking Lot Lighting

- a. Poles outside of the public right-of-way shall be a maximum of 14 feet in height in all Town Center zones.
- b. Concrete light fixture bases taller than 8 inches are prohibited.
- c. Area lighting shall be directed downward with no splay of light off the site. Any light source over ten (10) feet high shall incorporate cut-off shield.
- d. Lights shall not blink, flash or change intensity.

2. Sidewalk and Landscape Lighting

- a. Night lighting shall be provided for all sidewalks and front entrances.
- b. Flashing lights, exposed cords, outlets or other electrical devices are prohibited.

3. Sign Lighting

- a. Lighting for signs shall be limited to internal lighting, where the lighting source is inside the sign, or to indirect lighting screened from view, where the light source is located below the sign, and is part of an ornamental feature of the sign structure.
- b. Braces and struts that support indirect lighting from the top of sides of the sign are prohibited.
- c. A lighted sign visible to and located within 100 feet of a residential zone shall be turned off from 10:00 P.M. to sunrise.
- d. Backlighting of vinyl awning signs, interior plastic sign lighting, metal halide, neon or fluorescent tube sign lighting are prohibited.
- e. Signs containing exposed electrical conduit, junction boxes or other electrical components are prohibited.

G. Lighting Standards for Institutional Development: Lighting standards for commercial development in subsection E. above shall apply to institutional uses.

SIGNS

10.8.800 PURPOSE

The purpose of §§10.8.800 through 10.8.870 is:

- A. To promote the neat, clean, orderly and attractive appearance of the community;
- B. To accommodate the need of sign users while avoiding nuisances to nearby properties;
- C. To ensure safe construction, location, erection and maintenance of signs; and
- D. To minimize distractions for motorists on public highways and streets.

10.8.805 GENERAL PROVISIONS

- A. Compliance with Other Laws and Regulations. It is not the purpose of this section to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other City ordinance, or state or federal law.
- B. Oregon Motorist Information Act. This section adopts by reference the provisions of the Oregon Motorist Information Act, ORS Chapter 377.

10.8.810 EXEMPTED SIGNS

The following signs shall not require planning approval for their use though some may require a building permit to ensure compliance with structural requirements. Use of these signs does not affect the amount or type of signage otherwise allowed by this ordinance. All signs listed in this section are subject to all other applicable provision(s) of this Chapter.

- A. Official signs placed or authorized by the city, county, state, or federal government in the publicly owned right-of-way as well as official signs required by city, state, or federal government located on private property.
- B. Flags adopted or endorsed by a governmental agency.
- C. Tablets, cornerstones, or commemorative plaques.
- D. Signs intended to be viewed from within a building.
- E. Seasonal decorations on private property.
- F. Signs erected by a recognized neighborhood watch group.
- G. Handheld signs.
- H. Accessory signs.
- I. Landmark signs.
- J. Signs for hospital or emergency services and railroads.
- K. Incidental Signs, provided the signs do not exceed one and a half (1.5) square feet in area for each sign, with no more than three (3) signs allowed for each permitted structure.
- L. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four square feet in area. This type of sign is typically used to identify and locate a property feature.
- M. Any sign which is not visible to motorists or pedestrians on any public highway, sidewalk, street, alley, or other area open to public travel.
- N. One indirectly illuminated or non-illuminated wall sign not exceeding one-and-one-half (1.5) square feet in area placed on any residential building. This type of sign is typically used as a name or address plate.

- O. Signs placed in or attached to a motor vehicle, bus, railroad car, or light rail car that is regularly used for purposes other than the display of signs.
- P. Signs, up to four (4) square feet and no taller than two (2) feet, constructed or placed within a parking lot. These signs are typically used to direct traffic and parking.
- Q. A sign that does not exceed four (4) square feet in area and four (4) feet in height, and is erected where there is a danger to the public or to which public access is prohibited.
- R. Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended and oriented for viewing by persons within the facility.
- S. Covered flier boxes under one (1) square foot in area when attached to a temporary or permanent sign.
- T. Banner signs placed or authorized by the City in the publicly owned right-of-way.

10.8.815 PROHIBITED SIGNS

The following signs are prohibited:

- A. Signs or sign structures which may pose a hazard to pedestrian or vehicular traffic, including but not limited to signs which obstruct clear vision areas as defined in Section 10.8.155 *Clear Vision Areas*.
- B. Signs not in compliance with applicable setback requirements.
- C. Signs within or which overhang the public right-of-way except signs installed or authorized by a governmental agency or public utility as permitted under the provision(s) of §3.900 et. seq. *Public Way Use Permits*.
- D. Portable signs in the following categories:
 - 1. Signs on a parked vehicle unless the vehicle is being used for transport in the normal day-to-day operations of a business.
 - 2. Signs propped up by or leaning against a motor vehicle when such vehicle is parked in the public right-of-way.
- E. Billboards.
- F. Moving signs.
- G. Festoons.
- H. Balloon signs.
- I. Hazardous signs.
- J. Flashing signs.
- K. Roof signs.
- L. Off-premise signs.
- M. Signs that appear similar to traffic control devices.
- N. Signs not in compliance with this Chapter.

10.8.820 TEMPORARY SIGNS

General temporary sign provisions.

- A. Temporary signs may be erected and maintained only in compliance with the following provisions. They shall:
 - 1. contain no moving parts and shall not be lighted.
 - 2. be affixed to a permanent structure.
 - 3. be placed no higher than the building’s eave, top of wall, or parapet.
- B. Permitted temporary signage. Temporary signage shall be allowed for each lot as follows:

1. Residential (R-5, R-7, R-10, SR, RML, RMH) Zones (no permit shall be required for such signs):
 - i. One temporary sign per frontage, not exceeding four (4) square feet in area, per side, which is erected for a maximum of eight (8) days in any calendar year and is removed by sunset on any day it is erected. Such signs are typically used for garage sales. No permit shall be required for such signs.
 - ii. Two temporary signs not exceeding 24 (twenty-four) square feet in area allowed per subdivision during the build-out of the residences in the subdivision. These types of signs are typically used for subdivision and model home identification. No sign may be erected for an inhabited residence.
 - iii. One temporary sign per lot, not exceeding six (6) square feet in area and 30 (thirty) inches in height.
 - iv. One temporary sign per frontage, not exceeding six (6) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.

2. Commercial (CC, CN, TC) and Industrial (LI, GI) Zones:
 - i. Up to two temporary signs not exceeding 100 square feet each (such as banner signs).
 - ii. Temporary signs shall be erected for no more than 30 consecutive days and for no more than sixty (60) days per calendar year.
 - iii. One temporary sign per frontage, not exceeding thirty-two (32) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.

3. Institutional Zone:
 - i. Up to two temporary signs not exceeding 100 square feet each (such as banner signs).
 - ii. Temporary signs shall be erected for no more than 120 days per calendar year.
 - iii. One temporary sign per frontage, not exceeding thirty-two (32) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.

C. All Zones:

1. Signs not exceeding six (6) square feet each in area during the period from six (6) weeks prior to a public election or the time the election is called, whichever is earlier, to 14 (fourteen) days after the public election. No permit shall be required for such signs.
2. One temporary sign per frontage, not exceeding six (6) square feet in area, during the time of construction, landscaping, or remodeling of the property, provided that the sign is removed within 30 (thirty) days of the completion of any construction, landscaping, or remodeling.

10.8.825 PORTABLE SIGNS

General portable sign provisions. Portable signs may be erected and maintained only in compliance with the following provisions:

- A. Portable signs shall be permitted in Commercial (CN, CC, TC), Industrial (LI, GI), and Institutional zones only.

- B. Portable signs shall be professionally prepared, contain no moving parts and shall not be lighted.
- C. Each property shall be permitted one portable sign, not exceeding six (6) square feet in area. The sign shall be located on private property directly adjacent to the business or institution to which the sign pertains, unless permitted to be in the public right-of-way under the provision(s) of §3.900 et. seq. *Public Way Use Permits*.
- D. Portable signs shall be removed at the close of the business day.

10.8.830 PERMANENT SIGN REGULATIONS

Permanent signs may be erected and maintained only in compliance with the following specific provisions:

A. General permanent sign provisions.

- 1. No signs are permitted within a public right-of-way unless authorized by a public agency.
- 2. Signs shall be erected in an upright position and placed perpendicular to a horizontal surface conforming to the line from horizon to horizon.
- 3. Maximum square footage restrictions include changeable copy and exclude accessory and incidental signs.
- 4. Minimum clearance for projecting, canopy, blade and hanging signs when over a walkway or access area is eight (8) feet. Signs shall not project beyond the canopy.
- 5. Projecting and hanging signs may extend no more than six (6) feet from a building’s façade. No projecting or hanging sign may be over 24 (twenty-four) square feet in area on each side.
- 6. Sign setbacks are measured from the nearest property line to the nearest portion of the sign. In addition to the specific setbacks noted above, all signs shall meet the clear-vision provision(s) of §10.8.155 *Clear Vision Areas*.

B. Residential (R-5, R-7, R-10, SR, RML, RMH) Zones.

- 1. Each subdivision, manufactured home park, or multi-family complex is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. The sign shall be non-illuminated or indirectly illuminated.
- 2. Each church or public school is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. Each sign may include changeable copy (manual or electronic). Any electronic changeable copy sign shall have all illumination turned off between the hours of 9 p.m. and 7 a.m. Each sign shall meet the setbacks applicable to the residential zone in which it is located.
- 3. Home occupation signs, not exceeding six (6) square feet in area, non-illuminated and professionally prepared.

C. Institutional Zone.

- 1. Each institution is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. Each sign may include changeable copy (manual or electronic). Any electronic changeable copy sign shall have all illumination turned off between the hours of 9 p.m. and 7 a.m. Each sign shall meet the setback provision(s) of §10.3.220(C) *Setbacks*.
- 2. In lieu of a monument sign, each institution is permitted a wall sign of up to 40 (forty) square feet in area.

D. Commercial (CC, CN) and Industrial (LI, GI) Zones. Signs in the commercial and industrial zones may be directly or indirectly lit and shall meet all setback provision(s) of its zone.

1. Monument Signs: Each site or multi-tenant complex is allowed one (1) permanent monument sign not to exceed 40 (forty) square feet in area and eight (8) feet in height per 400 feet of frontage, not to exceed three (3) per site or multi-tenant complex.
2. Wall signage (including window signage) shall have a gross area not greater than 15% of the face of the building to which the sign is attached or painted.
3. Canopy or hanging signs shall not exceed 15% of each wall face of the building to which the sign is attached.
4. No more than two (2) lighted signs shall be permitted in the windows of each business.

E. Commercial (CC) Zone:

1. In lieu of a monument sign, no more than one (1) pylon sign shall be allowed per street frontage. Multiple-tenant developments may be allowed additional pylon signs as provided in section (D)(1) above.
2. All pylon signs shall have a minimum clearance of ten (10) feet below the sign and shall have a maximum, overall height of twenty (20) feet above grade. No pylon sign shall have a total area of more than forty (40) square feet per face, except as provided in section (3) below.
3. Pylon signs for properties with three or more businesses may have up to seventy (70) square feet per face.

F. Commercial (TC) Zones:

1. Canopy or hanging signs shall not exceed 15% of each wall face of the building to which the sign is attached.
2. Wall signage (including window signage) shall have a gross area not greater than 15% of the face of the building to which the sign is attached or painted.
3. No wall sign shall project more than 18 inches from the wall to which it is attached.
4. Businesses with ground-floor entrances which have the front building line within five (5) feet of the public right-of-way shall be permitted one (1) projecting sign on the front building face, side, or corner in lieu of a wall sign. Projecting signs shall project no more than six (6) feet, have a maximum vertical dimension of six (6) feet, and be limited to a maximum of 24 (twenty-four) square feet of area per face.
5. Lighting for signs in the TC zones shall be limited to internal lighting, where the light source is inside the sign, or to indirect lighting screened from view, where the light source is located below the sign, and is part of an ornamental feature of the sign structure. Braces and struts which support indirect lighting from the top or sides of the sign are prohibited. This Section shall not be applicable for signs and lighting approved through Town Center Track 2 *Design Guidelines*.
6. No more than two (2) lighted signs shall be permitted in the windows of each business.
7. A lighted sign visible to and located within 100 feet of a residential zone shall be turned off from 10:00 p.m. to sunrise.

Figure 8-16: Signs in the Town Center



G. Video display and changeable copy signs (manual and electronic) are subject to the following standards:

1. Video display signs shall only be allowed as part of a permanent monument or wall sign.
2. Manual changeable copy signs shall be allowed as part of a permanent monument, wall, or pylon sign.
3. The video display and changeable copy portion of a sign may not exceed 24 (twenty-four) square feet in area.
4. Electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not change at intervals of less than seven (7) seconds.
5. Video display and electronic changeable copy signs shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk and dawn as measured from the sign's face at maximum brightness.
6. Video display and electronic changeable copy signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour (1-1/2 hour) before sunset and one half-hour (1-1/2 hour) after sunrise.

10.8.835 SIGN PERMITS

No sign which is not specifically listed as exempt from the provisions of this ordinance shall be erected, constructed, attached, relocated, or structurally altered without obtaining City approval. Such approvals are not required for signs listed as exempt or for routine sign maintenance.

- A. Permits for modifications of existing signs, or to legalize signs for which a permit was not obtained when it was constructed, will be processed by means of a Type 1 procedure.
- B. A permit for new signs will be processed by means of a Type 1 procedure, using the standards of this chapter as approval criteria.

10.8.840 PERMIT REQUIREMENTS

An applicant for a sign permit shall supply the following information on forms provided by City:

- A. Size, height, location, description, and material of the sign;
- B. Name of the manufacturer, contractor, owner, and business advertised;
- C. Scaled drawing(s) and description of copy, structure, and lighting;
- D. Photo(s) or drawing(s) of the proposed sign location(s); and
- E. Signature of property owner or designee.
- F. Other information required to demonstrate compliance with this chapter.

10.8.845 LANDMARK AND ABANDONED SIGNS

Landmark signs and abandoned signs are subject to the following provisions:

- A. Landmark Signs may be exempted from the provisions of this chapter upon the recommendation of the Historic Landmarks Board.
- B. Abandoned signs shall be removed or made conforming within 45 (forty-five) days of the date they become classified as abandoned.

10.8.850 CONSTRUCTION AND MAINTENANCE STANDARDS

The following standards apply to the construction and maintenance of signs in the City:

- A. All permanent signs shall be constructed and erected in accordance with the design and construction requirements of the most recent edition of the State of Oregon Structural Specialty Code.
- B. All illuminated signs shall be subject to the provisions of the State Electrical Specialty Code. It shall be the applicant's responsibility to demonstrate compliance with that code by supplying the City with a copy of an approved State Electrical Permit.
- C. All signs shall be maintained at all times in a state of good repair. No person shall maintain or permit to be maintained on their premises any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or other dilapidated or unsafe condition.

10.8.855 NONCONFORMING SIGNS

A. Non-conforming signs shall be brought into compliance when:

- 1. The sign is physically modified to the extent that a building permit is required; or
- 2. The use of the building or tenant space to which the sign pertains changes (e.g., office to retail); or
- 3. The site is subject to conditional use permit review, or design review as defined in §10.2.310.

B. All temporary or portable signs not in compliance with the provisions of this code shall be removed or made compliant immediately following adoption of this ordinance.

10.8.860 VARIANCES

Signs not consistent with the provision(s) of this code may be approved pursuant to section 10.2.720 *Variance Review Criteria*.

10.8.865 ENFORCEMENT

The Community Development Director or designee shall have the authority to order or effect the removal of any sign which does not conform to the provision(s) of this ordinance.

10.8.870 PENALTY IMPOSED

A person responsible for a violation of any provision(s) of this ordinance shall be subject to a civil penalty in an amount of not less than \$100 for the first violation, \$500 for the second violation, and \$1,000 for any subsequent violation occurring in a two-year period starting from the issuance of the first notice of violation. The Community Development Director or designee may cite the violator into Municipal Court for said violations.

10.8.875 PERMIT FEE

The fee for a sign permit described above shall be set by City Council by resolution.

OTHER DEVELOPMENT REVIEW STANDARDS

10.8.880 SINGLE-FAMILY AND DUPLEX

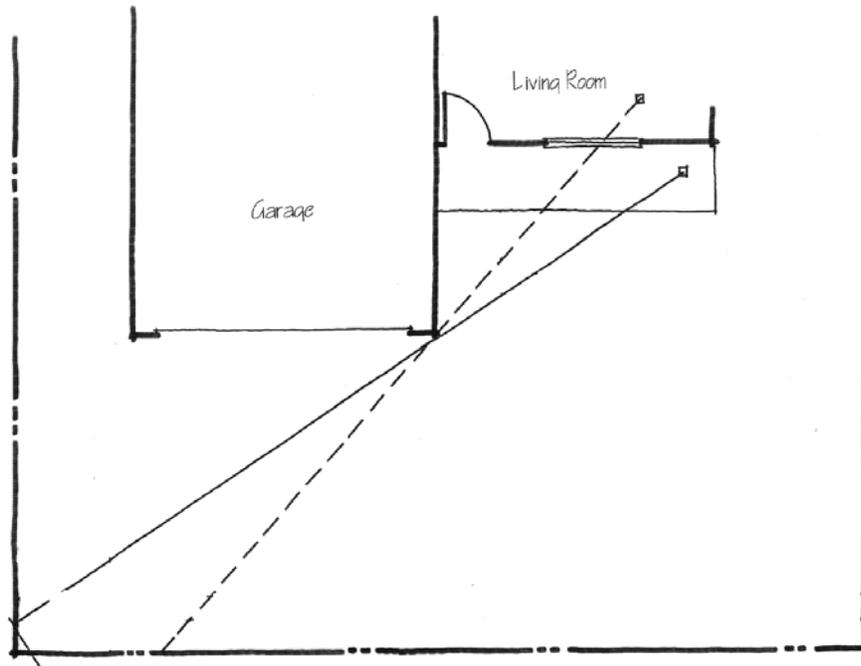
A. Purpose

1. The purpose of the design standards is to ensure that new residential development has a positive influence on the livability and safety of surrounding neighborhoods. The standards are narrowly focused on improving the way that new residential buildings relate to the public right-of-way (streets, sidewalks and parkways).

B. Applicability

1. The standard relating to street connection is applicable to construction of single family dwellings, manufactured homes and duplexes on lots 9,000 square feet or smaller with an average slope of 12% or less. The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. The dwelling diversity standard is applicable to new subdivisions. Compliance with the design standards is checked during building plan review.

Figure 8-17: Visual Surveillance Standard



C. Standards

1. Street Connection and Visual Surveillance Standard. The front facade shall be designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front-facing window such that a person, if there were no vegetation, would be able to see 100% of their front property line. The intent is to create a physical connection between the dwelling unit and the public sidewalk and/or street, and to allow the dwelling units occupants to see the public sidewalk and/or street for visual surveillance and crime prevention.
2. Lot Diversity Requirement. For subdivisions of six (6) lots or more, there shall be a variety of lot sizes, with at least a 50% increase between the smallest and largest lots.
3. Dwelling Diversity Standard. Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes.
4. Building Façade and Elevation Standards
 - a. No more than that six (6) single-family attached units shall be allowed in a series.
 - b. Duplex units with single family districts shall be designed and constructed to give the impression from the street of one single-family unit or, one corner lots, or two different units facing different directions.
 - c. No more than thirty-five percent (35%) of the front façade area of an attached single family or duplex unit shall be used for garage doors.
 - d. Front elevations shall provide design variation to avoid repetition and create architectural interest.
 - e. No building elevation shall have a horizontal or vertical blank wall section greater than fifteen feet (15’).
5. The Director may approve an increase of the allowable percentage of duplex or single family attached units within SR, R-10, R-7 or R-5 district is the following criteria are adequately addressed:
 - a. The location and placement of the duplex and townhouse units maintain the appearance and single-family character of the subdivision, especially in regards to adjacent single-family development.

- b. Proposed duplex designs convey the appearance of single-family units. For larger subdivisions, a number of different duplex designs would be required to justify the increase percentage.
- c. The units visibility to the street, for example by having front porches or provide vehicular or parking access from a back alley.

10.8.885 INSTITUTIONAL ZONE DESIGN STANDARDS

A. Purpose. The purpose of the institutional design standards is to ensure that new development has a positive influence on the livability and safety of the Forest Grove community. The standards are focused on improving the way that new institutional buildings relate to the surrounding neighborhood, help create a pleasant pedestrian environment and support available public transit service.

B. Applicability

- 1. Development in the INST zone is subject to Design Review under a Type II process.
- 2. Design Review for projects within the INST zone may be conducted as part of a Type III, Conditional Use permit process.

C. Design Standards for Multi-Unit Residential Buildings in INST Zone

Multi-unit residential buildings in the Institutional District shall meet the standards of Multi-unit development found in this Article.

D. Design Standards for Non-residential Buildings in INST Zone

- 1. Building Location. The building location should imitate the pattern set by surrounding residential development. For example, if adjacent dwellings are set back twenty (20) feet from the street, the INST building(s) should maintain the same setback.
- 2. Building Orientation and Entrance. At least one (1) main entrance to the INST building(s) shall be oriented to the street and sidewalk rather than toward the parking area. A direct sidewalk connection shall extend from the public sidewalk to the main entrance.
- 3. Parking Location. Off-street parking for the INST building(s) should be located to the side or behind the building and shall not be located between the building and the street(s). To minimize the extent of paved areas, on street parking available along the frontage of the INST lot may be counted toward off-street parking requirements.
- 5. Trash Storage Area. The INST building(s) shall provide an adequate sized trash storage area to accommodate waste generated on-site. The trash storage area shall be screened from public view from the sidewalk.

6. Pedestrian connections and travel shall be given clear priority in INST district. The on-site pedestrian circulation system shall connect to public sidewalks adjacent to the site.
7. Primary entrances shall be architecturally emphasized and visible from the street. Building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes, or awnings that protect pedestrians from the rain and sun.

LAND DIVISION STANDARDS

10.8.900 PURPOSE

This section contains many of the standards for land division intended to preserve, protect, and promote the public health, safety, convenience, and general welfare of the community. These standards are to be used in conjunction with the land division procedural requirements provided in Article 6.

10.8.905 STANDARDS

A. Block Design

1. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.
2. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths, except where blocks are adjacent to an arterial, a railroad, or waterway, and shall meet the following standards:

B. Block Length and Perimeter

1. The layout of streets shall not create excessive travel lengths. Block lengths shall be a maximum of 500 feet and block perimeters shall be a maximum of 1,200 to 1,600 feet. Block length is defined as the distance along a street between the centerline of two intersecting through streets. Block perimeter is defined as the sum of the block lengths of all sides of a block.
2. In residential subdivisions and mixed-use developments, no block shall be more than 330 feet in length. This length can be exceeded up to a maximum length of 660 feet under Block Length Exceptions below.

C. Block Length Exceptions. An exception to the block length standard may be permitted during the land division review when one of more of the following conditions exists:

1. Physical conditions that preclude development of a public street. In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made. Such conditions may include, but are not limited to, topography, wetlands, mature trees, creeks, drainages, and rock outcroppings.
2. Buildings or other existing development on adjacent lands that preclude a street connection now or in the future, considering the potential for redevelopment.
3. Barriers such as freeways or railroads preclude street connections.
4. Average slope of the block exceeds 15%, the additional block length is the minimum necessary to address characteristics of the site, and the tangent of the roadway centerline does not vary more than 30 degrees transverse to the slope contours.

5. Where an existing public street or streets terminating at the boundary of the development site have a block length exceeding 500 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 500 feet. In such cases, the block length shall be as close to 500 feet as practical.

D. Pedestrian Ways

1. Off-street pedestrian ways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a street is not feasible. In cases where a street connection is feasible, off-street pedestrian ways shall not be permitted in lieu of a traditional street with sidewalks.
2. When block lengths exceed 500 feet, a pedestrian way of not less than ten (10) feet in width shall be dedicated to provide pedestrian access thorough the block, or to provide access to schools, parks, designated open areas, or other public areas. Such pedestrian ways shall be improved with hard surface material with an appropriate base to a minimum width of five (5) feet prior to issuance of any building permit for construction within the subdivision.
3. Sidewalks and/or pedestrian ways shall be designed according to City standards or specifications on file at the City.
4. Designated crosswalks across streets may also be required by the Director near the center of blocks that are over 500 feet in length.

E. Easements

1. Easements of ten (10) feet in width shall be provided along the front lines of all lots or parcels for public utilities and sidewalks. Larger easements may be required where necessary. The City or other appropriate public agency shall be empowered to enter upon such easement for construction or maintenance of public utilities, and to remove, if necessary, any fence, tree, shrubbery or other obstruction, which may have been located within the easement.
2. Where a land division contains a watercourse or area serving for the accumulation or retention of surface water, easements shall be provided for such watercourses or retention area to ensure that no building or structure shall be erected therein.
3. Where the alignment of a utility easement (other than required perimeter easements) is such that it would also serve as suitable easement for originating or continuing a pedestrian/bicycle path, the Director may require that such easement be designated on the plat as serving both functions. In such cases, the minimum easement width shall be ten (10) feet and the pedestrian/bicycle path shall be improved with a hard surface to a minimum width of eight (8) feet.

F. Lots, Parcels and Common Areas

The size, dimensions, and orientation of lots and parcels shall be appropriate for the location of the subdivision or partition, for the type of development and use contemplated, and shall be consistent with all applicable standards of this Code and the following:

1. Lot and Parcel Side Lines. The side lines of parcels in partitions shall run at right angles to the street upon which they face to the maximum extent feasible, and on curved streets shall be radial to the curve wherever possible. The side lines of lots in subdivisions need not run at right angles to the abutting street, but may be laid out at any suitable angle to satisfy the solar access standards of §10.5.400, and to allow for a suitable subdivision design for the type of development and use contemplated.
2. Frontage. Each lot and parcel shall have a minimum frontage on a public street of at least twenty (20) feet with two exceptions:
 - a. A lot or parcel on the radius of a curved street or on the circular end of a cul-de-sac shall have frontage of not less than thirty (30) feet upon the abutting street right-of-way measured on the arc.
 - b. Where a flag lot is proposed and the access strip is serving only one lot, the frontage shall be not less than fifteen (15) feet.
3. Through Lots and Parcels. Through lots and parcels are prohibited, except where they are necessary to provide separation of development from arterial streets or adjacent incompatible activities or developments. In such cases, the Director may require that evergreen screening, a masonry wall, a landscaped earth berm, and/or a non-access easement be provided along the line of lots or parcels abutting such an arterial street or other incompatible uses.
4. Future Subdivision or Partition of Lots or Parcels. Where a subdivision or partition will result in a lot or parcel of one-half (½) acre or larger in size which in the judgment of the Director is likely to be further divided in the future, the Director may require that the location of lot and parcel lines and other details allow for efficient future division without violating the requirements of this Code and without interfering with the orderly extension of adjacent and abutting streets. The Director may also require that restrictions concerning locations of buildings within future street locations and vehicular access to lots or parcels be made a matter of record if deemed necessary for permitting the efficient subsequent division of the land.
5. Subsequent Flag Lots. Land partitions are prohibited within subdivisions for a period of five (5) years after the date of final plat approval, unless the land is shown as a future development area on the final plat.
6. Lot Access to Resource Areas. For subdivisions, significant natural resources such as streams, riparian areas, and wetlands shall be protected, integrated into the design of the subdivision, platted as a common area, and made accessible to as many individual parcels as possible.

G. Public Use Areas

1. Dedication Requirements.

- a. Where a proposed park, playground or other public use shown in a development plan adopted by the City is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision.
- b. Where considered desirable by the Commission in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the Commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks and other public use.

2. Acquisition By Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, such land shall be acquired by the appropriate public agency within eighteen (18) months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider.

COVENANTS, CONDITIONS AND REQUIREMENTS

10.8.1000 COVENANTS, CONDITIONS AND REQUIREMENTS

Where proposed, Covenants, Conditions and Requirements (CC&Rs) shall:

- A. Be reviewed and approved by the Community Development Director prior to approval of a final partition, final plat, final planned development review or, if none of the above, prior to the approval of the first planning permit required for the development.
- B. The CC&Rs shall not violate any City ordinance requirements unless modified by City approval of the project and shall include at a minimum:
 - 1. Where applicable, summary of any hazard analysis performed as part of the project approval pursuant to §10.8.300 et. seq. and any recommendations or requirements from that analysis to obtain a building permit;
 - 2. Provisions to adequately maintain any common area including but not necessarily limited to identification of the party responsible for maintaining the area and sufficient annual funding to conduct necessary maintenance;
 - 3. Any other provisions required by conditions of approval; and
 - 4. A section that states those provisions in the CC&Rs required by the City can't be changed or deleted without approval by the Community Development Director.

MARIJUANA DEVELOPMENT STANDARDS

10.8.1100 GENERAL STANDARDS FOR ALL MARIJUANA FACILITIES

- A. The application shall demonstrate compliance with the locational requirements of ORS 475B and must maintain State certification at all times.
- B. Marijuana-related activities are prohibited on publicly-owned lands.
- C. Entrances and off-street parking areas shall be well-lit and not visually obscured from public view / right-of-way. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances. Interior building lighting, exterior building lighting and parking area lighting shall be of sufficient foot-candles and color rendition so as to allow the ready identification of any individual at a distance of no less than forty (40) feet. Exterior lighting shall be provided in accordance with required security measures and shall be continuously maintained.
- D. The facility must provide for secure disposal or render impotent marijuana remnants or by-products, or items with marijuana residue of any kind.
- E. All hazardous materials shall be stored and processed in a manner approved by the City Fire Marshal. Hazardous waste shall be disposed of properly through a properly licensed solid waste disposal or recycling facility.
- F. A pre-application conference and conditional use approval (§10.1.200 et. seq.) is required for any marijuana producer, processor, wholesaler, or testing laboratory. A neighborhood meeting may be required as part of the pre-application process pursuant to §10.1.220 et. seq.
- G. The City shall not issue any other permit for development until final Conditional Use approval has been granted.
- H. Any person or property in violation of §10.8.1100 et. seq. is subject to abatement and assessment by the City under the abatement procedures of Municipal Code §5.270 through 5.290.

10.8.1110 MEDICAL MARIJUANA DISPENSARIES AND MARIJUANA RETAILERS

A medical marijuana dispensary and marijuana retailer activities shall comply with the following design standards and operational requirements in addition to all other applicable City requirements:

- A. May not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.
- B. The facility must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor storage of merchandise, raw materials, or other material associated with the facility is prohibited.

- C. Any modification to the site or the exterior of the building housing the facility must be consistent with the Design Standards of §10.8.700 et. seq. Security bars or grates on windows and doors are prohibited unless integrated into the design.
- D. The dispensary or retail operation may not have facilities for drive-up use.
- E. The dispensary must provide for secure disposal or render impotent marijuana remnants or by-products, or items with marijuana residue of any kind.
- F. A medical marijuana dispensary may not locate within 1,000 feet from a school (public or private). A medical marijuana dispensary may not locate within 1,000 feet of another medical marijuana dispensary. Distance shall be measured property line to property line.
- G. A recreational marijuana retailer may not locate within 1,000 feet of a school (public or private). Distances shall be measure property line to property line.

10.8.1120 OTHER MARIJUANA FACILITIES

The following requirements apply to marijuana-related wholesaler, processing, producers, and testing laboratories.

- A. The facility must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor storage of merchandise, raw materials, or other material associated with the facility is prohibited. Views into a production or processing area or testing laboratory from the exterior of a building are prohibited.
- B. Public access to a marijuana facility shall be limited to employees, personnel, and persons over the age of 21 legally authorized to conduct business with the operator.
- C. All, producers, processors, wholesalers, and testing laboratories shall provide a method to control odors. Such facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. The systems shall include the following features:
 - 1. Installation of activated carbon filters on all exhaust outlets to the building exterior; and
 - 2. Location of exhaust outlets a minimum of 10 feet from the property line; 3 feet from exterior walls; and 10 feet above finished grade; and
 - 3. Maintenance of negative air pressure within the facility; or
 - 4. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.