

EXHIBIT 1: LEGISLATIVE MARKUP

ADAIR VILLAGE TRANSPORTATION SYSTEM PLAN IMPLEMENTATION AMENDMENTS

Deleted text is shown in strikethrough. New or added text is underlined. Amendment descriptions are explanatory only and are not codified.

SECTION 1.140 REGULATION COMPLIANCE

Section 1.140, Regulation Compliance, is amended to read as follows:

~~In addition to the regulations contained herein, all proposed developments within the City shall comply with the following regulations:~~

- ~~(1) The Adair Village Comprehensive Plan (2015).~~
- ~~(2) Adopted Maps or Development Plans.~~
- ~~(3) Transportation System Plan (2019).~~
- ~~(4) The Adair Village Public Infrastructure Design Standards Manual (2009).~~
- ~~(5) Oregon Revised Statutes, Chapter 227, City Planning and Zoning (ORS 227).~~
- ~~(6) Oregon Revised Statutes, Chapter 197, Comprehensive Land Use Planning Coordination (ORS 197).~~
- ~~(7) Oregon Administrative Rule, Chapter 660, Rules on Land Use Planning (OAR 660).~~ (8) Oregon Revised Statutes, Chapter 92, Subdivisions and Partitions (ORS 92).
- ~~(8) Oregon Revised Statutes, Chapter 209, County Surveyors (ORS 209).~~
- ~~(9) Recording requirements of the Benton County Surveyor.~~

~~All other applicable regulations provided by law. No person shall develop lands within the City without having complied with the applicable provisions of this Code and the applicable provisions of county, state, or federal law.~~

Development shall comply with this Code and applicable federal and state law.

- (1) The Comprehensive Plan, Transportation System Plan, adopted facility plans, adopted maps, and Public Infrastructure Design Standards Manual apply to a development application to the extent that:
 - (a) A specific provision is expressly incorporated into this Code or identified as an applicable approval criterion or standard by this Code; or
 - (b) The provision is independently applicable under federal or state law.
- (2) A goal, policy, recommendation, project list, guideline, or other provision of an external plan or document does not constitute an independent approval criterion or standard for an application unless this Code expressly identifies the provision as an applicable approval criterion or standard.
- (3) The Comprehensive Plan, Transportation System Plan, facility plans, and project lists may be used to guide legislative decisions, capital planning, and public facility programming without serving as independent approval criteria for an individual development application.
- (4) The Public Infrastructure Design Standards Manual governs engineering design, materials, construction, testing, inspection, and acceptance. The Manual may not establish or modify a land use approval criterion or standard unless the criterion or standard is adopted into this Code.

SECTION 1.150 INTERPRETATION

Section 1.150, Interpretation, is amended to read as follows:

Where the conditions imposed by any provision ~~a provision~~ of this Code ~~imposes a requirement or restriction that is~~ are less restrictive than ~~a comparable conditions~~ ~~requirement or restriction~~ imposed by ~~another~~ ~~ny other~~ provisions of this Code or another y other city ordinance, state law or federal law, ~~the more restrictive requirement or restriction~~; the provisions that are shall govern.

Notwithstanding the foregoing, where transportation-related standards conflict:

- (1) Article 5 controls land use requirements related to street functional classification, required right-of-way, street cross-sections, access spacing, connectivity, mobility, and required pedestrian, bicycle, and shared-use path facilities;
- (2) Article 8 and the Public Infrastructure Design Standards Manual control engineering design and implementation requirements including construction details, materials, construction methods, testing, inspection, security, and acceptance; and
- (3) Standards applicable to transportation facilities under the jurisdiction of Oregon Department of Transportation (ODOT) or Benton County are subject to the applicable standards and requirements identified in Section 8.900.

SECTION 1.170 ADMINISTRATION

Subsections (2)(d) and (3) are amended as follows. Subsections (1), (2)(a) through (c), and (4) remain unchanged.

(2)(d) The City Administrator shall have authority to review and approve Property Line Adjustments, Section 2.310; Duplex Division Partitions, Section 6.105; Final Plat Approval, Section 2.331; and ~~Site Plan Reviews for structures less than 4,000 square feet~~ Minor Site Plan Reviews under Section 2.400.

(3) The Planning Commission shall have the authority to review and approve ~~Site Plan Reviews for structures greater than 4,000 square feet, Section 2.400~~ Major Site Plan Reviews under Section 2.400; Conditional Uses under ,Section 2.500; Variances under ,Section 2.600; and Land Partitions under, Section 2.320; and modification requests for which the Planning Commission is the decision authority under Section 5.140(15).

SECTION 1.200 DEFINITIONS

Section 1.200 is amended by deleting the existing definition of Alley; replacing the definitions of Access, City, and Street or Road; and adding the remaining definitions shown below.

Access: ~~The way or means by which pedestrians, bicycles and vehicles enter and leave property.~~ The connection or means by which pedestrians, bicycles, or motor vehicles enter or leave a property, including a driveway, private street, public street, or access easement.

Access Consolidation: The closure or removal of one or more existing or proposed access points and the provision of access through a shared, relocated, or combined access point.

Access Point: The location where a driveway, private street, alley, or public street intersects another street or roadway.

Access Spacing: The distance between access points measured in accordance with Section 5.122.

Alley: ~~A street that affords only a secondary means of access to property.~~

Bikeway: A transportation facility designed or designated for bicycle travel, including bicycle lanes, buffered bicycle lanes, separated bicycle facilities, bicycle boulevards, and shared-use paths.

City: ~~The City of Adair Village, Oregon. References to “City” means the decision-making authority for the requested action where more than one may apply depending upon the specifics of action requested. The City Council is the final authority for all decisions.~~ The City of Adair Village, Oregon. When used in reference to a decision, “City” means the decision authority assigned by this Code.

Driveway Approach: The portion of a driveway that connects private property to a public or private street right-of-way.

Frontage: The portion of a lot or parcel that abuts a street right-of-way.

Frontage Improvement: A street, sidewalk, bikeway, drainage, lighting, landscaping, or related public improvement required along the frontage of a development site.

Functional Classification: The designation of a street according to its intended transportation function, as established by the Transportation System Plan and Section 5.140.

Mobility Standard: An adopted transportation performance standard used to evaluate the operation of a transportation facility, including volume-to-capacity ratio, delay, level of service, queuing, or another performance measure identified in Section 5.140.

Planned Transportation Facility: A street, street extension, intersection, accessway, sidewalk, bikeway, shared-use path, or other transportation facility specifically identified by a TSP map, table, figure, or project incorporated by Section 5.140.

Public Improvement: A street, sidewalk, bikeway, shared-use path, water, sanitary sewer, storm drainage, utility, lighting, or other facility intended for public use or acceptance.

Qualified Transportation Engineer: A professional engineer registered in Oregon and qualified by education, training, and experience in traffic or transportation engineering to perform the required analysis. A Transportation Impact Analysis shall be prepared under the responsible charge of a Qualified Transportation Engineer. The final Transportation Impact Analysis shall be signed and sealed by the engineer.

Shared-Use Path: A facility physically separated from motor vehicle traffic and designed for use by pedestrians, bicyclists, and other nonmotorized users.

Street or Road: A public or private way that is created to provide ~~vehicular~~ ingress or egress for persons to one or more lots, parcels, areas, or tracts of land.

Streets are classified according to their intended function as established by the Transportation System Plan and this Code.

(a) **Alley:** A narrow public or private way that provides secondary vehicular access to abutting lots or parcels and is designed in accordance with the applicable alley standards of this Code.

~~— **Arterial:** A street of considerable continuity that is primarily a traffic artery for interconnection between large areas.~~

(b) **Arterial Street:** A Principal Arterial or Minor Arterial.

i. **Principal Arterial:** A street that carries regional traffic with origins and destinations outside the area.

ii. **Minor Arterial:** A street that carries major local traffic between communities or nearby areas, or between community districts.

~~— **Collector:** A street supplementary to the arterial street system and a means of interconnection between arterials; used for through traffic and access to small areas.~~

(c) **Collector Street:** A Major Collector or Minor Collector.

i. **Major Collector:** A street that carries major local traffic between communities, nearby areas, or community districts and typically carries a higher volume of traffic than a Minor Collector.

ii. **Minor Collector:** A street that carries local traffic between communities, nearby areas, or community districts and typically carries a lower volume of traffic than a Major Collector.

(d) **Local Street:** A street designated as a local street in a city's adopted Transportation System Plan, in the applicable functional classification map, or in the city's public works or engineering standards. Where street classifications have not been established, "local street" means a street that serves primarily local access to property and circulation within neighborhoods or specific areas.

(e) **Neighborhood Local Street:** A Local Street designed to provide access to abutting property using the reduced-width Neighborhood Local Street cross-section established by the applicable transportation standards of this Code.

(f) **Cul-de-sac:** A short dead-end Local Street terminated by a vehicular turnaround.

~~**Half Street:** A portion of the width of a street, usually along the edge of a land division, where the remaining portion of the street could be provided in another tract.~~

(g) **Partial-Width Street:** A street that is constructed or dedicated at less than the ultimate width required by this Code, where the remaining right-of-way, improvements, or both may be provided through future development of adjoining property.

(h) **Frontage Access Street:** A Local Street ~~minor street~~, protected from through traffic that provides access to abutting properties ~~and that~~ is generally parallel and adjacent to an arterial street.

Traffic Impact Analysis (TIA): A technical transportation study prepared by a Qualified Transportation Engineer that evaluates the transportation effects of proposed development and identifies improvements or mitigation necessary to satisfy applicable standards.

Transportation Assessment: A written evaluation of proposed access, trip generation, circulation, multimodal connections, safety, and the ability of affected transportation facilities to serve a proposed development.

Transportation Facility: A facility for the movement of people or goods, including a street, highway, accessway, sidewalk, bikeway, shared-use path, transit facility, or related improvement.

Transportation Improvement: A physical or operational improvement to a transportation facility, including right-of-way, street construction, access modifications, turn lanes, sidewalks, bikeways, shared-use paths, traffic controls, and intersection improvements.

Transportation Mitigation: An improvement, condition, access restriction, operational measure, or proportionate contribution required to address transportation impacts attributable to a proposed development.

SECTION 2.140 APPLICATION SITE PLAN

Subsections (9), (10), (12), (14), and (19) are amended as follows. All other provisions remain unchanged.

~~(9) Off-street parking: location, number of spaces, dimensions of parking area and internal circulation patterns.~~

(9) Off-street parking: the location, number, and dimensions of parking spaces, parking aisles, maneuvering areas, and internal vehicle-circulation routes.

~~(10) Access: pedestrian, bicycle, vehicular and service locations and ingress and egress locations.~~

(10) Access and Circulation. Existing and proposed pedestrian, bicycle, vehicle, service, and emergency access and circulation, including ingress and egress locations. The plan shall show, as applicable, access dimensions, driveway spacing, clear-vision areas, connections to adjoining property, emergency-access routes, and required access easements. Sight distance, vehicle turning movements, queuing or stacking areas shall be shown when required by Section 5.140 or otherwise necessary to demonstrate compliance with an applicable standard of this Code.

(12) Loading: the location, dimensions, and number of loading spaces and associated access, maneuvering, and circulation areas.

~~(12) Loading: location, dimension, number of spaces and internal circulation.~~

(14) Existing and proposed streets, including functional classifications, rights-of-way, easements, surface materials, access points, dedications, frontage improvements, and connections to existing transportation facilities and Planned Transportation Facilities applicable under Section 5.140.

~~(14) Existing and proposed streets including surface materials dedications and improvements.~~

(19) Transportation Information. The application shall identify the existing and proposed uses, estimated daily and peak-hour trips, proposed access points, on-site circulation and queuing, pedestrian and bicycle connections, emergency and service access, and other transportation information required to evaluate the application under Section 5.140. A Transportation Assessment or Traffic Impact Analysis shall be submitted when required by Section 5.140.

SECTION 2.324 EXISTING CONDITIONS INFORMATION

Subsection (2) is amended, and subsections (10) and (11) are added, as follows:

~~(2) The location, widths and names of both opened and unopened streets within or adjacent to the land division, together with easements, other rights-of-ways and other important locational information such as section lines, corners, city boundary lines and monuments~~

(2) The location, name, functional classification, right-of-way width, improved width, and surface type of each opened or unopened street within or adjacent to the land division, together with existing easements, rights-of-way, section lines, corners, City boundary lines, and monuments.

(10) Existing pedestrian, bicycle, vehicle, service, and emergency-access points and circulation routes within or adjoining the property.

(11) Existing transportation facilities within or adjoining the property, including streets, pedestrian routes, bicycle facilities, shared-use paths, and other transportation connections.

SECTION 2.325 PROPOSED PLAN INFORMATION

Section 2.325 is amended by replacing subsection (2) and adding subsections (11) through (13) as follows. All other provisions remain unchanged.

~~(2) The location, width, name and approximate grade and curve radii of proposed streets. The relationship of proposed streets to existing streets and any projected future streets shown on the City's Comprehensive Plan or Official Street Map. Streets proposed for public dedication and streets held for private use shall be clearly indicated and all reservations or restrictions relating to such private streets shall be included in the statements specified in Section 2.326.~~

(2) The location, name, functional classification, right-of-way width, improved width, approximate grade, curve radius, and connection points of each proposed street. The plan shall show the relationship of proposed streets to existing streets, approved but unconstructed streets, Planned Transportation Facilities applicable under Section 5.140, and adjoining property where future street or transportation connections may be required by this Code. Each street shall be identified as public or private, and proposed access restrictions or reservation strips shall be shown.

(11) Proposed pedestrian, bicycle, vehicle, service, and emergency access and circulation, including driveways, street-access locations, sidewalks, walkways, bikeways, shared-use paths, connections to adjoining property, emergency-access routes, and queuing, loading, and service areas, as applicable.

(12) Transportation information, a Transportation Assessment, or a Traffic Impact Analysis when required by Section 5.140.

- (13) A conceptual future street and access plan when Section 5.140 requires a transportation facility or connection to be extended through or reserved across the property to serve adjoining land.

SECTION 2.326 ACCOMPANYING STATEMENTS

Subsection (5) is amended to read as follows:

- ~~— (5) identify all public improvements proposed to be installed, the approximate time installation is anticipated and the proposed method of financing. Identify required improvements that are proposed to not be provided and the reason why they are not considered necessary for the proposed land division.~~
- (5) Identify all public improvements proposed to be installed, including transportation improvements required by this Code, including Article 5, and implemented in accordance with Article 8; the phase or approximate time in which each improvement will be provided; whether each improvement will be constructed before final Plat approval or secured under Article 8; and the proposed method of financing. Identify any required improvement proposed not to be provided at the time otherwise required and the specific Code provision authorizing its omission, modification, or deferral.

SECTION 2.328 TENTATIVE PLAN - DECISION CRITERIA

Subsection (3) is amended to read as follows:

- ~~(3) The proposed street plan is in conformance with City standards and provides the most economic, safe and efficient circulation of traffic in relation to the existing City street system.~~
- (3) Transportation and Street Connections. The proposed land division complies with the applicable requirements of Sections 5.122 through 5.125 and Section 5.140, including the applicable standards for access, street functional classification, rights-of-way, pedestrian and bicycle facilities, shared-use paths, connectivity, mobility, and Planned Transportation Facilities. Transportation improvements required by this Code shall be constructed, or secured for later construction when authorized, in accordance with Article 8.

SECTION 2.336 DEDICATION REQUIREMENTS

Subsection (4) is amended to read as follows:

- ~~(4) — The land divider shall provide and designate one-foot reserve strips across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land. The reserve strip shall be included in the dedication granting to the City the right to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way.~~
- (4) The land divider shall provide and designate one-foot reserve strips across the ends of stub streets adjoining undivided land or along Partial-Width Streets adjoining undivided land. The reserve strip shall be included in the dedication, granting the City the right to control access over the reserve strip to assure continuation or completion of the street. The reserve strip shall overlay the dedicated street right-of-way.

SECTION 2.400 SITE PLAN REVIEW

Section 2.400 is repealed and replaced in its entirety as follows:

~~The purpose of the Site Plan Review procedures is to correlate the general code requirements with the specific site conditions and proposed uses through a comprehensive review process to assure that developments are in conformance with the City's applicable land use regulations. The City Administrator shall be the Site Plan Review decision authority for structures less than 4,000 square feet and the Planning Commission shall be the Site Plan Review decision authority for structures greater than 4,000 square feet.~~

Site Plan Review Application. An application for a use requiring a Site Plan Review shall be filed with the City together with a site plan and other supplementary data described in the Application, Section 2.130 and Section 2.140. The City Administrator may also request a Site Plan Review for any development proposal, in addition to those specifically required by this Code, if the site or proposed use possess any one of the following characteristics: (a) Site is traversed by a natural drainage way or has demonstrated drainage limitations. (b) Site includes, or is adjacent to, Open Space and/or Greenway Areas designated in the Comprehensive Plan. (c) Site is located in a hazard area. (d) Site contains unusual topographic features including hillside slopes exceeding 15% slopes. (e) Site or proposed buildings have unusual or special features requiring a decision by the City.

Decision Criteria. After an examination of the Site and prior to approval, the decision authority must make the following findings: (a) That the proposed development complies with the intent of City's Comprehensive Plan. (b) That there is compliance with City codes and ordinances. (c) That traffic congestion is avoided, pedestrian and vehicular safety are protected, and future street rights of way are protected. (d) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on adjacent properties. (e) That adequate water, sewage disposal system and utilities for the proposed use are available. (f) That drainage ways are protected and drainage facilities provided. (g) That the extent of emissions and potential nuisance characteristics are compatible with the land use zone, adjacent land uses, and the standards of all applicable regulatory agencies having jurisdiction. (h) That the characteristics of the proposed development are compatible with the land use zone, the surrounding area and potential impacts have been mitigated to the maximum extent possible.

Decision Process. The procedure for taking action on an application for a Site Plan Review shall be as follows: (a) A Site Plan Review requires a "Limited Land Use Review" by the City Administrator or Planning Commission in conformance with Section 3.400. A Limited Land Use Decision requires notification to owners of property within 100 Feet of the subject property with an opportunity to submit written comments prior to the review and decision by the decision authority. (b) The decision authority may approve, disapprove, or modify and approve the Site Plan and attach any reasonable conditions to approval of a site development plan. (c) The decision authority may also call for a public hearing to receive testimony if it determines that the proposed development may present possible adverse impacts on surrounding properties, the neighborhood, or the City. (d) Once approved, the site plan submitted shall become the Official Plan. Building permits shall be issued only for plans that conform to the Official Plan and all construction shall conform to the Official Plan or a Certificate of Occupancy may be withheld until compliance. (e) All required elements of the approved site plan shall be installed and maintained indefinitely by the owner unless approval has been received for a revision or amendment. (f) Revisions or amendments to an approved site plan shall follow the same procedure as for adoption of a site development plan. (g) A written record of the findings and action of the decision authority shall be maintained by the City in a Record File of the Application as specified in Section 2.150. Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Site Plan as specified in Section 3.600.

The purpose of the Site Plan Review procedures is to apply the requirements of this Code to specific site conditions and proposed development through a comprehensive review process and to ensure that development conforms to the City's applicable land use regulations.

(1) Classification and Decision Authority.

(a) Minor Site Plan Review. The City Administrator shall be the decision authority for a Minor Site Plan Review. A Minor Site Plan Review is an application for development involving:

- i. Less than 4,000 square feet of new or expanded building floor area; and
- ii. Less than one acre of new or expanded outdoor development area.

(b) Major Site Plan Review. The Planning Commission shall be the decision authority for a Major Site Plan Review. A Major Site Plan Review is an application for development involving:

- i. 4,000 square feet or more of new or expanded building floor area; or
- ii. One acre or more of new or expanded outdoor development area.

(c) For purposes of this section, new or expanded outdoor development area includes areas newly developed or expanded for athletic or recreational facilities, parking or loading areas, outdoor storage or activity areas, paving, and other physical site improvements not located within a building.

(d) Classification shall be based on the total new or expanded building floor area and outdoor development area included in the application and all phases of a common development plan.

(2) Site Plan Review Application.

(a) An application for a use or development requiring Site Plan Review shall be filed with the City together with the site plan and supplementary information required by Sections 2.130 and 2.140.

(3) Decision Criteria. Site Plan Review approval shall be granted when the decision authority finds that:

(a) The proposed development complies with the applicable zoning district and development standards of this Code and any Comprehensive Plan provision expressly identified as applicable by this Code.

(b) The proposed development complies with applicable any other City ordinance expressly identified by this Code as an applicable approval criterion or development standard.

(c) Access, parking, loading, vehicle circulation, pedestrian and bicycle facilities, emergency access, mobility, connectivity, and transportation-facility protection comply with the applicable standards of Article 5. Transportation and public improvements required by this Code are shown on the approved plans and will be constructed or secured in accordance with Article 8.

(d) Proposed signs and exterior lighting comply with applicable City standards and do not obstruct required clear-vision areas.

(e) Water, sanitary sewer, storm drainage, utility, and emergency-access facilities are available or will be provided to serve the proposed development in accordance with the applicable standards of this Code.

(f) Drainageways and drainage facilities comply with the applicable standards of this Code.

(g) The proposed development complies with applicable noise, odor, vibration, emissions, outdoor-activity, screening, buffering, and other nuisance standards of this Code.

(h) The proposed development complies with applicable screening, buffering, transition, and development-impact standards of this Code.

(4) Decision Process.

(a) A Minor or Major Site Plan Review that qualifies as a Limited Land Use Decision under state law shall be processed in accordance with Section 3.400. A consolidated application or other Site Plan Review that does not qualify as a Limited Land Use Decision shall be processed under the procedure applicable to the underlying application or as otherwise required by state law.

(b) For a Site Plan Review processed as a Limited Land Use Decision under Section 3.400, the initial decision shall be made without an evidentiary hearing. The Planning Commission may consider and deliberate on a Major Site Plan Review at a public meeting, but oral public testimony shall not be accepted.

(c) The decision authority shall approve, approve with conditions, or deny the application based on the applicable approval criteria and evidence contained in the record.

(d) The decision authority may impose conditions necessary to ensure compliance with an applicable criterion or standard of this Code or an independently applicable federal or state requirement.

(e) Upon approval, the approved site plan and conditions of approval shall constitute the Official Site Plan. Building and development permits shall be issued only for development that conforms to the Official Site Plan. A certificate of occupancy may be withheld until the development complies with the Official Site Plan and applicable conditions.

(f) All required elements of the Official Site Plan shall be installed before occupancy, unless completion is otherwise authorized or secured in accordance with Article 8, and shall thereafter be maintained by the property owner.

- (g) A revision or amendment to an approved site plan shall be classified under subsection (1) based on the revised development and processed under the procedure applicable to that classification.
- (h) The City shall maintain the application, evidence, written findings, decision, and conditions of approval in the application record as provided in Section 2.150. Notice of the decision shall be provided in accordance with Section 3.600.

SECTION 2.500 CONDITIONAL USES

The introductory paragraph; subsection (2)(b); the introductory paragraph of subsection (3); subsections (3)(c), (3)(d), (3)(j), (3)(m), and (3)(n); and subsection (4)(e) are amended as follows. All other provisions remain unchanged.

~~(b) That traffic congestion is avoided, pedestrian and vehicular safety are protected, and future street rights-of-way are protected.~~

(2)(b) The proposed use complies with the applicable transportation, access, circulation, connectivity, mobility, and transportation-facility-protection standards of Article 5, and required transportation improvements will be constructed or secured in accordance with Article 8.

~~(3) Decision Conditions. In approving a Conditional Use application, the Planning Commission may require additional standards and conditions that the Planning Commission considers necessary to comply with the intent and purpose of the Comprehensive Plan and implementing codes or ordinances. These conditions may include, but are not limited to, the following:~~

(3) Decision Conditions. In approving a Conditional Use application, the Planning Commission may impose conditions necessary to ensure compliance with an applicable approval criterion or standard of this Code or an independently applicable federal or state requirement. These conditions may include, but are not limited to, the following:

~~(c) Controlling the location and number of vehicle access point~~

(c) Controlling the location, number, width, and design of vehicle access points in accordance with Sections 5.122 and 5.140.

~~(f) Requiring dedication of additional street right-of-way or increasing the street width.~~

(d) Requiring right-of-way dedication, frontage improvements, street improvements, or other transportation improvements required by this Code, including Article 5, with construction or security provided in accordance with Article 8.

~~(j) Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening, or recreation areas in order to enhance the area and to protect adjacent or nearby property.~~

(j) Providing internal property improvements, including utilities, drainage facilities, streets, curbs, gutters, sidewalks, pedestrian and bicycle facilities, shared-use paths, parking and loading areas, landscaping, fencing, screening, or recreation areas.

~~(m) Providing a performance bond or other security for the cost of improvements to guarantee compliance with the standards and conditions of approval.~~

(m) Providing an improvement agreement and security for required improvements in accordance with Article 8.

(n) Providing a contractual agreement with the City to assure that the Applicant will pay a fair share of the development costs for future public improvements.

(n) Requiring the applicant's proportionate share of transportation or other public improvements necessary to address impacts of the proposed use, when authorized by an applicable standard of this Code, with required improvements or contributions implemented or secured in accordance with Article 8.

(e) All required elements of the approved Conditional Use shall be installed before occupancy or commencement of the use, unless completion is secured in accordance with Article 8, and shall thereafter be maintained by the property owner unless a revision or amendment is approved.

SECTION 2.600 VARIANCES

Subsection (4) is added as follows. All other provisions remain unchanged:

(4) Transportation Standards. A Variance under this section may not modify a transportation standard in Sections 5.122 through 5.125 or 5.140. A modification to a transportation standard may be approved only to the extent expressly authorized by Section 5.140(15).

SECTION 2.700 AMENDMENTS

Subsection (2)(f) is amended as follows:

~~(f) The amendment will not have an undue adverse impact on transportation.~~

(f) The amendment is consistent with the applicable provisions of the Transportation System Plan and complies with applicable state transportation-planning requirements, including OAR 660-012-0060, when applicable. When transportation improvements are relied upon to demonstrate compliance, the decision shall identify facilities, improvements, or services; their applicable timing; the responsible transportation facility provider or other responsible party; and the funding, commitment, or other implementation mechanism that allows them to be relied upon under applicable state transportation-planning requirements.

SECTION 3.110 BASIS FOR DECISION

Subsections (1) and (3) are amended as follows:

~~(1) Approval or denial of a discretionary permit application shall be based on standards and criteria contained in the City's Comprehensive Plan and implementing ordinances.~~

(1) Approval or denial of a discretionary permit application shall be based on applicable criteria and standards contained in this Code, Comprehensive Plan provisions expressly incorporated or identified as applicable by this Code, and other independently applicable law.

~~(3) An application shall not be approved unless the proposed development of land is in compliance with the City Comprehensive Plan, this Code and other applicable land use regulations or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 and this Code.~~

(3) An application shall not be approved unless the proposed development complies with the applicable approval criteria and standards of this Code, any Comprehensive Plan provision expressly incorporated or identified as applicable by this Code, and other applicable land use regulations or law. Conditions of approval may be imposed only when authorized by this Code, other City legislation, or other applicable law.

SECTION 3.200 TYPE OF DECISIONS

The final paragraph of subsection (1), Administrative Decisions, is amended as follows:

~~Examples of Administrative Decisions provided for in this Code include, but are not limited to, Property Line Adjustments provided for in Section 2.310, Duplex Division Partitions provided for in Section 6.105, Final Plat Approval provided for in Section 2.331 & Site Plan Reviews for structures less than 4,000 square feet provided for in Section 2.400.~~

Examples of Administrative Decisions provided for in this Code include Final Plat Approval under Section 2.331 and other decisions expressly classified as an Administrative Decision by this Code.

The final paragraph of subsection (4), Limited Land Use Decisions, is amended as follows:

~~Examples of limited land use decisions in this Code include Property Line Adjustments as provided in Section 2.310, Partitions and Subdivisions as provided in Section 2.320 and Site Plan Reviews as provided in Section 2.400.~~

Examples of Limited Land Use Decisions include tentative subdivisions and partitions, replats, Property Line Adjustments, extensions, alterations, or expansions of nonconforming uses, and Minor or Major Site Plan Reviews that qualify as Limited Land Use Decisions under state law.

SECTION 3.400 LIMITED LAND USE REVIEW PROCEDURES

The introductory paragraph; the opening clause of subsection (1); subsections (1)(c) and (1)(d); and subsection (2) are amended as follows. All other provisions remain unchanged.

~~The following procedures govern the conduct of Limited Land Use Reviews by the City Administrator or Planning Commission for all Site Plan Reviews, Nonconforming Use Reviews, Subdivision or Partition Tentative Plans. Written comments may be submitted prior to the review decision. No public comment or testimony is permitted at the review unless the Planning Commission finds that clarification from the Applicant is needed.~~

~~(1) At the commencement of a review the Chairperson shall request a summary of the Staff Report that:~~

The following procedures govern Limited Land Use Reviews by the applicable decision authority. Written comments may be submitted during the applicable comment period. The initial decision shall be made without an evidentiary hearing. Limited Land Use Reviews shall be processed in accordance with ORS 197.195 and the applicable provisions of this Code.

(1) The notice of application shall:

~~(c) Lists the applicable criteria from the Code and the plan that apply to the application at issue.~~

(c) List, by commonly used citation, the applicable approval criteria and standards.

~~(d) States that written testimony and evidence must be directed toward the criteria or other criteria in the plan or ordinances that the person believes to apply to the decision.~~

(d) State that issues that may provide the basis for an appeal must be raised in writing before expiration of the comment period with sufficient specificity to enable the decision authority to respond to the issue.

~~(2) The Planning Commission may choose to schedule a public hearing to receive testimony if it determines that the proposed development may present possible adverse impacts on surrounding properties, the neighborhood, or the City.~~

(2) A hearing on a Limited Land Use Decision may be provided only on appeal and, if provided, shall be conducted in accordance with Section 3.700 and ORS 197.195(5). If the appeal hearing allows additional testimony or evidence, the hearing shall comply with ORS 197.797.

SECTION 4.121 COMMERCIAL ZONE – VILLAGE CENTER – C-1

Subsections (4)(a) and (4)(f) are amended as follows:

~~(a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.~~

~~(a) Each site shall be adequately served by public utilities, including municipal water and sewer service. Sidewalks, streets, and other transportation improvements shall be provided as required by Article 5 and constructed or secured in accordance with Article 8.~~

~~(f) Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintaining adequate traffic circulation.~~

~~(f) Access and transportation improvements shall comply with Sections 5.122 through 5.125 and 5.140. Required right-of-way, transportation easements, frontage improvements, and other transportation improvements shall be provided as required by Article 5 and constructed or secured in accordance with Article 8.~~

SECTION 4.122 COMMERCIAL ZONE – NEIGHBORHOOD CENTER – C-2

Subsections (4)(a) and (4)(f) are amended as follows.

~~(a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.~~

~~(a) Each site shall be adequately served by public utilities, including municipal water and sewer service. Sidewalks, streets, and other transportation improvements shall be provided as required by Article 5 and constructed or secured in accordance with Article 8..~~

~~(f) Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintaining adequate traffic circulation.~~

~~(f) Access and transportation improvements shall comply with Sections 5.122 through 5.125 and 5.140. Required right-of-way, transportation easements, frontage improvements, and other transportation improvements shall be provided as required by Article 5 and constructed or secured in accordance with Article 8.~~

SECTION 4.131 LIMITED INDUSTRIAL ZONE – M-1

Subsections (4)(a) and (4)(g) are amended as follows:

~~(a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.~~

~~(a) Each site shall be adequately served by public utilities, including municipal water and sewer service. Sidewalks, streets, and other transportation improvements shall be provided as required by Article 5 and constructed or secured in accordance with Article 8.~~

~~(g) Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintaining adequate traffic circulation.~~

~~(g) Access and transportation improvements shall comply with Sections 5.122 through 5.125 and 5.140. Required right-of-way, transportation easements, frontage improvements, and other transportation improvements shall be provided as required by Article 5 and constructed or secured in accordance with Article 8.~~

SECTION 4.141 EDUCATIONAL FACILITIES ZONE—E-1

Subsection (4)(a) is amended and subsection (4)(d) is added as follows:

~~(a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.~~

(a) Each site shall be adequately served by public utilities, including municipal water and sewer service and shall provide sidewalks, streets, and other transportation improvements as required by Article 5 and constructed or secured in accordance with Article 8.

(d) Access and transportation improvements shall comply with Sections 5.122 through 5.125 and 5.140. Required right-of-way, transportation easements, frontage improvements, and other transportation improvements shall be provided as required by Article 5 and constructed or secured in accordance with Article 8.

SECTION 4.151 PUBLIC USE ZONE – P-1

Subsections (4)(a) and (4)(e) are amended as follows:

~~(a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.~~

(a) Each site shall be adequately served by public utilities, including municipal water and sewer service and shall provide sidewalks, streets, and other transportation improvements as required by Article 5 and constructed or secured in accordance with Article 8.

~~(e) Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintaining adequate traffic circulation.~~

(e) Access and transportation improvements shall comply with Sections 5.122 through 5.125 and 5.140. Required right-of-way, transportation easements, frontage improvements, and other transportation improvements shall be provided as required by Article 5 and constructed or secured in accordance with Article 8.

SECTION 5.010 DEVELOPMENT STANDARDS

Section 5.010 is repealed and replaced in its entirety as follows:

~~In addition to the development standards specified for each zoning district, there are many standards that apply in more than one zone. The following Sections specify development standards applicable within any zoning district in the City of Adair Village.~~

~~The City may adjust the development standards contained in Article 5 to provide an efficient land division or a more efficient utilization of a property when submitted for approval under the City's review and approval procedures.~~

The standards of this Article apply to development in all zoning districts when applicable to the proposed use or development. Development shall also comply with the standards of the applicable zoning district and other applicable provisions of this Code.

A standard of this Article may be modified only to the extent expressly authorized by this Code and upon approval of the modification under the applicable review procedure and approval criteria.

SECTION 5.020 PLAN CONFORMANCE

Section 5.020 is repealed and replaced in its entirety as follows:

~~All developments within the City shall conform to any approved development plan adopted by the City such as a Planned Development, PD. Developments located within an area that has an approved plan shall comply with the design and construction standards of that approved plan in addition to those contained in this Code. In cases of conflict, the approved plan shall control.~~

Development shall conform to an approved development plan, including an approved Planned Development, that applies to the property. An approved development plan supplements this Code and does not supersede or modify a standard of this Code

except to the extent that this Code expressly authorizes modification of the standard and the applicable land use decision expressly approves the modification.

In the event of a conflict, this Code controls unless the conflicting standard was modified through a procedure expressly authorized by this Code. Transportation standards in Sections 5.122 through 5.125 and 5.140 may be modified only to the extent expressly authorized by Section 5.140(15).

SECTION 5.116 YARD SETBACK EXCEPTIONS

Subsection (3) is amended as follows:

~~(3) The Planning Commission may require additional setbacks, street right-of-way dedications, utility easements and street improvements for development projects that are required to be submitted for review and approval:~~

(3) The decision authority may require additional setbacks and utility easements when authorized by an applicable standard of this Code. Street right-of-way, transportation easements, and street improvements may be required only in accordance with Sections 5.123 and 5.140 and shall be constructed, secured, or otherwise implemented in accordance with Article 8, as applicable.

SECTION 5.122 ACCESS MANAGEMENT AND CLEAR VISION AREAS

Section 5.122 is repealed and replaced in its entirety as follows:

- ~~(1) Access: Every property shall abut a street other than an alley, for a minimum width of 25 feet, except where the City has approved an easement for access or where the easement existed prior to the adoption of this Code.~~
- ~~(2) The following access alternatives to Flag Properties may be approved by the City for partitions or, in some circumstances, small subdivisions:
 - ~~(a) Approval of a single access road easement to serve all the proposed parcels with a provision for conversion to a dedicated public road right-of-way when requested by the City. The easement shall have the same width as a required right-of-way.~~
 - ~~(b) Approval of a road right-of-way without providing the road improvements until the lots or parcels are developed. The land developer shall pay into the City's Street Fund an amount equal to the cost of providing the street improvements. The land developer may recover the cost as part of the lot sales and the City will provide the street improvements.~~
 - ~~(c) Approval of a private road that does not have to meet all the standards for public streets. This approach should only be used for isolated short streets serving a limited number of sites and where future City street alignments will not be needed.~~
 - ~~(d) All access drive's locations shall be approved by the City with County or State approval where their jurisdiction applies.~~
 - ~~(e) Access drives for corner or through properties shall take their access from the lowest traffic classification of street.~~
 - ~~(f) Common access drives located at the property line is encouraged and may be required in some locations to limit the number access locations.~~~~
- ~~(3) Clear Vision Areas: In all districts a clear vision area shall be maintained at the corners of all property located at the intersection of two streets, a street-alley or a street-railroad. A clear vision area shall also be maintained at all driveways intersecting a street. See Section 10.300, Diagram DSD-2:
 - ~~(g) All properties shall maintain a clear triangular area at street intersections, railroad-street intersections, alley-street intersections and driveway-street intersections for safety vision purposes.~~
 - ~~(h) The two sides of the triangular area shall be 15 feet in length along the edge of roadway at all street intersections and 10 feet in length at all alley-street intersections and driveway-street intersections. Where streets intersect at less than 30 degrees, the triangular sides shall be increased to 25 feet in length. The third side of the triangle shall be a line connecting the two exterior sides.~~~~

(i) ~~A clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstruction exceeding 2-1/2 feet in height, measured from the top of the curb, or, where no curb exists, from the established street centerline grade. Trees exceeding this height may be in this area, provided all branches or foliage are removed to a height of 8 feet above grade.~~

(1) ~~Applicability. This section applies to the creation, relocation, modification, consolidation, or closure of a street or driveway access point and to development actions subject to Section 5.140.~~

(2) ~~Access Approval.~~

(a) ~~Access to a City street shall comply with this section and the applicable standards of Section 5.140.~~

(b) ~~Access to a State or County transportation facility shall obtain any approval required by ODOT or Benton County, as applicable, and shall comply with the standards of the facility owner.~~

(c) ~~A corner or through lot shall obtain access from the abutting street with the lower functional classification unless access to that street is prohibited by the agency having jurisdiction or cannot comply with the applicable access standards of this section and Section 5.140. Access from the street with the higher functional classification when compliant access to the lower-classification street is available requires approval of a modification under Section 5.140(15).~~

(3) ~~Street Frontage and Access.~~

(a) ~~Each lot or parcel shall have at least 25 feet of frontage on a street other than an alley, except as provided in subsection (3)(b).~~

(b) ~~A lot or parcel may be served by a recorded access easement when the easement:~~

i. ~~Was lawfully established before the effective date of this Code; or~~

ii. ~~Is approved as part of a land division or other land use application and complies with the applicable access-width, surface, grade, drainage, emergency-access, and maintenance standards of this Code.~~

(4) ~~Intersection and Driveway Spacing.~~

(a) ~~Street intersections and driveway access points shall comply with the minimum spacing standards of Table 9 of the Transportation System Plan, as incorporated by Section 5.140(3). The applicable spacing requirement shall be based on the functional classification of the affected street. Minimum access spacing is as follows:~~

i. ~~Minor Arterial: 150 feet;~~

ii. ~~Major Collector: 125 feet;~~

iii. ~~Minor Collector: 125 feet; and~~

iv. ~~Local Street: 10 feet.~~

(b) ~~Access to a Principal Arterial shall comply with the standards of the agency having jurisdiction.~~

(c) ~~Spacing on Minor Arterials and Major or Minor Collectors shall be measured from the centerline of one access point to the centerline of the nearest access point on the same side of the street.~~

(d) ~~Spacing on Local Streets shall be measured between the nearest edges of adjacent driveway approaches.~~

(5) ~~Shared Access and Cross-Access.~~

(a) ~~Shared access shall be provided when:~~

i. ~~An independent access cannot satisfy the applicable access-spacing standard and a shared access can satisfy the standard;~~

ii. ~~Two or more lots or parcels under common ownership are developed as a common development site and use of a shared access is required to satisfy the applicable access-spacing standard;~~

iii. ~~A lot or parcel cannot independently satisfy the applicable access-spacing standard and a compliant shared access is available; or~~

iv. ~~An existing or approved shared-access facility on adjoining property terminates at the common property line and can provide access to the proposed development in compliance with this section.~~

(b) Where shared access is required, the access shall be located on or near the common property line unless that location cannot comply with an applicable standard of this Code. In that case, the shared access shall be located at the nearest location that complies with the applicable standards.

(c) Cross-access between adjoining commercial, industrial, institutional, or multifamily development sites shall be when an independent access cannot satisfy subsection (4) and cross-access can provide compliant access, or when an existing or approved cross-access facility terminates at the common property line.

(6) Access Consolidation.

(a) Closure, relocation, restriction, or consolidation of an existing or proposed access point is required when development creates or modifies an access point, or increases the estimated use of an existing access point, and:

- i. The access does not comply with the applicable spacing standard and another existing or proposed access can serve the property in compliance with this section;
- ii. Two or more access points serve the same development site or adjoining sites under common ownership and one or more of the access points can be removed while maintaining access that complies with this section;
- iii. An existing or approved shared or relocated access can serve the affected property in compliance with this section; or
- iv. Redevelopment, intensification, or a change in site circulation would increase use of an access point that does not comply with this section or is not needed to provide reasonable access to the property and compliant alternative access is available.

(b) When subsection (6)(a) applies to an existing access point, an existing access point shall be closed, consolidated, relocated, restricted, or modified unless a modification is approved under Section 5.140(15).

(c) An access-consolidation requirement shall be limited to the minimum action necessary to satisfy the applicable access, circulation, mobility, or safety standard. The decision shall identify the affected access points, the applicable standard, and the basis for requiring closure, relocation, restriction, or consolidation.

(d) A required access change shall be reasonably related and proportionate to the anticipated impacts of the development.

(7) Planned Public Streets and Private Streets.

(a) When Section 5.140 requires right-of-way for a Planned Transportation Facility or future street connection the required public right-of-way shall be dedicated in accordance with Sections 5.123 and 5.140. Construction may be deferred only when authorized and secured in accordance with Article 8.

(b) A private street may be approved as part of the applicable land use application when the alignment is not shown as a planned public street and the private street complies with applicable private-street, emergency-access, utility, drainage, and maintenance standards.

(8) Easements and Maintenance. Shared-access and cross-access facilities shall be established by recorded reciprocal access easements and maintenance agreements. The documents shall be recorded before:

(a) Final Plat approval for a land division; or

(b) Issuance of the first building permit for other development.

(9) Modification. When an intersection-spacing, driveway-spacing, shared-access, cross-access, or access-consolidation requirement cannot be met, the applicant shall:

(a) Provide access through a compliant shared-access or cross-access connection; or

(b) Obtain approval of a modification under Section 5.140(15).

(10) Clear Vision Areas.

(a) A clear vision area shall be maintained at:

- i. An intersection of two streets;
- ii. A street and an alley;
- iii. A street and a railroad; and
- iv. Each driveway or other access point intersecting a street.

(b) The sides of the clear vision triangle shall be:

- i. Fifteen feet along each roadway edge at a street intersection;
- ii. Ten feet along each roadway or access edge at an alley-street or driveway-street intersection; and
- iii. Twenty-five feet where streets intersect at an angle of less than 30 degrees.

(c) A clear vision area shall not contain a fence, wall, hedge, sign, structure, vegetation, or other obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except:

- i. A tree trunk when branches and foliage are maintained at least eight feet above grade;
- ii. An official traffic sign, signal, or control device; or
- iii. A utility pole.

SECTION 5.123 STREETS

Section 5.123 is repealed and replaced in its entirety as follows:

- (1) ~~The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. The arrangement of streets shall provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or~~
- (2) ~~Street design shall conform to the design standards of the City of Adair Village. Street design shall include curb, gutters, sidewalks and utility easements unless specifically exempted by the City.~~
- (3) ~~Right-of-way and roadway widths. The width of streets and roadways shall be adequate to fulfill city specifications as provided for in Article 8 of this Code. Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower rights-of-way may be accepted, if necessary, and replaced with slope, sidewalk or utility easements dedicated on both sides of the right-of-way. Where topographical conditions necessitate cuts or fills for proper grading of streets, additional rights-of-way may be required.~~
- (4) ~~Reserve Strips: A reserve strip is a 1-foot strip of land at the end of a right-ofway extending the full width of the right-of-way used to control access to the street. Reserve strips will not be approved unless necessary for the protection of the public welfare or of substantial property rights. The control of the land comprising such strips shall be placed with the jurisdiction of the City by deed under conditions approved by the City. In addition, a barricade shall be constructed at the end of the street by the land divider which shall not be removed until authorized by the City. The cost shall be included in the street construction costs by the land divider.~~
- (5) ~~Alignment: As far as is practicable, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections are discouraged. If necessary, "T" intersections shall have a minimum distance of 260 feet between the centerlines of streets having approximately the same direction.~~
- (6) ~~Future Extensions of Streets: Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition and the resulting dead-end streets may be approved without a turn-around. Reserve strips may be required to preserve the objectives of street extensions.~~
- (7) ~~Intersection Angles: Streets shall be laid out to intersect at angles as near to right angles (90 degrees) as practical~~

except where topography require a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. Intersections which contain an acute angle of less than 60 degrees, or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and sufficient right-of-way for the roadway radius to maintain a uniform width between the roadway and the right-of-way line.

- (8) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of approval of the land division or land use approval.
- (9) Half Street: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the City finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips may be required to preserve the objectives of half streets.
- (10) Cut-de-sac: A cut-de-sac street should have a maximum length of 500 feet but may be longer where unusual circumstances exist. A cut-de-sac shall terminate with a circular turn-around with a minimum right-of-way radius of 50 feet.
- (11) Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the City.
- (12) Streets Adjacent to Railroad Right-of-way: Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- (13) Frontage Access Streets: Where a land division abuts or contains an existing or proposed Arterial Street, the City may require Frontage Access Streets for property access with a non-access reservation along the arterial to afford separation of through and local traffic.
- (14) Private Streets: Private streets are permitted within Planned Unit Developments, Manufactured Dwelling Parks, and singularly owned developments of sufficient size to warrant interior circulation on private streets. Design standards shall be the same as those required for public streets unless approved by the City. The City shall require verification of legal requirements for the continued maintenance of private streets.
- (15) Railroad Crossings: Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements shall be borne by the land divider unless an equitable means of cost distribution is approved by the City.
- (16) Traffic Signals: Where a proposed intersection will result in the need for street signals, they shall be provided by the land divider and the costs shall be borne by the land divider unless an equitable means of cost distribution is approved by the City.
- (17) Street Signs: Street signs for identification and traffic control shall be provided by the land divider and the costs shall be borne by the land divider unless an equitable means of cost distribution is approved by the City.
- (18) Mailboxes: Joint mailboxes may be provided in residential developments. Joint mailbox structures shall be placed adjacent to roadway curbs as recommended by the Post Office having jurisdiction and shall be noted on the plan. The cost shall be borne by the land divider.

(1) Functional Classification and Street System. The location, classification, width, grade, and alignment of streets shall comply with Section 5.140. Streets shall connect to or extend existing and Planned Transportation Facilities when required by Section 5.140 or another applicable standard of this Code.

(2) Street Design. Street design shall comply with the applicable functional classification and cross-section incorporated by Section 5.140. Required elements include travel lanes, turn lanes, parking, curbs, gutters, planter strips, sidewalks, bicycle facilities, shared-use paths, drainage facilities, and utility easements, as applicable. A required element may be modified only to the extent expressly authorized by Section 5.140(15).

(3) Right-of-Way and Roadway Widths. Streets shall provide the minimum right-of-way and roadway width required by the applicable cross-section incorporated by Section 5.140. Additional right-of-way or easements shall be provided when required to accommodate an element of the applicable street cross-section or another improvement required by this

Code. A reduction or modification requires approval under Section 5.140(15).

(4) Reserve Strips.

(a) A reserve strip shall be provided:

- i. Across the full width of the right-of-way at the end of a stub street adjoining undeveloped land;
- ii. Along the boundary of a partial-width street adjoining undeveloped land;
- iii. When required to preserve a planned future street or accessway extension; or
- iv. When required to control access as required by Section 5.122.

(b) A reserve strip shall be one foot wide, shown on the Plat, and dedicated to or otherwise placed under the control of the City.

(c) A temporary barricade shall be installed and maintained at the end of a temporary stub street until the street is extended or otherwise authorized by the City to be opened.

(d) The City shall release the reserve strip when:

- i. The street extension or remaining partial-width street improvements have been completed and accepted by the City; or
- ii. The City determines through an applicable land use decision or amendment to an adopted transportation plan that the extension or completion is no longer required.

(5) Alignment and Intersection Spacing. Streets shall align with existing or planned streets. A different alignment requires approval under Section 5.140(15). Staggered or offset intersections shall comply with the access-spacing standards of Section 5.122.

(6) Future Extensions of Streets. Streets and accessways shall be extended to the boundary of a development when shown as a planned facility or required to comply with the block, connectivity, or accessway standards of this Code. A temporary dead-end street may be approved without a turnaround only when applicable emergency-access standards are satisfied.

(7) Intersection Angles. Streets shall intersect at 90 degrees unless a different intersection angle is approved through a modification under Section 5.140(15). An intersection angle of less than 60 degrees is prohibited unless specifically approved under Section 5.140(15). Intersection geometry and right-of-way shall accommodate the applicable design vehicle and required pedestrian, bicycle, and accessibility facilities.

(8) Existing Streets and Frontage Improvements. Where an existing street adjacent to or within a development is narrower or otherwise incomplete compared with the applicable standard, the development shall provide the required right-of-way and frontage or partial-width street improvements in accordance with Sections 5.140 and 8.300, unless the improvement is deferred or secured under Article 8.

(9) Partial-Width Streets.

(a) A partial-width street may be approved only through a modification under Section 5.140(15).

(b) The width and configuration of an approved Partial-Width Street shall be established through the modification decision based on the applicable ultimate street cross-section and the approval criteria of Section 5.140(15).

(c) The approved Partial-Width Street may include more than one-half of the ultimate roadway width when required by the modification decision to satisfy the approval criteria of Section 5.140(15).

(d) The roadway crown, drainage facilities, and structural section shall be designed to allow completion of the ultimate street without substantial reconstruction of the completed improvements.

(e) Required curbs, gutters, planter strips, sidewalks, bicycle facilities, shared-use paths, drainage facilities, and utilities shall be provided along the development frontage unless modified under Section 5.140(15).

(f) Sufficient right-of-way shall be dedicated or reserved to allow completion of the ultimate street cross-section.

(g) When a partial-width street exists adjacent to a development, the development shall provide the remaining right-of-way and improvements required by the applicable street cross-section, unless deferred or secured under Article 8.

(10) Cul-de-sac. A cul-de-sac shall not exceed 500 feet in length unless a modification is approved under Section 5.140(15).

Length shall be measured along the street centerline from the nearest intersecting street right-of-way to the center of the turnaround. The turnaround shall comply with applicable City and emergency-access standards.

- (11) Street Names. Except for extensions of existing streets, a street name shall not duplicate or be substantially similar to the name of an existing street. Street names and addresses shall conform to the established pattern in the City and shall be approved by the City.
- (12) Streets Adjacent to Railroad Right-of-Way. When a development contains or abuts a railroad right-of-way, a parallel street or other transportation connection shall be required only when identified as a Planned Transportation Facility or otherwise required by Section 5.140. The location and design shall comply with applicable railroad-crossing, street, drainage, and transportation standards. Any required improvement shall comply with the proportionality requirements of Sections 5.140(9) and 8.100.
- (13) Frontage and Shared-Access Streets. When direct access to a Principal Arterial, Minor Arterial, Major Collector, or Minor Collector would not comply with Section 5.122, the development shall provide a frontage street, shared-access street, cross-access easement, non-access reservation, or other access arrangement authorized by Section 5.122 that results in compliance with the applicable access standard.
- (14) Private Streets. Private streets shall comply with the same functional and dimensional land use standards applicable to public streets unless a modification is approved under Section 5.140(15). Technical engineering design or construction alternatives that do not modify a land use standard may be reviewed under Section 8.800. A recorded maintenance agreement shall be provided before final Plat approval or occupancy, whichever occurs first.

SECTION 5.124 SIDEWALKS

Section 5.124 is repealed and replaced in its entirety as follows:

~~Public sidewalk improvements are required for all land divisions and property development in the City of Adair Village. Under approved conditions, the City may defer sidewalks.~~

- ~~(1) Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the Planning Commission determines that full right-of-way acquisition is impractical.~~
- ~~(2) Sidewalks shall connect to and align with existing sidewalks. Sidewalks may transition to another alignment as part of the approval of the Tentative Plan.~~
- ~~(3) The City may approve alternate sidewalk alignments and widths to accommodate existing conditions or proposals.~~
- ~~(4) Sidewalks in residential areas should be a minimum of 5 feet in width and shall be installed adjacent to the curb unless a planter strip of at least 4 feet in width is approved adjacent to the curb where sufficient right-of-way is available.~~
- ~~(5) Sidewalks adjacent to Collector or Arterial Streets shall be a minimum of 5 feet in width separated by a planter strip of 4 feet in width adjacent to the curb where possible. Sidewalks may be approved adjacent to the curb where direct access is required. Sidewalks adjacent to the curb should be a minimum of 7 feet in width or a minimum of 10 feet in width adjacent to Commercial properties. Planter openings adjacent to the curb are encouraged within the 10-foot walks.~~
- ~~(6) Planter strips and the remaining right-of-way shall be landscaped and incorporated as part of the front yard of adjacent property.~~
- ~~(7) Maintenance of sidewalks and planters shall be the continuing obligation of the abutting property owner.~~
 - ~~(1) Midblock Sidewalks. The City may require midblock sidewalks for long blocks or to provide access to schools, parks, shopping, public transportation stops or other community services. Midblock sidewalks shall be raised and shall be 6 feet in width.~~

Sidewalk improvements are required for land divisions and development as specified by the applicable street cross-section incorporated by Section 5.140. Sidewalks shall be provided on both sides of a public street unless a modification is approved under Section 5.140(15) or construction is deferred or secured under Article 8.

- (1) Sidewalks shall be constructed within the street right-of-way. A sidewalk may be located within an easement only when approved through a modification under Section 5.140(15).
- (2) Sidewalks shall connect to existing sidewalks and comply with the alignment and placement requirements of the applicable street cross-section. A deviation from a required alignment or placement requires approval under Section 5.140(15).
- (3) An alternate sidewalk width may be approved only to the extent expressly authorized by Section 5.140(15).
- (4) Sidewalk widths, planter strips, curbs, and placement shall comply with the applicable cross-section incorporated by Section 5.140. Engineering design, materials, construction, testing, inspection, and acceptance shall comply with Article 8 and the Public Infrastructure Design Standards Manual.
- (5) Planter strips and other landscaped portions of the street right-of-way adjoining the property shall be landscaped in accordance with applicable City standards.
- (6) Maintenance of sidewalks and planter strips shall be the continuing obligation of the abutting property owner.
- (1)(7) Midblock Accessways. A public pedestrian and bicycle accessway shall be provided when required by Section 5.131 or Section 5.140. The accessway shall be located in a public easement or right-of-way and designed in accordance with the shared-use-path or applicable accessway standard incorporated by Section 5.140.

SECTION 5.125 BIKEWAYS

Section 5.125 is repealed and replaced in its entirety as follows:

- ~~(1) Developments adjoining existing or proposed bikeways shall include provisions for connection and extension of such bikeways through dedication of easements or rights-of-way. The City may include bikeway improvements as conditions of approval for developments that will benefit from bikeways. Where possible, bikeways should be separated from other modes of travel, including pedestrianways.~~
- ~~(2) Minimum width for bikeways shall be 5 feet per travel lane.~~
- (1) Development adjoining or containing an existing bicycle facility, shared-use path, or Planned Transportation Facility applicable under Section 5.140 shall preserve the applicable alignment and provide required right-of-way, easements, connections, extensions, or improvements in accordance with Sections 5.140(5) and (9). Bicycle facilities shall connect to existing or Planned Transportation Facilities and shall be separated from motor-vehicle or pedestrian travel where required by the applicable standard.
- ~~(3)~~(2) Bicycle-lane, bicycle-path, and shared-use-path widths shall comply with the applicable cross-section incorporated by Section 5.140. Engineering design, materials, construction, testing, inspection, and acceptance shall comply with Article 8 and the Public Infrastructure Design Standards Manual.

SECTION 5.130 EASEMENTS

Subsection (4) is added, and the existing Water Courses subsection is renumbered as subsection (5), as follows. All other provisions remain unchanged.

- (4) Transportation Easements. Easements shall be provided when required by this Code to accommodate shared access, cross-access, sidewalks, bicycle facilities, shared-use paths, future street or accessway extensions, slopes, drainage, maintenance, or other required transportation facilities or improvements.
- (5) Water Courses.

SECTION 5.131 BLOCKS

Subsections (1)(c), (2), and (3) are amended, and subsection (4) is added, as follows. All other provisions remain unchanged.

- ~~(c) Street alignments and traffic needs.~~

(1)(c) Street, pedestrian, bicycle, emergency-access, and multimodal-connectivity needs identified by the applicable standards of this Code.

(2) Size: A block shall have sufficient depth to provide for two tiers of building sites unless a modification is approved under Section 5.140(15). Blocks shall not exceed 600 feet in length, except that a block may be up to 1,200 feet when a midblock pedestrian and bicycle accessway is provided in accordance with Section 5.124(7). A block exceeding 1,200 feet requires a modification under Section 5.140(15).

(3) Large Lot or Parcel Block Configurations: In dividing tracts into large lots or parcels that may be re-divided in the future, the blocks or sites shall be configured to accommodate future street or accessway extensions required by Section 5.140 and subsequent division into lots or parcels that comply with this Code.

(4) Connectivity. Blocks and development sites shall provide street and accessway connections required by this Code, including connections to existing transportation facilities and Planned Transportation Facilities applicable under Section 5.140. Development shall preserve required future street, sidewalk, bicycle, shared-use-path, and accessway connections. Midblock accessways shall be provided as required by Section 5.124(7).

SECTION 5.132 BUILDING SITES

Subsections (1)(e) and (1)(f) are amended as follows. All other provisions remain unchanged.

(e) Large Lots or Parcels: Large lots or parcels which may be further divided into smaller lots in the future shall be configured to accommodate Planned Transportation Facilities and future street or accessway connections required by Section 5.140 and future lots or parcels that comply with the applicable standards of this Code.

Large lot or parcel plans must show, by dashed lines, potential future potential divisions that comply with the ~~to~~ minimum applicable standard of this Code ~~standards prior to approval~~. Building locations must be within the proposed minimum property lines and setback standards specified herein to facilitate an orderly division and use of the property in the future. Large lot or parcel divisions shall also show Planned Transportation Facilities and future street or accessway connections required by Section 5.140, together with any required rights-of-way or easements, in addition to future urban lot lines on the Tentative Plan.

(f) Flag Lots or Parcels: Flag lots or parcels may be approved when they comply with the applicable frontage and access standards of Sections 5.122 and 5.140. Minimum width for a flag lot access is 25 feet.

SECTION 5.140 TRANSPORTATION SYSTEM PLAN IMPLEMENTATION

Section 5.140 is added as follows:

(1) Purpose. This section implements the Adair Village Transportation System Plan and establishes transportation standards applicable to development.

(2) Applicability.

(a) Development Actions. This section applies to land divisions, Site Plan Reviews, Conditional Uses, Planned Developments, modifications to approved developments, redevelopment or intensification, access-management requests, phased developments, and changes or expansions of use that increase transportation demand, create or modify access, alter site circulation or approved phasing. This section also applies to public or private transportation improvements.

(b) Plan and Land Use Regulation Amendments. Comprehensive Plan amendments, zoning map amendments, Development Code amendments, and master plans adopted as part of the Comprehensive Plan shall be reviewed

under Section 2.700 and applicable state transportation-planning requirements. This section applies to a development application submitted concurrently with an amendment.

(c) Development Agreements. A Development Agreement that establishes or modifies access, circulation, transportation mitigation, improvement obligations, or development phasing shall be consistent with this section and the applicable land use approval.

(3) Incorporated TSP Standards. For purposes of development review, the following provisions of the 2019 Transportation System Plan are expressly incorporated as mandatory standards:

(a) Figure 4, Street Functional Classification;

(b) Table 7 and Figures 5 through 11, Typical Roadway Cross-section Standards;

(c) Figure 12, Shared-use Path Standard Cross-section; and

(d) Table 9, Minimum Roadway and Access Spacing Standards, as implemented by Section 5.122.

(e) Except as provided in subsection (3)(f), other TSP goals, policies, recommendations, and project lists guide legislative decisions, corridor protection, and capital planning but are not independent approval criteria for a development application unless expressly identified by this Code.

(f) Figure 13, City of Adair Village Projects, and Table 10, Adair Village Project List, are incorporated solely to identify the general location and function of planned street, intersection, pedestrian, bicycle, crossing, and shared-use-path facilities under subsection (5). Figure 13 and Table 10 do not independently require an applicant to construct, dedicate, or fund a transportation project.

(4) Functional Classification and Cross-sections. Development shall be designed to preserve the functional classification, intended operation, and planned capacity of affected transportation facilities, consistent with the Transportation System Plan. Streets within or abutting a development shall be classified, designed, and dedicated according to Figure 4 and the applicable cross-section identified in Table 7 and Figures 5 through 11. Shared-use paths shall comply with Figure 12. Facilities under State or County jurisdiction are subject to Section 8.900.

A new street not shown on Figure 4 shall be classified as follows:

(a) An extension of an existing classified street shall have the same functional classification as the street being extended;

(b) A street expressly identified with a functional classification by an applicable provision of the Transportation System Plan incorporated by this Code shall have that classification; and

(c) Any other new street shall be classified as a Local Street unless a different classification is established through an amendment to the Transportation System Plan.

The City does not establish a cross-section for a Principal Arterial. A Principal Arterial under ODOT jurisdiction shall comply with applicable ODOT standards.

(5) Rights-of-Way and Planned Facilities. Development shall provide or preserve the right-of-way and easements necessary for applicable street cross-sections and planned streets, intersections, sidewalks, bicycle facilities, shared-use paths, and accessways. Development shall not preclude a planned transportation facility. Inclusion of a project in the TSP does not, by itself, require an applicant to construct or fund the entire project. Any development condition must be authorized by this Code and reasonably related and proportionate to the development's anticipated impacts.

When an applicable standard of this Code requires a future street, shared-use path, pedestrian or bicycle connection, crossing, or other transportation connection to a facility identified in Figure 13 or Table 10, the development shall

preserve the right-of-way, easement, or connection required by that standard. Figure 13 or Table 10, by itself, does not require dedication, construction, or funding of the identified facility.

(6) Mobility Standards.

- (a) Analysis Basis. Intersection operations shall be analyzed using the methodology required by subsection (14). Peak-hour traffic volumes shall be converted to demand flow rates using a peak-hour factor based on the highest consecutive 15-minute traffic volume occurring within the analyzed peak hour.
- (b) Signalized, All-Way-Stop-Controlled, and Roundabout-Controlled Intersections. A signalized, all-way-stop-controlled, or roundabout-controlled City intersection shall operate at a volume-to-capacity ratio not higher than 0.85 during the highest one-hour period on an average weekday.
- (c) Two-Way-Stop-Controlled and Yield-Controlled Intersections. Each intersection approach serving more than 20 vehicles during the highest one-hour period on an average weekday shall operate at a volume-to-capacity ratio not higher than 0.90.
- (d) Low-Volume Approaches. The mobility standard in subsection (6)(c) does not apply to an approach serving 20 or fewer vehicles during the analyzed peak hour.
- (e) Traffic-Signal Warrants. Satisfaction of a volume-based traffic-signal warrant under the Manual on Uniform Traffic Control Devices shall require evaluation of appropriate traffic-control and mitigation alternatives but does not, by itself, establish that the mobility standard is not met.
- (f) Other Jurisdictions. ODOT facilities shall comply with applicable ODOT mobility standards. Benton County facilities shall comply with applicable Benton County mobility standards. The City may apply its standards to a County facility within the Urban Growth Boundary only when the standards do not allow a lesser degree of mobility and are accepted by the County.

(7) Transportation System Adequacy. Development shall not cause an applicable transportation facility to exceed the mobility standards in subsection (6). If an affected facility does not meet, or is projected not to meet, the applicable standard, the development shall provide mitigation reasonably related and proportionate to its anticipated impacts that avoids further degradation or otherwise satisfies applicable state law and agency standards.

(8) On-site Circulation and Queuing.

- (a) Access points, driveway approaches, drive aisles, parking areas, loading areas, school-bus routes, transit routes, delivery and refuse routes, pedestrian and bicycle routes, and emergency-access routes shall comply with the applicable dimensional, clear-vision, turning-radius, grade, parking, loading, fire-access, pedestrian, and bicycle standards of this Code.
- (b) Vehicle queues shall be accommodated on the development site and shall not extend:
 - i. Into a public street;
 - ii. Across a public sidewalk or bicycle facility;
 - iii. Across an access serving another property; or
 - iv. Into or through a required emergency-access route.
- (c) A different queuing arrangement may be approved only when supported by a Traffic Impact Analysis demonstrating compliance with the applicable mobility, access, circulation, and safety standards of this Code.

(d) Transit Access. Development adjoining an existing transit stop shall provide an accessible pedestrian connection between the development's pedestrian circulation system and the transit stop. Development shall not obstruct the safe operation of the transit facility. A transit improvement may be required only when authorized by this Code and reasonably related and proportionate to the development's anticipated impacts.

(9) Transportation Improvements and Mitigation. Conditions of approval may require right-of-way or easement dedication, frontage or partial-width street improvements, access consolidation or restriction, turn lanes, intersection improvements, traffic-control devices, sidewalks, crossings, bicycle facilities, shared-use paths, lighting, or other transportation measures expressly authorized by an applicable standard of this Code. A condition requiring an off-site improvement or financial contribution shall include findings identifying the development impact and the basis for the nature and extent of the requirement.

(10) Transportation Assessment. A Transportation Assessment shall be submitted with an application subject to subsection (2)(a) when the proposal creates or modifies access, alters site circulation or approved phasing, or increases transportation demand. Any portion of a Transportation Assessment that includes engineering analysis or engineering judgment shall be prepared under the responsible charge of a Qualified Transportation Engineer and signed and sealed as required by Oregon law. The assessment shall identify existing and proposed uses, estimated daily and peak-hour trips, affected street classifications, existing and proposed access, on-site circulation and queuing, pedestrian and bicycle connections, emergency and service access, applicable transportation standards, and potential transportation issues requiring additional analysis or mitigation. An assessment element is not required when the proposed development does not include or affect the corresponding use, access point, transportation facility, circulation route, transportation mode, or operating characteristic.

(11) Traffic Impact Analysis. A Traffic Impact Analysis shall be required when any of the following apply:

- (a) The proposal is estimated to generate at least 25 net new peak-hour vehicle trips or 250 net new average daily vehicle trips;
- (b) The proposal creates an access to a Minor Arterial, Major Collector, or Minor Collector, or modifies the location, permitted turning movements, or number of vehicle lanes of an existing access to one of those streets;
- (c) The proposal includes a school, drive-through, event venue, freight-intensive use;
- (d) The Transportation Assessment indicates that the proposal may cause or worsen a failure of an applicable mobility, queuing, sight-distance, access-spacing, or safety standard; or
- (e) The City Engineer provides a written determination identifying:
 - i. A documented crash pattern, sight-distance limitation, capacity constraint, queuing condition, or access-spacing deficiency affected by the development;
 - ii. The specific standard of this Code that may not be satisfied; and
 - iii. The additional analysis necessary to determine compliance with that standard.

(12) Traffic Impact Analysis Requirements.

- (a) Professional Preparation. A Traffic Impact Analysis shall be prepared under the responsible charge of a Qualified Transportation Engineer.
- (b) Approved Scope. Before preparing the Traffic Impact Analysis, the applicant shall submit a scoping memorandum for approval by the City Engineer. The memorandum shall identify:
 - i. The proposed development and anticipated development schedule;

ii. Proposed trip-generation rates and sources;

iii. Proposed internal-capture, pass-by, diverted-trip, mode-split, trip-distribution, and trip-assignment assumptions, as applicable;

iv. The transportation facilities, intersections, approaches, access points, and circulation routes proposed for study;

v. Existing, buildout, and future analysis years;

vi. Peak periods and other operating periods proposed for analysis;

vii. Traffic-count, crash, and other data proposed for use;

viii. The analysis methods, software, and applicable publication editions proposed for use;

ix. The work to be performed; and

x. Any proposed alternative methodology.

(c) Required Analysis. The Traffic Impact Analysis shall evaluate each of the following elements that is relevant to a transportation facility, transportation mode, access point, circulation route, operating period, or transportation impact affected by the proposal:

i. Existing transportation conditions and facilities;

ii. Future background conditions without the proposed development, including approved but unbuilt development, complete pending development applications identified in the approved scope, and an approved background growth rate;

iii. Trip generation, internal capture, pass-by trips, diverted trips, trip distribution, trip assignment, and mode split, as applicable;

iv. Buildout and applicable future conditions with the proposed development;

v. Site access, access-management spacing, internal circulation, loading, parking operations, queuing, and emergency and service access;

vi. Operations of affected roadways, intersections, approaches, pedestrian facilities, bicycle facilities, and transit facilities;

vii. Turn-lane warrants, traffic-control warrants, queuing, and sight distance, as applicable;

viii. Transportation safety, including crash history and potential safety concerns associated with the proposed development;

ix. Compliance with applicable mobility, access-management, circulation, safety, and other transportation standards of this Code; and

x. Measures necessary to avoid, minimize, or mitigate an identified failure to comply with an applicable standard.

(d) Scope Adjustments. Based on the scale, complexity, and anticipated transportation impacts of the proposal, the City Engineer may:

i. Require an analysis listed in subsection (12)(c) when necessary to evaluate compliance with an applicable standard of this Code;

- ii. Waive an analysis listed in subsection (12)(c) when the proposal does not include or affect the corresponding facility, mode, access point, circulation route, operating period, or transportation condition; or
- iii. Approve a written amendment to the scope when new information demonstrates that an additional or different analysis is necessary.

The approved scope and methodology may identify analytical methods, study locations, time periods, data requirements, and documentation requirements but may not establish or modify an approval criterion, mobility standard, safety standard, or mitigation obligation not contained in this Code or expressly incorporated by this Code.

(13) Traffic Impact Analysis Report.

- (a) The Traffic Impact Analysis shall contain sufficient information to allow the City to independently review the analysis and determine compliance with applicable transportation standards.
- (b) The report shall document:
 - i. The approved scope and any approved scope amendments;
 - ii. Assumptions and methodologies;
 - iii. Data sources and the dates on which data were collected;
 - iv. Existing, background, and project-generated traffic volumes;
 - v. Trip-generation, distribution, and assignment calculations;
 - vi. Analysis inputs, calculations, and model outputs;
 - vii. Maps, figures, traffic counts, collision data, and other supporting information;
 - viii. Findings and conclusions concerning each applicable transportation standard; and
 - ix. Proposed mitigation measures and the relationship of each measure to an identified development impact and applicable standard.
- (c) The City may require supporting electronic calculations or model files when reasonably necessary to verify the reported results.
- (d) The final Traffic Impact Analysis shall be signed and sealed by the Qualified Transportation Engineer responsible for the analysis.

(14) Transportation Analysis Methodology.

- (a) A Transportation Assessment and Traffic Impact Analysis shall use accepted transportation-engineering principles and methodologies appropriate to the scope of the analysis.
- (b) Unless an alternative methodology is approved under subsection (14)(d), the analysis shall be consistent with the editions identified in the approved scope of the following publications, as applicable:
 - i. The Oregon Department of Transportation Analysis Procedures Manual for Oregon-specific analysis procedures, including traffic forecasting, turn-lane assessment, operational analysis, and crash-data evaluation;
 - ii. The Highway Capacity Manual for capacity, delay, level-of-service, queuing, and other operational analyses;

- iii. The Manual on Uniform Traffic Control Devices for traffic-control warrants and traffic-control devices;
- iv. The Institute of Transportation Engineers Trip Generation Manual for trip-generation estimates; and
- v. Applicable AASHTO guidance for intersection sight distance, stopping sight distance, and geometric-design analysis.

(c) When a facility is under ODOT or Benton County jurisdiction, the analysis shall also comply with the applicable methodology and documentation requirements of the facility owner.

(d) The City Engineer may approve an alternative methodology when the Qualified Transportation Engineer demonstrates that the methodology:

- i. Is appropriate for the facility, transportation mode, land use, and analysis being performed;
- ii. Is supported by recognized transportation-engineering principles, published research, or locally collected data;
- iii. Produces results of equal or greater reliability than the otherwise applicable methodology;
- iv. Does not apply a lesser mobility, access, circulation, or safety standard than required by this Code or the facility owner; and

(e) The approved methodology shall be used throughout the analysis unless a written amendment is approved by the City Engineer.

(15) Modifications.

(a) A modification under this subsection is an optional alternative to strict compliance with the applicable standard.

(b) The applicable decision authority may approve a site-specific modification to a required right-of-way width, street cross-section, access-management standard, street alignment or geometric standard, partial-width-street standard, cul-de-sac standard, private-street standard, block or connectivity requirement, or required pedestrian, bicycle, or shared-use-path facility when the applicant demonstrates that:

- i. A documented physical, environmental, legal, or existing-development constraint makes strict compliance impracticable;
- ii. The modification is the minimum necessary to address the documented constraint;
- iii. The proposed alternative provides equal or better safety, accessibility, multimodal function, drainage, structural performance, and maintainability;
- iv. The modification will not impair the functional classification or planned operation of the affected transportation facility;
- v. The modification will not preclude construction or extension of a planned transportation facility; and
- vi. The need for the modification is not primarily the result of the applicant's proposed site design, lot configuration, development phasing, or other reasonably avoidable action and cannot reasonably be avoided through a feasible alternative design.

(c) Except as provided in subsection (15)(d), a modification request shall be consolidated with the underlying development application and processed under the same review procedure as that application. When the underlying application is a Limited Land Use Decision, the consolidated application and modification shall be processed as a Limited Land Use Decision under Section 3.400.

(d) A modification request not associated with another development application shall be processed as a Quasi-Judicial Decision under Section 3.510, with the Planning Commission as the decision authority.

(e) When a modification is requested with an application otherwise subject to review by the City Administrator, the Planning Commission shall be the decision authority for the consolidated application.

(f) This subsection authorizes a site-specific modification to an applicable development standard. It does not authorize a change to a street's adopted functional classification, a Transportation System Plan map or project, or an adopted transportation-facility standard of general applicability.

(g) A technical engineering alternative that does not modify a land use standard may be reviewed under Section 8.800.

(16) Technical Evidence and Approval Criteria. Transportation Assessments, Traffic Impact Analyses, agency comments, staff reports, and consultant memoranda are evidentiary documents. They may identify transportation operations or safety concerns and may be used to evaluate compliance with applicable standards of this Code or other applicable law. They shall not independently establish a new local approval criterion or authorize mitigation beyond that authorized by this Code, other applicable law, or a permit issued by an agency with jurisdiction. Nothing in this subsection limits the authority of ODOT, Benton County, or another agency under its own permitting or regulatory authority.

SECTION 7.210 PD CONCEPTUAL PLAN REVIEW

The final sentence is amended as follows. All other provisions remain unchanged.

~~The City shall determine the extent of any environmental assessment or traffic analysis to be included with the Planned Development application.~~

Transportation information, a Transportation Assessment, or a Traffic Impact Analysis shall be provided when required by Section 5.140.

SECTION 7.230 PLANNED DEVELOPMENT STANDARDS

Subsection (7)(d) is added as follows. All other provisions remain unchanged.

(d) Notwithstanding any other provision of this section, a transportation standard in Sections 5.122 through 5.125 or 5.140 may be modified through a Planned Development only to the extent expressly authorized and approved under Section 5.140(15).

SECTION 7.240 PLANNED DEVELOPMENT ELEMENTS

The Existing and Planned Transportation Facilities, Pedestrian and Bicycle Facilities, and Access and Circulation elements are amended, and a Transportation Analysis element is added, as follows. All other elements remain unchanged.

Existing and Planned Transportation Facilities

- ~~Location, widths, and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks, or other public open spaces and land uses within 300 feet of the development.~~
- Existing streets and other transportation facilities within 300 feet of the development, including their locations, names, functional classifications, right-of-way and improved widths, access points, pedestrian and bicycle facilities, shared-use paths, transit facilities, and Planned Transportation Facilities applicable under Section 5.140 within or adjoining the development area.

Pedestrian and Bicycle Facilities

- ~~Proposed location and dimensions of bikeways, pedestrian walkways, malls, trails, or easements.~~

- Proposed pedestrian and bicycle facilities, shared-use paths, accessways, trails, transit facilities, and associated easements, including their locations, dimensions, and connections to existing transportation facilities and Planned Transportation Facilities applicable under Section 5.140.

Access and Circulation

- ~~Proposed Vehicular and pedestrian access and circulation patterns within and adjacent to the proposed development.~~
- Proposed vehicle, pedestrian, bicycle, service, delivery, and emergency access and circulation within and adjoining the proposed development, including access points, queuing and stacking areas, loading areas, and connections to adjoining property.

Transportation Analysis

Add the following element:

- Transportation information, a Transportation Assessment, or a Traffic Impact Analysis when required by Section 5.140.

SECTION 7.270 AGREEMENT AND SECURITY

The final sentence of the second paragraph is amended to read as follows:

~~The agreement shall also provide for reimbursement of the City's cost of inspection in accordance with Section 8.100 (5).~~

The agreement shall also provide for reimbursement of the City's cost of inspection in accordance with Section 8.100(4).

SECTION 7.280 CHANGES IN APPROVED DEVELOPMENT PLAN

Subsection (2)(f) is added as follows. All other provisions remain unchanged.

(f) Do not create, relocate, close, or change the permitted turning movements of an access point; create, eliminate, or relocate a street, pedestrian, or bicycle connection; substantially change an approved on-site circulation pattern or development phase; or eliminate, reduce, or defer an approved transportation-mitigation requirement. A change described in this subsection is not a Minor Change and shall be processed as a Major Change under subsection (1), with Section 5.140 applying as applicable.

SECTION 8.100 IMPROVEMENT PROCEDURES

Subsections (8), (9), and (11) are amended as follows. All other provisions remain unchanged.

~~(8) Facilities serving a land division or development may require off-site improvements to serve the proposed land division or development. The design and cost of off-site improvements shall be the responsibility of the Applicant unless the City agrees to another arrangement.~~

(8) Off-site transportation improvements may be required only when authorized by an applicable standard of Article 5. The decision shall include findings identifying the development impact, the applicable Code standard, and the relationship between that impact and the nature and extent of the required improvement or financial contribution.

~~(9) The applicant/property owner is obligated to provide all the required public improvements. In the event the City determines it is impractical or not currently necessary to provide some of the required improvements, the City may defer the 134 | P a g e improvements. If deferred the developer/owner shall pay their fair share of the cost of improvements and the funds shall be placed into the City's specified Improvement Fund to pay for the improvements later. Or the improvements may be installed in the area under special assessment financing or other facility extension policies of the City.~~

(9) The applicant or property owner shall provide all required public improvements. Construction of a required improvement may be deferred only when deferral is authorized by this Code and the decision determines that immediate construction is not required to satisfy an applicable approval criterion and that future construction of the improvement remains feasible. A deferred improvement shall be secured by an improvement agreement, performance

security, proportionate contribution, or other mechanism authorized by this Code. The basis, timing, and method of security for the deferral shall be stated in the decision.

~~(11) The City may deny approval of land divisions or developments where facility deficiencies cannot be corrected or improved to fulfill the proposed need, or the Applicant refuses to provide the needed improvements.~~

(11) The City may deny a land division or development when an applicable facility, mobility, access, safety, or improvement standard cannot be satisfied through an improvement or mitigation measure authorized by this Code, or when the applicant refuses to provide or secure required improvements.

SECTION 8.200 SPECIFICATIONS FOR IMPROVEMENTS

Section 8.200 is repealed and replaced in its entirety as follows:

~~Design and construction standards for Public Facilities have been adopted by the City of Adair Village in Code Section 8.700. The developer or land divider shall prepare and submit to the City for review and approval, plans and specifications in compliance with this Code and other applicable City ordinances. Where specific City standards are lacking, the plans and specifications shall comply with the intent of this Code based upon engineering standards appropriate for the improvements proposed. These standards shall be so noted and identified in the drawings and specifications provided. (Amended ORD 2013-03).~~

Design and construction standards for public facilities have been adopted by the City in Section 8.700. The developer or land divider shall submit plans and specifications complying with this Code and other applicable City ordinances. Where a technical engineering standard is not specified, the City Engineer may require a generally accepted engineering standard applicable to the improvement. The City Engineer shall identify the standard in writing in the approved plans or specifications. An uncoded engineering standard may not create or modify a land use approval criterion or development standard.

SECTION 8.300 REQUIRED IMPROVEMENTS

The introductory paragraph and subsections (1) through (5), (10), and (11) are amended; the existing Surface Drainage and Storm Sewer System subsection, currently numbered (8), is renumbered as subsection (7) without substantive amendment; and all other provisions remain unchanged.

~~The following improvements shall be installed to serve each building site and each property in a subdivision or partition at the expense of the developer or land divider. However, if the City finds that conditions make installation of some improvements unnecessary at the time of development or land division, the City may defer the improvements. If deferred the developer/owner shall pay their fair share of the cost of improvements and the funds shall be placed into the City's specified Improvement Fund to pay for the improvements later. In lieu of deferring an improvement, the City Council may determine that the improvement be installed in the area under special assessment financing or other facility extension policies of the City:~~

- ~~(1) Streets: Public or private streets, adjacent to, or within the development or land division shall be improved. Curbs, gutters and catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected.~~
- ~~(2) Railroad Crossings: Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements shall be borne by the developer or land divider unless an equitable means of cost distribution is approved by the City.~~
- ~~(3) Street Name Signs: Street name signs shall be installed to City standards at all street intersections.~~
- ~~(4) Streetlights: Street lights shall be installed and shall be served from an underground utility.~~
- ~~(5) Traffic Signals: Where a proposed intersection will result in the need for street signals to serve the increased traffic generated by the proposed development, they shall be provided by the developer or land divider and the costs shall be borne by the developer or land divider unless an equitable means of cost distribution is approved by the City.~~
- ~~(10) Sidewalks: Sidewalks are required on both sides of a public street and in any pedestrian way extending through a development or land division, except that in the case of primary or secondary arterials, or special type industrial districts, the Planning Commission may approve a development or land division without sidewalks if alternative pedestrian routes are available.~~

~~(11) Bicycle Routes: If appropriate to the extension of a system of bicycle routes, existing or planned, the City may require the installation of separate bicycle lanes within streets or separate bicycle paths.~~

~~The following improvements shall be installed when required by Article 5, another applicable approval criterion, or a condition of approval authorized by this Code or other applicable law. Improvements shall be provided at the expense of the developer or land divider, except where the City approves another lawful cost-sharing arrangement. Deferral, improvement agreements, and security are governed by Section 8.100 and Sections 8.510 and 8.520.~~

- ~~(1) Streets and Frontage Improvements. Public or private streets adjacent to or within the development or land division shall be dedicated and improved as required by Sections 5.123 and 5.140. Required improvements may include roadway pavement, curbs, gutters, drainage facilities, planter strips, sidewalks, bicycle facilities, shared-use paths, lighting, and related improvements. Survey monuments shall be re-established and protected following construction.~~
- ~~(2) Railroad Crossings. A railroad-crossing improvement required under Section 5.140 shall be provided in accordance with applicable railroad and agency requirements. The applicant's obligation shall be reasonably related and proportionate to the anticipated impacts of the development.~~
- ~~(3) Street Name Signs. Street-name signs shall be installed for new or extended streets in accordance with applicable City standards.~~
- ~~(4) Streetlights. Streetlights required by Article 5 or another applicable approval criterion or standard of this Code shall be installed in accordance with applicable City standards and shall be served by underground utilities unless otherwise approved by the serving utility and the City.~~
- ~~(5) Traffic Controls and Intersection Improvements. Traffic signals, signs, turn lanes, channelization, crossings, access modifications, or other intersection improvements required under Section 5.140 shall be constructed or secured at the time specified in the land use decision. The applicant's obligation shall be reasonably related and proportionate to the anticipated impacts of the development.~~
- ~~(7) Surface Drainage and Storm Sewer System:~~
- ~~(10) Sidewalks and Accessways. Sidewalks and pedestrian accessways shall be provided as required by Sections 5.124, 5.131, and 5.140. A modification to a required sidewalk or accessway land use standard shall be reviewed under Section 5.140(15). A technical engineering alternative that does not modify a land use standard may be reviewed under Section 8.800.~~
- ~~(11) Bicycle Facilities and Shared-Use Paths. Bicycle lanes, bicycle paths, and shared-use paths shall be provided as required by Sections 5.125 and 5.140. A modification to a required bicycle facility or shared-use path land use standard shall be reviewed under Section 5.140(15). A technical engineering alternative that does not modify a land use standard may be reviewed under Section 8.800.~~

SECTION 8.700 ADOPTED DESIGN AND CONSTRUCTION STANDARDS

Section 8.700 is repealed and replaced in its entirety as follows:

~~The City of Adair Village has adopted design and construction standards for all public improvements within the City including, but not limited to, improvements and extension of the water system, sanitary sewer system, storm sewer system, and streets, sidewalks, and driveways. These standards are contained in the City's "Public Infrastructure Design Standards Manual" effective July 1, 2009.~~

~~The City will maintain a current copy of the "Public Infrastructure Design Standards Manual" together with all amendments and/or addendums published by the City and those permanent modifications made in accordance with Section 8.800.~~

The City has adopted design and construction standards for public improvements, including water, sanitary sewer, storm drainage, streets, sidewalks, bikeways, shared-use paths, and driveways. These technical standards are contained in the Public Infrastructure Design Standards Manual effective July 1, 2009, as amended in accordance with Section 8.800.

Article 5 and the TSP standards expressly incorporated by Section 5.140 control functional classification, required right-of-way, street cross-sections, access spacing, mobility, connectivity, required pedestrian, bicycle, and shared-use-path facilities. The Public Infrastructure Design Standards Manual controls engineering details, materials, construction methods, testing, inspection, and acceptance. The Manual may not establish, modify, or expand a land use approval criterion or development standard.

The City shall maintain a current copy of the Manual and all adopted amendments or addenda.

SECTION 8.800 MODIFICATIONS PERMITTED

Section 8.800 is repealed and replaced in its entirety as follows:

~~The City may review and approve modifications to the adopted “Public Infrastructure Design Standards Manual.” Such modifications may be made upon written request from a developer or contractor designing and/or constructing public improvements within the City of Adair Village, and such modifications may be approved on a one-time basis or be adopted permanently. Permanent modifications require the approval of the City Council.~~

~~(1) One-time Modifications: The City may approve one-time modifications for a particular public improvement upon written request if, in the opinion of the City Engineer, the requested modification is necessary to complete the improvement and the modification would not adversely impact safety; the life span and quality of the system; or maintenance and repair requirements.~~

~~(2) Permanent Modifications: Permanent modifications to the “Public Infrastructure Design Standards Manual” may be recommended at any time. With the concurrence of the City Administrator and City Engineer, the recommended modification may be referred to the City Council for review and adoption. Recommended modifications shall be provided in a form determined by the City. Once a permanent modification has been approved, it shall become part of the Public Infrastructure Design Standards for the City of Adair Village. (Amended ORD 2013-03).~~

The City may review and approve modifications to the Public Infrastructure Design Standards Manual upon written request from a developer, contractor, or other person designing or constructing public improvements within the City. A modification may be approved as a one-time technical modification or adopted as a permanent modification to the Manual.

This section applies only to technical engineering details and does not authorize modification of a land use approval criterion or development standard in Article 5. Modifications to required right-of-way, street cross-sections, access-management standards, connectivity requirements, or required pedestrian, bicycle, shared-use-path, or other transportation facilities are governed by Section 5.140(15). A mobility standard may not be modified under this section.

(1) One-Time Modifications. The City Engineer may approve a one-time technical modification for a particular public improvement when the applicant demonstrates that the proposed alternative:

- (a) Provides equal or better safety, structural performance, service life, and maintainability;
- (b) Complies with the applicable functional and dimensional standards of Article 5; and
- (c) Does not modify a land use approval criterion or development standard.

(2) Permanent Modifications. A permanent modification to the Public Infrastructure Design Standards Manual may be recommended by the City Administrator and City Engineer and adopted by the City Council. A permanent modification adopted under this section may not modify a land use approval criterion, development standard, or Transportation System Plan implementing standard. A proposed change to any such standard shall instead be processed as a Development Code or Transportation System Plan amendment, as applicable.

SECTION 8.900 APPLICABILITY OF STATE AND COUNTY STANDARDS

Section 8.900 is repealed and replaced in its entirety as follows:

~~For public improvements that are constructed within the public rights-of-way owned and controlled by Benton County, coordination is required with Benton County Public Works Department and required permits must be obtained. In the event of a conflict between the City of Adair Village's adopted Design and Construction Standards and those of Benton County, Benton County standards will take precedence unless jointly agreed upon by Benton County Public Works Department and the City of Adair Village.~~

Public improvements within a Benton County or ODOT right-of-way require coordination with the applicable agency and all required permits.

- (1) State Facilities. ODOT standards and permit requirements govern work within State right-of-way and facilities under State jurisdiction. City standards apply only to the extent accepted by ODOT and not inconsistent with ODOT requirements.
- (2) County Facilities Within the Urban Growth Boundary. For Benton County facilities within the Urban Growth Boundary, the functional classifications and transportation cross-sections established by Article 5 apply only to the extent accepted by Benton County or established through an applicable intergovernmental agreement or project-specific approval. Benton County standards and permit requirements govern permitting, engineering details, construction, inspection, and acceptance.
- (3) County Facilities Outside the Urban Growth Boundary. Benton County standards and permit requirements govern work within County right-of-way and facilities under County jurisdiction outside the Urban Growth Boundary.
- (4) Alternative Standards. An alternative to subsections (1) through (3) may be established through an intergovernmental agreement or written project-specific approval by the City and the agency having jurisdiction.