

EXHIBIT 1: LEGISLATIVE CLEAN

ADAIR VILLAGE TRANSPORTATION SYSTEM PLAN IMPLEMENTATION AMENDMENTS

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:

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 a provision of this Code imposes a requirement or restriction that is less restrictive than a comparable requirement or restriction imposed by another provision of this Code another city ordinance, state law or federal law, the more restrictive requirement or restriction 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 Minor Site Plan Reviews under Section 2.400.

(3) The Planning Commission shall have the authority to review and approve Major Site Plan Reviews under Section 2.400; Conditional Uses under Section 2.500; Variances under Section 2.600; 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 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.

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. 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 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.
- (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.
- (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.
- (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 protected from through traffic that provides access to abutting properties and 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: the location, number, and dimensions of parking spaces, parking aisles, maneuvering areas, and internal vehicle-circulation routes.
- (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.
- (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.
- (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, 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, 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, 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) 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 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 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 any other applicable 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.

(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 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, number, width, and design of vehicle access points in accordance with Sections 5.122 and 5.140.

(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, 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 an improvement agreement and security for required improvements in accordance with Article 8.

(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.

(4)(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 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 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 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 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 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 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) List, by commonly used citation, the applicable approval criteria and standards.
 - (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) 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. 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 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. 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 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. 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 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, 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, streets, and other transportation improvements as required by Article 5 and constructed or secured in accordance with Article 8.
- (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:

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:

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 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) **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) 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:

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.
- (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) 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.

- (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.

- (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 shall show, by dashed lines, potential future divisions that comply with the minimum applicable standards of this Code. 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.

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

- 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 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 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(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) 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 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 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 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 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 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 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:

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.