

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of the Adoption of an Ordinance)
Requiring Public Safety Infrastructure Standards)
for On-site and Off-site Traffic Safety Improvements)
in Connection with Commercial Development,) ORDINANCE 787
Industrial Development and Residential Subdivision)
Development in Unincorporated Yamhill County;)
Declaring an Emergency; Effective September 25, 2006.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on September 20, 2006, commissioners Leslie Lewis, Kathy George and Mary P. Stern being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. The Yamhill County Board of Commissioners finds that the public's health, safety and welfare requires adequate, safe, and structurally sound roadways and infrastructure. These public health, safety and welfare measures, including provision of safe and adequate roads, bridges, intersections, flood prevention structures and other amenities are legitimate public purposes.

B. To protect the public health, safety and welfare, it is appropriate that county road and infrastructure improvements be required as a condition of approval for any commercial development, industrial development or residential subdivision development. By requiring county road and infrastructure improvement as a condition of development, the county can assure that public health, safety and welfare is protected by providing safe and adequate roadways capable of handling increased traffic related to the development.

C. The Director of the Yamhill County Public Works Department should have the authority to require county road and infrastructure improvements to be made before giving his consent to further commercial development, industrial development or residential subdivision development. Any required improvements will be roughly proportionate to both the nature and extent of impact of the proposed development. NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

1. The "Yamhill County Public Safety Infrastructure Ordinance" attached and incorporated as Exhibit "A" is hereby adopted by Yamhill County.

2. All sections, subsections and paragraphs of this ordinance are severable. If any section, subsection or paragraph is ruled invalid for any reason by the court of last resort, the other portions of this ordinance shall be unaffected.

3. The first and second readings of this ordinance were made September 20, 2006. To carry out the intent of this ordinance an emergency is hereby declared to exist. In accordance with ORS 203.045(4) this ordinance shall take effect on September 25, 2006.

AYES: Commissioners Lewis, George and Stern.

DONE at McMinnville, Oregon on September 20, 2006.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

JAN COLEMAN
County Clerk

Leslie A. Lewis
Chair
LESLIE LEWIS

By Anne Britton
Deputy ANNE BRITTON

Kathy George
Commissioner
KATHY GEORGE

FORM APPROVED BY:

Rick Sanai
RICK SANAI
Assistant County Counsel

Mary P. Stern
Commissioner
MARY P. STERN

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Accepted by Yamhill County
Board of Commissioners on
9/20/06 by Board Order
06-662

Exhibit "A"

ORDINANCE 787

The Yamhill County Public Safety Infrastructure Ordinance

Section 1. Title. This Ordinance may be cited as the "Yamhill County Public Safety Infrastructure Ordinance."

Section 2. Definitions. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural.

- 2.1 "AASHTO" means the American Association of State Highway and Transportation Officials.
- 2.2 "Applicant" means the person seeking a permit for Development.
- 2.3 "Board" means the Yamhill County Board of Commissioners, the governing body of Yamhill County.
- 2.4 "Commercial development" includes, among other commercial uses, recreational commercial uses, uses allowed in the PAI zone, apartments and/or condominium buildings and mobile homes/RV parks.
- 2.5 "Development" means commercial development, industrial development or residential subdivision development within the unincorporated areas of Yamhill County.
- 2.6 "Planning Director" means the Director of the Yamhill County Department of Planning and Development or his duly authorized representative.
- 2.7 "Public Works Director" means the Director of the Yamhill County Public Works Department or his duly authorized representative.
- 2.8 "Subdivide land" means to divide land to create four or more lots within a calendar year.
- 2.9 "Subdivision" means either an act of subdividing land or an area or a tract of land subdivided.
- 2.10 "Subdivision plat" includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- 2.11 "Three-quarters street development" means full development, construction, and paving of a roadway to AASHTO standards, as well as full construction of sidewalks, drainage,

culverts, street trees, curb cuts, ADA ramps, street lights, bicycle lanes, grass strips, landscape features, and/or other amenities designated by the Public Works Director along the side of the roadway proposed for development.

Section 3. Materials That May Be Required From Applicant. The Planning Director may require an Applicant to provide some or all of the following materials to the Public Works Director when the Development includes access onto a public road under the jurisdiction of the Board.

- 3.1 Site Plan;
- 3.2 Traffic Study - completed by a registered traffic engineer;
- 3.3 Access Analysis - completed by a registered traffic engineer;
- 3.4 Sight Distance Certification from a registered traffic engineer; and
- 3.5 Other site-specific information requested by the Public Works Director.

Section 4. Factors. Before approving a subdivision plat or permit for Development, the Planning Director must receive written approval from the Public Works Director that the Applicant has provided adequate assurance that the following factors have been satisfied.

- 4.1 Location: All new access points shall be located so as to meet AASHTO access spacing standards in effect at the time of subdivision or Development.
- 4.2 Width: Driveway and accessway widths shall conform to the dimensions laid out in the Land Division Ordinance or other standards stated by the Public Works Director.
- 4.3 Sight Distance: All new access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the current AASHTO Policy on Geometric Design of Highways and Streets. A specific intersection design approved by the Public Works Director will be required for all street/road intersections.

Section 5. Transportation Impact.

- 5.1 Before approving a subdivision plat or permit for Development, the Planning Director must receive written approval from the Public Works Director that the Applicant has provided the Public Works Director with a study to determine if a transportation impact is caused by the proposed development. The study must determine the number of new trips generated by a site by one of the following methods as approved by the Public Works Director. The County may develop conditions of approval based upon the findings of a traffic study, but the County is not bound by those findings.

- 5.1.1 Calculations from the most recent edition of the Institute of Transportation Engineers' trip generation manual (ITE); or
- 5.1.2 A site development transportation impact study conducted by a professional traffic engineer registered in the State of Oregon and accepted by the Public Works Director. The scope of the study will be set by the Public Works Director.
- 5.2 The Public Works Director may use the information provided by the Applicant and/or the frontage length of the subject property to determine the infrastructure improvement requirements needed to obtain development approval.

Section 6. On-site Improvement Requirements. Before approving a subdivision plat or permit for Development, the Planning Director must receive written approval from the Public Works Director that the Applicant has provided the Public Works Director with adequate assurance that the proposed development meets the following improvements or actions identified in this section that are required by the Public Works Director.

- 6.1 Site Development: At the discretion of the Public Works Director, the Applicant may be responsible for public infrastructure improvements such as:
 - 6.1.1 Dedication Requirement: The Applicant may be responsible for right-of-way and/or easement dedications necessary to bring the affected, existing, created or planned public streets and other facilities within and abutting the development to the current County standards. The Public Works Director will take into account the potential timing of future improvements. The Public Works Director will consider right-of-way dedications for planned improvements that fall within the 20 year transportation planning window. The dedication of the required easements and rights-of-way may be conditions of approval of design review or any other development permit related to the proposal.
 - 6.1.2 Frontage Improvement Requirements: The Planning Director, upon recommendation of the Public Works Director, may limit double frontage lots to access from the lower classification road or street. The Planning Director, upon recommendation of the Public Works Director, may require shared access in situations where spacing standards cannot be met or where there is a benefit to the transportation system. In addition to easement and right-of-way dedication requirements, a pro-rata share may include three quarter-street improvements along all of the site's county road frontage(s). Improvements shall satisfy the standards of the County Land Division Ordinance based upon the functional classification of the road(s). The commitment to improve the affected streets or other facilities to the required standards shall be conditions of approval of design review or any other development permit related to the proposal. Three quarter-street or other required improvements can include some or all of the following:

- (1) Street widening / improvement (full street width including both travel lanes but excluding shoulder, curb and sidewalk improvements on side of road opposite the proposed development)
- (2) Utility cut restoration
- (3) Curb and sidewalk on development side
- (4) Driveway relocation / replacement / removal
- (5) Traffic controls
- (6) Turning lanes as indicated by the traffic impact study
- (7) Drainage and water detention facilities
- (8) Lighting facilities
- (9) Bicycle facilities and/or pathways
- (10) ADA ramp construction / reconstruction
- (11) Signal conduit facilities
- (12) Street trees or other amenities to match the adjoining city standards or requests
- (13) Other appropriate facility requirements, including off-site construction or improvements to nearby roads, bridges, intersections, or other public works which might be affected by the proposed development.

6.2 Subdivision: The Applicant may be required to make right-of-way and/or easement dedications needed to meet County road standards where specific improvements are either required for the subject development or are reasonably forecast to be needed within the next 20 year planning horizon. These improvements may be required as a condition of all subdivisions as defined in Section 2. Land Divisions that create flag lots will be required to make frontage improvements along the entire length of the parent lot. The Public Works Director may allow deferral of this improvement requirement until development of the flag lot(s) occurs. When further reviews or approvals will be necessary before development can occur, the Public Works Director may allow deferral of those improvement requirements and not apply them to subdivision proposals.

6.3 Zone Change: The Applicant may be required to provide a transportation impact study over the 20-year planning horizon for zone changes that would allow more intensive use of a site than allowed by the site's existing zoning. Improvement requirements for zone

changes may consider needs identified in any transportation impact study conducted for the site.

Section 7. Off-site Improvement Requirements.

7.1 Upon the recommendation of the Public Works Director, the Planning Director may require off-site improvements as a condition of Development approval to satisfy transportation requirements, development-created capacity needs, County road maintenance requirements, Uniform Fire Code requirements, ADA requirements, and other public service requirements, and to mitigate any detrimental effects of the proposed Development on nearby residents, neighborhoods, farms, and businesses. These improvements may be charged to the Development in proportion to the impact the Development has in relation to the existing background traffic. The most common applications of these requirements are:

- 7.1.1 Widening and/or improving existing street sections to meet projected traffic increases directly related to the proposed improvement.
- 7.1.2 Safety improvements to existing transportation infrastructure.
- 7.1.3 Traffic control improvements, including signs and traffic signals to facilitate safe smooth flow of traffic.
- 7.1.4 Drainage and/or water detention improvements to address projected peak flow increases related to development's increase in impervious surfaces and routing of surface water into drainage channels and ditches.
- 7.1.5 Repair, replacement, or maintenance of an existing bridge.
- 7.1.6 Other improvements needed in connection with the proposed Development.

Section 8. Compliance Methods. Once on-site or off-site improvement requirements have been required by the Planning Director upon recommendation of the Public Works Director, one or a combination of the following methods may be used to satisfy those requirements, at the discretion of the Public Works Director.

- 8.1 Construction Permit: The Applicant must obtain a county permit from the Department of Public Works to construct any of the required improvements, and then complete the construction to the satisfaction of the Public Works Director.
- 8.2 Payment in-lieu-of Construction: The Public Works Director may at his discretion authorize payment in lieu of improvements, rather than construction of improvements, if he determines that there is a benefit to the public in delaying the construction of the development-related improvements or combining the improvements with a larger County project. In lieu of construction by the Applicant, the Public Works Director may require a

cash payment in order to satisfy improvement requirements established as a condition of a development permit. Payment will be administered through a Payment in-Lieu-of Construction Agreement. In the alternative, the Public Works Director may require the Applicant to post a good and sufficient bond to insure the improvements are constructed.

- 8.3 Non-Remonstrance Agreement: A non-remonstrance agreement shall be recorded in the Yamhill County Deed & Mortgage Records against the affected property. The agreement must "run with the land," thereby obligating the property owner and any successors in interest to share in the cost of the necessary improvements and to not remonstrate (object) against a petition or resolution for necessary improvements. In approving this method, the Public Works Director may require a temporary improvement appropriate to the circumstances.
- 8.4 Project Agreement: The Public Works Director, the developer, Applicant and the property owner, as applicable, may execute a written agreement to share the costs of design and construction of a road project consistent with any applicable laws and regulations. The agreement shall identify the roles and responsibilities of the parties and must be signed by both the Public Works Director, the developer, Applicant and all property owners, as applicable. The County may require an Applicant to bear the cost of engineering review performed by County personnel.

Section 9. Restriction on Approval of Final Development Permit by Planning Director.

The Planning Director shall not grant subdivision plat approval or a permit for Development as defined in Section 2 until the Public Works Director has certified, in writing, that the Applicant has fully complied with the provisions of this Ordinance.

Section 10. Severability. If any part of this ordinance is found by a court of competent jurisdiction to be unconstitutional or otherwise contrary to law, that portion shall be deemed separate and distinct, and the rest of this ordinance shall remain in full force and effect.

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