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To Plan Amendment Specialist, Dept. of Land Conservation and Development

RE Kingston Terrace Code Amendments

From Mike Weston, City Manager

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Proposed Kingston Terrace Code Amendments

INTRODUCTION

The Kingston Terrace development code is one of the documents that will implement the vision of the Kingston Terrace Master Plan. Along with the Transportation System Plan (TSP), and the Systems Development Charges (SDC) and infrastructure funding plan, the development code will ensure that Kingston Terrace develops in a way that is consistent with the original Kingston Terrace Concept Plan vision and the Master Plan principles and policies. Some development will likely begin upon adoption of implementing documents but the entirety of Kingston Terrace may take many years to be fully realized.

In advance of adoption hearings in June you will receive more information about the specific amendments to Chapter 16. This document provides an overview of the key concepts behind the code amendments, their organization, and their role in implementing the Master Plan for Kingston Terrace.

This packet consists of the following:

- Summary Table of Amendments (this memo)
- Attachments
 - 16.144 – Kingston Terrace Development and Design Standards Discussion Draft
 - 16.40 Amendments to Article II regarding Procedures Discussion Draft
 - 16.192 Annexation Discussion Draft

DISCUSSION DRAFT AMENDMENTS – SUMMARY TABLE

The overall purpose of the Kingston Terrace Development Code Amendments is to encourage development by charting a clear path to approval and to communicate and illustrate the vision as articulated in the 2018 Concept Plan and 2023 Master Plan so that new development will implement the vision.

The bulk of code amendments are in one single new chapter for Kingston Terrace (16.114). It will apply exclusively to the Kingston Terrace expansion area. This area will be regulated differently than the existing city and will be governed by annexation and procedures that apply exclusively to the

new area due to the anticipated level of development. While many provisions of the current code will continue to apply or are modified, in a few cases current provisions are exempt. These provisions will be replaced by new sections in 16.114.

For a detailed breakdown of Title 16 provisions that are applicable to Kingston Terrace but are modified, or are exempt or superseded, see Table 16.114-1 in the attachment.

Preliminary draft amendments dealing with annexation and review and approval procedures are additional attachments.

16.114 Summary table

Commentary	Sections and Articles in 16.114	
States the purpose and intent of the development code in implementing the Kingston Terrace Master Plan.	010	Purpose and intent
Table 16.114-1 lays out the applicable standards of Title 16 and clarifies those that will apply to development within the Kingston Terrace District, and those that are exempted or modified.	020	Applicability <u>Figures and tables</u> <ul style="list-style-type: none"> · Figure 16.144-1 Kingston Terrace Plan District · Table 16.114-1 Applicable Title 16-Community Development & Zoning Code
This section spells out uses allowed, conditional uses, and prohibited uses.	030	Uses <u>Figures and tables</u> <ul style="list-style-type: none"> · Table 16.144-2 Uses in Kingston Terrace District
This section will cover dimensional standards and the minimum net dwelling density requirement; it will also define net density as it applies to Kingston Terrace.	040	Density and Dimensional Standards <ul style="list-style-type: none"> A. Dimensional standards and minimum net density B. Net Density definition <u>Table (in development)</u> <ul style="list-style-type: none"> · Table 16.114-3 Density and Dimensional Standards

Commentary	Sections and Articles in 16.114	
<p>Refers to Procedures in Chapter 16.32 (see separate attachment) and lays out the Development Plan approval process applicable to Kingston Terrace.</p>	<p>050</p>	<p>Review Process</p>
<p>Sets out the neighborhood circulation requirements and approval standards. Those of Chapter 16.212 apply to development in the Kingston Terrace District, except for the street, sidewalk, accessway, and trail circulation standards as modified in this section.</p>	<p>060</p>	<p>Neighborhood Circulation</p> <ul style="list-style-type: none"> A. Street circulation standards B. Bicycle and pedestrian circulation C. Future transit D. Design standards E. Adjustment procedures F. Typical street sections G. Circulation and access <p><u>Figures and tables</u></p> <ul style="list-style-type: none"> · Table 16.114-4 Street Dimensional and Design Standards · Table 16.114-5 – 11 Street cross-sections · Table 16.114-5 Minimum Vehicle Access Standards
<p>Will spell out the parks requirements for developments in Kingston Terrace</p>	<p>070</p>	<p>Parks, Open Space, and Trails</p>

Commentary	Sections and Articles in 16.114	
<p>All development in the Kingston Terrace District will require a minimum level of design, administered through a clear and objective review process. Design standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.</p>	<p>080</p>	<p>Design Standards</p> <ul style="list-style-type: none"> A. Design objectives B. Applicability C. Application D. Articulation E. Eyes on the street and transparency F. Main entrance G. Detailed design H. Transitional space I. Private open space J. Common open space <p><u>Figures and tables</u></p> <ul style="list-style-type: none"> · Table 14.114-6 Applicable Building Design Standards
<p>States that manufactured/mobile homes are subject to the same standards as other dwellings.</p>	<p>090</p>	<p>Manufactured/Mobile Home Regulations</p>
<p>States that Section 16.142 applies to development in Kingston Terrace but with modifications to the specified sections.</p>	<p>100</p>	<p>Landscaping and Beautification</p> <ul style="list-style-type: none"> A. Buffering/Screening B. Height Restrictions C. Parking and loading
<p>This section will describe how the City will protect natural areas at the time of development. It will establish procedures and criteria for protection of Habitat Conservation Areas (HCAs) on properties located within Kingston Terrace, and will comply with Section 4 of Metro’s Urban Growth Management Functional Plan.</p>	<p>110</p>	<p>Metro Habitat Conservation Areas</p> <p><i>Text for this provision will be based on Metro’s model code with modifications tailored to King City’s needs. The project team is working closely with Metro to develop final language.</i></p>

Commentary	Sections and Articles in 16.114	
<p>Provides basic and flexible standards for the development of vehicle parking, loading and bicycle parking. No minimums are required (per state rules); maximums are listed.</p>	<p>120</p>	<p>Parking and Loading</p> <ul style="list-style-type: none"> A. Purpose B. Applicability C. Vehicle parking standards D. Loading area requirements E. Bicycle parking requirements <p><u>Figures and tables</u></p> <ul style="list-style-type: none"> · Table 16.114-7 Maximum Vehicle Parking Spaces · Table 16.114-8 Parking Stall Dimensions · Figure 16.114-17 Parking Area Dimensions · Table 16.114-9 Minimum Bicycle Parking Requirements
<p>Addresses the provision of infrastructure systems necessary to serve property in the Kingston Terrace District as provided for in the Kingston Terrace Master Plan, Kingston Terrace Funding Strategy, and related infrastructure master plans; establishes that that no development rights vest and no development approvals will be granted until the infrastructure systems are in place or assured.</p>	<p>130</p>	<p>Provision of Adequate Public Facilities</p> <ul style="list-style-type: none"> A. Intent B. Approval standard C. Deferral of compliance D. Exceptions permitted
	<p>140</p>	<p>Vision Clearance</p>
<p>Chapter 16.148 applies with modifications for monument signs</p>	<p>150</p>	<p>Signs</p>
<p>Chapter 16.168 applies with modifications for temporary sales office</p>	<p>160</p>	<p>Temporary Uses</p>

Commentary	Sections and Articles in 16.114	
<p>The overall purpose of the Kingston Terrace regulating plan is to ensure development occurs in a pattern consistent with plan goals, most importantly: to maintain sensitivity to the Tualatin River and surrounding natural areas, establish a community of great neighborhoods, and ensure universal access and fluidity of transportation.</p>	<p>170</p>	<p>Town Center Regulating Plan <u>Figures and tables</u></p> <ul style="list-style-type: none"> · Figure 16.114-18 Kingston Terrace Town Center Regulating Plan Table 16.114-10 Town Center Neighborhood Design Standards
	<p>180</p>	<p>Residential Neighborhoods Regulating Plan <u>Figures and tables</u></p> <ul style="list-style-type: none"> · Figure 16.114.180 Kingston Terrace Residential Neighborhoods Regulating Plan · Table 16.114-11 Residential Neighborhoods Design Standards

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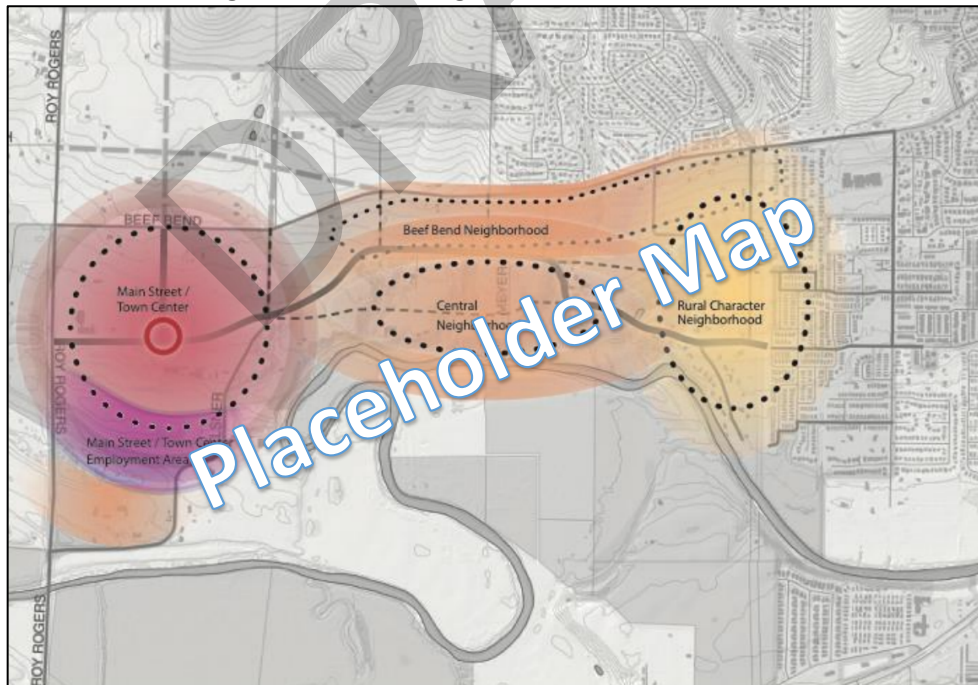
16.114.010 Purpose and Intent

- A. The Kingston Terrace District development and design standards reflect the City's goals, policies, and implementation measures in the Kingston Terrace Master Plan. Specifically, the Kingston Terrace District standards:
 - 1. Support development of a vibrant and dynamic residential community that includes opportunities for retail, neighborhood servicing commercial, and civic uses,
 - 2. Provide a wide range of housing types that are attainable to a diversity of households,
 - 3. Facilitate connectivity for all modes of travel throughout the community,
 - 4. Integrate and connect open spaces and natural areas with built spaces,
 - 5. Support environmental sustainability and climate resiliency approaches,
 - 6. Provide for orderly and efficient extension of public services, facilities, and utilities, and
 - 7. Provide a clear and objective permitting path for development to occur.

16.114.020 Applicability

- A. The standards of this section apply only within the Kingston Terrace Plan District boundary as shown on Figure 16.114-1.
- B. Maps indicating the location and extent of the parks, trails, open space, and infrastructure improvements within the Plan District are provided in the Kingston Terrace Master Plan. A land use application and a decision to approve the application shall provide improvements that substantially comply with these maps and are proportional to the proposed development or provide other improvements that are comparable in terms of size, capacity, and location.

Figure 16.114-1 Kingston Terrace Plan District



- C. Regulating plans for the Town Center and Residential Neighborhoods that guide the design of streets and location of uses within the Kingston Terrace District are provided in Sections 16.114.170 and 16.114.180 of this Chapter.
- D. The design standards of this chapter do not apply to existing uses and buildings.
- E. Standards Title 16 – Community Development and Zoning Code apply to development within the Kingston Terrace District or, except as modified or exempted by this chapter as noted in the table below:

Table 16.114-1 Applicable Title 16 - Community Development & Zoning Code

Standard	Code Section	
Introduction and General Provisions	Article I.	Applies.
Procedures	Article II.	Modified by Section 16.114.050
Land Use Districts	Article III.	Modified by Section 16.114.020
Kingston Terrace District		Apply Chapter 16.114
Development Standards	Article IV.	
Solar Balance Point Standards	16.116	Exempt.
Manufactured/ Mobile Home Regulations	16.120	Modified by Section 16.114.090
Landscaping and Beautification	16.124	
Buffering/screening requirements	16.124.110.C., D., and E.	Exempt. Superseded by Section 16.114.100
Height restrictions.	16.124.130.B	Exempt. Superseded by Section 16.114.100
Parking and loading areas.	16.124.140.A	Exempt. Superseded by Section 16.114.100
Tree Removal	16.128	Applies.
Parking and Loading	16.132	Exempt. Superseded by Section 16.114.120
Circulation and Access	16.136	
Access standards – Residential	16.136.030	Exempt. Superseded by Section 16.114.060
Access standards – Non-residential.	16.136.040	Exempt. Superseded by Section 16.114.060
Design standards.	16.136.050.C.6.	Exempt. Superseded by Section 16.114.060
Floodplain and Drainage Hazard Area	16.140	Applies.
Goal 5 Safe Harbor Review	16.142	Exempt.
Metro Habitat Conservation Areas.	16.143	Modified by Section 16.114.110
Vision Clearance	16.144	
Standards.	16.144.030	Exempt. Superseded by Section 16.114.140
Residential Density Calculation	16.146	Exempt. Superseded by Section 16.114.040
Signs	16.148	Modified by Section 16.114.150
Planned Development	16.150	Exempt. Superseded by Section 16.114.050
Development Review	Article V.	
Site Plan Review	16.152	Exempt. Superseded by Section 16.114.050
Conditional Uses	16.156	Applies.
Nonconforming Situations	16.160	Applies.
Variance	16.164	Exempt. Superseded by Section 16.114.050
Temporary Uses	16.168	
Applicability of provisions.	16.168.020.B.	Modified by Section 16.114.160
Home Occupations	16.172	Applies.
Accessory Structures	16.176	Applies.
Accessory Dwelling Units	16.178	Applies.
Communication Facilities and Structures	16.179	Applies.
Fences and Walls	16.180	

Standard	Code Section	
Standards.	16.180.040	Modified by Section 16.114.100
Patio Covers and Patio Enclosures	16.184	Applies.
Decks/ Spas and Hot Tubs	16.188	Applies.
Annexation	16.192	Applies.
Land Division	Article VI.	
Subdivision	16.196	Modified by Section 16.114.050.B
Major and Minor Land Partitions and Lot Line Adjustments	16.200	Applies
Solar Access Standards for New Development	16.204	Exempt.
Public Facilities and Services	Article VII.	
Improvements	16.208	Exempt. Superseded by Section 16.114.130
Neighborhood Circulation	16.212	Exempt. Superseded by Section 16.114.060

16.114.030 Uses

- A. The uses allowed in the Kingston Terrace District are shown in Table 16.114-2.
 1. Y = Uses Allowed Outright.
 2. CU = Conditional Use.
 3. N = Prohibited Use
- B. Uses Allowed Outright. A permitted use is a use which is allowed outright but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to a similar unlisted use under the provisions of Chapter 16.82.
- C. Conditional Uses. Conditional uses in the Kingston Terrace District are shown in Table 16.114-2. Conditional uses are uses which are subject to a discretionary decision by the Planning Commission. The approval criteria are set forth in Chapter 16.156. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82.
- D. Prohibited Uses. Prohibited uses in the Kingston Terrace District are shown in Table 16.114-2. Legally established uses and development which existed at the time this Code was adopted and would otherwise be prohibited, are subject to additional regulations in Chapter 16.160, Nonconforming Situations.

Table 16.114-2 Uses in Kingston Terrace District

Regulating Plan	Town Center Neighborhood Regulating Plan	Residential Neighborhoods Regulating Plan		
		Beef Bend Neighborhood	Central Neighborhood	Rural Character Neighborhood
Uses				
Residential Categories				
Single detached or attached ¹	Y	Y	Y	Y
Townhouse	Y	Y	Y	Y
Apartments	Y	Y	Y	Y
Mixed-Use Building or Development	Y	Y	CU	CU
Commercial Categories				

¹ Accessory Dwelling Units (ADUs) are allowed in all Kingston Terrace neighborhoods. ADUs are subject to the application review, submission requirements, and approval standards of Chapter 16.178 of this Title.

Regulating Plan Uses	Town Center Neighborhood Regulating Plan	Residential Neighborhoods Regulating Plan		
		Beef Bend Neighborhood	Central Neighborhood	Rural Character Neighborhood
Retail Sales and Service ²	Y	Y	CU	N
Large Retail ³	CU	N	N	N
Eating and Drinking Establishments	Y	Y	CU	N
Professional Services	Y	Y	CU	N
Office	Y	Y	CU	N
Marijuana Sales Other than Medical	CU	N	N	N
Lodging	CU	N	N	N
Mobile Food Carts & Food Pods	CU	N	N	N
Gas Station & Quick Vehicle Servicing	CU	N	N	N
Self Service Storage	N	N	N	N
Institutional Categories				
Basic Utilities	Y	Y	Y	Y
Community Services	Y	Y	N	N
Parks and Open Space	Y	Y	Y	Y
Schools	CU	CU	CU	CU
Medical Centers	CU	N	N	N
Medical Marijuana Dispensary	CU	N	N	N
Religious Institution	CU	CU	CU	CU
Daycare	CU	CU	N	N

² Retail sales and service conducted entirely indoors except for outdoor display as provided in 16.102.060.C, or is subject to liquor license review according to Chapter 5.05 of this Title.

³ Single retail use with a floor area of more than 20,000 square feet

16.114.040 Density and Dimensional Standards

- A. The dimensional standards and minimum net density for development in the Kingston Terrace District is noted in Table 16.114-4.
- B. Net Density is defined as gross area less streets (public and private), parks and open space, storm facilities, natural resources, and uses that are not residential.

Table 16.114-3 Density and Dimensional Standards

[TABLE TBD]

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16.114.050 Review Process

- A. Development within the Kingston Terrace District is subject to Procedures established in Chapter 16.32. Additionally, development in the Kingston Terrace District is subject to a Development Plan approval process defined below.
1. Purpose. A Development Plan is required for all sites in the Kingston Terrace District to ensure that transportation, public infrastructure, and other facilities are provided to support the anticipated development and that the development is designed to comply with requirements of this Chapter.
 2. Applicability. Development plan review shall be applicable to all new development and major modification of existing development in the Kingston Terrace District. Approval of a Development Plan meeting requirements of this Chapter is required before any land division or other development may occur on a site in the Kingston Terrace District. A Development Plan is not a subdivision. An applicant shall obtain separate approval for a subdivision; such approval may be requested and processed concurrent with a proposed Development Plan review in a consolidated land use decision procedure.
 3. Approval Process.
 - a. A Development Plan that is consistent with the applicable regulations and standards of this Chapter shall be administered and reviewed as a Type II City Manager decision in accordance with Chapter 16.40.020.
 - b. A Development Plan that includes minor changes, shall be administered and reviewed as a Type III Planning Commission decision in accordance to Chapter 16.40.030. Minor changes permitted through the Type III process:
 - i. Does not change District or neighborhood boundaries,
 - ii. Does not result in a density of 10% below the target,
 - iii. Does not change the amount of area devoted to residential, mixed-use, or civic land uses by 10%,
 - iv. Does not change the location of streets or pedestrian paths, plazas, or parks except as a permitted in the applicable Regulating Plan,
 - v. Does not result in more than a 20% numerical change in applicable dimensional standards, and
 - vi. Does not result in more than a 20% change in applicable design standards.
 - c. A Development Plan that differs in ways that do not meet the definition of “minor changes” decision shall be administered and reviewed as a Type IV City Council decision in accordance with Chapter 16.40.040
 4. Criteria. An application for a Development Plan shall be approved if the proposal meets all of the following criteria. The City, in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria.
 - a. The application is consistent with the Kingston Terrace Master Plan; and
 - b. The application complies with the applicable provisions of this Chapter; and
 - c. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with Section XIII of this Chapter.
 - d. Development Plans with alterations that exceed the “minor changes” shall be consistent with the policies for the Kingston Terrace Planning Area in the City’s Comprehensive Plan.

5. Submittal requirements. At a minimum, a Development Plan application shall include the following:
 - a. An application form signed by the property owner or owner's representative and the applicant or applicant's representative;
 - b. Full payment of the application fee, based on the fee schedule in effect on the date of submittal;
 - c. Plans and descriptions including the following:
 - i. Existing Conditions Plan,
 - ii. Development Plan, including vehicular and pedestrian connectivity within and adjacent to the site,
 - iii. Grading and Erosion Control Plan,
 - iv. Circulation Plan, detailing street connections in the direction of all existing or planned streets within ¼-mile of the development site and proposed street sections,
 - v. Parking Plan, detailing location and amount of vehicle and bicycle parking proposed,
 - vi. Landscape Plan,
 - vii. Exterior Lighting Plan,
 - viii. Waste and Recycling Facilities Plan,
 - ix. Architectural Elevations,
 - x. Floor plans, and
 - xi. Descriptions of materials to be used on proposed structures; and
 - d. A narrative clearly describing the project and addressing compliance with all applicable approval criteria standards.
- B. Land Divisions.
1. Land divisions in the Kingston Terrace District shall comply with the provisions of Chapter 16.196.
 2. The review process for land divisions within the Kingston Terrace District shall correspond with the associated Development Plan Review.

16.114.060 Neighborhood Circulation

The neighborhood circulation requirements and approval standards of Chapter 16.212 apply to development in the Kingston Terrace District, except for the street, sidewalk, accessway, and trail circulation standards as modified below:

- A. Street circulation standards. The following criteria apply to the street network within the Kingston Terrace District:
1. **The total length of a perimeter of a block for streets shall not exceed 1,800 feet** between through streets, measured along the nearside right-of-way line, except where street location is precluded by natural topography, wetlands, significant habitat areas, bodies of water, pre-existing development, or an arterial or collector street along which the city has identified a need to minimize the number of intersections.
 2. **Block lengths for local and collector streets shall not exceed 600 feet** between through streets, measured along the nearside right-of-way line of the through street, except where street location is precluded by natural topography, wetlands, significant habitat areas, bodies of water, pre-existing development, or an arterial or collector street along which the city has identified a need to minimize the number of intersections.

3. Streets in the Kingston Terrace District shall be designed and located to substantially conform to the Kingston Terrace Master Plan Backbone Streets Map and the King City Transportation System Plan.
- B. Bicycle and pedestrian circulation. The bicycle and pedestrian circulation system in the Kingston Terrace District shall include the following:
1. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.
 2. Pedestrian walkways shall be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
 3. **Bicycle and pedestrian connections shall be provided every 330 feet of block length where block lengths exceed 600 feet**, except where precluded by natural topography, wetlands, significant habitat areas, bodies of water, or pre-existing development.
 4. Walkways shall be constructed with a hard surface material, and shall be no less than 3-feet wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7 feet wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.
 5. The location and design of pedestrian and bicycle accessways and trails shall substantially conform to the Kingston Terrace Master Plan and King City Transportation System Plan, except as altered by traffic or engineer analysis.
 6. Locations of intersections treated with curb bulb outs and refuge islands shall substantially conform to the locations identified the Kingston Terrace Master Plan Mobility map.
 7. Where bicycle routes are parallel and adjacent to an auto travel lane, the connection must be clearly marked and safely separated from the auto travel lane.
- C. Future transit. Future transit corridors and stops shall substantially conform with the Kingston Terrace Master Plan Transportation map except where precluded by natural topography, wetlands, significant habitat areas, bodies of water, or pre-existing development. Developers shall coordinate with transit provider on final design and location of transit infrastructure.
- D. Design Standards: Table 16.114-5 details the street dimension and design characteristics for streets in and adjacent to the Kingston Terrace District.
- E. Adjustments to the street dimension and design characteristics may be approved through a Development Plan in the Kingston Terrace District with consideration made to the following:
1. The functional street classification as provided in the Kingston Terrace Master Plan and King City Transportation System Plan (TSP).
 2. The general location of arterials, collectors, and neighborhood routes as shown on the Kingston Terrace Master Plan and King City Transportation System Plan (TSP).
 3. Anticipated traffic generation.
 4. Sidewalk and bikeway requirements.
 5. On-street parking needs.
 6. Requirements for placement of utilities.
 7. Street lighting.
 8. Drainage and slope impacts.
 9. Protection of inventoried Goal 5 natural resources.
 10. Street location.
 11. Planning and landscape areas.

12. Safety and comfort for motorists, bicyclists, and pedestrians.
13. Access needs for emergency vehicles.

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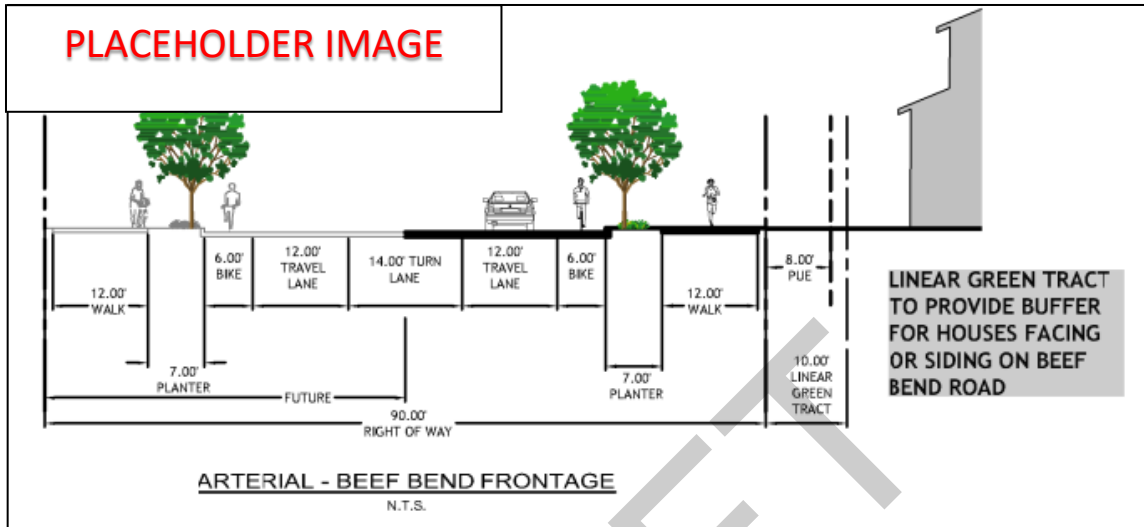
Table 16.114-4 Street Dimensional and Design Standards

Minimum Widths for Street Characteristics									
Street Classification/ Location	Right-of Way Width	Paved Width	Number of Vehicle Lanes	Minimum Travel Lane Width	On-Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip Width	Median/ Turn Lane Width
Arterials:									
SW Beef Bend Rd.	90-feet	50-feet	3	12-feet	Not Permitted	6-feet	12-feet	7-feet	14-feet
SW Roy Rogers Rd.	98-feet	78-feet	5	12-feet	Not Permitted	8-feet	5-feet to 12-feet	5-feet	14-feet
Collectors:									
SW Elsner Rd.	74-feet	52-feet	2	11-feet	7-feet	6-feet	5-feet	5-feet	N/A
Residential Collector - Parking Both Sides	82-feet	54-feet	2	11-feet	8-feet	6-feet	8-feet	5-feet	N/A
Main Street Collector - Diagonal Parking Both Sides	80-feet	57.4-feet	2	12-feet	16.70-feet	N/A	20.30-feet	(Included in 11.30-feet of pedestrian corridor)	N/A
Collector Road with Designated Turn Lane, Parking One Side Only	85-feet	57	3	11-feet	7-feet (1 side only)	6-feet	8-feet	5-feet	12-feet
Neighborhood Routes									
Neighborhood Route - Parking Both Sides & Enhanced Bike Facilities	74-feet	52-feet	2	11-feet	7-feet	6-feet	5-feet	5-feet	N/A
Local Streets									
Local Road – Parking Both Sides	54-feet	32-feet	2	10-feet	6-feet	N/A	5-feet	5.5-feet	N/A
Local Skinny Street – Parking One Side Only	46-feet	24-feet	1	17-feet	7-feet (1 side only)	N/A	5-feet	5.5-feet	N/A
Private Alley	20-feet	20-feet	1	19-feet	N/A	N/A	N/A	N/A	N/A

F. Typical street sections:

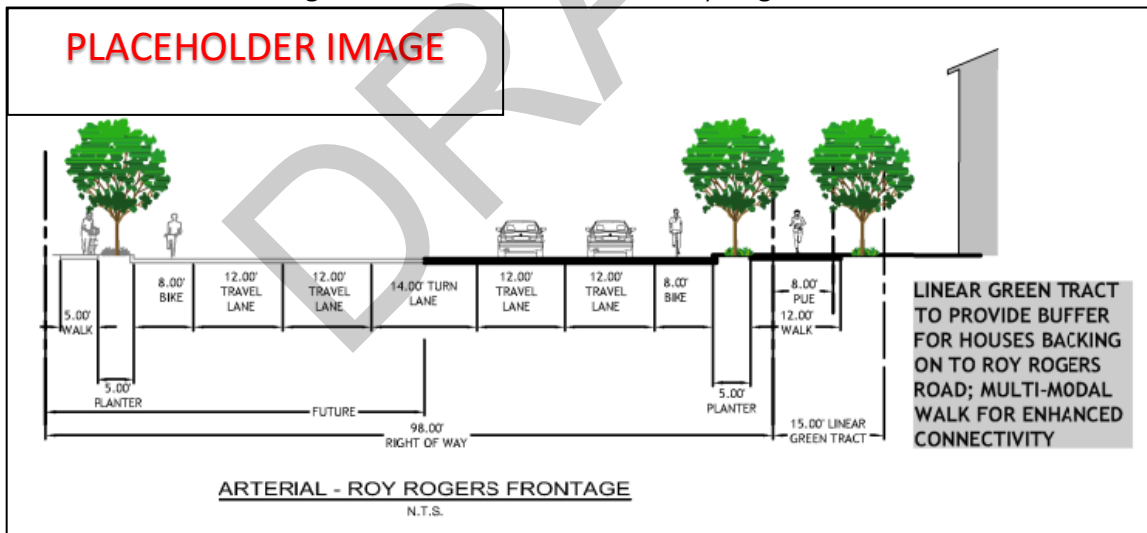
1. Arterial – SW Beef Bend Road. The typical cross section for SW Beef Bend Rd. is shown in Figure 16.114-2.

Figure 16.114-2 Arterial – SW Beef Bend Cross Section



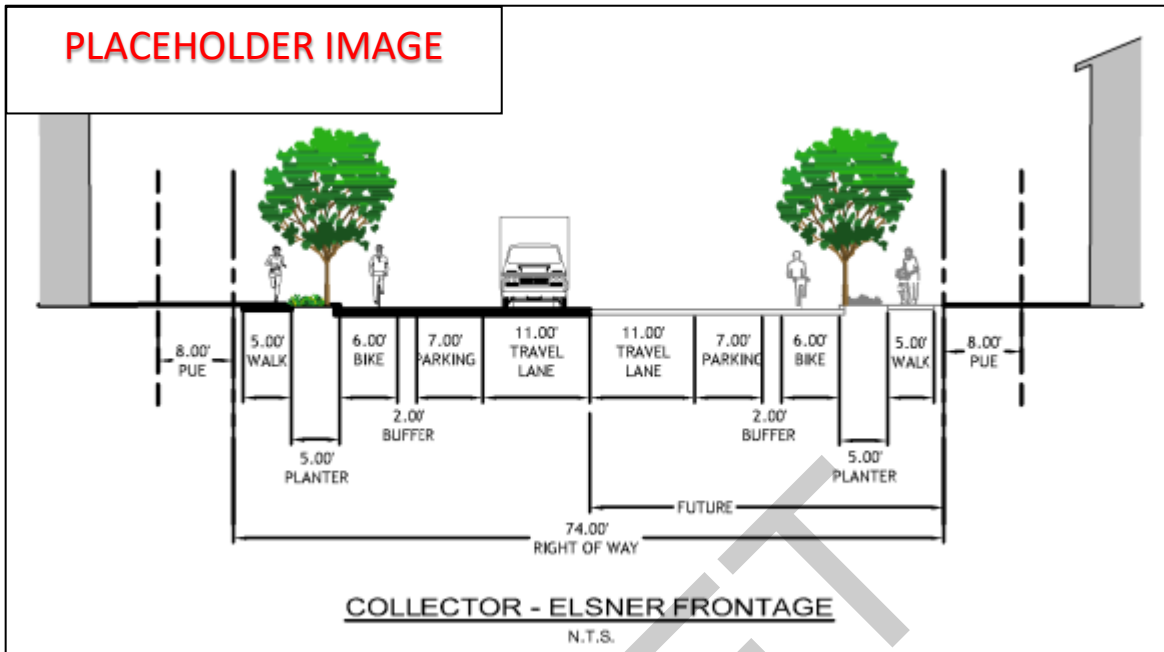
2. Arterial – SW Roy Rogers Road. The typical cross section for SW Roy Rogers Rd. is shown in Figure 16.114-3.

Figure 16.114-3 Arterial – SW Roy Rogers Road



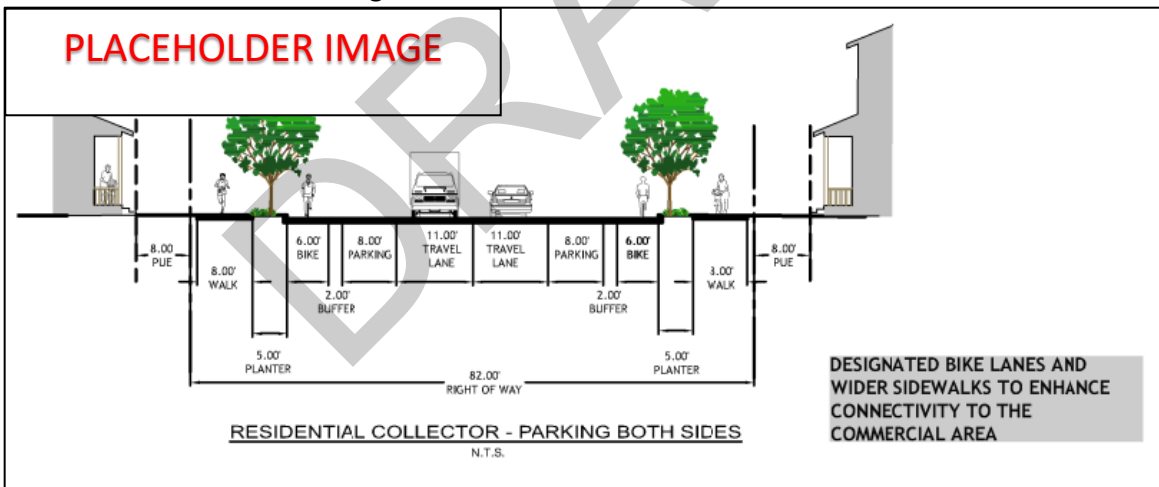
3. Collector – SW Elsnor Road. The typical cross section for SW Elsnor Rd. is shown in Figure 16.114-4.

Figure 16.114-4 Collector – SW Elsnor Road



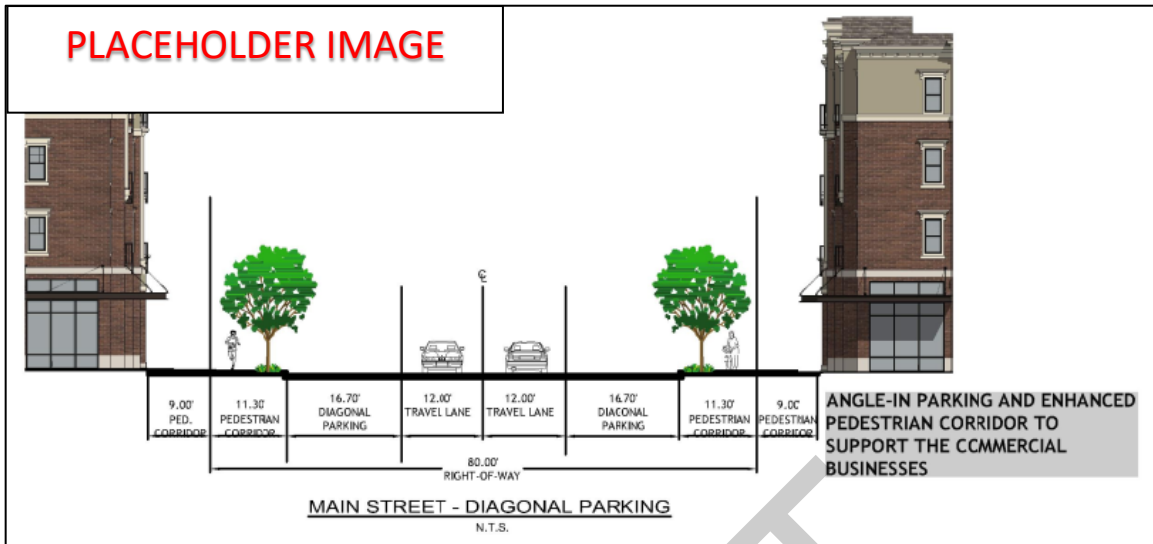
- Collector – Residential Collector. The typical cross section for the residential collector is shown in Figure 16.114-5.

Figure 16.114-5 Residential Collector



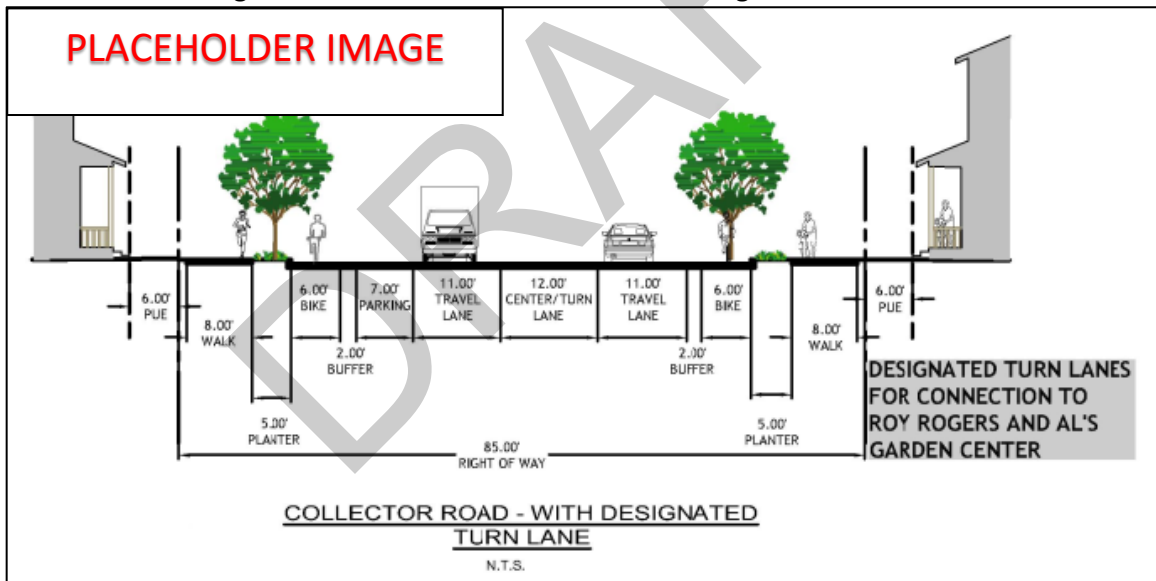
- Collector – Main Street Diagonal Parking. The typical cross section for Main Street is shown in Figure 16.114-6.

Figure 16.114-6 Collector – Main Street Diagonal Parking



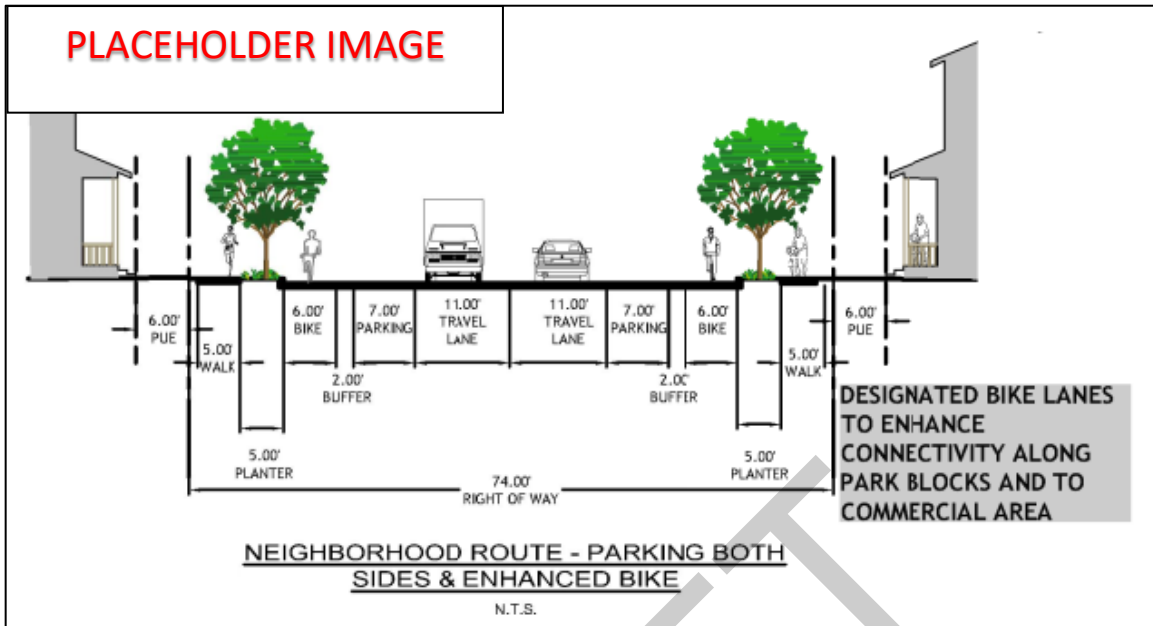
- Collector Road- With Designated Turn Lane. The typical cross section for a Collector Road- With Designated Turn Lane is shown in Figure 16.114-7.

Figure 16.114-7 Collector Road with Designated Turn Lane



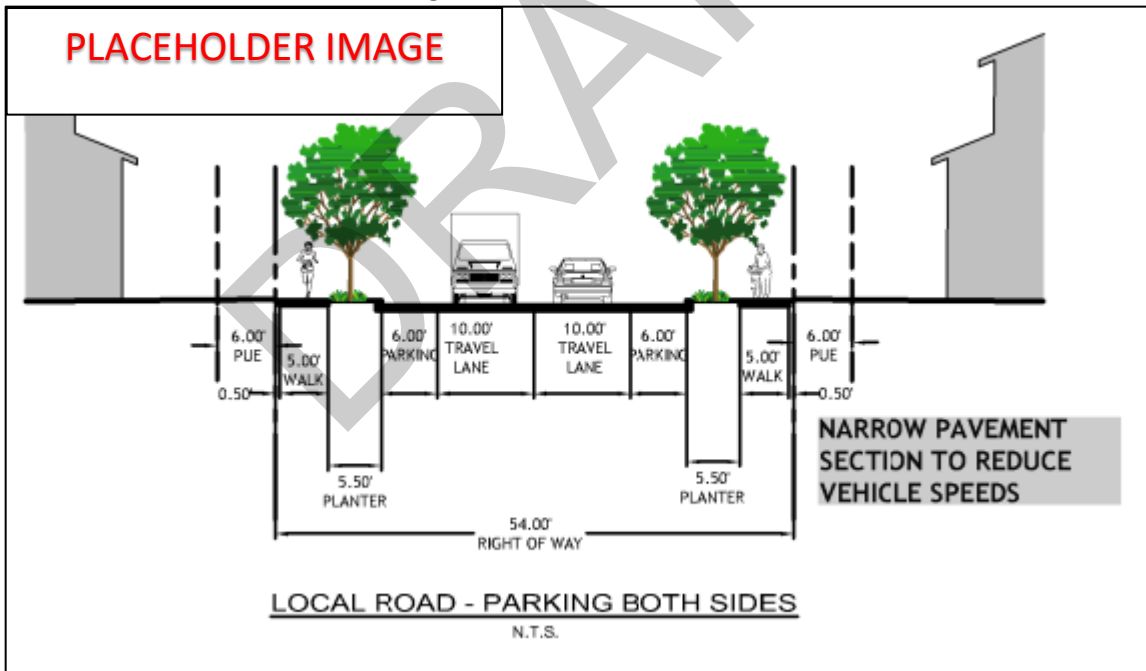
- Neighborhood Route- Parking Both Sides & Enhanced Bike facilities. The typical cross section for a neighborhood route with enhanced biking facilities is shown in Figure 16.114-8.

Figure 16.114-8 Neighborhood Route- Parking Both Sides & Enhanced Biking Facilities



8. Local Road. The typical cross section for a local road is shown in Figure 16.114-9.

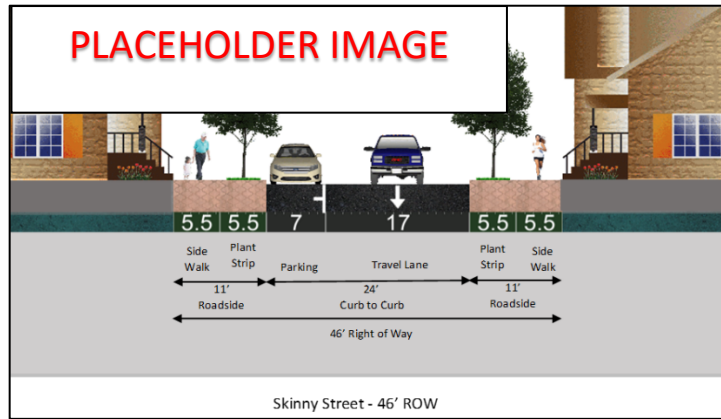
Figure 16.114-9 Local Road



9. Skinny Streets. The typical cross section for a local residential skinny street is shown in Figure 16.114-10. Skinny streets are permitted where the following criteria are met:

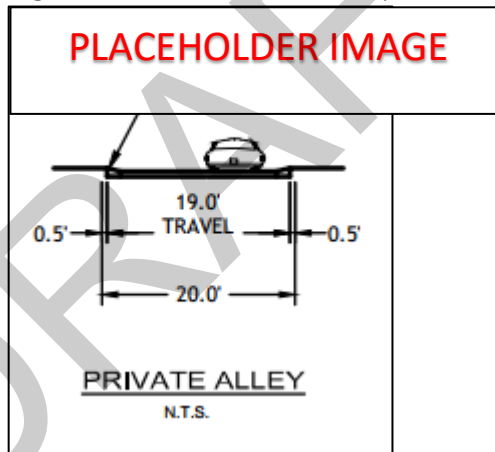
- a. Skinny streets may be approved for streets serving less than 500 average daily vehicle trips per day.
- b. On-street parking is permitted only on one side.
- c. No on-street parking is permitted within 30-feet of an intersection.

Figure 16.114-10 Skinny Street



10. Private Alley. The typical cross section for a private alley is shown in Figure 16.114-11. Development sites that have public street frontage on an arterial street, upon which they cannot take vehicle access, or local street, neighborhood route or collector street may choose to provide vehicle access through a private alley.

Figure 16.114-11 Private Alley



- G. Circulation and Access. Development in the Kingston Terrace District shall comply with the minimum driveway, access width, and pavement width standards of Table 16.114-6.

Table 16.114-5 Minimum Vehicle Access Standards

Uses	Number of Driveways	Access Width	Pavement Width
Single detached or attached	1	10-ft.	10-ft.
Apartments, 1 to 49-Units	1	30-ft.	15-ft. for 1-Way 24-ft. for 2-way Curbs and 5-ft. Walkway Required
Apartments, Mixed-Use, and Non-Residential (50+ Units)	2	30-ft.	24-ft. Curbs and 5-ft. Walkway Required
Mixed-Use and Non-Residential Uses (0-99 Parking Spaces)	1	30-ft.	24-ft. Curbs Required
Mixed-Use and Non-Residential Uses (100+ Parking Spaces)	1	30-ft. Without Parking	24-ft. Curbs Required
		50-ft. With Parking	40-ft. Curbs Required

1. Private residential access drives shall be provided and maintained in accordance with the applicable provisions of the uniform fire code.
2. Access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site.
3. Parking spaces on access driveways shall be designed to reduce or eliminate backing movements and other conflicts with the driveway traffic and pedestrian routes and crosswalks.
4. In order to slow traffic speeds on access drives, speed bumps, speed limit signs and similar techniques may be required by the approval authority to enhance safety for pedestrians, bicyclists, and motorists on the site.
5. In order to improve traffic flow, the approval authority may require directional signs on the site to guide pedestrians, bicyclists, or motorists.
6. Where a proposed parking facility is served by one-way traffic flow on the site, it shall be accommodated by a driveway system approved by the city, and the entrance drive shall be situated closest to oncoming traffic and the exit drive shall be situated farthest from oncoming traffic.
7. The direction of traffic flow shall be clearly marked for motorists on the property and the adjoining public street.
8. Excluding single detached or attached, groups of more than two parking spaces and all loading areas shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right-of-way is required.
9. All driveways shall be paved and designed in a manner approved by the city engineer.
10. Where pedestrian or bicycle routes cross driveways, parking area or loading areas, the connection must be clearly identifiable through the use of striping, elevation changes, speed bumps, a different paving material or other similar method.

16.114.070 Parks, Open Space, and Trails

- A. Developments in the Kingston Terrace District shall provide parks, open space areas, and trails in substantial compliance with the overall development vision as described in the Kingston Terrace Master Plan.
 1. A development shall provide parks, trails, or open space that:

- a. Meets a need for parks, open space, or trails that is identified in the Kingston Terrace Master Plan with respect to both location, size, and the plan’s level of service standard; and
- b. Will be dedicated to the public if the proposal is for a public park or open space.
- 2. Park and open space improvements shall be designed to enhance the public pedestrian environment. Improvements may include, but are not limited to the following:
 - a. Landscaped or hardscaped courtyards and plazas;
 - b. Play structures;
 - c. Weather canopies or sunshades;
 - d. Seating areas;
 - e. Free-standing planters and/ or raised planting beds;
 - f. Drinking fountains;
 - g. Public art or sculpture;
 - h. Water features;
 - i. Sports courts, fields, or tracts; or
 - j. Other pedestrian space or design feature as approved by the reviewing authority.
- 3. Passive recreation open spaces areas may be provided where inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers are present on site. Improvements to such areas may include the following:
 - a. Public accessways and trails;
 - b. Wildlife viewing areas;
 - c. Improvements must comply with applicable requirements and approval criteria of Goal 5 Safe Harbor Review Chapter 16.142.
 - d. Improvements in protected natural resource areas must obtain all necessary approvals and meet all applicable development standards:
- 4. Trails and paths shall be located and designed to:
 - a. Augment the public sidewalk system and facilitate access to parks, schools, trails, open spaces, commercial areas, and similar destinations.
 - b. Trails and paths must meet all applicable federal and state accessibility standards.
 - c. Be dedicated to the public or placed in a public access easement.
 - d. Nature trails along or through protected natural resource areas must obtain all necessary approvals and meet all applicable development standards.
- B. Land use approvals for developments containing parks, open space, and trails shall assign maintenance responsibility if the area is not proposed and accepted as a public park.

16.114.080 Design Standards

- A. Design objectives.
 - 1. Development in the Kingston Terrace District requires a minimum level of design. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles. Development shall address the following design objectives:
 - a. Articulation – All street-facing buildings shall incorporate horizontal and/ or vertical design elements that break up façades into smaller planes.
 - b. Eyes on the street/ Transparency – A certain percentage of the area of each street-facing facade shall be windows or entrance doors.
 - c. Main entrance – On street-facing facades shall include at least 1 primary entrance that complies with the standards for location, orientation, and visibility.

- d. Detailed design – All street-facing buildings shall include several features selected from a menu.
2. In addition, site design standards are intended to facilitate the development of attractive buildings that encourage multimodal transportation. They encourage good site design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors. Site design shall meet the following objectives:
 - a. Livability - Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.
 - b. Compatibility - Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall character of the neighborhood.
 - c. Safety and Functionality - Development should be safe and functional, by providing visibility into and within a mixed-use or residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.
 - d. Sustainability - Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.
- B. Applicability.
3. The following set of “fundamental” design standards are applicable to development within the Kingston Terrace District:
 - a. Articulation,
 - b. Eyes on the street or transparency,
 - c. Main entrance,
 - d. Detailed design,
 - e. Transitional space,
 - f. Private open space, and
 - g. Common open space.
4. Applicability concept. All seven design standards apply to almost every building type (see Table 16.114-7), but they apply differently, based on specific characteristics of the proposed development. For example, “articulation” applies to any building frontage or dwellings facing the street. (Articulation refers to the requirement that all street-facing buildings incorporate design elements that break up street-facing façades into smaller planes.) This means that if a 4-unit development has some dwellings facing the street, those are considered to be “street-facing,” and the articulation standard applies to those particular street-facing building façades.
5. Table 16.114-7 identifies where buildings design standards apply to development in the Kingston Terrace District. Note, these design standards are in addition to the dimensional requirements in Section 16.114.040.
 - [1] Applicable to the entire site.
 - [2] Applicable to elevations facing public rights-of-way.
 - [3] Applicable to elevations containing a primary entrance.
 - [4] Applicable to elevations facing public parks and open spaces.
 - [5] Applicable to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path.

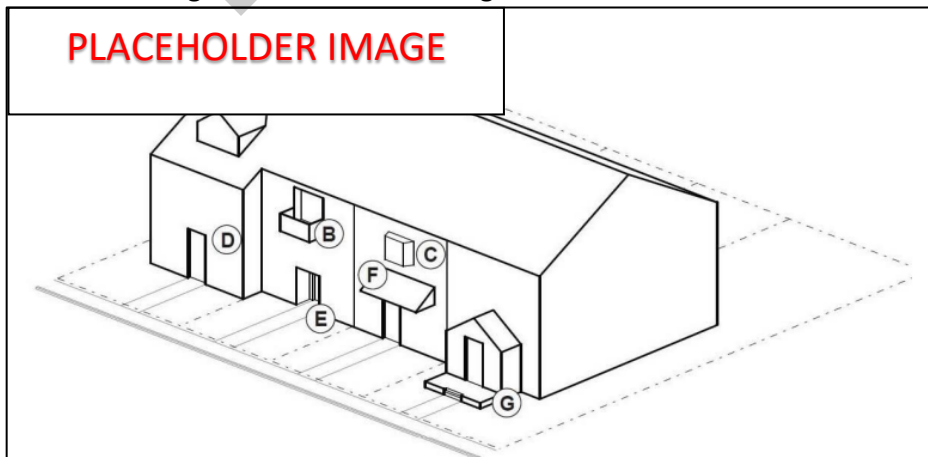
- [6] Applicable to parking areas with 4 or more parking spaces.
- [7] Applicable to ground floor dwellings with access from the street or shared open space (e.g. a common courtyard), and access entry door is
 - i. Within 10 feet of the street-facing property line, or
 - ii. Within the front yard setback, or
 - iii. Within 10 feet of a shared open space common tract or easement.

Table 16.114-6 Applicable Building Design Standards

Design Standard	Applicability					
	1-4 units, attached or detached	Townhouse	Apartments	Mixed-use Building or Development	Commercial Building or Development	Civic Building or Development
	[2][3][4]	[2][3][4]	[2][3]	[2][3]	[2][3]	
Eyes on the street/ Transparency	[2][3][4]	[2][3][4]	[2][3]	[2][3]	[3]	
Main entrance	[2][3][4]	[2][3][4]	[2][3]	[2][3]	[3]	
Detailed design	[2][3][4]	[2][3][4]	[2][3]	[2][3]	[2][3]	
Transitional space	[4][5][7]	[7]	[7]	NA	NA	
Private open space	NA	NA	[1]	[1]	NA	NA
Common open space	NA	NA	[1]	[1]	NA	NA

- C. Application. All buildings that meet the applicability provisions in Table 16.114-7 shall meet the following building design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.
- D. Articulation. All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 16.114-12 for illustration of articulation elements:

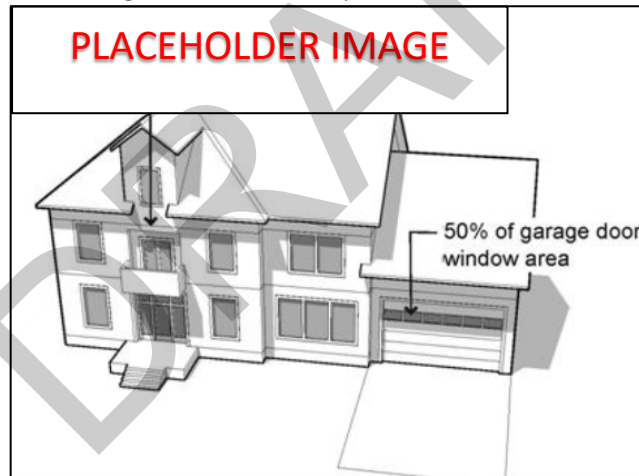
Figure 16.114-12 Building Articulation Elements



(A) A gabled dormer.

- (B) Balcony that is at least 2 feet deep and accessible from an interior room.
 - (C) Bay window that extends at least 2 feet from façade.
 - (D) A façade offset that is recessed by at least 2 ft deep and 6 ft long.
 - (E) Recessed entryway that is a minimum of 4 feet deep.
 - (F) A covered entryway that is a minimum of 4 feet deep.
 - (G) A porch that is at least 5 ft deep
1. For buildings with 60-ft. of street frontage, a minimum of 1 of elements shall be provided along the street-facing façades.
 2. For buildings with over 60-ft. of street frontage, at least 1 element shall be provided for every 30-ft. of street frontage.
 3. Elements shall be distributed along the length of the façade so that there are no more than 30-ft. between 2 elements.
 4. For buildings with less than 30-ft. of street frontage, the building articulation standard is not applicable.
- E. Eyes on the street and transparency.
1. A certain percentage of the area of each attached or detached unit, and townhome façade fronting a street or open space must be windows or entrance doors. See Figure 16.114-13 for illustration of eyes on the street.

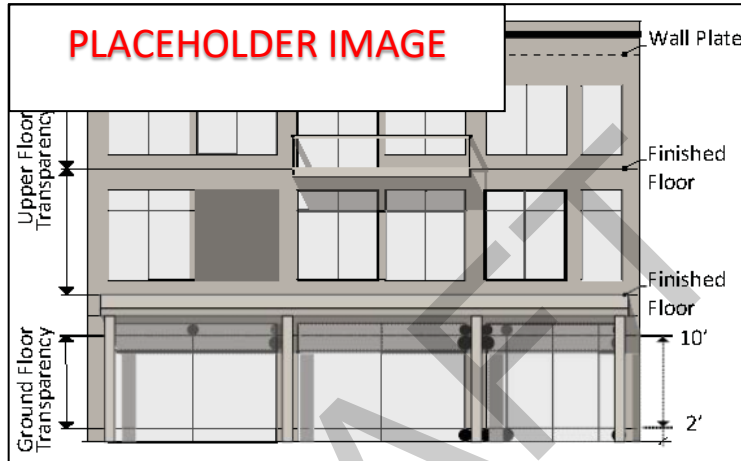
Figure 16.114-13 Eyes on the Street



- a. At least 12% of the area of each street or open-space facing façade shall be windows or entrance doors.
- b. Windows used to meet this standard shall be transparent and allow views from the building to the street or open space. Glass blocks and privacy windows in bathrooms do not meet this standard.
- c. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- d. Window area is considered the entire area within the outer window frame, including any interior window grid.

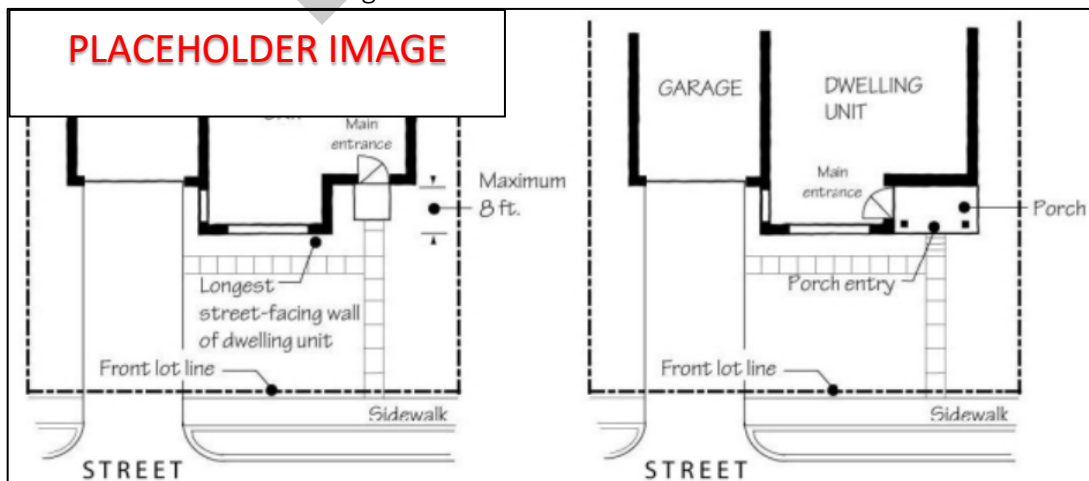
- e. Doors used to meet this standard shall face the street or be at an angle of no greater than 45 degrees from the street.
 - f. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.
2. 35% of the ground floor elevation of each apartment, mixed-use, commercial, or civic building containing a primary entrance or fronting open space must be permanently treated with windows, display areas, or glass doorway openings. See Figure 16.114-14 for illustration of transparency.

Figure 16.114-14 Transparency



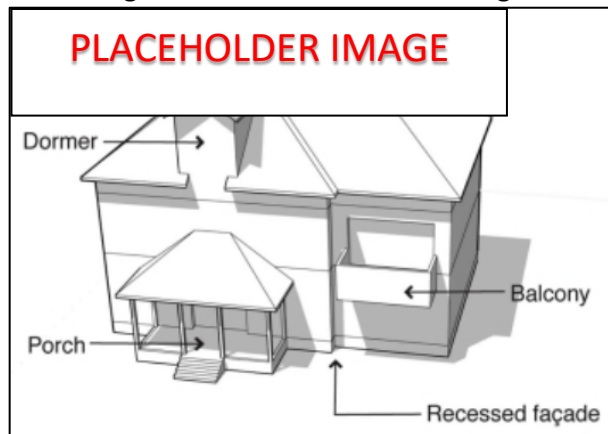
- a. For the purpose of this standard, ground floor elevation area shall be measured from three 2-feet above grade to 10-feet above grade the entire width of the elevation.
 - b. Less glazing may be provided in a commercial or civic building exceeding XX,XXX square feet in area, when increased building articulation and architectural variety is provided.
- F. Main entrance.
- 1. Each attached or detached unit and townhome shall contain at least 1 primary entrance that meets both of the following standards. See Figure 16.114-15 for illustration of main entrances.

Figure 16.114-15 Main Entrances



- a. Be no further than 8 feet behind the longest street-facing wall of the building.
 - b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch shall meet all of these additional standards.
 - i. Be at least 25 square feet in area with a minimum 4-ft depth.
 - ii. Have at least 1 porch entry facing the street.
 - iii. Have a roof that is no more than 12 feet above the floor of the porch.
 - iv. Have a roof that covers at least 30% of the porch area.
- G. Detailed design.
1. All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 16.114-16 for illustration of detailed design elements.
 - a. Covered porch at least 5 feet deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 feet wide.
 - b. Recessed entry area at least 2 feet deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
 - c. Offset on the building face of at least 16 inches from 1 exterior wall surface to the other.
 - d. Dormer that is at least 4 feet wide and integrated into the roof form.
 - e. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
 - f. Roof line offsets of at least 2 feet from the top surface of 1 roof to the top surface of the other.
 - g. Tile or wood shingle roofs.
 - h. Horizontal lap siding between 3 to 7 inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
 - i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
 - j. Gable roof, hip roof, or gambrel roof design.
 - k. Window trim around all windows at least 3 inches wide and 5/8 inches deep.
 - l. Window recesses, in all windows, of at least 3 inches as measured horizontally from the face of the building façade.
 - m. Balcony that is at least 3 feet deep, 5 feet wide, and accessible from an interior room.
 - n. One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
 - o. Bay window at least 2 feet deep and 5 feet long.
 - p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.

Figure 16.114-16 Detailed Design



H. Transitional space.

1. Ground floor dwellings with a primary entry entrance located within 10 feet from a street right-of-way property line, a shared open space (e.g. a common courtyard), shall include an area of transition between the public realm of the right-of-way (or tract or easement).
 - a. The transitional space between the public realm and the entry door may be either vertical or horizontal, as described below.
 - b. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs shall rise at least 3 feet, and not more than 8 feet, from grade. The flight of stairs may encroach into the required front yard, and the bottom step shall be at least 4 feet from the front lot line.
 - c. A horizontal transition shall be a covered porch with a depth of at least 6 feet. The porch may encroach into the required front yard, but it shall be at least 4 feet from the front lot line.

I. Private open space.

1. All apartment and mixed-use buildings shall provide private open space for each residential dwelling that meets the following standards:
 - a. Each space shall be attached to and directly accessible from an individual residential unit; and
 - b. Each private open space must be a minimum of 48 square feet in area and a minimum of five feet in width and depth; and
 - c. Additional common open space above the required minimum may substitute for some or all of the required private open space at a 1:1 ratio.

J. Common open space.

1. All apartment and mixed-use buildings shall provide common open space area as follows:
 - a. Apartment and mixed-use buildings shall provide at least 200 square feet of common open space per residential dwelling unit; and
 - b. Common open space shall be no smaller than 640 square feet in area, shall not be divided into areas smaller than 640 square feet, and shall have minimum length and width dimensions of 20 feet; and
 - c. The area is open and available to the public or for the common use of residents and/or building tenants; and

- d. The area contains seating and/or recreation facilities; and
- e. Landscaping is provided consistent with the character and function of the space.
- f. For the purposes of this Section, vehicular circulation areas and parking areas, unless provided as part of a shared courtyard, shall not be considered common open space.

16.114.090 Manufactured/ Mobile Home Regulations

Placement of manufactured/mobile homes on individual lots within the Kingston Terrace District are subject to the regulations of Chapter 16.120 and dimensional and density standards, site design, and building design standards of this chapter.

16.114.100 Landscaping and Beautification

Development within the Kingston Terrace District is subject to Landscape and Beautification requirements of Chapter 16.124 except for the buffering and screening, height restrictions, and parking and loading area specifications noted below:

- A. The buffering/ screening requirements of Section 16.124.110 shall apply within the Kingston Terrace District except for the modifications to Sections C., D., and E. as specified below:
 - 1. A landscape buffer should provide landscape screening, and horizontal separation between surface parking areas that serve the mixed-use, commercial, and apartments and adjacent public rights-of-way, pedestrian accessways, parks, plazas and open space, and residential dwellings.
 - 2. Screening materials may include sight-obscuring fence or wall, groundcover, small or medium evergreen shrubs, or trees.
 - 3. Where screening is required, it should complement the overall visual character of the development.
- B. The height restrictions of Section 16.124.130 shall apply within the Kingston Terrace District, except as modified below:
 - 1. An earthen berm and fence or wall combination shall not exceed the six-foot height limitation for screening, except when the approval authority allows construction to a greater height in order to mitigate against potential adverse effects.
- C. The parking and loading area requirements of Section 16.124.140 shall apply within the Kingston Terrace District except for the modified landscaped island requirements specified below:
 - 1. Surface parking shall be landscaped to include landscape islands provided at a rate of one for every 10 contiguous parking spaces and at the end of each parking row.
 - 2. The island shall have a minimum area of 70 square feet, shall be curbed, and a minimum width of 6 feet, measured from the interior curb face. Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. The landscaped island shall be planted with a tree having a minimum mature height of 20 feet. If a pole-mounted light is proposed to be installed within a landscaped planter island, and an applicant demonstrates that there is a physical conflict for siting the tree and the pole-mounted light together, the decision-making authority may waive the planting of the tree, provided that at least 75 percent of the required islands contain trees.

16.114.110 Metro Habitat Conservation Areas

[INSERT SECTION PREPARED BY KEITH]

16.114.120 Parking and Loading

- A. Purpose. The purpose of this chapter is to provide basic and flexible standards for the development of vehicle parking, loading and bicycle parking. The design of parking and loading areas is critically important to the viability of commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Because vehicle-parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community.
- B. Applicability. All new development in the Kingston Terrace District must comply with the provisions of this chapter.
- C. Vehicle parking standards.
 - 1. Minimum number of vehicle parking spaces. There are no minimum parking requirements in the Kingston Terrace District.
 - 2. Maximum number of vehicle parking spaces.
 - a. The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the number of parking spaces provided in Table 16.114-10, Maximum Off-Street Vehicle Parking Spaces. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, tuck-under parking or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Where a fractional number of spaces results, the maximum number of spaces is rounded down to the nearest whole number. This section does not apply to 1 to 4 attached or detached dwelling units, accessory dwelling units, manufactured dwellings, or townhomes.

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Table 16.114-7 Maximum Vehicle Parking Spaces

Uses	Maximum Vehicle Parking Spaces
Residential Categories	
1 to 4 attached or detached dwellings, Accessory Dwelling Units, Manufactured Dwellings, or Townhomes	Not Applicable
Apartments and Mixed-Use Building or Development	
Studio and 1-bedroom Units	1.5 Spaces per Unit
2-Bedroom Units	2.25 Spaces per Unit
3 or More Bedroom Units	3.0 Spaces per Unit
Commercial Categories	
Retail Sales and Services ⁴	6.2 Spaces per 1,000 sq. ft.
Large Retail ⁵	6.2 Spaces per 1,000 sq. ft.
Eating and Drinking Establishments	23.0 Spaces per 1,000 sq. ft.
Professional Services	4.1 Spaces per 1,000 sq. ft.
Office	4.1 Spaces per 1,000 sq. ft.
Marijuana Sales Other than Medical	6.2 Spaces per 1,000 sq. ft.
Lodging	1.5 Spaces per Guest Room
Mobile Food Cards & Food Pods	14.9 Spaces per 1,000 sq. ft.
Gas Station & Quick Vehicle Servicing	2.6 Spaces per 1,000 sq. ft.
Self Service Storage	0.5 Spaces per 1,000 sq. ft.
Institutional Categories	
Basic Utilities	None
Community Services	4.0 Spaces per 1,000 sq. ft.
Parks and Open Space	6.5 Spaces per 1,000 sq. ft.
Schools	3.0 Spaces per 1,000 sq. ft.
Medical Centers	5.9 Spaces per 1,000 sq. ft.
Medical Marijuana Dispensary	6.2 Spaces per 1,000 sq. ft.
Religious Institution	0.8 Spaces per 1,000 sq. ft.
Daycare	3.2 Spaces per 1,000 sq. ft.

3. Availability. Parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles. Parking spaces may not be assigned in any way to a use on another site, except for shared parking situations.
4. Location.
 - a. Vehicle parking is allowed only on approved streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Vehicle parking must not be located in a vehicle travel lane (including emergency or fire access lanes).
 - b. Surface parking areas should not be the predominant design element and should be located on the site, to safely and conveniently serve the intended users of the development, without precluding future site intensification.
 - c. Surface parking servicing the residents of apartment and mixed-use development should occur to the side or rear of buildings.

⁴ Retail sales and service conducted entirely indoors except for outdoor display as provided in 16.102.060.C, or is subject to liquor license review according to Chapter 5.05 of this Title.

⁵ Single retail use with a floor area of more than 20,000 square feet.

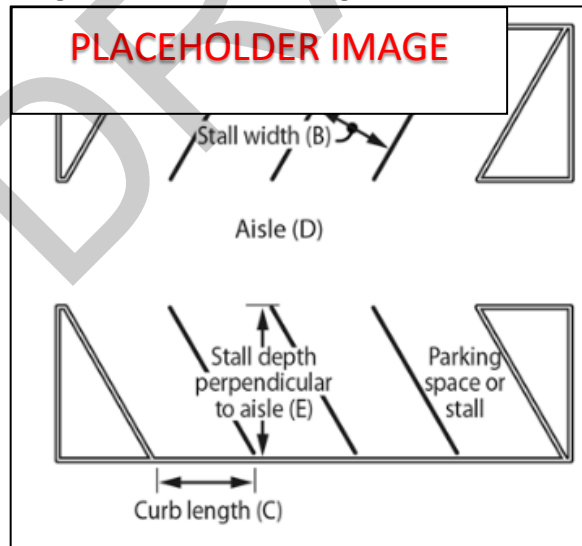
- d. Off-street surface vehicle parking areas, detached garages, and attached or detached carports associated with mixed-use, apartment, or commercial buildings may not be located closer to a street property line than the building closest to that street property line.
 - e. Off-street vehicle parking areas associated with mixed-use, apartment, or commercial buildings, may not occupy more than 50% of the total length of each street frontage as measured 20 feet from the street property line. Drive aisles without adjacent parking spaces do not count as parking areas for the purposes of this standard.
 - f. Parking spaces for residential uses must be located on the site of the use. Parking spaces for nonresidential uses must be located on the site of the use or in parking areas whose closest point is within three hundred feet of the site.
 - g. Parking spaces shall be so located and served by an access that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley or shared accessway.
5. Shared Parking. Shared parking between two or more uses is permitted when all the following criteria are satisfied:
 - a. The hours of operation of the uses do not overlap;
 - b. Satisfactory legal evidence is presented to the city manager in the form of deeds, leases or contracts to establish the shared use;
 - c. The other standards of this title can be met; and
 - d. If a joint use arrangement is subsequently terminated, the requirements of this title shall then apply separately to each use.
 6. Electrical service capacity.
 - a. Newly constructed multifamily residential buildings with five or more residential dwelling units, and newly constructed mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, shall provide sufficient electrical service capacity, as defined in ORS 455.417, to accommodate no less than 40 percent of all vehicle parking spaces serving the residential dwelling units. Dwelling units in townhouses are not included for purposes of determining the applicability of this regulation.
 7. Maintenance. When provided, parking spaces shall be designed and maintained by the owner of the property in accordance with the requirements of this code section.
 - a. All off-street vehicle parking spaces and maneuvering areas must have a durable and dust-free surface and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.
 8. Parking stall standard dimensions and compact car parking.
 - a. All off-street parking stalls must be improved to conform to City standards for surfacing, stormwater management and striping, and provide dimensions in accordance with Table 16.114-9 Parking Stall Dimensions and Figure 16.114-17 Parking Area Dimensions.
 - b. No more than 50 percent of the parking stalls provided on-site can be compact spaces.
 - c. The stopping edge of any curb or wheel stop must be placed no less than two feet from the end of the parking stall.

- i. Where a curb or wheel stop is provided, the overhang of a vehicle past the curb or wheel stop may be counted as part of the required parking stall depth, up to a maximum of two feet.
- ii. Where the curb abutting a pedestrian walkway is used as a wheel stop, a minimum of two feet must be added to the width of the walkway.

Table 16.114-8 Parking Stall Dimensions

Parking Angle (A)	Parking Stall Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (Includes bumper overhang) (E)
0°	Standard	8.0-ft.	22.5-ft.	12-ft.	20-ft.	8.0-ft.
	Compact	8.0-ft.	22.5-ft.	12-ft.	20-ft.	8.0-ft.
30°	Standard	9.0-ft.	9.0-ft.	12-ft.	20-ft.	16.0-ft.
	Compact	8.0-ft.	8.0-ft.	12-ft.	20-ft.	15.0-ft.
45°	Standard	9.0-ft.	9.0-ft.	12-ft.	20-ft.	16.0-ft.
	Compact	8.0-ft.	8.0-ft.	12-ft.	20-ft.	15.0-ft.
60°	Standard	9.0-ft.	9.0-ft.	16.0-ft.	20.0-ft.	16.0-ft.
	Compact	8.0-ft.	8.0-ft.	16.0-ft.	20.0-ft.	15.0-ft.
90°	Standard	9.0-ft.	8.5-ft.	16.0-ft.	20.0-ft.	16.0-ft.
	Compact	8.0-ft.	7.5-ft.	16.0-ft.	20.0-ft.	15.0-ft.

Figure 16.114-17 Parking Area Dimensions



- 9. ADA accessible parking spaces.
 - a. When parking is provided on-site accessible parking must be provided for disabled persons, in conformance with the Federal Americans with Disabilities Act (ADA). On-site

accessible parking facilities must comply with the design requirements of the current building code as adopted by the State of Oregon.

- D. Loading area requirements. All off-street vehicle loading areas for passengers or goods must:
 1. Include sufficient area for turning and maneuvering of vehicles on site.
 2. Be designed such that vehicle stacking does not impact any public right-of-way, vehicle travel lane, or emergency or fire access lanes.
- E. Bicycle parking requirements: Bicycle parking shall be provided in conjunction with all new mixed-use, apartment, commercial, and civic developments in Kingston Terrace District. This section does not apply to 1 to 4 units, attached or detached, accessory dwelling units, manufactured dwellings, or townhomes.
 1. Number of bicycle parking spaces. A minimum of one u-rack sheltered under an eave, overhand, independent structure, or similar cover to provide two bicycle parking spaces per use is required for all uses. Table 16.114-11 lists additional standards that apply to specific types of development.

Table 16.114-9 Minimum Bicycle Parking Requirements

Uses	Minimum Bicycle Parking Requirements
Residential Categories	
1 to 4 units, attached or detached, Accessory Dwelling Units, Manufactured Dwellings, or Townhomes.	Not Applicable
Apartments and Mixed-Use Building or Development	1 covered space per unit. Covered bicycle parking spaces may be located within a unit, garage, storage shed, basement, utility room or similar area. In instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle spaces may be sheltered under an eave, overhang, independent structure, or similar cover.
Commercial Categories	
Retail Sales and Service ⁶	1 per 2,500 square feet of floor area, 25% must be sheltered under an eave, overhang, independent structure, or similar cover.
Large Retail ⁷	
Eating and Drinking Establishments	
Professional Services	
Office	
Marijuana Sales Other than Medical	1 space per 10 rooms, 50% must be sheltered under an eave, overhang, independent structure, or similar cover.
Lodging	
Mobile Food Carts & Food Pods	No bicycle spaces required

⁶ Retail sales and service conducted entirely indoors except for outdoor display as provided in 16.102.060.C, or is subject to liquor license review according to Chapter 5.05 of this Title.

⁷ Single retail use with a floor area of more than 20,000 square feet

Uses	Minimum Bicycle Parking Requirements
Gas Station & Quick Vehicle Servicing	1 u-rack sheltered under an eave, overhang, independent structure, or similar cover to provide two bike parking spaces
Self Service Storage	
Institutional Categories	
Basic Utilities	1 u-rack sheltered under an eave, overhang, independent structure, or similar cover to provide two bike parking spaces
Community Services	
Parks and Open Space	Two bicycle parking spaces within 50 feet of each developed play-ground, ball field, and shelter, OR 8 per park
Schools	1 covered space for every 10 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
Medical Centers	1 space per 3,000 square feet for floor area
Medical Marijuana Dispensary	1 u-rack sheltered under an eave, overhang, independent structure, or similar cover to provide two bike parking spaces
Religious Institution	1 covered space for every 20 seats or 1 space per 20 persons allowed by Building Code in the main assembly room
Daycare	1 u-rack sheltered under an eave, overhang, independent structure, or similar cover to provide two bike parking spaces

3. Bicycle parking shall be located no more than 100 feet from a primary entrance in the closest available area to the primary entrance as determined by the decision-making authority.
4. Bicycle parking design.
 - a. Bicycle racks must be designed to allow a bicycle frame to lock to it at two points of contact, except that spiral racks and wave racks with more than one loop are prohibited;
 - b. Bicycle racks must be securely anchored to the ground, wall, or other structure;
 - c. Bicycle parking spaces must be at least 2.5 feet in width and 6 feet in length and have an access aisle between each row of spaces that is at least 5 feet in width. Covered bicycle parking must provide a vertical clearance of 7 feet; and
 - d. Bicycle parking spaces must be paved with a dust-free hard surface material.

16.114.130 Provision of Adequate Public Facilities

- A. Intent. The standards of this code section are intended to address the provision of the infrastructure systems necessary to benefit and serve all property in the Kingston Terrace District as provided for in the Kingston Terrace Master Plan, [Kingston Terrace Funding Strategy](#), and related infrastructure master plans, in light of the desire of property owners to commence preliminary development prior to full implementation of these plans and with the understanding that no development rights vest and no development approvals will be granted until the infrastructure systems are in place or assured.

- B. Approval standard. Land use applications for proposed development in the Kingston Terrace District may be approved when the applicable standards of section are met:
1. All of the following funding components of the Kingston Terrace Funding Strategy have been adopted by the city and are in effect. For purposes of this section, an ordinance or resolution adopting an SDC, utility fee, or other charge to fund public facilities or services described in this section is deemed effective if it has taken effect and the time for any legal challenge has expired or any legal challenge has been finally decided:
 - a. Transportation. A citywide transportation system development charge (SDC), a Kingston Terrace transportation SDC, and a Kingston Terrace transportation utility fee surcharge.
 - b. Sewer. A citywide utility fee surcharge.
 - c. Stormwater. A Kingston Terrace stormwater utility fee surcharge.
 2. Infrastructure improvements for water, sewer, stormwater, and transportation systems, including but not limited to pump stations and trunk lines, must be located and designed to serve the proposed development and not unduly or unnecessarily restrict the ability of any other property to develop in compliance with the applicable Kingston Terrace infrastructure master plan. Infrastructure improvements are evaluated for conformance with this standard during the land use review process. The city will take into account the topography, size, and shape of the development site; the impact of the improvement on the development site; and the reasonableness of available options during its review. The applicant will not be required to reduce the otherwise allowed density or obtain an adjustment to demonstrate compliance, but this standard may be considered in reviewing an adjustment application.
 3. Infrastructure improvements for water, sewer, and stormwater must be placed in easements that are located, wherever possible, within existing or future rights-of-way. Easements and rights-of-way must extend through and to the edge of the development site at such locations that would maximize the function and availability of the easement and right-of-way to serve adjacent and surrounding properties. Easements and rights-of-way are evaluated for conformance with this standard during the land use review process. Dedication of easements and rights-of-way will be required as a condition of land use approval.
 4. **Development in water pressure zone 550** must either provide or demonstrate that there is sufficient water capacity in water pressure zone 550 to serve the proposed development, or that it can be served by another water pressure zone that has sufficient capacity, to the satisfaction of the city engineer and Tualatin Valley Fire and Rescue during the land use review process.
 5. **Development in the north and south sewer sub-basins** must demonstrate, where applicable, that there is sufficient pump station capacity and associated force mains to serve the proposed development, or that it can be served by other system improvements, to the satisfaction of the city engineer and Clean Water Services during the land use review process.
 6. If compliance with stormwater management standards is dependent upon an off-site conveyance system or an on- or off-site regional facility that has not yet been provided, the applicant may propose alternative or interim systems and facilities as described in the Kingston Terrace Stormwater Master Plan.
 - a. Development approval for an interim facility will include a condition to decommission the interim facility, connect it to the permanent facility when it becomes available to serve the development, and assurance that adequate financial resources are available to decommission the interim facility when the permanent facility becomes available.
 - b. Development approval for an alternative or on- or off-site regional system or facility may include a condition to form a reimbursement district.

- c. A stormwater management system or facility will not be approved if it will prevent or significantly impact the ability of other properties to implement and comply with the Kingston Terrace Stormwater Master Plan or other applicable standards.
 - 7. Unless expressly authorized in a development approval, the imposition of private fees or any charge whatsoever that prohibits, restricts, or impairs adjacent or surrounding properties from accessing a public easement, facility, or service is prohibited.
- C. Deferral of compliance.
 - 1. The applicant may request to defer demonstrating compliance with one or more of the standards as provided for below:
 - a. Preliminary plat. Deferral of compliance to final plat approval.
 - b. All other development applications. A condition of land use approval requiring demonstration of compliance no later than 180 days after approval or prior to submission of applications for building or public facility improvement permits, whichever occurs first.
 - 2. Deferral of compliance to these standards will be granted only if:
 - a. The applicant demonstrates that the approval standard will likely be met prior to filing an application for final plat approval, or prior to expiration of the condition of approval described in this subsection. A determination by the approval authority that it is likely that the standard will be met is for the purposes of deferral only and in no way constitutes an assurance, guarantee, or other representation that may in any way be relied upon by the applicant; and
 - b. The applicant executes a written agreement prepared by the city acknowledging that the applicant has determined that deferral is to its benefit and that any and all actions taken pursuant to or in furtherance of the approval are at the applicant's sole and exclusive risk. The acknowledgement must waive, hold harmless and release the city, its officers, employees and agents for any and all claims for damages, including attorney fees, in any way arising from a denial for failure to demonstrate compliance with the standards, without regard to fault. Nothing in this section precludes the applicant from seeking review of any land use decision in compliance with ORS Chapters 197, 215, 227, or equitable relief in a court of competent jurisdiction.
- D. Exceptions permitted.
 - 1. An exception to one or more of the standards may be obtained through a Development Plan administered and reviewed as a Planning Commission decision in accordance to Chapter 16.40.030.
 - 2. An exception will be granted only if the applicant:
 - a. Demonstrates that the exception will not materially impact implementation of the Kingston Terrace Sanitary Sewer Master Plan Addendum, Kingston Terrace Water System Master Plan Addendum, Kingston Terrace Stormwater Master Plan, Kingston Terrace Transportation System Plan Addendum, and Kingston Terrace Funding Strategy;
 - b. Has proposed alternatives that ensure the applicant will provide its proportional share of the funding and construction of the facilities in a timely manner as identified in the **Kingston Terrace Funding Strategy** and related infrastructure master plans. This may include, but is not limited to, a development agreement or reimbursement district;
 - c. Agrees to disclose in writing to each purchaser of property for which a building permit has been obtained that the property may be subject to future utility fees or SDCs as described in the Kingston Terrace Funding Strategy; and
 - d. Executes an agreement prepared by the city agreeing that, if the new transportation SDCs are not in effect at the time of building permit issuance, the applicant must pay an amount

equal to the SDC amount assumed in the Kingston Terrace Funding Strategy. Credits will not be issued against this payment, but the city will issue a refund if:

- i. The applicant made improvements to a facility that is eligible for credit under an adopted SDC credit, up to the amount of the credit,
 - ii. An SDC is adopted and paid by the applicant or its successor, up to the amount of such payment, or
 - iii. The city has not adopted the SDCs within 2 years of the effective date of this ordinance.
3. An exception will be granted only if the city finds that:
- a. There are adequate funding components in place for the infrastructure that is needed to serve the proposed development; and
 - b. The exception will not materially impact implementation of the Kingston Terrace Sanitary Sewer Master Plan Addendum, Kingston Terrace Water System Master Plan Addendum, Kingston Terrace Stormwater Master Plan, Kingston Terrace Transportation System Plan Addendum, and Kingston Terrace Funding Strategy; and
 - c. The proposed alternative ensures that the applicant will provide its proportional share of the funding and construction of the facilities in a timely manner as identified in the Kingston Terrace Funding Strategy and related infrastructure master plans.

16.114.140 Vision Clearance

The provisions of this chapter shall apply to vegetation and all development within the Kingston Terrace District including the construction of new structures, remodeling of existing structures, and the construction or alteration of fences and signs.

- A. Driveways shall have adequate sight distance for safety. A sight distance analysis is required for proposed driveways or existing driveways on sites where development is proposed. The City Engineer will specify the technical information that shall be included in the analysis.

16.114.150 Signs

The standards of Chapter 16.148 apply within the Kingston Terrace District with the following modifications.

- A. Monument Signs. Subdivisions, multi-dwelling, and mixed-use developments shall be allowed freestanding monument signs or wall signs at each vehicular entrance of the development.
- B. Each sign shall have a maximum height of 6 feet and area of 32 square feet for a single-faced sign or 64 square feet for a double-faced sign.

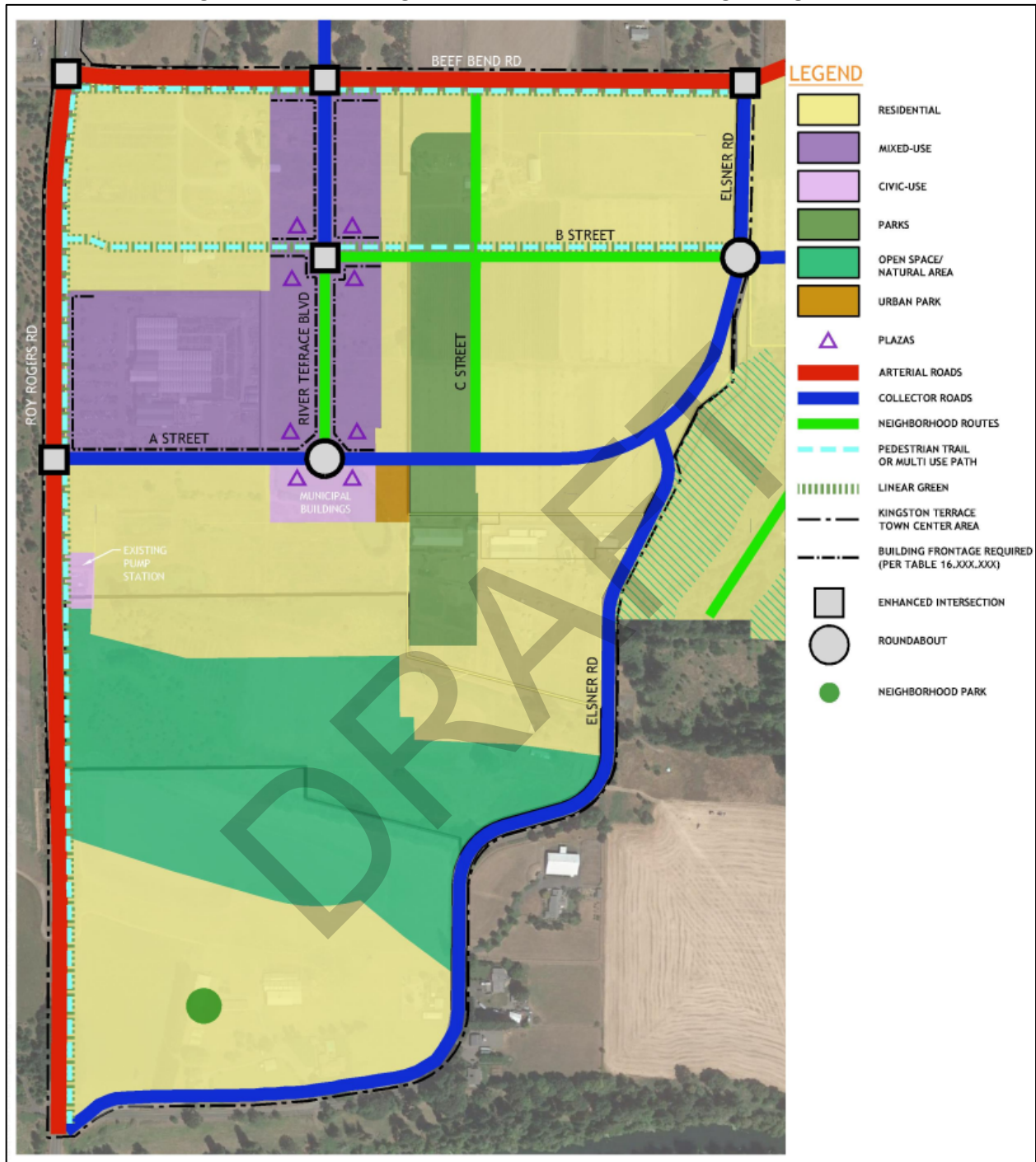
16.114.160 Temporary Uses

The provisions of Chapter 16.168 apply within the Kingston Terrace District, with the following modification.

- A. Temporary sales office, sales office trailer, or model homes may be located within the boundaries of a subdivision or tract of land in which parcels, homes, or dwelling units are being sold or rented in the Kingston Terrace District Plan area.

16.114.170 Town Center Regulating Plan

Figure 16.114-18 Kingston Terrace Town Center Regulating Plan



- A. Purpose. The purpose of this Regulating Plan is to guide the design of each street/ path and location of key uses to create a well-connected and welcoming public realm for pedestrians, that is also an efficient network which supports development throughout the Town Center. The design of the street/path types and uses in Figure 16.114.18 should help strengthen the Town Center

character of the neighborhood. The **exact alignment of certain street types may vary up to 100-feet from locations shown in the Regulating Plan**; however, overall they must substantially comply.

B. Applicability.

1. All pathways not tied to designated intersection locations have flexible locations that may be relocated to accommodate topography, desired connection points and construction feasibility.
2. The Town Center Regulating Plan lays out the basic requirements of streets and intersections but does not limit the ability of a developer to add additional streets, intersections, paths, plazas, driveways, or other features to complement the requirements set forth in the regulating diagram.
3. Where a street alignment extends to a property boundary, but no existing street is present to which to connect at the time of development, a corridor of appropriate width shall be reserved to accommodate future construction of the street. Nonvehicular access may be provided in the interim period.

C. Town Center Uses.

The primary uses that are allowed outright within the Town Center neighborhood are residential (attached or detached), multi-unit dwellings, mixed-use, and civic. Within the Regulating Plan, the Residential & Multi-Unit Dwelling uses are shown in the yellow base color, Mixed-Uses are shown in purple and Civic uses are distinguished in pink.

1. Residential. Residential uses includes both detached and attached single dwelling units and multi-family on a variety of lot sizes to accommodate multiple housing options that meet the needs and preferences of a range of households for different sizes, ages, and income levels. **The minimum density for the Town Center is 1,958 dwelling units.**
2. Civic. Civic uses will be located at the southern end of River Terrace Blvd and will include municipal buildings that house a city hall, library, and other public facilities to help support not only the Town Center but the broader King City community.
3. Mixed Use. Mixed use in the Town Center will be located along SW River Terrace Blvd. and north of A Street within the parcel of the existing Al's Garden Supply center. Mixed use buildings shall contain both residential and commercial uses, stacked vertically side-by-side or standalone. The commercial business may include retail, offices, and restaurants. **Mixed use development within the boundaries of SW Roy Rogers Rd., SW River Terrace Blvd., and A Street shall contain 16,000 sf. of commercial in stacked mixed use buildings, and 30,000 sf. within standalone commercial buildings. Mixed use buildings along River Terrace Boulevard shall contain XX,XXX sf.**

D. Neighborhood Circulation.

All pathways not tied to designated intersection locations have flexible locations that may be relocated to accommodate topography, desired connection points and construction feasibility.

The Town Center Regulating Plan lays out the basic requirements of streets and intersections but does not limit the ability of a developer to add additional streets, intersections, paths, plazas, driveways, or other features to complement the requirements set forth in the regulating diagram.

Where a street alignment extends to a property boundary, but no existing street is present to which to connect at the time of development, a corridor of appropriate width shall be reserved to accommodate future construction of the street. Nonvehicular access may be provided in the interim period.

1. Town Center Gateways - Enhanced Intersections and Roundabouts

'Gateways' refers to both the entrance into a neighborhood or individual district and to design techniques for public spaces that help people identify where they are in the community and how to get around. Gateways signify a change in development character and style as well as help promote a sense of place and community identity. Gateways are identified at key Town Center Neighborhood intersections as a way of establishing identity and as a wayfinding technique within the Kingston Terrace District.

 - a. SW Roy Rogers Rd. and SW Beef Bend Rd. Gateway: This intersection will see a high amount of activity coming from the two arterial roads. Rowhomes will be oriented towards the intersection, and a linear green space with paths leading to the Town Center will help invite visitors into Kingston Terrace.
 - b. SW River Terrace Blvd. and SW Beef Bend Rd. Gateway: This gateway will link traffic from the River Terrace neighborhoods into Kingston Terrace Town Center. It will help to distinguish between the two areas, while also maintaining cohesion between the two communities. Linear greens will border Beef Bend and create a comfortable public realm, while mixed use buildings will draw visitors further in to explore the Town Center.
 - c. SW Elsner Rd. and SW Beef Bend Rd. Gateway: This will be an enhanced intersection that will be calmed to prioritize safe crossings of pedestrians and bicyclist from Beef Bend Rd. Crosswalks with refuge islands will help create more comfortable travel as pedestrians travel to Kingston Terrace. Elsner road also borders both the Town Center Neighborhood and the Residential Neighborhoods to the east, supporting connection between the two areas.
 - d. SW River Terrace Blvd. and B Street Gateway: This will be an enhanced intersection in the heart of the Town Center main street. It will be surrounded on all sides by mixed use including residential and commercial, and have urban plazas placed at each corner of the intersection. A linear green will also run east to west through this intersection, connecting pedestrians from Roy Rogers Road to Elsner Road. **This location may vary only up to 100-feet in order to substantially comply with the Regulating plan.**
 - e. SW Elsner Rd. and B Street Gateway: This gateway is classified as a roundabout and will be a main connection from the Town Center to the eastern Residential neighborhoods. This roundabout will feature pedestrian and bike facilities and its location **may vary only up to 100-feet in order to substantially comply with the Regulating Plan.**
 - f. SW River Terrace Blvd. and East/West Collector Gateway: This gateway is classified as a roundabout and will serve as the central organizing element within the Town Center, surrounded on all four sides by Urban Plazas. To the north will be commercial and residential uses, and to the south, Civic Uses along with an Urban Park that will include amenities such as open lawns and seating for community gathering. **This location may vary only up to 100-feet in order to substantially comply with the Regulating Plan.**
2. Street/ Pathways Types
 - a. *SW River Terrace Blvd.*: River Terrace Blvd. will run between Beef Bend Rd. and the East/West Collector and is made up of two street classifications. The North end which connects to Beef Bend Rd. is classified as a collector, shown as a solid blue line in the Regulating plan and will include parallel parking. The South end is classified as a Neighborhood Route shown as a solid green line in the Regulating Plan and will have

diagonal parking. In both cases, River Terrace Blvd. will serve the function of a main street with on-street parking, wide sidewalks and bike facilities to create a comfortable and inviting public realm. River Terrace Blvd. will be bordered by mixed-use and apartments and act as primary access to retail, restaurants, and civic uses in the Kingston Terrace Town Center. As such, this street is classified as a Multi-modal Area Street, Major Pedestrian Street, and a Neighborhood Bicycle Street in the King City Transportation System Plan. River Terrace Blvd. shall be designed to accommodate future transit service.

- b. *SW Roy Rogers Rd.:* Roy Rogers Rd. is an arterial road shown in red bordering the western edge of the Town Center that will allow regional traffic into the Town Center. This street is classified as both a Major Pedestrian and Bicycle Street and will include bike facilities and a multi-use path which will allow for active transportation. Common and Residential uses shall be oriented toward Roy Rogers Rd. with windows and visible routes connecting to building entrances to engage and lend eyes on the street.
- c. *SW Beef Bend Rd.:* Beef Bend Rd. is an arterial road shown in red bordering the northern edge of the Town Center that will allow for regional traffic into the Town Center. This street is classified as both a Major Pedestrian and Bicycle Street, therefore Beef Bend Rd. will be subject to public improvements such as bike facilities and multi-use paths in order to provide more multi-modal options. Common and Residential uses shall be oriented toward Beef Bend Rd. with windows and visible routes connecting to building entrances and multi-use paths leading to linear greens which will allow for greater interaction with the street.
- d. *SW Elsner Rd.:* Elsner Rd. is a collector road shown in blue that will guide traffic along the eastern and southern edge of the Town Center Neighborhood and the Residential Neighborhoods to the east. This collector runs north/south, extending from Beef Bend Rd. in the north to Roy Rogers Rd. in the southwest. Elsner Rd. shall be improved to allow for more active transportation options in Kingston Terrace.
- e. *East/West Collector:* This collector shown in blue extends from Roy Rogers Rd. to the west to SW 137th to the east. The collector will be the primary roadway apart from Beef Bend Rd. that connects the existing King City development to the Town Center in Kingston Terrace. This street is classified as both a Major Pedestrian and Bicycle Street and will include lanes for vehicular travel, bike facilities, and a multi-use path for pedestrians.
- f. *Neighborhood Route:* Neighborhood routes are shown in green within the Regulating Plan. Neighborhood Routes will connect local roads to collectors and efficiently move traffic throughout the Town Center. Neighborhood routes intended to serve bike traffic shall be classified as Neighborhood Bicycle Streets and designed with wider rights-of-way and have bike lanes that serve both directions of travel.
- g. *Pedestrian Trail or Multi-Use Path:* Pedestrian Trail and/or Multi-Use Paths will provide a connected trail system to ensure that residents and visitors have equitable access to parks and natural resources within the Kingston Terrace Residential Neighborhoods. Pedestrian Trail or Multi Use Path will be located along all the Arterial Roads and along the Neighborhood Route 'B Street' from Elsner Rd. to Roy Rogers Rd. Trails or Multi-Use paths are represented as a dashed blue line on the Regulating Plan Diagram.

E. Landscape and Beautification

1. Street Trees.
2. Street Furnishings.

F. Parks and Open Space.

The Town Center will include several public parks and open spaces that serve a variety of functions depending on their amenities such as dog parks, active recreation, passive recreation, urban plazas, and playgrounds. **Park locations may have a variance which is detailed according to park type.**

1. Parks Blocks will be approximately 4 to 7 acres and located along C street and continue south to provide both active and passive recreation to the whole of the Town Center. The park blocks will include sport fields, a dog park, fitness stations, shelters and open lawn seating.
2. An Urban Park between 1 to 5 acres will be attached to the southwest side of the Parks Blocks and will house an amphitheater for community gathering and Town Center events.
3. Urban plaza's will be approximately 1,000 sf. to 5,000 sf. and be located on River Terrace Blvd. where it intersects both A and B Streets. It will be hardscaped with sheltered seating and ornamental landscaping throughout to provide shade and resting space.
4. Linear greens will follow B street and continue west to connect to Roy Rogers Rd. They will bring a passive recreation space to the north of the Town Center and provide street furnishings such as benches and trash receptacles and street trees for shade.
5. An open space area in the southern portion of the Town Center that spans from Roy Rogers Rd. to Elsner Rd. between 10 to 20 acres will bring connection to the natural resources via trails, overlooks and nature play areas, as well as space for passive recreation fields and benches.

G. Design Standards.

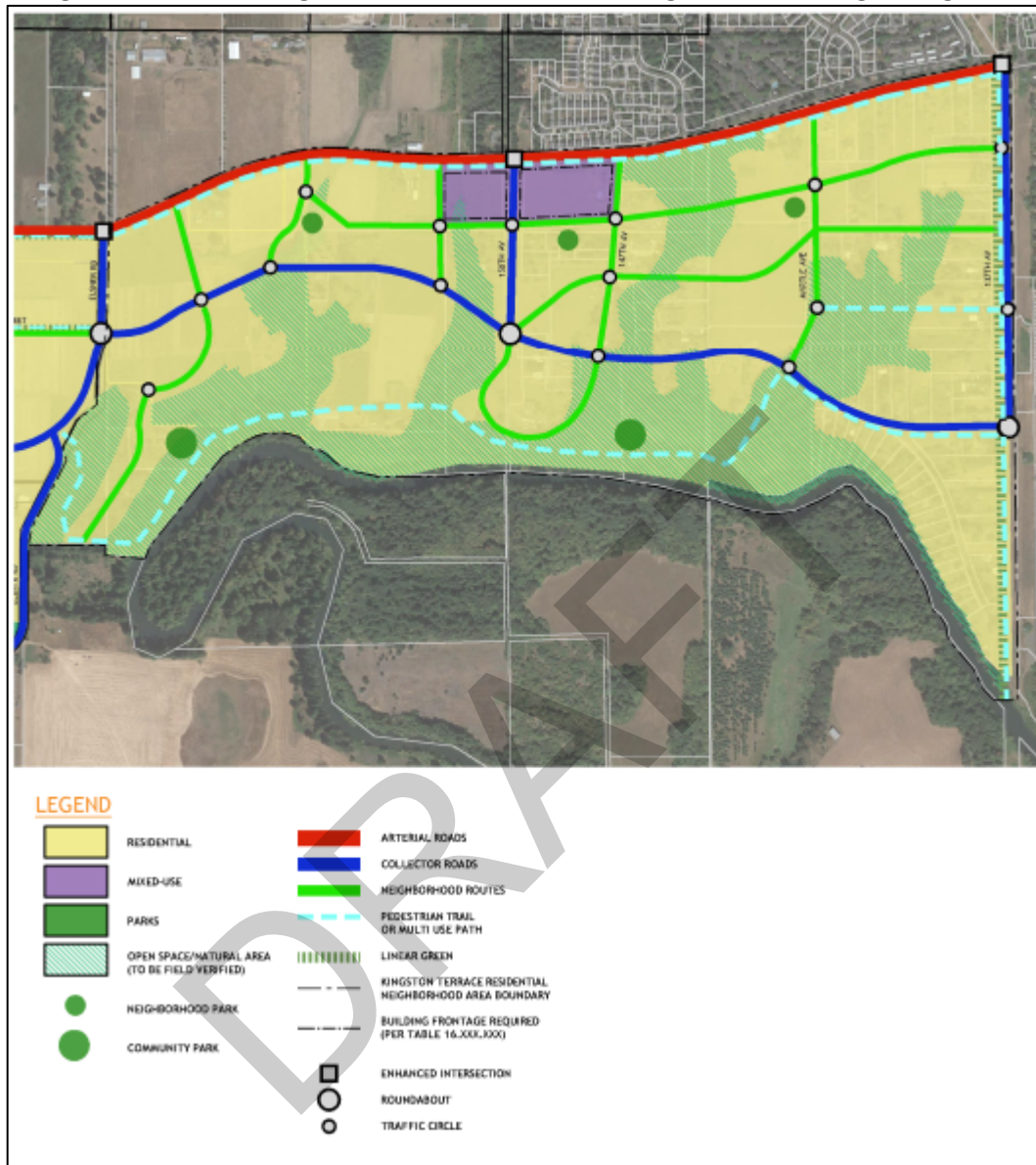
The Design Standards in Table 16.114-10 identifies standards applicable to mixed-use, multi-family and civic development within the Town Center Neighborhood Regulation Plan area. Development must comply with the standards of the street types on which the parcel fronts. Development with multiple street frontages (corner parcels for example) must comply with the building frontage requirements along the higher street classification. Table 16.114-10 addresses the requirements for street frontage, ground floor height, and weather protection.

Table 16.114-10 Town Center Neighborhood Design Standards

Design Standard	Frontage Location		
	River Terrace Blvd (Street 4 &5)	E/W Collector	Neighborhood Route (Street 7)
Min. Building Frontage Along Required Building Frontage Line	60%	60%	40%
Min. Ground Floor Height	16 ft.	14 ft.	14 ft.
Weather Protection	20 sf. Minimum Protected Area Min. 5-ft. Horizontal Dimension and Min. 10-ft. Vertical Clearance	No requirement	No requirement

16.114.180 Residential Neighborhoods Regulating Plan

Figure 16.114-19 Kingston Terrace Residential Neighborhoods Regulating Plan



- A. Purpose. The purpose of the Regulating Plan is to guide the organization of primary uses, the location of parks, open space and natural areas, enhanced intersections, roundabouts and traffic circle, and arterial roads, collector roads and neighborhood routes (both existing and future) for the Kingston Terrace Residential Neighborhoods. The Regulating Plan is intended to promote site planning and design which will ensure that new land division and development will:
1. Provide adequate flexibility to allow development that is compatible with the existing area, fits the topography of the site, and allows architectural diversity.
 2. Provide adequate assurance of compatibility of adjacent uses within the mixed-use context and compatibility between adjoining uses.
 3. Comply with the Transportation Planning Rule and Regional Land Use and Transportation Goals.

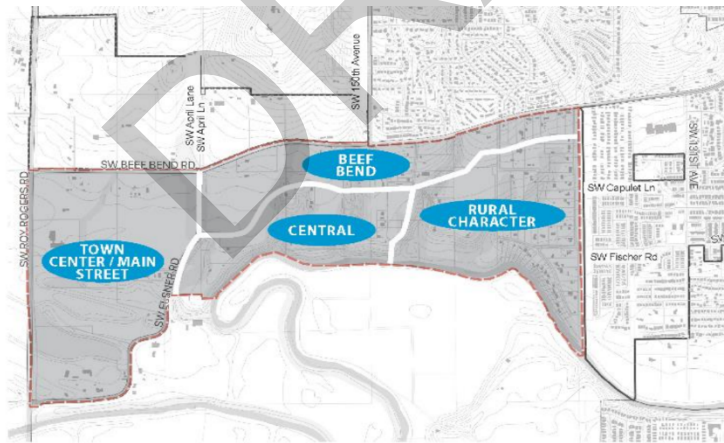
B. Applicability.

The Residential Neighborhoods Regulating Plan lays out the basic requirements of streets and intersections but does not limit the ability of a developer to add additional streets, intersections, paths, plazas, driveways, or other features to complement the requirements set forth in the regulating diagram.

1. All pathways not tied to designated intersection locations have flexible locations that may be relocated to accommodate topography, desired connection points, and construction feasibility.
2. Where a street alignment extends to a property boundary, but no existing street is present to which to connect at the time of development, a corridor of appropriate width shall be reserved to accommodate future construction of the street. Non-vehicular access may be provided in the interim period.
3. The exact alignment or location of roads, intersections, roundabouts, and traffic circles may vary by up to one hundred (100) feet from the locations shown on the diagram; provided that they fully connect or intersect with each of the streets and intersections as shown in the diagram.

C. Primary Uses within Residential Neighborhoods.

1. The primary uses that are allowed outright within the residential neighborhoods are residential (attached or detached) or multi-unit dwellings and mixed-use residential. The Residential & Multi-Unit Dwelling uses that are allowed within the neighborhoods are shown in yellow and Mixed-Use Residential is shown in the purple base color in the Regulating Plan Diagram. Residential and Multi-Unit Dwellings. The Residential uses include both detached and attached single dwelling units on a variety of lot sizes to accommodate a range of housing options that meet the needs and preferences of households of all sizes, ages, and income levels.



Boundaries of the neighborhoods are defined by how the roads are ultimately built.
The Beef Bend neighborhood minimum density is 614 dwelling units.
The Central neighborhood minimum density is 514 dwelling units.
The Rural character minimum density is 214 dwelling units.

2. Mixed-Use. Mixed-use residential is proposed along Beef Bend Road at the intersection of SW 150th Ave. Mixed Use Residential will include multi-family dwelling units including Live-work units with small-scale commercial development.
- D. Residential Neighborhood Circulation - Enhanced Intersections/Gateways, Roundabouts, and Traffic Circles
1. Enhanced Intersections - Enhanced Intersections are required to guide auto, bike, and pedestrian traffic through the major intersections with safety and comfort. Enhanced Intersections within the Kingston Terrace District would also be designed as a Gateway to define entrance into a neighborhood or individual district. Enhanced Intersections are crosswalks that help people identify where they are in the community and how to get around while safely crossing the intersection. The Gateways at these intersections would signify a change in the development character and style as well as help promote a sense of place and community identity. Enhanced Intersections/Gateways are identified at key Residential Neighborhoods intersections as a way of establishing identity and as a wayfinding technique within the Kingston Terrace District. **The exact location of the required enhanced intersection and gateways may vary by up to hundred (100) feet from the locations shown on the Regulating Plan Diagram**, provided they comply with the illustrated intersections and connections.
 - a. SW Beef Bend Rd. and SW Elsner Rd. Gateway: This will be an enhanced intersection that will be calmed to prioritize safe crossings of pedestrians and bicyclists from Beef Bend Rd. Crosswalks with refuge islands will help create more comfortable travel as visitors travel to Kingston Terrace. Elsner Road also borders both the Town Center and the neighborhoods to the east, allowing for a connection between the two areas.
 - b. SW Beef Bend Rd. and 150th Ave. Gateway: This will be an enhanced Intersection where the 150th Ave. collector road intersects the arterial Beef Bend Road. The North-South 150th Ave will be a backbone street that will guide the traffic into the Kingston Terrace District particularly the residential neighborhoods of the district. This gateway will be bordered by Linear greens on Beef Bend Rd which will create a pleasing public realm. Beef bend rd. will also be a special frontage street that will require residential developments to face the street with special frontage requirements that will create an inviting intersection.
 - c. SW Beef Bend Rd. and 137th Ave. Gateway: This will be an enhanced Intersection where the 137th Ave. collector intersects the arterial Beef Bend Road. The North-South 137th Ave forms the eastern edge of the residential neighborhoods, and it will guide the traffic from the East and existing King City to the King City West area.
 2. Roundabouts. Roundabout-style intersections minimize the need for left turn lanes, allow streets to be narrow, and discourage through traffic. Roundabouts should be designed using design techniques that would slow down auto traffic and make it easier and safe for pedestrians and bicyclists to cross and move through. Roundabouts are required to be placed at the intersections of Collector Roads with other collectors. The designated Roundabouts within the Kingston Terrace district are shown as large grey circles in the Regulating Plan diagram. The exact location of these roundabouts may vary by up to a hundred (100) feet provided they comply with the illustrated connections or intersections.

3. Traffic circles (also referred to as mini roundabouts) are speed management techniques for safer auto, pedestrian, and bike crossing. Traffic circles are designed to slow auto traffic and discourage through traffic on the neighborhood routes and local streets. Traffic circles are required at the intersections of neighborhood routes and collectors and in some places at the intersections of neighborhood routes and local streets. The designated traffic circles within the Kingston Terrace district are shown as smaller grey circles in the Regulating Plan diagram. The exact location of the traffic circles may vary by up to a hundred (100) feet provided they comply with the illustrated connections or intersections. See Section 16.114.060 for details regarding cross-section designs for each street type.
- E. Residential Neighborhood Circulation - Roads, Street, and Path Types.
- The purpose of the street and path types in this section is to facilitate each street in creating an ordered and well-designed public realm, an inviting environment for pedestrians, and a functional environment that supports connectivity and development throughout the Kingston Terrace District. The street and path types reinforce the unique character of each street type shown in the Regulating Plan Diagram Figure 16.114.19. Most streets within the Kingston Terrace Residential Neighborhood will change in character to match the neighborhood they traverse. Whether it's a Collector or Neighborhood Route, it will at a minimum accommodate two lanes for car travel. The sidewalk environment or the bike lanes may change but walk-ability and bike-ability would not be affected in any parts of the various street types illustrated in the Regulating Plan.
1. Arterial Road. Arterial Road borders the northern edge of the residential neighborhoods and allows for the movement of regional traffic into the Kingston Terrace District. Arterial roads are classified as both major pedestrian and bicycle routes and are therefore subject to public improvements such as bike facilities and multi-use paths to provide multi-modal travel options.
 - a. *SW Beef Bend Road*: As shown in the Regulating Plan Beef Bend Rd. is an existing arterial road that borders the northern edge of the residential neighborhoods. Beef Bend Rd. would have two travel lanes, a central turn lane, and a multi-use path along the entire section of the Arterial Road bordering the Kingston Terrace District.
 2. Collector Road: Collector Roads serve the primary function of connecting to Arterial Roads and serving longer-distance vehicular and micro-mobility travel trips. Collector Roads shall have intersection treatments that prioritize the collector's primary direction of travel i.e., stop signs on the side streets or roundabout traffic control at key intersections with other collectors. Collectors would be subject to speed controls and shall be designed to discourage cut-through traffic. There are four (4) existing or proposed Collector Roads within the residential neighborhoods.
 - a. *East/ West Collector Rd.*: This collector would extend from Roy Rogers in the west to 137th Ave. in the east. The collector will be the primary East-West connection within the Residential Neighborhoods that will connect the existing King City to the Kingston Terrace District (or King City West). This East-West Collector is classified as a major pedestrian and bicycle route and will include # lanes for vehicular travel, bike facilities, and a multi-use path for pedestrian travel.
 - b. *SW Elsner Rd.*: Elsner is an existing collector road that will guide traffic from SW Beef Bend into the Kingston Terrace District including the Residential Neighborhoods and the Town Center. This collector runs north-south, extending from Beef Bend in the North to Roy Rogers in the Southwest. Elsner Road shall be improved to allow for more active transportation throughout Kingston Terrace District.

- c. *150th Ave. Collector Rd.:* 150th Ave is an existing Collector running north to south. This collector road will guide traffic from the arterial Beef Bend to the Kingston Terrace Residential Neighborhoods in the south. 150th Ave would transform from a collector in the north to a neighborhood route in the south as it approaches closer to the natural/open space areas (or the River).
 - d. *SW 137th Ave. Collector Road:* This collector forms the eastern edge of the Residential Neighborhood and a common boundary between the existing King City and Kingston Terrace District (King City West). 137th Ave is an existing neighborhood pedestrian and bicycle route; a North-South Linear Park is planned to be located adjacent to 137th Ave.
3. Neighborhood Routes: Neighborhood routes would connect local roads to collectors and efficiently move traffic throughout the Residential Neighborhoods. Neighborhood routes intended to serve bike traffic shall be classified as Neighborhood Bicycle Streets and will be designed with wider rights-of-way to accommodate bike lanes that serve both directions of travel. The following neighborhood routes are shown in the Regulating Plan diagram.
- a. *Myrtle Ave.*
 - b. *147th Ave.*
 - c. *Unnamed Neighborhood Routes*
4. Pedestrian Trail or Multi-Use Path: Pedestrian Trail and/or Multi-Use Paths would provide a connected trail system to ensure that residents and visitors have equitable access to parks and natural resources within the Kingston Terrace Residential Neighborhoods. Pedestrian Trail or Multi Use Path would be located along all the Arterial Roads and along some portions of the Collector Roads such as the 137th Ave. Trails or Multi-Use paths are shown in the Regulating Plan Diagram.
- F. Parks, Open Space, and Natural Areas.
- Kingston Terrace Residential Neighborhoods include several public parks and open spaces that serve a variety of functions depending on their amenities such as dog parks, active recreation, passive recreation, and playgrounds. There will be two community parks and two neighborhood parks located within this neighborhood that will serve ¼-mile service area around each park.
- 1. Community Park: Two large Community Parks about **20-acres** in size will be located within the Residential Neighborhood. One of the Community Parks would be in the Central Neighborhood with access to the Tualatin River, and another park is proposed to be at the Meyer/Bankston Riverfront. Community parks are proposed to be located near a collector or neighborhood route and they would serve a range of recreational and social needs for the Kingston Terrace District residents as well as visitors. The **exact location of the Community may vary by up to a ¼ mile radial distance** as shown in the Regulating Plan Diagram provided, they comply with the illustrated location and connections within the neighborhood.
 - 2. Neighborhood Park: Two Neighborhood Parks, about **3-acres** in size, are proposed within the Residential Neighborhoods. The Neighborhood Parks would be centrally located to be easily accessible by various residential areas. Each park would ideally serve a ¼ - ½ mile radius of residential areas and would include amenities like a lawn area, small playground, seating area, etc. The **exact location of the Neighborhood Park may vary by up to a ¼ mile radial distance** provided they comply with the illustrated location and connections as shown in the Regulating Plan Diagram.
 - 3. Linear Green: Multi-Use path integrated with the street network and/or other infrastructure. Linear green integrated with electric transmission tower corridor on the eastern edge of the

Residential Neighborhoods. The exact location of the Linear Green as shown in the Regulating Plan Diagram may vary by up to fifty (50) feet provided they comply with the illustrated connections and intersections.

- 4. Open Space/ Natural Area: Open Space generally along the north/south stream corridor, steep terrain, wetlands, and adjacent to the Tualatin River. Natural areas are protected from development for a range of purposes including wildlife habitat preservation; urban heat islands, air quality, and stormwater management; and visual balance with more intensely developed areas. The Open Space will offer recreational amenities with minimal impact on the natural resources. The open space/natural area as shown in the Regulating Plan Diagram would be field verified to determine the exact location of natural resources within the residential neighborhoods.

G. Design Standards - Building Frontage Standards for Mixed-Use.

The Building Frontage Standards in Table 16.114-X identifies standards applicable to mixed-use development within the Residential Neighborhood Regulation Plan area. Mixed-use development must comply with the standards of the street types on which the parcel fronts. Development with multiple street frontages (corner parcels for example) must comply with the building frontage requirements along the higher street classification. Table 16.114-X addresses the requirements for street frontage, ground floor height, and weather protection.

Table 16.114.11 Residential Neighborhoods Design Standards

Development Standard	Frontage Location
	Beef Bend Road
Minimum Building Frontage Along Required Building Frontage Line	
Minimum Ground Floor Height	
Weather Protection	

H. Landscaping and Beautification - Street Trees

In Residential Neighborhoods, new trees shall be species selected from the Recommended Street Trees listed in Table 16.114-X. In order to promote more variety and greater resiliency to blight, no more than 10 street trees of the same species shall be planted in a row. If street length allows a minimum of at least three different species of street trees shall be planted in rows of 10 before species begin to repeat.

I. Landscaping and Beautification - Street Furnishings.

Article V. Development Review

REVIEW DRAFT AMENDMENTS – 3.29.23

Chapter 16.192 ANNEXATION

16.192.010 Purpose.

The purpose of this chapter is to establish procedures and criteria for annexations under the provisions of Metro Code Chapter 3.09 and Oregon Revised Statutes including, but not limited to, ORS Chapter 222.

16.192.020 Applicability of provisions.

The provisions of this chapter apply to all proposals to bring property under Washington County jurisdiction into the city.

16.192.030 Administration.

- A. A quasi-judicial annexation application shall be processed through the Type III procedure as provided in Section 16.40.030. However, in lieu of a final decision, the planning commission shall make a recommendation to the city council, and the quasi-judicial annexation application shall be decided by the city council.
- B. A legislative annexation application shall be processed through the Type IV procedure as provided in Section 16.40.040.

16.192.040 Submittal requirements.

- A. In addition to the application form and information required in Section 16.44.030, the applicant shall submit the following:
 - 1. A site map and necessary data or narrative which explains how the annexation conforms to the approval criteria in Section 16.192.050, and:
 - 2. Site information and narrative shall include the following:
 - a. A description of the existing site conditions;
 - b. The comprehensive plan and zoning designations sought; and
 - c. A copy of all existing restrictions or covenants.
- B. The manager may require information in addition to that required by this chapter when it is found that certain information is necessary to properly evaluate the application.
- C. The manager may waive a specific requirement for information when it is found that such information is not necessary to properly evaluate the application.

16.36.050 Approval criteria.

- A. The city council shall approve or approve with modification an annexation application when it complies with the relevant provisions of:
 - 1. Metro Code 3.09;
 - 2. The Oregon Revised Statutes;
 - 3. The comprehensive plan; and
 - 4. Formal planning agreements between Washington County and the city.

- B. The comprehensive plan and zoning designation placed on the property shall conform with the city or Washington County comprehensive plan designation. Where the county comprehensive plan and zoning designation govern, the city shall assign a zoning designation that most closely resembles the county zoning designation.

- C. Assignment of comprehensive plan and zoning designations. Assignment of the designation occurs automatically and concurrently with annexation approval. In the case of land that carries county designations, the City will convert the County's Comprehensive Plan Map and Zoning Designations to the appropriate City designation. Land within the Kingston Terrace Master Plan will receive a designation of Kingston Terrace District.

DRAFT

Article II. Procedures

Chapter 16.32 INTRODUCTION

REVIEW DRAFT AMENDMENTS – 3.26.23

16.32.010 Introduction.

This article establishes the procedures to be used in reviewing and taking action on development proposals.
(Ord. 96-4 § 1 (part), 1996)

Chapter 16.36 DEVELOPMENT PERMIT

16.36.010 Permit required.

Except as excluded in Section 16.36.020, no person shall engage in or cause a development to occur, as defined in Chapter 16.24, without first obtaining a development permit through the procedures set forth in this title. The manager shall not issue any permit for the construction, reconstruction or alteration of a structure or a part thereof without first verifying that a valid development permit has been issued. Development authorized by a development permit shall occur only as approved by the city.

(Ord. 96-4 § 1 (part), 1996)

16.36.020 Exclusions from permit requirement.

The following activities are permitted in each district but are excluded from the requirement of obtaining a development permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this title.

- A. Landscaping or other treatment or use of the land surface outside any flood plain, wetland and drainageways and not involving a structure or paved parking lot;
- B. Any change or repair to a building or other structure that does not alter or expand the use thereof or require a building permit;
- C. An emergency measure necessary for immediate safety of persons or protection of property, provided however, that an application for a development permit shall be promptly filed if the measure otherwise would require such a permit but for the emergency;
- D. The establishment, construction, maintenance, preservation or termination of public roads, transportation facilities and other public facilities including sewer and water lines, electrical and gas distribution lines, and telephone and television transmission lines that are substantially in the public right-of-way directly serving development or as shown on the comprehensive plan or adopted Public Facility Plan, together with piping and culverts, accessory drainage systems such as catch basins, and necessary accessory structure and easements. Notwithstanding this exemption, said facilities within sensitive lands, shall obtain a development permit as provided in this title. This permit shall be approved if the applicant demonstrates compliance with the applicable approval standards.

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- E. Construction, maintenance or demolition of an accessory structure not requiring a building permit except for agricultural accessory structures which shall be reviewed for locational and dimensional standards;
- F. The following excavations or fills, unless a development permit is required by the sensitive lands provisions in Chapter 16.140:
1. Excavations below finish grade for basements and footings of a building, retaining wall or other structure authorized by a valid development permit;
 2. Excavations for wells, tunnels or utilities;
 3. Excavations or fills for public projects, conducted by or under contract of the city;
 4. Exploratory excavations affecting or disturbing areas less than six thousand square feet in size, under the direction of soil engineers or engineering geologists;
 5. Access roads developed to support forest-related activities, agricultural crop production or grazing activities, where the roads:
 - a. Are located on property used for an interim agricultural or forest use,
 - b. Do not create a cut or fill greater than three feet in height visible from a public road,
 - c. Are sixteen feet or less in width,
 - d. Do not divert drainage onto or cause increased erosion on adjacent properties, and
 - e. Do not discharge or threaten to discharge silt onto adjacent properties or into streams.
 6. Grading that is a soil or water conservation project regulated by the U.S. Department of Agriculture, Soil Conservation Service, and/or the Washington County Soil and Water Conservation District;
 7. An excavation which is less than two feet in depth, or which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical;
 8. A fill less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical, or, a fill less than three feet in depth, not intended to support structures, which does not exceed one hundred fifty cubic yards on any one lot and does not obstruct a drainage course;
 9. Underground pipes and conduits; and
 10. Above ground electrical transmission, distribution, communication and signal lines on a single pole system where a single pole system is defined as above ground electrical lines and their supporting concrete, wood or metal poles, but does not include self-supporting steel lattice-type structures.
- G. Continued use of a valid nonconforming use or exercise of a vested right, except that any change, alteration, restoration or replacement of a nonconforming use shall require a development permit as provided in Chapter 16.160.
- H. Family day care provider as defined in Chapter 16.24 and as allowed in the zoning districts in Article III.
- (Ord. 96-4 § 1 (part), 1996)

16.36.030 Issuance and effective date.

- A. The manager shall issue a development permit within seven calendar days of any administrative approval. The development permit shall be effective upon issuance.
- B. The manager shall issue a development permit within seven calendar days after the date the appeal period has expired, if no petition for review is filed, in city manager or planning commission decisions. Except as provided below, no development permit shall be issued pending appeal.
- C. In the event that a final approval of the city council is appealed to a body of competent jurisdiction, the development permit shall be issued after notice of the decision is provided and it shall be the responsibility of the person appealing the city council decision to seek appropriate judicial remedies halting action upon the permit. Notwithstanding issuance, however, the holder of the permit may proceed at the permit holder's own risk. If the permit holder proceeds, the holder shall be deemed to have expressly assumed all risk of proceeding and shall save and hold harmless King City from any responsibility or liability for proceeding with development. If a holder proceeds at his/her own risk and the development permit is ultimately reversed by a body of competent jurisdiction, the holder shall restore the property to its original condition.
- D. Every development permit shall be specific as to the approval granted or development authorized. It shall be subject to the standards and conditions set forth in this title, excepting only those variances or exceptions authorized by the approval authority, together with any conditions imposed by the approval authority. The development permit shall be effective immediately unless otherwise conditioned.

(Ord. 96-4 § 1 (part), 1996)

16.36.040 Expiration.

Except as otherwise specifically provided in this title, a development permit shall expire automatically one year from the date of issuance unless one of the following occurs first:

- A. The development permit is revoked as provided for in Section 16.36.070 or as otherwise invalidated by a body of competent jurisdiction; or
- B. An application for an extension is filed and approved pursuant to Section 16.36.050; or
- C. The development has commenced as provided in Section 16.36.060.

(Ord. 96-4 § 1 (part), 1996)

16.36.050 Extension and modification.

- A. If an extension is desired, the holder of the development permit must file an application for an extension prior to expiration of the development permit or the first extension, whichever is applicable. Extension requests shall be processed as an administrative action. A maximum of two extensions may be granted. Only one extension may be granted at a time and no extension may be granted for a term of more than one year.
- B. The city manager shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year, provided that:
 - 1. No changes are made on the original plan as approved by the approval authority;
 - 2. The applicant can show intent of initiating construction on the site within the one year extension period; and

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3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.
- C. Notice of the decision shall be provided to the applicant. The city manager's decision may be appealed by the applicant as provided by Chapter 16.68.

(Ord. 96-4 § 1 (part), 1996)

(Ord. No. O-08-04 , § 1, 5-21-2008)

16.36.060 When a development has commenced.

- A. The authorized development has been commenced when the holder of the development permit has physically altered the land or structure or changed the use thereof and such alteration or change is directed toward completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development. In the case of development requiring a building permit, issuance of the building permit shall be conclusive evidence of commencing development. Nothing herein, however, shall be deemed to extend the life of said building permit as provided by law. A development permit which otherwise would have expired but for issuance of a building permit shall expire automatically upon expiration of the building permit.
- B. In the case of development authorized to be done in phases, each phase must be commenced within the time frame specified in the approval, or commenced within one year of completion of the prior phase if no time table is specified. The date of phase completion in the case of a structure or structures shall be the date of issuance of an occupancy permit by the manager for eighty percent or more of the structure or structures of the development phase.
- C. The determination of commencement shall be made by the manager as an administrative decision.

(Ord. 96-4 § 1 (part), 1996)

16.36.070 Revocation of development permit.

- A. Revocation shall be processed by the manager as an administrative action. A development permit may be revoked upon a finding of:
1. Noncompliance with the standards or conditions set forth in this title, or any special conditions imposed upon the permit;
 2. Intentional fraud, misrepresentation or deceit upon the part of the applicant as to an issue material to the issuance of the development permit;
 3. Abandonment or discontinuance as determined by failure to make reasonable progress toward completion of a commenced development for a continuous period of one year. Bona fide good faith efforts to market the development shall not constitute abandonment or discontinuance; or
 4. A change in this title, the comprehensive plan or state law which would make the approved development unlawful or not permitted, prior to the development obtaining a vested right or nonconforming use status.
- B. Revocation shall be effective immediately upon the city providing written notice thereof to the holder of the development permit. Unless provided otherwise by the revoking authority, revocation terminates the authority to continue the use. Continued use without a current valid development permit shall be a violation of this title.

(Supp. No. 13, 1-22)

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- C. The holder of a revoked development permit may reapply for a new permit at any time as an entirely new application.
 - D. Revocation is available in addition to and not in lieu of any other remedy provided by law and is not a condition precedent to any such remedy.

(Ord. 96-4 § 1 (part), 1996)

16.36.080 Transferability of development permit.

Unless otherwise provided in the development permit, it shall apply to the property and may be transferred to a new property owner.

(Ord. 96-4 § 1 (part), 1996)

Chapter 16.40 TYPES OF DEVELOPMENT ACTIONS AND DETERMINATION OF PROPER PROCEDURE

16.40.010 Type I Administrative actions.

- A. Type I administrative actions involve permitted uses or development governed by clear and objective review criteria. Administrative actions do not encompass discretionary land use decisions, Impacts have been recognized by the development and public facility standards. The intent and purpose of a zoning district is not a consideration for approving these uses.
- B. The following are administrative actions:
 - 1. Those identified in this title as administrative actions; and
 - 2. Notwithstanding any other provision, structures or uses proposed to implement an approved development permit, if consistent with the approval.
- C. Type I administrative actions shall be decided by the city manager without public notice or hearing. Notice of a decision shall be provided to the applicant or the applicant's representative. The decision may be reconsidered pursuant to Chapter 16.64 or appealed by the applicant as provided in Chapter 16.68. The hearing shall be conducted by the planning commission, and only the applicant shall be entitled to notice.

(Ord. 96-4 § 1 (part), 1996)

16.40.020 Type II City manager review.

- A. Type II land use actions by the city manager are presumed by this title to be appropriate. They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts to ensure compliance with this title.
- B. The following are Type II city manager actions:
 - 1. Uses and activities permitted through a city manager review in Section 16.140.020.B;
 - 2. Goal 5 safe harbor review in Section 16.142.030.B;
 - 3. Major and minor land partition;

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4. Lot line adjustment;
 5. Temporary use;
 6. Type I home occupation;
 7. Accessory dwelling units; and
 8. Communication facilities and structures.
- C. Notice of proposed Type II city manager actions shall be sent as provided in Chapter 16.48. A fourteen-calendar day written comment period shall be provided from the time notice is mailed to provide interested persons with an opportunity to submit written comments about the proposed action before the manager makes a decision on the request. Upon close of the comment period the manager shall review all written comments received by the city within the comment period and the applicant's response to the comments. The applicant shall have seven calendar days following the close of the comment period to submit a response. The manager may also consider responses to questions prepared by staff that clarify or amplify information, which does not change the original request. Written comments received after the comment period and prior to issuance of a decision do not have to be considered by the manager. The manager shall then issue a decision. The notice of the decision shall be mailed pursuant to Chapter 16.48. Any party as defined in Chapter 16.52 may obtain reconsideration or appeal of the decision as provided in Chapters 16.64 and 16.68.

(Ord. O-03-2 § 1 (part), 2003; Ord. 96-4 § 1 (part), 1996)

(Ord. No. O-2015-01 , § 1(Exh. A), 3-18-2015)

16.40.030 Type III Planning commission review.

- A. Type III planning commission actions involve a quasi-judicial review of development or uses, which require the exercise of discretion and judgment when applying the development criteria contained in this title or the comprehensive plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this title and the comprehensive plan.
- B. The following are Type III planning commission actions:
1. Uses and activities allowed through a planning commission review in Section 16.140.020 C.;
 2. Site plan review;
 3. Conditional use;
 4. Variance;
 5. Type II home occupation;
 6. Subdivision; and
 7. Determination of unlisted uses.
- C. Type III actions shall be decided by the planning commission after a public hearing. Prior notice shall be given as provided in Chapter 16.52. A planning commission decision shall be subject to reconsideration or appeal to the city council pursuant to Chapters 16.64 and 16.68.

(Ord. 96-4 § 1 (part), 1996)

(Ord. No. O-2015-01 , § 1(Exh. A), 3-18-2015)

16.40.040 Type IV City council review.

- A. Type IV city council actions are generally legislative. They involve the creation, broad scale implementation or revision of public policy. These include, but are not limited to, amendments to the text of the comprehensive plan or the community development code. Large scale changes in planning and development maps also may be characterized as Type IV legislative actions where a larger number of property owners are directly affected.
- B. These actions are made through adoption of city ordinances. The following are Type IV city council review actions:
 - 1. Zone change;
 - 2. Comprehensive plan amendments (text and/or map);
 - 3. Community development and zoning code amendment; and
 - 4. Annexation.
- C. Type IV legislative actions shall be reviewed by the planning commission in a public hearing. The planning commission recommendation shall be forwarded to the city council for its consideration in making a final decision.
- D. Appeals of Type III planning commission decisions shall be reviewed by the city council as a quasi-judicial action described in this title.

(Ord. 96-4 § 1 (part), 1996)

16.40.050 Determination of proper procedure type.

- A. Applications in this title must be processed as a Type I administrative, Type II city manager, Type III planning commission, or Type IV city council action in accordance with the standards set forth above. Concurrent actions involving legislative (Type III) and quasi-judicial (Type IV) actions shall be separated for proper processing. Questions as to the appropriate procedures shall be resolved by the city manager in favor of the process providing the greatest notice and opportunity to participate. The decision of the manager is not subject to appeal on its own, but may be alleged as an error in an appeal of the decision on the proposed development. Upon appeal of the decision on the merits of a development action not specifically classified in this title, the planning commission may determine, based on the standards set forth in Chapter 16.40 that a different procedure type should have been used and direct that the proposed development action be processed accordingly.
- B. Notwithstanding any other provision, and, upon payment of the proper fee, an applicant may choose to have the proposal processed under the procedure type (except Type IV) which provides greater notice and opportunity to participate than would otherwise be required.

(Ord. 96-4 § 1 (part), 1996)

Chapter 16.44 PROCESSING DEVELOPMENT ACTIONS

16.44.010 Initiation and withdrawal of action.

- A. Development actions, except Type IV city council actions, may be initiated only by:
 - 1. Application by all the owners or all the contract purchasers of the subject property, or any person authorized in writing to act as agent of the owners or contract purchasers. Contract purchasers shall indicate in writing that the contract vendor(s) has been notified of the application;
 - 2. The city council;
 - 3. The planning commission; or
 - 4. The city manager.
- B. No application shall be deemed complete and further processed if it is determined that any necessary authorization to file has not been obtained. The approval authority may defer further action for such time as it deems reasonable to provide an opportunity to obtain the necessary authorization. Failure to provide such authorization within that time period shall void the application.
- C. The manager may withdraw any application, petition for review or motion for reconsideration at the request of the applicant or petitioner. Once accepted as complete, however, the applicant or petitions shall be entitled to withdraw by right only if the city manager determines that:
 - 1. Written consent to withdraw an application has been obtained from a majority of the owners or contract purchasers or the majority interest holders in the property, or all signers of the petition for review; and
 - 2. No existing violation of this title or the comprehensive plan, which might best be cured by further processing the application, have been identified on the subject property.
- D. If an application, petition for review or motion for reconsideration is withdrawn after public notice has been provided and the approval authority has not rendered a decision, the city manager shall provide written notification to all persons that were entitled to be mailed a public notice of pending review of the city manager or planning commission action and all persons who submitted written comments stating the application has been withdrawn.
- E. Fees for applications and petitions for review withdrawn at the request of the applicant shall be refunded, less the actual costs incurred by the city.

(Ord. 96-4 § 1 (part), 1996)

16.44.020 Pre-application conference.

- A. No application for a Type II city manager or Type III planning commission development action shall be received by the manager unless the applicant or the applicant's representative has:
 - 1. Attended a pre-application conference with the city manager; or
 - 2. Signed a waiver, on a written statement prepared by the city manager, waiving the pre-application conference requirement.
- B. The purpose of the pre-application conference is to acquaint the applicant or representative with the requirements of this title, the comprehensive plan and other relevant criteria. It is designed to assist the

applicant. The applicant assumes the risk for delays or other problems caused by failure to attend. It is impossible, however, for the conference to be an exhaustive review of all potential issues and failure of the city manager to provide any information required by this title shall not constitute a waiver of the policies, standards or criteria relevant to the application.

- C. Pre-application conferences shall be scheduled by the manager at the earliest reasonable time.
- D. As soon as practicable, the manager shall provide the applicant or representative with a written summary of the meeting.
- E. Information given by the city manager and/or staff to the applicant during the preapplication conference is valid for **no longer than six months**. Another preapplication conference is required if an application is submitted more than six months after the preapplication conference is held.

(Ord. 96-4 § 1 (part), 1996)

16.44.030 Application.

- A. Applications for development actions shall be submitted in accordance with the format and upon such forms as may be established by the manager.
- B. A complete application is one which contains the information required to address the relevant standards of the comprehensive plan and this title. It shall consist of the following:
 - 1. A completed original application form, signed by all persons required for initiating an application under Section 16.44.010;
 - 2. A legal description and current Washington County or adjacent jurisdiction's tax map(s) showing the subject property(ies) and all properties within two hundred fifty feet of the subject property;
 - 3. Relevant public facilities information;
 - 4. Additional information required by other provisions of this title and the comprehensive plan;
 - 5. Additional information directly related to the applicable standards of this title or the comprehensive plan as deemed essential by the manager to evaluate adequately the specific application for compliance with those criteria and standards; and
 - 6. The applicable fees adopted by the city council are hereby incorporated by reference as the fees herein. These fees may be amended by resolution and order by the council.

(Ord. 96-4 § 1 (part), 1996)

16.44.040 Application submittal and acceptance.

- A. Applications shall be submitted to the manager in the number specified on the application form. The manager, however, may waive copies of specific documents, maps or exhibits upon a determination that the difficulty or burden of copying outweighs the usefulness of the copies.
- B. No application shall be received by the city for determination of completeness without the appropriate application fee.
- C. The date of submission shall be recorded. **Within fourteen calendar days** the manager shall determine whether the application is complete. The manager shall notify the applicant when the application is accepted as complete or rejected as incomplete if deficiencies are found. Resubmitted applications shall be subject to another fourteen calendar day completeness check.

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- D. Upon determination of completeness, applications shall be accepted immediately. The date of acceptance shall be recorded. The manager shall notify the applicant that the application is complete. Unless otherwise directed by the city council, applications shall be processed in the order accepted.
 - E. The decision of the manager as to completeness of an application, including any required engineering, traffic or other such studies, shall be based on the criteria for completeness, adequacy and methodology set forth in this title or by resolution and order of the council. Rejection by the manager for incompleteness shall be based solely on failure to address the relevant standards or supply required information and shall not be based on differences of opinion as to quality or accuracy. Acceptance indicates only that the application is ready for review.
 - F. Upon rejection for incompleteness, the applicant may object in writing to any alleged deficiencies and direct that the application be processed. During review, the applicant may submit additional information relating to the alleged deficiencies, but the manager is not obligated to review such information. The staff report may recommend denial or deferral due to insufficient or inaccurate information.
 - G. The approval authority shall approve or approve with conditions an application which the manager has determined to be incomplete only if it determines that sufficient, accurate information has been submitted and adequately reviewed by the approval authority with an opportunity for review by affected parties or that conditions can be imposed to ensure proper review at the appropriate time. In all other cases the approval authority shall defer or deny.
 - H. All documents or evidence relied upon by the applicant shall be submitted to the city and made available to the public at least twenty calendar days before the hearing. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitations of ORS 215.428 or 227.178.
 - I. If additional documents or evidence is provided in opposition to the application, the applicant shall be entitled to a continuance of the hearing.

(Ord. 96-4 § 1 (part), 1996)

16.44.050 Staff report.

- A. No decision regarding a Type II city manager, Type III planning commission, or Type IV city council action shall be made without a staff report. This report shall be provided to the applicant and approval authority without charge. All others may obtain a copy upon request and payment of a reasonable fee to cover the cost of reproduction, overhead and mailing.
- B. A staff report shall be available no later than seven calendar days before a planning commission hearing or any hearing on appeal. Staff reports are mailed approximately seven calendar days prior to the public hearings to the applicant and interested parties who request them. Mailing the report does not guarantee sufficient time prior to the public hearing to respond to the conditions of approval. Obtaining a copy of the staff report in person at the city best assures ample time for review and comment at the public hearing.
- C. Notwithstanding the above, the staff report may be amended as necessary to address issues or information not reasonably known at the time the report is due.
- D. If staff submits additional evidence or an amended staff report in support of the application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitations of ORS 215.428 or 227.178.
- E. If staff submits additional evidence or an amended staff report in opposition to the application, the applicant shall be entitled to a continuance of the hearing.

(Ord. 96-4 § 1 (part), 1996)

16.44.060 Vested rights.

- A. Through a planning commission review procedure, in the course of any city land use process, the commission may decide whether a vested right exists.
- B. Whether a vested right is found to exist shall be based on the consideration of the following factors as well as any guidance from the Oregon courts:
 - 1. The ratio of expenditures incurred to the total cost of the project;
 - 2. The good faith of the landowner;
 - 3. Whether or not the landowner had notice of any proposed zoning or amendatory zoning before starting the improvements;
 - 4. Whether the expenditures have any relation to the project or could apply to various other uses of the land;
 - 5. The kind of project, the location and ultimate cost; and
 - 6. Whether the acts of the landowner rise beyond mere contemplated use of preparation, such as leveling of land, boring test holes or preliminary negotiations with contractors or architects.
- C. The city shall not decide an issue of whether a vested right exists unless it is associated with a development action or a legislative process. A vested right issue not associated with an accompanying action shall not be decided by the city and may be subject to the jurisdiction of the Circuit Court of the State of Oregon.

(Ord. 96-4 § 1 (part), 1996)

Chapter 16.46 REQUIREMENT FOR COMMUNITY MEETINGS

16.46.010 Community meeting required.

The following types of development applications inside the UGB shall be subject to a requirement for a community meeting:

- A. Site plan review;
- B. Conditional use; and
- C. Subdivision.

(Ord. O-06-01 (part), 2006)

(Ord. No. O-2015-01 , § 1(Exh. A), 3-18-2015)

16.46.020 Proof of meeting.

The applicant shall be required to hold at least one community meeting prior to submitting an application for approval of one of the application types listed in Section 16.46.010. Applications for development shall not be complete until substantiation of the community meeting has been submitted to the city manager. Substantiation shall include:

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- A. Copy of notice of community meeting posted;
 - B. Copy of notice mailed to neighbors;
 - C. Affidavit, signed by applicant that notice was mailed and posted as required. The affidavit shall be notarized; and
 - D. Copy of meeting minutes and notes taken to provide a record, including names and addresses of people attending and all issues raised.

(Ord. O-06-01 (part), 2006)

(Ord. No. O-2015-01 , § 1(Exh. A), 3-18-2015)

16.46.030 Purpose of meeting.

The purpose of the community meeting is to provide an opportunity for neighbors to review a development proposal and identify issues that may be addressed in a manner consistent with the King City code and to address the issues prior to submission of the application. The community meeting shall occur within one hundred eighty days before submitting a land development application.

(Ord. O-06-01 (part), 2006)

16.46.040 Notices.

The applicant shall post a notice of the community meeting on the site of the proposed development not less than twenty calendar days prior to the meeting. The notice shall state that the site may be subject to a proposed development, shall indicate the date, time and location of a community meeting, and shall indicate the name of the applicant and telephone number where applicant or its representative may be reached for more information. Not less than twenty calendar days prior to the meeting, the applicant shall mail written notice of the meeting to the city manager and to all neighbors within two hundred and fifty feet of the property that is proposed to be developed. In addition to the information posted on the site, the notice shall also provide tax lot number(s) of the proposed site, site address, acreage, current land use designation, and a brief description of the nature of the proposed development.

(Ord. O-06-01 (part), 2006)

(Ord. No. O-2015-01 , § 1(Exh. A), 3-18-2015)

Chapter 16.48 NOTICE OF DEVELOPMENT ACTIONS

16.48.010 General provisions.

- A. All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first.
- B. The records of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. Persons not on file with that department at the time an application is filed need not be notified. Failure to actually receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. A sworn certificate of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons

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listed in the certificate. Mortgagees, lien holders, vendors and sellers receiving notice shall promptly forward a copy by mail to the purchaser.

- C. For notice purposes, the boundary of the subject property shall be the property, which is the subject of the application, together with all contiguous property under identical ownership.
- D. In addition to any other notice for Type II city manager and Type III planning commission development actions, the applicant shall post the subject property in conformance with standards as set forth by the city council Ordinance and Order Number 96-04, amended February 21, 1996 and incorporated by reference herein. No decisions shall be provided until the applicant has filed an affidavit of posting as specified in the resolution and order.

(Ord. O-03-2 § 1 (part), 2003; Ord. 96-4 § 1 (part), 1996)

16.48.020 Type I Administrative actions.

- A. No public notice of review is required.
- B. Written notice of the decision of the city manager shall be provided to the applicant.

(Ord. 96-4 § 1 (part), 1996)

16.48.030 Type II City manager actions review.

- A. A public notice of pending review shall be mailed to:
 - 1. The applicant and/or representative;
 - 2. All property owners of record within two hundred fifty feet of the subject property.
- B. The public notice shall contain:
 - 1. The name of the applicant or representative and the city case file number;
 - 2. A description of the subject property reasonably sufficient to inform the reader of its location;
 - 3. A concise description of the proposed development action and a listing of review standards;
 - 4. A statement that the complete application, standards and other such information are available at the city for review, and the phone number and name of a city contact person.
 - 5. A statement that this is an opportunity for interested parties to submit written comments about the proposed request; that prior to making a decision, the manager will consider any written comments actually received by the city within a fourteen calendar day comment period; that written comments may be received after the comment period, but that the manager does not have to consider these comments prior to making a decision; that the manager will then make a decision and send a summary of the decision to those persons whose written comments are received by the city, including comments received after the comment period, and those persons who were entitled to be mailed a public notice of pending review of the city manager action pursuant to Chapter 16.48; and that any person entitled to a notice of the decision may appeal or request reconsideration of the decision as provided in Chapters 16.64 and 16.68;
 - 6. The comment closing date, which ends at five p.m. that day, in bold letters; and
 - 7. The following statement in bold letters NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS chapter 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

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- C. After close of the fourteen calendar day comment period, the manager shall promptly issue a decision based upon review of the use of development in light of the applicable standards and the comments received. In addition to comments from those entitled to notice, the manager shall consider the written comments of persons who demonstrate that their substantial rights may be adversely affected or aggrieved by the decision.
 - D. Notice of the decision shall be provided to the applicant, all persons who submitted written comments, and all persons who are entitled to be mailed a public notice of pending review of the city manager action pursuant to Chapter 16.48.
 - 1. A brief summary of the nature of the action, the decision and conditions of approval, if any;
 - 2. A description of the subject property reasonably sufficient to inform the public of its location;
 - 3. The date the decision was provided and the due date for an appeal;
 - 4. A statement that the decision may be appealed and a public hearing held by filing a signed petition for review within fourteen calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the city by five p.m. of the closing date of the appeal period. The elements of a petition for review set forth in Chapter 16.68, and the fee, shall be listed. The statement shall note that only those persons who responded in writing to the notice of pending review and all persons who were entitled to be mailed a public notice of pending review of the city manager action pursuant to Chapter 16.48 are entitled to appeal or request reconsideration of the decision;
 - 5. A statement that a motion for reconsideration may be filed as provided in Chapter 16.64, but that filing a motion does not stop the appeal period from running; and
 - 6. A statement that the complete case, including findings and conclusions and conditions of approval, if any, are available for review at the city.

(Ord. 96-4 § 1 (part), 1996)

16.48.040 Type III Planning commission review.

- A. Notice of public hearing shall be sent by mail at least twenty calendar days before the hearing.
- B. The notice of public hearing shall be mailed to:
 - 1. The applicant or representative;
 - 2. All property owners of record within two hundred fifty feet of the subject property; and
 - 3. Tenants of a mobile home or manufactured dwelling park when a request for a plan amendment which would change the land use designation of the property which includes all or part of the park. Failure of a tenant to receive a notice which was mailed shall not invalidate any plan amendment.
- C. The notice of public hearing shall contain:
 - 1. The name of the applicant or owner;
 - 2. The nature of the proposed development;
 - 3. A description of the subject property reasonably sufficient to inform the public of its location;
 - 4. The designation of the approval authority and the time, date and place of hearing;
 - 5. A statement that all interested persons may appear and provide testimony that only those making an appearance of record shall be entitled to appeal;

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6. A statement that the hearing will be conducted in accordance with the rules of procedure adopted by the city council;
 7. The following statement: NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS chapter 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER;
 8. The applicable review criteria that apply to the application;
 9. A statement that failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the approval authority an opportunity to respond to the issue precludes appeal to the land use board of appeals based on that issue;
 10. The name of a city representative to contact and the telephone number where additional information may be obtained;
 11. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 12. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
 13. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. A statement that the record of the hearing shall remain open if a request is made before the close of the public hearing.
- D. In addition to all other notice, at least ten calendar days before a planning commission public hearing, notice shall be provided in a newspaper of general circulation in the city.
- E. Additional notice of any hearing may be required by the city council.
- F. Notice of the decision shall be provided to all persons who made an appearance of record. The notice shall contain:
1. A brief summary of the decision, and conditions of approval, if any;
 2. A description of the subject property reasonably sufficient to inform the public of its location;
 3. The date the decision was provided and the due date for an appeal;
 4. A statement that the decision may be appealed and a public hearing held by filing a signed petition, along with the required fee, for review within fourteen calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the city by five p.m. of the closing date of the appeal period. The elements of a petition for review set forth in Chapter 16.68, and the fee shall be listed. The statement shall note that only those persons who made an appearance of record are entitled to appeal or request reconsideration of the decision.
 5. A statement that a motion for reconsideration may be filed as provided in Chapter 16.64, but that filing a motion does not stop the appeal period from running; and
 6. A statement that the complete case, including findings and conclusions, and conditions of approval, if any, are available for review at the city.

16.48.050 Type IV City council review.

- A. Notice of public hearing and the decision shall be provided as described in 16.48.040.
- B.

(Ord. O-03-2 § 1 (part), 2003; Ord. 96-4 § 1 (part), 1996)

(Ord. No. O-98-01 , § 5, 10-7-1998)

16.48.060 Notice of hearing and notice of decision on appeal.

Notice of a public hearing conducted by the approval authority to review a decision by the city manager or the planning commission shall be provided in the same manner as required for Type III planning commission actions. Notice of decision on appeal shall be provided to all parties of record. In addition, notice of hearing on appeal to the city council shall be provided to all parties to the hearing conducted by the approval authority.

(Ord. 96-4 § 1 (part), 1996)

Chapter 16.52 PUBLIC HEARINGS

16.52.010 Notice.

Notice of public hearing shall be provided in accordance with Chapter 16.48 of this title and the rules of procedure adopted by the city council.

(Ord. 96-4 § 1 (part), 1996)

16.52.020 Rules of procedure.

- A. Public hearings shall be conducted in accordance with the rules of procedure adopted by the applicable approval authority.
- B. At the beginning of the hearing for an application, a statement shall be made to those in attendance that:
 - 1. Lists the applicable substantive criteria;
 - 2. States that testimony and evidence must be directed toward the criteria described in subsection (B)(I) of this section or other criteria in the plan or land use regulation which the person believes to apply to the decision; and
 - 3. States that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the land use board of appeals based on that issue.

(Ord. 96-4 § 1 (part), 1996)

16.52.030 Parties.

- A. The following persons, or their authorized representatives, may participate during the comment period or public hearing:
 - 1. The applicant or applicant's representative and the owners of the subject property;
 - 2. Those persons entitled to notice; and
 - 3. Any other person who demonstrates to the approval authority that the person's rights may be adversely affected or aggrieved by the decision.
- B. Only parties shall be entitled to appeal a decision. Only persons who make an appearance of record shall be parties to a city manager or planning commission action. Only the applicant, persons who submitted written

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comments and persons entitled to notice of pending review shall be deemed parties to a city manager action.

C. Appearance of record shall mean:

1. An oral statement made at the hearing sufficiently identifying the speaker and the speaker's address; or
2. A written statement giving the name and address of the maker of the statement and introduced into the record prior to or at the public hearing. A person's name and address on a petition introduced into the record constitutes an appearance of record.

(Ord. 96-4 § 1 (part), 1996)

16.52.040 Record.

- A. Absent mechanical failure or inadvertent error, a verbatim written or mechanical record of the hearing may be made. In addition, written minutes giving a true reflection of the matters discussed and the views of the participants shall be taken. Such minutes shall substitute for a verbatim record in the event of mechanical failure or inadvertent error.
- B. Failure to comply with Section 16.52.040(A) shall not invalidate any action provided that a de novo appeal or other relief is available.

(Ord. 96-4 § 1 (part), 1996)

16.52.050 Procedural rights.

Subject to the specific standards and limitations set forth in this title, the following procedural entitlements shall be provided at the public hearing.

- A. A reasonable opportunity for those persons entitled to notice or who may be adversely affected or aggrieved by the decision to present evidence.
- B. A reasonable opportunity for the applicant to rebut evidence submitted by opponents.
- C. An impartial approval authority as free from potential conflicts of interest and pre-hearing ex-parte contacts as reasonably possible. It is recognized, however, that the public has a countervailing right of free access to public officials:
 1. Approval authority members shall disclose the substance of any significant pre-hearing ex-parte contacts with regard to the matter at the commencement of the public hearing on the matter. The member shall state whether the contact has impaired the impartiality or ability of the member to vote on the matter and shall participate or abstain accordingly.
 2. A member of the approval authority shall not participate in any proceeding or action in which any of the following has a direct or substantial financial interest: the member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interests shall be disclosed at the meeting of the review authority where the action is being taken.

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3. Disqualification of an approval authority member due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote.
 4. If all members abstain or are disqualified, the administrative rule of necessity shall apply. All members present who declare their reasons for abstention or disqualification shall thereby be re-qualified to act.

(Ord. 96-4 § 1 (part), 1996)

16.52.060 Presentations.

- A. The approval authority may set reasonable time limits for oral presentations. The approval authority may determine not to receive cumulative repetitious, immaterial, derogatory or abusive testimony. Persons may be required to submit written testimony in lieu of oral if the approval authority determines that a reasonable opportunity for oral presentations has been provided.
- B. No testimony shall be accepted after the close of the public hearing unless the approval authority sets a deadline for such testimony and provides an opportunity for review and rebuttal, oral or written, at the direction of the approval authority.
- C. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to the limitations of ORS 215.428 or 227.178.
- D. When the approval authority reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.
- E. Counsel for the approval authority may be consulted solely on legal issues without reopening the public hearing. Objections alleging that counsel is discussing or testifying as to factual matters shall be heard.
- F. The presiding officer shall preserve order at all public hearings and shall decide questions of order subject on a majority vote of the approval authority. Persons who become disruptive or abusive may be ejected from the hearing.

(Ord. 96-4 § 1 (part), 1996)

16.52.070 Evidence.

- A. The approval authority may place any person submitting testimony under oath or affirmation. Once sworn or affirmed, all testimony subsequently given by the person during the hearing or a continuation thereof shall be deemed to be under oath.
- B. Cumulative, repetitious, immaterial or irrelevant evidence may be excluded. Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs. Evidence may be received subject to a later filing regarding its admissibility. Erroneous admission or evidence shall not invalidate or preclude action unless shown to have prejudiced the substantial rights of a party.
- C. Members of the approval authority may take official notice of judicially cognizable facts of general, technical or scientific facts within their specialized knowledge. Such notice shall be stated and may be rebutted.
- D. Exhibits shall be marked to provide identification upon review. Unless required for an appeal, all exhibits shall be retained by the city for a period of not less than thirty calendar days after expiration of all appeals. Exhibits may be disposed of as provided by the manager.

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- E. Any member of the approval authority may visit the subject property and may use information gained to reach a decision, provided the information relied upon is disclosed and an opportunity to rebut provided.
(Ord. 96-4 § 1 (part), 1996)

Chapter 16.56 BURDEN OF PROOF

16.56.010 Appealing party.

Except as otherwise provided, the applicant initially, or the appealing party on appeal shall bear the burden of proof that the proposal is in compliance with the applicable standards. In addition, evidence of mistake in adoption of the plan designation or development regulations or subsequent change in the affected area are relevant considerations.

(Ord. 96-4 § 1 (part), 1996)

16.56.020 Prejudice.

Unless specifically identified as jurisdictional, failure to comply with a provision of this article shall invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging procedural error shall have the burden of proof as to whether the error occurred and whether the error has prejudiced the person's substantial rights.

(Ord. 96-4 § 1 (part), 1996)

Chapter 16.60 DECISION

16.60.010 Decision types.

After review of all evidence is submitted to the record, the approval authority may:

- A. Approve or deny all or part of the application;
- B. Approve all or part with modifications or conditions of approval as described in Section 16.60.060;
- C. Defer a decision as provided in Section 16.60.070;
- D. Dismiss without prejudice due to procedural error or remand to correct a procedural error.

(Ord. 96-4 § 1 (part), 1996)

16.60.020 Announcement of decision.

No decision is final for the purposes of reconsideration or appeal until it has been reduced to writing and signed by the approval authority or its designee. If a public hearing has been held, the approval authority may announce a tentative decision at the close of the public hearing, but shall in any case announce a date certain on which the decision shall be adopted or issued. If no public hearing has been held, the decision shall be announced in writing and made available to all parties as simultaneously as reasonably possible.

(Ord. 96-4 § 1 (part), 1996)

16.60.030 Basis for decision.

An approval or denial of a development action shall be based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth in the applicable provisions of state law, the comprehensive plan, this title and other applicable laws as determined by the approval authority.

(Ord. 96-4 § 1 (part), 1996)

16.60.040 Findings and conclusions.

The approval authority shall provide brief and concise findings of fact, conclusions of law and an order for all development approvals, conditional approvals or denials. The findings and order shall set forth the criteria and standards considered relevant to the decision, state the facts relied upon and briefly indicate how those facts support the decision. In the case of denial, it shall be sufficient to address only those standards upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.

(Ord. 96-4 § 1 (part), 1996)

16.60.050 Re-application.

No new application for a development action that is the same or substantially similar to an action that has been denied shall be accepted for a period of six months from the date of the city's final decision of denial.

(Ord. 96-4 § 1 (part), 1996)

16.60.060 Conditions of approval.

- A. The approval authority may impose conditions on any city manager or planning commission development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this title.
- B. In addition to conditions imposed pursuant to subsection A of this section, a condition is valid and enforceable when the applicant has:
 - 1. Requested the condition;
 - 2. Consented to the condition in writing or on the record; or
 - 3. Established or commenced the development or use (other than a valid nonconforming use) prior to approval.
- C. Assurance of Compliance with Conditions. A bond, cash deposit or other security acceptable to the approval authority may be required from the applicant in an amount sufficient to ensure compliance with a condition of approval.
- D. Time Limits on Conditions. Conditions shall be fulfilled within the time limitations set forth or a reasonable time if no time limitations are specified. Failure to fulfill a condition within said time may result in initiation of revocation of the approval, citation or such other enforcement action as the city deems appropriate.
- E. Failure to Fulfill Previous Conditions. Notwithstanding any other provision, the approval authority shall refuse to issue an approval with conditions, and deny an application, upon a determination that the

applicant, or any officer, or principal of the applicant, wilfully has failed to fulfill conditions of approval imposed in any previous development action and a determination that such a decision would encourage compliance or is necessary to protect the public from future noncompliance.

- F. Modification or Removal of Conditions. Modification or removal of conditions of approval may be sought on appeal or as a new development action. A new development action shall be processed through the same procedure as was used to impose the conditions.

(Ord. 96-4 § 1 (part), 1996)

16.60.070 Deferral.

- A. The approval authority may continue the public hearing and defer a decision to a date certain. No new notice is required for hearings continued to a date certain. Any deferral to a date certain that exceeds ninety days without consent of the applicant shall be in the form of an order setting forth the reasons for deferral. Such a deferral may be treated as a denial by the applicant for purposes of reconsideration and appeal if the applicant files a petition for review within fourteen calendar days of written notice of the deferral.
- B. An indefinite deferral shall require new notice to all persons identified in Chapter 16.48. An indefinite deferral without the consent of the applicant shall be in the form of an order setting forth the reason for deferral and may be treated by the applicant as a denial for purposes of reconsideration and appeal if the applicant files a petition for review within fourteen calendar days of written notice of the deferral.

(Ord. 96-4 § 1 (part), 1996)

16.60.080 Date of final decision.

- A. Decisions of the manager or planning commission on an application shall be deemed final and effective upon expiration of the appeal period if no petition for review is filed within that time. Once final and effective, the decision cannot be appealed.
- B. Decisions of the council on an application shall be deemed final as follows:
1. If no petition for reconsideration is timely filed, the decision shall be deemed final on the date notice of the decision was provided to the parties.
 2. If a petition for reconsideration is filed and denied, the decision shall be deemed final on the date notice of the denial of reconsideration is provided to the parties.
 3. If a petition is filed and reconsideration granted, the decision shall be deemed final on the date notice of the decision on the development, as reconsidered, is provided.

(Ord. 96-4 § 1 (part), 1996)

Chapter 16.64 RECONSIDERATION OF ADMINISTRATIVE, CITY MANAGER OR PLANNING COMMISSION DECISIONS

16.64.010 Reconsideration as extraordinary remedy.

Reconsideration of a Type I administrative, Type II city manager or Type III planning commission decision is available only as an extraordinary remedy upon a determination by the approval authority that:

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- A. The party requesting reconsideration has sufficiently alleged in writing that a mistake of law or fact occurred;
 - B. The alleged mistake, if found to have occurred, was a substantial factor in the decision; and
 - C. Reconsideration is appropriate to avoid delay or hardship which may be caused by an appeal.

(Ord. 96-4 § 1 (part), 1996)

16.64.020 Motion for reconsideration.

A motion for reconsideration must be filed in writing with the manager within seven calendar days of the date the notice of decision is provided. The motion shall address the factors set forth in Section 16.64.010 of this chapter. The applicable fee adopted by the city council shall be submitted with the request.

A motion for reconsideration may be filed by the applicant, the manager or a party of record.

(Ord. 96-4 § 1 (part), 1996)

16.64.030 Motion for reconsideration does not stop appeal period from running.

Filing a motion for reconsideration is not a precondition to appealing the decision and does not stay the deadline for filing an appeal. To preserve the right to appeal, a party must file a petition for review as provided in Chapter 16.68. If the initial approval authority grants reconsideration, and ultimately rules in favor of the party filing for reconsideration, the party may terminate its appeal.

(Ord. 96-4 § 1 (part), 1996)

16.64.040 Motion for reconsideration as non-public hearing item.

Motions seeking reconsideration of a planning commission decision shall be summarily decided by the approval authority as a non-public hearing item at the first reasonably available opportunity. Motions seeking reconsideration of an administrative or city manager decision shall be summarily decided by the manager within fourteen calendar days of the receipt of the motion. Within seven calendar days, the approval authority shall issue a written notice of the decision to grant or deny the motion for reconsideration to the party requesting reconsideration. The decision as to whether to reconsider is not subject to appeal.

(Ord. 96-4 § 1 (part), 1996)

16.64.050 Process for reconsideration.

- A. Upon granting the motion to reconsider a Type III planning commission decision, the manager shall schedule and notify the parties of a new public hearing on the merits of the issues raised. The reconsideration of the decision shall be limited to the issues raised in the motion for reconsideration and the merits of the issues raised. Such a hearing shall be held at the next reasonably available opportunity.
- B. Upon granting the motion to reconsider a Type I administrative or Type II city manager decision, the manager shall notify the parties of the reconsideration of the application on the merits of the issues raised. The reconsideration of the decision shall be limited to the issues raised in the motion for reconsideration and the merits of the issues raised. The review shall be done at the next reasonably available opportunity.

(Ord. 96-4 § 1 (part), 1996)

16.64.060 Reconsideration and appeals.

If the motion for reconsideration is denied or the decision is not altered upon reconsideration, any appeal timely filed shall be processed in accordance with Chapter 16.68. If the motion is granted and the approval authority modifies the previous decision, the parties to the initial decision shall be notified within ten calendar days of the decision and may appeal the decision as modified pursuant to Chapter 16.68.

(Ord. 96-4 § 1 (part), 1996)

16.64.070 Limited reconsiderations.

No decision shall be reconsidered more than once.

(Ord. 96-4 § 1 (part), 1996)

Chapter 16.68 APPEALS

16.68.010 Decision.

A decision of the approval authority may be appealed only if within fourteen calendar days after written notice of the decision is provided to the parties.

- A. A party files a complete petition for review with the city manager;
- B. The city manager files a complete petition for review; or
- C. The city council directs that an appeal be initiated. The grounds for directing an appeal shall be set forth by the council.

(Ord. 96-4 § 1 (part), 1996)

16.68.020 Appeal authority.

- A. The planning commission shall hear appeals of Type I administrative and Type II city manager decisions.
- B. The city council shall hear appeals of decisions of the planning commission.

(Ord. 96-4 § 1 (part), 1996)

16.68.030 Petition for review.

A petition for review shall contain the following:

- A. The name of the applicant and the city case file number;
- B. The name and signature of each petitioner and statement of the interest of each petitioner to determine party status.

Multiple parties may join in filing a single petition for review, but each petitioner shall designate a single contact representative for all contact with the city.

All city communications regarding the petition, including correspondence, shall be with this contact representative;

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- C. The date that notice of the decision was sent as specified in the notice;
 - D. The nature of the decision and the specific grounds for appeal. Unless otherwise directed by the appellate authority, the appeal of a Type I administrative, Type II city manager and Type III planning commission decisions shall be limited to the issue(s) raised in the petition;
 - E. The appeal fee adopted by the city council;
 - F. In appeals to the council, a request for a partial or full de novo hearing as provided in Section 16.68.050 if desired;
 - G. Failure to file a signed and complete original petition with the city by five p.m. on the due date, with the proper fee, shall be a jurisdictional defect.

(Ord. 96-4 § 1 (part), 1996)

16.68.040 Transcript required—Jurisdictional defect.

- A. A transcript shall be prepared at the request of the appellant, and at the cost of the appellant for all appeals of public hearing items.
- B. In all cases where a transcript is requested by the appellant, the manager shall promptly provide the appellant with a written estimate of the cost. Failure to pay the estimated cost within fourteen calendar days of being provided the estimate shall be a jurisdictional defect. Failure to pay the total balance due in excess of the estimate within seven calendar days of billing shall be a jurisdictional defect. Any amount paid in excess of the actual cost shall be refunded by the manager within thirty calendar days of determination of the actual cost.

(Ord. 96-4 § 1 (part), 1996)

16.68.050 Nature of hearing.

- A. All hearings on appeal shall be conducted as public hearing in accordance with Chapters 16.52 and 16.56.
- B. Review of the final decision of Type I administrative and Type II city manager actions shall be de novo. At the public hearing before the planning commission of an appeal of an administrative or city manager action, participants shall be limited to the applicant, those who made the appeal and those persons who were entitled to be mailed a public notice of pending review of the action pursuant to Chapter 16.48, and those who made written comments as prescribed in Chapter 16.52.
- C. Except as provided in subsections D through F of this section, appeal to the city council of all final decisions of the planning commission shall be confined to the record. The record shall include:
 - 1. Reference the name, case number and date of the decision;
 - 2. Contain the name and address of the requesting party;
 - 3. Indicate the reasons for the request without addressing the merits of the land use action; and
 - 4. Indicate any persons known to be opposed to the request.
- D. The request for a de novo hearing shall be decided by the city council as a non-public hearing item, except that the city council may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The city council shall grant the request only upon findings that:

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1. A de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;
 2. The substantial rights of the parties will not be significantly prejudiced; and
 3. The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.
- E. Hearings before the city council on items on appeal, either on the record, partial de novo, or de novo hearings, shall have the following time limitations:
1. If the item is heard on the record, the appealing party will have fifteen minutes total to present his/her arguments. The opposition will have fifteen minutes total to present their arguments. The appealing party will also have five minutes for rebuttal.
 2. For partial de novo hearings, the appealing party will have twenty minutes total to present his/her arguments. The opposition will have twenty minutes total to present its arguments. The appealing party will also have five minutes for rebuttal.
 3. For a completely de novo hearing, the appealing party will have thirty minutes total to present his/her arguments. The opposition will have thirty minutes total to present their arguments. The appealing party will also have five minutes for rebuttal.
 4. The council chairman retains the authority to allow additional time as he/she deems appropriate and only if the party requesting the additional time has delivered to the manager, at least one week in advance of the hearing, a written statement of the reasons for the request for additional time.
- F. In conjunction with determining whether to conduct a de novo hearing, the city council may remand the matter to the planning commission. The decision on whether to remand shall not be appealable. Upon remand, the applicant shall be entitled to return of the appeal fee. Appeal from a decision on remand shall be taken as any other appeal.
- G. Notwithstanding the above, the city council may solicit or admit new evidence during a hearing on the record after considering the factors listed in subsection D of this section.

(Ord. 96-4 § 1 (part), 1996)

16.68.060 Decisions of the city council.

- A. Decisions of the city council are governed by Chapter 16.60.
- B. In addition to the decisions listed in Section 16.60.010, the city council may remand the matter to the prior approval authority for further proceedings as the council directs.

(Ord. 96-4 § 1 (part), 1996)

Chapter 16.72 RECONSIDERATION OF A CITY COUNCIL DECISION

16.72.010 Reconsideration.

The city council may reconsider a decision on its own motion or upon a petition for reconsideration filed by a party with the manager within seven calendar days after written notice of the decision is provided.

- A. Filing a petition for reconsideration is not necessary to exhaust administrative remedies and perfect an appeal to a body of competent jurisdiction.

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- B. The motion or petition shall state the alleged errors necessitating reconsideration. A fee may be established by resolution and order.
 - C. The city council shall summarily decide whether to reconsider at the time the motion is made or at the next reasonably available council meeting following filing of the petition. Reconsideration shall require the consent of three councilors.
 - D. If reconsideration is granted, the matter shall be scheduled for a public hearing before the city council at the next reasonably available hearing date. Notice of the hearing shall be sent by mail no later than twenty calendar days prior to the hearing to all persons who made an appearance of record below. The hearing shall be conducted as a hearing on the record and new evidence or testimony shall be limited to grounds upon which the motion or petition for reconsideration was granted.

(Ord. 96-4 § 1 (part), 1996)

16.72.020 Limitations.

No final decision shall be reconsidered by the city council more than once. If more than one petition for reconsideration is received in the seven calendar day period provided in Section 16.72.010, the petitions shall be consolidated.

(Ord. 96-4 § 1 (part), 1996)

16.72.030 Remand from appellate bodies.

When an application is remanded from an appellate body, such as the land use board of appeals, to the city for further proceedings, the city council may decide at a regular meeting, as a non-public hearing item, whether the matter shall proceed before the council or a subordinate approval authority.

(Ord. 96-4 § 1 (part), 1996)

16.72.040 Date of final decision.

- A. Decisions of the manager or planning commission on an application shall be deemed final and effective upon expiration of the appeal period if no petition for review is filed within that time. Once final and effective, the decision cannot be appealed.
- B. Decisions of the city council on an application shall be deemed final as follows:
 - 1. If no petition for reconsideration is timely filed, the decision shall be deemed final on the date notice of the decision was provided to the parties.
 - 2. If a petition for reconsideration is filed and denied, the decision shall be deemed final on the date notice of the denial of reconsideration is provided to the parties.
 - 3. If a petition is filed and reconsideration granted, the decision shall be deemed final on the date notice of the decision on the development, as reconsidered, is provided.

(Ord. 96-4 § 1 (part), 1996)

Chapter 16.76 ENFORCEMENT

16.76.010 Violations.

No person shall engage in or cause to occur any development; erect, construct, reconstruct, alter, maintain, use or transfer any building or structure; or alter, use or transfer any land in violation of this title, or the comprehensive plan.

(Ord. 96-4 § 1 (part), 1996)

16.76.020 Fines.

Maximum fines upon conviction of the following offenses shall be as required by the city's schedule of fees and penalties as approved through resolution of the city council are as follows:

- A. Five hundred dollars per offenses for intentional violations where the responsible individual received verbal or written notice regarding city standards, which were subsequently violated;
- B. Two hundred fifty dollars per offense for all other offenses; and
- C. Each day of violation shall constitute a separate offense.

(Ord. 96-4 § 1 (part), 1996)

16.76.030 Court jurisdiction.

City municipal, justice, district and circuit courts shall have jurisdiction over prosecutions under this code as provided by law.

(Ord. 96-4 § 1 (part), 1996)

16.76.040 Other legal remedies.

The fines provided for in this chapter are in addition to and not in lieu of any other remedy provided by law, including, but not limited to denial or revocation of a development permit, injunction, mandamus, abatement or civil damages as provided by state law.

(Ord. 96-4 § 1 (part), 1996)

16.76.050 Building permits.

No building permit shall be issued unless it has first been determined that such building or structure, as proposed, and the land upon which it is proposed to be located, complies with all applicable provisions of this title or is exempt therefrom. In addition to any other submitted materials required by law, applications for building permits shall be accompanied by a valid development permit or a statement specifying the applicable exemption.

(Ord. 96-4 § 1 (part), 1996)

16.76.060 Uniform citation and complaint.

- A. A uniform citation conforming to the requirements of this section may be used for all violations of this code and the rules and regulations adopted pursuant thereto, committed in the presence of the complainant and which occur in King City.
- B. The uniform citation shall consist of at least four parts. Additional parts may be inserted for administrative use. The required parts are:
 - 1. Complaint;
 - 2. City counsel's record of violation;
 - 3. City's record of violation; and
 - 4. Summons.
- C. Each of the parts shall contain the following information or blanks in which such information shall be entered.
 - 1. Name of the court and the court's docket or file number;
 - 2. Name of the person cited;
 - 3. Brief description of the violation of which the person is charged in such a manner as can be readily understood by a person making a reasonable effort to do so; the date, time and place at which the violation occurred; the date on which the citation was issued and the name of the complainant;
 - 4. The time and place where the person cited is to appear in court;
 - 5. The bail, if any, fixed for the violation;
 - 6. The designation of the method of service and certification that such service has been made; and
 - 7. When such service is certified mail, return receipt requested, such shall be stated on the complaint and the required certification of service may be made upon receipt of the "return receipt" and after the filing of the complaint.
- D. Each of the parts shall also contain such identifying and additional information as may be necessary or appropriate for the manager to administer the section under which the citation was issued.
- E. The complaint shall contain a form of certification by the complainant to the effect that he/she certifies, under penalties prescribed in subsection F of this section, that he/she has reasonable grounds to believe, and does believe, that the person cited committed the violation contrary to this title or the rules and regulations adopted pursuant thereto, made and provided by King City. This certification, if made by the manager or his/her authorized designee, or a duly authorized peace officer, need not be made before a magistrate or any other person. Any private person utilizing the uniform citation shall certify before a municipal court judge, clerk or deputy clerk of the municipal court of King City, and this action must be entered in the court record and contain the substance of the matters appearing on the reverse side of all uniform complaints used in the municipal court or as otherwise directed by said municipal court.

A certificate conforming to this chapter shall be deemed equivalent to a sworn complaint.
- F. Any person who in connection with the issuance of a citation, or the filing of a complaint, for the violation of this chapter or rules or regulations adopted pursuant thereto, wilfully certifies falsely to the matters set forth therein is punishable by a fine of not more than three thousand dollars as required by the city's schedule of fees and penalties as approved through resolution of the city council.

(Ord. 96-4 § 1 (part), 1996)

READ CAREFULLY

You have been charged with a violation of the community development code of King City. You **MUST** do ONE of the following:

1. Appear in Court at the time mentioned in this summons and request a hearing. The court will then set a time for a hearing.
2. Mail to the Court this summons, together with a check or money order in the amount of the bail indicated on the other side of this summons and tell the Court you request a hearing. **THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT.** If you don't want a hearing, but wish to explain your side, send your explanation with the summons and bail. The court will then consider your explanation and may forfeit your bail or part of it, on the basis of your explanation and what the officer tells the court.
3. Sign the plea of guilty below and send this summons to the Court, together with check or money order in the amount of bail indicated on the other side of this summons. **THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT.** NOTE: If you have already given bail or other security for your appearance, proceed as mentioned above, but do not send in any additional sum as bail.

**APPEARANCE, PLEA OF GUILTY
AND WAIVER**

I, the undersigned, do hereby enter my appearance on the complaint of the violation charged on the other side of this summons. I have been informed of my right to a trial, that my signature to this plea of guilty will have the same force and effect as a judgment of court. I do hereby PLEAD GUILTY to said violation as charged, WAIVE any right to a HEARING by the Court, and agree to pay the penalty prescribed for my violation.

(Defendant's Name)

(Defendant's Name)

MAIL YOUR REMITTANCE TO:

King City Municipal Court
15300 S.W. 116th Avenue
King City, Oregon 97224

NOTICE

IF YOU FAIL TO DO ONE OF THE THREE FOREGOING PROCEDURES, OR FAIL TO APPEAR FOR TRIAL AT THE TIME SET BY THE COURT, YOU MAY BE CHARGED WITH THE ADDITIONAL AND SEPARATE VIOLATION OF FAILURE TO MAKE REQUIRED APPEARANCE.

THE COURT MAY IN ANY CASE, AFTER NOTICE, REQUIRE YOU TO APPEAR FOR A HEARING.

- G. Any error in transcribing information into the blanks provided in the citation form when determined by the court to be non-prejudicial to the defendant's defense, may be corrected at the time of trial or prior to time of trial with notice being given to defendant.

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- H. Except as provided in subsection G of this section, the complaint shall be set aside by the court only upon the motion of the defendant before plea if it does not conform to the requirements of this section.

(Ord. 96-4 § 1 (part), 1996)

16.76.070 Prosecutions of violations.

Prosecutions shall be commenced as follows:

- A. The manager or his/her authorized designee, or a duly authorized peace officer, may issue a uniform citation for violation of this code committed in his/her presence and when committed at any location within King City, Oregon.
- B. A private person may commence an action for a code violation as provided in Section 16.76.060(E) and under the same conditions as provided in subsection A of this section. The commencement of all actions by private persons for violation of this code committed in their presence utilizing the uniform citation form shall be with the discretion and judgment of the city manager, and conform to the procedures for certification and service as required in Sections 16.76.060 and 16.76.080, respectively.

(Ord. 96-4 § 1 (part), 1996)

16.76.080 Service of citation.

If a citation is commenced as described in Section 16.76.070(A) or (B), the manager, or his/her authorized designee, or a peace officer, or the city counsel, respectively, shall serve the summons portion of such citation in one of the following manners:

- A. Service may be made personally upon the defendant.
- B. If the defendant cannot be found, then service may be made to a member of his/her family over fourteen years of age who resides at that abode or to a person apparently in charge of the defendant's work place.
- C. If service is made as provided in subsection B of this section, the manager, as soon as reasonably possible, shall mail a true copy of the defendant's last known address, together with a statement of the date, time and place of service.

(Ord. 96-4 § 1 (part), 1996)

16.76.090 Minimum requirements for summons.

A summons for a code violation is sufficient if it contains the following:

- A. The name of the court, name of the person cited, date on which the citation was issued, name of the complainant and the time and place in which the person cited is to appear in court.
- B. A brief description or designation of the offense in such a manner that can be readily understood by a person making a reasonable effort to do so, and the date, time and place in which the violation is alleged to have occurred.
- C. The complaint shall contain a form of certificate by the complainant to the effect that he/she certifies, under the same penalties as prescribed in Section 16.76.060(F) that he/she has reasonable grounds to believe, and does believe that the person committed the violation contrary to the code. The certification, if made by the manager or his/her authorized designee, or a peace officer need not be

made before a magistrate or any other person. A private party shall certify before a Washington County district court judge, or clerk or deputy clerk of the district court, and this action shall be entered into the court record.

(Ord. 96-4 § 1 (part), 1996)

16.76.100 Appearance by defendant.

The defendant shall either appear in court at the time indicated in the summons, or prior to such time shall deliver to the court the summons, together with check or money order in the amount of the bail set forth on the summons, together with:

- A. A request for a hearing; or
- B. A statement of matters and explanations of mitigation of the offense charged; or
- C. The executed appearance, waiver of hearing and plea of guilty appearing on the summons.

(Ord. 96-4 § 1 (part), 1996)

16.76.110 Effect of statement and explanation in mitigation.

If a defendant has submitted to the court a written statement as provided in Sections 16.76.100(B) or (C), it constitutes a waiver of hearing and consent to judgment by the court declaring a forfeiture of all or any part of the bail as determined by the court on the basis of such statement and any testimony or written statement of complainant or other witness which may be presented to the court.

(Ord. 96-4 § 1 (part), 1996)

16.76.120 Fixing hearing dates—Notice to defendants—Failure to appear—The separate offense of failing to appear in court pursuant to citation, summons, court order at the time set for trial of case.

- A. If defendant requests a hearing, or, pursuant to Section 16.76.140(B), the court directs that a hearing be held, the court shall fix a date and time for hearing and, unless notice is waived, shall, at least five days in advance of the hearing, mail to the defendant a notice of the date and time so fixed. The notice shall set forth a warning that for failure to appear for the hearing, the defendant may be charged with a separate and additional offense of failure to appear in court pursuant to a court order, or a citation or summons, or at time set for trial of the case.
- B. Notice to the defendant required pursuant to this section shall be made in the form of a court "notice to appear" and be placed in the United States mail addressed to the defendant as his/her last known address with postage prepaid thereon.
- C. Failure of the defendant to make appearance as set forth in this section will constitute a failure to appear for hearing. If the defendant fails to appear when notified by the court to appear pursuant to this section, he/she may be charged with a separate and additional offense of failing to appear in court pursuant to a court order, or a citation or summons or at time set for trial of the case.

(Ord. 96-4 § 1 (part), 1996)

16.76.130 Fine for failure to appear in court pursuant to a citation, summons, court order or at the time set for trial of the case.

Upon a finding by the court that defendant did not make appearance as required pursuant to Section 16.76.120, without due and good cause, the defendant shall be guilty of failure to appear. The fine for conviction of failure shall be in addition to the fine and court costs of the violation for which he/she failed to appear and shall not be less than twice the amount of bail for such violation nor more than one thousand dollars be as required by the city's schedule of fees and penalties as approved through resolution of the city council.

(Ord. 96-4 § 1 (part), 1996)

16.76.140 Hearing discretionary with court—Exceptions.

- A. For any code violation for which uniform citation has been issued, the court may direct that a hearing be held. Otherwise, the court may enter the appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the defendant and return any amount by which the bail exceeds the fine.
- B. No fine may be imposed in excess of the amount of bail deposited by defendant, unless a hearing is held.

(Ord. 96-4 § 1 (part), 1996)

16.76.150 Other enforcement procedure.

The use of the above citation procedures shall not be construed to prevent the filing of a complaint, in any other lawful form, alleging violation of this law.

(Ord. 96-4 § 1 (part), 1996)

DRAFT

Additional Draft Amendments:

COMPREHENSIVE PLAN

#6. Comp Plan Amendment to King City West Comprehensive Plan, Currently Comp Plan says under:

Collector Street

The primary purpose of a collector street is to collect and distribute traffic between local and neighborhood collector streets and the area's regional transportation system. ~~Collector streets are not proposed within the West King City Planning Area. However, three collector streets in the immediate vicinity will serve this area. These streets are: SW 131st Avenue (north of Fischer Road), SW Fischer Road, and SW Beef Bend Road. All of these streets are under Washington County jurisdiction.~~ There are two collector streets proposed within the West King City Planning Area. These streets are: SW 131st Avenue and SW Fischer Road.

Arterial Street

An arterial street is a high capacity urban road designed to deliver traffic from collector roads to other arterials, freeways, highways, or interstates and between urban centers. Many arterials are limited access and provide regional capacity to the backbone transportation network that services the region. There is currently one arterial that services the King City West Planning Area (Beef Bend Road).

#7. Amend 2.34.020:
2.34.020 - Meeting times.

In accordance with [Article 7, Section 7.01](#) of the King City Charter, the city council shall hold a regular meeting at least once each month. This meeting will typically take place on the third Wednesday of each month ~~with the meeting time for the regular meetings to be set by resolution~~ with the date, time and place to be decided by the Mayor and coordinated by the City Manager. Notice of the meeting's date, time, and place shall be published via public notice no less than 24 hours in advance. All other council meetings will be either work sessions or special meetings and typically scheduled on the first Wednesday of each month. Work sessions or special meetings will be held at ~~seven p.m.~~ Ten (10:00) a.m. unless noticed otherwise.

([Ord. O-04-3](#) § 3, 2004; Ord. O-93-4 § 2, 1993)

(Ord. No. 2018-03, § 1, 8-1-2018)

#8. Amend 2.16.060

2.16.060 - Conflicts of interest.

A member of the planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial real estate or financial interest: The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member, any business in which the member is then serving or has served within the previous two years, or any business in which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.

(Ord. O-89-4 § 2, 1988)

#9. Amend 2.16.100

2.16.100 - *Appeal to city council.*

~~An action or ruling~~ A decision of the commission authorized by this chapter under section 2.16.070(A) may be appealed to the city council within fifteen days after the commission has rendered its decision by filing written notice of appeal with the city manager. At the time the notice of appeal is filed, the appellant shall pay an appeal fee in the amount provided in a schedule of rates established by resolution of the city council. If no appeal is taken within the fifteen-day period, the decision of the commission shall be final. If an appeal is filed, the city council shall receive a report and recommendation from the commission and shall hold a public hearing on the appeal. Notice of the time, place and purpose of the public hearing shall be given by:

A. Mailing a copy of the notice to the applicant and all other individuals (who appeared in person or wrote letters to the commission), at the addresses such individuals provided to the commission at the commission's hearing; and

B. Posting a copy of the notice of public hearing shall occur not less than ten days prior to the date of the hearing.

(Ord. O-89-4 § 10, 1988)

#10. Amend 16.148.080

16.148.080 - Exempt signs.

The following signs are exempt from the provisions of this chapter:

A. Signs which are authorized and installed by public utility, telephone or cable television companies which serve as an aid to public safety, or which show the location of underground facilities;

B. Public signs;

C. Signs not visible or not intended to be read from the public right-of-way or from common areas open to the public;

D. Garage sale signs.

E. Election Signs within 60 Days leading up to an election and not more than 7 days after election.

(Ord. 96-4 § 1 (part), 1996)

#11. Amend 8.08. – Open Burning

8.08.010 – Definition.

"Open burning" means any burning conducted in such a manner that combustion air is not effectively controlled. ~~and that combustion products are not vented through a stack or chimney, including, but not limited to, burning conducted in open outdoor fires, common burn barrels and backyard incinerators.~~ These include Recreational Fires as defined by TVFR (Oregon Fire Code 307.4.2) and Bonfires as defined by TVFR (Oregon Fire Code section 307.4.1)

(Ord. 75 § 1, 1980)

8.08.020 - Permit required.

- No one, within the boundaries of the city, without the express written permission of the city and the fire chief of the Tualatin Rural Fire Protection District or his authorized officer, shall cause or permit to be initiated or maintained on his own property, or cause to be initiated or maintained on the property of another, any open burning as is defined in [Section 8.08.010](#) of this chapter.
- Exempt from permitting: The use of small fire pits, fire tables, outdoor fireplaces, barbecue pits, campfires, and similar activities provided that they are burning clean dry firewood, propane, natural gas, charcoal or similar fuels **AND** the fire is confined by a noncombustible barrier (such as a metal fire ring, masonry or stone enclosure, a hole in bare earth, etc.)

(Ord. 75 § 2, 1980)

· *8.08.030 - Enforcement—Penalty.*

A. The Tualatin Rural Fire Protection District shall be responsible, and is granted authority, for the enforcement of this chapter.

B. Violation of this chapter is punishable, upon conviction, by a fine as required by the city's schedule of fees and penalties as approved through resolution of the city council.

(Ord. O-94-1 § 17, 1994; Ord. 75 § 3, 1980)

#12

CAMPING PROHIBITED IN CERTAIN PLACES; DEFINITIONS; PENALTY.

Overnight Camping is prohibited in King City except in the time, place and manner designated by this ordinance.

Overnight Camping is permitted along the east side of City Hall, east of the fence on City Property adjacent to Highway 99W.

Overnight Camping is permitted between the hours of 9pm and 7am.

(A) Unless otherwise specifically authorized by the City Code or by declaration of the Mayor and/or City Manager in emergency circumstances, it is an infraction for any person to camp in or upon any other public property including:

- (1) Within an area zoned for institutional and public use
- (2) Within an area zoned as a Floodplain Overlay
- (3) Within any residential zone, within 50 feet of any residential zone and within 50 feet of a residential structure regardless of zoning;
- (4) In City Parks, Recreation, and Natural Spaces;
- (5) On or along the Tualatin Greenway Trail;
- (6) Within 500 LF of a School Zone;
- (7) In a manner reducing the clear, continuous sidewalk width to less than four feet; and,
- (8) Between the hours of 7:00 a.m. to 9:00 p.m.

(B) Except as expressly authorized by the King City Municipal Code, it shall be unlawful for any individual to store personal property, including camp facilities and camp paraphernalia, on city property or in the public rights-of-way during the hours of 7:00 a.m. to 9:00 p.m.

(C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **CAMP or CAMPING.** To set up, use, maintain or remain in or at a campsite.

(2) **CAMPSITE.** Any place where one or more persons have established temporary living accommodations by use of camp facilities and/or camp paraphernalia.

(3) **CAMP FACILITIES.** Include, but are not limited to, tents, huts, temporary shelters, lean-tos, shacks, or any other structures, vehicles or parts thereof.

(4) **CAMP PARAPHERNALIA.** Includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

(5) **CITY PROPERTY.** All real property owned by the city, other than public rights-of-way and utility easements, as those are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way franchising as provided in this chapter; and

(6) **PUBLIC RIGHTS-OF-WAY** Include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas. This definition applies only to the extent of the city's right, title, interest or authority to grant a franchise to occupy and use such areas for infrastructure and utilities. **PUBLIC RIGHTS-OF-WAY** shall also include utility easements, as defined below.

STATE. The State of Oregon.

TELECOMMUNICATIONS. The transmission between and among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

TELECOMMUNICATIONS ACT. The Communications Policy Act of 1934, as amended by subsequent enactments, including the Telecommunications Act of 1996 (47 U.S.C. §§ 151 et seq.) and as hereafter amended.

TELECOMMUNICATIONS CARRIER. Any provider of telecommunications services and includes every person that directly or indirectly owns, controls, operates or manages telecommunications facilities within the city.

TELECOMMUNICATIONS FACILITIES. The plant and equipment, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services.

TELECOMMUNICATIONS SERVICE. Two-way switched access and transport of voice communications, but does not include:

- (1) Services provided by radio common carrier;
- (2) One-way transmission of television signals;
- (3) Surveying;
- (4) Private telecommunications networks; or

(5) Communications of the customer which take place on the customer side of on-premises equipment.

TELECOMMUNICATIONS SYSTEM. See **TELECOMMUNICATIONS FACILITIES.**

TELECOMMUNICATIONS UTILITY. Has the same meaning as ORS 759.005(1).

UNDERGROUND FACILITIES. Utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for “overhead facilities”.

USABLE SPACE. All the space on a pole, except the portion below ground level, the 20 feet of safety clearance space above ground level, and the safety clearance space between communications and power circuits. There is a rebuttable presumption that six feet of a pole is buried below ground level.

UTILITY EASEMENT. Any easement granted to or owned by the city and acquired, established, dedicated or devoted for public utility purposes.

UTILITY FACILITIES. The plant, equipment and property, including, but not limited to, the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located under, on or above the surface of the ground within the public right-of-way of the city and used or to be used for the purpose of providing utility or telecommunications services.

(7) **STORE.** To put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

(8) **Tualatin Greenway Trail.** A hard-surfaced pathway that runs from 99W west to Roy Rogers Road.

(9) **Parks, Recreation, and Natural spaces.** Areas identified as natural or conservation areas or designated as Parks for Recreational purposes.

(D) Any person camping in violation of this section shall, upon conviction thereof, be subject to a civil fine of not more than \$100 for each offense. The fine amount should reasonably relate to the damage the infraction caused to public use, enjoyment, or property.