

ORDINANCE NO. 1919

AN ORDINANCE PROVIDING STANDARDS AND PROCEDURES FOR TRANSPORTATION FACILITIES AND IMPROVEMENTS.

THE CITY OF NORTH BEND ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to establish standards and procedures for providing transportation facilities and improvements within the City of North Bend pursuant to the North Bend Transportation System Plan adopted by Ordinance 1915 on February 24, 2004. The North Bend Transportation System Plan was mandated by the State of Oregon and is implemented in this ordinance in order to manage access, provide for the proper width and arrangement of streets, and to provide adequate transportation facilities to accommodate traffic from proposed developments and to avoid undue congestion of the street network.

Section 2. Definitions. As used in this ordinance the words and phrases below shall have the following meanings, unless it is apparent from the context that different meanings are intended. If a term is not defined in this ordinance, then it shall have the definition and meaning provided in the North Bend Transportation System Plan adopted by Ordinance 1915.

- 1) **Access** A way or means of approach to provide pedestrian, bicycle, or motor vehicle entrance into or exit from a property.
- 2) **Access Connection** Any driveway, street, turnout or other means of providing for the movement of vehicles to or from a public or private roadway system.
- 3) **Easement** A grant of one or more property rights by a property owner to, or for use by, the public or another person or entity.
- 4) **Functional Classification** A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
- 5) **Joint or Shared Access** A driveway connecting two or more contiguous sites to a public or private street system.
- 6) **Pathway** A surfaced walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Pathways are physically separated by curbs and/or landscaping from vehicle maneuvering areas.
- 7) **Public Right of way** The area between boundary lines of a public street or other public easement that is reserved, used, or to be used for a public street, alley, pathway or other public purpose.
- 8) **Roadway** The portion or portions of a street right of way developed for vehicular traffic.
- 9) **Sidewalk** A pedestrian way with permanent surfacing to city standards.

- 10) Street The entire width between the boundary lines of every public way provided for public use for vehicular and pedestrian traffic, and the placement of utilities, and including "road," "highway", "lane," "place," "avenue," or similar designations.
- a) Alley A narrow public right of way through a block primarily for utilities and access to the back or side of properties fronting another street.
 - b) Arterial A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.
 - c) Collector A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas used partly by through traffic and partly for access to abutting properties.
 - d) Cul-de-sac A dead end street with one end open to traffic and the other end terminated by a circular vehicle turnaround.
 - e) Half street A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
 - f) Hammerhead A dead end street with one end open to traffic and the other end terminated by a rectangular vehicle turnaround.
 - g) Marginal access street A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
 - h) Minor street A street intended exclusively for access to abutting properties.
 - i) Stub-out A portion of a street or cross access driveway to allow for future extension to an abutting property that may be developed in the future.

Section 3. Applicability and Scope of Regulations. All developments, subdivision plats, partitions and streets and/or ways must comply with the requirements of this ordinance. The provisions of this ordinance shall apply uniformly to all land within the City of North Bend, and it shall also apply to all land with the acknowledged urban growth boundary of the City, except as otherwise provided by state law or by an urban growth area management agreement jointly adopted by the City and Coos County.

FUNCTIONAL CLASSIFICATIONS

Section 4. Purpose. All state, county, and local roadways within the City of North Bend have been classified in the North Bend Transportation System Plan based on their level of importance and function. These classifications serve to identify the applicable standard for individual situations.

TRANSPORTATION IMPACT STUDY REQUIREMENTS

Section 5. Purpose. If a proposed development will generate 500 or more daily trip ends, then a Transportation Impact Study (TIS) shall be required. The TIS shall be prepared by a qualified Transportation Engineer to determine access, circulation and other transportation requirements. The scope of a TIS shall be established by the City Engineer.

Projects that generate less than 500 daily trip ends may also be required to provide traffic analysis when, in the opinion of the City Engineer, a capacity problem and/or safety concern is caused and/or is adversely impacted by the development. The City Engineer, at his/her discretion, shall determine the scope of this special analysis.

Trip ends shall be defined by the Institute of Transportation Engineers (ITE), Trip Generation Manual, 6th Edition (or subsequent document updates), or trip generation studies of comparable uses prepared by an engineer and approved by the City Engineer. Trip ends are trips that either begin or end at the proposed use.

Section 6. Level of Service (LOS). The Level of Service standard to determine what is acceptable or unacceptable traffic flow on streets shall be based on a volume to capacity ratio. City streets shall maintain a LOS of "D", as defined by the Highway Capacity Manual (2000 Ed.), during the PM peak hour of the day. A lesser standard may be accepted for local street intersections or driveway access points that intersect with collector or arterial streets, if alternative signalized access is available and these intersections are found to operate safely.

Section 7. Mitigation. Where a development causes traffic impacts that bring a street below acceptable levels of service, or impacts a street that is already operating below acceptable levels of service, or impacts a street that has a documented safety problem, the TIS shall identify traffic impacts attributable to the development and appropriate mitigation measures. The applicant will be required to implement appropriate mitigations measures approved by the City Engineer as condition of approval of the development. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and the Manual of Uniform Traffic Control Devices.

ACCESS MANAGEMENT

Section 8. Intent and Purpose. The purpose of these access management standards is to

ensure safe and efficient access and circulation to the public street system, while preserving the flow of traffic in terms of safety and street capacity. These standards attempt to balance the right of reasonable access to private property with the right of all citizens to safe and efficient use of the public street system. These standards are designed to reduce traffic accidents, personal injury, and property damage attributable to unsafe access, and thereby improve the safety and operation of the street network. The intent is to protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures.

Section 9. Access Permit Required. Access to a public street requires an Access Permit in accordance with the following procedures:

- 1) Permits for access to City streets shall be subject to review and approval by the City Engineer based on the standards contained in this Ordinance. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.
- 2) Permits for access to State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City. In that case, the City shall determine whether access is granted based on its adopted standards.
- 3) An access permit is tied to the specific use that it is issued for and is not transferable to a new or different use. A new access permit is required for a change in use or expansion of an existing use. Issuance of an access permit shall be based on compliance with the provisions of this ordinance as determined by the City Engineer.
- 4) Approval of proposed developments that require an access permit from the City of North Bend, City of Coos Bay or ODOT shall be contingent upon the appropriate agency issuing an access permit. The City shall impose a condition of approval that requires the developer to obtain an access permit prior to the issuance of building permits.
- 5) The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

Section 10. Access Options. A development shall provide vehicular access according to one of the following methods:

- 1) From a public street abutting the subject property. Accesses shall comply with

the access spacing standards in Section 11 of this Ordinance.

- 2) From a private street abutting the subject property.
- 3) From a private driveway connected to an adjoining property that has direct access to a public or private street (i.e., “shared driveway”). An access easement covering the driveway shall be recorded in this case to assure access to the public or private street for all users of the private driveway.
- 4) Access to and from off-street parking areas onto arterial streets shall not permit backing onto the arterial street
- 5) New residential land divisions fronting onto an arterial street shall be required to provide secondary (local or collector) streets for access to individual lots. When secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).
- 6) Joint and Cross Access: New commercial development will be encouraged to provide cross access driveways and pedestrian pathways to allow circulation between sites without having to access the adjacent public street. Cross driveways should be improved and stubbed to adjacent developable parcels to create the opportunity for future extension.
- 7) Fire/Emergency Access and Parking Area Turn-Arounds: A fire/emergency equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire/emergency equipment access drive. Commercial, industrial, public, institutional and residential parking areas may be required to provide adequate aisles or turn-around areas for service and delivery vehicles so that vehicles may enter the street in a forward manner. Compliance with this provision will be subject to approval from the City Fire Chief.
- 8) Number of Access Points: For multi-family, commercial, industrial, institutional and public developments, the number of access points shall be minimized to protect the function, safety and operation of the street(s). Shared access may be required in order to comply with this section.

Section 11. Access Spacing. New street and alley intersections or driveway accesses onto a public street shall be separated from other street and alley or driveway intersections according to the following:

- 1) Arterial Streets. The minimum access spacing between new access points shall

be 500 feet, subject to subsection (7) below.

- 2) Collector Streets. The minimum access spacing between new access points shall be 300 feet, subject to subsection (7) below.
- 3) Arterial/Arterial Intersections. The minimum access spacing from the intersection shall be 300 feet, subject to subsection (7) below.
- 4) Arterial/Collector Intersections. The minimum access spacing from the intersection shall be 300 feet, subject to subsection (7) below.
- 5) Collector/Collector Intersections. The minimum access spacing from the intersection shall be 150 feet, subject to subsection (7) below.
- 6) On State Highways or County Roads, ODOT or County standards supercede City standards.
- 7) Existing developed or undeveloped lots or parcels cannot be denied access. The maximum access spacing possible should be provided unless it renders access to individual lots or parcels impractical.

STREETS

Section 12. General: The location, width, and grade of streets shall conform to the Transportation Standards Ordinance. Street location, width, and grade shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to proposed use of the land to be served by the streets. The

street grade shall be established by ordinance pursuant to City Ordinance No. 1084. Where location is not shown in a development plan, the arrangement of streets in a development shall either:

- 1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- 2) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

Section 13. Minimum right of way and roadway widths: Street rights-of-way and improvements shall be according to the widths in Table 1:

<u>Type of Street</u>	<u>Minimum Right-of-Way</u>	<u>Single Lane Width</u>	<u>Minimum Street Width</u>	<u>Bike Lane</u>	<u>On-Street Parking</u>	<u>Sidewalks</u>
Major Arterials (5-lanes)	100	12	70	5-6	8	6-10
Secondary Arterials (3-lanes)	80	12	46	5-6	8	6-10
Service and Industrial Streets	80	11	38	5-6	8	6-8
Collectors	60	11	50	5-6	8	6-8
Minor (Local) Streets	50	10	28	-	8	5
Alley	16	12	12	-	-	-

“Local” streets include dead-end streets (cul-de-sac and hammerhead). Minimum dimensions for cul-de-sac are: right-of-way radius 50’ and minimum roadway surface of 40’ radius. Minimum dimensions for a hammerhead turn around are: right-of-way 50’ x 70’ and minimum roadway surface 30’ x 50’.

- 3) Variances: Where existing conditions, such as the topography, the size or shape of property, or constraints posed by sensitive lands (i.e., wetlands) make it otherwise impractical to meet these minimum standards, then a variance may be granted to accept a narrower right of way pursuant to Section 18 of this ordinance.
- 4) Turn Lanes/Medians: Turn lanes and/or center medians are required on 5-lane arterials and optional for 3-lane arterials.
- 5) Alignment: As far as practical, all streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections should wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction.

- 6) Future Extension of Streets: Streets shall be platted to the furthest boundary of the lot or parcel in order to provide access to or permit a satisfactory future development of adjoining land. Resulting dead-end streets may be approved without a turnaround if they are less than 150-feet in length. If longer than 150-feet, then a temporary turnaround (i.e., hammerhead or cul-de-sac) shall be constructed. A stub street may be required to preserve the objectives of street extensions.
- 7) Intersection Angles: Streets shall be laid out to intersect at angles as near to right angles as practical except where topography or the existing development pattern requires a lesser angle, but in no case less than 60 degrees unless there is a special intersection design. Streets shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which are not right angles shall have a minimum corner radius of 20 feet along the right of way lines of the acute angle. All right of way lines at intersections with arterial streets shall have a corner radius of not less than 20 feet.
- 8) Street Names: Except for extensions of existing streets, no street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall conform to the established pattern in the City and the surrounding area and shall be subject to the approval of the Planning Commission.
- 9) Grades: Street grades shall be established by ordinance pursuant to City Ordinance No. 1084. Street grades shall not exceed 7% on arterials, 10% on collector streets, or 12% on any other street. Street grades may exceed these maximum standards for short distances (less than 200 feet) if it is determined that topography and/or existing development makes meeting these standards impractical. In no case shall the maximum street grade exceed 18%. In flat areas allowance shall be made for finished street grades having a minimum slope of 1/2%. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing area of at least 20 feet long and averaging 5% or less.
- 10) Curves: Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, except when topography or existing development justifies a variation to this standard.
- 11) Streets Adjacent to Railroad Right of Way: Wherever the proposed development contains or is adjacent to a railroad right of way, provisions may be required for a street approximately parallel to and on each side of such right of way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the

railroad right of way.

- 12) Marginal Access Streets: Where a development abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 13) Alleys: Alleys may be provided in commercial and industrial districts. Other permanent provisions for access to off-street parking and loading facilities may be approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.

PEDESTRIAN ACCESS and CIRCULATION

Section 14. Pedestrian Pathways. To ensure safe, direct and convenient pedestrian access and circulation, all developments, except single family detached housing on individual lots or parcels shall provide a continuous pedestrian and/or multi-use pathway system. Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles. The system of pathways shall be designed based on the standards below.

- 1) Continuous Pathways: The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property. As a condition of approval, the developer shall record an access easement to grant reciprocal access to adjacent parcels.

- 2) Safe, Direct, and Convenient Pathways: Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
 - a) Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

 - b) Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

 - c) For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

 - d) For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.

- 3) Connections Within Development: Pathways shall connect all building entrances to one another within a development. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

- 4) Connections To Streets: When pathways are used to provide connections to public or private streets they should comply with the following standards:
 - a) Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles.

 - b) Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep.

- c) The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties.
- d) The City may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

IMPROVEMENTS

Section 15. Improvement Standards. Streets, street lights and sidewalks within or adjacent to a development shall be improved in accordance with the Transportation Standards Ordinance. The cost of the improvements shall be the responsibility of the developer.

- 1) **Existing Streets:** Whenever existing rights-of-way adjacent to or within a parcel are of less than the minimum width, additional right of way shall be provided at the time of subdivision or development.

- 2) New Streets: New streets and drives shall be constructed and improved to standards established by the City Engineer.
- 3) New Public Streets: New public streets shall be subject to acceptance by the City Council.
- 4) New Private Streets: New private streets may be created only when the City finds that the private street will not be needed for proper development of the surrounding area.
- 5) Half Streets: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. A stub street may be required to preserve the objectives of half strips.
- 6) Future Guarantees: The City may accept a future improvement guarantee [e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future] in lieu of street improvements if one or more of the following conditions exist:
 - a) A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - b) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
 - c) The improvement would be in conflict with an adopted capital improvement plan; or
 - d) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.
- 7) Street Lights: Street lights shall be installed in accordance with City standards. At minimum, street lights shall be installed; (a) at one corner at street intersections and along one side of the street right of way with a spacing not to exceed 250 feet or (b) at one corner at street intersections and install low profile pedestrian lights adjacent to the sidewalk at the driveway for each lot. Pedestrian lights shall be connected to electrical power through the adjacent residence and the land owner shall be responsible for repair, maintenance and replacement of

the light and fixture.

- 8) **Sidewalks and Planter Strips:** Sidewalks shall be installed along both sides of streets in accordance with City standards. Sidewalks shall be installed at the time the adjoining property is developed. Sidewalk widths shall comply with Section 13, Table 1 of this Ordinance. Variations to width and/or location requirements may be reviewed subject Section 17 (Exceptions) or Section 18 (Variance) of this Ordinance. Maintenance of sidewalks, curbs, and planter strips shall be the continuing obligation of the adjacent property owner.

Section 16. Improvement Requirements. Improvements to be installed at the expense of the developer shall be as follows:

- 1) **Streets:** Streets, except alleys, within or partially within the development, and the extension of such streets to the paving line of existing streets with which such streets intersect shall be improved to the following minimum standards:
 - a) The entire length of the improved right of way shall be brought to proper grade at a width consistent with Section 13, Table 1.
 - b) Concrete curbs and gutters shall be constructed along both edges of the roadway according to City standards.
 - c) Roadway base and surfacing shall be installed to the standards adopted by the City for acceptance of streets for maintenance.
 - d) Sidewalk width shall comply with Section 13, Table 1 and shall be constructed along the sides of all streets adjoining the development.

EXCEPTIONS, VARIANCES AND ENFORCEMENT

Section 17. Exceptions in Case of Large Scale Development. The Planning Commission may modify the standards and requirements of this ordinance if the subdivision plat compromises a complete neighborhood unit, a large-scale shopping center, or a planned industrial area. The Planning Commission shall determine that such modifications are not detrimental to the public health, safety and welfare, and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest.

Section 18. Variance Application. When necessary, the Planning Commission may authorize variances to the requirements of this ordinance. Application for a variance shall be

made by petition of the developer, stating fully the grounds for the application. Before a variance may be granted, the Planning Commission shall first determine:

- 1) That there are special conditions affecting the property that are not common to all property in the area.
- 2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.
- 3) That the variance complies with the spirit and intent of these regulations and will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity.

Section 19. Planning Commission Action of Variances. In granting a variance, the Planning Commission shall make a written record of its findings and shall specifically describe the variance and any conditions that the Commission may designate. The City shall keep the findings on file as a matter of public record.

Section 20. Appeals.

- 1) Any party may appeal to the City Council from any decision of the Planning Commission made under the provisions of this ordinance. Any party may appeal to the Planning Commission from any decision of the City Staff made under the provisions of this ordinance. Written notice of appeal must be filed with the City within ten days after the date that the decision of the City Staff or Planning Commission has been rendered. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.
- 2) The City Council or the City Planning Commission shall hold a hearing on the appeal within thirty days from the time that the appeal is filed. Notice of the time and place of the hearing will be delivered or mailed to the parties appearing or having been given notice of the application. Following the hearing the City Council or City Planning Commission may confirm, overrule or modify the decision which is being appealed.
- 3) Any person appealing a decision of the Planning Commission or City Staff shall be charged a reasonable fee for such appeal, which fee shall include the actual cost of the preparation of a transcript which shall be no more than \$500 plus 50% of the actual cost over \$500. Other charges involved in the appeal shall be based on actual cost only.

Section 21. Interpretation. Where the condition imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance, or, of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

Section 22. Severability. The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction

to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance.

Section 23. Penalties for Violation. Violation of, or failure to comply with, any provision of this ordinance is punishable, upon conviction, by a fine not to exceed \$300.00; and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this ordinance.

Section 24. The Recorder of the City of North Bend is hereby directed to file and record this ordinance with the Coos County Clerk.

Passed and enacted by the Council of the City of North Bend on May 25, 2004.

Rick Wetherell, Mayor
Rick Wetherell, Mayor

ATTEST: Angie Kellar, City Recorder
Angie Kellar, City Recorder