

ORDINANCE NO. 820

AN ORDINANCE RELATING TO VISUAL CLEARANCE AREAS AT STREET INTERSECTIONS

WHEREAS, the City of Scappoose has established standards which assure proper sight distances at intersections in order to reduce the hazard from vehicular turning movements; and

WHEREAS, the proposed amendments would update the standards to ensure uniformity at all street intersections; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, the Planning Commission held a hearing on the application on March 22, 2012 and the City Council held a hearing on the application on April 16, 2012; and

WHEREAS, City Council finds that the amendments are in the public interest; now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Chapter 17.102 of the Scappoose Municipal Code is hereby repealed.

Section 2. The Scappoose Municipal Code is hereby amended to add a new Chapter 12.10, which shall read as indicated in Exhibit A, attached hereto and hereby incorporated by reference.

Section 3. Chapter 17.114 (Signs) of the Scappoose Municipal Code is hereby amended as follows:

(Omitted language is ~~strikethrough~~, proposed language is double underlined)

17.114.020 Definitions. As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

[...]

~~“Vision clearance area” means a triangular area on a lot at the intersection of two public rights of way, a street and a railroad, or point of vehicular access and a public right of way, two sides of which are lines measured from the corner intersection to a distance of twenty feet. The third side of a triangle is a line across the corner of the lot connecting the lines of the other two sides. The vision clearance area contains no signs higher than three feet or lower than eight feet measured from the grade of the street centerline, though a single pole having a diameter of eighteen inches or less is permitted.~~

17.114.030 General sign regulations. A. 1. No sign governed by the provisions of this chapter shall be erected, structurally altered, or relocated without first receiving a sign permit from the city.

2. Street trees are protected by Scappoose Municipal Code Chapter 17.104, Street Trees, and Chapter ~~17.404~~140, Public Land Tree Removal and the Scappoose Comprehensive Plan. Signs located more than eight feet above grade may be visually limited by street trees.

B. All signs shall comply with the following requirements and those specified by zoning district:

1. Construction shall satisfy the requirements of the current version of the Uniform Sign Code.

2. Electrical requirements for signs shall be governed by the current version of the National Electrical Code and Oregon Electrical Specialty Code Amendments.

3. Except for exempt signs, all signs shall be securely attached to a building or the ground.

4. All signs, including exempt signs, shall conform to all ~~vision~~-visual clearance area requirements of Scappoose Municipal Code Chapter 12.10.

5. All signs, including exempt signs, together with their supports, braces and guys shall be maintained in a safe and secure manner.

6. All illuminated signs shall be internally or indirectly illuminated.

[...]

Section 4. Chapter 17.26 (Definitions) of the Scappoose Municipal Code is hereby amended as follows:

(Omitted language is ~~strikethrough~~, proposed language is double underlined)

17.26.030 Meaning of specific words and terms. (Also see Chapters 17.84, 17.88, 17.94 and Chapter 17.114). As used in this title:

[...]

“Visual clearance area” means a triangular area, two sides of which are lot lines, for distances as defined in Chapter ~~17.102~~12.10. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

“Visual obstruction” means ~~any fence, hedge, tree, shrub, device, wall or structure between the elevations of four feet and eight feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by the planner, and so located at a street, drive or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drives or alleys.~~

Section 5. Chapter 17.80 (Downtown Overlay) of the Scappoose Municipal Code is hereby amended as follows:

(Omitted language is ~~strikethrough~~, proposed language is double underlined)

17.80.040 Dimensional requirements.

[...]

D. Setbacks.

1. Where uses are commercial, no setback shall be permitted between the front of the building and the property line adjoining the street. The planner may authorize minor exceptions up to eight feet where necessary due to lot configuration, visual clearance area requirements, or the need to accommodate overhanging elements such as awnings, signage, or architectural features. Such setback exceptions shall be limited to the minimum necessary.

[...]

17.80.100 Landscaping.

A. The landscaping requirements of Sections 17.100.090 (Buffering and screening requirements) and 17.100.100 (Screening--Special provisions) shall not apply within the downtown overlay.

B. Pedestrian scale lighting and hanging floral baskets may be substituted for street trees for frontages on the west side of Highway 30 from the northwest corner of JP West Road north to the southwest corner of Watts Street. Such substitutions shall be in accordance with the standards in Section 17.80.060. The design of the fixture shall be subject to approval by the planner.

C. One street tree shall be required per 35 feet of linear street frontage or fraction thereof, except where the planner approves alternative plantings due to visual clearance area requirements, awnings, street lights, doors or other conflicts. Species of street trees shall be subject to approval by the planner and may vary from the approved street tree list where a smaller stature of tree is necessary to resolve conflicts.

Section 6. Chapter 17.100 (Landscaping, Screening and Fencing) of the Scappoose Municipal Code is hereby amended as follows:

(Omitted language is ~~strikethrough~~, proposed language is double underlined)

17.100.030 General provisions. A. Unless otherwise provided by the lease agreement, the owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

B. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:

1. Public utilities can be maintained or repaired;
2. Pedestrian or vehicular access is unrestricted;
3. Visual clearance area provisions are met. (See Chapter ~~17.102~~12.10, Visual Clearance Areas.)

[...]

17.100.090 Buffering and screening requirements.

[...]

E. Where screening is required the following standards shall apply in addition to those required for buffering:

[...]

4. An evergreen hedge or other dense evergreen landscaping may satisfy a requirement for a sight obscuring fence where required. Such hedge or other dense landscaping shall be properly maintained and shall be replaced with another hedge, other dense evergreen landscaping, or a fence or wall when it ceases to serve the purpose of obscuring view; and no hedge shall be grown or maintained at a height greater than that permitted by these regulations for a fence or wall when located within a ~~vision~~visual clearance area as set forth in Chapter ~~17.102~~12.10, Visual Clearance Areas.

F. Buffering and screening provisions shall be superseded by the ~~vision~~visual clearance requirements as set forth in Chapter ~~17.102~~12.10, Visual Clearance Areas.

Section 7. Chapter 17.104 (Street Trees) of the Scappoose Municipal Code is hereby amended as follows:

(Omitted language is ~~strikethrough~~, proposed language is double underlined)

17.104.060 Maintenance of street trees.

[...]

C. Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet above street surface or eight feet above the sidewalk surface. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic-control device or sign or sight triangle at intersections as defined in Scappoose Municipal Code ~~17.102~~12.10, Visual Clearance Areas. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements.

Section 8. Chapter 17.106 (Off-Street Parking and Loading Requirements) of the Scappoose Municipal Code is hereby amended as follows:

(Omitted language is ~~strikethrough~~, proposed language is double underlined)

17.106.020 General provisions.

[...]

X. Off street parking of any vehicle or recreational vehicle, watercraft, or parts designed to be affixed thereto, which obstructs the visual clearance area or creates a ~~vision clearance problem~~ or potential safety hazard shall not be allowed in required yard.

Y. Parking and loading areas shall be designed to minimize disturbances of adjacent residents by erection between the uses of a sight-obscuring fence of not less than four feet in height, provided that the provisions for visual clearance areas are met ~~except where vision clearance is required~~. Parking spaces within a parking lot shall be designed and constructed so that no portion of a parked vehicle, including an opened door, will extend beyond the property line.

[...]

17.106.050 Parking dimension standards.

[...]

G. Access Drives.

[...]

4. Access drives shall ~~have a minimum vision~~ maintain visual clearance areas as provided in Chapter ~~17.102~~12.10.

Section 9. Chapter 17.120 (Site Development Review) of the Scappoose Municipal Code is hereby amended as follows:

(Omitted language is ~~strikethrough~~, proposed language is double underlined)

17.120.180 Approval standards.

[...]

L. All parking and loading areas shall be designed in accordance with the requirements set forth in Sections 17.106.050 and 17.106.080, Chapter ~~17.102~~12.10, and the public works design standards;

Section 10. Chapter 17.140 (Public Land Tree Removal) of the Scappoose Municipal Code is hereby amended as follows:

(Omitted language is ~~strikethrough~~, proposed language is double underlined)

17.140.020 Permit required/applicability. A. The provisions of this chapter shall apply to all publicly owned or maintained properties and to street trees as regulated by Chapter 17.104.

B. No person shall cut a tree upon these properties without first obtaining a permit from the city.

C. For the purpose of this chapter, tree removal shall not include tree topping and pruning under power and utility lines, or pruning of trees located with visual clearance areas, Chapter 12.10.

D. For the purpose of this chapter, tree removal permits shall be required for all trees having a trunk six inches or more in diameter, measured four feet above the ground level.

Section 11. Chapter 17.154 (Street and Utility Improvement Standards) of the Scappoose Municipal Code is hereby amended as follows:

(Omitted language is ~~strikethrough~~, proposed language is double underlined)

17.154.120 Utilities.

[...]

B. The applicant for a subdivision shall show on the development plan or in the explanatory information, easements for all underground utility facilities, and:

1. Plans showing the location of all underground facilities as described herein shall be submitted to the public works director for review and approval; and

2. Above ground equipment shall not obstruct ~~vision~~visual clearance areas for vehicular traffic.

Section 12. Chapter 17.162 (Procedures For Decision Making--Quasi-Judicial) of the Scappoose Municipal Code is hereby amended as follows:

(Omitted language is ~~strikethrough~~, proposed language is double underlined)

17.162.090 Approval authority responsibilities. A. The planner shall have the authority to approve, deny or approve with conditions the following applications:

1. Interpretations subject to Section 17.01.050;

2. Determination of parking requirements for unlisted uses;

~~3. Determination of visual clearance area pursuant to Chapter 17.102;~~

43. Determination of access, egress and circulation plan (not subject to planning commission approval) pursuant to public works design standards;

54. Sign, sign exception, and sign variance pursuant to Chapter 17.114;

65. Minor variance pursuant to Chapter 17.134;

76. Type I home occupation pursuant to Chapter 17.142;

87. Sensitive land permits (for applications not subject to planning commission approval) pursuant to Chapter 17.84, Chapter 17.85, Chapter 17.86, and Chapter 17.89; and
98. Public land tree removal not associated with timber harvesting and clearing from designated public recreation areas.

Section 13. Chapter 17.96 (Lots--Exceptions and Additional Setbacks) of the Scappoose Municipal Code is amended by the addition of the following section:

17.96.030 Visual clearance requirements. All development shall conform to the visual clearance area requirements of Scappoose Municipal Code Chapter 12.10.

Section 14. In support of this ordinance, the City Council adopts the recommendation of the Scappoose Planning Commission and the findings of fact in the Staff Report dated March 29, 2012, attached hereto as Exhibit B.


PASSED AND ADOPTED by the City Council this 7th day of May, 2012, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

First Reading: April 16, 2012
Second Reading: May 7, 2012

Attest: 

Susan M. Reeves, MMC
City Recorder

Exhibit A of Ordinance No. 820
Scappoose Municipal Code new Chapter 12.10

Chapter 12.10 VISUAL CLEARANCE AREAS

Sections:

- 12.10.010 Purpose.
- 12.10.015 Applicability of provisions.
- 12.10.020 Visual clearance--Required.
- 12.10.030 Visual clearance area dimensions.

12.10.010 Purpose. The purpose of this chapter is to establish standards which will assure proper sight distances at intersections in order to reduce the hazard from vehicular turning movements.

12.10.015 Applicability of provisions. The provisions of this chapter shall apply to all intersections including private driveways.

12.10.020 Visual clearance--Required. A. A visual clearance area shall be maintained on the corners of all property adjacent to an unregulated intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street.

B. A visual clearance area shall contain no vehicle, recreational vehicle, watercraft, parts designed to be affixed to a vehicle of any type, hedge, planting, fence, wall structure, sign, or temporary or permanent obstruction that would impede visibility between a height of three feet and ten feet above the center line grades of the intersecting streets or railroad.

C. Where the crest of a hill or vertical curve conditions contribute to the obstruction of visual clearance areas at a street, driveway or railroad intersection, hedges, plantings, fences, walls, wall structures and temporary or permanent obstructions shall be further reduced in height or eliminated to comply with the intent of the required visual clearance area.

D. The preceding provisions shall not apply to the following:

1. A public utility pole;
2. A tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection;
3. Another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view;
4. A supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective;
5. An official warning sign or signal;
6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection; and
7. A sign support structure(s) if combined total width is twelve inches or less, and the combined total depth is twelve inches or less.

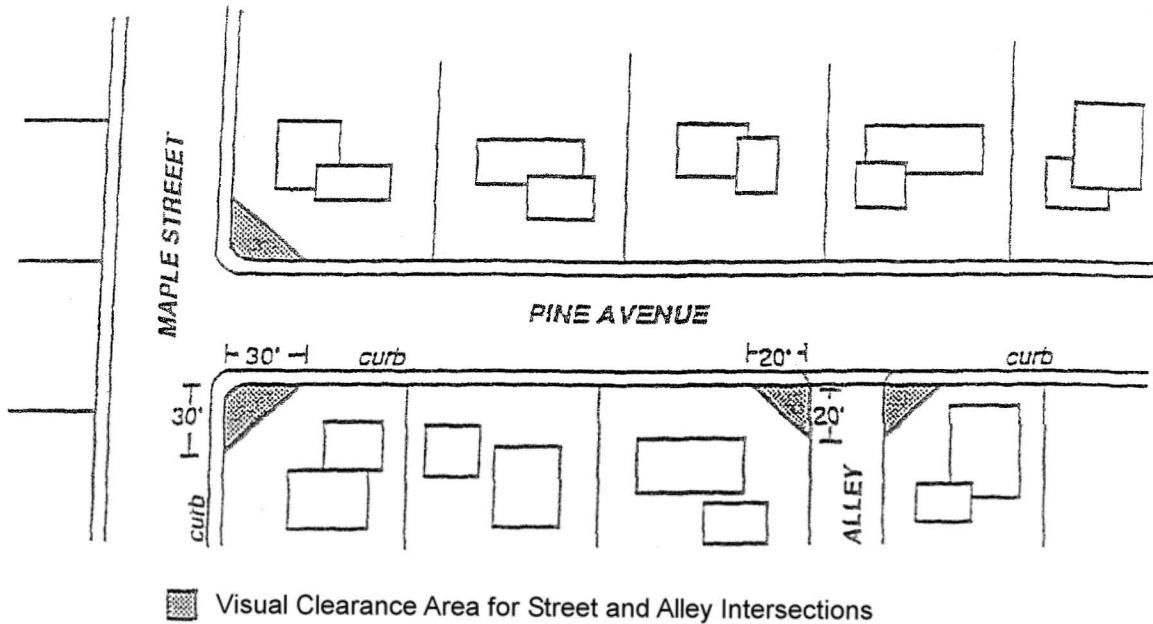
12.10.030 Visual clearance area dimensions. A visual clearance area shall consist of a triangular area, two sides of which are lot lines for distances specified in this section, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot

joining the nonintersecting ends of the other two sides. The following measurements shall establish the visual clearance areas:

A. Street and Railroad Intersections (see also Figure 12.10.1):

<i>Intersection Classification</i>	<i>Measurement Along each Lot Line</i>
All streets except alleys	30 feet
Streets and railroads	30 feet
Alley	10 feet
Intersection of a street and alley	20 feet

Figure 12.10.1: Visual Clearance Areas for Streets and Alleys



B. Driveway Intersections (see also Figure 12.10.2):

1. Commercial, Industrial, Institutional, and Multi-Family Developments.

Service drives to public or private streets shall have a minimum visual clearance area formed by the intersection of the edges of the service drive, the street right-of-way line, and a straight line joining said lines through points twenty feet from their intersection. No off-street parking shall be located in a service drive visual clearance area.

2. Single-Family and Two-Family Developments.

Driveways to public or private streets shall have a minimum visual clearance area formed by the intersection of the edges of the driveway, the street right-of-way line, and a straight line joining said lines through points ten feet from their intersection. No off-street parking area shall be located in a driveway visual clearance area.

Figure 12.10.2: Visual Clearance Areas for Driveways

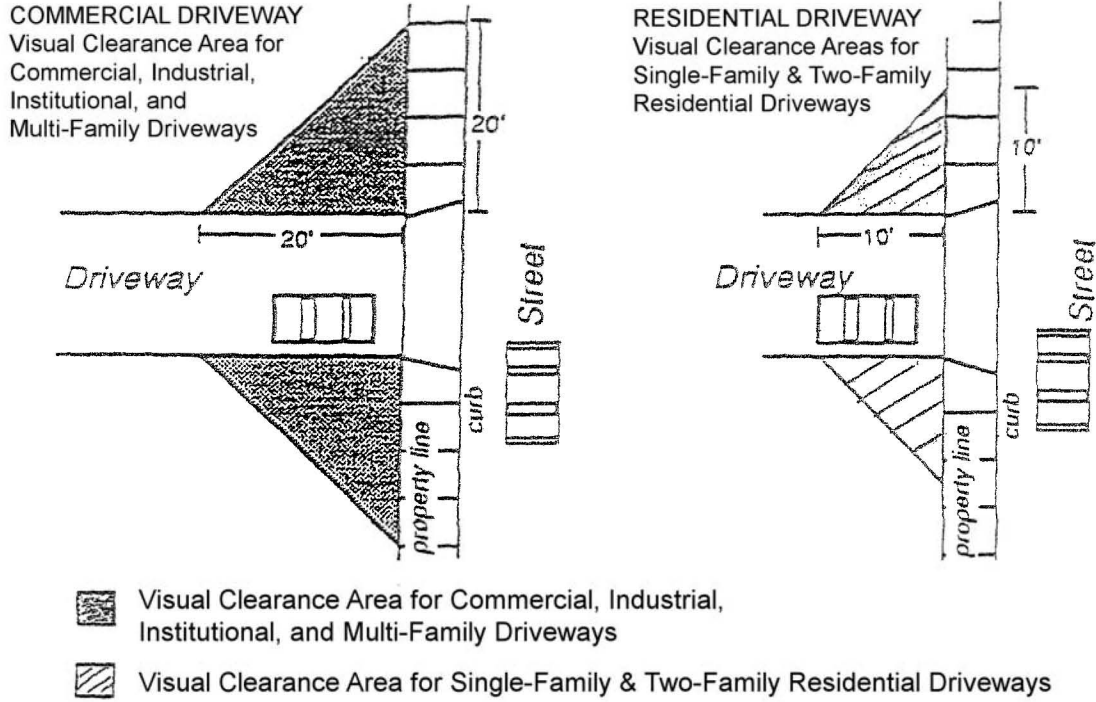


Exhibit B of Ordinance No. 820

DCTA1-12

March 29, 2012

Amendments to Visual Clearance Area regulations

CITY OF SCAPPOOSE STAFF REPORT

Request: Amend the Municipal Code to relocate the visual clearance area provisions from the Land Use and Development Code to the Streets, Sidewalks and Public Places Code; and to amend various Development Code references to match the new regulations.

Applicant: City of Scappoose

PROPOSAL & RATIONALE

The City of Scappoose proposes to amend the Visual Clearance Area regulations to ensure that they apply at all intersections to ensure traffic and pedestrian safety. These regulations prohibit obstructions in a triangular area near intersections in order to allow drivers and pedestrians to see oncoming traffic. Currently these regulations do not apply at signalized intersections, which recently caused some visual obstructions at the corner of E.M. Watts Road and Highway 30 until the School District relocated its sign for Chinook Fields.

The City also proposes to relocate the Visual Clearance Area regulations from the Land Use and Development Code to the Streets, Sidewalks and Public Places Code. This would allow for the possibility of future edits without necessitating public land use hearings or notice to the Oregon Department of Land Conservation and Development.

Finally, there are a number of changes that would need to be made to the Development Code to update references to the new chapter and to eliminate contradictory language in the Sign code.

PUBLIC NOTICE

Notice of the proposed amendments to the Development Code was published in the newspaper on March 14, March 21, & 28, 2012 and April 4, 2012. Staff has received no written comments from the public regarding this application.

RECOMMENDATION

Based on the applicable statutes, rules, comprehensive plan provisions and implementing ordinances, staff and the Planning Commission recommend adoption of the proposed amendments by the City Council.

FINDINGS OF FACT

1. The following Statewide Planning Goals have been considered by the City of Scappoose in the formation of the language contained within this request:

Goal 1: Citizen Involvement

Objective: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

This application complies with the citizen involvement processes included in the City's acknowledged Comprehensive Plan and Development Code, which is consistent with Statewide Planning Goal 1. The Planning Commission and City Council hold public hearings on the proposal prior to adopting any amendments to the Scappoose Municipal Code. Notice of the proposal and hearings was published in the local newspaper on March 14, March 21, March 28, and April 4, 2012. Citizens may submit written or verbal testimony regarding the proposed amendments. This process allows for citizens to communicate their input into the Development Code amendment review conducted by the City. For this application, the Planning Commission's hearing date was March 22, 2012, while the City Council's hearing date is April 16, 2012. This process complies with the Goal.

Goal 2: Land Use Planning

Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding:

The proposal to amend the Municipal Code is consistent with the City's regulations regarding legislative land use decisions. Legislative decisions require a Planning Commission recommendation to the City Council, which then makes a decision based on stated findings. The Planning Commission and City Council hearings are open to the public.

The procedural requirements for the proposed Development Code amendment are contained in the Scappoose Municipal Code, which involve assessment of the application's merits, notice to affected parties, and public hearings. The proposal is to perform minor text amendments to the visual clearance area regulations. Notice of the proposed amendment has been provided to the Oregon Department of Land Conservation and Development (DLCD) as required. DLCD staff has stated that they have no objection to this proposal. The City's decision is based on findings of fact. This action complies with Goal 2.

Statewide Planning Goals 3-19 are not applicable to this application.

2. The following Goals and Policies from the Scappoose Comprehensive Plan have been considered by the City of Scappoose in the formation of the language contained within this proposal:

POLICIES FOR TRANSPORTATION

12) Encourage the design features that would reduce conflict with traffic flow, such as frontage roads and single access joint off-street parking.

[...]

14) Review the street standards of the City of Scappoose to make sure that they are adequate but not excessive.

Finding:

Ensuring consistent application of the visual clearance area regulations throughout the City is an effective mechanism to reduce vehicle and pedestrian conflicts at intersections. The Planning Commission requested the opinion of the City Engineer regarding sight lines. The City Engineer observed that the intersection sight triangles recommended by the American Association of State Highway and Transportation Official (AASHTO) would be excessive Code requirements within the City (e.g., 165 feet for a 35 MPH street) and are more applicable to rural roadways. The existing 30-foot triangle for visual clearance areas balances the demands of traffic safety and development potential in an urban environment. The applicable POLICIES FOR TRANSPORTATION is satisfied.

3. The following sections of Title 17 of the Scappoose Municipal Code (Scappoose Development Code) Plan have been considered by the City of Scappoose in the formation of the language contained within this proposal:

Chapter 17.102 VISUAL CLEARANCE AREAS

17.102.010 Purpose. *The purpose of this chapter is to establish standards which will assure proper sight distances at intersections in order to reduce the hazard from vehicular turning movements.*

17.102.015 Applicability of provisions. *The provisions of this chapter shall apply to all intersections not regulated by traffic signals including private driveways.*

Finding:

The overall purpose of the Visual Clearance Area regulations remains to ensure proper sight distance at intersections; however, the rules would be strengthened to apply to all locations including those with traffic signals. The proposed amendments would eliminate Chapter 17.102 from the Land Use and Development Code and move the regulations to a new Chapter 12.10 in the Streets, Sidewalks, and Public Places Code. Provisions will be inserted into the Land Use and Development Code to ensure that all development complies with the Visual Clearance Area regulations. Section 17.102.010 is satisfied.

Chapter 17.160 PROCEDURES FOR DECISION MAKING—LEGISLATIVE

17.160.120 The standards for the decision. A. *The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:*

1. *Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197;*
2. *Any federal or state statutes or rules found applicable;*
3. *The applicable comprehensive plan policies and map; and*
4. *The applicable provisions of the implementing ordinances.*

B. Consideration may also be given to:

Proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

Finding:

The Planning Commission's recommendations and the City Council's decisions are based on applicable statewide planning goals and guidelines, federal and state statutes and rules, Comprehensive Plan policies, and provisions of the Scappoose Municipal Code, as detailed in the findings. The City has publicized the proposed amendments and held hearings in accordance with applicable laws. The City is amending the visual clearance area regulations to improve consistency and ensure traffic and pedestrian safety. Section 17.160.120 is satisfied.