

502 SIDEWALK STANDARDS

502-1 Intent, Purpose, Application, Authority, Requirement

502-1.1 It is the intent and purpose of Section 502 to protect the health, safety and general welfare of the citizens of Washington County by requiring an urban area pedestrian walkway or sidewalk system to be constructed and maintained in an orderly, convenient, safe and pleasant manner and to implement the land use and transportation elements of the Comprehensive Plan and Community Development Code.

502-1.2 Section 502 shall apply to all the unincorporated areas of Washington County within an LCDC acknowledged urban growth boundary.

502-1.3 Section 502 is adopted under the authority of the county Charter and ORS Chapter 368.

502-1.4 Sidewalks shall be required to be constructed prior to occupancy for the following development in the unincorporated areas of Washington County within an urban growth boundary:

A. All development that is subject to the Public Facility and Service Standards as required by Section 501-2, except for:

- (1) Private streets for four (4) or fewer dwelling units pursuant to Section 409-3.3 A. (1), (2), and (4 - 7); and
- (2) Residential development that meets the exemption criteria in Section 502-14; or

B. One (1) detached dwelling unit or one (1) duplex on a legally created lot or parcel when:

- (1) The lot or parcel has two hundred fifty (250) feet or less of street frontage; and
- (2) A sidewalk or temporary sidewalk exists, or is required to be constructed as part of a development approval, on an adjacent lot or parcel with the same street frontage.

502-2 Definitions

The definitions of Section 106 of the Community Development Code shall apply to Section 502 except that the following shall also apply and supersede the provisions of Section 106 in case of conflict:

502-2.1 **Community Development Code** means Washington County Ordinance No. 264 as adopted and revised from time to time by the Washington County Board of Commissioners.

502-2.2 **Pedestrian Walkway or Sidewalk** means a concrete sidewalk which meets adopted design standards and is used primarily by pedestrians as a means of travel.

- 502-2.3 **Property Owner** means the owner(s) of record as shown on the tax rolls of the county, except that if there is a purchaser of the land according to a recorded land sales contract, the purchaser is the owner.
- 502-2.4 **Temporary Pedestrian Walkway or Temporary Sidewalk** means a walkway used primarily by pedestrians as a means of travel but, which is not a permanent sidewalk and is not constructed to ultimate design standards. The temporary walk may be constructed of asphaltic concrete or Portland cement constructed in accordance with Washington County's Urban Road Standards.

502-3 Sidewalk Standards

- 502-3.1 Sidewalks shall be built in accordance with adopted county standards, including Table 1 of the county Road Standards and the county Transportation System Plan, and shall be built to line and grade as set forth by the county.

When required, sidewalks shall be separated from the curb by a minimum four (4) foot wide planter strip, except where a different width or a wide curbside sidewalk is required.

The County Engineer may approve modifications to this requirement pursuant to Article III Design Specifications of Chapter 15.08 of the Washington County Code (Section 250 of the County Road Standards).

Development applications that propose alternate sidewalk locations (e.g., curbside sidewalks) shall include a copy of the County Engineer's design modification approval.

- 502-3.2 Temporary sidewalks will be constructed as directed by the county.
- 502-3.3 When sidewalks or temporary sidewalks are constructed which are not immediately adjacent to a road, and do not connect to another sidewalk or temporary sidewalk, the Director may require the installation of a paved connection to the roadway edge.

502-4 Repairs

- 502-4.1 All property owners shall maintain sidewalks within public rights-of-way or on public easements adjacent to their property in good repair. If any such sidewalk is out of repair, the Director may send a notice by mail to the owner to repair the sidewalk, setting forth the nature and extent of repairs and the time, not less than thirty (30) days, within which they must be made.
- 502-4.2 If the owner does not make the repairs within the time allowed per 502-4.1, the Director may order the repairs to be made. The Director shall file the order with the Department of Assessment & Taxation Recording Division which includes a description of the abutting property. The recorded order is notice that the described property is subject to a lien for the cost of the repairs, in an amount to be determined later by the Director.

The county may seek payment, reimbursement and enforcement of the lien in accordance with ORS 368.910 through ORS 368.925.

502-5 Permit for Sidewalk Construction

- 502-5.1 The obtaining of a permit from the county is required prior to the commencement of any repair, alteration or construction of a sidewalk. In addition, where a sidewalk is to be constructed subsequent to obtaining a building permit, the right-of-way permit is required prior to or in conjunction with the issuance of the building permit.
- 502-5.2 The permit should be issued pursuant to a Type I procedure except that the initial determination shall be made by the Director.

502-6 Sidewalk Requirements for New Building Construction

For any development for which a sidewalk is required by Section 502-1.4, if a sidewalk consistent with 502-3 does not exist, an applicant for a building permit shall, prior to obtaining the building permit, or in conjunction with the issuance of the building permit, obtain a permit to construct a sidewalk for the full frontage of the lot or parcel. No final inspection or certificate of occupancy shall be issued for said building permit until there exists such a sidewalk in accordance with the requirements of the permit to construct the sidewalk.

502-7 Land Division Sidewalk Requirements

- 502-7.1 Sidewalk requirements imposed upon an applicant by Section 502-1.4 shall be met and ensured as follows:

For that portion of the required sidewalk which cannot be constructed as a function of a building permit, the applicant shall ensure construction in the same manner as required for essential facilities or services listed in Article V of the Community Development Code.

Examples of said portions include, but are not limited to:

- (1) Common areas;
- (2) Public or quasi-public lands;
- (3) Double frontage lots where ingress is prohibited, except corner lots;
- (4) Internal connecting sidewalks; or
- (5) Within or abutting lands which are unbuildable or already built upon.

- 502-7.2 Prior to recording any subdivision or partition, the owner(s) shall have recorded in Department of Assessment & Taxation Recording Division an executed waiver of the right to remonstrate against the formation of a Local Improvement District for the purpose of constructing the required sidewalks within the development. Such a waiver shall be a restrictive covenant on the subject property and shall run with the land.

For that portion of the required sidewalk not constructed in accordance with 502-7.1 above, the Board shall initiate a Local Improvement District as described in the waiver(s) of remonstrance. In addition or in lieu thereof, the county may seek enforcement pursuant to Section.

502-7.3 For those subdivisions or partitions where new roads are constructed to county specifications, the lack of completed sidewalks, except as required under 502-7.1., above, shall not preclude the establishment of said roads as county roads.

502-8 Developed Area Sidewalks

The county shall develop a comprehensive urban pedestrian walkway system to implement the land use and transportation plans. This Section will enable sidewalks to be constructed adjacent to existing development which is essential to achieving the objectives of the Transportation Plan.

502-8.1 Whenever the Board deems it necessary, upon its own motion, the Board may initiate proceedings to consider a Local Improvement District for the construction, alteration, repair and/or maintenance of sidewalks. The Board shall initiate said proceedings upon receipt of a petition from at least fifty-one (51) percent of the property owners within the proposed Local Improvement District provided they also represent a majority of the foot frontage within the proposed area.

502-8.2 The Director shall propose and submit to the Board an annual sidewalk improvement program. Upon acceptance and approval of said program, by Resolution and Order of the Board, it shall be implemented through the Local Improvement District process whenever feasible. Otherwise, the procedures of Section 502-4 may be used for said implementation.

502-8.3 Notwithstanding Section 502-8.2 above, where an existing pedestrian sidewalk is incomplete due to missing segments which are no longer in length than three (3) parcels or lots, the county may direct such segments be constructed through a Local Improvement District or in accordance with the procedures of Section 502-4.

502-9 Prohibited Activities and Uses

502-9.1 Unless an appropriate permit has been issued, any activity or use which might obstruct or otherwise impede the normal passage of pedestrians and bicycles or sidewalks shall be prohibited. Such activities or uses shall include, but not be limited to the following:

- A. The parking of a motor vehicle, except emergency vehicles, on or over any portion of a sidewalk;
- B. The dumping, depositing or placing of refuse, leaves, or snow upon a sidewalk;
- C. The sale or display of merchandise on or near a sidewalk in such a way that the merchandise or prospective buyers of it might impede or obstruct the passage of pedestrians or bicyclists; and
- D. The growth of trees, bushes or other plants in such a way that any part of the plant growing on or over a sidewalk might impede or obstruct the passage of pedestrians or bicyclists or create a sight distance hazard for users of the right-of-way.

502-9.2 The use of motorized vehicles, horse-drawn vehicles, or horses on any sidewalk is prohibited, except where sidewalks must be crossed in order to gain access to a driveway, road, street, alley or parking area. Non-motorized vehicles such as bicycles may be used on sidewalks for normal passage. The users of such vehicles shall not operate them in such a manner to impede, hazard or prevent the normal passage of pedestrians.

502-10 Owners to Fill Ground Between Curb and Sidewalk

It shall be the duty of all property owners to fill with earth, river rock, brick, gravel, loam, cinders, mulching materials or Portland Cement concrete any space between a curb and sidewalk in front of their property and to the curb line of the street at the intersections to a level grade with the curb and sidewalk. A ground cover, flowers, or trees may be used in compliance with Section 502-9.

502-11 Liability for Sidewalk Injuries

502-11.1 The owner(s) of real property is responsible for constructing, maintaining and removing obstructions from a sidewalk adjacent to the property and shall be liable for all personal injury or property damage arising from their fault or negligence in failing to keep clear, maintain new or construct an abutting sidewalk.

502-11.2 If the county is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty which this Section imposes the person shall compensate the county for the amount of the damages thus paid. The county may maintain an action in a court of competent jurisdiction to enforce the provisions of this Section.

502-12 Access

During the construction of walks, it shall be the permit holder's responsibility to afford and assure reasonable access to private property by the property owner. This shall include the placing of planks, gravel or crushed rock on walkways and driveway approaches.

502-13 Pedestrian Circulation

502-13.1 When a development's sidewalk abuts or is within a public right-of-way the sidewalk shall be constructed to county Road Standards.

502-13.2 Where public access is to be provided on private land, easements shall be provided.

502-13.3 Sidewalks shall be constructed in accordance with the adopted county Road Standards, except an eight (8) foot width shall be required along Beaverton-Hillsdale Highway, Canyon Road and Tualatin Valley Highway.

502-13.4 All sidewalks shall be constructed in accordance with the standards set forth in the county Road Standards and Section 502-3 and installed prior to the issuance of an occupancy permit, or in accordance with the provisions of Section 502.

502-14 Exemption From The Sidewalk and Temporary Sidewalk Construction Requirements

- 502-14.1 Through a Type II or Type III procedure, the Review Authority may exempt a proposed development from the requirement to construct a sidewalk or temporary sidewalk on existing street frontage when:
- A. Topographic or environmental features make construction physically impracticable; or
 - B. In industrial areas where access to schools, residences, employment or shopping centers, recreation or transit facilities is not necessary; or
 - C. Adequate right-of-way cannot be obtained or line and grade cannot be established or met in which case a temporary sidewalk may be required as directed by the Director.
- 502-14.2 Through a Type II procedure, the review authority may exempt a proposed development from the requirement to construct a sidewalk or temporary sidewalk on frontage of an existing local street when the following criteria are met:
- A. Residential development of ten (10) units or less; and
 - B. The subject site on an existing local street has two hundred fifty (250) feet of frontage or less; and
 - C. Does not abut a Collector or Arterial street; and
 - D. Within five hundred (500) feet if the subject site, measured in each direction along the local street, but not beyond the nearest intersecting Collector or Arterial, no sidewalks or temporary sidewalks exist on the same side of the street as the subject site; and
 - E. Within five hundred (500) feet of the subject site (not including the subject site), measured in each direction along the local street, but not beyond the nearest intersecting Collector or Arterial, seventy-five (75) percent of the existing local street frontage on the same side as the subject site cannot be further divided or is not likely to be divided based on the placement of the existing primary structures on the parcel; and
 - (1) Seventy-five (75) percent of the parcels fronting on the same side as the subject site cannot be divided based on the allowed minimum lot size; or
 - (2) Seventy-five (75) percent of the parcels fronting on the same side as the subject site are not likely to be divided based on placement of the existing primary structures on the parcel.
- 502-14.3 Notwithstanding the exemption criteria listed above, the review authority may require sidewalks or temporary sidewalks based on findings that:
- A. A sidewalk or temporary sidewalk would benefit access to transit or access to pedestrian oriented land uses; or
 - B. There is a need for a sidewalk or temporary sidewalk based on safety, high vehicle speeds, or high vehicle volume on the street; or

- C. The development is within a transit oriented land use district or in an area designated as a pedestrian district as adopted in the Comprehensive Plan.

502-15 Penalty

Violation of this Section (502) is punishable pursuant to the same penalties and procedures of Section 215.

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