



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

July 14, 2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 003-10



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 27, 2010

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

cc: Anthony Raguine, Deschutes County
Jon Jinings, DLCD Community Services Specialist
Bob Cortright, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE STAMP

DEPT OF

JUL 07 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: Deschutes County

Local file number: TA-10-1

Date of Adoption: 6-28-10

Date Mailed: 7-2-10

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 2-23-10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Amendment to DCC 18.116.030 to add parking ratios for airport uses;
Amendment to DCC 18.124.060 to require traffic mitigation for impacts identified during site plan review;
Amendment to DCC 18.04.030 to add definition of "AASHTO standards"

Does the Adoption differ from proposal? Please select one

Yes. Proposed language under DCC 18.124.060(K)(4) was removed. It was determined that this language could result in a development moratorium.

Plan Map Changed from: NA

to:

Zone Map Changed from: NA

to:

Location: NA

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 003-10 (18136) [16203]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: *Anthony Ragune*

Phone: (541) 617 - 4739 Extension:

Address: *117 NW Lafayette Ave*

Fax Number: *541-385-1764*

City: *Bend*

Zip: *97701*

E-mail Address: *anthonyr@co.deschutes.or.us*

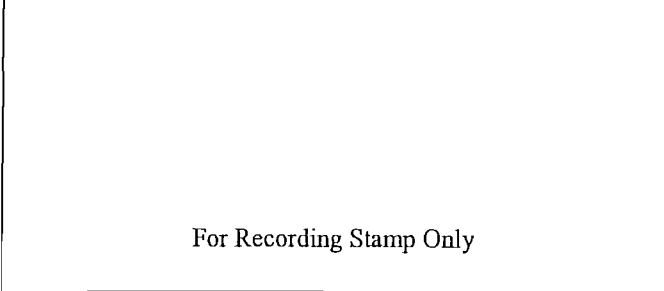
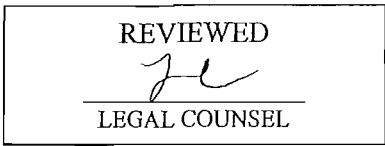
ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.



BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code Sections 18.116.030, 18.124.060, and 18.04.030 to Specify Parking Ratios for Airport Uses, Require Mitigation for Transportation-Related Impacts Under Site Plan Review, Define AASHTO Standards, and Declaring an Emergency. * * * * * ORDINANCE NO. 2010-018

WHEREAS, Deschutes County Planning Division staff initiated a text amendment to Deschutes County Code ("DCC") Title 18, Section 18.116.030, Off-Street Parking and Loading, Section 18.124.060, Approval Criteria, and Section 18.04.030, Definitions, to specify parking ratios for airport uses, require mitigation for transportation-related impacts under site plan review, and define AASHTO Standards; and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on April 8, 2010 before the Deschutes County Planning Commission and, on April 8, 2010 the Planning Commission recommended approval of the text amendments; and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on June 28, 2010 before the Board of County Commissioners ("Board"); and

WHEREAS, the Board considered this matter and concluded that the public will benefit from changes to the land use regulations; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC Title 18, Section 18.116.030, Off-Street Parking and Loading, is amended to read as described in Exhibit "A", attached and incorporated by reference herein, with new language underlined and deleted language setforth in strikethrough.

Section 2. AMENDMENT. DCC Title 18, Section 18.124.060, Approval Criteria, is amended to read as described in Exhibit "B", attached and incorporated by reference herein, with new language underlined and deleted language setforth in strikethrough.

Section 3. AMENDMENT. DCC Title 18, Section 18.04.030, Definitions, is amended to read as described in Exhibit "C", attached and incorporated by reference herein, with new language underlined and deleted language setforth in strikethrough.

Section 4. FINDINGS. The Board adopts as its findings in support of this decision Exhibit "D", attached and incorporated by reference herein.

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Section 5. EMERGENCY. This Ordinance being necessary for the public peace, health and safety, an emergency is declared to exist and this Ordinance takes effect on its passage.

Dated this 28th of June, 2010

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Dennis R. Luke
DENNIS R. LUKE, Chair

Alan Unger
ALAN UNGER, Vice Chair

ATTEST:

Bonnie Baker
Recording Secretary

Tammy Baney
TAMMY BANEY, Commissioner

Date of 1st Reading: 28th day of June, 2010.

Date of 2nd Reading: 28th day of June, 2010.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alan Unger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tammy Baney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 28th day of June, 2010.

Chapter 18.116. SUPPLEMENTARY PROVISIONS

18.116.030. Off-street Parking and Loading.

A. Compliance. No building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be met and that property is and will be available for exclusive use as off-street parking and loading. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.

B. Off-Street Loading. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:

1. Commercial, industrial and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths subject to the following table:

Sq. Ft. of Floor Area	No. of Berths Required
Less than 5,000	0
5,000-30,000	1
30,000-100,000	2
100,000 and Over	3

2. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of 30,000 square feet or more shall provide off-street truck loading or unloading berths subject to the following table:

Sq. Ft. of Floor Area	No. of Berths Required
Less than 30,000	0
30,000-100,000	1
100,000 and Over	2

3. A loading berth shall contain space 10 feet wide, 35 feet long and have a height clearance of 14 feet. Where the vehicles generally used for loading exceed these dimensions, the required length of these berths shall be increased.

4. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.

5. Off-street parking areas used to fulfill the requirements of DCC Title 18 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

C. Off-Street Parking. Off-street parking spaces shall be provided and maintained as set forth in DCC 18.116.030 for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of DCC Title 18 is changed.

D. Number of Spaces Required. Off-street parking shall be provided as follows:

1. Residential.

Use	Requirements
One, two and three family dwellings	2 spaces per dwelling unit
Multi-family dwelling containing four or more dwelling units: Studio or efficiency unit	0.75 space per unit
1 bedroom	1.00 space per unit
2 bedroom	1.50 space per unit
3 bedroom	2.25 space per unit
4 bedroom	2.50 space per unit
Apartment/hotel, rooming or boarding house	0.50 space guest parking per dwelling unit
Quad or quint dwelling	4.50 spaces per quad and 5.50 spaces per quint

2. Commercial Residential.

Use	Requirements
Hotel	1 space per guest room plus 1 space per 2 employees.
Motel	1 space per guest room or suite plus 1 additional space for the owner-manager
Club or lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
Fraternity, sorority or dormitory	1 space for each 6 student beds

3. Institutions.

Use	Requirements
Welfare or correctional institution	1 space per 3 beds for patients or inmates
Convalescent Hospital, nursing hospital, sanitarium, rest home, home for the aged	1 space per 2 beds for patients or residents
Hospital	1.50 spaces per bed

4. Places Of Public Assembly.

Use	Requirements
Church	1 space per 4 seats or 8 feet of bench length in the main auditorium or 1 space for each 50 sq. ft. of floor area used for assembly
Library, reading room, museum, art gallery	1 space per 400 sq. ft. of floor area plus 1 space per 2 employees
Preschool, nursery or kindergarten	2 spaces per teacher
Elementary or junior high schools	1 space per 4 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater, plus 1 space per employee.
High schools	1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater, plus 1 space per employee
College or commercial school for adults	1 space per 3 seats in classrooms
Other auditorium or meeting room	1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 sq. ft. of floor space.

5. Commercial Amusements.

Use	Requirements
Stadium, arena or theater	1 space per 4 seats or 8 feet of bench length
Bowling alley	6 spaces per lane, plus 1 space per 2 employees
Dance hall or skating rink	1 space per 100 sq. ft. of floor area, plus 1 space per 2 employees.

6. Commercial.

Use	Requirements
Grocery stores of 1,500 sq. ft. or less of gross floor area, and retail stores, except those selling bulky merchandise	1 space per 300 sq. ft. of gross floor areas
Supermarkets, grocery stores	1 space per 200 sq. ft. of gross floor area

Service or repair shops, retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space per 600 sq. ft. of gross floor area
Bank or office, except medical or dental	1 space per 300 sq. ft. of gross floor area
Medical and dental office or clinic	1 space per 150 sq. ft. of gross floor area
Eating or drinking establishments	1 space per 100 sq. ft. of gross floor area.
Mortuaries	1 space per 4 seats or 8 ft. of bench length in chapels

7. Industrial.

Use	Requirements
Manufacturing establishment	1 space per employee on the largest working shift
Storage warehouse, wholesale establishment, rail or trucking freight terminal	1 space per 2,000 sq. ft. of floor area

8. Airport Uses.

Use	Requirements
<u>Hangars or tie-downs</u>	<u>1 space per 4 private aircraft occupying a hangar or tie-down space</u>
<u>Office</u>	<u>1 space per 300 sq. ft. of gross floor area</u>
<u>Aircraft maintenance</u>	<u>1 space per 1,000 sq. ft. of gross floor area</u>
<u>Manufacturing, assembly, research</u>	<u>1 space per 500 sq. ft. of gross floor area</u>

89. Other uses not specifically listed above shall be provided with adequate parking as required by the Planning Director or Hearings Body. The above list shall be used as a guide for determining requirements for said other uses.

E. General Provisions. Off-Street Parking.

1. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.
2. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the

extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap at any point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

3. **Location of Parking Facilities.** Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building in a commercial or industrial zone. Such parking shall be located in a safe and functional manner as determined during site plan approval. The burden of proving the existence of such off-premise parking arrangements rests upon the applicant.
 4. **Use of Parking Facilities.** Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.
 5. **Parking, Front Yard.** Required parking and loading spaces for multi-family dwellings or commercial and industrial uses shall not be located in a required front yard, except in the Sunriver UUC Business Park (BP) District and the La Pine UUC Business Park (LPBP) District and the LaPine UUC Industrial District (LPI), but such space may be located within a required side or rear yard.
 6. **On-Street Parking Credit.** Notwithstanding DCC 18.116.030(G)(2), within commercial zones in the La Pine Planning Area and the Terrebonne and Tumalo unincorporated communities, the amount of required off-street parking can be reduced by one off-street parking space for every allowed on-street parking space adjacent to a property up to 30% of the required off-street parking. On-street parking shall follow the established configurations in the parking design standards under DCC 18.116.030 Table 1. To be considered for the parking credit, the proposed parking surface, along the street frontage under review, must have a defined curb line and improved as required under DCC 17.48, with existing pavement, or an engineered gravel surface. For purposes of establishing credit, the following constitutes an on-street parking space:
 - a. Parallel parking (0 degree), each 20 feet of uninterrupted curb;
 - b. Diagonal parking (60 degree), each with 11 feet of curb;
 - c. Perpendicular parking (90 degree), each with 10 feet of curb;
 - d. Curb space must be connected to the lot that contains the use;
 - e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
 - f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.
- F. **Development and Maintenance Standards for Off-Street Parking Areas.** Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:
1. Except for parking to serve residential uses, an off-street parking area for more than five vehicles shall be effectively screened by a sight obscuring fence when adjacent to residential uses, unless effectively screened or buffered by landscaping or structures.
 2. Any lighting used to illuminate off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in a residential zone.
 3. Groups of more than two parking spaces shall be located and designed to prevent the need to back vehicles into a street or right of way other than an alley.

4. Areas used for standing and maneuvering of vehicles shall be paved surfaces adequately maintained for all weather use and so drained as to contain any flow of water on the site. An exception may be made to the paving requirements by the Planning Director or Hearings Body upon finding that:
 - a. A high water table in the area necessitates a permeable surface to reduce surface water runoff problems; or
 - b. The subject use is located outside of an unincorporated community and the proposed surfacing will be maintained in a manner which will not create dust problems for neighboring properties; or
 - c. The subject use will be in a Rural Industrial Zone or an Industrial District in an unincorporated community and dust control measures will occur on a continuous basis which will mitigate any adverse impacts on surrounding properties.
 5. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
 6. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers. Service drives to drive in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.
 7. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way line and a straight line joining said lines through points 30 feet from their intersection.
 8. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail placed to prevent a motor vehicle from extending over an adjacent property line or a street right of way.
- G. Off-Street Parking Lot Design. All off-street parking lots shall be designed subject to County standards for stalls and aisles as set forth in the following drawings and table:
(SEE TABLE 1 AT END OF CHAPTER 18.116)
1. For one row of stalls use "C" + "D" as minimum bay width.
 2. Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the public right of way.
 3. For estimating available parking area, use 300-325 square feet per vehicle for stall, aisle and access areas.
 4. For large parking lots exceeding 20 stalls, alternate rows may be designed for compact cars provided that the compact stalls do not exceed 30 percent of the total required stalls. A compact stall shall be eight feet in width and 17 feet in length with appropriate aisle width.
- (Ord. 2010-018 §1, 2010, Ord. 2004-013 §12, 2004; Ord. 2003-005 §2, 2003; Ord. 2002-015 §2, 2002, Ord. 2001-044 §4, 2001; Ord. 97-078 §6, 1997; Ord. 96-003 §7, 1996; Ord. 93-063 §2, 1993; Ord. 93-043 §19, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 90-017 §1, 1990)

Chapter 18.124. SITE PLAN REVIEW

18.124.060. Approval Criteria.

Approval of a site plan shall be based on the following criteria:

- A. The proposed development shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.
- B. The landscape and existing topography shall be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. Preserved trees and shrubs shall be protected.
- C. The site plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transition from public to private spaces.
- D. When appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs and Braille signs.
- E. The location and number of points of access to the site, interior circulation patterns, separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures shall be harmonious with proposed and neighboring buildings and structures.
- F. Surface drainage systems shall be designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality.
- G. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be designed, located and buffered or screened to minimize adverse impacts on the site and neighboring properties.
- H. All above-ground utility installations shall be located to minimize adverse visual impacts on the site and neighboring properties.
- I. Specific criteria are outlined for each zone and shall be a required part of the site plan (e.g. lot setbacks, etc.).
- J. All exterior lighting shall be shielded so that direct light does not project off-site.
- K. Transportation access to the site shall be adequate for the use.
 1. Where applicable, issues including, but not limited to, sight distance, turn and acceleration/deceleration lanes, right-of-way, roadway surfacing and widening, and bicycle and pedestrian connections, shall be identified.
 2. Mitigation for transportation-related impacts shall be required.
 3. Mitigation shall meet applicable County standards in DCC 17.16 and DCC 17.48, applicable Oregon Department of Transportation (ODOT) mobility and access standards, and applicable American Association of State Highway and Transportation Officials (AASHTO) standards.
 4. At the County Engineer's discretion, if there are pre-existing safety deficiencies and/or capacity failures at relevant intersections or road frontages within the anticipated impact area, then no additional development shall be allowed until a solution that accounts for the proposed project's additional impacts is funded or built.

(Ord. 2010-018 §2, 2010, Ord. 93-043 §§21, 22 and 22A, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991)

NOTE: * denotes code provisions not amended by this ordinance.**

Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

18.04.030. Definitions.

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030.

“AASHTO Standards” refers to the road safety and design standards set forth in the publication entitled American Association of State Highway and Transportation Officials Policy on Geometric Designs of Highways and Streets, current edition.

(Ord. 2010-018 §3, 2010; Ord. 2008-007 §1, 2008; Ord. 2008-015 §1, 2008; Ord. 2007-005 §1, 2007; Ord. 2007-020 §1, 2007; Ord. 2007-019 §1, 2007; Ord. 2006-008 §1, 2006; Ord. 2005-041 §1, 2005; Ord. 2004-024 §1, 2004; Ord. 2004-001 §1, 2004; Ord. 2003-028 §1, 2003; Ord. 2001-048 §1, 2001; Ord. 2001-044 §2, 2001; Ord. 2001-037 §1, 2001; Ord. 2001-033 §2, 2001; Ord. 97-078 §5, 1997; Ord. 97-017 §1, 1997; Ord. 97-003 §1, 1997; Ord. 96-082 §1, 1996; Ord. 96-003 §2, 1996; Ord. 95-077 §2, 1995; Ord. 95-075 §1, 1975; Ord. 95-007 §1, 1995; Ord. 95-001 §1, 1995; Ord. 94-053 §1, 1994; Ord. 94-041 §§2 and 3, 1994; Ord. 94-038 §3, 1994; Ord. 94-008 §§1, 2, 3, 4, 5, 6, 7 and 8, 1994; Ord. 94-001 §§1, 2, and 3, 1994; Ord. 93-043 §§1, 1A and 1B, 1993; Ord. 93-038 §1, 1993; Ord. 93-005 §§1 and 2, 1993; Ord. 93-002 §§1, 2 and 3, 1993; Ord. 92-066 §1, 1992; Ord. 92-065 §§1 and 2, 1992; Ord. 92-034 §1, 1992; Ord. 92-025 §1, 1992; Ord. 92-004 §§1 and 2, 1992; Ord. 91-038 §§3 and 4, 1991; Ord. 91-020 §1, 1991; Ord. 91-005 §1, 1991; Ord. 91-002 §11, 1991; Ord. 90-014 §2, 1990; Ord. 89-009 §2, 1989; Ord. 89-004 §1, 1989; Ord. 88-050 §3, 1988; Ord. 88-030 §3, 1988; Ord. 88-009 §1, 1988; Ord. 87-015 §1, 1987; Ord. 86-056 §2, 1986; Ord. 86-054 §1, 1986; Ord. 86-032 §1, 1986; Ord. 86-018 §1, 1986; Ord. 85-002 §2, 1985; Ord. 84-023 §1, 1984; Ord. 83-037 §2, 1983; Ord. 83-033 §1, 1983; Ord. 82-013 §1, 1982)

**DESCHUTES COUNTY BOARD OF COUNTY COMMISSIONERS
FINDINGS AND DECISION**

FILE NUMBER: TA-10-1

APPLICANT: Deschutes County

REQUEST: Text amendment to DCC 18.116.030, 18.124.060, and 18.04.030, to specify parking ratios for airport uses, require mitigation for transportation-related impacts under site plan review, and define AASHTO Standards.

STAFF CONTACT: Anthony Raguine, Senior Planner

The Deschutes County Planning Commission held a work session on March 11, 2010 and a public hearing on April 8, 2010 to discuss a text amendment initiated by Deschutes County staff to Deschutes County Code (DCC) Sections 18.116.030, Off-Street Parking and Loading, 18.124.060, Approval Criteria (Site Plan), and 18.04.030, Definitions. The purpose of the amendment to DCC 18.116.030 is to codify parking ratios for airport uses. The purpose of the amendments to DCC 18.124.060 and 18.04.030 is to require mitigation for transportation-related impacts identified during site plan review.

The Planning Commission voted 3-1 in favor of recommending approval of the text amendments. No comments from the public have been received. No objection to the airport parking ratios have been received from the Bend Airport Manager.

The Board of County Commissioners ("Board") held a work session on May 12, 2010 and a public hearing on June 28, 2010. The Chair conducted the first and second reading of the ordinance, and declared an emergency, on June 28, 2010.

PROPOSED TEXT AMENDMENT

The proposed text amendment is detailed in the attached exhibit with text underlined for new language and shown as ~~striketrough~~ for deleted language. Below staff provides explanations for the proposed changes.

CHAPTER 18.116, SUPPLEMENTARY PROVISIONS

DCC 18.116.030, Off-Street Parking and Loading

The amendment to DCC 18.116.030 would add specific parking ratios for airport uses. Historically, planning staff has relied on input from the Planning Division's transportation planner to determine appropriate parking ratios for airport uses. The purpose of amending 18.116.030 is to formalize these parking ratios.

Proposed Amendment

8. Airport Uses.

Use	Requirements
Hangars or tie-downs	1 space per 4 private aircraft occupying a hangar or tie-down space
Office	1 space per 300 sq. ft. of gross floor area
Aircraft maintenance	1 space per 1,000 sq. ft. of gross floor area
Manufacturing, assembly, research	1 space per 500 sq. ft. of gross floor area

CHAPTER 18.124, SITE PLAN REVIEW

DCC 18.124.060, Approval Criteria

Currently, DCC 18.124.080(J) allows planning staff to require a traffic study when a use would generate 50 or more vehicle trips. Staff has historically used the traffic study analysis to justify requiring mitigation for transportation-related impacts. However, a recent Hearings Officer decision for a La Pine Subway development (SP-09-27) determined that although staff could require submittal of a traffic study, there is no specific approval criteria related to transportation impacts. Therefore, no conditions of approval to require mitigation for those transportation-related impacts could be enforced.

As a result of the Hearings Officer decision, staff has proposed an amendment to DCC 18.124.060 that would add specific site plan approval language to allow staff to address transportation-related impacts. The proposed language would also allow the County Engineer to identify existing safety and capacity issues that may require mitigation.

Proposed Amendment

- K. Transportation access to the site shall be adequate for the use.
1. Where applicable, issues including, but not limited to, sight distance, turn and acceleration/deceleration lanes, right-of-way, roadway surfacing and widening, and bicycle and pedestrian connections, shall be identified. Mitigation for transportation-related impacts shall be required.
 2. Mitigation for transportation-related impacts shall be required.
 3. Mitigation shall meet applicable County standards in DCC 17.16 and DCC 17.48, applicable Oregon Department of Transportation (ODOT) mobility and access standards, and applicable American Association of State Highway and Transportation Officials (AASHTO) standards.

CHAPTER 18.04, TITLE, PURPOSE AND DEFINITIONS

DCC 18.04.030, Definitions

The reference to AASHTO standards in the proposed amendment to DCC 18.124.060 requires that a definition of AASHTO standards be included in the definitions section of the zoning code.

Proposed Amendment

"AASHTO Standards" refers to the road safety and design standards set forth in the publication entitled American Association of State Highway and Transportation Officials Policy on Geometric Designs of Highways and Streets, current edition.

REVIEW CRITERIA AND FINDINGS

The proposed amendment revises sections of Deschutes County Code Title 18 specific to airport parking requirements and analysis of transportation-related impacts during site plan review. Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative zoning text amendment. Therefore, the county must determine that the proposed Title 18 text amendments are consistent with state statute if the County Zoning Code and Comprehensive Plan have not been amended to adopt required changes in state statute, the Statewide Planning Goals ("Goals") if the County Comprehensive Plan has not been amended to adopt required changes in the Goals, the County's Comprehensive Plan to the extent it has been acknowledged by the Oregon Department of Land Conservation and Development as complying with the Statewide Planning Goals, and the County's zoning code. The parameters for evaluating these text amendments are based on whether there are adequate factual findings that demonstrate this consistency.

STATE STATUTES

Although there are state statutes that govern aviation administration, airports and landing fields, aircraft operation, and airport districts, staff is unaware of any state statutes that specifically regulate parking ratios for airport uses. Similarly, staff is unaware of any state statutes that specifically govern site-specific approval criteria related to transportation impacts. Staff believes no state statutes are relevant to the proposed text amendments.

STATEWIDE PLANNING GOALS

No changes to the Goals have been adopted by the Oregon Land Conservation and Development Commission since the County's Comprehensive Plan was last acknowledged as being in compliance with the Goals. Therefore, because these proposed changes are to the County's zoning code that implements the County's Comprehensive Plan, the Goals are not applicable to these changes.

DESCHUTES COUNTY COMPREHENSIVE PLAN

Based on staff's review of the Comprehensive Plan, the following chapters and sections address airports and airport uses: DCC 23.60 – Transportation, subsection

23.60.010(P) – Air Transportation; DCC 23.64 – Transportation System Plan, section 23.64.100 – Airports; and DCC 23.120 – Goal Exception Statement, section 23.120.070 – Bend Municipal Airport Exceptions Statement. However, there are no specific goals or policies related to airport parking ratios.

There are two Comprehensive Plan chapters which address transportation: DCC 23.60 – Transportation and DCC 23.64 – Transportation System Plan. Based on staff's review of these chapters, there are no relevant goals or policies that address analysis and mitigation of transportation impacts related to site-specific projects.

DECLARING AN EMERGENCY

As currently written, DCC 18.124.060 does not require mitigation for transportation-related impacts identified during site plan review. This ordinance is being adopted at the beginning of a building season that usually results in the increase in land use permits to which this ordinance could be applicable. In order to not let an entire summer building season go by without the ability to require such traffic mitigation, the Board finds that an emergency clause allowing for the immediate effectiveness of the ordinance is necessary.

DECISION:

Based on the above findings, the Board approves the proposed language of TA-10-1 and adopts Ordinance 2010-018 by emergency.



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