



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

5/10/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 008-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, May 24, 2010

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Paul Blikstad, Deschutes County
Jon Jinings, DLCD Community Services Specialist
Bob Cortright, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA/ph

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DEPT OF
 MAY 04 2010
**LAND CONSERVATION
 AND DEVELOPMENT**
 For DLCD Use Only

Jurisdiction: Deschutes County Local file number: TA-09-5
 Date sent to DLCD: _____ mail Electronic in person Date of Adoption: 3-31-10
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? No If yes, when: 10-14-09
 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".
Amend the County bicycle parking standards.

Does the Adoption differ from proposal? Please describe. If no proposal submitted, check here:
Slight modifications based on County Commissioner's concerns.

Plan Map Changed from: _____ to: _____
 Zone Map Changed from: _____ to: _____
 Address of Property: _____ 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

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. 008-09 (17896) [16112]

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

Local Contact: Paul Blikstad Phone: 541-388-6554 Extension: _____
Address: 117 NW Lafayette City: Bend, OR Zip: 97701
Fax Number: 541-385-1764 E-mail Address: paulb@co.deschutes.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) 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
2. **Electronic Submittals:** Go to: <http://webserver.lcd.state.or.us/upload2/uploadForm1.php>
Enter the number of files to be uploaded and then browse to locate files and when all files are found, press submit and your files will be sent to DLCD. At least **one** hard copy must be sent by mail or delivered in person. If you would like help with electronic submittals, please call Mara Ulloa at (503) 373-0050 extension 238.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

REVIEWED
[Signature]
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending the Deschutes County Code *
Chapter 18.116 to Amend the Bicycle Parking * ORDINANCE NO. 2010-010
Standards. *

WHEREAS, the Deschutes County Planning Division staff initiated a text amendment to Deschutes County Code (DCC) Chapter 18.116 to amend the bicycle parking standards in order to provide greater flexibility in requiring such parking under certain circumstances in rural areas ; and

WHEREAS, after notice was give in accordance with applicable law, a public hearing was held on January 28, 2010 before the Deschutes County Planning Commission and on the same date the Planning Commission recommended approval of the text amendments; and

WHEREAS, the Board of County Commissioners considered this matter after a duly noticed public hearing on February 22, 2010 and March 15, 2010 and concluded that the proposed changes are consistent with the County's Comprehensive Plan and 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 Section 18.116.031, Bicycle Parking, is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strike~~through.

Section 2. FINDINGS. The Board adopts as its findings Exhibit "B", attached and incorporated by reference herein.

Dated this 31st of March, 2010

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

[Signature]
DENNIS R. LUKE, Chair

[Signature]
ALAN UNGER, Vice Chair

[Signature]
TAMMY BANEY, Commissioner

ATTEST:
[Signature]
Recording Secretary

Date of 1st Reading: 17th day of March, 2010.

Date of 2nd Reading: 31st day of March, 2010.

Commissioner	Record of Adoption Vote:			
	Yes	No	Abstained	Excused
Dennis R. Luke	<u>✓</u>	—	—	—
Alan Unger	<u>✓</u>	—	—	—
Tammy Baney	<u>✓</u>	—	—	—

Effective date: 1st day of July, 2010.

18.116.031. Bicycle Parking.

New development and any construction, renovation or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005 shall comply with the provisions of DCC 18.116.031.

A. Number and Type of Bicycle Parking Spaces Required.

1. General Minimum Standard.

- a. All uses that require off-street motor vehicle parking shall, except as specifically noted, provide one bicycle parking space for every five required motor vehicle parking spaces.
- b. Except as specifically set forth herein, all such parking facilities shall include at least two sheltered parking spaces or, where more than 10 bicycle spaces are required, at least 50 percent of the bicycle parking spaces shall be sheltered.
- c. When the proposed use is located outside of an unincorporated community, a destination resort, and a rural commercial zone, exceptions to the bicycle parking standards may be authorized by the Planning Director or Hearings Body if the applicant demonstrates one or more of the following:
 - i. The proposed use is in a location accessed by roads with no bikeways and bicycle use by customers or employees is unlikely.
 - ii. The proposed use generates less than 50 vehicle trips per day.
 - iii. No existing buildings on the site will accommodate bicycle parking and no new buildings are proposed.
 - iv. The size, weight, or dimensions of the goods sold at the site makes transporting them by bicycle impractical or unlikely.
 - v. The use of the site requires equipment that makes it unlikely that a bicycle would be used to access the site. Representative examples would include, but not be limited to, paintball parks, golf courses, shooting ranges, etc.

2. Special Minimum Standards.

- a. Multi-Family Residences. Every residential use of four or more dwelling units shall provide at least one bicycle parking space for each unit. In those instances in which the residential complex has no garage, required spaces shall be sheltered.
- b. Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
- c. Schools. ~~Secondary S~~ schools, both public and private, shall provide one bicycle parking space for every ~~40~~ 25 students, ~~half~~ all of which shall be sheltered.
- d. Colleges. One-half of the bicycle parking spaces at colleges, universities and trade schools shall be sheltered facilities.

3. Trade Off with Motor Vehicle Parking Spaces.

- a. One motor vehicle parking space may be deleted from the required number of spaces in exchange for providing required bicycle parking.
 - i. Any deleted motor vehicle space beyond the one allowed above shall be replaced with at least one five bicycle spaces.
 - ii. If such additional parking is to be located in the area of the deleted automobile parking space, it must meet all other bicycle parking standards.
- b. The Hearings Body or Planning Director may authorize additional bicycle parking in exchange for required motor vehicle parking in areas of demonstrated, anticipated, or desired high bicycle use.

4. Calculating number of bicycle spaces.

- a. Fractional spaces shall be rounded up to the next whole space.

- b. For facilities with multiple uses (such as a commercial center) bicycle-parking requirements shall be calculated by using the total number of motor vehicle spaces required for the entire development.
- B. Bicycle Parking Design.
- 1. General Description.
 - a. Sheltered Parking. Sheltered parking may be provided within a bicycle storage room, bicycle locker, or racks inside a building; in bicycle lockers or racks in an accessory parking structure; underneath an awning, eave, or other overhang; or by other facility as determined by the Hearings Body or Planning Director that protects the bicycle from direct exposure to the elements.
 - b. Unsheltered parking may be provided by bicycle racks.
 - 2. Location.
 - a. Required bicycle parking that is located outdoors shall be located on-site within 50 feet of main entrances and not farther from the entrance than the closest motor vehicle parking space.
 - i. Bicycle parking shall be located in areas of greatest use and convenience to bicyclist.
 - ii. Such bicycle parking shall have direct access to both the public right of way and to the main entrance of the principal use.
 - iii. Bicycle parking shall not impede or create a hazard to pedestrians.
 - iv. Parking areas shall be located so as not to conflict with clear vision areas as prescribed in DCC 18.116.020.
 - b. Bicycle parking facilities shall be separated from motor vehicle parking and drive areas by a barrier or sufficient distance to prevent damage to the parked bicycle.
 - c. Where bicycle parking facilities are not directly visible and obvious from the public right(s) of way, entry and directional signs shall be provided to direct bicyclists for the public right of way to the bicycle parking facility. Directions to sheltered facilities inside a structure may be signed, or supplied by the employer, as appropriate.
 - 3. Dimensional Standards.
 - a. Each bicycle parking space shall be at least two by six feet with a vertical clearance of seven feet.
 - b. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
 - c. Each required bicycle parking space shall be accessible without moving another bicycle.
 - 4. Surface. The surface of an outdoor parking facility shall be surfaced in the same manner as the motor vehicle parking area or with a minimum of one-inch thickness of aggregate material. This surface will be maintained in a smooth, durable, and well-drained condition.
 - 5. Security.
 - a. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). All bicycle racks, lockers, or other facilities shall be permanently anchored to the surface of the ground or to a structure.
 - b. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking.
 - 6. Other means that provide the above level of bicycle parking may be approved by the Hearings Body or the Planning Director.

(Ord. 2010-010 §1, 2010; Ord. 93-005 §4, 1993)

Conformance with the Comprehensive Plan – Transportation System Plan

Section 23.64.190, Facility Requirements

The TPR has various requirements relating to bicycle facilities such as bike parking amounts and area, and employee considerations such as shower and changing facilities. Most of these requirements have already been implemented through Deschutes County ordinances, but are reinforced here with goals and policies.

- 1. Goal. Maintain the existing development requirements for bicycle facilities in Deschutes County.***
- 2. Policy. Deschutes County shall maintain and update as necessary the existing ordinance requirements for bicycle facilities found in Title 18.116.031, or such other location that it may be moved to within the Deschutes County Development Code.***

FINDING: County Planning staff initiated an update to the bicycle parking standards in DCC Title 18, given the now almost 17-year history associated with these standards. Staff believes and the Board of County Commissioners agree, that the bicycle parking standards should be amended to provide for exceptions in certain circumstances and projects, because the projects that meet the exception criteria are not likely to be of the type to which people will ride their bicycles in the unincorporated areas of the County. Therefore, the text amendment allows for areas outside of unincorporated communities, the resort communities, and destination resorts in the county, to have the possibility for an exception to the bicycle parking standards. The proposed changes will not prevent any future landowner from providing bicycle parking if they so desire.

Deschutes County Community Development Department

117 NW LAFAYETTE AVENUE
BEND, OREGON 97701-1925
(541) 388-6575

ATTN: PLAN AMENDMENT SPECIALIST
DEPT OF LAND CONSERVATION AND DEVELOPMENT
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SALEM, OR 97301-2540



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