



Oregon

Theodore R. Kulongoski, 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

7/28/2010

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 004-10

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: Thursday, August 12, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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: Peter Russell, 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 23 2010

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: Deschutes County

Local file number: TA-10-2

Date of Adoption: 7/14/10

Date Mailed: 7/21/10

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 2/22/10

☐ 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".

The adopted amendment states the performance standards for intersections of state highways and/or state highways with county roads will be the volume/capacity (V/C) ratio set by the Oregon Highway Plan (OHP). Intersections of county roads will continue to be assessed by the Level of Service (LOS) methodology. This amendment to Deschutes County Code 17.16.115, Traffic Impact Studies, codifies the County's practice of the last decade of using V/C for intersections involving state highways. Originally, both ODOT and Deschutes County used LOS, but ODOT shifted to V/C in 1999 and while the county has always deferred to that methodology for intersections on the state system, the county had never formally recognized the change to V/C.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

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. 004-10 (18137) [16232]

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

Oregon Department of Transportation

Local Contact: **Peter Russell**

Phone: (541) 383-6718 Extension:

Address: **117 NW Lafayette**

Fax Number: **541-385-1764**

City: **Bend, OR**

Zip: **97701**

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

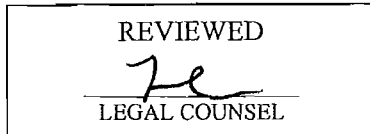
ADOPTION SUBMITTAL REQUIREMENTS

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.



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code	*	
Title 17.16.115 Specify and Distinguish Performance	*	ORDINANCE NO. 2010-014
Standards for County Roads and State Highways.	*	

WHEREAS, Deschutes County Planning Division staff initiated a text amendment to Deschutes County Code ("DCC") Title 17, Section 17.16.115, Traffic Impact Study to specify and distinguish performance standards for County roads and State; and

WHEREAS, after notice was give 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:

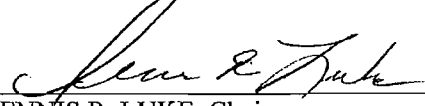
Section 1. AMENDMENT. DCC Title 17, Section 17.16.115(H), Operation and Safety Standards, is amended to read as described in Exhibit "A", attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strike through~~.

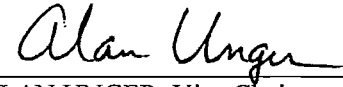
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Section 2. FINDINGS. The Board adopts as its findings in support of this decision Exhibit "B", attached and incorporated by reference herein.

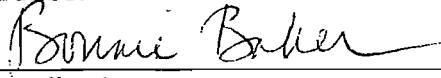
Dated this 14th of July, 2010

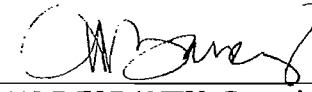
BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, Chair


ALAN UNGER, Vice Chair

ATTEST:


Recording Secretary


TAMMY BANEY, Commissioner

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

Date of 2nd Reading: 14th day of July, 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: 12th day of October, 2010.

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

FILE NUMBER: TA-10-2

APPLICANT: Deschutes County

REQUEST: Text amendment to DCC 17.16.115 to distinguish performance standards between Deschutes County roads and state highways.

STAFF CONTACT: Peter Russell, Senior Transportation 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) Section 17.16.115, Traffic Impact Study. The purpose of the amendment is update the County's code to recognize the difference in performance standards used by Deschutes County and the State of Oregon and formally codify past to DCC 18.116.030 is to codify parking ratios for airport uses.

The current Deschutes County Code contains outdated approval criteria for determining the adequacy of transportation facilities during land use review. Specifically, Deschutes County Code (DCC) 17.16.115(H) still refers to level of service (LOS) standards for intersections whereas the Oregon Department of Transportation (ODOT) has since changed to volume/capacity (V/C) ratios. When the county developed DCC 17.16.115 in approximately 1998 both the County and the State then used LOS.

ODOT changed to V/C in 1999 as this is a more appropriate methodology for a state system with high daily volumes. Also V/C indicates absolute changes in intersection performance, which was helpful for the state for land use applications that required compliance with the Transportation Planning Rule (TPR). For a rural county with relatively low daily traffic volumes, LOS with its broader service categories makes more sense.

Additionally, during the proceedings from the La Pine Subway (SP-09-2) it became apparent that while the County has defined LOS for a roadway segment by daily traffic volume in Title 23, the County code lacks a LOS definition for intersection delay.

The Planning Commission voted 4-1 in favor of recommending approval of the text amendments. One commissioner abstained. No comments from the public were received.

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 reading of the ordinance on June 28, 2010 and second reading on July 14, 2010.

PROPOSED TEXT AMENDMENT

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

For the last decade staff has deferred to the V/C ratios set by the Oregon Highway Plan (OHP) for assessing the performance of state highway intersections. TA-10-2 formally codifies that practice by clearly distinguishing between performance standards for County roads and State highways. For intersections of County roads, LOS D will be used for existing County road intersections and LOS C for future County road intersections. For intersections of State highways as well as intersections of State highways with County roads, V/C will be used. This amendment will remove any confusion regarding which standard to use - the State's V/C ratios as a unit of measurement or the County's LOS unit of measurement.

TA-10-2 also defines LOS by amount of seconds of delay on the side street of an intersection. Staff has defined delay based on national standards and previous practices. LOS D is between 25-35 seconds for an unsignalized intersection and 35-55 seconds for a signalized intersection. (As a signal provides drivers with certainty they will be able to move from the side street onto the mainline, the acceptable delay is longer than for an unsignalized intersection.) LOS C for an unsignalized intersection is between 15-25 seconds and 20-35 seconds for a signalized intersection.

CHAPTER 17.16.115, TRAFFIC IMPACT STUDY

DCC 17.16.115(H), Operations and Safety Standards

The reference to LOS and V/C in the proposed amendment to DCC 17.16.115 will clearly distinguish between the performance standards for County roads versus State highways; additionally, the language clarifies when County roads intersect State highway, that the State's performance standard shall be used, not the County's. .

REVIEW CRITERIA AND FINDINGS

The proposed amendment revises sections of Deschutes County Code Title 17 specifically the analysis methods used in traffic studies to assess performance of intersections of County roads with County roads, County roads with State highways, and State highways with State highways. 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 17 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

Staff is unaware of any state statutes that govern performance standards for traffic studies. Staff believes no state statutes are relevant to the proposed text amendments.

Statewide Planning Goals

Transportation is Goal 12 and the Transportation Planning Rule (TPR) at Oregon Administrative Rule (OAR) 660-012 administers that statewide goal. There is no definition of LOS or V/C in 660-012-005. The TPR at 660-012-0060(1) does refer to "...the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.,) of the facility." As the TPR explicitly recognizes LOS and v/c, the proposed text amendment language is consistent with Statewide Planning Goal 12.

Deschutes County Comprehensive Plan

Based on staff's review of the Comprehensive Plan, the following chapters and sections address LOS: DCC 23.60 – Transportation, subsection 23.60.010(G) and DCC 23.64 – Transportation System Plan, subsection 23.64.080, 23.64.090, and 23.64.100.

DCC 23.60.010(G), 23.64.080, and 23.64.090 all pertain to County roads and LOS goals for managing County road segments, not intersections.

DCC 23.64.080, Table 5.2.T2 pertains to traffic volumes on State highways and presents performance standards from an earlier edition of the OHP. DCC 23.64.100 applies only to State highways and again presents performance standards from an earlier edition of the OHP. Both will be updated as part of the Deschutes County Transportation System Plan (TSP) Update.

DECISION:

Based on the above findings, the Board approves the proposed language of TA-10-2 and adopts Ordinance 2010-014.

17.16.115. Traffic Impact Studies.

- A. For purposes of DCC 17.16.115, the transportation system includes public and private roads, intersections, sidewalks, bike facilities, trails, and transit systems.
- B. The applicant shall meet with County staff in a pre-application conference to discuss study requirements, then generate the traffic study and submit it concurrently with the land use application.
- C. Guidelines for Traffic Impact Studies
 - 1. All traffic impact studies shall be conducted under the direction of a professional traffic engineer who is licensed in the State of Oregon and is otherwise qualified to prepare traffic studies.
 - 2. The final report shall be stamped and signed by the Registered Professional Traffic Engineer responsible for the document.
 - 3. The County Engineer shall determine when the report has satisfied all the requirements of the development's impact analysis. Incomplete reports shall be returned for completion.
 - 4. The following vehicle trip generation thresholds shall determine the level and scope of transportation analysis required for a new or expanded development.
 - a. **No Report** is required if there are fewer than 50 trips per day generated during a weekday.
 - b. **Site Traffic Report (STR)**: If the development or change in use will cause the site to generate 50-200 daily trip ends, and less than 20 PM peak hour trips, a Site Traffic Report will be required.
 - c. **Traffic Impact Analysis (TIA)**: If the development or change in use will generate more than 200 trip ends and 20 or more PM peak hour trips, then a Traffic Impact Analysis (TIA) shall be required.
- D. Traffic Study Area
 - 1. After consulting with other affected jurisdictions, the County Engineer shall determine the impact analysis area.
 - 2. The impact analysis study area shall include, at a minimum:
 - a. All site access points to the public roadway system via either a driveway or private roadway;
 - b. Nearest intersecting collector or arterial roads to the development that would experience an increase of 25 additional peak hour trips;
 - c. Any other collector or arterial intersection requested by staff.
- E. Study Time Frames

The analysis shall include the following time frames:

 - 1. Existing conditions (including approved, but not yet built developments as identified by the County Engineer);
 - 2. Completion year of each significant phase of the development;
 - 3. Five year forecast after build out for each phase of development or the final phase of development.
 - 4. Generators of large volumes of traffic (>5,000 daily and >500 peak hour trips), zone changes, and any destination resort development will also require an analysis of traffic conditions in a twenty-year horizon.
- F. Minimum Study Requirements for a **Site Traffic Report (STR)**

The minimum study requirements for a Site Traffic Report are:

 - 1. A vicinity map showing the location of the project in relation to the transportation system of the area;
 - 2. Trip generation forecast using data from the most recent edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual* unless more appropriate data is available and approved by the County Engineer;

3. Trip distribution and assignment;
 4. Safety analysis of the site accesses, including sight distance and operation characteristics;
 5. Description of the proposed development and surrounding land uses;
- G. Minimum Study Requirements for a **Traffic Impact Analysis (TIA)**
The minimum study requirements for a Traffic Impact Report are:
1. A vicinity map showing the location of the project in relation to the transportation system of the area;
 2. All of the elements of a STR;
 3. Traffic signal progression analysis and interconnection if a new signal is proposed;
 4. A response in the final report to any supplemental study issues identified by other affected jurisdictions;
 5. Appropriate traffic calming techniques if the project distributes trips to a residential local road and is projected to increase the volumes on that road to a volume greater than 1,000 ADT;
 6. Trip generation forecasts using data from the most recent edition of the Institute of Transportation Engineers (ITE) *Trip Generation* Manual unless the County Engineer approves an alternate data source;
 7. Trip distribution assumptions are based on historical data, existing and future travel characteristics, and capacity constraints;
 8. A complete description and drawing of the proposed development.
 9. Existing traffic volumes;
 10. Existing and future levels of service, average vehicle delay and volume /capacity ratios (V/C) for all intersections and road sections within the study area for conditions with and without the proposed project;
 11. Forecast traffic volumes with and without the development;
 13. Safety analysis of the site accesses, include sight distance and operation characteristics;
 14. Analysis of right and left turn lane warrants (ODOT standards);
 15. Analysis of parking needs of the proposed development;
 16. When needed, warrant analysis for traffic control devices;
 17. Findings and conclusions including a recommendation of suggested potential mitigation for off-site impacts and an evaluation of the effectiveness of those solutions.
- H. Operation And Safety Standards.
The minimum operational and safety standards for use on Deschutes County's roads are:
1. The minimum level of service for intersections and roads, during the P.M. Peak Hour, shall be LOS "D" on existing county facilities and LOS "C" on new county facilities.
 2. For state highway intersections, the performance standard shall be the volume/capacity ratio (v/c) set by the Oregon Highway Plan.
 3. LOS for county intersections is based on delay.
 - a. LOS D for an unsignalized intersection is defined as more than 25 seconds and less than 35 seconds delay on average per vehicle.
 - b. For signalized intersections LOS D is defined as more than 35 seconds and less than 55 seconds delay on average per vehicle.
 - c. LOS C for an unsignalized intersection is defined as more than 15 seconds and less than 25 seconds delay on average per vehicle.
 - d. LOS C for a signalized intersection is defined as more than 20 seconds and less than 35 seconds delay per average per vehicle
 4. LOS for county roadway segments is defined by average daily traffic volumes.
 - a. LOS D is defined as 5,701 to 9,600 average daily traffic.
 - b. LOS C is defined as 3,401 to 5,700 average daily traffic.

5. The minimum sight distance for driveways and intersections is defined in AASHTO's "GEOMETRIC DESIGN OF HIGHWAYS AND STREETS" and the AASHTO "Design Guidelines for Very-Low Volume Local Roads (< 400 ADT)".

I. Mitigation

1. The applicant shall be responsible to mitigate any safety or capacity problems that are caused by their proposed development.
2. 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 impact analysis 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. 2010-014 §1, 2010; Ord. 2006-004 §1, 2006)



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07/22/2010

Mailed From 97701

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Deschutes County Community Development Department

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635 Capitol St., N.E., Suite 150
Salem, OR 97301-2540