



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

07/14/2014

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 006-13

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: Tuesday, July 29, 2014

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: Peter Russell, Deschutes County
Jon Jinings, DLCD Community Services Specialist

Karen Swirsky, DLCD Regional Representative
Scott Edelman, Regional Representative

<paa> YA/email



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE 006-13
File No.: (20117)
[17932]
Received: 7/8/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OADR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: Deschutes County

Local file no.: **TA--13-2**

Date of adoption: 6/25/14

Date sent: 7/9/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/4/13

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Peter Russell, Senior Transportation Planner

Phone: (541) 383-6718

E-mail: Peter.Russell@deschutes.org

Street address: PO Box 6005, 117 NW Lafayette

City: Bend

Zip: 97708-6005

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

DCC 17.16.115 (amended); 18.116.310 (added); 18.124.080 (amended)

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from to Acres:
Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:


Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: N/A, changes were only for performance standards for County roads; County roads that intersect state highways remain under Oregon Highway Plan guidelines.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Traffic study requirements were moved from the part of the County's code that deals with master plans and subdivisions to the section that has supplemental provisions. The reason is some land uses are neither subdivisions nor master plans, but still meet the County's minimum trip threshold for a traffic study. Additionally, the County set the mobility standard of Level of Service (LOS) D for all County roads; previously the code had set LOS C for new roads but new was undefined.

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County
Code 17.16.115, to Move Traffic Study
Requirements and Update Cross-Reference.

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ORDINANCE NO. 2014-001

WHEREAS, Deschutes County Planning Division staff requested a text amendment to Deschutes County Code (“DCC”) 17.16.115, 18.116.310, and 18.124.080, to move traffic study requirements from 17.16 (Approval of Subdivision Tentative Plans and Master Development Plans to 18.116 (Supplementary Provisions), establishing 18.116.310 (Traffic Study Requirements) and updating 18.124 (Site Plan Review) reference to traffic studies; the reason is many land use applications that are not for a subdivision or master plan can often meet threshold for a traffic study; and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on January 9, 2014, before the Deschutes County Planning Commission and, on January 9, 2014, the Planning Commission recommended approval of the text amendment; and

WHEREAS, the Board of County Commissioners considered this matter after a duly noticed public hearing on June 4, 2014, 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:

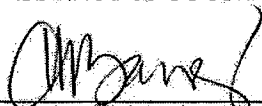
Section 1. AMENDMENT. DCC 17.16.115 is amended to read as described in Exhibit “A”, attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

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Section 2. FINDINGS. The Board adopts as its findings in support of this decision Exhibit "C" attached to Ordinance 2014-017 and incorporated by reference herein.

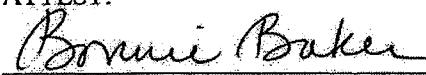
Dated this 28th of June 2014

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


TAMMY BANEY, Chair


ANTHONY DeBONE, Vice Chair

ATTEST:


Recording Secretary


ALAN UNGER, Commissioner

Date of 1st Reading: 4th day of June, 2014.

Date of 2nd Reading: 25th day of June, 2014.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony DeBone	<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"/>

Effective date: 24th day of Sept., 2014.

Chapter 17.16. APPROVAL OF SUBDIVISION TENTATIVE PLANS AND MASTER DEVELOPMENT PLANS

17.16.115. Traffic Impact Studies.

- A. ~~The traffic studies will comply with DCC 18.116.310. 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. ~~The traffic studies will comply with DCC 18.116.310. 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.~~
 - e. ~~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)

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

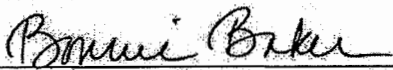
Dated this 25th of June, 2014

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


TAMMY BANEY, Chair


ANTHONY DeBONE, Vice Chair

ATTEST:


Recording Secretary


ALAN UNGER, Commissioner

Date of 1st Reading: 4th day of June, 2014.

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Alan Unger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 24th day of Sept., 2014.

18.116.310 Traffic Impact Studies

- A. For purposes of DCC 18.116.310, 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 stamped and signed by the registered professional engineer who is licensed in the State of Oregon and is otherwise qualified to prepare traffic studies.
 - 2. 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.
 - 3. 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 peak hour trips, a Site Traffic Report may be required at the discretion of the County Engineer.
 - c. *Traffic Impact Analysis (TIA)*: If the development or change in use will generate more than 200 trip ends and 20 or more peak hour trips, then a Traffic Impact Analysis (TIA) shall be required.
 - 4. The peak hour shall be the highest continuous hour of traffic measured between 4:00 and 6:00 PM, unless site trip generation characteristics warrant consideration of alternative periods as determined by the County Engineer. (An example would be a use with a high 7:00 and 9:00 AM peak and a low PM peak such as a school.)
- 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 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 (Oregon Department of Transportation (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 system are:
1. The minimum level of service for intersections and roads, during the P.M. Peak Hour, shall be LOS "D" as determined by the most current published version of the Transportation Research Board's Highway Capacity Manual.
 2. For state highway intersections, the performance standard shall be determined by the Oregon Highway Plan or ODOT-approved alternative standard or target.
 3. 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

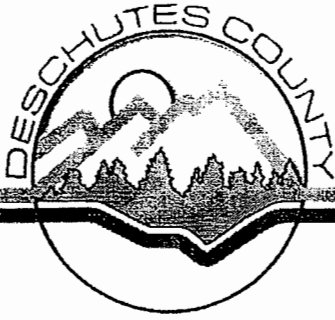
area, then no additional development shall be allowed until a solution that accounts for the proposed project's additional impacts is funded or built.
(Ord. 2014-017)

18.124.080. Other Conditions.

The Planning Director or Hearings Body may require the following in addition to the minimum standards of DCC Title 18 as a condition for site plan approval.

- A. An increase in the required yards.
- B. Additional off-street parking.
- C. Screening of the proposed use by a fence or landscaping or combination thereof.
- D. Limitations on the size, type, location, orientation and number of lights.
- E. Limitations on the number and location of curb cuts.
- F. Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- G. Improvement, including but not limited to paving, curbing, installation of traffic signals and constructing sidewalks or the street system that serves the proposed use where the existing street system will be burdened by the proposed use.
- H. Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.
- I. Landscaping of the site.
- J. Traffic Impact Study as identified in Title ~~17.16.115~~ 18.116.310
- K. Any other limitations or conditions that are considered necessary to achieve the purposes of DCC Title 18.

(Ord. 2014-001 §1; Ord. 2006-005 §1, 2006; Ord. 95-075 §1, 1995; Ord. 93-043 §22C, 1993)



Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

PROPOSED FINDINGS

FILE NUMBER: BOCC Ordinance 2014-001 (TA-13-2)

APPLICANT: Peter Russell
Deschutes County Community Development Department
P.O. Box 6005
117 NW Lafayette
Bend, OR 97708-6005

PROPERTY OWNERS: N/A

REQUEST: Relocate traffic study requirements from Deschutes County Code (DCC) Chapter 17.16, Subdivisions and Master Plans, to DCC Chapter 18.116, Supplemental Provisions, creating a new section DCC 18.116.310 while deleting DCC 17.16.115; change the performance standard for new County facilities from Level of Service (LOS) C to LOS D, matching the LOS requirement for existing County roads.

STAFF CONTACT: Peter Russell, Senior Transportation Planner

I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures Ordinance

Title 23, Deschutes County Comprehensive Plan

Deschutes County Transportation System Plan (Section 3.7 of Comprehensive Plan)

Statewide Planning Goals

Transportation Planning Rule (Oregon Administrative Rule 660-012)

II. BASIC FINDINGS:

A. PROPOSAL: The applicant requests approval of moving the traffic study requirements now found in DCC 17.16.115 and shifting them to DCC 18.116 and creating a Section 18.116.310, Traffic Study Requirements. The cross-references in DCC 18.124.080

would be modified from DCC 17.16.115 to DCC 18.116.310 and DCC 17.16.115 would also add a cross-reference to the new DCC 18.116.310. The reason for the change is the County often requires traffic studies for land uses that are not subdivisions or master plans, yet the requirements for traffic studies are now located in a section of the development code that pertains solely to those two development proposals. A more logical location would be DCC 18.116 which is not land use zone specific and already includes many general transportation items such as standards for Class I and II road projects, clear zones, off-street parking, and bicycle parking.

Selected portions of the traffic studies requirements have also been updated to reflect changes in best practices and/or terminology to provide further clarity. Examples include replacing references to a traffic engineer to Registered Professional Engineer; specifying the time limits of the p.m. peak hour reference; and standardizing the County's Level of Service (LOS) standard to D for all roadways instead of C for new County roads and D for existing County facilities.

III. CONCLUSIONARY FINDINGS:

A. CHAPTER 22.12, LEGISLATIVE PROCEDURES

1. Section 22.12.010.

Hearing Required

FINDING: The Board finds this criterion has been met as public hearings were held before the Planning Commission on Jan. 9, 2014, and the Board of County Commissioners on June 4, 2014.

2. Section 22.12.020, Notice

Notice

A. *Published Notice*

1. *Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.*

2. *The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.*

FINDING: The Board finds this criterion has been met as notice was published in the Bend Bulletin newspaper and described the proposal.

B. *Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.*

FINDING: The Board finds this criterion has been met as notice was posted in the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: Given the land use in question does not apply to any specific property, no individual notices were sent. The Board finds this criterion has been met.

D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice was provided to the County public information official for wider media distribution. The Board finds this criterion has been met.

3. Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division, which received a fee waiver. The Board finds this criterion has been met.

4. Section 22.12.040. Hearings Body

A. The following shall serve as hearings or review body for legislative changes in this order:

- 1. The Planning Commission.**
- 2. The Board of County Commissioners.**

FINDING: The Board finds this criterion has been met as the order of public hearings has been followed.

B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.

FINDING: The Board find this criterion has been met as the Planning Commission public hearing preceded the Board public hearing.

5. Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: TA-13-2 is implemented by Ordinance 2014-001; the Board finds this criterion has been met.

B. CHAPTER 23, DESCHUTES COUNTY COMPREHENSIVE PLAN

1. Chapter 3, Rural Growth Management, Section 3.6 Public Facilities and Services

Goal 1, Support the orderly, efficient and cost-effective siting of rural public facilities and services.

FINDING: The Board finds this criterion has been met as the amended traffic study requirement sets the same Level of Service (LOS) standard for both new and existing facilities, ensuring future roads and intersections are consistent with each other. The previous LOS C standard for future facilities would have resulted in the potential overbuilding of County road segments and/or intersections. By having LOS D as the performance standard for all existing and future County road segments and intersections, the resulting road network will be orderly and cost-effective.

2. Chapter 4, Urban Growth Management, Section 4.2 Urbanization Policies

Goal 4, To build a strong and thriving regional economy by coordinating public investments, policies and regulations to support regional and state economic development objectives in Central Oregon.

FINDING: The Board finds this criterion has been met as the text amendment will provide a consistent performance standard for County roads. The traffic study requirements will ensure economic development does not adversely affect the network of County roads and State highways, but also will not result in the oversizing of adversely affected facilities.

3. Deschutes County Transportation System Plan

Goal 1, Coordination and Implementation, Policy 1.1c, Requirement of conditions of approval on developments and transportation projects that have a significant effect on the County's transportation system.

FINDING: The Board finds this criterion is met as the text amendment still defines a LOS benchmark for the County's road system which in turn is used to determine whether a development has a significant effect or not.

4. Deschutes County Transportation System Plan (con't)

Goal 4, Arterial and Collector Road Plan, Policy 4.6, Deschutes County shall manage the development process to obtain adequate street right-of-way and improvements commensurate with the level and impact of development. New development shall provide traffic impact analysis to assess those impacts and to help determine transportation system needs...

FINDING: The thresholds for traffic analysis set in County code will remain unchanged so the Board finds this criterion has been met.

5. Deschutes County Transportation System Plan (con't)

Goal 9, Performance Standards, Maintain a Level of Service "D" or better during the peak hour throughout the County arterial and collector road system over the next 20 years.

FINDING: The text amendment maintains the County Code requirement of a LOS D as the performance standard for the County's arterial and collector system. The Board finds this criterion has been met.

C. STATEWIDE PLANNING GOALS

1. Goal 1, Citizen Involvement

FINDING: The text amendment included workshops before both Deschutes County Planning Commission (PC) and the Board of County Commissioners (Board). The text amendment also included publically noticed public hearings before the PC and Board. The Board finds this criterion is met.

2. Goal 2, Land Use Planning

FINDING: Oregon Revised Statute (ORS) 197.610 allows local governments to initiate post acknowledgement plan amendments or changes to land use regulations. The County on Dec. 4, 2013, provided the Department of Land Conservation and Development (DLCD) with the required notice 35 days prior to the first evidentiary hearing, which will be on Jan. 9, 2014. The notice included the proposed changes with additions indicated by underlined text and text to be eliminated indicated by ~~strikethrough~~ text. The text amendment was processed via the County's development code procedures set for in Title 22, Chapter 22.12 for legislative amendments. The Board finds this criterion has been met.

3. Goal 3, Agricultural Lands

FINDING: The text amendment is not proposing any changes to land use designations, so the Board finds this criterion has either been met or is not applicable.

4. Goal 4, Forest Lands

FINDING: The text amendment is not proposing any changes to land use designations, so the Board finds this criterion has either been met or is not applicable.

5. Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces

FINDING: The text amendment is neither proposing any changes to land use designations nor proposing roads through previously designated Goal 5 resources. Therefore, the Board finds this criterion has either been met or is not applicable.

6. Goal 6, Air, Water and Land Resource Quality

FINDING: No development or land use changes are being proposed that impact air, water, or land resource qualities. Deschutes County is not under any federal violations of air quality, which often leads to traffic restrictions. Other areas of the County's code deal with protecting air, water, and land remain in full force and effect. The Board finds this criterion has either been met or is not applicable.

7. Goal 7, Natural Hazards

FINDING: The text amendment will ensure there is adequate capacity on the County and State transportation system, allowing roads and highways to be used as evacuation routes and ingress and egress for emergency vehicles. The Board finds this criterion has either been met or is not applicable.

8. Goal 8, Recreational Needs

FINDING: The text amendment will ensure there is adequate capacity on the County and State transportation system, allowing roads and highways to be used to access recreational sites such as Mount Bachelor, the Cascade lakes, and public lands. The Board finds this criterion has either been met or is not applicable.

9. Goal 9, Economic Development

FINDING: A functioning transportation system is a basic need for economic development. The text amendment will continue to provide clear and objective criteria for how County roads and State highways need to operate and that a development must not result in degradation of the transportation system. Mitigation is a required component in the County's traffic analysis section. Therefore, the Board finds this criterion has been met.

10. Goal 10, Housing

FINDING: A functioning transportation system provides access to subdivisions and rural homesteads. This goal pertains to urban or urbanizable lands. The proposed text amendment will not result in any changes or elimination of residentially zoned lands in the County. The Board finds this criterion has either been met or is not applicable.

11. Goal 11, Public Facilities and Services

FINDING: While roads are public, this goal pertains more to water and sewer services, whereas transportation is treated explicitly under Goal 12. The County has an adopted Transportation System Plan (TSP) and the traffic study requirements ensure any development will be consistent with the TSP and its plans for public roads and highways. The Board finds this criterion has either been met or is not applicable.

12. Goal 12, Transportation

FINDING: Deschutes County has an adopted and acknowledged TSP which will ensure an orderly and efficient transition between rural and urban lands. The TSP at Table 5.3.T1 lists all road and highway improvements for 2010-2030. The timeline for construction for each priority project is High (0-5 years), Medium (6-11 years) and Low (11-20 years). There are 94 projects overall, including roads, highways, bridges, sidewalks, etc. Of the 94 projects, 53 are County roads only.

The current development code at DCC 17.16.115(H) sets a LOS D for existing County road segments and intersections. For new roads or intersections the current development code sets a performance standard of LOS C. The code defers to the Oregon Highway Plan (OHP) mobility standards for state highways and intersections with state highways. Thus the proposed text amendment would have no effect on projects on or intersecting with State highways.

Of the 53 County road projects listed in the TSP's Table 5.3.T1, 47 are on existing roads or intersections and thus would not be affected by the proposed text amendment as their mobility standard would remain at LOS D.

TSP Table 5.3.T1 lists six projects as new roads. Of these half-dozen future improvements, five are Low priority and one is a High priority. These six under the proposed plan amendment would have their LOS standard changed from LOS C to LOS D. There is no funding in the current adopted Capital Improvements Project (CIP) list for any of these six projects. The County assumes these roads will be built as development occurs and currently there are no land use applications in process or anticipated that would result in these improvements being constructed. In other words, there is no imminent effect of making LOS D the standard for all County roads and intersections, whether they exist or are planned.

The Board finds this criterion has been met.

13. Goal 13, Energy Conservation

FINDING: This plan amendment does not affect the County's regulation of solar setbacks, siting of small-scale windmills, land use or density, etc. The LOS will remain the same on existing roadways so levels of allowed traffic volumes and delays at intersections would remain the same. Typically, rural roads do not experience the wasteful stop and go traffic patterns that urban facilities endure. The Board finds this criterion has been met.

14. Goal 14, Urbanization

FINDING: No land use plan designations, zoning designations, or map changes will result from this plan amendment. The County TSP does not apply within any Urban Growth Boundaries (UGB). The Board finds this criterion is met.

15. Goals 15-19

FINDING: The Board finds these criteria do not apply as the County lacks these lands (Willamette Greenway, estuaries, coasts, beaches, etc).

D. TRANSPORTATION PLANNING RULE (OAR 660-012)

Plan and Land Use Regulation Amendments 660-012-0060

(1) If an amendment to a functional plan, an acknowledged plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9), or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification system; or

FINDING: The proposed amendment will not result in any changes in the functional classification system. The Board finds this criterion has been met.

(b) Change standards implementing functional classification system: or

FINDING: The proposed amendment will change the mobility standard for new County facilities from LOS C to LOS D. The performance standard for new State highways and existing County facilities will remain the same. The Board finds this criterion has been met.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in adopted TSP...

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

FINDING: The proposed amendment will not change the mix of vehicles on County roads or State highways nor will it change the volumes of traffic on the County and State system. The

County's and State's access management rules set forth in DCC 17.48.090 and the Oregon Highway Plan (OHP) remain unchanged. The Board finds this criterion has been met.

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

FINDING: The proposed amendment will not degrade the performance of an existing transportation facility; it will change the performance standard for planned transportation facilities. However, changing the standard is not degrading the standard; it is merely resetting the standard. Additionally, changing performance standards is allowed under OAR 660-012-0060(2)(c). The Board finds this criterion has been satisfied.

(C) Degrade the performance of an existing or planned transportation that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

FINDING: The proposed amendment will not further degrade the performance of an existing transportation facility. All transportation facilities in the adopted TSP that were projected to fail over the 20-year life of the plan also have planned improvements in Table 5.3.T1 to mitigate those failures. The Board finds this criterion has been satisfied.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below...

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the facility.

FINDING: The County will maintain its land use designations, functional classifications, and access management standards while modifying the performance standards for County roads as allowed under OAR 660-012-060(2)(c) below. The Board finds this criterion has been met.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division...

FINDING: The County did not choose this remedy option. The Board finds this criterion is not applicable.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

FINDING: The County will modify the performance standard for future County facilities from LOS C, the current standard, to LOS D. The performance standard for existing County facilities will remain at LOS D. This will result in a consistent standard for both planned and existing County facilities. The County TSP Goal 9 (Performance Standards Goals and Policies) sets a goal of "[M]aintain a level of service D or better during the peak hour throughout the County arterial and collector road system over the next 20 years." Goal 10 is "[M]aintain the current

arterial and collector system in the County and prevent degradation of the capacity of the system." The performance standard for State highways and intersections with State highways will remain unchanged. The Board finds this criterion has been met.

(d) Providing other measures as a condition of development or through development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements...

FINDING: The County did not choose this remedy option, but the County's development code does require an applicant to mitigate a development's effects. The Board finds this criterion is not applicable.

IV. CONCLUSION:

The proposed text amendment to move the traffic study requirements from the Subdivision section of the code to the Supplemental provision section makes logical sense. Many site plans for uses that are not subdivisions or master plans still generate 50 or more weekday trips, which is the County's baseline for requiring a traffic study. The TPR gives local governments the discretion to modify the performance standards for their facilities. The County having a single LOS benchmark for all County facilities will result in a consistent level of improvements needed to mitigate any adverse affects of proposed land uses.

Attachments

Exhibit A, Proposed DCC 18.116.310 Traffic Impact Studies

Exhibit B, Revised DCC 17.16.115, Traffic Impact Studies

Exhibit C, Revised DCC 18.124.080, Other Conditions