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REVIEWED
BWN
LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18 of *
the Deschutes County Code, the *
Deschutes County Zoning Ordinance, *
Adding Standards to Implement the *
Deschutes County Bicycle Master *
Plan and Aspects of the State *
Transportation Planning Rule, and *
Declaring an Emergency. *

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MARY SUE PENHOLLOW
COUNTY CLERK

ORDINANCE NO. 93-005

WHEREAS, the Deschutes County Bicycle Master Plan was adopted as a Resource Element of the Deschutes County Comprehensive Plan on December 5, 1990 (Ordinance No. 92-023).

WHEREAS, the State of Oregon has required that certain ordinances be adopted by local jurisdictions to implement Statewide Planning Goal 12, the Transportation Planning Rule, in particular OAR 660-12-045(3)(a-d).

WHEREAS, the Deschutes County Planning Commission, after review conducted in accordance with applicable law, has recommended approval of the proposed Text Amendments to the Deschutes County Comprehensive Plan and Title 18.

WHEREAS, after notice was given and hearing conducted in accordance with applicable law, the Board of County Commissioners have considered the Planning Commission's recommendation; now, therefore,

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

Section 1. Section 18.04.030, Definitions, is amended to add new definitions, as follows (with deleted wording in brackets and added wording in underline and bold):

18.04.030 Definitions

Bicycle. A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter or having three wheels in contact with the ground, any of which is more than 14 inches in diameter.

Bicycle Facilities. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including

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parking facilities, all bikeways, and shared roadways not specifically designated for bicycle use.

Bikeway. Any road, path or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facility is designated for the exclusive use of bicycles or is shared with other transportation modes.

Bicycle commuter facilities. Shower(s) and changing room(s) provided in commercial and public buildings employing at least 25 people. Such facilities may be part of regular bathroom facilities.

Pedestrian Facilities: Improvements which provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting and benches which make it safe or convenient to walk.

Transit Route: An existing or planned route for public service in the local or regional transportation plan.

Transit Facility: Improvements at selected points along transit routes for passenger pick-up, drop-off and waiting. Facilities and improvements may include shelters, benches, signs and structures and other improvements to provide security, protection from the weather and access to nearby services.

Section 2. The definition of Bicycle Route, found as part of the definition of Road or Street in Section 18.040.030, Definitions, is amended to read as follows, (with deletions bracketed and additions in bold and underlined):

C. Bicycle Route. [A right-of-way for bicycle traffic.] A segment of a bikeway system designated with appropriate directional and information markers by the jurisdiction having authority.

Section 3. Subsection 18.116.030(E)(c) of Section 18.116.030, Location of Parking Facilities, is amended to add to following:

Off-Street motor vehicle parking for new commercial developments in excess of 10,000 square feet shall be located at the side or behind the building(s).

Section 4. Chapter 18.116 is amended to add a new Section 18.116.031, Bicycle Parking, as follows:

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

A. Number and Type of Bicycle Parking Spaces Required.

a. General Minimum Standard. 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. 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% of the bicycle parking spaces shall be sheltered.

b. Special Minimum Standards.

(1) 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.

(2) Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every ten motor vehicle parking spaces.

(3) Schools. Secondary schools, both public and private, shall provide one bicycle parking space for every ten students, all of which shall be sheltered.

(4) Colleges. One half of the bicycle parking spaces at colleges, universities and trade schools shall be sheltered facilities.

c. Trade Off with Motor Vehicle Parking Spaces.

(1) One motor vehicle parking space may be deleted from the required number of spaces in exchange for providing required bicycle parking. Any deleted motor vehicle space shall be replaced with at least five bicycle spaces. 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.

(2) 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.

d. Calculating number of bicycle spaces.

- (1) Fractional spaces shall be rounded up to the next whole space.
- (2) 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.

a. General Description.

- (1) 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.
- (2) Unsheltered parking may be provided by bicycle racks.

b. Location.

- (1) 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. Bicycle parking shall be located in areas of greatest use and convenience to bicyclists. Such bicycle parking shall have direct access to both the public right-of-way and to the main entrance of the principal use.
- (2) 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.
- (3) 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 from 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.

c. Dimensional Standards.

- (1) Each bicycle parking space shall be at least 2 by 6 feet with a vertical clearance of 7 feet.
- (2) An Access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking.
- (3) Each required bicycle parking space shall be accessible without moving another bicycle.

d. 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.

e. Security.

- (1) 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.
- (2) 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.

f. Other means that provide the above level of bicycle parking may be approved by the Hearings Body or the Planing Director.

Section 5. Chapter 18.116, Supplementary Provisions, is amended to add a new section 18.116.035, Bicycle Commuter Facilities, as follows:

"18.116.035 Bicycle Commuter Facilities

A. Each commercial or public building having a work force of at least 25 people shall have bicycle commuter facilities consisting of shower(s) and changing room(s). For facilities with more than one building (such as a college), bicycle commuter facilities may be located in a central location.

B. This provision shall apply to (1) new development requiring off-street parking and (2) any construction, renovation or alteration of an existing use requiring a site plan review under this Title for which planning approval is applied for after the effective date of Ordinance 93-005.

Section 6. Section 18.124.020, Elements of a Site Plan, is amended to read as follows (with additions bolded):

"The elements of a site plan are: the layout and design of all existing and proposed improvements, including, but not limited to, buildings, structures, parking, circulation areas, outdoor storage areas, bicycle parking, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures and street furniture."

Section 7. Subsection 18.124.040(D) of Section 18,124.040, Contents and Procedure, is amended to add new subsections 18.124.040(D)(q) and (r) as follows, and to renumber current Subsection 18.124.040(D)(q) to 18.124.040(D)(s):

D. The site plan shall indicate the following:

q. Bicycle parking facilities, with location of racks, signage, lighting, and showing the design of the shelter for long-term parking facilities.

r. Any required bicycle commuter facilities.

[q]s. Other site elements and information which will assist in the evaluation of site development.

Section 8. Section 18.124.070, Required Minimum Standards, is amended as follows:

C. Non-Motorized Access:

(1) Bicycle Parking. The development shall provide the number and type of bicycle parking facilities as required in Sections 18.116.031 and 18.116.035 of this title. The location and design of bicycle parking facilities shall be indicated on the site plan.

(2) Pedestrian Access and Circulation:

(a) Internal pedestrian circulation shall be provided in new commercial, office and multi-family residential developments through the clustering of buildings, construction of hard-surface pedestrian walkways, and similar techniques.

- (b) Pedestrian walkways shall connect building entrances to one another and from building entrances to public streets and existing or planned transit facilities. On-site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connections on adjacent properties planned or used for commercial, multi-family, public or park use.
- (c) Walkways shall be at least five (5) feet in paved unobstructed width. Walkways which border parking spaces shall be at least seven (7) feet wide unless concrete bumpers or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Walkways shall be as direct as possible.
- (d) Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways, parking areas and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.
- (e) To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of 5%. Walkways up to 8% slope are permitted, but are treated as ramps with special standards for railings and landings.

3. Commercial Development Standards:

- (a) New commercial buildings shall be sited at the front yard setback line for lots with one frontage, and at both front yard setback lines for corner lots. For lots with more than two front yards, the building(s) shall be oriented to the two busiest streets. The building(s) and any eaves, overhangs, or awnings shall not interfere with the required clear vision area at corners or driveways.
- (b) Off-street motor vehicle parking for new commercial developments in excess of 10,000 square feet shall be located at the side or behind the building(s).

Section 9. Section 18.128.040(L) of Section 18.128.040, Specific Use Standards, concerning Multi-Family Dwelling Complexes, is amended to amend subsection 118.128.040(L)(b) to read as follows (with additions in bold):

"L. Multi-Family Dwelling Complex. A Multi-family dwelling complex shall comply with the following provisions prior to occupancy:

- b. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex. Bicycle storage shall be allowed in the provided sheltered bicycle parking facilities (one parking space per unit for complexes of four (4) units or more)."

Section 10. Section 18.128.040(P) of Section 18.128.040, Specific Use Standards, concerning Cluster Developments, is amended to add new subsections (11) and (12) as follows:

P. Cluster Development (Single-Family Residential Uses Only).

11. Private developments with private roads shall provide bicycle and pedestrian facilities. If the bikeways are constructed as a part of the private roadway, they shall be at least four (4) feet wide on each side of the uncurbed roadway, resulting in a minimum total roadway width of 28 feet. If the private roads are constructed to the minimum standard width of 20 feet, separated bike paths built to County standards shall be provided. If separated paths are meant to be shared by pedestrians or other users, the minimum width shall be 12 feet. Bicycle and pedestrian facilities shall connect with the County bicycle and pedestrian transportation system.
12. Bicycle and pedestrian connections shall be provided at the ends of cul-de-sacs, at mid-block, between subdivision plats, etc., in the following situations. Connections shall have a 20-foot right-of-way, with at least a 10-foot-wide useable surface, shall be as straight as possible, and shall not be more than 400 feet long.
- a. In residential areas and industrial parks where the addition of a connection would reduce the walking or cycling distance to an existing or planned transit stop, school, shopping center, or neighborhood park by 400 feet and by at least 50% over other available routes.
- b. For schools or commercial uses where the addition of a connection would reduce walking or cycling distance to an existing or planned transit stop, school, shopping center, or neighborhood park by 200 feet or by at least 50% over other available routes.

- c. For cul-de-sacs or dead end streets where a street connection is determined by the Hearings Officer or Planning Director to be infeasible or inappropriate.

Section 11. Section 18.128.040(Q)(a) of Section 18.128.040, Specific Use Standards, concerning Planned Developments, is amended to read as follows:

Q. Planned Development.

a. Such uses.....

3. Circulation pattern, including bicycle and pedestrian circulation, and a demonstration of how those facilities connect to the County transportation facilities. Private developments with private roads shall provide bicycle and pedestrian facilities.
4. Bicycle and pedestrian connections shall be provided at the ends of cul-de-sacs, at mid-block, between subdivision plats, etc., wherever the addition of such a connection would reduce the walking or cycling distance to a connecting street by 400 feet and by at least 50% over other available routes. These connections shall have a 20-foot right-of-way, with at least a 10-foot-wide useable surface, and should not be more than 100 feet long if possible.

(Renumber remaining sections accordingly.)

Section 12. This ordinance is supported by the staff report attached hereto as Exhibit "A" and by this reference incorporated herein.

Section 13. REPEAL OF ORDINANCES AS AFFECTING EXISTING LIABILITIES. The repeal, express or implied, of any ordinance, ordinance provision, or code section by this ordinance shall not release or extinguish any duty, condition, penalty, forfeiture, or liability incurred under such ordinance, unless a provision of this ordinance shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such duty, condition, penalty, forfeiture, or liability, and for the purpose of authorizing the prosecution, conviction and punishment of the person or persons who violated the repealed ordinance.

Section 14. SEVERABILITY. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance or any exhibit thereto is adjudged to be invalid by a court or other reviewing body of competent jurisdiction that decision shall not affect the validity of the remaining portions of this ordinance or exhibit thereto.

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Section 15. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 21st day of April, 1993.

BOARD OF COUNTY COMMISSIONERS OF
DESCHUTES COUNTY, OREGON



TOM THROOP, Chair

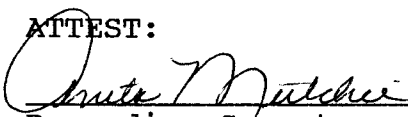


NANCY POPE SCHLANGEN, Commissioner



B.H. SLAUGHTER, Commissioner

ATTEST:



Anita Mitchell
Recording Secretary