

ORDINANCE NO 326-20

AN ORDINANCE ADDING A NEW SUBSECTION TO ARTICLE 14 LAND DIVISION IN ORDINANCE NO. 24 (ZONING ORDINANCE) AS SUBSECTION 14.045 TRANSPORTATION IMPACT STUDY REQUIREMENTS

WHEREAS, the Depoe Bay Planning Commission last amended Article 10 May 4, 2010, by Ordinance 287; and

Whereas, the Depoe Bay Planning Commission held public hearings on November 13, 2019, to obtain public comment on proposed revisions to the zoning ordinance; and

Whereas, the Depoe Bay City Council held a public hearing on May 19, 2020, and has concluded deliberations on the recommended changes to the Zoning Code, including considering public testimony and staff recommendations.

NOW, THEREFORE, the City Council of the City of Depoe Bay ordains as follows:

1). Ordinance No.24 Adding a New-Subsection to Article 14 Transportation Impact Study (TIS)

Section 14.045. Transportation Impact Study (TIS): The purpose of this section of the code is to implement Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule that requires the City to adopt standards to protect the future operations of roadways and transit corridors and a process to apply conditions to development proposals in order to protect and minimize adverse impacts to transportation facilities. This section establishes when a TIS must be submitted with a land use application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities.

1. Applicability – TIS letter. A TIS letter shall be required to be submitted with a land use application if the proposal is expected to generate 10 to 30 peak hour trips or 100 to 300 daily trips.
2. Applicability – TIS report. A TIS report shall be required to be submitted with a land use application if the proposal is expected to involve one or more of the following:
 - a. The proposed development would generate more than 30 peak hour trips or more than 300 daily trips.
 - b. The proposal is immediately adjacent to an intersection that is functioning at a poor level of service, as determined by the City.
 - c. An increase in use of any direct property approach road to US 101 by 10 vehicles or more per day that exceed 20,000 pounds gross vehicle weight.
 - d. A new direct approach to US 101 is proposed.
 - e. A proposed development or land use action that the road authority states may contribute to operational or safety concerns on its facility(ies).
 - f. An amendment to the Depoe Bay Comprehensive Plan or Zoning Map is proposed.
3. The TIS letter or TIS report shall be prepared by an Oregon registered professional engineer qualified to perform traffic engineering analysis and will be paid for by the applicant. The TIS Letter or Report shall include trip generation estimates that are based on the Institute of Transportation Engineers (ITE) Trip Generation Manual.

4. Consistent with the City's Traffic Impact Study (TIS) Guidelines, the City will determine the project study area, intersections for analysis, scenarios to be evaluated, and any other pertinent information concerning the study that must be addressed in either a TIS letter or a TIS report.
5. Approval Criteria. When a TIS Letter or Report is required, a proposal is subject to the following criteria:
 - a. The TIS addresses the applicable elements identified by the City, consistent with the Traffic Impact Study Guidelines;
 - b. The TIS demonstrates that adequate transportation facilities exist to serve the proposed development or, in the case of a TIS report, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City and, when state highway facilities are affected, to ODOT;
 - c. For affected non-highway facilities, the TIS report establishes that mobility standards adopted by the City have been met; and
 - d. Proposed public improvements are designed and will be constructed consistent with City street design standards and access standards in the Transportation System Plan.
6. Conditions of Approval.
 - a. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or access ways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.
 - b. Where the existing transportation system is shown to be impacted by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use may be required.
 - c. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

WHEREAS, the adoption of this ordinance is necessary to preserve the peace, health, safety, and welfare of the citizens of the City of Depoe Bay. This ordinance shall be in full force and in effect thirty days upon its adoption by the City Council of the City of Depoe Bay.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay on this 7TH day of JULY, 2020.

Passed at the second reading, placed on final passage, and adopted by the City Council of the City of Depoe Bay on this 7TH day of JULY, 2020.

Approved by the Mayor of the City of Depoe Bay this 7TH day of JULY, 2020.



Mayor

Attest: 

City Recorder