

Exhibit 3

## Chapter 2.9 – Trip Budget Overlay Zone

### Sections

- 2.9.1 Purpose
- 2.9.2 Definitions
- 2.9.3 Limitation on Motor Vehicle Trip Generation
- 2.9.4 Additional Uses for Which a Conditional Use Permit is Required
- 2.9.5 Records
- 2.9.6 Application Contents
- 2.9.7 Conditions of Approval
- 2.9.8 Transfers Between Parcel Budgets
- 2.9.9 Allocation of Trip Budgets When Land Divisions Are Approved

### 2.9.1 – Purpose

The purpose of the Trip Budget Overlay Zone is to foster development in the vicinity of the Fern Valley Interchange in a way that maintains uncongested traffic conditions that meet State of Oregon mobility performance standards applicable to the interchange, North Phoenix Road, Fern Valley Road, and OR 99. This Chapter implements the trip budget measure of the Interchange Area Management Plan for the Fern Valley Interchange.

### 2.9.2 – Definitions

The following definitions apply to this Section:

- A. **Net Developable Area.** The total land area of a parcel minus the area of: existing development, irrigation canals and a 10-foot wide buffer on both sides of the top of irrigation canal banks, and land within the banks of Bear Creek and a buffer extending 50 feet from the banks.
- B. **PM peak-hour trips.** Motor vehicle trips to or from a parcel between 4 PM and 5 PM on weekdays, exclusive of pass-by and diverted link trips.
- C. **Parcel Budget.** The number of PM peak-hour trips listed for a parcel in the parcel budget column of [Table 2.9.1](#) of this Chapter or as modified pursuant to Section 2.9.8 of this Chapter.

### 2.9.3 – Limitation on Motor Vehicle Trip Generation

- A. Development constructed in the Trip Budget Overlay Zone must comply with the requirements of this Chapter, as well as requirements of other chapters of the Land Development Code, **except subsection 2.4.3.E, Traffic, of Chapter 2.4, Commercial Highway.**
- B. All development on each parcel in the Trip Budget Overlay Zone, regardless of when constructed, may generate no more PM peak-hour trips than are in its Parcel Budget.

### 2.9.4 – Additional Uses for Which a Conditional Use Permit is Required

In addition to the uses identified in Table 2.4.2 of Chapter 2.4 as conditionally permitted uses in the Commercial Highway zone, the following uses shall require a conditional use permit in the Trip Budget Overlay Zone: retail sales and service less than 30,000 square feet of gross leasable area; high-turnover sit-down restaurants; fast-food restaurants without drive-up, drive-in, or drive-through facilities; gyms;

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and daycare centers.

## 2.9.5 – Records

**A. Trip Budget Ledger.** The Planning Director shall maintain a ledger which contains the following.

1. For each parcel in the Trip Budget Overlay Zone district at the time of enactment of this Chapter or added to the Trip Budget Overlay Zone by partition, subdivision, or zone district expansion:
  - a. The parcel number in the records of the Jackson County Department of Assessment and Taxation.
  - b. The parcel's parcel budget, as listed in [Table 2.9.1](#).
  - c. the number of PM peak-hour trips transferred *to* another tax lot pursuant to Section 2.9.8 and the book and page number in Jackson County land title records where the covenant referred to in Section 2.9.8 is located;
  - d. the number of PM peak-hour trips transferred *from* another tax lot pursuant to Section 2.9.8 and the book and page number in Jackson County land title records where the covenant referred to in Section 2.9.8 is located;
  - e. The number of PM peak-hour trips authorized to be generated by development by issuance of a Conditional Use Permit pursuant to Chapter 4.4, Conditional Use Permits, and this Chapter; by issuance of Overlay Zone and Concept Plan Approval pursuant to Chapter 4.5, Planned Unit Development, and this Chapter; or by issuance of Detailed Development Plan Approval pursuant to Chapter 4.5, Planned Unit Development, and this Chapter.
  - f. The book and page number in the land title records of Jackson County where the number of trips specified in subsection A.1.f of this Section is recorded.
  - g. The balance of unused PM peak-hour trips within the parcel's Parcel Budget.

**B. Deadline for Recording Transactions in the Trip Budget Ledger.** The Planning Director shall record in the Trip Budget Ledger the transactions listed in Subsection A of this Section within three business days of when they occur.

**C. Availability of Trip Budget Ledger.** The Planning Director shall make available to any person for inspection upon request the Trip Budget Ledger current as of the date of the request. The Trip Budget Ledger made available shall state the date that it is current to.

## 2.9.6 – Application Contents

**A. Applications for Conditional Use Permits.** In addition to the application requirements in Chapter 4.4, an application for a Conditional Use Permit in the Trip Budget Overlay Zone shall include:

1. A traffic impact analysis prepared by a qualified professional which:
  - a. demonstrates that the proposed development, in combination with any development already on the site, will not generate more PM peak-hour trips than in the Parcel Budget for the site; and
  - b. addresses all other traffic impact issues which the City and ODOT request that it address.
2. A letter from ODOT stating that it has reviewed and approved the contents of the traffic impact analysis.

**B. Applications for Planned Unit Development Overlay Zone and Concept Plan Approval.** In addition to the application requirements in Chapter 4.5, an application for Planned Unit Development Overlay Zone and Concept Plan Approval in the Trip Budget Overlay Zone shall include:

1. A traffic impact analysis prepared by a qualified professional which:
  - a. demonstrates that the proposed development, in combination with any development already on the site, will not generate more PM peak-hour trips than in the Parcel Budget; and
  - b. addresses all other traffic impact issues which the City and ODOT request that it address.
2. A letter from ODOT stating that it has reviewed and approved the contents of the traffic impact analysis.

**C. Applications for Planned Unit Development Detailed Development Plan Approval.** In addition to the application requirements in Chapter 4.5, an application for Detailed Development Plan Approval in the Trip Budget Overlay Zone shall include:

1. A traffic impact analysis prepared by a qualified professional which:
  - a. demonstrates the number of PM peak-hour trips each parcel in the proposed development will generate; and
  - b. addresses all other traffic impact issues which the City and ODOT request that it address.
3. A letter from ODOT stating that it has reviewed and approved the contents of the traffic impact analysis.

### **2.9.7 – Conditions of Approval**

A Conditional Use Permit issued pursuant to Chapter 4.4, Conditional Use Permits, and this Chapter; a Site Design Approval issued pursuant to Chapter 4.2 and this Chapter; an Overlay Zone and Concept Plan Approval issued pursuant to Chapter 4.5, Planned Unit Development, and this Chapter; or a Detailed Development Plan Approval pursuant to Chapter 4.5, Planned Unit Development, for development in the Trip Budget Overlay Zone shall include for each parcel:

- A. the number of PM peak-hour trips development on the parcel may generate; and
- B. a requirement that the applicant record in the land title records of Jackson County the number of PM peak-hour trips development on the parcel may generate, as contained in the conditional Use Permit, Site Design Approval, Overlay Zone and Concept Plan Approval, or Detailed Development Plan Approval, and provide to the Planning Director evidence of the recording in the form of a photocopy of the record on which the book and page number where the record is located appear in writing.

### **2.9.8 – Transfers Between Parcel Budgets**

- A. The number of PM peak-hour trips in a Parcel Budget may be increased only by a transfer of PM peak-hour trips from the Parcel Budget of another tax lot in the Trip Budget Overlay Zone made under this Section.
- B. The Planning Director may increase the Parcel Budget for a tax lot as recorded in the Trip Budget Ledger maintained under Section 2.9.5 of this Chapter only if the following five conditions are met.
  1. The tax lot from which the PM peak-hour trips are proposed to be transferred does not contain development that does or could generate the transferred PM peak-hour trips.

2. Either:

- a. If the tax lot from which Parcel Budget PM peak-hour trips are to be transferred is the subject of a Conditional Use Permit; Site Design Review approval; Subdivision, Partition, or Lot Line Adjustment approval; or Planned Unit Development approval under the Land Development Code:
  - (1) The owner of the tax lot has obtained from the City a modification of the approval or Conditional Use Permit under Section 4.6.4 of this Code reducing allowed development to reduce PM peak-hour trip generation by the number of PM peak-hour trips to be transferred; and
  - (2) The owner of the tax lot submits to the Planning Director:
    - (a) A copy of a covenant satisfactory to the Planning Director which specifies the number of transferred PM peak-hour trips and prohibits development on the parcel that would generate the transferred PM peak-hour trips;
    - (b) Evidence satisfactory to the Planning Director that the owner has recorded such covenant in Jackson County land title records; and
    - (c) The book and page number in Jackson County land title records where the covenant is located.

or

- b. If the tax lot from which Parcel Budget PM peak-hour trips are to be transferred is not the subject of a Conditional Use Permit; Site Design Review approval; Subdivision, Partition, or Lot Line Adjustment approval; or Planned Unit Development approval, the owner of the tax lot submits to the Planning Director:
  - (1) A copy of a covenant satisfactory to the Planning Director which specifies the number of transferred PM peak-hour trips and prohibits development on the property that would generate the transferred PM peak-hour trips;
  - (2) Evidence satisfactory to the Planning Director that the owner has recorded such covenant in Jackson County land title records; and
  - (3) The book and page number in Jackson County land title records where the covenant is located.
3. The owner of the tax lot to which the PM peak-hour trips are to be transferred files an application for approval of an increase in the parcel's Parcel Budget as a Type II application under Chapter 4.1, Types of Applications and Review Procedures.
4. After the transfer, no fewer than 20 trips per net developable acre remain in the Parcel Budget of the parcel from the trips are transferred.
5. The Planning Director records the transfer in the Trip Budget Ledger maintained under Section 2.9.5 of this Chapter.

### **2.9.9 – Allocation of Trip Budgets When Land Divisions Are Approved**

- A. If a parcel in the Trip Budget Overlay Zone is partitioned or subdivided under Chapter 4.3, Land Divisions and Lot Line Adjustments:

1. The City shall allocate the parcel's Parcel Budget to the resulting parcels; and
  2. The Planning Director shall add the new parcels and their Parcel Budgets to the Trip Budget Ledger maintained under Section 2.9.5 of this Chapter and record the Parcel Budgets according to the allocation.
- B.** The City shall allocate a parcel's Parcel Budget under this Section in the manner requested by the applicant for the partition or subdivision, unless the City finds that there are land use planning or transportation planning reasons to make a different allocation. In no case may the Parcel Budget for a parcel created by partition or subdivision be less than ten PM peak-hour trips per net developable acre.

**Table 2.9.1 Parcel Budgets**

<b>PARCEL NO.</b>	<b>PARCEL BUDGET (PM PEAK-HOUR TRIPS)</b>	<b>NOTES (not for adoption)</b>
381W09A303	82	North of Holiday RV Park
381W09A300	20	Holiday RV Park
381W09A204	7	Holiday RV Park
381W09A205	80	Shoppes at Exit 14 & Dutch Bros. Trips from Dutch Bros. excluded because project would displace it.
381W09A202	150	McDonald's.
381W09A2100	NA	ODOT owns. Assumed to be retained by ODOT.
381W09A2200	109	N. of La-Z-Boy Furniture. Vacant. Area of vacated N. Phoenix Rd. added.
381W09A2300	15	La-Z-Boy Furniture
381W10202	122	N. of Home Depot. Vacant.
381W10200	190	Home Depot
381W10401	48	Only portion within Interchange Business plan designation. Area around house on east side of parcel west of the canal counted as occupied.
381W10400	220	Peterbilt Truck Repair. Paved area and buildings counted as occupied. Area of vacated N. Phoenix Rd. and area no longer needed for interchange added.
381W10501	713	Knowlcrest Orchard. Area of vacated N. Phoenix Rd. added.
381W10506	73	Knowlcrest Orchard
381W10503	1	Knowlcrest Orchard
381W10500	22	Knowlcrest Orchard. Area of vacated N. Phoenix Rd. added.
381W10505	14	ODOT owns. Portion not needed for project considered developable.
381W10504	NA	ODOT owns; 910 sq. ft. Assumed to be used for project (for new access to Peterbilt Truck Repair).
381W10CA7500	166	Neimark property
381W10CA7600	45	Neimark property
381W102602	24	All but north panhandle considered occupied.
381W102601	2	Manuf. homes sales
381W102801	152	Petro Truck Stop.
381W102800	56	Motel 6 and RV park. All but open area in middle considered occupied.
381W10CD200	14	Mini-storage
381W10CD100	176	Vacant
381W10CD600	23	Undeveloped
381W09A201	38	Paved area and buildings considered occupied.
381W102901	229	Area of previous Lumen Rd. right-of way added.
381W103100	4	Undeveloped. Only portion within Interchange Business plan designation.
381W103200	28	Undeveloped. Only portion within Interchange Business plan designation.
381W09DA401	0	Single-family home displaced by project.
381W09DA400	0	Single-family home displaced by project.
381W09DA200	51	Vacant lot
381W09DA500	1	Single-family home
381W09DA600	1	Single-family home
381W09DA700	1	Single-family home
381W09DA800	1	Single-family home
381W09DA1000	8	Bavarian Inn
381W09DA900	1	Single-family home
381W09DA1200	40	Triangle property
381W09DA1100	8	
<b>TOTAL</b>	<b>2,935</b>	