



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/17/2014

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Bend 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, April 01, 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: Amy Barry, City of Bend  
Gordon Howard, DLCD Urban Planning Specialist

Gary Fish, DLCD Transportation Planner

<paa> YA



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

**FOR DLCD USE**  
 File No.: 006-13 (19975)  
                   [17800]  
 Received: 3/11/2014

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 [OAR 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: City of Bend

Local file no.: **PZ 13-0441**

Date of adoption: 03/05/14

Date sent: 3/11/2014

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): 8/20/2013

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:

No

Local contact (name and title): Amy Barry, Senior Planner

Phone: 541-693-2114

E-mail: [abarry@bendoregon.gov](mailto:abarry@bendoregon.gov)

Street address: 710 NW Wall St

City: Bend

Zip: 97701-

**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:

City initiated legislative amendments to the Bend Area General Plan Chapter 7, Transportation Systems, Appendix C Transportation System Plan (TSP), and TSP Maps and Appendices to update portions of the TSP and TSP Maps needed to bring it up to date with recent projects.

**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: UAR – Acres: 33.82

**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:

Bend Area General Plan Chapter 7, Transportation Systems, Appendix C Transportation System Plan, Maps & Appendices

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

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List affected state or federal agencies, local governments and special districts: Deschutes County, ODOT

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.

## ORDINANCE NO. NS-2216

AN ORDINANCE AMENDING THE BEND AREA GENERAL PLAN CHAPTER 7, TRANSPORTATION SYSTEMS, APPENDIX C – TRANSPORTATION SYSTEM PLAN (TSP), AND TSP MAPS AND APPENDICES TO BRING IT UP TO DATE WITH RECENT PROJECTS.

### Findings

- A. The City of Bend initiated amendments to the Bend Area General Plan Chapter 7, Transportation Systems, Appendix C, the Transportation System Plan (TSP), and TSP Maps and Appendices on August 12, 2013.
- B. The Planning Commission held a duly-noticed public hearing on October 28, 2013, to consider proposed legislative amendments to the Bend Area General Plan Chapter 7, Transportation Systems, Appendix C - Transportation System Plan (TSP), and TSP Maps and Appendices as needed to bring it up to date with recent projects. The hearing was continued first to November 18, 2013, then to December 9, 2013. The Planning Commission voted to recommend that the City Council adopt the proposed text and map amendments in Exhibit A through F with the findings in Exhibit G.
- C. The Bend City Council held a public hearing on February 5, 2014, to consider the Planning Commission's recommendation.
- D. The requested Bend Area General Plan amendments approved by this Ordinance are consistent with all applicable standards and criteria, including those set forth in Bend Development Code Chapter 4.6.

### THE CITY OF BEND ORDAINS AS FOLLOWS:

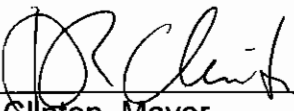
Section 1. The Bend Area General Plan Chapter 7, Transportation Systems, Appendix C - Transportation System Plan (TSP), and TSP Maps and Appendices are amended as shown in Exhibits A through F.

Section 2. The City Council adopts the Findings in Exhibit G in support of the amendment.

First reading: February 5, 2014.

Second reading and adoption by roll call vote: March 5, 2014.

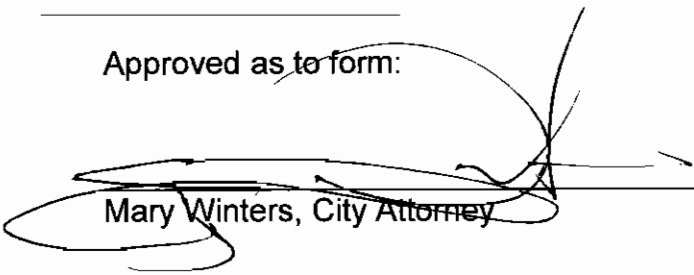
YES:	Mayor Jim Clinton	NO: none
	Councilor Jodie Barram	
	Councilor Scott Ramsay	
	Councilor Mark Capell	
	Councilor Victor Chudowsky	
	Councilor Doug Knight	
	Councilor Sally Russell	

  
\_\_\_\_\_  
Jim Clinton, Mayor

Attest:

  
\_\_\_\_\_  
Robyn Christie, City of Bend Recorder

Approved as to form:

  
\_\_\_\_\_  
Mary Winters, City Attorney

## Exhibit A

**Deleted text:** ~~strike-out~~ AND **Added Text:** underlined

### 6.5.1 ROADWAY CLASSIFICATIONS

#### 6.5.1.1 Expressways

[...]

(TSP Page 111; amend text per the following):

Expressways in the Bend urban area include U.S. Highway 20 north of the intersection with U.S. Highway 97 (the “wye” on the north end of town), ~~east of 12<sup>th</sup> Street~~ and all of U.S. Highway 97 (including the Parkway). [The “old” portions of Highway 97, (pre-Parkway era) are principal arterials (this includes Highway 20, between the north “wye” and Greenwood the east city limits, and Third Street, between Greenwood and the south Parkway intersection.)]

[...]

(TSP Page 119; delete text per the following):

#### Highway 20 – 12<sup>th</sup> Street to the “eastern” Urban Growth Boundary

~~East of 12th Street to the eastern Urban Growth Boundary, Highway 20 is designated as an expressway. The roadway follows an alignment around the south side of Pilot Butte and heads eastward beyond the urban area. From 12th Street eastward, the existing highway is five lanes around Pilot Butte to a point east of 27th Street.<sup>8</sup> The roadway transitions back to a two-lane facility as it heads east outside of the UGB. No other intersections, between 15th Street and Purcell Boulevard, on Highway 20, are planned to have traffic signals. However, if subsequent refinement plans demonstrate an additional signal would improve the highway’s function and safety, then another signal might be added consistent with the requirements of the Oregon Highway Plan (OHP) for signal spacing.<sup>8</sup> Along portions of Highway 20, in particular east of Pilot Butte, access management and some frontage road construction should be sought in conjunction with adjacent land development and redevelopment.~~

~~As a part of the Oregon Transportation Investment Act (OTIA) Program improvements implemented along this portion of Highway 20 (in the early 2000s), the City agreed to conduct a refinement level study of access management with affected businesses and property owners. It is envisioned that a plan would be adopted that would focus on a reduction/consolidation of access points and thus improve the capacity and safety factors along this portion of the highway and better fulfill the Mobility Standards of the OHP.<sup>8</sup>~~

(TSP Page 121; amend and add text per the following:)

#### **Principal Arterial Street Descriptions:**

The principal arterial section of Highway 20 begins at, and is south of, the Sisters interchange. It currently runs coincident with Highway 97 to Greenwood Avenue and turns east, following Greenwood Avenue to 12<sup>th</sup> Street the east Bend city limits.

*(Note: The following text has been moved from the former “expressway” description to the “principal arterial” description section of the TSP for this portion of Highway 20. ODOT policies may still apply to extent that it is applicable to a principal arterial designation:)*

From 12th Street eastward, the existing highway is five lanes around Pilot Butte to a point east of 27th Street. The roadway transitions back to a two-lane facility as it heads east outside of the UGB. No other intersections, between 15th Street and Purcell Boulevard, on Highway 20, are planned to have traffic signals. However, if subsequent refinement plans demonstrate an additional signal would improve the highway's function and safety, then another signal might be added consistent with the requirements of the Oregon Highway Plan (OHP) for signal spacing. Along portions of Highway 20, in particular east of Pilot Butte, access management and some frontage road construction should be sought in conjunction with adjacent land development and redevelopment.

As a part of the Oregon Transportation Investment Act (OTIA) Program improvements implemented along this portion of Highway 20 (in the early 2000s), the City agreed to conduct a refinement level study of access management with affected businesses and property owners. It is envisioned that a plan would be adopted that would focus on a reduction/consolidation of access points and thus improve the capacity and safety factors along this portion of the highway and better fulfill the Mobility Standards of the OHP.

(TSP page 131: add text per the following)

*(Note: After the minor arterial description for **Wilson Avenue**, add the following new text section:)*

**Powers Road**, between Brookwood and 3<sup>rd</sup> Street is designated as a minor arterial roadway. Currently, this section of Powers Road is a 2 to 3 lane roadway with bike lanes and some sidewalks constructed. Powers Road currently intersects the Parkway at an at-grade intersection with a system of "jug-handle" on- and off-ramps. There are turn restrictions at the actual signalized intersection. The future improvement of Powers Road may require additional widening with some areas potentially requiring more than 3-lane improvements, plus, the roadway needs completion of the sidewalk system. Longer-term, a grade-separated structure is envisioned with the Parkway. More analysis will be required by the city and ODOT to determine the exact type, location and cost estimate for this future structure over the Parkway. Some additional driveway or intersection turn restrictions may be required on Powers Road in the interim. [Powers Road is designated as a *major collector* roadway east of 3<sup>rd</sup> Street but completion of sidewalk and bike lane facilities will still be necessary along that section of roadway.]

(TSP page 134: amend the table per the following)

**Table 11**  
**Minor Arterials within the Urban Area**

<b>Minor Arterial Streets</b>	<b>From</b>	<b>To</b>
Arizona (future: <i>eastbound</i> only)	Colorado (near Broadway)	Parkway
Bear Creek Rd. (also:11 <sup>th</sup> St. ext.)	Franklin Avenue	27 <sup>th</sup> Street
Blakely Road	Brookwood Blvd.	Wilson Avenue
Bond Street	Wall Street	Franklin Avenue
Boyd Acres Road	Empire Avenue	Butler Market Road
Brookwood Blvd.	(Beyond) South UGB	Blakely Road
Butler Market Road	Highway 97	(Beyond) East UGB
Century Drive	(Beyond) South UGB	Colorado Avenue
Colorado Avenue (2-way)	Century Drive	Arizona
Colorado (future: <i>westbound</i> only)	Arizona	Parkway
Cooley Road	Highway 20	Deschutes Market Road
Division Street	Highway 97 (north)	Revere Avenue
East 15 <sup>th</sup> Street	Highway 20	Knott Road
East 18 <sup>th</sup> Street	Cooley Road	Empire Avenue
East 27 <sup>th</sup> Street	Reed Market Road	Knott Road
East 4 <sup>th</sup> Street	Butler Market Road	Franklin Avenue
East 8 <sup>th</sup> /9 <sup>th</sup> streets	Butler Market Road	Reed Market Road
Empire Avenue	O.B. Riley Road	Highway 20
Franklin Avenue	Wall Street	Bear Creek Rd. ext. (11 <sup>th</sup> St.)
Galveston Avenue	Skyliners Road	Riverside/Tumalo
Greenwood Avenue	Newport Avenue	East 3 <sup>rd</sup> Street
Hill Street	Revere Avenue	Wall Street
Hunnel Road	Robal Lane	Cooley Road
Knott Road	Beyond south UGB	Beyond east UGB
Mt. Washington Drive	Century Drive	Highway 97 (Butler Mkt.Rd)
Murphy Road <sup>1</sup>	Brookwood Blvd	Parrell Road
Neff Road	8 <sup>th</sup> Street	Beyond east UGB
Newport Avenue	Shevlin Park Market Rd.	Greenwood Avenue
Olney Avenue	Hill Street	8 <sup>th</sup> Street
<b>Powers Road</b>	<b>Brookwood Blvd.</b>	<b>3<sup>rd</sup> Street</b>
Reed Market Road	Century Drive	Blakely Road
Revere Avenue	Hill Street	8 <sup>th</sup> Street
Riverside Blvd.	Galveston Avenue	Wall Street
Robal Lane	Highway 20	Highway 97
Shevlin Park Mkt. Road	West UGB	Newport Avenue
Simpson Avenue	Mt. Washington Drive	Colorado Avenue
Skyliners Road	West City limits	Galveston Avenue
Wall Street	Hill St./Portland Ave.	Franklin Avenue
West 14 <sup>th</sup> Street	Newport Avenue	Colorado Avenue
Wilson Avenue	Blakely/Bond	East 3 <sup>rd</sup> Street



## Exhibit B

### *New Proposed Policy of the TSP:*

#### Section 6.9.8 TSP Map Updates

##### Policy:

Any Bend TSP map that illustrates a dashed line for a proposed transportation facility may be updated administratively by staff upon the construction/completion of that facility. Updating of any affected maps shall convert any "dotted" lines into "solid" lines that follow *as-built* alignments, as much as practical, and shall not constitute a land use decision.

## Exhibit C

**Added Text:** underlined

### 6.3.1.3 Multi-Use Trails

[...] (TSP Page 102; add text per the following at the end of the section):

**Trail-Major Roadway Grade-Separations:** Multi-use trails often intersect the major roadway system at difficult to cross locations. This is typically the result of the local trail system following the irrigation system of the city (i.e., many of the *ditch-rider* roads along the irrigation canal network) and/or other situations where a bicycling and walking corridor may emerge mid-block. Even at roadway intersections with major highways, conditions may also be adverse for non motorized crossing of the roadway. The result is; bicycle and pedestrian traffic seeking to cross a major roadway corridor where the combination of automobile speeds and traffic volumes make crossing difficult, if not unsafe, for many conditions. Given alternative routes for bicycling and walking may be significantly out-of-direction, the temptation is often too inviting for non automobile traffic to make the most direct roadway crossing to access their desired destination.

The TSP has identified a series of crossing points or zones where it is desired to provide grade-separated facilities, when possible. The map indicates the general conceptual locations but further detailed analysis will be needed to determine the specific location and type of the facility. The plan recognizes that grade-separation is typically an expensive construction option and is difficult to estimate without a fully developed plan and construction design. For these reasons, it is the intent of the plan to identify these crossing points so that as opportunities arise, either a major roadway improvement project and/or other grant opportunities can be identified to facilitate their construction.

By the very nature of the traffic conditions, the Oregon Department of Transportation (ODOT) highway system through the community represents the most common location for these desired grade-separated crossings. Two trail-highway crossings have already been constructed with grade-separated designs; one is on Highway 20, located at the southeastern foot of Pilot Butte, and the other is the Central Oregon Irrigation District canal crossing of Highway 97 (the Parkway). Both of these grade-separations are examples where the trail crossing was completed as a part of a companion highway project. Both are also examples of "undercrossings" versus "overcrossings".

For user security reasons, *overcrossings* are often cited as the more preferred design. However, in the case of the two existing structures, undercrossings were chosen as the most practical means of fitting within the landscape, meeting American with Disabilities Act (ADA) grade requirements and/or other important design considerations. Future said crossings should carefully evaluate what design, over- versus under-crossing, might best meet the objectives of the facility. In either case, careful analysis should be given to determining the preferred design. Undercrossing design should include meaningful consideration of options that maximize the visibility of the user (i.e., provide an "open" area – typically described as a trapezoidal cross section - as opposed to a simple culvert, "tube-like" cross section). Illumination of the facility is another equally important design element, (even daytime illumination for longer and/or skewed alignment undercrossings). Cost should not become the sole criteria for selecting preferred crossing structures but equal weight should be provided to

balancing other design considerations, such as maintaining user safety, in the evaluation of design options.

The following is a list of planned trail-major roadway grade-separated crossing locations:

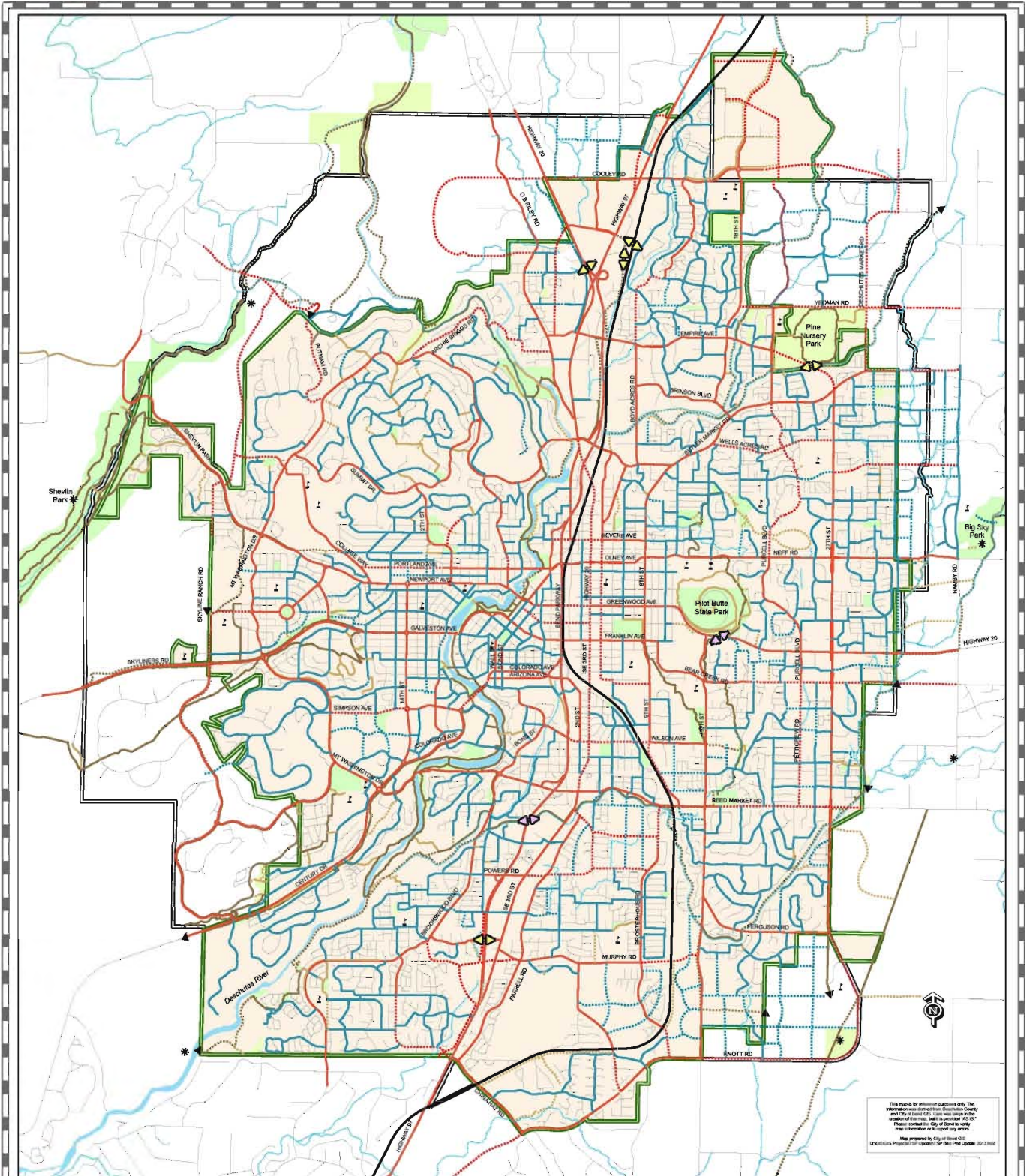
1. *The northern end of town:*
  - (a) This includes both the crossing of US Highways 20 and 97 facilitating connectivity to neighborhoods to the west and east, respectively. Also (a third grade-separation), to provide continuation of the north-south trail that parallels Highway 97. In the case of the Hwy 97 east-west crossing, a grade-separation with the railroad would also be required.
  - (b) The crossing of the North Unit Canal and the future roadway connection of Empire Avenue to 27<sup>th</sup> Street, north of Butler Market Road.
2. *The southern end of town:* The replacement of the two existing Rectangular Rapid Flashing Beacons (RRFBs) with grade-separated alternatives on Highway 97.
  - (a) *The existing RRFB at Reed Lane:* Provide trail connections from the sidewalk system on both sides of Highway 97 (the Parkway) to the existing undercrossing of the COID canal, if possible. If trail connections are not possible, consider other new grade-separation options.
  - (b) *The existing RRFB at Badger Road:* Due to the disconnection of Pinebrook Road and the removal of the existing traffic signal from the Parkway (i.e., both elements of the Murphy Road extension improvements), seek grade-separation options at, or near, Pinebrook Road. This includes alternative locations that may be between Badger and Pinebrook roads.

Both existing and proposed Trail-Major Roadway grade-separations are illustrated on the Bicycle and Pedestrian System Plan map. As the community grows, other grade-separations may be identified and added to the plan\*. A careful consideration of all contributing factors should be included in this evaluation and just evidence of random crossings and/or barrier fence climbing behavior should not be sole determinants for the selection of a proposed grade-separation location, rather careful evaluation of user safety and the potential for use are more justifiable reasons to seek the higher grade crossing facility.

\* See also: TSP Resource Document B.2.3, Assessment of Bicycle and Pedestrian System Needs, Figure 3, page 17, for other planned bridges or other local roadway grade-separations.



# EXHIBIT E



This map is for reference purposes only. The information was derived from Clatsop County and Clatsop County GIS. Users must refer to the edition of the map. No liability is assumed for any information or to report any errors.  
Map prepared by City of Bend GIS  
GIS/ISS/Projects/IT/Update/SP/Map/Map Update 2013.mxd



## Bend Urban Area Bicycle and Pedestrian System Plan

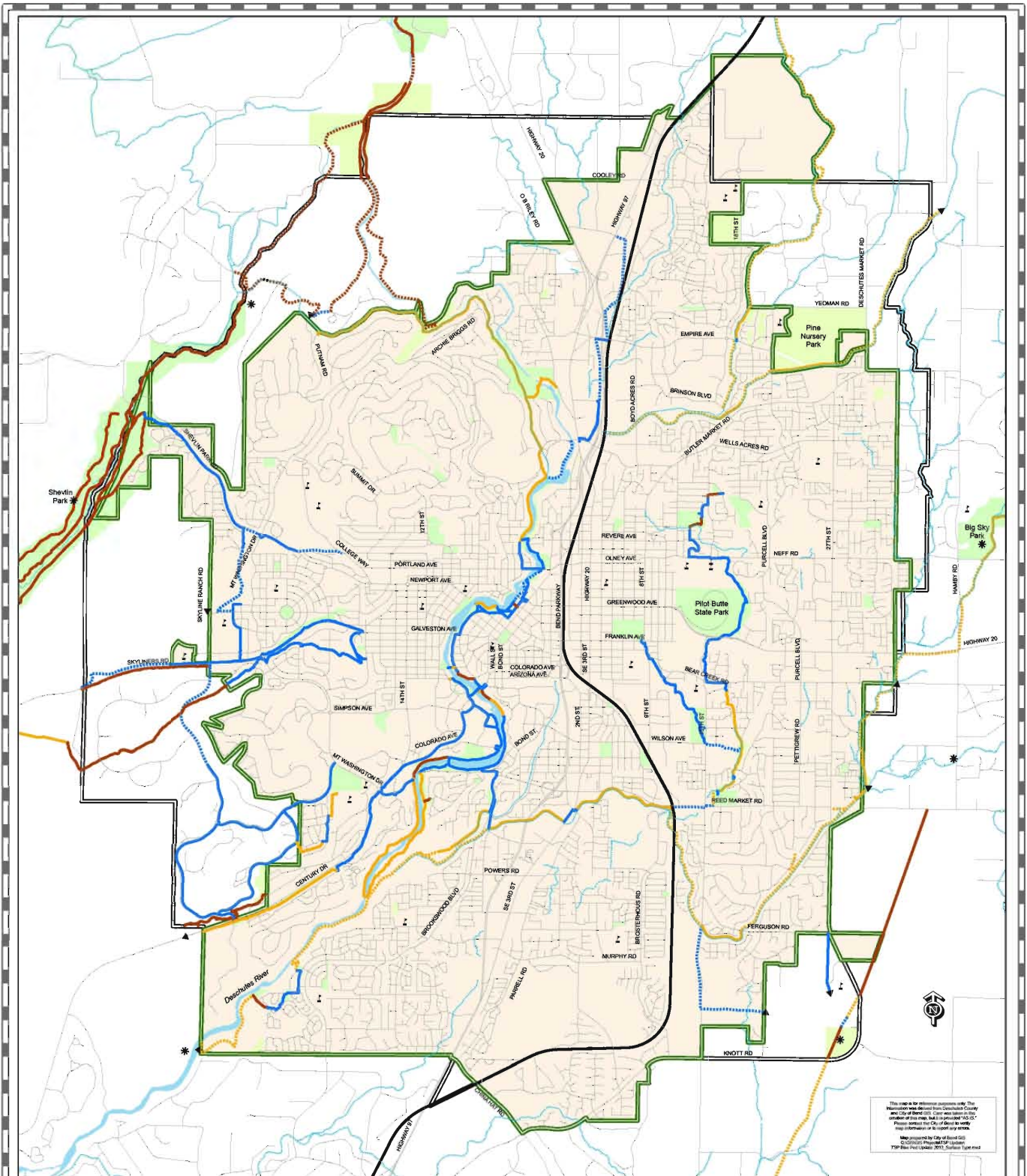
December 2013



### Legend

- Existing Bicycle Lane
- - - Future Bicycle Lane
- Existing Shared Roadway
- - - Future Shared Roadway
- Existing Multi-Use Path, Primary
- - - Future Multi-Use Path, Primary
- Existing Multi-Use Path, Connector
- - - Future Multi-Use Path, Connector
- Rails with Trails Opportunity Corridor
- Developed Parks
- Undeveloped Parks
- ↔ Proposed Major Roadway & Trail Grade Separation
- ↔ Existing Major Roadway & Trail Grade Separation
- Canal, Unipped
- ▲ Connection
- \* Destination
- ♠ Schools
- City Limits
- UGB - Urban Growth Boundary
- UAR - Urban Area Reserve

# EXHIBIT F



This map is for reference purposes only. The information was derived from Clatsop County and City of Bend GIS. Users are advised to verify information on the field. This map was created by the Planning Department for the City of Bend by using GIS software as of 11/14/13.

Map prepared by City of Bend GIS Department, Project Manager: Jennifer L. Smith  
 GIS Specialist: Jennifer L. Smith  
 739 West First Street, Bend, Oregon 97701



**Bend Urban Area  
 Bicycle and Pedestrian System Plan**  
 (Primary Multi-Use Path Surface Type)  
 December 2013



- Legend**
- |  |  |   |
|--|--|---|
| <ul style="list-style-type: none"> <li>— Native, Existing</li> <li>— Native, Proposed</li> <li>— Alternative, Existing</li> <li>— Alternative, Proposed</li> <li>— Hard, Existing</li> <li>— Hard, Proposed</li> </ul> | <ul style="list-style-type: none"> <li>— Rails with Trails Opportunity Corridor</li> <li>— City Limits</li> <li>— UGB - Urban Growth Boundary</li> <li>— UAR - Urban Area Reserve</li> <li>— Developed Parks</li> <li>— Undeveloped Parks</li> </ul> | <ul style="list-style-type: none"> <li>— Canal, Uniped</li> <li>▲ Connection</li> <li>* Destination</li> <li>⋮ Schools</li> </ul> |
|--|--|---|

**EXHIBIT G**  
**FINDINGS IN SUPPORT OF**  
**TRANSPORTATION SYSTEM PLAN**  
**AMENDMENTS PZ 13-0441**



**I. APPLICABLE STANDARDS, PROCEDURES AND CRITERIA:**

Bend Development Code

Chapter 4.1, Land Use Review and Procedures  
Chapter 4.6, Land Use District Map and Text Amendments

The Bend Area General Plan

Oregon Administrative Rules

Chapter 660, Department of Land Conservation and Development

**II. PROCEDURAL FINDINGS:**

**PUBLIC NOTICE AND COMMENTS:** Notice was provided to DLCD on August 20, 2013. Notices were also sent to City Departments and other affected agencies for comment.

Notice of the Planning Commission hearing for the proposed amendments was posted in The Bulletin on October 6, 2013, and mailed to the Land Use Chairs of all of the Bend Neighborhood Associations on September 30, 2013.

On October 28, 2013, the Planning Commission opened a public hearing on the requested amendment which was continued to first to November 18, 2013, and then to December 9, 2013. No comments were received in writing or at the hearing pertaining to these proposed amendments. The Planning Commission voted to adopt these findings and recommend that the City Council approve the proposed text and map amendments in Exhibit A through F. The Planning Division staff report and recommendation, together with written public comments and testimony of persons at the hearing have been considered and are part of the record of this proceeding.

Notice of the City Council hearing was posted in The Bulletin on January 12, 2014, and mailed to the Land Use Chairs of all of the Bend Neighborhood Associations as well as property owners within 250 feet of the preferred alternative alignment for the US 97 Bend North Corridor Project.

**III. FINDINGS OF CONFORMANCE WITH APPLICABLE CRITERIA AND PROCEDURES**

**Chapter 4.6 Land Use District Map and Text Amendments**

**4.6.200 Legislative Amendments**

**A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the Comprehensive Plan and map, Development Code and changes in the Zoning Map not directed at a small**

**number of properties. They are reviewed using the Type IV procedure in accordance with BDC Chapter 4.1, Development Review and Procedures, and shall conform to BDC 4.6.600, Transportation Planning Rule Compliance. A legislative amendment may be approved or denied.**

**FINDING:** This request is to modify the City's Transportation System Plan, Chapter 7 and Appendix C of the Bend Area General Plan, as needed to bring it up to date with recent projects. Amendments to the Bend Area General Plan are legislative amendments and are reviewed as a Type IV procedure.

**B. Criteria for Legislative Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a legislative amendment shall be based on all of the following criteria:**

**1. The request is consistent with the applicable State land use law;**

**FINDINGS:**

*Statewide Planning Goals*

*Statewide Planning Goal 1 - Citizen Involvement (OAR 660-015-0000(1))*

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Pursuant to the City's procedures, notice of proposed changes to the TSP (a Type IV legislative change) is published in the newspaper 20 days prior to each public hearing to afford the public an opportunity to participate in the decision (BDC 4.1.515). Notice was also sent to the Land Use Chairs of all of the Bend Neighborhood Associations.

*Statewide Planning Goal 11 – Public Facilities and Services (OAR 660-015-0000(11))*

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The City Transportation System Plan is adopted to ensure that an adequate transportation system is planned to serve the City of Bend. The proposed changes are updates to the TSP to bring it up to date with recently constructed transportation facilities and new planned facility improvements.

*Statewide Planning Goal 12 – Transportation (OAR 660-015-0000(12))*

*To provide and encourage a safe, convenient and economic transportation system.*

Several changes are proposed to the adopted and acknowledged Bend Transportation System Plan. The proposed changes are described below and contained in **Exhibits A through F**.

**1. TSP Roadway System Map (Exhibit D):**

**(a) Map corrections:** to illustrate "as built" roadway locations (various locations) on the TSP Roadway System Map.

Several roadways that are shown as planned on the current TSP map have been constructed since the adoption of the Bend Urban Area Transportation System Plan Map. The original TSP map illustrated general locations of planned roadway alignments



as dashed lines on the map, often illustrated as straight approximate alignments. However, many of the actual built alignments curve, sometimes significantly, to conform to topography. The proposed map amendments utilize the latest available aerial imaging to show the actual built alignments.

(b) **Roadway Functional Class - Reclassifications:**

There are two proposed amendments to roadway functional classifications, as delineated on the TSP Map.

One is to reclassify *Highway 20, from 12<sup>th</sup> Street to the east Bend City Limits*, from expressway to principal arterial for consistency with recent action taken by the Oregon Transportation Commission (OTC).

The other affected roadway is a reclassification of *Powers Road, from Brookwood Boulevard to 3<sup>rd</sup> Street* from major collector to minor arterial. This reclassification was recommended in the Bend Metropolitan Planning Organization Transportation System Plan (MTP)<sup>1</sup>. The Bend TSP currently has a lower functional roadway classification designated for that section of Powers Road.

These two roadway reclassifications will provide consistency between the Bend TSP (local plan) and the Bend MTP (regional plan). Plan consistency is a requirement of Oregon Administrative Rule (OAR) Transportation Planning Rule (TPR) requirements: 660-012-0016(2).

(c) **Juniper Ridge area: Addition of the planned Juniper Ridge roadway system on the plan map.**

The Juniper Ridge area roadway system was added to the Bend TSP as a part of the Bend UGB amendment, in January 2009. Since that time, the Bend UGB amendment was remanded back to the city, by the state of Oregon Land Conservation and Development Commission (LCDC), and the city was directed to revert back to the 2006 TSP map as a part of the LCDC action. Therefore, those street system map amendments were technically rescinded.

In 2009, the City added the Juniper Ridge roadway system into the Bend Development Code as a Special Area Plan (SPA) and established a unique set of roadway standards for that portion of the transportation roadway system. This TSP amendment would restore those roadway linkages and more accurately depict the locations that were identified in the final adopted SPA onto the TSP map.

2. **TSP Text (Exhibit A):**

The TSP contains text and a list of *minor arterials* (TSP Section 6.5.1.4, Table 11, page 134) that addresses roadway functional classification and provides characteristic

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<sup>1</sup> Bend Metropolitan Transportation Plan (MTP) adopted June 2007: Chapter 6: Motor Vehicles, page 6-25; "...Powers Road and Murphy Road are both classified as collectors; however, due to the future connections to Highway 97, these roadways should be reclassified as minor arterials. This recommendation will be made in the next TSP update, but for the purpose of this document, projects on these roadways will be included in the preferred project list..." Note: The referenced sections of Murphy Road in the MTP were reclassified as minor arterials in a 2006 TSP amendment.

descriptions for all roadway corridors that are classified as a minor arterial and higher. The TSP text does not individually describe major collector, local and/or industrial street corridors, although major collector streets are delineated on the TSP Roadway System Map. The proposed TSP text amendments pertaining to the two roadway reclassifications are contained in **Exhibit A**.

### 3. **TSP Policy (Exhibit B):**

A new TSP policy is proposed that would authorize staff to administratively update the maps without the need for a formal land use action to change dotted (future) alignments to solid (constructed) alignments as sections of planned facilities are constructed. This new policy would be added to the end of TSP Section 6.9: *Transportation System Plan Objectives, Policies, Benchmarks and Implementation*.

### 4. **Accessway System Maps (Exhibits E and F):**

There are two Accessway Maps that illustrate planned and existing urban area trails, accessways, and bike route facilities, including local bike route streets and higher order roadways with bike lanes. One of the maps shows all of the accessways and the other illustrates the Primary Trail System Surface Types. Several changes need to be made to the maps to reflect additional planned and as-built connections as described in (a) through (e) below.

The TSP also includes a series of larger-scale detail maps consisting of a series of four *quadrant* maps of the city, and a comprehensive set of individual neighborhood maps (a total of 39 more individual maps). Although these maps have not been included in the list of TSP amendment exhibits, the intent is to update those maps accordingly to match the amendments to the full size maps. (The full Accessway Plan and Maps are in TSP Resource Document - B.2.3).

#### (a) **Amendments to reflect new planned ODOT facilities:**

The ODOT proposed US 97 North Corridor Project includes two new roadways; an extension of the Parkway and an extension of 3<sup>rd</sup> Street. Both of these new roadway segments would also have bike lanes. Therefore, the Accessway Plan is proposed to be amended to illustrate these linkages as dotted (planned) or solid (existing) lines on the map.

#### (b) **Amendments to reflect new planned CITY facilities:**

**Add the planned Murphy Crossing and Juniper Ridge trail and bike lane system to Accessway System.**

The TSP was amended in November 2006 to add the Murphy Crossing Area roadway system changes. That amendment should have included amendments to the Accessway Plan Maps for the *bike lane* system to match the roadway system changes. Therefore, the Accessway Plan is proposed to be amended to illustrate the Murphy Crossing facilities.

Similar to the roadway system that was included in the Juniper Ridge SPA, several trails and bike lane extensions need to be added to the TSP Accessway system maps.

(c) **Corrections** to the Accessway System Maps to reflect “as built” accessway alignments (various locations).

Like the roadway system, many of the originally planned Accessway facilities have been constructed along slightly different alignments than depicted on the original Accessway Plan maps which were added to the TSP in 2006. In the case of the accessway system, particularly in locating trails, private development is given a lot of flexibility in the location of the facility’s final alignment within the new development area as long as the facility built connects to *beginning* and *ending* points that are consistent with the TSP. Since 2003, the Bend Park & Recreation District (BPRD) has taken the responsibility<sup>2</sup> for most of the Primary Trails in Bend. BPRD has followed a similar construction philosophy for private development, and has typically located trails subject to topographical constraints and/or within the context of other park site improvements.

As a result, some constructed accessway paths do not match the alignments as illustrated on the TSP plan maps. Therefore, the Accessway Plan is proposed to be amended to match the as-built accessways, using the latest available aerial imaging to follow built alignments.

(d) **Modify the Parkway Trail alignment.**

The current TSP shows a planned trail alignment north of Bend River Mall Avenue, between Sun Mountain Fun Center and Shopko. Sections of easement for the trail were acquired from abutting properties when they developed. However, with the canal now piped, the visual amenity of the canal is no longer a factor in the trail alignment. Shifting this segment of the trail closer to the Parkway to align with the section recently constructed adjacent to Kohl’s would provide a more direct connection between downtown and the *Cascade Village Shopping Center*. Thus, the planned trail alignment is proposed to shift east adjacent to the Parkway for the section between Bend River Mall Avenue and Empire Avenue.

(e) **Add planned and existing grade-separations of ODOT highways to bicycle and pedestrian facility crossings** to the plan text (**Exhibit C**) and maps (**Exhibit E**).

Over the years the City has heard substantial public concern about the safety of bicycle and pedestrian crossings of higher speed highways, specifically the ODOT highways. The Bicycle and Pedestrian Advisory Committee (BPAC) provided written input into the US 97 North Corridor DEIS process regarding the loss of bicycle and pedestrian connectivity, particularly the geographic area east of the planned northern Parkway extension. Concerns were also expressed by the Planning Commission during the work sessions related to the US 97 North Corridor TSP amendment.

Grade separated crossings are typically expensive and often require reconstruction of existing facilities to accommodate them. It is important that the TSP be modified to depict the desire for these types of facilities so they could be constructed as opportunities arise, such as the availability of grant money. Therefore, the proposed amendments include changes to the TSP text and Accessway Maps to include desired grade separated crossing locations.

**BDC 4.6.200.B continued...**

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<sup>2</sup> BPRD has by an intergovernmental agreement (IGA) with the city of Bend [TSP Resource Document A.11, Section 7] and has agreed to develop and maintain the urban (Primary) trail system where it is a part of their Park (Comprehensive Plan – Trail) Plan.

- 2. The request is consistent with the applicable Bend Area General Plan goals and policies;**

### ***Transportation System Plan***

#### **6.9.4 PEDESTRIAN AND BICYCLE SYSTEMS**

- 4. The City shall develop safe and convenient bicycle and pedestrian circulation to major activity centers, including the downtown, schools, shopping areas and parks. East-west access to the downtown area needs particular emphasis across major obstacles, such as 3rd Street, the Bend Parkway and the railroad.*

As previously noted, many of the originally planned Accessway facilities have been constructed along slightly different alignments than depicted on the original Accessway Plan maps which were added to the TSP in 2006. As a result, some constructed accessway paths do not match the alignments as illustrated on the TSP plan maps. Therefore, the Accessway Plan is proposed to be amended to match the as-built accessways, using the latest available aerial imaging to follow built alignments. Additionally, the planned trail alignment north of Bend River Mall Avenue, between Sun Mountain Fun Center and Shopko is proposed to be shifted closer to the Parkway to provide a more direct connection between downtown and the *Cascade Village Shopping Center*. These proposed amendments, along with the addition of potential grade separated crossings which are proposed to be added to the map, help meet the above General Plan TSP policy.

- 6. Bike lanes shall be included on all new and reconstructed arterials and major collectors, except where bikeways are authorized by the TSP. Bike lanes shall also be provided when practical on local streets within commercial and industrial areas. Bike lanes shall be added to existing arterial and major collector streets on a prioritized schedule. Specific effort shall be made to fill the gaps in the on-street bikeway system. An appropriate means of pedestrian and bicyclist signal actuation should be provided at all new or upgraded traffic signal installations.*

The proposed amendments include bike lanes on all arterial and collector streets and bikeways as shown on the Accessway Maps.

- 10. Bicycle and pedestrian facilities shall be designed and constructed to minimize conflicts between transportation modes.*

The addition of potential grade separated Accessways helps to meet this policy.

#### **6.9.6 STREET SYSTEM**

- 3. Streets shall be classified and generally located according to the Bend Urban Area - Roadway System Plan (Map Exhibit B), the Street Functional Classification (Table 12), and the Street Grid System (Figure 29). Street right-of-ways and improvements standards shall be developed to meet the needs of the Transportation Plan and Functional Classification System. Transportation project development review and approval shall be subject to the provisions of the Bend Development Code and Oregon Administrative Rule 660-012, Section 0050, as applicable.*

The proposed amendment includes the reclassification of two sections of roadways. One to reclassify *Highway 20 from 12<sup>th</sup> Street to the east Bend City Limits*, from expressway to principal arterial for consistency with recent action taken by the Oregon Transportation Commission (OTC). The second is to reclassify *Powers Road from Brookwood Boulevard to 3<sup>rd</sup> Street* from major collector to minor arterial. This reclassification was recommended in the Bend Metropolitan Planning Organization Transportation System Plan (MTP).

These reclassifications provide consistency between the Bend TSP (local plan) and the Bend MTP (regional plan). Plan consistency is a requirement of Oregon Administrative Rule (OAR) Transportation Planning Rule (TPR) requirements: 660-012-0016(2).

***BDC 4.6.200.B continued...***

**3. The applicant can demonstrate a public need or benefit for the proposed amendment.**

**FINDING:** The proposed amendments are needed to update the TSP text and maps to reflect changes that have occurred in recent years including the addition of the Juniper Ridge SPA and Murphy Crossing Refinement Plan, as well as to reflect the “as-built” alignments of streets and accessways which may vary from the conceptual alignments which are still shown as “future” facilities on the current maps. Other changes outlined in the previous findings are also recommended, such as reclassification of certain roadways to meet OAR requirements for consistency with the MTP.

The proposed new policy to allow staff to administratively update the TSP maps upon completion of planned facilities, to change the map lines from dotted lines (planned) to solid lines (constructed) provides a benefit to the public by enabling staff to expeditiously provide the most current map information.

**IV. CONCLUSIONS:**

Based on the above findings, the proposed amendments to the Bend Area General Plan Chapter 7, Transportation Systems, Appendix C, the Transportation System Plan (TSP), and TSP Maps and Appendices meet the applicable Bend Development Code criteria. The amendments are consistent with applicable State land use laws, applicable policies of the Bend Urban Area General Plan, and a public need and benefit is demonstrated.