



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol St. NE, Suite 150

Salem, Oregon 97301-2540

Phone (503) 373-0050

Director's Fax (503) 378-5518

Main Fax (503) 378-6033

Rural/Coastal Fax (503) 378-5518

TGM /Urban Fax (503) 378-2687

Web Address: <http://www.lcd.state.or.us>

March 2, 2001



The Honorable Bill Friedman, Mayor
City of Bend
710 NW Wall Street
P.O. Box 431
Bend, OR 97709

PERIODIC REVIEW WORK TASK #1 REMAND ORDER No. 001291

Dear Mayor Friedman:

On November 16, 2000, the City of Bend submitted Periodic Review Work Task #1 for review to the Department of Land Conservation and Development (DLCD). The work task involved the adoption of the Bend Urban Area Transportation System Plan (BUATSP) (Ordinance No. NS-1756). DLCD participated in the local review of the BUATSP. We received five objections during the objection period. On January 18, 2001, DLCD notified the city of our intent to conduct a review.

DLCD has conducted a review of Task #1 and, pursuant to OAR 660-025-0140(6), prepared the attached report. For the reasons stated, the department remands the City of Bend's Periodic Review Work Task #1 submittal and extends the submittal date to November 29, 2002. The City of Bend may appeal this decision to the Land Conservation and Development Commission (LCDC). A party seeking LCDC review must file a written appeal by March 23, 2001. Appeals to LCDC are governed by OAR 660-025-0160.

We recognize and appreciate the city's efforts to complete the BUATSP. Preparing a transportation system plan that complies with the statewide planning goals is a complex undertaking. It is even more complex in Bend's case due to the city's rapid rate of growth. It is not unusual for corrections, refinements, and additional information to be required by DLCD before acknowledgement is granted. Although portions of the BUATSP have been remanded, overall, the BUATSP is a document that provides a good planning framework for the city. Much of the work on the TSP has been exemplary. You are fortunate to have such a dedicated staff and citizenry that has put so much time and effort into preparing a plan that will serve the city well in the years to come.

The Honorable Bill Friedman

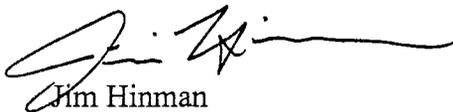
March 2, 2001

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We also recognize that the city staff has continued to make progress on refining and implementing the BUATSP since its adoption. This work has included preparing a new land use ordinance, an audit of the city's land development regulations, and identifying and prioritizing bicycle and pedestrian needs. We are confident that continued progress will result in a plan that meets all of the requirements of the transportation planning rule.

Please contact Laren Woolley at (541) 388-6157 or Eric Jacobson at (503) 373-0050 x265 if you have any questions.

Sincerely,



Jim Hinman
Urban Coordinator

Attachment: Department's Report

Cc: Mike Byers, City of Bend
Rick Root, City of Bend
Ann Wheeler, Friends of Bend
Nils Eddy
Bruce W. White
Paul D. Dewey
DLCD (Woolley, Jacobson, Cansler)

**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
PERIODIC REVIEW**

**City of Bend
Work Program Task 1: Transportation System Plan**

Date Work Program Approved by DLCD: February 14, 2000

Date Work Program Task 1 Received by DLCD: November 20, 2000

I. ACTION OF THE DIRECTOR

Sustain portions of objections submitted on the city of Bend's periodic review work program task 1 as specified in this report. Remand the city's periodic review work program task 1, with necessary revisions, as specified in this report. The city shall submit a revised transportation system plan by November 29, 2002.

DLCD FIELD REPRESENTATIVE:

Laren Woolley: (541) 388-6157

LEAD REVIEWERS:

Jim Hinman: (503) 373-0050 x245

Eric Jacobson: (503) 373-0050 x265

LOCAL GOVERNMENT CONTACT:

Mike Byers: (541) 385-6680

Rick Root: (541) 388-5576

DATE OF REPORT:

March 1, 2001

II. BACKGROUND

City of Bend Periodic Review History

The Bend Area General Plan (BAGP) is the comprehensive plan for the city of Bend. The plan contains policies and land use allocations and also serves as a framework plan for all land within the city's urban growth boundary (UGB) and urban reserve area. More detailed refinement plans, programs, and policies supplement the plan.

The city was given notice by the department for periodic review on November 12, 1998. An evaluation, based on the periodic review standards outlined in OAR 660-025-0070 was prepared and approved by the city on March 17, 1999. The evaluation included a list of potential work program tasks. After further refinement, the work program was submitted to the department.

The city issued public notice of its work program adoption on July 7, 1999. The department received one objection during the objection period. The objection cited deficiencies with multiple work program tasks, including Task #1 relating to the Transportation System Plan (TSP). The department conducted a review of that objection and issued a report supporting the objections to Task #1 while either supporting or rejecting objections related to other work program tasks. The department approved a revised work program (Order No. 001110) dated February 14, 2000. This order was not appealed to the Land Conservation and Development Commission and the city of Bend Periodic Review Work Program became final on March 6, 2000.

Completion of Work Task #1 Transportation System Plan

The city had completed a substantial amount of work related to its transportation system plan (TSP) prior to the issuance of the department's revised work program order. Some of this technical work was underway but may not have been reviewed by the public. Some of this work had been completed and subject to various forms of public participation, although it may not have been subject to the public hearings and formal adoption process. Some of this work had been completed and adopted through a public process as part of the 1998 General Plan amendments which, at the time the periodic review order was issued, was the subject of an ongoing appeal before the Land Use Board of Appeal (LUBA) which has since been resolved.

The city completed its work on the TSP and the Bend city council adopted the Bend Urban Area TSP (BUATSP) on October 11, 2000. The city issued public notice of its work task adoption on November 16, 2000. The completed work program Task #1 was submitted to the department on November 16, 2000 and received by the department on November 20, 2000.

Objections Received

The department received five objections in response to the notice from the following persons:

- Ann Wheeler, Friends of Bend;
- Nils Eddy;

- Bruce W. White;
- Sisters Forest Planning Committee; and
- Norbert and Joan Volny.

Objection Review Criteria

To be considered “valid” under OAR 660-025-00140 an objection must:

- (a) Be in writing and filed no later than 21 days from the date the notice was mailed by the local government;
- (b) Clearly identify an alleged deficiency in the work task;
- (c) Suggest specific revisions that would resolve the objection; and
- (d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.

The objections received are valid based on the above criteria. The objections were received by the department before the deadline of December 7, 2000. The objections identified specific deficiencies and remedies as described below. Each of the objectors participated in the local process.

The Department’s Participation in the Local Adoption Process

The department participated in the local adoption process. This included meetings with city staff and elected officials, providing guidance through meetings, e-mails, and memoranda, and providing written testimony to the city council.

II. Objections and Responses

The following section contains a brief summary of each objection followed by a discussion and analysis of the objection and a department conclusion. Where objections from two or more objectors involve similar or overlapping issues, the objections have been discussed and analyzed collectively. Attached is a table summarizing the objections, the department’s conclusions, and revisions necessary (Attachment A).

A. Objection of Friends of Bend

Friends of Bend’s December 1, 2000 letter raises five objections.

1. This objection states that the bicycle and pedestrian component of the BUATSP does not: contain an accurate inventory of bicycle lanes and trails; include walkway and bikeway network projects such as crossings, ramp retrofits, street furniture, signing and restriping of streets to

include bike lanes; contain criteria used to list priorities for specific sidewalk or bike lane projects; or identify priorities for bicycle and pedestrian projects.

Discussion: Substantially similar objections on this issue were also raised by Mr. Nils Eddy (Objection #6), the Sisters Forest Planning Committee (Objection #3), and Norbert and Joan Volny (Objection #8). All of the issues raised by these objections are discussed below.

Inventory and General Assessment - These objections raise the issue of how detailed the bicycle and pedestrian inventory should be. The TPR requires an “inventory and general assessment of existing and committed transportation facilities and services by function, type, capacity and condition” 660-012-0020(3)(a). The level of detail of this inventory and assessment may vary from jurisdiction to jurisdiction depending upon the size of the city and the complexity of issues. In general, at a minimum, the inventory should identify where sidewalks and bikeways either are or are not present and identify locations where they are necessary to provide safe and convenient facilities. We do not expect a detailed, intersection by intersection, or street segment by street segment, analysis of sidewalk and bikeway condition. This would create an extraordinary burden on local governments, especially larger cities, to gather extremely detailed information on bicycle and pedestrian facilities. However, the TPR states that the general assessment must describe “existing and committed transportation facilities and services by function, type, capacity and condition.” The TPR goes on to state that the transportation facility condition analysis shall describe the general physical and operation condition of each transportation facility (e.g., very good, good, fair, poor, very poor). ODOT's Transportation System Planning Guidelines (which are not mandatory) suggest the inventory include the location, width, condition, and ownership, as well as identify obstructions that may affect the capacity or usefulness of the facility. The TSP Guidelines also state that “(s)pecial emphasis should be given to areas of high pedestrian activity with adequate pedestrian links between activity centers.”

The BUATSP includes a discussion of sidewalk, on-street bike system, and trail system needs (pp. 54-55). This discussion is supplemented with a Sidewalk Inventory Map (Exhibit D), the Bicycle and Trail System Plan (Exhibit A), and the Bend Urban Area Street Inventory (Appendices A.1 and A.2) which document the location of existing and planned sidewalks and bike lanes. This inventory satisfies the requirements of the TPR. The objector has questioned the accuracy of this inventory but has not identified specific inaccuracies. Since this information has not been provided, DLCDC is not in a position to question the accuracy of the inventory. To the extent there may be inaccuracies, we would suggest that periodic updates to the TSP are the most appropriate forum to remedy inaccuracies in the inventory of bicycle and pedestrian facilities (see Benchmark #2, page 142). The BUATSP does not include a listing of crossings, ramp retrofits, street furniture, and signing. However, this information is not required by the TPR since it would exceed the level of detail typically associated with an inventory.

While the BUATSP's inventory of bicycle and pedestrian facilities is satisfactory, the BUATSP does not include a “general assessment” of bicycle and pedestrian facilities. A general assessment should generally characterize: (a) the capacity of bicycle and pedestrian facilities – for example, it is possible for a narrow sidewalk in an area with high pedestrian usage or where buildings abut the sidewalk, to be too narrow for the intended use; and (b) whether bicycle and

pedestrian facilities are in good condition for the intended use. For example, it is possible for a bike lane to be present but in poor repair, or for drainage basins to create safety hazards. In addition, it is possible for a sidewalk to be present but also full of obstructions such as power poles and fire hydrants so that it doesn't provide an adequate facility, especially for disabled persons. These types of deficiencies should be *generally* identified in the TSP along with a plan for addressing the identified problems. This general assessment does not need to be done on a street segment or intersection basis. Instead, the city could address certain types of deficiencies, such as obstructions or ADA ramps, and the general nature of these deficiencies throughout the city. Alternatively, the city could divide the city into districts with similar characteristics and generally assess the status of bicycle and pedestrian facilities within each of these districts, focusing on areas near schools, shopping centers, and other destinations where pedestrian and bicycle usage is likely.

Planned Improvements – The TPR requires the bicycle and pedestrian plan to describe and map the location of planned facilities and improvements. 660-012-0020(3)(c). As mentioned above, the BUATSP describes and maps certain planned improvements. However, Figures 16a, 16b, and 16c are included in Chapter 5, which is the Transportation Alternatives Analysis chapter of the BUATSP. The planned improvements listed on these tables or identified in Map Exhibits A-D are not specifically identified as planned improvements in Chapter 6, which is the Transportation System Plan chapter of the BUATSP.¹ In addition, these planned improvements are not but should be included in the financing program (Section 7.4 of the Transportation System Implementation chapter).

Priorities and Cost Estimates – The TPR requires local governments to prepare a transportation financing program that includes a “list of planned transportation facilities and a general estimate of the timing for planned transportation facilities and major improvements” 660-012-0040(2).

Sidewalks. Map D indicates priorities for planned sidewalks (“Priority” and “Other Infill” sidewalk needs). Figure 16b lists all of the “priority” sidewalk needs, identified as “near to intermediate term depending on funding availability.”

Although listed alphabetically, this table satisfies the TPR’s requirement for a “general estimate of the timing” of these facilities. However, this table does not list out or include cost estimates for those facilities identified as long-term “Other Infill Sidewalk Needs” identified on Map D.

Bikeways. Map A identifies planned bikeways, although no priority is indicated. Figure 16c lists all of the “priority” bikeway needs, identified as “near to intermediate term depending on funding availability.”

Although listed alphabetically, this table satisfies the TPR’s requirement for a “general estimate of the timing” of these facilities. However, this table does not list out or include cost estimates for “long term” bicycle facilities.

¹ For example, Policy 6.9.4.2 (p. 138) refers to developing the trails shown on Exhibit A. However, there are no other references to a specific listing or map of planned bicycle and pedestrian facilities within Chapters 6 and 7.

Trails. Map A identifies planned trails, although no priority is indicated. Figure 16a lists all of the planned trails identified on Map A separated into high, medium, and low priorities. In addition, cost estimates are provided for all planned trails. Therefore, Map A and Figure 16a satisfy the TPR's requirement for planned trails.

The BUATSP describes the criteria used to list priorities for sidewalk and bike lane projects. See Policy 6.9.4.9 on p. 139.

Standards – The city has adopted standards for bicycle and pedestrian facilities within the street environment. However, the city has not yet adopted standards for off-street trails and accessways.

DLCD Conclusion: The department agrees with this objection in part.

2. This objection states that the BUATSP does not create a bicycle and pedestrian circulation plan that provides for more direct, convenient and safe bicycle or pedestrian travel within and between residential areas and neighborhood activity centers.

The TPR requires local governments to create a bicycle and pedestrian circulation plan that identifies and remedies deficiencies in the bicycle and pedestrian circulation system. In many cases, this plan may consist of retrofitting existing streets with adequate bicycle and pedestrian facilities and adopting land use regulations requiring adequate street connectivity and adequate bicycle and pedestrian facilities on new streets. In areas that are already developed with a well-connected street system, providing bicycle and pedestrian facilities on existing streets may be all that is necessary to comply with the TPR. However, in some developed areas that have poor local street connectivity or other off-street connections, pedestrian and bicycle circulation may be inadequate due to disconnected streets, large blocks creating out-of-direction travel, and commercial developments that do not provide adequate facilities between buildings or adjacent land uses. In these circumstances, off-street facilities such as accessways, walkways between adjacent uses or buildings, or walkways connecting cul-de-sacs to nearby destinations, may be necessary to provide adequate bicycle and pedestrian facilities.

The BUATSP identifies planned bicycle and pedestrian facilities on existing streets, as well as planned trails. In many portions of the city that have developed with a well-connected network of streets, this analysis and plan satisfies the requirements of the TPR. However, this TPR requirements has not been satisfactorily addressed for other developed portions of the city where improvements to off-street facilities may be necessary to provide adequate bicycle and pedestrian circulation.

The city prepared the Bend Urban Trails Plan in 1995. This plan identifies opportunities for urban trails to connect major destinations and activity centers with existing trails and residential areas. This plan was used as the basis for identifying planned off-street trails in the BUATSP (Figure 16a and Map A). This plan satisfies some of the requirements of 660-012-0045(6). However, this portion of the rule implies local governments are required to undertake a more detailed assessment than that included in the Bend Urban Trails Plan. For example, the TPR states that specific measures to correct deficiencies could include “providing walkways between

buildings, and providing direct access between adjacent uses.” The Urban Trails Plan did not examine developed areas at this level of detail. Examples of deficiencies that should be identified include large blocks near an important destination where a pedestrian accessway would significantly reduce out-of-direction travel, or accessways between streets and buildings for large commercial developments that do not provide safe and convenient bicycle and pedestrian facilities.

DLCD Recommendation: The department agrees with this objection in part.

3. This objection states that the BUATSP does not include land use regulations necessary to implement the plan with regard to transit service.

Discussion: The city currently operates a demand responsive Dial-A-Ride service, has determined that fixed-route transit service is feasible, and has identified several planned transit routes.² The city does not currently require specific transit facilities in part because fixed-route transit service is not yet available. In some cases, this is reasonable since it may be premature to require specific facilities (such as shelters) when the system is not yet operational. The city has adopted land use and subdivision regulations regarding bicycle and pedestrian facilities for new developments that meet some of the requirements for planning for transit.

However, the BUATSP should but does not include land use and subdivision regulations that anticipate an operational transit system within the planning period. These regulations should (1) require transit facilities and building orientation in some important locations, such as activity centers or other areas that are planned major transit stops 660-012-0045(4)(a) and (b)(C); and (2) designate types and densities of land uses adequate to support transit along planned transit routes 660-012-0045(4)(g).

DLCD Conclusion: The department agrees with this objection.

4. This objections states that the BUATSP financing plan is not based on funding programs that are presently available or that are reasonably expected to be available; will promote increased auto traffic leading to greater rather than reduced reliance on the automobile and on a single mode of travel; and does not fund short-term transportation facility and improvement projects that will measurably accomplish objectives pertaining to reducing reliance upon low-occupancy automobile trips.³

Discussion: Norbert and Joan Volny submitted a substantially similar objection (Objection #9). Issues raised by that objection are discussed below.

The TPR requires the transportation financing program to “include a discussion of the facility provider’s existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each transportation facility and major improvement. These funding

² The adequacy of the BUATSP with regard to planning for transit is discussed in detail under SFPC’s Objection #8.

³ Friends of Bend Objections #4 and #5 from their 12/1/00 letter have been combined since they involve similar and overlapping issues regarding the financing program.

mechanisms may also be described in terms of general guidelines or local policies” 660-012-0040(3).

The BUATSP identifies the following transportation needs and costs⁴:

Roadway System: \$185 million

Public Transportation System: Operating Costs: \$0.8 million – 1.2 million/year; Facility Costs not specified.

Sidewalks: Near and Intermediate Term – \$4.5 million; Long Term – not specified.

On-Street Bike Lanes: Near and Intermediate Term - \$5.9 million; Long Term – not specified.

Trail System: \$0.8 – 1.5 million.

The BUATSP discusses a wide range of existing and potential funding mechanisms. The BUATSP generally recommends the identified transportation needs be funded through a combination of system development charges, county, state, and federal funding, and local funding measures. The BUATSP also includes a summary of recommendations from the Bend TSP Advisory Committee (BTAC) (p. 166) and funding policies (pp. 166-167).

It is unclear from the information presented in the BUATSP whether or not the identified funding sources and implementation of the funding policies will result in funding mechanisms adequate to implement the identified transportation facilities and services. For example, while there is a discussion of various potential funding sources, there is no conclusion reached as to the adequacy of these sources to meet the identified needs. Some of the conclusions appear to be unsubstantiated. For example, the BUATSP states that “(a)t the end of the five-year period it is anticipated that the improvement needs for trail and sidewalk systems for in-fill projects will be substantially complete and that future expansions to the respective systems will be accomplished through TSDCs or exactions from developers” (p. 162). However, the local option tax that is discussed would have allocated \$2 million for sidewalks and \$1.5 million for trails. This amount appears adequate to meet the identified trail needs, but the BUATSP identifies near and intermediate term sidewalk needs of \$4.5 million, while a cost estimate for other long-term sidewalk needs is not provided. Therefore, the proposed local funding measure would fund approximately half of the identified near and intermediate term needs, while the long-term sidewalk needs would still be outstanding.

In addition, it is unclear what actions the city will undertake to ensure adequate funding is available to implement the plan. For example, the BUATSP states that “(p)rior to the end of the five-year period it is anticipated that transit funding will be further analyzed and addressed through voter approval” (p. 162). However, the BUATSP does not include a policy or guideline specifying the likely amount or timing of future tax or bond measures.

The TPR’s requirement for local governments to select short-term improvements for funding to meet the standards and benchmarks established pursuant to 660-012-0035 only applies to

⁴ These costs are identified in various portions of the BUATSP. Section 7.4 of the BUATSP should be modified to include all of the transportation needs identified in the plan in one location.

metropolitan areas. Since Bend has not yet been designated a metropolitan area, this requirement does not apply.

See Sisters Forest Planning Committee Objection #5 for a detailed discussion of the proposed November 2000 levy to fund certain alternate mode projects.

DLCD Conclusion: The department agrees with this objection in part.

5. This objection states that public participation process was flawed because the public was not afforded sufficient time to review materials in advance of public hearings; public hearing notices were inadequate; and the public was not afforded the opportunity to review and comment on substantive changes made between the first reading and the City Council meeting at which the BUATSP was adopted.

DLCD Discussion: Substantially similar objections were submitted by Mr. Nils Eddy (Objection #3), Sisters Forest Planning Committee (Objection #9), and Norbert and Joan Volny (Objection #10). All of these objections are discussed together below.

Compliance with Goal 1 is achieved through implementation of the city's adopted citizen involvement process. The city followed its own adopted processes for providing information for public review, public notices of public hearings, the conduct of public hearings, and providing responses to citizen comments.

The primary argument made by these objections is that the city made substantive changes to the BUATSP following the first reading of the BUATSP before the city council (which was open to public testimony) and the second reading and adoption by the city council (which was closed to public testimony). Therefore, the objectors believe the public was not afforded an opportunity to review and comment on substantive changes made to the plan and that the city held only one reading of the ordinance, in violation of the city's charter.

This is an issue that could present itself in almost any land use proceeding. At some point, city staff have to bring the public testimony to a close, make revisions in response to the testimony, and present the revised information to the decision makers. If they don't do this at some point, the result would be an endless cycle of hearings. Generally, the standard to be applied in such circumstances is whether or not the adopted plan differed from the public notice to such a degree that the public notice did not reasonably describe the nature of the final action. See ORS 197.620(2) (providing standard for notice in post acknowledgement plan amendment context).

In this circumstance, city staff appropriately exercised their discretion to close the public hearing and make revisions prior to adoption. The changes that were made to the BUATSP, including the insertion of maps, tables, and text clarifying various portions of the plan, were made in response to public comments and were not so substantive as to require a separate public review and comment.

The city's periodic review task specified that a minimum of two planning commission public hearings be conducted to take public testimony regarding the BUATSP. One of these hearings

was required to take place prior to the selection of the preferred alternative. The purpose behind this was to afford the public adequate opportunity to comment on the alternatives analysis prior to the selection of a preferred alternative.

The city held two planning commission public hearings in accordance with the periodic review work program. The first was held on May 8, 2000 and the second on June 26, 2000. The work program did not specify whether or not one or more of these public hearings could be held jointly with the city council. This was within the city's discretion and does not represent a violation of the periodic review work task or the city's citizen involvement process.

DLCD Conclusion: The department does not agree with this objection.

B. Objection of Mr. Nils Eddy

Mr. Eddy's November 3, 2000 letter (received December 3, 2000) contains the following eight objections:

1. This objection states that the BUATSP fails to meet his own individual needs as a user of the transportation system whose primary modes of travel are walking and bicycling.

Discussion: This objection does not clearly identify a deficiency with the work program task. Comprehensive plans are, by their nature, comprehensive and not necessarily intended to meet the specific needs of each individual citizen.

DLCD Conclusion: The department does not agree with this objection.

2. This objection states that the BUATSP is not consistent with the city's own goals and policies and does not include findings showing how the plan complies with specific General Plan policies.

Discussion: Substantially similar objections were also submitted by the Sisters Forest Planning Committee (SFPC) (Objection #6) and Norbert and Joan Volny (Objections #1 and #11). All of the issues raised by these objections are discussed collectively below.

The TPR requires local governments to develop findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations. 660-012-0025(2).

The city prepared findings supporting the adoption of the BUATSP. The findings were attached to Ordinance No. NS-1756 adopting the BUATSP. The findings address how the BUATSP satisfies the requirements of Goal 12 and the TPR. The findings do not address how the BUATSP is in conformance with the city's General Plan and land use regulations.

DLCD Conclusion: The department agrees with this objection in part. The city needs to amend the BUATSP to include findings explaining how the plan conforms to applicable requirements of the city's General Plan and land use regulations.

3. This objection states that the public participation process was flawed because the public was not afforded sufficient time to review materials in advance of public hearings; the official Citizen Involvement Committee (the planning commission) did not conduct a separate hearing on the plan; and the city did not provide complete answers to citizen comments.

Discussion: See discussion and conclusion under Friends of Bend Objection #5.

4. This objection states that the city should have voluntarily complied with TPR requirements related to Metropolitan Planning Organizations (MPOs) including benchmarks at 5-year intervals since the city staff promised citizens they would do this.

Discussion: The TPR applies specific requirements to local governments located in MPO areas. The City of Bend meets the criteria for designation as a MPO. However, this designation has not yet occurred. Therefore, the requirements of the TPR related to MPO areas do not yet apply to Bend. Upon designation as a MPO, Bend will have three years to revise the BUATSP to meet those requirements.

City staff may have made statements regarding complying with the MPO planning requirements. However, these statements do not appear as BUATSP policies and, therefore, there is neither a state nor local obligation to comply with these planning requirements.

DLCD Conclusion: The department does not agree with this objection.

5. This objection states that the alternatives analysis is incomplete since it: (a) does not include a complete analysis of economic, social, environmental, and energy (ESEE) consequences; and (b) does not support the selection of the Combined Alternative.

Discussion: The TPR requires TSPs to be based upon an evaluation of potential impacts of system alternatives. 660-012-0035(1). The TPR also establishes standards to evaluate and select alternatives. 660-012-0035(3). Specifically, the TPR states that the selected alternative shall: (a) support urban and rural development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan; (b) be consistent with state and federal standards for protection of air, land, and water quality; (c) minimize adverse economic, social, environmental and energy consequences; (d) minimize conflicts and facilitate connections between modes of transportation; and (e) avoid principal reliance on any one mode of transportation and shall reduce principal reliance on the automobile.

With regard to the ESEE analysis, the TPR requires a systemwide comparison of the alternatives under consideration rather than a detailed, site specific or corridor analysis of each individual project included in an alternative. Sufficient detail should be provided to ensure citizens and decisionmakers have been provided with a reasonable level of information on likely adverse impacts that enables them to weigh and balance the various consequences of different courses of action on a systemwide basis. Unless one alternative clearly outperforms the others, local governments have a considerable amount of discretion when weighing and balancing the impacts of different alternatives. Where an alternative creates negative impacts of a particular type or in

a particular location, it is possible for these negative impacts to be balanced by beneficial aspects of the alternative that occur elsewhere or on a systemwide level.

The BUATSP includes an alternatives analysis that satisfies the requirements of 660-012-0035(1).

The BUATSP includes quantitative and qualitative comparisons of the alternatives that describe the likely adverse ESEE consequences. For planning purposes, the critical issues are whether or not this analysis sufficiently and accurately discloses the likely adverse impacts, and whether or not the analysis would enable a reasonable person to determine which of the alternatives, on balance, minimizes adverse ESEE impacts and also satisfies the other selection criteria.

The department recognizes that there are likely to be differences of opinions on the possible and likely impacts of alternative courses of action. As Mr. Eddy has done, it is possible for any individual to disagree with some of the city's findings regarding the evaluation criteria. However, it appears the BUATSP provided the city's decisionmakers with enough information to understand the differences between the different alternatives, to reach an independent judgement on the relative nature of the criteria used to compare the alternatives, and form a judgement about which of the alternatives, on balance, minimizes adverse ESEE impacts and satisfies the other selection criteria. Based on the information presented, a reasonable person could have reached a different conclusion than to select the alternative included in the BUATSP, but it is also possible for a reasonable person to select the alternative included in the BUATSP. One alternative does not clearly outperform the other alternatives in terms of all of the evaluation criteria, and clearly independent judgement is necessary. The standard expressed in the TPR has not been violated since the city has adequately expressed the nature of the ESEE consequences, the city has not failed to identify any potential significant systemwide impacts, and the city's judgement is not inconsistent with the information presented in the plan.

DLCD Conclusion: The department does not agree with this objection.

6. This objection states that the bicycle and pedestrian component of the BUATSP does not include a complete inventory of sidewalks and bikeways and fails to identify the needs of the transportation disadvantaged.

Discussion: See discussion and conclusion under Friends of Bend Objections #1 and #2.

7. This objection states that the financing component of the BUATSP does not closely integrate the planning and funding for all modes of travel.

Discussion: The BUATSP establishes a coordinated network of transportation facilities and establishes various mechanisms to provide those facilities. These mechanisms range from establishing street standards that include striped bicycle lanes and sidewalks on arterials and collectors to funding measures such as SDCs and general levies to provide new or upgraded streets, bicycle and pedestrian facilities, and transit service. The fact that the city chose to fund a certain set of bicycle and pedestrian facilities and transit services with a general levy while funding other facilities, such as new roadway connections, from other sources does not

necessarily mean the funding plan does not closely integrate all modes of travel. For example, new roadway links constructed with other funding sources would include planned bicycle and pedestrian facilities.

DLCD Conclusion: The department does not agree with this objection.

8. This objection states that the implementing ordinances are difficult to implement and were not included in the draft BUATSP for review by the public.

Discussion: Many of the land use regulations that implement the BUATSP were adopted and became acknowledged prior to the adoption of the BUATSP. Generally, these ordinances are not subject to review as part of this periodic review. The scope of the department's review of previously adopted ordinances is limited to an assessment of whether or not these land use regulations are consistent with and adequate to carry out the policy decisions in the BUATSP. Therefore, there was no need to include these ordinances for public review as part of the BUATSP since they had been previously adopted and acknowledged. DLCD's review of the previously acknowledged ordinances indicate they are adequate to comply with the minimum requirements of the TPR.

There are two exceptions to this: (a) the city has not yet adopted land use regulations to implement transit service. 660-012-0045. This issue is discussed above under Friends of Bend's objection #3; and (b) the city has prepared amendments to the city's land use and subdivision regulations necessary to comply with portions of the TPR and implement the BUATSP. These amendments have not yet been adopted. The TSP cannot be considered complete until the ordinances necessary to implement the plan have been adopted.

DLCD Conclusion: The department agrees with this objection in part.

C. Objection of Mr. Bruce W. White

Mr. Bruce White's December 6, 2000 letter raises the following objections related to the status of Industrial Way and/or Lava Road in the BUATSP as planned connections between downtown Bend and the redeveloping Old Mill District:

1. This objection states that the BUATSP hearing and approval process as it relates to the designation of Lava Road violated Goal 1, the Bend Urban Area comprehensive plan and periodic review work task requirements.

Discussion: The thrust of Mr. White's argument is that the process used by the city to designate the Lava Road connection in the BUATSP was faulty because: (a) the preliminary draft of the BUATSP reviewed by the planning Commission at its May 8, 2000 meeting did not make reference to the Lava Road extension; (b) the Bend Transportation Advisory Committee (BTAC) did not make a specific recommendation on the Lava Road extension; (c) although the June 2000 Final Draft TSP included references to the Lava Road extension, this change was referred to as a "BTAC recommended change," it was not specifically brought to the attention of the planning commission or city council, and the June 28, 2000 hearing to review the June 2000 Final Draft

TSP discounted the role of the planning commission since the hearing was held jointly with the city council.

Goal 1 applies through the application of the city's adopted citizen involvement program. The city's periodic review task specified that a minimum of two planning commission public hearings be conducted to take public testimony regarding the BUATSP. One of these hearings was required to take place prior to the selection of the preferred alternative. The idea behind this requirement was for the city to hold a public hearing on the alternatives analysis prior to selecting a preferred alternative.

The city held two planning commission public hearings in accordance with the periodic review work program. The first was held on May 8, 2000 and the second on June 26, 2000. The work program did not specify whether or not one or more of these public hearings could be held jointly with the city council. This was within the city's discretion and does not represent a violation of the periodic review work task or the city's citizen involvement process.

The record indicates the Lava Road extension was added to the BUATSP after the first planning commission hearing but before the second planning commission hearing. While this designation may have been added to the BUATSP relatively late in the process compared to other elements of the BUATSP, it is within the city's discretion to make changes such as this subsequent to holding one or more public hearings. In addition, the change was made prior to the close of the public hearing, so there was an opportunity for public testimony on this issue. Finally, regardless of whether there were or were not discussions between the city council and the planning commission, or between planning commissioners, concerning the scope of the planning commission's review, it is within the planning commission's discretion to determine the scope of their review as long as that review meets the minimum legal requirements. While some citizens may feel the scope of the review or participation by the planning commission was somewhat limited, there is no indication the public hearings did not meet the minimum legal standards. Therefore, the manner in which the city conducted the required public hearings does not represent a violation of the periodic review work program or the city's citizen involvement process.

The record indicates the memorandum submitted by the city's development services director to the city council and planning commission on June 20, 2000 did not specifically identify the Lava Road extension as a change to the Final Draft of the TSP. The city's development services director is not required to identify all of the changes to a plan from one public hearing to the next for three reasons. First, this is not specified in the city's citizen involvement process. Second, the public hearing that was held subsequent to the distribution of the memorandum was open to public comment. Therefore, it was within the ability of any citizen to bring this issue to the attention of the planning commission and city council. And third, planning commissioners and city councilors have an obligation to understand the issues before them even if city staff does not specifically highlight all of the changes to a document. The department has confidence that the city council fully understood the scope of issues that had been presented to them even if every change had not been highlighted by staff. Therefore, the omission of this information from the memorandum does not rise to the level of a violation of either the periodic review work program or the city's citizen involvement program.

DLCD Conclusion: The department does not agree with this objection.

2-7. Objections 2-7 include a similar set of integrally related issues concerning the status of a planned connection between Industrial Way and Arizona Avenue. For purposes of clarity and simplicity, these objections are listed below individually and then discussed together.

2. This objection states that the BUATSP needs to clarify the status of Industrial Way as an existing or planned collector street. This objection will be evaluated in conjunction with Objection #5 below since the status of the planned connection between downtown and the Old Mill District and subsequent decision-making processes to select the preferred alignment are integrally related.
3. This objection states that the BUATSP calls into question the validity of the pre-existing Bond St./Industrial Way collector alignment without an adequate factual basis.
4. This objection states that the BUATSP does not include an adequate factual basis for including the Lava Road alternative as an existing or planned collector street.
5. This objection states that inclusion of the Lava Road alternative in the BUATSP without requiring a subsequent land use process to finalize the alignment violates the public involvement requirements of state law and the TPR.
6. This objection states that a narrowly focused study of potential alignments, as proposed in BUATSP Implementation Policy 2f, would violate the TPR's requirement that TSPs result in a coordinated solution to transportation issues, including consideration of such issues as bicycle and pedestrian connections and public transit possibilities and ESEE aspects of transportation solutions.
7. This objection states that the inclusion of the Lava Road collector segment on the TSP without a further land use process does not guarantee satisfaction of the coordination requirement of Goal 2 and OAR 660-012-0015(5) with affected transportation agencies.

Discussion: These objections concern the status of a proposed connection between downtown Bend and the Old Mill District. Presently, there is no north/south street connection between Arizona Avenue and Industrial Way to the east of Colorado Avenue. The inventory of existing streets classifies Bond Street to the south of Industrial Way and the portion of Industrial Way between the extensions of Bond Street to the north and south as Collector Streets (Figure 2, p. 25). The table of existing and planned street segments (Tables A.1 and A.2) is consistent with this inventory in terms of Bond Street. However, Industrial Street is not listed separately as either an existing or planned Collector.

The BUATSP identifies two possible alignments for the proposed connection. One alignment, referred to as the Bond/Industrial Way alignment and shown on Map Exhibit B, connects Bond Street to the north of Arizona Avenue to Bond Street to the south of Industrial Way by using an

“S” shaped connection that includes a north/south extension of Bond Street and an east/west portion of Industrial Way. This street connection is classified as a Major Collector on Map Exhibit B. The second alignment is referred to as the Lava Road Extension because it would connect Bond Street to the south of Industrial Way directly to downtown through an extension of Lava Road. This alignment is illustrated in Figure 18.

The BUATSP Urban Area Roadway System Map (Map Exhibit B) includes the proposed Bond/Industrial Way connection. This map also includes a note that states “Alternative North-South connections are under consideration between Arizona Avenue and Industrial Way.” The plan text states: “(T)he Roadway System Plan currently shows Bond Street extending between Arizona Avenue and Industrial Way. As previously mentioned in the ‘Proposed Roadway System Changes’ section of this TSP, the City will be studying alternative connections that include the use of Lava Road instead of or in combination with Bond for this street connection” (p. 119). Other sections of the BUATSP refer to this study, including parameters of what the study should consider (p. 84, para. 1 and 2, and p. 150, Implementation Policy 2f).

There are three primary issues raised by these objections. The first issue is whether or not the BUATSP accurately and clearly authorizes either the Bond/Industrial Way or the Lava Road extension as existing or planned Collector Street. The second issue is whether or not the BUATSP identifies and authorizes a planned alignment between Industrial Way and Arizona Avenue. The third issue is whether or not the city can rely on the study of alternative alignments discussed in the TSP to proceed with implementing the Lava Road extension or whether that study would need to be adopted as an amendment to the BUATSP if an alternative alignment is selected.

With regard to the first issue, the BUATSP is internally inconsistent since Industrial Way is identified as an existing Collector on Figure 2 and as a planned Collector on Map Exhibit B, and yet it is not listed separately as an existing or planned Collector in Appendices A.1 and A.2.

With regard to the second issue, the BUATSP clearly indicates the proposed Bond/Industrial Way is the presently planned and authorized connection between Industrial Way and Arizona Avenue. The alternative Lava Road extension is clearly indicated to be an alternative alignment that is still under study and has not been included in or authorized by the BUATSP as a planned alignment.

With regard to the third issue, BUATSP Policy 2f states: “If the study shows that using the Lava Road extension alternative will operate at a more acceptable level of service, minimize neighborhood cut-through traffic and that neighborhood access will be adequately accommodated, the City shall proceed with the completion of the roadway improvements and traffic mitigation measures” (p. 150). This policy appears to indicate that the city could proceed with implementing the Lava Road extension without first amending the TSP to formally designate the Lava Road extension as a planned facility.

The TPR requires local governments to plan for a system of streets. Local governments are required to amend their land use regulations to indicate which transportation facilities are permitted outright and which facilities concern the application of a comprehensive plan or land

use regulation and are subject to standards that require interpretation or the exercise of factual policy or legal judgement. 660-012-0045(1). When there is some uncertainty about the general location of a particular planned street, local governments have three choices available to them: (a) authorize one alignment while also stating that the alignment will be the subject of future study and that a change to the alignment will be adopted through a subsequent plan amendment; (b) identify a corridor within which a connection will be made, adopt findings that support and clearly authorize any alignment within the corridor, and defer decisionmaking on the specific alignment to a project development process. 660-012-0050. (Note that for this option, local governments can either adopt findings of compliance with applicable comprehensive plans and land use regulations at the time the TSP is adopted or defer land use decision-making to the subsequent project development process. In addition, local governments are required to provide a process consistent with 660-012-0050.); or (c) not authorize any particular alignment and defer decisionmaking to a refinement plan that would be subsequently adopted as part of the TSP. 660-012-0025.

The BUATSP clearly plans for and authorizes the Bond/Industrial Way connection. Therefore, it would be inconsistent with the BUATSP for the city to implement the Lava Road extension without first amending the BUATSP to remove the proposed Bond/Industrial Way alignment from the Roadway System Plan Map (Map Exhibit B) and authorizing the Lava Road extension. BUATSP Implementation Policy 2f appears to be inconsistent with the notion that a subsequent plan amendment will be necessary to replace the Bond/Industrial Way alignment with the Lava Road extension.

DLCD Conclusion: The department agrees with these objections in part. The inventory of existing and future arterial and collector streets (Appendices A.1, A.2, and A.4, Figure 2, and Map Exhibit B) should be amended so that the status and classification of Industrial Way and the Bond/Industrial Way connection are internally consistent. BUATSP Implementation Policy 2f should be amended to clearly indicate that selection of the Lava Road extension will require an amendment to the BUATSP prior to this alignment being implemented. To the extent the city intended to defer some decisions regarding the Bond/Industrial Way and/or Lava Road connections to a refinement plan or project development, this needs to be clarified in the BUATSP.

D. Objections of Sisters Forest Planning Committee (SFPC)

The Sisters Forest Planning Committee's December 7, 2000 letter contains the following nine objections:

1. This objection states that there is no analysis in the BUATSP of adverse economic, social, environmental and energy consequences particularly relating to larger projects such as the Southern Bridge Crossing, the proposed bridge crossing along Tumalo Creek associated with the proposed Skyline Ranch Road, the Reed Market Road Extension and Expansion, and the 27th Street Expansion to a five-lane major arterial.

Discussion: See the discussion regarding the systemwide alternatives and ESEE analysis required by the TPR under Mr. Nils Eddy's Objection #5.

In addition to the issues raised in Mr. Nils Eddy's objection, this objection raises the issue of whether or not the specific adverse ESEE impacts associated with specific projects should be considered as part of the ESEE analysis. As described under Mr. Eddy's Objection #5, the TPR requires a systemwide comparison of the alternatives under consideration rather than a detailed, site specific or corridor analysis. Therefore, the BUATSP's needs and alternatives analysis satisfies the requirements of Goal 12 with regard to the systemwide ESEE analysis.

Where a proposed transportation facility affects an identified Goal 5 resource, a more detailed ESEE inquiry is triggered. Specifically, the local government is required to identify conflicting uses based upon analyzing ESEE consequences and develop a program to protect the resource. The City of Bend is required to complete Goal 5 inventory and analysis (Periodic Review Work Program Task #7). This task has not yet been completed. It is likely that riparian areas along the Deschutes River and Tumalo Creek will be identified as Goal 5 resources. Since these resources are affected by planned facilities contained in the BUATSP, the city has an obligation to complete the necessary Goal 5 analysis and ensure the BUATSP is consistent with Goal 5.⁵

DLCD Decision: The department agrees with this objection in part.

2. This objection states that the BUATSP does not comply with the Oregon Transportation Plan (OTP) and Oregon Highway Plan (OHP) because the BUATSP does not prioritize improvements to the existing traffic infrastructure before expanding with new traffic infrastructure development.

Discussion: The TPR requires the BUATSP to be coordinated with affected state agencies and to be consistent with state plans, including the OTP and OHP. The OHP includes a policy on major improvements that states: "It is the policy of the State of Oregon to maintain highway performance and improve safety by improving system efficiency and management before adding capacity. ODOT will work in partnership with regional and local governments to address highway performance and safety needs." Policy 1G. The policy describes how local governments should plan to make relatively minor changes to the transportation system, such as local street connections and improvements to bicycle and pedestrian facilities, before making major roadway improvements such as adding travel lanes or new facilities such as new highways, bypasses, or interchanges.

OHP Policy 1G applies to local governments when planning for major improvements to the state highway system. The policy does not apply to local governments when planning for major improvements to the city's own street system. The BUATSP describes and lists several improvements that will be made to the state highways in Bend (pp. 105-110 and Appendix A.4). The majority of improvements listed, such as new frontage roads and median construction, can be described as improving the efficiency and capacity of the existing highway facilities. The BUATSP does include widening portions of Highway 20 to five lanes and well as grade

⁵ Since some transportation facility decisions are best made at a project rather than a planning level of detail, the TPR allows local governments to defer land use decision-making regarding Goal 5 resources to project development. 660-012-0050(3). Where this option is selected, the TSP should clearly indicate which land use decisions are being deferred and specify that all unresolved issues shall be addressed and findings of compliance adopted prior to project approval.

separating local street connections with state highways. These projects are listed as “far” term priorities. The BUATSP does include the completion of the Bend Parkway between Colorado and Hwy. 97 (S) as a “near” term priority. However, this is considered a “committed” project and it would not be reasonable to apply OHP Policy 1G to a committed project.

The BUATSP does include many new links in the city’s arterial and collector street system as well as widening portions of existing arterials and collectors. These projects are not subject to Policy 1G since they do not involve major improvements to state highways. Even so, these planned facilities are consistent with Policy 1G since they will provide new and better connections for automobiles, bicyclists, and pedestrians and improve the function of the street network as a whole, thereby relieving pressure on the state highway system and reducing the potential need to make major improvements to the state highway system.

DLCD Conclusion: The department does not agree with this objection.

3. This objection states that the BUATSP does not properly inventory bicycle and pedestrian networks or provide a priority list of facility improvements.

Discussion: See discussion and conclusion under Friends of Bend Objection #1.

4. This objection states that the BUATSP does not include an adequate transportation needs analysis since the needs analysis did not re-evaluate the earlier 1998 Transportation Map and Plan. Specifically, the objection states that projects such as the Southern Bridge Crossing and Reed Market Road extension to the Crossing, the Skyline Ranch Road Bypass Proposal, and the Empire Avenue, 27th Street, and Reed Market expansions have not been re-evaluated or justified by the needs analysis contained in the BUATSP.

Discussion: In 1998, the city adopted amendments to the BAGP, including a roadway system map. Although adopted by the city, this map was not adopted in concert with a transportation needs and alternatives analysis as required by the TPR. In 1999, at the time the city’s periodic review work program was being reviewed and approved, a citizen submitted an objection requesting the city’s periodic review work program be modified to reflect the need for the city to first complete a needs and alternatives analysis before selecting a preferred alternative, and for the needs and alternatives analysis to specifically reconsider existing plan elements relating to transportation. In response to this objection, the department stated: “(S)ome of the work that has been previously completed may need to be reconsidered in light of the work that has not yet been completed or subject to the public hearings and adoption process. To the extent new information and analysis affects prior decisions, it is reasonable to reconsider those previous decisions.”

Subsequent to the adoption of the 1998 amendments to the BAGP, the city has conducted a needs and alternatives analysis. This analysis has been adopted as part of the BUATSP, is described in detail in Appendix B to the BUATSP dated June 2000, as well as summarized in the BUATSP. This needs and alternatives analysis evaluated a total of five system alternatives: No Build, 2020 Comprehensive Plan, TDM, Combined (1st iteration), and Combined (2nd iteration).

The Southern Bridge Crossing and Reed Market Road Extension to the Crossing were excluded from the No Build and TDM Alternatives. The analysis for these two alternatives demonstrates that street links in the vicinity of the existing Colorado Avenue crossing are projected to be near or over capacity. The analysis of the other three alternatives, which include the Southern Bridge Crossing and Reed Market Extension, indicate that congestion on these links would be relieved, thereby demonstrating a need for the Southern Bridge Crossing.

The SFPC has attached an Exhibit "C" to their objection that describes various inadequacies with the needs and alternatives analysis for the Southern Bridge Crossing. Exhibit "C" outlines various changes the city could make to the transportation modeling and alternatives analysis in order to examine the need for the Southern Bridge Crossing in more detail. The analysis conducted by the city has been completed in accordance with the standards of the transportation planning profession and a more detailed inquiry is not necessary to comply with the TPR's requirements. It is within the city's discretion to choose whether or not to conduct a more detailed analysis of alternatives to the Southern Bridge Crossing as suggested by Exhibit "C."

The Skyline Ranch Road extension is a proposed north/south Major Collector connecting Century Drive to Skyliners Road and the existing Skyline Ranch Road at the intersection of Shevlin Park Road. This street extension was excluded from the No Build and TDM Alternatives. Analysis of streets in the vicinity of this proposed street extension did not indicate any capacity deficiencies. The Skyline Ranch Road extension was included in the other three alternatives. The need for this facility is not based upon the capacity analysis, but upon the need to create an urban street network that includes arterial, collector, and local streets at certain intervals. Even where capacity problems are not projected, planning for a network of arterials, collectors, and local streets is consistent with sound land use and transportation planning.⁶ A connected street network improves accessibility and travel options and choices and reduces out of direction travel.

The BUATSP Table 12 and Figure 29 illustrates a typical street spacing patterns that are standards of the transportation planning profession and reflective of the city's street spacing standards. Presently, Mt. Washington Drive, which is classified as a Minor Arterial, provides north/south connectivity between Century Drive and Shevlin Park Road. There is a considerable amount of urban and urban reserve land that lies to the west of Mt. Washington Drive. The proposed extension of Skyline Ranch Road will provide a Major Collector approximately ½ mile to the west of Mt. Washington Drive between Shevlin Park Road and Skyliners Road, consistent with the city's street spacing standards. The extension of Skyline Ranch Road will be approximately ½ - 1 ½ miles to the west of Mt. Washington Drive between Skyliners Road and Century Drive. Although the distance between Mt. Washington Drive and Skyline Ranch Road exceeds the city's spacing standards in some areas, alignment options are limited in this area due to pre-existing development patterns.

The Empire Avenue expansion to five lanes and extension to Butler Market Road was excluded from the No Build and TDM Alternatives. The analysis of these alternatives indicates several street links along Empire Avenue and Butler Market Road that would be near or over capacity.

⁶ See ODOT's Transportation System Planning Guidelines (1995) for a discussion of functional classification and typical spacing standards (p. 53).

The analysis of the other three alternatives indicates this congestion would be relieved through widening and extending Empire Avenue. The need for the classification and extension of Empire Avenue is also justified based upon the city's street spacing standards. The spacing between the existing east-west arterials Butler Market Road and Cooley Road is approximately 2 miles. The extension of Empire Avenue and classification as an arterial will provide east-west arterials at intervals of approximately 1 mile. This is consistent with the arterial street spacing standards contained in the BUATSP (Table 12 and Figure 29).

The proposed widening of 27th Street and Reed Market Road was excluded from the No Build, 2020 Comprehensive Plan, TDM, and Combined (1st iteration) Alternatives. The analysis of these alternatives indicates several street links along both 27th Street and Reed Market Road would be near or over capacity. The analysis of the Combined (2nd iteration), which is the only alternative that included the widening of 27th Street and Reed Market Road to five lanes, indicates congestion on several of these street links would be reduced. Therefore, the need for widening 27th Street and Reed Market Road has been sufficiently demonstrated.

In conclusion, the city has conducted and adopted as part of the BUATSP a needs and alternatives analysis that has re-evaluated the need for various street segment links and classifications. A range of facts and alternatives were analyzed and subject to public comment and debate through the public hearings process. Through this process, the city could have selected an alternative that did not include some or all of the improvements that have been questioned by the objectors. The fact that the city did not do this does not mean that the needs and alternatives analysis was inadequate or that a re-evaluation did not occur. The needs and alternatives analysis sufficiently demonstrates the need for the street segments and classifications included in the BUATSP based upon the capacity of the street network and the city's street spacing standards.

DLCD Conclusion: The department does not agree with this objection.

5. This objection states that the BUATSP fails to comply with the TPR requirement to reduce principal reliance on the automobile since the city seems to advocate for and fund road projects as higher priorities to transit, bicycle, and pedestrian facilities and services.

Discussion: Friends of Bend, in their Objection #4, raises similar issues related to the status of the funding levy that failed at the ballot box in November. This specific issue is addressed below.

The SFPC states that the BUATSP should be considered inadequate in this regard since the city provides specific, short-term funding sources for "automobile-related" facilities such as the Southern Bridge Crossing and the 27th Street/Empire Avenue major arterial expansions, while only proposing to fund transit and other multi-modal transportation facilities through a levy that subsequently failed at the polls. The crux of the argument is that planning for and funding roads now with funds that are known to be available, while planning for and funding transit, bicycle, and pedestrian facilities later and with funding sources that are less certain, is in conflict with the purpose of the TPR.

The purpose of the TPR is to reduce reliance on the automobile. This is achieved by planning for a multi-modal transportation system that meets the requirements of the TPR over a 20-year planning horizon. Local governments are required to implement that plan through a variety of mechanisms over the planning horizon. Local governments have some discretion when deciding the types of funding sources that will be used to fund various components of the TSP. However, local governments must exercise this discretion given constitutional and other legal limitations on the expenditure of transportation funds. For example, the state Constitution limits the expenditure of transportation funds to construction and maintenance within public right-of-ways. State gas tax revenues, for example, cannot be spent to operate a transit system. On the other hand, local governments have more discretion over local sources of transportation funds, such as SDCs and bond measures. The state's interest in requiring a financing program is to ensure local governments make explicit decisions about funding sources that are reasonably expected to be available rather than to require a particular phasing strategy or funding source for a particular project.

The proposed serial levy for transit and infill sidewalk and bicycle facilities was one such mechanism. It was a short-term funding mechanism proposed to fund a particular set of facilities and services in the near term. The fact that it failed at the polls subsequent to the adoption of the BUATSP does not render the BUATSP out of compliance in terms of meeting the TPR. Statements and policies contained in the BUATSP regarding the proposed serial levy create an obligation for the city to pursue similar measures in the future. Repeated failures at the polls could eventually render the BUATSP out of date and in need of adjustment. However, it is premature to reach this conclusion since funding sources and mechanisms that may change from year to year. Many local governments make adjustments to their TSP on a periodic basis to reflect new information and funding strategies. The fact that an individual funding mechanism did not come to fruition within the timeframe originally specified does not mean the BUATSP was out of compliance with the TPR when it was adopted, nor does it render the BUATSP out of conformance with the requirements of the TPR at this time.

DLCD Conclusion: The department does not agree with this objection.

6. This objection states that the BUATSP fails to show coordination and consistency with the TSP and Bend Area General Plan.

Discussion: See discussion and conclusion under Nils Eddy's Objection #2.

7. This objection states that the BUATSP does not adequately coordinate land use planning with the transportation system with regard to reducing principal reliance on the automobile.

Discussion: The TPR requires local governments to integrate land use and transportation planning in several ways depending upon the size of the jurisdiction. First, all local governments are required to use population and employment forecasts and distributions that are consistent with the acknowledged comprehensive plan when determining transportation needs. 660-012-0030(3)(b). Second, in urban areas with a population greater than 25,000 that are already served by public transit or where public transit has been determined to be feasible, local governments are required to adopt land use and subdivision regulations necessary to support transit. 660-012-

0045(4). Third, local governments in Metropolitan Planning Organization (MPO) areas are required to meet targets for Vehicle Miles Travelled (VMT) per capita, which may involve preparing an integrated land use and transportation plan. 660-012-0035(5)(c). Finally, local governments in MPO areas of larger than 1,000,000 population are required to evaluate alternative land use designations, densities, and design standards to meet local and regional travel needs and VMT targets.

The City of Bend is required to comply with the first two requirements. The second two requirements only apply to MPO areas. Bend has not yet been designated an MPO area.

The city has completed a transportation needs analysis based upon population and employment forecasts and distributions that are consistent with the acknowledged comprehensive plan.

The city has not yet adopted all of the necessary land use and subdivision regulations necessary to support transit service. The city has adopted many land use and subdivision regulations to implement the BUATSP and comply with the TPR, and the city has identified additional planned changes (Tables 16 and 17, pp. 168-172). The BUATSP also includes policies that support making additional changes with regard to integrating land use and transit (Policies 6.9.1.6, 6.9.1.7, and 6.9.5.5). However, it does not appear the city has adopted all of the land use and subdivision ordinances necessary to designate “types and densities of land uses adequate to support transit along existing or planned transit routes.”

DLCD Conclusion: The department agrees with this objection in part.

8. This objection states that the BUATSP does not adequately implement a fixed-route transit system.

Discussion: The TPR requires urban areas containing a population greater than 25,000 persons, not currently served by transit, to evaluate the feasibility of developing a public transit system at buildout. 660-012-0020(2)(c)(D). Where a transit system is determined to be feasible, the TSP shall include a public transportation plan. 660-012-0020(2)(c).

The city conducted a transit feasibility study and concluded that transit is feasible at build out (BUATSP pp. 73-80, 100-101).

The BUATSP includes a public transportation plan (pp. 100-104) with the following elements:

Existing and Planned Transit Trunk Routes: The BUATSP defines transit trunk routes mostly in the context of larger cities (p. 103). The BUATSP does not define how transit trunk routes are applied to Bend or identify any planned transit trunk routes within the city. The BUATSP states that 5-bus transit system (Figure 13) depicts “the most likely type of ‘start-up’ fixed-route transit system, while the 9-bus transit system (Figure 14) “represents the transit system envisioned in the transportation modeling work” (p. 74). The BUATSP goes on to state that “no specific commitment has been made to any particular fixed-route transit system. The final design of a fixed-route system, including the location, number and type of transit stops remains the subject of additional study or analysis” (p. 74). The BUATSP does not include any specific goals,

objectives, or policies that identify planned transit trunk routes. Implementation Policy 6.9.5.6 states that the 5-bus system “shall serve as an *example* of a basic start-up transit network” and the 9-bus system “shall serve as an *example* of a more comprehensive transit network” (p. 144) (emphasis added).⁷

The department understands that planning for a transit system and the supporting land uses and facilities is not an easy undertaking. Since there is no fixed-route system currently operating in Bend, we understand there is likely to be some uncertainty about the design of such a system. In addition, we understand the continuous nature of the transportation planning process and that the design and function of a transit system will evolve over time and be subject to further study and analysis. However, the city is required to comply with the TPR and designate transit trunk routes based upon the best available information contained in the BUATSP. With a population of approximately 50,000, and with relatively high growth projected over the next 20 years, the city of Bend is precisely at the point where it needs to ensure that the future street system and land uses are supportive of transit. The BUATSP should lay the groundwork for transitioning from a demand-responsive system characteristic of small cities to a system more suitable for a burgeoning metropolitan area.⁸ If it is not done now, making transit work efficiently and conveniently in the future will be seriously compromised. In addition, it is important for the city to plan transit routes so that the city can plan for appropriate land uses and apply design standards that are supportive of transit to development along and within walking distance of these planned transit routes. For example, 660-012-0045(4)(g) requires the city to designate types and densities of land uses adequate to support transit along planned transit routes. A precursor to complying with this requirement is to commit to a particular set of planned transit routes and identify those routes in the BUATSP.

Exclusive Transit Way and Terminals: The BUATSP does not identify any exclusive transitways or terminals. This seems reasonable at this time given Bend’s size and the fact that a basic fixed-route transit system has not yet been implemented and there does not appear to be a need for exclusive transitways or terminals.

Major Transfer Stations: The BUATSP identifies downtown Bend as the location of a planned transit center (pp. 101-102).

Major Transit Stops: The BUATSP proposes four major transit stops: the downtown transit center, St. Charles Medical Center, Central Oregon Community College, Mt. Bachelor shuttle lot, and a regional intermodal facility – possibly the park and ride location near Empire Blvd. and Hwy. 20 (p. 102).

⁷ The objectors state that the transit route that runs south from downtown through the Old Mill District has been inappropriately removed from the plan. The department’s copy of the plan shows Route 7 is somewhat faded, but the route appears to still be on the map. In addition, this alternative is consistently referred to as the 9-bus alternative.

⁸ The city of Bend is the only city in Oregon with a population of over 20,000 that does not have a fixed-route transit system. Non-MPO Oregon cities in the 40,000 – 50,000 population range, such as Albany and Corvallis, have city-owned fixed-route transit systems. Oregon cities in the 20,000 – 25,000 population range, such as Grants Pass, McMinnville, and Roseburg, have already begun transitioning from demand-responsive to fixed-route service.

The major transit stops identified in the BUATSP are logical. However, the city is required to identify additional locations "which are most important to the functioning of the system or which provide a high level, volume or frequency of service" OAR 660-012-0005(8)(a). Such locations could be where transit lines intersect and where transit service is located proximate to residential neighborhoods, employment centers, and other important destinations. These planned major transit stops should also be identified as being more than "proposed." They should be identified as planned major transit stops within the body of the text, on a map, and/or by policy.

Park and Ride Lots: The BUATSP states that one park and ride lot has been designated, while work "continues to identify, locate and secure likely park and ride lots through out the Bend area. The highest priority areas are at the north and south entries to the City along or near Highways 97 and 20" (p. 103).

Rough Cost Estimates: The BUATSP states that operating costs for the transit system are estimated to be \$0.8 - \$1.2 million/year. The BUATSP does not provide rough cost estimates for facilities such as buses and transit shelters.

Phasing and Implementation: An implementation and phasing strategy for transit service is described in detail in the BUATSP (pp. 73-76). This plan calls for fixed route service to be implemented as follows: First, the existing Dial-A-Ride would be converted to a demand responsive, deviated route zonal system (Step 1). The BUATSP envisions this system might be in operation for "a period of a few years." Second, the system would be converted to a deviated fixed-route system. The BUATSP states that Steps 1 and 2 are "estimated to serve transit needs for a five-year period." Third, a fixed-route system would be established and the deviated service would be phased out. The BUATSP estimates "that a rudimentary fixed-route system would be established within a 5 to 10-year time period." Fourth, subsequent service and route expansions similar to those illustrated in Figure 14 might take place over the 20-year planning period as warranted by transit ridership.

This phasing and implementation plan outlined in the BUATSP could satisfy the requirements of the TPR. However, the detailed description of the phasing and implementation plan is included in the Transportation Alternatives Analysis chapter of the BUATSP rather than the Transportation System Plan or Transportation System Implementation chapters. This results in an ambiguous plan since it is unclear exactly what the city has committed to and planned for.

DLCD Conclusion: The department agrees with this objection.

9. This objection states that the public comment requirements of the TPR have been violated by the city in the manner that the BUATSP was adopted.

Discussion: See discussion and conclusion under Friends of Bend Objection #5.

E. Objection of Norbert and Joan Volny

The Volny's December 7, 2000 letter raises the following objections relating to the designation of major arterials in the BUATSP.

1. This objection states that the BUATSP improperly designated 27th Street, the 27th Street Extension, the Empire Avenue Extension, and Reed Market Road as major arterials, citing the following six reasons.

- A. The BUATSP fails to properly evaluate and select alternatives regarding these major arterials.

Discussion: See discussion under Nils Eddy's Objection #5 and SFPC Objection #1. The TPR requires a systemwide comparison of alternatives and their ESEE impacts rather than a detailed, site specific or corridor analysis of alternatives or their impacts. The BUATSP includes a satisfactory analysis of system alternatives and ESEE impacts.

DLCD Conclusion: The department does not agree with this objection.

- B. These designations of five-lane arterials violate the BUATSP policies on major arterials.

Discussion: The BUATSP includes a policy to guide the process by which major and minor streets can be widened beyond three lanes. The policy calls for the implementation of transportation demand management (TDM) and transportation system management (TSM) measures prior to widening beyond three lanes. The policy also calls for an evaluation of the consequences that roadway widening may have on adjoining neighborhoods "as a part of the determination of need for a road widening project" (Policy 6.9.6.21, p. 148).

Simultaneous with the adoption of this policy, the BUATSP has designated several streets as minor or major arterials and plans for these streets to be widened to five lanes. In making these determinations, the alternatives analysis has taken into account the potential for TDM and TSM measures to address congestion issues and, through that analysis, the city has determined that TDM and TSM measures are likely to be insufficient in solving the transportation corridor problems. However, the BUATSP does not include an evaluation of neighborhood consequences called for in the policy. The BUATSP programs the majority of these widening projects as "far" term priority projects. However, two street links are listed as "near" term priorities and one as an "intermediate" term priority.

Goal 2 requires comprehensive plans to include implementing measures that are consistent with and adequate to carry out the plan. It appears this policy is some sort of phasing policy that might allow the city to designate a particular street segment as a minor or major arterial now but require the city to conduct a neighborhood impact analysis prior to programming the project in the city's CIP. On the other hand, the policy may only apply to the future designation major arterials and may not apply to the streets designated as major arterials in the BUATSP.

The policy is somewhat unclear and vague as to how it applies to the designation of certain street segments as minor or major arterials. In addition, it is unclear as to whether this policy applies to streets designated as major arterials in the BUATSP or to the possible designation of major arterials that may occur at some point in the future. Since the policy can be interpreted several ways, the city has an obligation to explain how and when this policy applies, and to what kind of projects it applies. 660-12-0045(1). The policy should specify whether the city can rely on a planning level of detail in terms of TDM and TSM efforts through a modeling effort, or whether the city must actually implement certain types or amounts of TDM and TSM programs prior to widening a street. The policy should also be clear as to what needs to be done before a street is designated as a minor or major arterial versus what needs to be done before a project is programmed for construction. To the extent the neighborhood impact analysis called for in this policy concerns the application of a comprehensive plan or land use regulation and is subject to standards that require interpretation or the exercise of factual, policy or legal judgement, the city is required to provide a review and approval process that is consistent with the project development process outlined in 660-012-0050.

DLCD Conclusion: The department agrees with this objection.

- C. The designation of 27th Street, the 27th Street Extension, the Empire Avenue Extension, and the Reed Market Road in the BUATSP is not consistent with the Bend Area General Plan.

Discussion: The BUATSP does not include findings of compliance with the city's General Plan and land use regulations. See also the discussion and conclusion under Nils Eddy's Objection #2.

DLCD Conclusion: The department agrees with this objection.

- D. The proposed redesignations of 27th Street and the related streets as major arterials fail to comply with DLCD's decision of February 14, 2000, approving the revised work program.

Discussion: See discussion and conclusion under SFPC's Objection #4.

- E. There is an inadequate factual basis for the city's redesignations to major arterials.

Discussion: See discussion and conclusion under SFPC's Objection #4. The BUATSP needs and alternatives analysis constitutes an adequate factual basis for the designation of street segments as major arterials. With regard to the "designated freight routes," the BUATSP specifies that the state highways 97 and 20, Century Drive, and the Parkway are the designated truck routes (p. 127). The BUATSP recognizes the issue regarding 27th Street and states: "This facility will be designed as a local arterial, and as such, it is not intended to carry through truck traffic. The need to place truck restrictions on arterial streets and to establish other designated routes in the urban area will be monitored as truck volume or noise issues change" (p. 127). Goal 2 requires comprehensive plans to

include implementing measures that are consistent with and adequate to carry out the plan. The BUATSP should but does not include an implementing measure with regard to the statement on p. 127 regarding monitoring truck volumes and noise.

With regard to the land use data used in the transportation model, the objectors have cited instances where the land use inputs (employees, students, and motel rooms) appear to be inaccurate in relation to a survey conducted by the objectors. With regard to the accuracy of the transportation model generally, see discussion and conclusion under Norbert and Jean Volny objection #3 below.

City staff prepared estimates of existing and 20-year forecast land use activity in order to build a sound and reliable model. City staff expect to update the model approximately every 5 years to reflect changing land use patterns.

With regard to the number of employees in TAZ 55, this is an area with mostly retail and service-oriented employment. The intent of the land use inputs used for the model was not to estimate the total number of employees, including part-time employees, but to estimate the number of employees that could reasonably be expected to be “on the job” during the PM peak hour. City staff have made reasonable adjustments to the total number of employees in this TAZ.

With regard to TAZ 121, estimating the number of students at the community college is a similar time of day exercise as with the part-time employees in TAZ 55. Including all of the students enrolled at the college in the land use inputs would have overestimated the trip generating activity at the college. Some students are part-time students, some attend night classes, and even full-time students typically attend classes with a Monday, Wednesday, Friday or Tuesday/Thursday schedule. In short, not all of the students enrolled at the college are present at the campus during each weekday PM peak hour. City staff have made reasonable adjustments to account for the special circumstances surrounding the college.

With regard to TAZ 127, the omission of approximately 30 motel rooms included in the recently announced expansion of a downtown motel from the 2020 forecasts will not significantly affect the traffic projections from the model.

As described below under Volny Objection #3, travel demand forecasting is not an exact science. Calibration tools such as screenlines are intended to provide a check on the accuracy of the inputs and outputs of the model. The city’s traffic model was calibrated to meet the standards of the profession.

DLCD Conclusion: The department does not agree with this objection.

F. The City has failed to coordinate with Deschutes County on the proposed redesignation of 27th Street and connected streets as major arterials.

Discussion: Representatives of Deschutes County participated in the Transportation Technical Advisory Committee. Deschutes County was notified of the BUATSP hearings and adoption process but did not submit any comments on the adoption of the BUATSP. The city has adopted a finding stating that the BUATSP has been coordinated with Deschutes County (City of Bend Supporting Findings for the Adoption of the Bend Transportation System Plan, 3. Preparation and Coordination).

The TPR directs local governments to prepare and adopt TSPs for lands within their planning jurisdictions. 660-012-0015(3). With regard to Deschutes County Ordinance 94-015, this ordinance was adopted in 1994 at a time when portions of the Bend urban growth boundary (UGB) were located in and under the jurisdiction of Deschutes County. In 1997, the City of Bend and Deschutes County entered into an Intergovernmental Agreement (IGA) that specifies, among other things, that lands inside the City of Bend are under the city's jurisdiction. In 1999, the City of Bend annexed the entirety of the UGB into the city, thereby transferring jurisdiction from the county to the city. Therefore, County Ordinance 94-015 no longer applies to the designation of the portions of 27th Street, Empire, and other streets within the UGB as major arterials. To the extent the city needed to consider and accommodate this policy, the city has done this. See the discussion under 6.5.2.6 on p. 127, Street System Policy 27 on p. 149, and Implementation Policy 2(a) on p. 150.

As indicated on Map B, a portion of the 27th Street/Empire Blvd. connection to the east of Yeoman and north of Butler Market Road lies outside the UGB on lands designated as an urban reserve area. This land is located outside of the city limits and the city's planning jurisdiction. In accordance with the city/county IGA, the designation of this facility as a proposed major arterial by the city in the BUATSP does not constitute a land use decision. It is considered a "recommendation" to the county and will not be a land use decision until this alignment and street classification are adopted by the county.

With regard to transportation facilities located on urban reserve areas on Map B, local governments are authorized to plan for the eventual provision of public facilities in urban reserve areas. However, local governments are not authorized to construct urban facilities in rural areas prior to their inclusion in the UGB. OAR 660-021-0040(6). The BUATSP should include a policy or other implementing measure that identifies the facilities that are not authorized and will not be constructed until approved by the county and the area is brought into the UGB.

In conclusion, the city has satisfactorily coordinated with Deschutes County. Additional action is required by Deschutes County before a portion of the 27th Street/Empire Blvd. major arterial is considered a land use decision. The BUATSP should include a policy that commits the city to seeking approval from the county for those facilities located in urban reserve areas. In addition, the BUATSP should include a policy that states facilities currently located on rural lands will not be constructed until the area is brought into the UGB.

DLCD Conclusion: The department agrees with this objection in part.

2. This objection states that the city failed to follow the revised periodic review work program when preparing and adopting the BUATSP.

Discussion: See discussion and conclusion under SFPC Objection #4 regarding the adequacy and the needs and alternatives analysis and the reconsideration of the 1998 amendments.

The city has not yet adopted all of the necessary land use and subdivision regulations necessary to implement the plan. See the discussion and conclusion under Nils Eddy's Objection #8 and Friends of Bend Objection #3. As noted in the objection, the city has not yet adopted street standards to implement BAGP Street Systems Policy 3. With regard to BAGP Street Systems Policy 17 regarding the design of the Southern River Crossing, the BUATSP states that the city "shall involve the public, the Park District and other governmental agencies in developing a roadway design for the southern river crossing that complements the natural features of the river area" (p. 116). The BUATSP should but does not include an implementing measure that is consistent with and adequate to carry out this portion of the plan, as required by Goal 2.

DLCD Conclusion: The department agrees with this objection in part.

3. This objection states that the BUATSP does not have an adequate factual basis.

Discussion: Department staff, as well as the TTAC and ODOT's Transportation Planning and Analysis Unit (TPAU), have reviewed the transportation modeling techniques used by the city to estimate transportation needs. We have found it to be consistent with the standards of the transportation planning profession. With regard to whether the "Internal Trip Generation" formula should have factored in demographic data such as age, transportation models are not exact tools. Although a considerable amount of effort has been taken to develop models that increase the accuracy of travel demand forecasts, in many cases the acceptable margin of error associated with **calibrating a transportation model to existing traffic conditions** across screenlines is typically +/- 10 percent, and the margin of error on individual streets often exceeds +/- 20 percent.⁹ This margin of error increases when projecting transportation volumes 20 years into the future. It is not reasonable to expect the city to incorporate demographic factors such as age into the transportation model and expect such changes to improve the accuracy of the forecasts. Factors such as age will have a negligible effect on projected traffic volumes that fall well within the margin of error.

With regard to the accuracy of land use data used as inputs into the transportation model, see the Norbert and Joan Volny Objection #1E above.

With regard to whether the use of the EMME/2 model is questionable since it is a "transit-oriented" model, there are different techniques used to estimate travel needs (see ODOT's Transportation System Planning Guidelines, pp. 28-32). The complexity of the travel demand forecasting technique typically depends upon the size of the jurisdiction and the complexity of the street network and other issues that are being addressed. EMME/2 is one brand of transportation demand modeling software that is routinely used to estimate travel needs in cities with a population greater than 10,000. The fact that this software has the capability to

⁹ See BUATSP, Appendix B, p. 20.

incorporate transit networks into the travel demand forecasting does not render its application in Bend as questionable. In fact, since the city conducted a transit feasibility study and specifically considered the implementation of transit service over the course of the planning period as part of the alternatives analysis, the use of a software package that has this capability was particularly appropriate.

DLCD Conclusion: The department does not agree with this objection.

4. This objection states that the BUATSP has not been properly coordinated with other local governments.

Discussion: With regard to coordination with Deschutes County, see discussion and conclusion under the Norbert and Joan Volny Objection #1f above.

With regard to coordination with the ODOT and the function and operation of Hwy. 20, ODOT had two representatives on the TTAC. ODOT was notified of the adoption of the BUATSP and did not have any comments that were not resolved prior to adoption. The BUATSP designations for Hwy. 20, including planned improvements, access management, and signal spacing standards are consistent with the Oregon Transportation Plan and Oregon Highway Plan.

The BUATSP indicates that implementation of the preferred alternative will result in some state highway segments exceeding the mobility standards established in the OHP (Figure 17, p. 90). This is not adequately described or resolved within the BUATSP. The OHP states that it should be anticipated “that there will be instances where the standards are exceeded and the deficiencies are correctable but the necessary transportation improvements are not planned. This may be due to environmental or land use constraints or to a lack of adequate funding” (p. 74). OHP Action 1F.5 describes actions that should be taken by ODOT and the local government to improve performance. In addition, OHP Action 1F.3 describes situations where alternate highway mobility standards can be adopted and the planning that is required to do so.

The status of Hwy. 20 as it relates to the OHP mobility standards should be reconciled in the BUATSP. If sufficient information is not available at this time, the city could defer decisions regarding Hwy. 20 to a refinement plan. 660-012-0025.

DLCD Conclusion: The department agrees with this objection in part.

5. This objection states that the BUATSP has an inadequate ESEE analysis.

Discussion: With regard to the systemwide ESEE analysis, see the discussion and conclusion under Mr. Nils Eddy’s Objection #5.

With regard to the ESEE analysis for the proposed Southern Bridge Crossing and potential impacts to the Deschutes River (a likely Goal 5 resource), see the discussion and conclusion under the SFPC’s Objection #1.

6. This objection states that the BUATSP has failed to reduce principal reliance on the automobile.

Discussion: The alternative selected for implementation in the BUATSP will reduce principal reliance on the automobile. For example, the plan: (1) calls for new arterial and collector street connections that will include sidewalks and bike lanes that will provide direct and convenient routes for all modes; (2) establishes standards for the connectivity of local streets, which will enhance safe and direct routes from residential areas to nearby destinations; (3) identifies deficiencies in the sidewalk and bikeway network that require improvement; (4) establishes street standards that require property tight sidewalks and landscape strips, thereby increasing pedestrian safety and comfort; and (5) includes a phased approach to expanding the existing Dial-A-Ride transit service into a fixed-route transit system.¹⁰ These measures, collectively, will reduce principal reliance on the automobile.

With regard to the city's policy on implementing TDM/TSM prior to expanding arterial streets, this is discussed under the Norbert and Joan Volny Objection #1B.

DLCD Conclusion: The department does not agree with this objection.

7. This objection states that the BUATSP does not include an adequate transit system.

Discussion: See discussions and conclusions under Friends of Bend Objection #2 and SFPC Objection #8.

8. This objection states that the BUATSP does not include adequate bicycle and pedestrian facilities.

See discussion and conclusion under Friends of Bend Objection #2.

9. This objection states that the BUATSP does not adequately describe how transportation funding will occur.

Discussion: See discussion and conclusion under Friends of Bend Objection #4.

10. This objection states that the public participation and comment process for the adoption of the BUATSP was flawed.

Discussion: See discussion and conclusion under Friends of Bend Objection #5.

11. This objection states that the BUATSP lacks adequate findings on consistency with the TPR and other goals.

¹⁰ The department has concluded that the city has not completely implemented portions of the preferred alternative. These issues are addressed elsewhere in this report and portions of the BUATSP have been remanded to the city for additional work. However, generally, the city will reduce principal reliance on the automobile by implementing the preferred alternative.

Discussion: See Discussion and Conclusion under Nils Eddy's Objection #2.

III. Revisions Necessary

Based upon the department's review and analysis of the BUATSP and objections, the following revisions to the BUATSP are necessary to comply with the city's periodic review work task.

A. Consistency with Goals and Plans

1. Adopt findings regarding consistency with the Bend Area General Plan and land use regulations.

B. Bicycle and Pedestrian Plan

1. Conduct general assessment of bicycle and pedestrian facilities.
2. Conduct analysis and prepare findings regarding bicycle and pedestrian circulation in developed areas.
3. Prepare cost estimates for long-range sidewalk and bikeway facilities.
4. Modify chapters 6 and 7 to clearly identify planned improvements, costs, and phasing.
5. Adopt standards for bicycle and pedestrian facilities.
6. Adopt implementing measures to remedy identified deficiencies.

C. ESEE Analysis

1. Coordinate BUATSP with Goal 5 inventory. Conduct ESEE analysis where planned transportation facilities affect a Goal 5 resource or defer land use decision-making regarding Goal 5 to project development.

D. Industrial Way/Lava Road

1. Revise Figure 2, Map B, and Appendices A.1 and A.2 to be consistent regarding the classification of Industrial Way.
2. Revise Policy 2f to be consistent with the plan.
3. Clarify whether land use decisions are being made as part of the BUATSP or deferred to a refinement plan or to project development.
4. Provide project development review and approval process.

E. Designation of Major Arterials

1. Amend Policy 6.9.6.21 to clarify applicability to streets designated as major arterials in the BUATSP.
2. Provide project development review and approval process.
3. Adopt policy or other implementing measure to implement the statement on p. 127 regarding monitoring truck volumes and noise on 27th Street.

F. Urban Reserve Areas

1. Adopt policy or other implementing measure regarding the need for Deschutes County to adopt plans for transportation facilities located in urban reserve areas.
2. Adopt policy or other implementing measure regarding the authorization and provision of planned facilities in urban reserve areas.

G. Southern River Crossing

1. Adopt implementing measure regarding the process to develop a roadway design for the Southern River Crossing (see BUATSP p. 116).

H. Transit Plan

1. Identify planned transit trunk routes.
2. Identify planned major transit stops.
3. Identify rough cost estimates for transit facilities.
4. Adopt phasing and implementation strategy.
5. Adopt land use and subdivision regulations necessary to implement transit.

I. Financing Program

1. Amend financing program to clearly identify cost estimates for needed transportation facilities and services.
2. Conduct analysis and prepare findings regarding the adequacy of existing and possible funding mechanisms to fund the identified needs.
3. Adopt policies and guidelines regarding funding mechanisms.

J. Land Use Regulations

1. Adopt land regulations necessary to implement the BUATSP.

Attachment A

Summary and Bend Urban Area Transportation System Plan Objections, Department Conclusions, and Necessary Revisions

| Objection # | Issue | Requirement | DLCD Conclusion | Revisions Necessary |
|---------------------------|--------------------------------------|---|---|--|
| A. Friends of Bend | | | | |
| 1 | Bicycle and Pedestrian Plan | 660-012-0020(3)(a-d) | Agree in part | Conduct general assessment of bicycle and pedestrian facilities. Modify chapters 6 and 7 to clearly identify planned improvements. Adopt standards for bicycle and pedestrian facilities. Include cost estimates for long-range bicycle and ped. facilities. Adopt Bend Urban Trails Plan (1995) by reference. Conduct analysis and prepare findings regarding bicycle and pedestrian circulation in developed areas. Adopt implementing measures to remedy identified deficiencies. Adopt land use regulations necessary to implement transit. Amend financing program to clearly identify cost estimates for needed transportation facilities and services. Conduct analysis and prepare findings regarding the adequacy of existing and possible funding mechanisms to fund the identified needs. Adopt policies and guidelines regarding funding mechanisms. |
| 2 | Bicycle and Pedestrian Plan | 660-012-0045(6) | Agree in part | |
| 3 | Land Use and Subdivision Regulations | 660-012-0045(4) | Agree | |
| 4 | Financing Program | 660-012-0040(2)(a-d) 660-012-0035(3)(e) | Agree in part | |
| 5 | Public Participation | Periodic Review Task Citizen Involvement Process | Do not agree | |
| B. Mr. Nils Eddy | | | | |
| 1 | My Needs | None specified | Do not agree | Adopt findings regarding consistency with Bend Area General Plan and land use regulations. Adopt land use regulations necessary to implement transit. Adopt land use regulations necessary to implement the plan. |
| 2 | Consistency with Goals and Plans | 660-012-0025(2) | Agree in part | |
| 3 | Public Participation | Periodic Review Task Citizen Involvement Process | See Friends of Bend Objection #5 | |
| 4 | MPO Planning Requirements | 660-012-0035(2-5) | Do not agree | |
| 5 | Alternatives/ESEE Analysis | 660-012-0035 | Do not agree | |
| 6 | Bicycle and Pedestrian Plan | 660-012-0045(3) 660-012-0045(6) | See Friends of Bend Objections #1 and #2 | |
| 7 | Financing Program | 660-012-0040 660-012-0020(1) | Do not agree | |
| 8 | Land Use and Subdivision Regulations | 660-012-0045 | Agree in part | |

Attachment A (continued)

Summary and Bend Urban Area Transportation System Plan Objections, Department Conclusions, and Necessary Revisions

| Objection # | Issue | Requirement | DLCD Conclusion | Revisions Necessary |
|---|--|--|-------------------------------------|---|
| C. Mr. Bruce W. White | | | | |
| 1 | Public Participation | Periodic Review Task | Do not agree | Revise Figure 2, Map B, and Appendices A.1 and A.2 to be consistent regarding the classification of Industrial Way. Revise Policy 2f to be consistent with the plan. Clarify whether land use decisions are being deferred to a refinement plan or to project development. |
| 2-7 | Industrial Way/Lava Road | Citizen Involvement Process Various | Agree in part | |
| D. Sisters Forest Planning Committee | | | | |
| 1 | ESEE Analysis | 660-012-0035(3) | Agree in part | Coordinate with Goal 5 inventory. Conduct ESEE analysis where planned transportation facilities affect a Goal 5 resource. Clarify whether land use decisions are being deferred to project development. Provide project development review and approval process. Adopt land use regulations necessary to implement the plan. Identify planned transit trunk routes. Identify planned major transit stops. Identify rough cost estimates for transit facilities. Adopt phasing and implementation strategy. Adopt land use regulations necessary to implement transit. |
| 2 | Consistency with Plans | 660-012-0015(5) 660-012-0060(3) | Do not agree | |
| 3 | Bicycle and Pedestrian Plan | 660-012-0020 660-012-0040 | See Friends of Bend Objection #1 | |
| 4 | Needs and Alternatives Analysis | 660-012-0030, -0035 | Do not agree | |
| 5 | Financing Program | 660-012-0040 | Do not agree | |
| 6 | Consistency with Plans | 660-012-0025(2) | See Nils Eddy Objection #2 | |
| 7 | Coordination of Land Use and Transportation | 660-012-0030 660-012-0045(4) | Agree in part | |
| 8 | Transit Plan | 660-012-0020(2) | Agree | |
| 9 | Public Participation | Periodic Review Citizen Involvement Process | See Friends of Bend Objection #5 | |

Attachment A (continued)

Summary and Bend Urban Area Transportation System Plan Objections, Department Conclusions, and Necessary Revisions

| Objection # | Issue | Requirement | DLCD Conclusion | Revisions Necessary |
|----------------------------------|---------------------------------------|--|--|---|
| E. Norbert and Joan Volny | | | | |
| 1 | Designation of Major Arterials | Various | Agree in part | Amend Policy 6.9.6.21 to clarify applicability to streets designated as major arterials in BUATSP. Provide project development review and approval process. Adopt findings of consistency with Bend Area General Plan and land use regulations. Adopt policy or other implementing measure to implement the statement on p. 127 regarding monitoring truck volumes and noise on 27th Street. Adopt policy or other implementing measure regarding the need for Deschutes County to adopt plans for transportation facilities in urban reserve areas. Adopt policy or other implementing measure regarding the authorization and provision of planned transportation facilities in urban reserve areas. |
| 2 | Needs and Alternatives Analysis | 660-012-0030, -0035 | Agree in part | Adopt land use regulations necessary to implement the plan. Adopt implementing measure regarding the process to develop to develop a roadway design for the southern river crossing. |
| 3 | Inadequate Factual Basis | Goal 2 | Do not agree | |
| 4 | Coordination with Local Governments | 660-012-0015 | Agree in part | Coordinate with ODOT and prepare analysis and findings regarding OHP mobility standards and Hwy. 20. |
| 5 | ESEE Analysis | 660-012-0035(3) | See Nils Eddy Objection #5 | |
| 6 | Reduce Principal Reliance on the Auto | 660-012-0035(3)(e) | Do not agree | |
| 7 | Transit Plan | 660-012-0020(2) | See Friends of Bend Objection #3 and SFPC Objection #8 | |
| 8 | Bicycle and Pedestrian Plan | 660-012-0045(6) | See Friends of Bend Objection #2 | |
| 9 | Financing Program | 660-012-0040(2)(a-d) | See Friends of Bend Objection #4 | |
| 10 | Public Participation | Periodic Review Citizen Involvement Process | See Friends of Bend Objection #5 | |
| 11 | Consistency with Goals and Plans | 660-012-0025 | See Nils Eddy Objection #2 | |