

ORDINANCE NO. 2273

AN ORDINANCE AMENDING THE BEND URBAN ROADWAY SYSTEM PLAN MAP TO DELETE A FUTURE MAJOR COLLECTOR STREET WITH A BICYCLE LANE FROM TRENTON AVENUE TO SONORA DRIVE AND AMENDING THE BEND URBAN AREA BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP TO REALIGN THE FUTURE MULTI-USE CONNECTOR PATHS THROUGH HILLSIDE PARK.

Findings:

- A. On February 18, 2016, the City of Bend and the Bend Park and Recreation District (BPRD) submitted a Type III Quasi-Judicial application to amend the Bend Urban Roadway System Plan Map to delete a future major collector street with a bicycle lane from Trenton Avenue to Sonora Drive and to amend the Bend Urban Area Bicycle and Pedestrian System Plan Map to realign the future multi-use connector paths through Hillside Park.
- B. On June 7, 2016, the Hearings Officer held a public hearing on this application and issued a recommendation that the City Council adopt an ordinance to amend the Bend Urban Roadway System Plan Map to delete a future major collector street with a bicycle lane from Trenton Avenue to Sonora Drive and to amend the Bend Urban Area Bicycle and Pedestrian System Plan Map to realign the future multi-use connector paths through Hillside Park.
- C. The Bend City Council held a public hearing on July 20, 2016 to consider the Hearings Officer's recommendations.
- D. The amendments to the Bend Urban Roadway System Plan Map and the Bend Urban Bicycle and Pedestrian System Plan Map approved by this Ordinance meet all applicable Development Code criteria, policies of the Bend General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend Urban Roadway System Plan Map is amended to delete a future major collector street with a bicycle lane from Trenton Avenue to Sonora Drive as depicted in Exhibit A.
- Section 2. The Bend Urban Area Bicycle and Pedestrian System Plan Map is amended to realign the future multi-use connector paths through Hillside Park as depicted in Exhibit B.
- Section 3. The City Council adopts the Hearings Officer's Findings in support of this ordinance as contained in Exhibit C.


First reading: July 20, 2016

Second reading and adoption by roll call vote: August 3, 2016.

YES: Jim Clinton, Mayor
Doug Knight
Victor Chudowsky
Sally Russell
Nathan Boddie
Casey Roats
Barb Campbell

NO:

Jim Clinton, Mayor




Date

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



Mary Winters, City Attorney

Exhibit A: Proposed Bend Urban Area Roadway System Plan Map Amendment

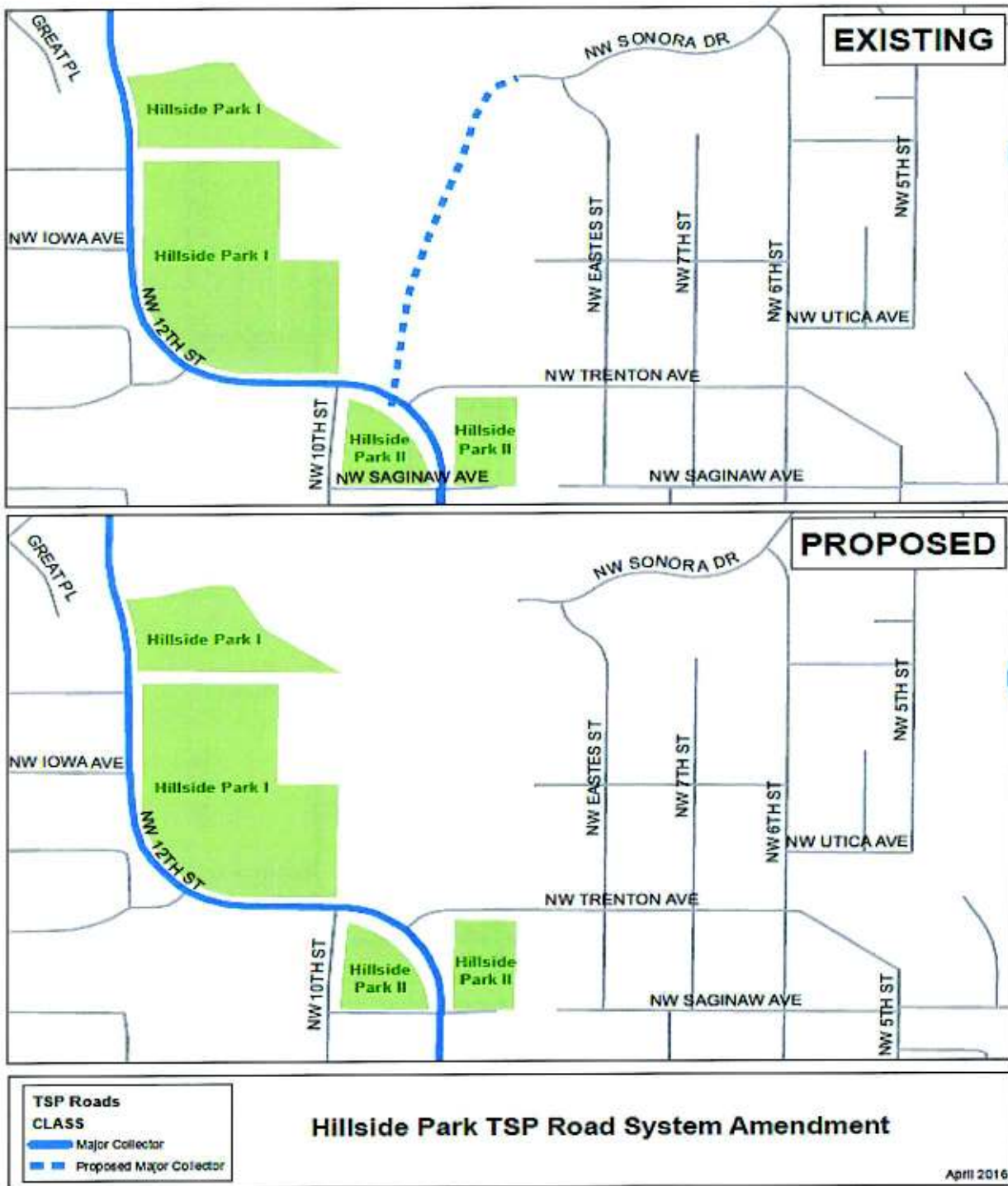
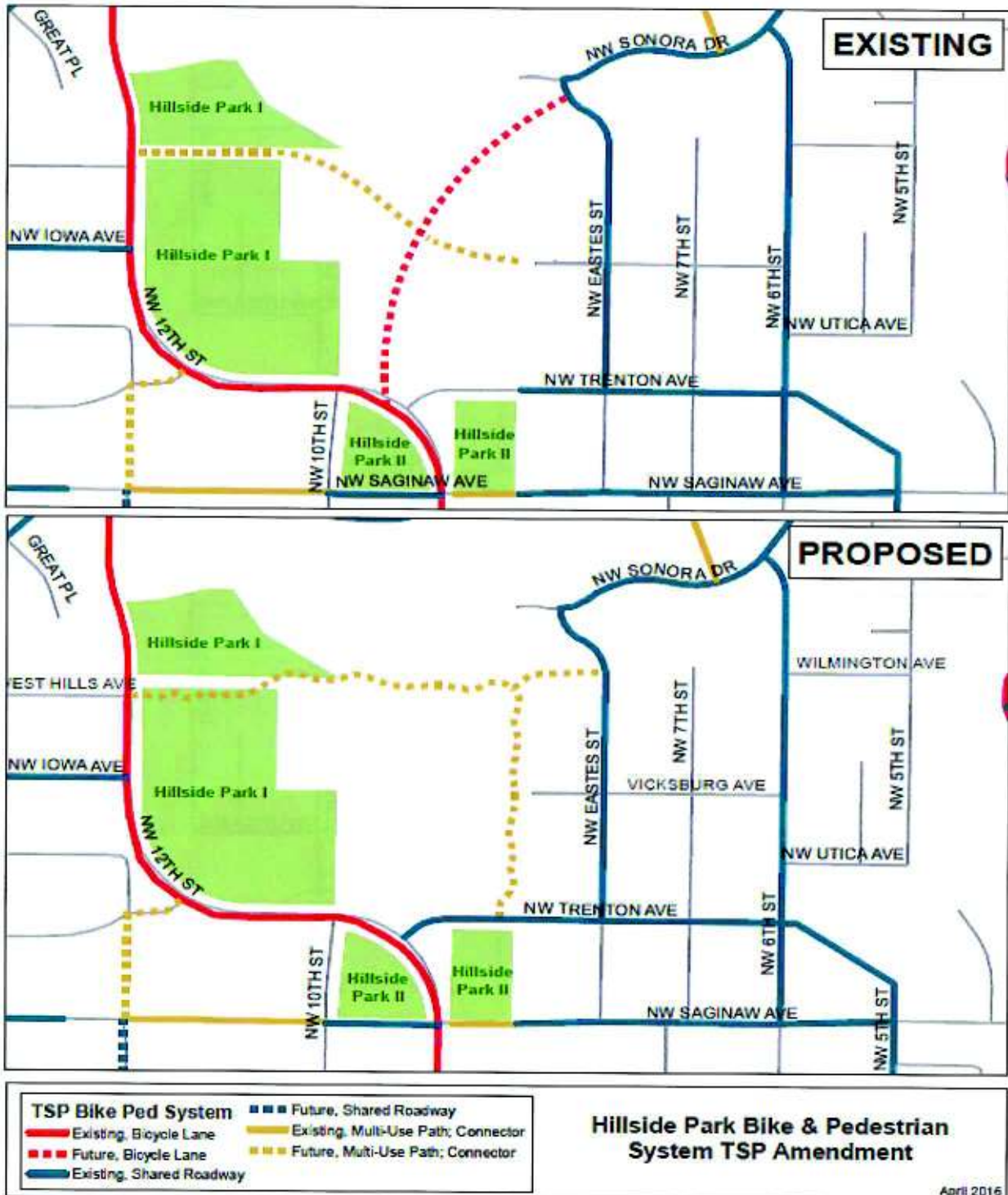


Exhibit B: Proposed Bend Urban Area Bicycle and Pedestrian System Plan Map Amendment



HEARINGS OFFICER FINDINGS AND DECISION

PROJECT NUMBER: PZ-16-0147 (TSP Amendments)

APPLICANTS / OWNERS: Bend Park & Recreation District (BPRD)
c/o Jim Figurski
799 SW Columbia Street
Bend, OR 97702

City of Bend
c/o Eric King, City Manager
710 NW Wall Street
Bend, OR 97703

Marney Smith &
Scott Jennrich
805 NW Sonora Dr
Bend, OR 97703

BPRD'S AGENT: Colin McArthur, AICP
Cameron McCarthy Landscape Architecture & Planning
160 East Broadway
Eugene, OR 97401

LOCATION: 2050 NW 12th St., 1000 NW Trenton Ave.,
805 NW Sonora Dr.

REQUEST: Type III Amendment to the Bend Area Transportation System Plan. The two maps that are proposed to be amended are the Bend Urban Area Roadway System Plan (April 2014) and the Bend Urban Area Bicycle and Pedestrian System Plan (April 2014). The applicants propose to delete a future major collector street with a bicycle lane through the subject property from Trenton Avenue to Sonora Drive (a.k.a. the Sonora Drive extension), and to realign the future multi-use connector paths through Hillside Park.

STAFF REVIEWER: Aaron Henson, AICP, Senior Planner
541-383-4885, ahenson@bendoregon.gov

HEARINGS OFFICER: Laurie Craghead

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

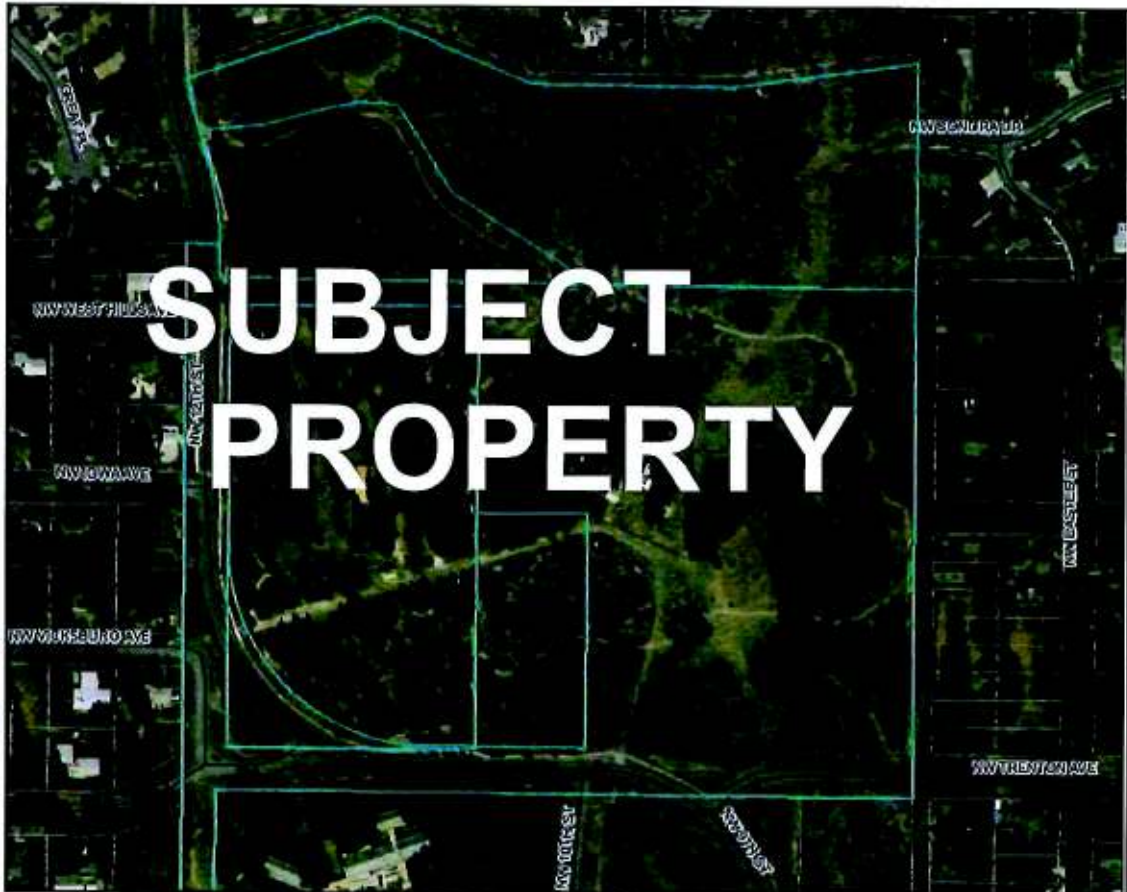
- (1) City of Bend Development Code
 - (a) Chapter 2.1, Residential Districts
 - (b) Chapter 2.6, Public Facilities Zoning District
 - (c) Chapter 4.1, Development Review and Procedures
 - (d) Chapter 4.6, Land Use District Map and Text Amendments

- (e) Chapter 4.7, Transportation Analysis
- (2) The Bend Area General Plan
- (3) Oregon Administrative Rules
 - (a) Chapter 660-012-0060, Plan and Land Use Regulation Amendments (Transportation Planning Rule)
 - (b) Chapter 660-015-0000, Statewide Planning Goals and Guidelines

FINDINGS OF FACT:

FINDING: The Hearings Officer adopts the following from the Staff Report¹ and adds additional information where noted as the Hearings Officer's "ADDITIONAL FINDINGS."

1. **LOCATION:** The subject property is located north of NW Trenton Avenue, between NW 12th Street to the west, and NW Eastes Street to the east, as shown below.



¹ The Staff Report was not dated but was available to the Hearings Officer and online seven (7) days prior to the June 7, 2016 hearing.

2. **EXISTING ZONING & GENERAL PLAN DESIGNATION:** The subject property is zoned Residential Standard Density (RS). The northerly portion is designated RS on the Bend Area General Plan, and the southerly portion is designated Public Facilities (PF) on the Bend Area General Plan.

3. **SITE DESCRIPTION & SURROUNDING USES:** The subject property contains approximately 37 acres, with a perimeter of approximately 1 mile. The site contains a playground in Hillside Park I, a water reservoir, trails, and an off-leash dog area. There is a new house under construction in the northeast corner of the subject property at 805 NW Sonora Drive. The Hillside Park subdivision is located in the RS zone to the north. The Heights of Bend and Bend View Addition subdivisions are located in the RS zone to the east. The West Hills and City View subdivisions are located across NW 12th Street in the RS zone to the west. Hillside Park II and the COCC Chandler Lab are located across Trenton Avenue in the RS zone to the south. The land to the south is designated PF on the Bend Area General Plan.

ADDITIONAL FINDINGS: The Hearings Officer noted during the hearing that the Hearings Officer visited the site and saw that the subject property was as described above. Additionally, the Hearings Officer noted where Vicksburg and what appears to be West Hills dead-end at the site on the east and that existing development would prevent Wilmington from becoming a through-street from 8th Street in the future. She also noted that Sonora Drive did not appear to be much wider than Eastes Street and that not much traffic used the side streets off of Sonora Drive to go south and surmised that it was because there is no direct route to Portland or Newport avenues.

4. **PROPOSAL:** Type III Amendment to the Bend Area Transportation System Plan (TSP), which is Appendix C of the Bend Area General Plan. The two maps that are proposed to be amended are the Bend Urban Area Roadway System Plan and the Bend Urban Area Bicycle and Pedestrian System Plan. As shown in the four maps on Pages 5 & 6, the applicants proposes to delete a future major collector street (dashed blue line) with a bicycle lane (dashed red line) through Hillside Park I from NW Trenton Avenue to Sonora Drive, and to realign the future multi-use connector paths (dashed tan lines) through Hillside Park I. The purpose of the requested TSP Amendment is to allow certain planned park improvements which would otherwise conflict with the Transportation System Plan. BPRD has also submitted a separate Site Plan application (File PZ-16-0148), which is being reviewed administratively.

ADDITIONAL FINDINGS: The Hearings Officer adds that the applicant stated at the hearing that proposal includes constructing the multi-use connector paths with a stable, firm, and slip-resistant surface that would be compliant with the Americans with Disabilities Act ("ADA").

5. **APPLICATION ACCEPTANCE DATE:** The application for this TSP Amendment was submitted on February 18, 2016 and accepted as complete on May 5, 2016.

- 6. PUBLIC NOTICE AND COMMENTS:** Prior to submitting this application, BPRD held a several neighborhood public meetings for the Hillside Park Master Plan in 2015. On May 11, 2016, the City of Bend Planning Division sent notice of the public hearing on the proposed TSP Amendment to surrounding owners of record of property within 250 feet of the subject property as shown on the most recent property tax assessment roll, and to the River West Neighborhood Association (RWNA). Notice of the application was also posted on the subject property. As of the date of this report, only one letter of concern has been received, from the owners of an existing house on a 1 acre tax lot (8 platted lots) at 2263 NW Eastes Street. Their four main concerns (and brief staff responses) are summarized as follows:

Concern #1: The removal of the future collector street from the TSP will result in increased traffic on Eastes Street, Vicksburg Avenue, and Trenton Avenue over time, as motorists work their way through the neighborhood to access 12th Street and/or Portland or Newport Avenues.

Staff Response: As demonstrated by BPRD's Technical Memorandum prepared by Kittelson & Associates, Inc. dated February 12, 2016 and further documented in this Staff Report, no existing congestion issues were documented on the existing parallel routes that would be alleviated by the future Sonora Drive extension. Therefore, the Sonora Drive extension is not necessary to alleviate congestion. The removal of the Sonora Drive extension from the TSP will maintain the residential character of the existing section of Sonora Drive, and the other existing residential streets within the neighborhood (Eastes Street, Vicksburg Avenue, and Trenton Avenue) will continue functioning as local streets without the future major collector street extension.

Concern #2: Eastes, Trenton, and Vicksburg were not designed to handle this level of increased traffic, and such traffic would endanger public safety. Trenton is a very narrow street with cars parked on both sides of the street. When two vehicles traveling in opposite directions meet, one has to pull to the side at many places on this road. In addition, none of these roadways (Eastes, Vicksburg, and Trenton) have sidewalks. These roadways are not "major collector streets" and cannot substitute for the one that is proposed to be deleted. In contrast, the future collector street in the TSP is quite capable of handling the traffic, and would connect the existing portion of Sonora Drive to NW 12th Street, which is a busy/improved street with a roundabout at NW 12th Street and Newport Avenue.

Staff Response: As demonstrated by BPRD's Technical Memorandum prepared by Kittelson & Associates, Inc. dated February 12, 2016, if the Sonora Drive extension is removed from the TSP, the other existing streets in the neighborhood will continue to safely operate within their designated functional classifications.

Concern #3: Putting ever more traffic on Eastes and Trenton will adversely affect the quality of life and property values in the neighborhood. The City's existing plans for a "major collector street" to run from Sonora Drive to NW 12th Street poses no such issues, and the route of this future street currently runs through open land.

Staff Response: Based on the BPRD's Technical Memorandum, the Sonora Drive extension is not necessary to alleviate existing or future congestion. Extending a major collector street from Sonora Drive to Trenton Avenue / NW 12th Street would also face numerous design challenges and issues, such as steep topography.

Concern #4: There is a small population of Western Grey Squirrels in this neighborhood, and many are killed each year by speeding motorists on Eastes and Trenton. This will only become worse if the traffic on Estates and Trenton increases due to the removing of the future collector street.

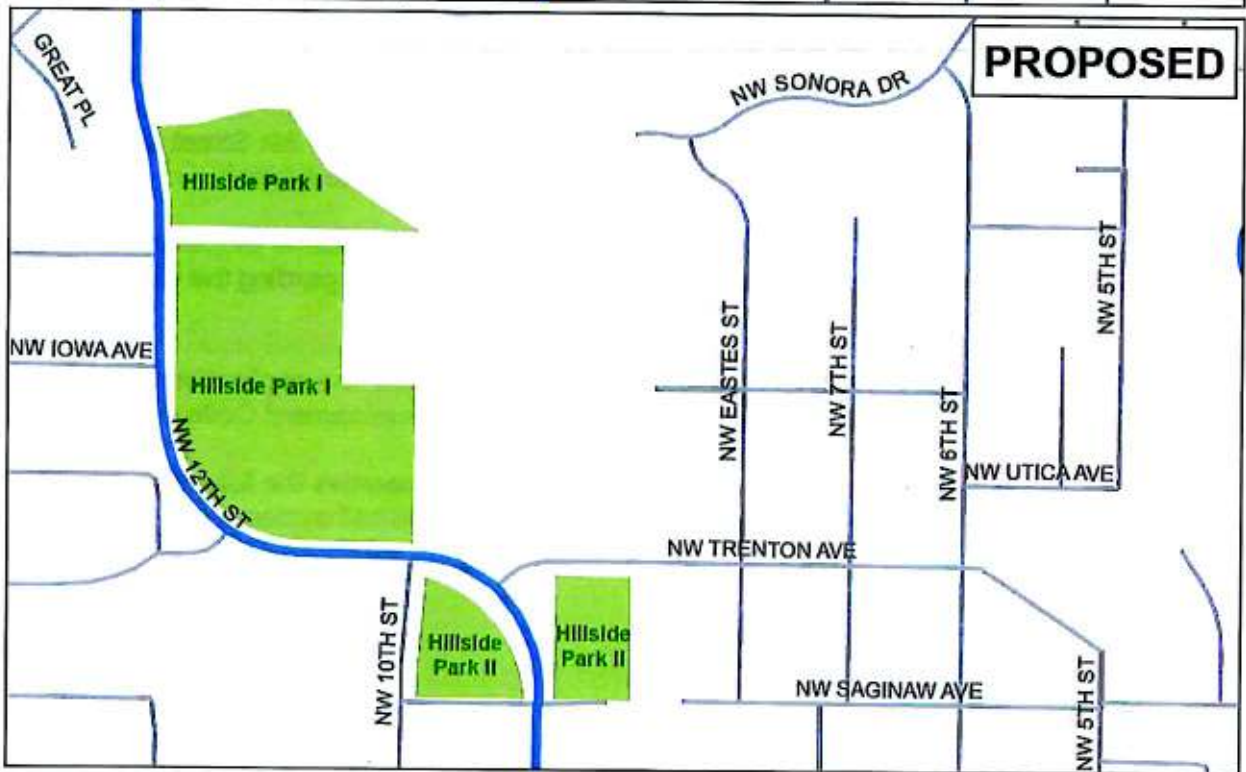
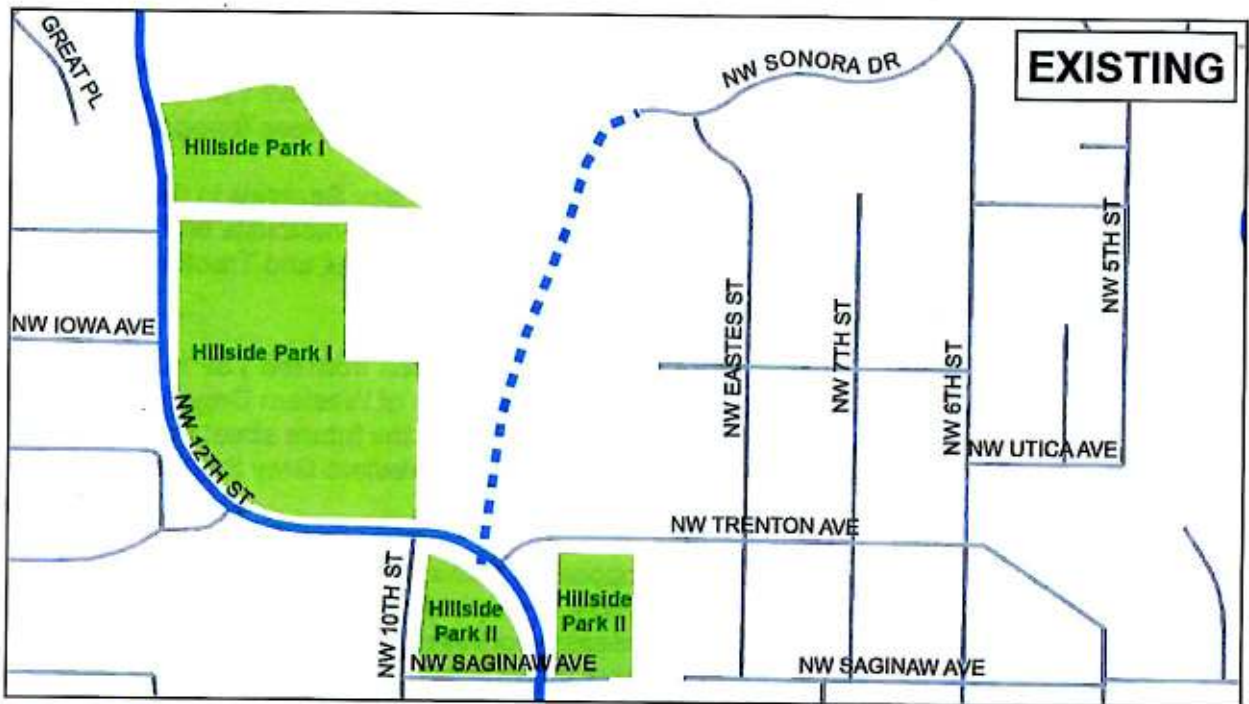
Staff Response: Removing the Sonora Drive extension from the TSP is not expected to significantly affect the existing population of Western Grey Squirrels in the neighborhood surrounding Hillside Park. Building the future street extension would actually cause further habitat disruption, and Western Grey Squirrels are not listed as a threatened or endangered species.

The owners of 2263 NW Eastes Street oppose any changes which would result in the future removal of existing easements or right of ways which would affect the eventual construction of NW 8th Street and the extension of Wilmington Avenue, which are platted and abut their property on two sides. (Staff notes that no such changes are proposed.) The owners of 2263 Eastes Street also support of BPRD's planned paths through Hillside Park, as long as the paths don't supersede or impede the eventual use of the platted rights of way for NW 8th Street and Wilmington Avenue, which could be constructed in the future. (Staff notes that the planned paths through and adjacent to Hillside Park will not preclude the possibility of improving the NW 8th Street and Wilmington Avenue rights of way for use as public streets in the future.)

ADDITIONAL FINDINGS: The Hearings Officer adds that the same property owners who submitted the same letter above testified at the hearing regarding the same concerns as in the letter.

Because the proposal is a comprehensive plan amendment, the application is not subject to a 120-day deadline for a final decision per Bend Development Code 4.1.430.C.

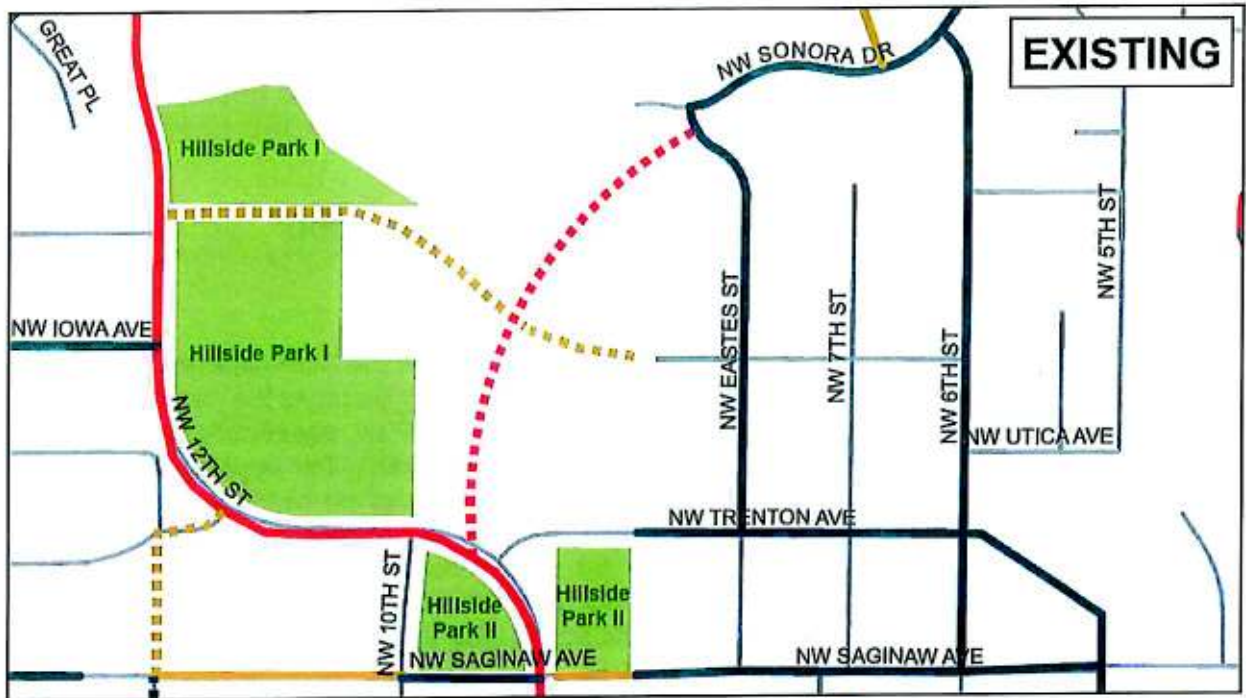
Maps on the following two pages show for the subject properties the future road and trail system in the current TSP and the proposed road and trail system.



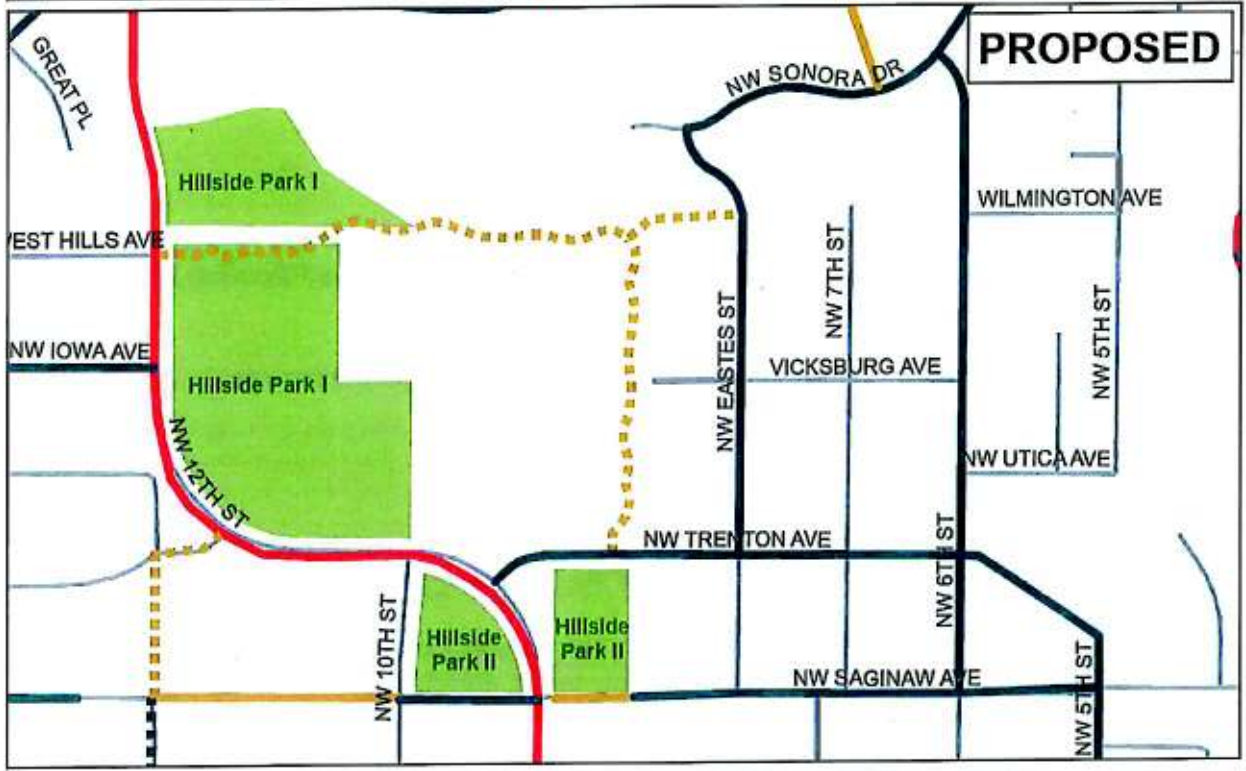
TSP Roads	
CLASS	
	Major Collector
	Proposed Major Collector

Hillside Park TSP Road System Amendment

April 2018



EXISTING



PROPOSED

TSP Bike Ped System	
	Existing, Bicycle Lane
	Future, Bicycle Lane
	Existing, Shared Roadway
	Future, Shared Roadway
	Existing, Multi-Use Path; Connector
	Future, Multi-Use Path; Connector

Hillside Park Bike & Pedestrian System TSP Amendment

April 2016

APPLICATION OF THE CRITERIA:

FINDING: The Hearings Officer adopts the following from the Staff Report² and adds additional findings where noted as the Hearings Officer's "HEARINGS OFFICER'S FINDINGS" or "ADDITIONAL FINDINGS."

CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE

Sections 4.1.412, .423, .424, .427, .426, .429, .430.

ADDITIONAL FINDINGS: The Hearings officer adds that this TSP Amendment application is a Type III quasi-judicial land use application because the purpose is to amend the TSP, which is part of the Bend Area General Plan, specifically for just the subject lots and, therefore, is a site-specific plan amendment. The application was deemed complete on May 5, 2016 and appropriate notice of the hearing, complying with the Bend City Code requirements, was sent to all the parties, appropriate agencies and all the property owners within 250 feet of the subject property. The record includes photos of the posted notice of the proposed land use action. A Hearing Officer reviewed the application to make a recommendation to the City Council, which shall be the final decision maker for this application.

CHAPTER 4.6, LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.6.300 QUASI-JUDICIAL AMENDMENTS

B. Criteria for Quasi-Judicial Amendments

Criterion #1. Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Planning Director or designee;

The relevant Statewide Planning Goals, along with findings of consistency, are listed below.

Goal 1, Citizen Involvement

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

The City's acknowledged citizen involvement program for quasi-judicial amendments is codified in BDC Chapter 4.1. As previously noted, BPRD held a series of public meetings on the Hillside Park Master Plan in 2015. Type III land use applications are

² The Staff Report was not dated but was available to the Hearings Officer and online seven (7) days prior to the June 7, 2016 hearing.

also noticed by the City pursuant to BDC 4.1.400, which ensures that citizens are informed of the opportunity to participate in a public hearing.

Goal 2, Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

HEARINGS OFFICER'S FINDINGS: The Hearings Officer amends the Staff Report as follows.

The Development Code establishes the process, and the General Plan establishes the policy framework, for a decision on the requested changes to the TSP. That process was followed. Staff prepared a written recommendation to the Hearings Officer based on established processes and policies and that was provided to the Hearings Officer and to the public at least a week prior to the public hearing. The Hearings Officer considered Staff's recommendation and other evidence at a public hearing. Written evidence and testimony were submitted prior to the hearing before the Hearings Officer and oral testimony was taken at the hearing. The only written testimony at the hearing were PowerPoint presentations by Staff and the Applicant. The Hearings Officer's findings and recommendation regarding the application will be presented to the City Council, which will hear the matter in a public hearing and make the final decision whether or not to approve the application.

Goal 3, Agricultural Lands

Goal 4, Forest Lands

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces

Goals 3 & 4 are not applicable to this application because the subject property is not zoned for agriculture or forest use. However, Hillside Park is a Goal 5 open space. Based upon the Bend Area General Plan's inventory of open space lands held by both public and private parties, in 1995 there were 905 acres of public park and recreational facilities, 1,525 acres of City, County, and other public properties, 98 acres of School District holdings, and 963 acres of private open space and recreational facilities, for a total of approximately 3,491 acres of open space. The requested TSP Amendment will facilitate certain planned improvements in Hillside Park. Therefore, the requested TSP Amendment is consistent with Goal 5.

Goal 6, Air, Water and Land Resources Quality

HEARINGS OFFICER'S FINDINGS: The Hearings Officer amends the Staff's findings in that, although no issues regarding Goal 6 were raised during the hearings process before the Hearings Officer, Goal 6 is applicable to this application. The Hearings Officer finds that the Goal remains applicable at all times. The Hearings Officer finds, however, that the application will have no effect on water or land resource quality because the proposed change will have no significant impacts on air, water, or land

resources. The subject property has no unique land resources that must be preserved because it has no forest use, water resources or similar resources. In fact, the proposed use will further Goal 6 by allowing for the use of the property for multi-use trails that will make it easier for pedestrians and bicyclists to use the paths to travel to and from the adjacent neighborhoods to Trenton Avenue and 12th Street. Changing from a collector road to a multi-use path also aids the air quality by eliminating gas emissions from vehicles in the vicinity.

Goal 7, Areas Subject to Natural Hazards

Goal 7 is not applicable to this application because the subject property is not within an identified natural hazard area.

Goal 8, Recreational Needs

Hillside Park is an area identified for recreational use. The requested TSP Amendment will facilitate certain planned improvements in Hillside Park. Therefore, the requested TSP Amendment is consistent with Goal 8.

ADDITIONAL FINDINGS: The Hearings Officer adds that, at the hearing, Staff clarified that Hillside Park is identified in the BAGP as a park. As such, Goal 8 is applicable to the proposal except that most of Goal 8 deals with destination resorts and, therefore, is not applicable to this application. The portions of Goal 8 that apply are the Recreation Planning paragraph and the "GUIDELINES FOR GOAL 8."

The Hearings Officer finds that proposal will allow better development of a large, urban park that is in an appropriate location for the surrounding neighborhoods to put to greater uses desired by those neighborhoods. Because the community was involved in the planning of the park, changing the TSP to allow for more and better development of the lots as a park will aid in meeting the recreational needs of this urban density area. With the new multi-use trails, it will be designed for recreational needs of persons with limited mobility. Because there will be no charge for its use, it meets the recreational needs for those with limited finances. Therefore, the proposal is consistent with Goal 8.

Goal 9 Economic Development

ADDITIONAL FINDINGS: The Hearings Officer adds that Goal 9 is not directly applicable to the proposed TSP change. Roads, multi-use paths and parks, however, are important for economic development. Proper planning for those uses allow for a city to be desirable for companies and individuals to create businesses in that city. Since the proposed change will make a more desirable park for the surrounding area such that those who operate or work in business can enjoy the adjacent neighborhoods in which they live, the proposal meets this goal.

Goal 10, Housing

Goal 10 is "To provide for the housing needs of citizens of the state." Although the subject property is zoned Residential Standard Density (RS), the southern portion of the subject property is designated Public Facilities (PF), and the majority of the subject property is set aside for public utility needs and public recreation. Only the northernmost portion of the subject property is in private ownership, and planned for residential development. The requested TSP Amendment does not directly affect Goal 10, or the City's ability to provide an adequate supply of land for needed housing.

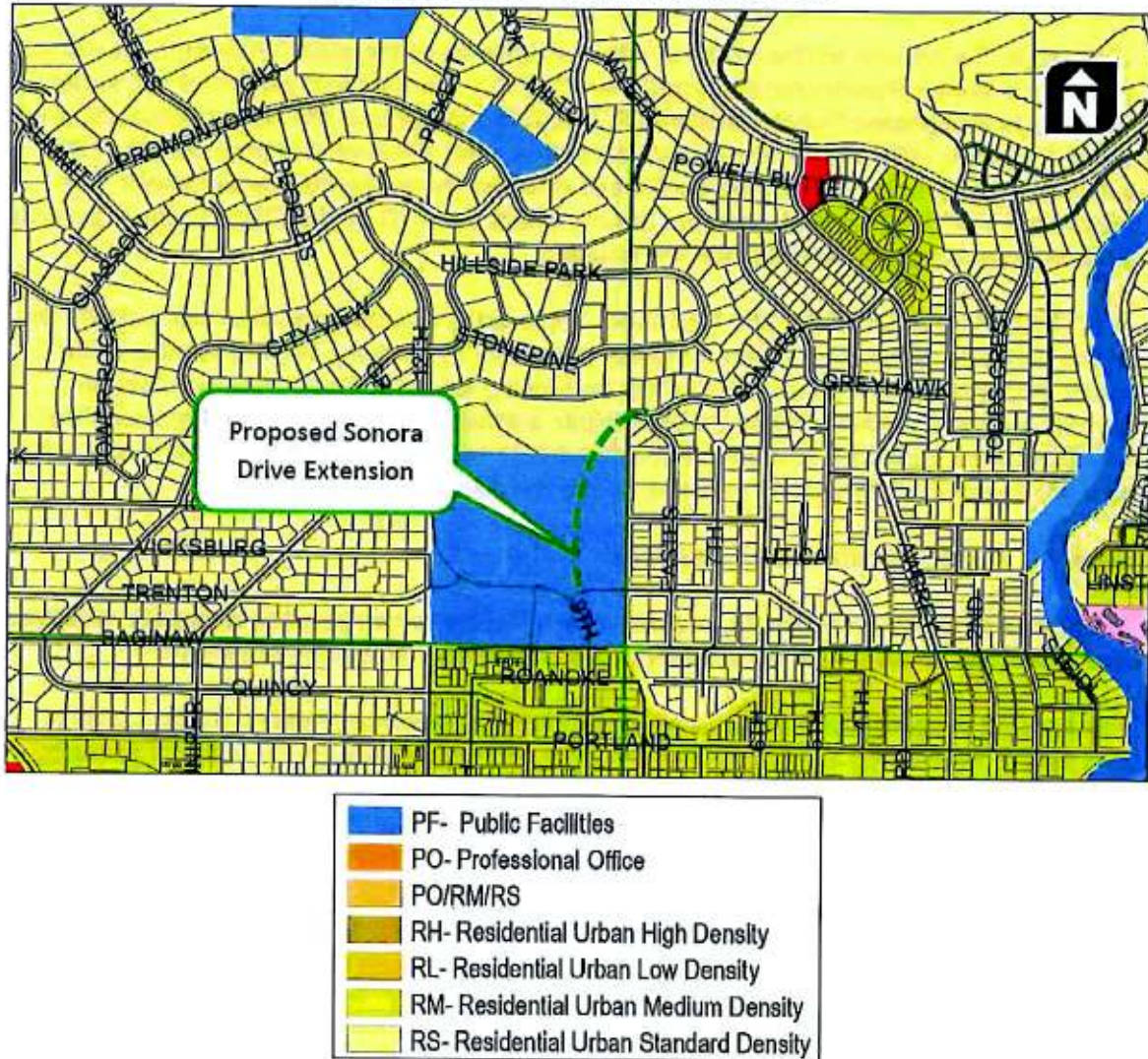
ADDITIONAL FINDINGS: The Hearings Officer adds that the proposal may actually aid in the provision of housing on the privately owned lot by allowing better planning of the roads through a future subdivision rather than being forced to design the subdivision around a curved collector street that feeds into a local street that might better serve the subdivision if it runs east and west through a future subdivision. The multi-use paths will also aid in reducing the use of vehicles by the residents in that subdivision.

Goal 11, Public Facilities and Services

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

The subject property contains a large water storage reservoir, related public facilities, and piping. Removing the future Sonora Drive extension through the subject property will avoid any potential disruptions to the City's water system that might be associated with the construction of a major collector street through the site.

Excerpt from Bend Area General Plan



Goal 12, Transportation

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

The future collector street from Trenton Avenue to Sonora Drive runs through land that is currently used as a neighborhood park. The land has challenging topography for development, including steep grades. Based on GeoBlade GIS topography information, the average grade for the proposed major collector street extension would be approximately 11 percent, with some sections steeper than this.

While the Bend Urban Area TSP provides only a conceptual alignment of the future major collector street extension, development of a four-way intersection at the junction

of the Trenton Avenue / 9th Street / Sonora Drive extension would be difficult due to the required geometry and intersection location along a curve. Development of the intersection would likely require Trenton Avenue to be realigned to the north into the Sonora Drive extension, ultimately providing a redundant connection with Eastes Street.

From a land use perspective, the future major collector street would run through the park and provide street connections to areas that are predominantly residential. This residential area is largely platted and built-out, with no major subdivisions expected in the future. Therefore, as explained in more detail below, traffic on the existing streets in the neighborhood is only expected to grow by about 2.3% annually. Hillside Park will be undergoing renovations in 2016, and a Conceptual Master Plan has been completed as part of these efforts. The Master Plan shows an off-leash dog park and trail system on the parcel of land where the future major collector street extension is shown in the TSP. The dog park and trail system would be bisected by this future road. The future major collector street would largely serve existing traffic.

If constructed, the primary role of this new connection would be rerouting traffic from Trenton Avenue, Eastes Street, and NW 6th Street, all of which are local streets. Each of these roads is relatively short, and serves a limited number of residences. Therefore, in considering the removal of Sonora Drive as a future major collector from the TSP, the applicants' traffic analysis evaluates whether the parallel routes can continue to function as local streets long-term.

To a lesser degree, the Sonora Drive extension would also provide an alternative route to Awbrey Road and NW 9th Street, which connect Portland Avenue to Mt. Washington Drive. The applicants' traffic analysis also evaluates whether these two existing streets are expected to continue functioning as major collector streets without the completion of the future Sonora Drive extension. The Hearings Officer adds that the analysis concludes that they will function properly with or without the Sonora Drive extension.

EXISTING TRAFFIC CONDITIONS (2016)

The following section of this report summarizes the existing traffic characteristics on Trenton Avenue, NW 9th Street, and Awbrey Road to illustrate how the roads are currently functioning.

NW Trenton Avenue

On Trenton Avenue, 24-hour tube counts were conducted from noon on Tuesday January 26, 2016 to noon on Wednesday January 27, 2016. These counts were collected between snow events, but are likely to reflect slightly lower volumes and speeds than during summer months. Accordingly, these are intended to provide a general volume trend rather than a specific average traffic volume. The tube count was collected on Trenton Avenue between NW 9th Street and Eastes Street, and was centrally located to minimize acceleration and deceleration effects. Data collected includes information on traffic volume, truck percentages, and travel speeds, as summarized in the Table 1 below.

Table 1. 2016 Traffic Characteristics on NW Trenton Avenue

Traffic Characteristics	
Average Daily Traffic (ADT)	812 vehicles
AM Peak Hour	7:00 – 8:00 AM
AM Peak Hour Volume	81 vehicles
PM Peak Hour	5:00 – 6:00 PM
PM Peak Hour Volume	88 vehicles
Daily Percent Trucks (HV%)*	6.5%
85 th Percentile Speed	29 mph

* Percent trucks (heavy vehicles) is calculated based on the percentage of vehicles in Class 4 or higher, based on the FHWA definition of vehicle classification.

As shown in Table 1, Trenton Avenue was observed to carry slightly over 800 vehicles per day on the day that the data was collected. Although the data indicated that 6.5% of vehicles are heavy vehicles, the majority of these (5.9%) were classified as buses or two-axle vehicles with six tires.

The Bend Urban Area TSP provides guidance on appropriate traffic volumes and roadway characteristics for roadways based on their functional classification. Based on this guidance, Trenton Avenue is currently operating appropriately as a local street in an urban area, with ADT well under 1,500 vehicles per day. The 85th percentile speed on Trenton Avenue is 29 mph, slightly higher than the 25 mph area speed limit for residential areas in urban areas.

NW 9th Street and NW Awbrey Road

NW 9th Street and Awbrey Road are classified as major collector streets, and serve as the primary north-south connections west of the river and east of Mt. Washington Drive. Traffic counts on these roads were reviewed to determine if they are operating within an appropriate threshold for major collectors in urban areas. Intersection traffic counts were conducted on Tuesday, September 29, 2015 between 4:00 PM and 6:00 PM at the intersections of NW 9th Street / Portland Avenue and Awbrey Road / Portland Avenue. These counts revealed PM peak hour traffic of 423 vehicles per hour on NW 9th Street and 213 vehicles per hour on Awbrey Road. Using available 24-hour segment count data from other roads on the west side of Bend, an average ratio of PM peak hour trips to the Average Daily Trips (ADT) was calculated and used to estimate ADT on NW 9th Street and Awbrey Road. The data used was also obtained in September 2015. As shown in the Table 2 on the following page, the average ratio was 10.9 percent.

Table 2. Percent of Daily Traffic During PM Peak Hour on Westside Roads

Count Location	Percent of Daily Traffic during Peak Hour
NW Milwaukee Avenue (between 15 th Street and 14 th Street)	10.8%
NW 15 th Street (between Cumberland and Baltimore)	10.2%
NW 12 th Street (between Fresno and Elgin)	12.4%
NW Harmon Blvd (between Kingston and Milwaukee)	10.1%
Average	10.9%

By applying this ratio to the PM peak hour counts on NW 9th Street and Awbrey Road, the estimated ADT for these two existing major collector streets was calculated to be approximately 3,900 and 1,950 vehicles per day, respectively. The map below shows the traffic counts on Trenton Avenue, NW 9th Street, and Awbrey Road.

PM Peak Hour Trips & Average Daily Trips



Based on the Bend Urban Area TSP guidance, major collector streets in urban areas are generally expected to carry up to 9,000 vehicles per day. Therefore, NW 9th Street

and Awbrey Road currently operate within a reasonable range for major collectors in urban areas.

FUTURE TRAFFIC PROJECTIONS (2028)

To evaluate how the roads are expected to operate without the Sonora Drive extension in the TSP horizon year of 2028, existing volumes were projected to 2028 using growth rates calculated from the City's travel demand model. Based on the existing peak hour counts and model traffic forecasts for NW 9th Street, Awbrey Road, and Portland Ave., a weighted average growth rate of 2.3% was calculated for the Awbrey Butte area. Using an annual 2.3% growth rate, the estimated 2028 average daily traffic volumes for the nearby roads are:

- NW Trenton Avenue: 1,036 vehicles per day (still less than 1,500 ADT)
- NW 9th Street: 5,040 vehicles per day (still less than 9,000 ADT)
- NW Awbrey Road: 2,538 vehicles per day (still less than 9,000 ADT)

Based on these projections, all three roads are expected to continue to operate within appropriate ADT thresholds for their respective functional classification.

SAFETY REVIEW

Surrounding roadway safety was also reviewed to assess whether the Sonora Drive extension is needed to address crash patterns within the surrounding area. The latest five years available from ODOT's Crash Analysis and Reporting Unit (January 2010 through December 2014) was reviewed on NW 9th Street, Awbrey Road, and Trenton Avenue. The review of crash history included all reported crashes, which include incidents that involve at least one motor vehicle, result in property damage exceeding \$1,500, or result in some level of injury. The reported crashes for each location are summarized below. No safety trends were identified for the study area based on this crash review.

NW Trenton Avenue

Crash data was reviewed on NW Trenton Avenue between NW 9th Street and NW 6th Street. One crash was reported just east of NW Eastes Street. This crash was a fixed object, moderate injury crash that involved a vehicle striking a tree or shrubs, according to the police report. The crash report indicated driver inattention and cell phone use was involved.

NW 9th Street

Crash data was reviewed on NW 9th Street between Trenton Ave. and Summit Drive. Two crashes were reported on NW 9th Street in 2014; no crashes were reported between 2010 and 2013. One occurred near the intersection of Trenton Avenue and NW 9th Street. This was a head-on crash that occurred during icy road conditions. No injuries were reported. The second was a fixed object crash that occurred at the

intersection of NW 9th Street and Iowa Street. Speed was indicated as a factor in the crash report. No injuries were reported.

NW Awbrey Road

Crashes were reviewed on Awbrey Road between Portland Avenue and Sonora Drive. Two crashes were reported on this section of the road between 2010 and 2014. One rear-end crash was reported at Awbrey Road and Utica Avenue; no injuries were reported. The second crash was an angle crash that occurred at Awbrey Road and Greyhawk Avenue during snow conditions. The crash resulted in a minor injury.

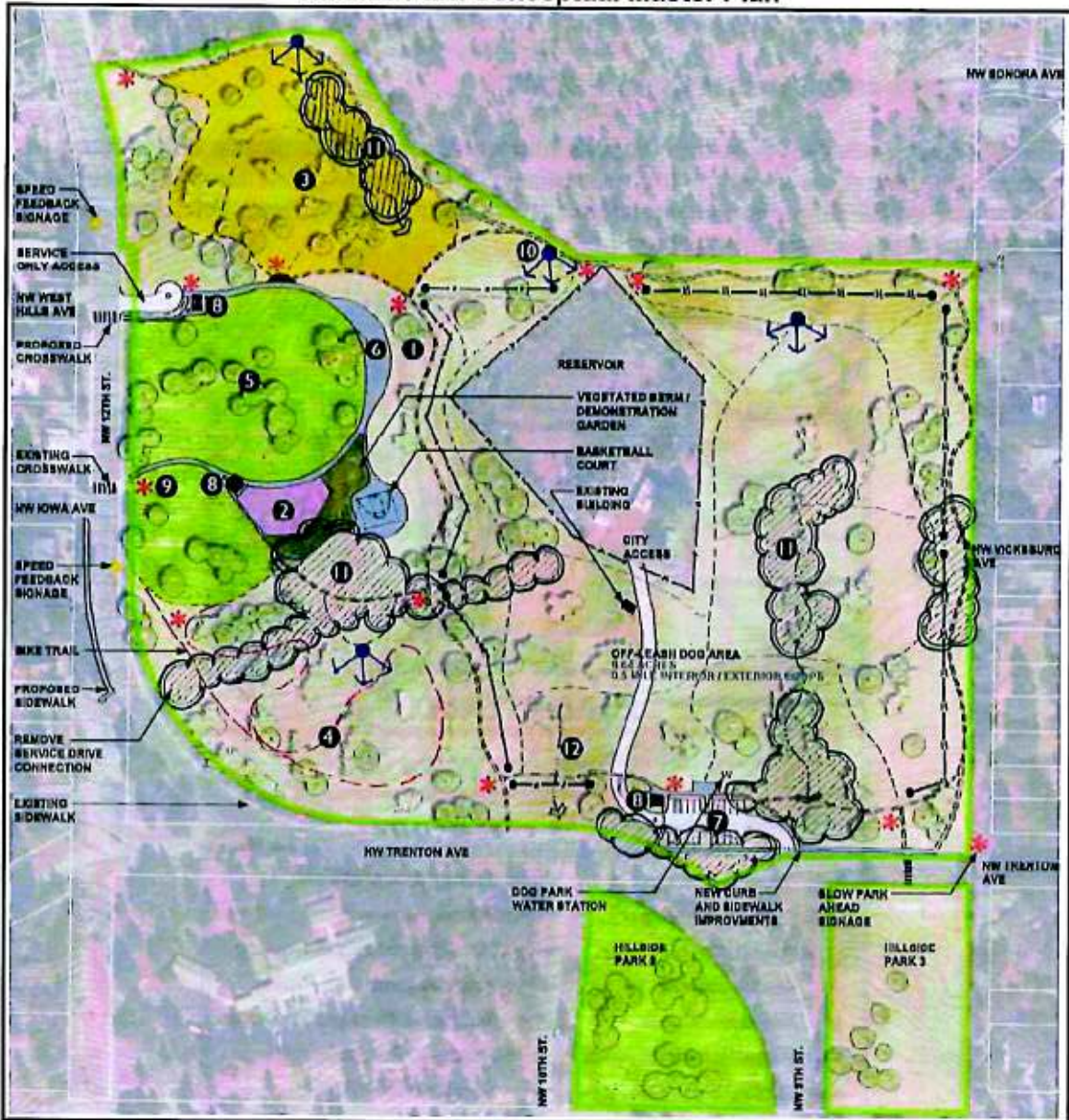
PEDESTRIAN AND BICYCLE CONNECTIVITY

The Bend Urban Area TSP also indicates future pedestrian and bicycle connections through the parcel, as shown in the map below. These connections identify a need for bicycle and pedestrian connectivity across the subject property (east-west) and along the Sonora Drive extension (north-south).



Existing trails throughout the Hillside Park area provide pedestrian and bicycle connectivity in both the north-south and east-west directions through the park. As shown in the map below, the Conceptual Master Plan for Hillside Park further enhances the trail system with improved trail connections both within and around the off-leash dog area and the western side of the park. With these trail connections, the pedestrian and bicycle connectivity envisioned by the TSP is provided without the Sonora Drive extension.

Hillside Park Conceptual Master Plan



Goal 12 is implemented through the Transportation Planning Rule (TPR), OAR 660-12. Additionally, Section 4.6.600 of the Bend Development Code requires the applicants to demonstrate compliance with the TPR.

The TPR outlines the required transportation elements of a City's Comprehensive Plan. As described within the Purpose section, the TPR is intended to provide and encourage a safe, convenient, and economic transportation system. This section summarizes the relevant regulatory requirements of the proposed TSP Amendment and how the application addresses these policies.

ADDITIONAL FINDINGS: The Hearings Officer adds that the proposed collector running through the Hillside Park property as is proposed in the TSP would result in a collector connected to a local street that could cause considerably more traffic on a local street, Sonora Drive, that is not currently built to handle that amount of traffic. No testimony was provided to explain why the City chose to make that connection in the TSP. Thus, changing that connection to realigned multi-use trails with an ADA compatible surface is a more logical use of that transportation system and would lessen the potential hazards on Sonora Drive.

The owners of the property on Eastes asked during the hearing why the proposed Sonora Drive collector could not just remain on the TSP and the park be built as in the new master plan. Collin Stephens, City Planning Manager, answered that question by stating that the District submitted a site plan application for the new park construction. Thus, in order to approve the site plan, the District would have to build the road. As the applicant explained, that would split the dog off-leash area and result in those using the park, including those taking their dogs to the off-leash area, being forced to cross a busy, wider street, in order to fully use the park, creating a very unsafe situation.

Furthermore, because of the long-time public ownership of the all but the most northern lot and because of the existing development, it is highly unlikely and of the east-west streets would ever be connected from the east to 12th Street. Thus, allowing for a more efficient and well-planned park area with the proposed multi-use trails, would not interfere with any proposed connectivity issues related to those east-west or with the possibility of further extension of 8th Street.

OREGON ADMINISTRATIVE RULES TSP REGULATIONS

660-012-0000 - Purpose

This section of the TPR identifies that the overall purpose of Statewide Goal 12 is to encourage a safe, convenient, and economic transportation system. The TPR also seeks to provide modal choices, improve accessibility, encourage coordination among transportation providers, protect facilities and corridors for their identified function, and facilitate the movement of freight.

The proposed removal of the Sonora Drive extension as a major collector complies with the overall purpose of the TPR for the following reasons:

- The existing roadway network provides connectivity to the area. These roads are expected to continue operating as intended by their functional classification in the year 2028 without the completion of the Sonora Drive extension.
- The trail connections through Hillside Park provide accessibility and modal choices for pedestrians and bicyclists traveling through the area. These connections promote walking and biking as transportation choices as identified in the Bend Urban Area Bicycle and Pedestrian Plan.
- No safety issues were identified on Trenton Avenue, NW 9th Street, or Awbrey Road. Therefore, the Sonora Drive extension is not needed in order to provide a safe transportation system.

660-012-0010 - Transportation Planning

This section of the TPR differentiates transportation system planning and transportation project development, with the latter implementing the system planning. This section also allows plans (or referenced portions) to be incorporated through reference to avoid duplicative efforts.

ADDITIONAL FINDINGS: The Hearings Officer adds that the removal of the Sonora Drive extension and the change in the proposed location of the multi-use paths are part of the transportation system planning rather than the implementation of the planning.

660-012-0015 - Preparation and Coordination of Transportation System Plans

This section of the TPR requires agencies to prepare and coordinate Transportation System Plans for lands within their jurisdiction. This section is relevant to the removal of the Sonora Drive extension as it identifies that the amendment must be adopted within the local portion of the Bend Urban Area Transportation System Plan.

ADDITIONAL FINDINGS: The Hearings Officer adds that this proposal is not related to any regional portion of the TSP that would be subject to the Metropolitan Planning Organization ("MPO") review.

660-012-0016 - Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas

This section of the TPR requires local governments to coordinate with regional transportation plans (RTPs) prepared by MPOs. The Bend Metropolitan Transportation Plan (Bend MTP) does not include the Sonora Drive extension in the committed scenario; the removal of the Sonora Drive extension from the TSP is consistent with the Bend MTP.

660-012-0020 - Elements of Transportation System Plans

This section of the TPR describes the required elements of an agency's transportation System Plan. This section describes the functional classification of roadways as a required element, and the layout of the roadways to be consistent with access management categories and facilitate pedestrian and bicycle travel. This section is relevant because it requires a pedestrian and bicycle plan and indicates that analysis should consider the capacities of existing facilities. The removal of the Sonora Drive extension satisfies these elements as indicated below:

- The existing and proposed trail system provide the pedestrian and bicycle network to support the TSP's planned system.
- The roadway network is expected to continue operating with excess capacity in 2028 without the completion of the Sonora Drive extension.

660-012-0025 - Complying with the Goals in Preparing Transportation System Plans; Refinement Plans

This section of the TPR describes a TSP as a land use decision, identifies that compliance with applicable statewide goals, policies, and regulations is required, and identifies when decisions related to function, general locations, or mode are deferred. As the general location, function, and mode of the Sonora Drive extension are defined by the TSP, the relevance of this section is in identifying how the proposed TSP amendment complies with relevant goals, policies, and regulations.

ADDITIONAL FINDINGS: The Hearings Officer adds that the discussion of compliance with the Statewide Planning Goals is discussed above and demonstrates how the proposal complies with this OAR section.

660-012-0030 - Determination of Transportation Needs

This section of the TPR describes how system needs are identified, and how State, MPO, and County needs should be included within supported agency plans. The Hearings Officer adds that the removal of the Sonora Drive extension and the change in the location of the trails satisfy this section based on the above discussion of how the collector is actually not needed, that it will further a better development of a BAGP designated recreation and how it will encourage pedestrian and bicycle mobility in an effort to reduce reliance on the automobile.

660-012-0035 - Evaluation and Selection of Transportation System Alternatives

HEARINGS OFFICER'S FINDINGS: The Hearings Officer amends the Staff Report to say that this section requires jurisdictions to consider alternatives when creating or amending a TSP. One of those alternatives to evaluate is not building a particular system if "required by the National Environmental Policy Act of 1969 or other laws." Most of the rest of the section is not applicable to this proposal.

Subsection (3) lists criteria to be used when evaluating transportation alternatives. The proposed alternative to the planned road and trail system in the TSP for these properties meets these criteria because it will minimize conflicts with transportation connections because the intersection of the proposed Sonora Drive collector with Trenton and/or 9th will be difficult to design for safe passage. It will also minimize conflicts with the existing public water storage facility and provide for a safer park since the public will not have to cross a busy collector in the middle of the park in order to use the park fully. The proposal will continue to provide a multi-modal system because the proposed east-west and north-south trails provide a straighter and more logical pathway through and across the park for pedestrians, bicycle riders and other trail users than the proposed path in the current TSP and they will be multi-use pathways with an ADA compliant surface. The new alignment of the proposed trails is also in keeping with the transportation grid system in that area.

660-012-0040 - Transportation Financing Program

This section of the TPR describes the need to prepare preliminary project cost estimates and information on the timing of improvements so that agencies can plan for adequate transportation facilities. Timing and finance decisions are not considered land use decisions. The removal of the Sonora Drive extension removes the need for a financing and timing program for this project. Topographical constraints would make construction of the Sonora Drive extension challenging if it remains. No financing was previously identified for the Sonora Drive extension.

ADDITIONAL FINDINGS: The Hearings Officer adds that the District has already filed a site plan application and the construction of the multi-use pathways is included in that site plan application. Thus, the pathways will probably be constructed earlier than if the current TSP proposal remained.

660-012-0045 - Implementation of the Transportation System Plan

This section of the TPR describes the City's obligation to amend its land use regulations to implement the TSP, activities that are exempt from land use process, and protective measures to ensure facilities can perform their intended function and serve pedestrian, bicycle, and connectivity needs. The applicants' analysis has documented that the transportation network will continue to provide safe and convenient pedestrian, bicycle, and vehicular circulation consistent with the function of affected streets if the Sonora Drive extension is not constructed. The trail system provides reasonably direct routes for pedestrian and bicycle travel.

ADDITIONAL FINDINGS: The Hearings Officer adds that this section requires a land use review process if a proposed transportation system proposal will have significant impact on land use. Given that the road is going to be removed completely, the proposal will have a significant impact on that planned transportation facility. The City, therefore, provided this land use review process for this application and complied with that criteria. The remainder of this section includes requirements for a local government to adopt

implementing regulations to assure "safe and convenient pedestrian, bicycle and vehicular circulation." The City has adopted such regulations that will be applicable to the property as applications for development are submitted.

660-012-0050 - Transportation Project Development

HEARINGS OFFICER'S FINDINGS: The Hearings Officer amends the Staff Report such that this section deals primarily with regional TSPs, which the proposal is not, and with directions to jurisdictions in adopting provisions to implement the TSP during the development of a project. The City has already adopted such provisions and this section is largely not applicable to the subject application. Nonetheless, as stated above, one implementation requirement for this application is a condition of approval that the multi-use paths be constructed with a stable, firm, and slip resistant surface in compliance with the ADA.

660-012-0055 - Timing of Adoption and Update of Transportation System Plans; Exemptions

This section of the TPR describes the needed adoption of TSPs, exemptions, and amendments. The City of Bend complies with this section through its adopted TSP and opportunities to amend the TSP.

ADDITIONAL FINDINGS: The Hearings Officer adds that the majority of this section is not applicable to this application.

660-012-0060 - Plan and Land Use Regulation Amendments

This section of the TPR describes the process for amending a TSP once it has been adopted to include changes in zoning or facility function. This section of the TPR is relevant because the proposed amendment will remove the Sonora Drive extension, a future major collector street. The existing transportation network can accommodate the projected travel demands and continue to serve within the roadway's intended function. Therefore, the extension is not needed. As previously discussed, the evidence in the record for this application shows that there is no "significant effect" caused by the requested TSP Amendment, and the removal of the extension complies with the provisions and goals of this section.

ADDITIONAL FINDINGS: The Hearings Officer adds that this section is applicable to the proposal because it would significantly affect a planned transportation facility by removing the future Sonora Drive collector and changing the location of the future pedestrian path as currently shown in the TSP. As stated previously, however, the impact will not actually have a significant effect on the City's transportation system and will be better for the community through the end of the 2028 planning period. The TSP changes will be better for the community because it will allow for a better planned community park and the collector was highly unlikely to be built by the end of the planning period given the public ownership and use of the property. For that same reason, no other road connections would likely be built through the subject property.

Thus, the TSP changes would be consistent with the surrounding transportation facilities and will provide for a pedestrian-friendly park that will improve the quality of life for the surrounding neighborhoods.

660-012-0065 and 660-012-0070

Sections 660-012-0065 (Transportation Improvements on Rural Lands) and 660-012-0070 (Exceptions for Transportation Improvements on Rural Land) apply to rural lands and are not relevant to the requested TSP Amendment.

Goal 13, Energy

To conserve energy.

This Goal requires the City to give priority in land use planning to the efficient utilization of energy. The proposed TSP Amendment is consistent with this Goal, as it allows the subject property to be developed with a neighborhood park located within easy walking and biking distance of nearby residents.

Goal 14, Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The subject property lies within the boundary of the City's UGB in an area where urban levels of service are currently provided. Therefore, this goal is not applicable to the proposed TSP Amendment.

Goal 15, Willamette River Greenway

Goal 16, Estuarine Resources

Goal 17, Coastal Shorelands

Goal 18, Beaches and Dunes

Goal 19, Ocean Resources

Goals 15 through 19 are not applicable to the proposed TSP Amendment because the subject property does not include any of these features or resources.

Criterion #2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Planning Director or designee;

FINDING: The Bend Area General Plan is the City's Comprehensive Plan. The requested TSP Amendment is consistent with the preface and the relevant policies identified below.

BEND AREA GENERAL PLAN

PREFACE

The following section of the Preface of the Bend Area General Plan is a relevant policy: *"Changes proposed by individuals or other agencies. A proposal by an individual, corporation, or public agency to change to the Plan text, land use map, other exhibits, or policies shall be considered as determined by the procedures ordinance. **A person or agency proposing a change has the burden to demonstrate a public need and benefit for the change.**" [Emphasis added]. Staff interprets Criterion #2 to include this portion of the Preface as a policy that applies to quasi-judicial plan amendments.*

Comprehensive Plan Criteria and Interpretation:

This issue comes from the sentence in the General Plan Preface that requires proponents of a Plan Amendment – including such changes as the requested TSP Amendment – “to demonstrate a public need and benefit for the change.” Staff notes that this standard is two pronged, requiring both a “need” and a “benefit.” This standard is similar to Plan Amendment criteria in many other jurisdictions. However, many other jurisdictions also require the applicants to show that the proposed change “best meets” the identified need. That type of nuanced language applicable to the need and benefit analysis is not present in the Bend Area General Plan.

The Bend Area General Plan’s “public need and benefit” standard can be interpreted to be a very weak analysis that becomes nearly meaningless as a standard. If almost any asserted need or benefit will suffice to sustain a finding of approval, then the standard is meaningless, because it’s always possible to identify some need or benefit. More importantly, such an approach virtually forecloses any weighing process that takes account of needs and benefits that may be lost through the Plan Amendment, and focuses only on the potential gains of the Plan Amendment.

Clearly, the “public need and benefit” language in the General Plan Preface is capable of two interpretations. It could be interpreted as meaning that any single need or benefit is enough to satisfy the standard. (As discussed above, that results in an essentially meaningless standard.) A second possible interpretation is that the City Council must find an overall public need and benefit for the amendment, which allows the City Council to weigh the benefits of keeping a future major collector street in the TSP against the benefits of removing it from the TSP. This interpretation gives meaning to the standard, and is also consistent with City Council’s responsibility as the ultimate land use decision-maker to determine appropriate transportation plans and facilities for the City. Staff recommends this second interpretation. To do otherwise would be to give applicants for Plan Amendments greater authority over determining appropriate transportation plans and facilities than the City Council.

The standard imposed by the “public need and benefit” analysis in BDC 4.6.300.B.2 and the Bend Area General Plan are constrained by the purposes of those documents. The two documents are land use planning tools that have their origins in state law as set

forth in ORS 197 and 227. Comprehensive planning is required under the Statewide Land Use Planning Goals, and Bend's General Plan represents compliance with those goals. The "purposes" statement in the Preface of the General Plan sets forth the scope of the plan. The General Plan is "a guide for making wise land use decisions....within the Urban Growth Boundary..." In addition, "the basic aim of the General Plan is to organize and coordinate complex inter-relationships between people, land, resources, and facilities to meet the future needs of the citizens and to protect the livability of the community."

The "public need and benefit" standard is part of the Preface section of the General Plan and is directly linked to the "purpose" statements. Consequently, the meaning of the terms "public need and benefit" must relate to objectives or results that the plan is intended to address. The Natural Features and Open Space section of the General Plan at Chapter 2-1 provides an explanation of how the General Plan intersects with the mission of the Bend Park & Recreation District. It discusses existing public park and recreation facilities, and states that the City and BPRD shall share the responsibility to manage public open space. The reasonable interpretation of the "public need and benefit" standard as it applies to public open space is limited to consideration of the proper zoning and siting for parks and public open space.

Review of Standard, Evidence and Arguments:

The identified needs and benefits of removing the future Sonora Drive extension from the Bend Urban Area TSP can be boiled down as follows: 1) the Sonora Drive extension is not necessary to address traffic congestion or safety issues, 2) BPRD has identified a need for improvements to Hillside Park, and 3) the requested TSP Amendment will allow BPRD's planned improvements to Hillside Park. These needs and benefits are directly related to the goals of the General Plan and are tied to a land use purpose. Unlike the recent Bend-LaPine School District application for a General Plan map amendment at Troy Field, in which the primary reason for the requested amendment was monetary, the purpose of BPRD's requested TSP Amendment is primarily to provide a public benefit in the form of an improved public park. The "need" for a better park is directly related to land use and the purposes of the Bend Area General Plan. Another indirect "benefit" associated with the requested TSP Amendment is that the removal of the Sonora Drive extension allows City resources to be spent on other transportation improvements with greater public benefits.

Concerned neighbors argue that the future Sonora Drive extension is needed in order to prevent increased traffic on other streets, and to ensure a safe transportation system. However, the applicants have demonstrated that the future Sonora Drive extension is not needed, and that Trenton Avenue, NW 9th Street, and Awbrey Road will continue to safely operate within their designated functional classifications. Concerned neighbors further argue that the Sonora Drive extension will provide benefits in the form of improved quality of life and higher property values – but an improved park will also improve quality of life and increase property values.

ADDITIONAL FINDINGS: The Hearings Officer adds that the evidence and testimony regarding the proposed TSP changes provides substantial evidence that the public need for the changes outweigh any public benefit for maintaining the Sonora Drive collector and pedestrian path as currently shown in the TSP. This is because the changes will allow better use of the park, avoid of conflicts with the existing City water storage facility, create better and more logically aligned multi-use pathways, prevent unsafe conditions the Sonora Drive collector through the park would create, prevent increased congestion on the Sonora Drive local street and avoid a technically difficult and expensive intersection design at a future Sonora Drive/Trenton Avenue/9th Street location.

RELEVANT BEND AREA GENERAL PLAN POLICIES

6.9.1 Transportation and Land Use

- 7. The City should be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic thus reducing vehicle trips and reduced trip lengths.***

FINDING: The existing and proposed trail system in conjunction with the removal of the Sonora Drive extension promotes pedestrian and bicycle travel through the area as an alternative to vehicular travel.

6.9.2 Transportation System Management

FINDING: There are no relevant policies to the proposed amendment.

6.9.3 Transportation Demand Management

FINDING: There are no relevant policies to the proposed amendment.

6.9.4 Pedestrian and Bicycle Systems

- 2. The City and Park District shall work together to acquire, develop and maintain the primary trails designated on the Bend Urban Area - Bicycle and Pedestrian System Plan - TSP: Map Exhibit B. New development shall be required to construct and dedicate Primary Trails for public use according to this plan. The alignments depicted are general in nature and shall be located according to criteria defined in TSP Section 6.3.1.3. These trails, and future trail additions, shall support the need for non-motorized travel in the community.***

FINDING: The existing and proposed trail connections in Hillside Park and the adjacent off-leash dog area achieve the north-south and east-west connectivity shown in the Bend Urban Area Bicycle and Pedestrian System Plan.

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

FINDING: The trail system through Hillside Park and the off-leash dog area provides facilities that separate bicyclists and pedestrians from vehicles.

14. Establishing or maintaining accessways, paths, or trails must be considered prior to vacating any public easement or right-of-way.

FINDING: The trail system in the vicinity of the proposed Sonora Drive area will be enhanced with the removal of the future major collector street from the TSP. No existing public easements or rights of way are proposed to be vacated as part of the requested TSP Amendment.

ADDITIONAL FINDINGS: The Hearings Officer adds that the area will be enhanced because the removal of a major collector will allow for a better planned park and minimize conflicts with public facilities and use of the park that would be caused should the Sonora Drive collector and bicycle lane be constructed. The elimination of the bicycle lane will be of no consequence since the bicycles will be able to use the multi-use pathways for the same purpose.

17. The City shall refer to the Park District, for its review and recommendation, all development proposals that include or are adjacent to existing or proposed parks or trails.

FINDING: BPRD developed a Master Plan for Hillside Park and the adjacent off-leash dog area that identifies the location and type of trails for the area.

6.9.5 Public Transportation System

FINDING: There are no relevant policies to the proposed amendment.

6.9.6 Street System

General:

- 1. Streets shall be located, designed and constructed to meet their planned function and provide space for adequate planting strips, sidewalks, motor vehicle travel and bike lanes (where appropriate). Specific effort should be made to improve and enhance east-west circulation patterns for all modes of travel throughout the community.***

HEARINGS OFFICER'S FINDINGS: The proposed TSP changes aid in the above policy by providing both an east-west and a north-south pathway to be used by pedestrians and bicyclists aiding in a circulation pattern for those modes of transportation that will reduce conflict with motor vehicles. Removal of the collector street continues the planned function of the existing Sonora Drive, which is a local street, rather than adding traffic from a collector onto that local street.

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

FINDING: The proposed TSP amendment is compliant with Oregon Administrative Rule (OAR) 660-012, as previously covered in this staff report.

- 4. In order to reduce vehicle speed, avoid construction of excessive pavement, and create livable neighborhoods, the City shall adopt standards that allow for narrower streets and lane standards, on-street parking, and other pedestrian friendly design elements.**

ADDITIONAL FINDINGS: The Hearings Officer finds the proposal meets the above plan policy because it eliminates the need to construct a collector that is not needed, create a better planned park to make the adjacent neighborhoods more livable, provides better pedestrian-friendly pathways on the subject properties.

- 10. The City shall consider the impact of improvements to or completion of existing facilities when considering the need for constructing new facilities.**

FINDING: The removal of the Sonora Drive extension from the TSP does not have a substantial impact on the existing facilities in the area. Existing facilities will continue to operate as intended by their functional classification without the Sonora Drive extension.

- 11. The City shall place a high priority on providing adequate funding for street maintenance.**

FINDING: The removal of the Sonora Drive extension decreases roadway miles for the City to maintain.

- 40. The City and State shall monitor transportation crash and safety issue locations, and develop and implement corrective improvement projects.**

FINDING: No major safety issues were identified on existing roads. Therefore, the Sonora Drive extension is not needed to address existing safety issues.

6.9.7 Rail System

FINDING: There are no relevant policies to the proposed amendment.

6.9.8 TSP Map Updates

FINDING: The policy in this section refers to map updates when proposed facilities are constructed. Therefore, it is not relevant to this amendment.

7.5 Funding Policies

FINDING: There are no relevant policies to the proposed amendment.

Criterion #3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property;

FINDINGS:

Sanitary Sewer: The City's Utility Availability Memo dated May 9, 2016 concluded that adequate sewer facilities exist to serve the subject property, although the Park District is not proposing to connect to the City of Bend sewer system at this time.

Water: The City's Utility Availability Memo dated May 9, 2016 concluded that adequate public water facilities exist to serve Hillside Park.

Transportation: The submitted a Technical Memorandum dated February 12, 2016 prepared by Kittelson and Associates reviewed and analyzed the transportation network necessary to support the proposed use, and confirmed that the existing transportation facilities will be adequate.

Fire and Police Protection: The subject property is within the City of Bend and is therefore served by the City Police and Fire Departments.

Schools: The subject property is located within the boundaries of the Bend-La Pine School District. The School District ensures adequate public school facilities to serve all areas and uses within its boundaries.

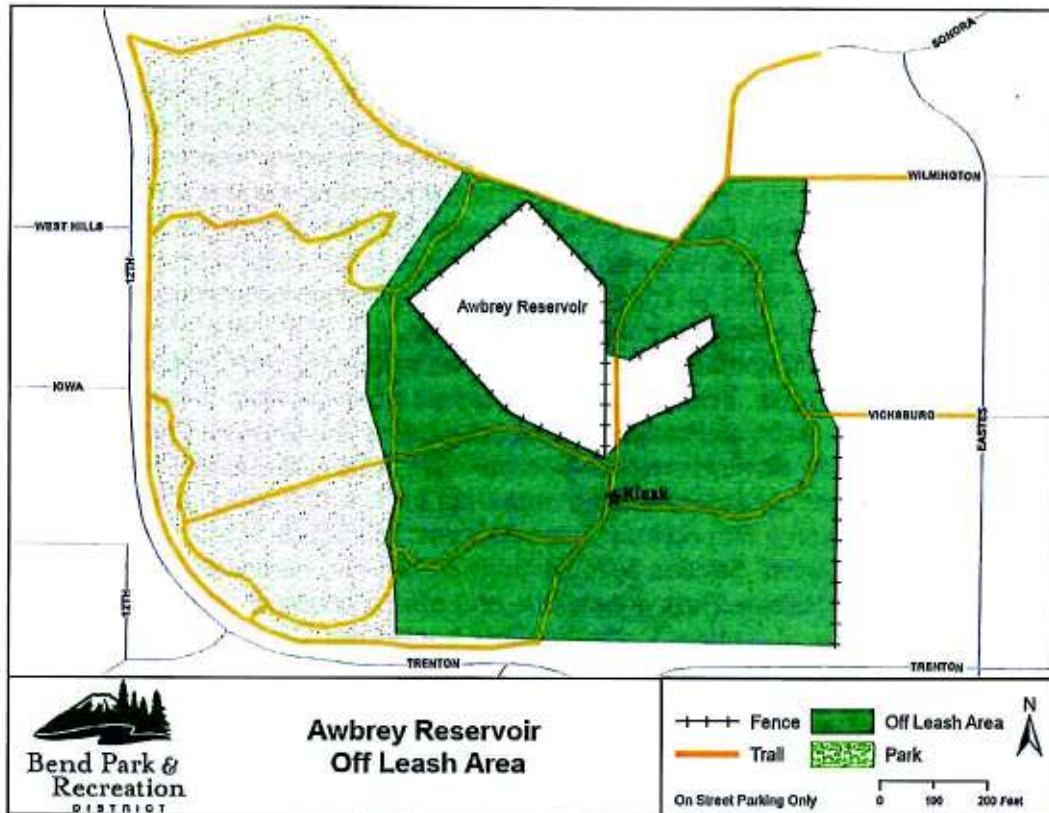
Parks: The subject property is located within the boundaries of BPRD. The purpose of the requested TSP Amendment is to facilitate certain planned park improvements which would otherwise conflict with the Transportation System Plan. BPRD has submitted a Site Plan application (File PZ-16-0148), which is being reviewed administratively.

Criterion #4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property that is the subject of the application; and the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.

FINDINGS:

- 1. Evidence of a Change in the Neighborhood or Community or a Mistake or Inconsistency.** The applicants do not argue there is any mistake or inconsistency in the Bend Urban Area TSP as it relates to the subject property. Rather, applicants have demonstrated that many residents of the surrounding neighborhood desire improvements to Hillside Park, and the requested amendment to the TSP will allow such improvements. There has also been a change in the neighborhood since the TSP was adopted in 1998. In 2003, in response to citizens requesting new off-leash dog areas, the City Council adopted Ordinance No. NS-1854, which suspended the City's leash law to allow off-leash dog parks. The ordinance was codified as Section 5.253 of the Bend Code. The ordinance contained a sunset date in order to see whether dog parks were workable. Subsequent experience showed that they were workable, if properly administered. In February 2007, the City and BPRD entered into a Memorandum of Understanding regarding the creation of an off-leash area at the City-owned Awbrey Reservoir site located east of Hillside Park I, and Ordinance No. NS-2056 reenacted Section 5.253 in June 2007. The 5-acre Awbrey Reservoir Off-Leash Area at Hillside Park is now one of 8 official off-leash dog areas in Bend. Prior to the creation of Awbrey Reservoir Off-Leash Area, the future Sonora Drive extension was located entirely east of Hillside Park I. Practically speaking, the Awbrey Reservoir Off-Leash Area is now an extension of Hillside Park I, and the future major collector street bisects the expanded park. Removing the Sonora Drive extension through the subject property will accommodate further improvements to this heavily used off-leash dog park.

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As previously noted, the applicant has demonstrated that the future Sonora Drive extension is not necessary to alleviate existing or future traffic congestion in the neighborhood, and that if the future major collector street extension is removed from the Bend Urban Area TSP, the other existing streets in the neighborhood will continue to safely operate within their designated functional classifications. The existing trails in the Hillside Park area provide pedestrian and bicycle connectivity in both the north-south and east-west directions through the park. The Conceptual Master Plan for Hillside Park further enhances the trail system with improved trail connections both within and around the off-leash dog area and the western side of the park. With these existing and future trail connections, the pedestrian and bicycle connectivity envisioned by the TSP will still be provided without the future Sonora Drive extension.

- 2. Transportation Planning Rule Compliance.** Compliance with the TPR has been previously covered in the Goal 12 discussion of this Staff Recommendation to the Hearings Officer.

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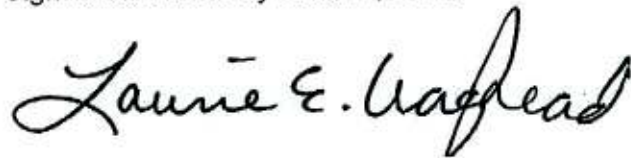
CONCLUSIONS:

The Hearings Officer finds that, with one condition of approval, that the application meets the applicable City and State criteria for an amendment to the TSP. Therefore, the Hearings Officer recommends to the City Council that the Council approve the requested TSP Amendment to delete the future major collector street with a bicycle lane through the subject property from Trenton Avenue to Sonora Drive, and to realign the future multi-use connector paths through Hillside Park.

Condition of Approval:

1. The newly aligned multi-use pathways shall have a stable, firm, and slip resistant surface in compliance with the ADA.

Signed this 16th day of June, 2016.



Laurie E Craghead, Hearings Officer

Mailed this 17th day of June, 2016.