Exhibit A

Development Code Update

Prepared by: Planning Division

January 8, 2020

Note:

Text in underlined typeface is proposed to be added Text
in ~~strikethrough~~ typeface is proposed to be deleted.

***Indicates where text from the existing code has been omitted because it will remain unchanged.

Staff comments are ***bold and italicized***

DRAFT

Chapter 1.2

DEFINITIONS

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Major intersections means ~~all collector and higher designated intersections and roadways~~ an intersection where at least one intersecting road is classified as a collector or arterial.

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Needed housing means all housing on land zoned for residential use or mixed residential and commercial use.

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Safety issue means one or more fatalities or severe injury crashes, one or more reported crashes per 1,000,000 entering vehicles, or if any location within the study area is included within published safety studies, such as the Oregon Department of Transportation Safety Priority Index System lists, ODOT Safety Action Plan, or the City's Arterial and Collector Multimodal Safety Study.

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Chapter 4.1
DEVELOPMENT REVIEW AND PROCEDURES

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4.1.870 Hearing Procedure.

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A. A hearing shall be conducted as follows:

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8. Order of Presentation.

   a. Explanation of procedural requirements.

   b. Open the hearing.

   c. Statement of pre-hearing contacts, bias, prejudice or personal interest.

   d. Challenge for bias, prejudgment or personal interest.

   e. Staff report.

   f. Applicant testimony.

   g. Testimony by those in favor of the application.

   h. Testimony by those neutral.

   i. Testimony by those opposed to the application.

   j. Applicant rebuttal.

   ~~k. Rebuttal by those opposed may be allowed at the Hearings Body's discretion.~~

k. ~~l.~~ Staff comment.

l. ~~m.~~ Questions from or to the chair may be entertained at any time at the Hearings Body's discretion.

m. ~~n.~~ Close the hearing.

n. ~~o.~~ Deliberation.

o. ~~p.~~ Decision.

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Chapter 4.7

TRANSPORTATION ANALYSIS

Sections:

4.7.100 Purpose.

The City will review ~~new~~ proposed development to ensure the transportation system provides for:

- Consistency with the Bend Comprehensive Plan.
- Orderly construction of the Bend Urban Area Transportation System Plan network of streets and walking, biking and transit facilities.
- Safety and operations.

Therefore, the City requires applicants to complete an assessment of the transportation system within the study area of the proposed development for adequacy to serve the ~~new~~ proposed development and to assess the impacts of the proposed development on the nearby transportation system. The City will use these assessments to ensure safety and operations of the transportation system are met for vehicle, biking, walking and transit and may impose ~~reasonable~~ conditions and mitigation requirements on the proposed development in proportion to its impacts.

~~**4.7.200 Authority.**~~

~~The City Engineer may modify or waive the required information upon written request by the applicant if, in the City Engineer's determination, the requested modification(s) or waiver(s) are consistent with the purpose and intent of this chapter. The written request must identify the special circumstances that apply to the particular situation and explain how this chapter's purpose and intent are still fulfilled without the required information.~~

~~The City Engineer may expand the transportation study requirements and/or study area to address existing operational issues and/or any issue identified after the initial approval of a scope of work.~~

4.7.200 Applicability.

A. Applicability. An applicant must submit a Transportation Facilities Report and follow the steps in BDC 4.3.700 when a proposed development involves one or more of the following applications:

1. Subdivision application;

2. Site Plan Review application, except for a triplex;

3. Master Plan;

4. Bend Comprehensive Plan map amendment;

5. Other development proposals as determined by the City Engineer that do not include needed housing (e.g., commercial, industrial and institutional development proposals).

4.7.300 Process.

A. The following steps describe the process for assessing the transportation system:

Step 1. The applicant must ~~prepare and~~ submit a Transportation Facilities Report in accordance to BDC 4.7.400 ~~containing the following information organized as follows:~~. If the proposed development includes needed housing, the Transportation Facilities Report must clearly state whether the applicant is electing to use a review process for the transportation analysis with clear and objective standards (Clear and Objective Track) or is electing to allow the City Engineer to modify or waive the required information (Discretionary Track). All other proposed developments must use the Discretionary Track.

~~a. Description of the development;~~

~~b. Trip generation;~~

~~c. Transportation and parking demand management (TPDM) plan;~~

~~d. Major intersections;~~

~~e. Trip distribution;~~

~~f. Transportation facilities evaluation.~~

~~h. Safety review;~~

~~i. Walking, biking and transit friendly developments;~~

Step 2. The City Engineer will review and evaluate the Transportation Facilities Report in accordance to BDC 4.7.400(~~D~~C) to determine if a Transportation Impact Analysis is required. If a Transportation Impact Analysis is not required, the applicant may submit a development application including the Transportation Facilities Report. If a Transportation Impact Analysis is required, ~~see~~ Step 3 is triggered. Step 1 and Step 3 may be combined.

Step 3. If required, ~~after Step 2 or if the applicant chooses do so concurrently with Step 1,~~ the applicant must ~~prepare and~~ submit a Transportation Impact Analysis in accordance with BDC 4.7.500. ~~containing the following information organized as follows:~~

~~a. Study area;~~

~~b. Study analysis years;~~

~~c. Study time periods;~~

~~d. Traffic counts;~~

~~e. Future traffic forecasts;~~

~~f. Operations analysis methodology;~~

~~g. Arterial and collector left turn, median refuge, and right turn lane assessment;~~

~~h. Safety review;~~

~~i. Walking, biking and transit friendly developments;~~

~~j. Proportionate share contribution.~~

Step 4. If no significant impacts are identified, the applicant may submit a development application including the Transportation Impact Analysis and ~~may also have to~~ must pay a proportionate share contribution ~~if~~ required under BDC 4.7.700, Proportionate Share Contribution. Proposed ~~D~~developments with significant impacts will be required to propose mitigation in compliance with BDC 4.7.600, Significant Impacts and Mitigation Measures, as part of the development application and ~~may also have to~~ pay a proportionate share contribution ~~if~~ required under BDC 4.7.700, Proportionate Share Contribution. If mitigation measures have been determined for any significant impacts, then the applicant must include the Transportation Impact Analysis with the mitigation measures identified as part of a development application.

4.7.400 Transportation Facilities Report.

~~A. Applicability. A Transportation Facilities Report will be required when a development involves one or more of the following:~~

~~1. Land division application;~~

~~2. Site Plan Review application;~~

~~3. Master Plan;~~

~~4. Bend Comprehensive Plan map amendment;~~

~~5. Other development proposals as determined by the City Engineer.~~ ***(Relocated to BDC 4.7.200)***

A. ~~B.~~ Preparation. The Transportation Facilities Report must be prepared by a licensed ~~P~~professional ~~E~~engineer especially qualified in civil or traffic engineering by the State of Oregon. It is the responsibility of the Engineer to provide enough detailed information for the City Engineer to determine if a Transportation Impact Analysis is required.

B. ~~C~~ Contents of the Transportation Facilities Report. The Transportation Facilities Report must contain the following information organized as follows:

1. Description of the Proposed Development. Provide a description of the proposed development sufficient to understand the proposed development's size, uses, operations, and interaction with the transportation system. At a minimum, the description must include both qualitative and quantitative descriptions, such as scale of the proposed development, day-to-day operations, deliveries, staffing, customer base (visitors, patients, employees, students, etc.), peak hours of operation, and identification of site access and on-site circulation needs.

2. Trip Generation. Provide a trip generation description for the proposal with the following applicable information:

   a. Trip Credits and Vested Trips. If trip credits are being ~~utilized~~ used from the existing on-site development or from a separate development approval, the trip generation description ~~shall~~ must provide supporting documentation of those trip credits, and documentation of the authority to use those trip credits for the proposed development ~~proposal~~.

   b. Base Trip Generation Rates. ~~The City Engineer will determine which of the following to use for the base trip generation rates:~~

      ~~i. Local data;~~

      ~~ii. Average trip generation rates from the latest edition of the publication Trip Generation by the Institute of Transportation Engineers (ITE); or~~

      ~~iii. Other method approved by the City.~~

      i. Clear and Objective Track. Average trip generation rates from the latest edition of the publication Trip Generation by the Institute of Transportation Engineers (ITE).

ii. Discretionary Track. The City Engineer will determine which of the following to use for the base trip generation rates:

(A) Average trip generation rates from the latest edition of the publication Trip Generation by the Institute of Transportation Engineers (ITE);

(B) Local data. The procedure for identifying local trip generation rates must comply with the guidelines for "Conducting a Trip Generation Study" in the ITE Trip Generation document; or

(C) Other method approved by the City Engineer.

~~The procedure for identifying local trip generation rates shall comply with the guidelines for "Conducting a Trip Generation Study" in the ITE Trip Generation document.~~

c. Bend Comprehensive Plan Amendments. For Bend Comprehensive Plan amendment applications, the trip generation ~~shall~~ must represent a reasonable build-out scenario supported through citation of nearby existing site trip generation rates and densities in order to ensure reasonable trip generation comparisons. If the Bend Comprehensive Plan amendment is accompanied by a concurrent Site Plan Review application, the trip generation for the site plan review application may be ~~utilized~~ used instead. The amendment must comply with the Transportation Planning Rule, OAR 660-012-0060.

d. Pass By Trips.

i. Clear and Objective Track. Adjustments for pass-by trips ~~may be applied depending on the adjacent transportation facility and City Engineer approval. The published average pass-by rate will typically~~ will be allowed ~~for those land use categories that are~~ as provided in the ITE Trip Generation publication. Pass-by trips must always be accounted for in the site access analyses and sufficiently documented. Pass-by trip maps must be created for each pass-by route separately rather than a single combined map.

ii. Discretionary Track. Adjustments for pass-by trips may be applied depending on the adjacent transportation facility and City Engineer approval. The published average pass-by rate will typically be allowed for those land use categories that are provided in the ITE Trip Generation publication. Pass-by trips must always be accounted for in the site access

analyses and sufficiently documented. Pass-by trip maps must be created for each pass-by route separately rather than a single combined map. The City Engineer may approve another method to review adjustments for pass-by trips.

e. Site Internalization/Trip Sharing. Applications processed as a Discretionary Track may ~~D~~demonstrate how the site reduces vehicle trips through site design, including parking supply, land use mixes, and densities that promote reduced rates based upon those elements. City review of the proposal based on guidance from the state's Transportation Planning Rule may result in trip generation reductions.

3. Transportation and Parking Demand Management (TPDM) Plan. In compliance with BDC Chapter 4.5, Master Planning and Development Alternatives, institutional and employment master plans must develop a TPDM plan. All other proposed development applications may choose to develop a TPDM plan. The proposed measures of the TPDM plan will be evaluated to determine trip generation reduction rates. See BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan.

4. Major Intersections. From each access point (driveway or street) of the proposed development onto and along the transportation system for a distance of one mile, ~~identify~~ show the major ~~(collector and arterial)~~ intersections on a map.

5. Trip Distribution. Provide a trip distribution description and map that contains the following information:

   a. Trip distribution assignments within the study area that replicate overall origin/destination patterns, including the major intersections identified in subsection (~~C~~B)(4) of this section. Existing field count turning movement patterns are to be used as a guide for trip assignments ~~as appropriate~~. The assignment ~~should~~ will be adjusted to reflect future funded transportation facilities, improvements or services that are authorized in the Transportation System Plan and for which funding is in the City's approved Capital Improvements Program (CIP), the Statewide Transportation Improvement Program (STIP) or other approved funding plan. See BDC 4.7.500(B)(1) for the study area.

   b. Description of truck delivery routes, including over-dimensional loads if applicable, of travel to and from the site for a distance of one mile. The distance ~~may~~ will be extended to identify freight routes for freight-intensive sites or those that generate over-dimensional loads.

6. Transportation Facilities Evaluation. The report must evaluate and document the following for compliance with this code, the Transportation System Plan and the City of Bend Standards and Specifications:

   a. The existing transportation system infrastructure serving the site within the study area. The evaluation must include any future funded transportation system elements included in the City's approved five-year Capital Improvement Program, Statewide Transportation Improvement Program or other approved funding plan. See BDC 4.7.500(B)(1) for the study area.

   b. The following right-of-way information along the frontage of the proposed development:

      i. Compliance with the required right-of-way width for the roadway classification.

      ii. Compliance with the required street widths.

      iii. Compliance with the required right-of-way or easement width for all trail and access corridors.

      iv. Compliance with the required street frontage elements including curbs, bike facilities, park strips, sidewalks, driveways and driveway aprons, as well as curb ramps. All applicable elements ~~shall~~ must be accessible per the City of Bend Standards and Specifications.

   c. The following access information:

      i. Legal access and recorded easements for all driveway and access systems serving the site. For all driveways and new intersections created by the proposed development, intersection sight distance measurements must be provided for all movements into and out of the proposed accesses. Field measurements should be used wherever possible, although plan measurements from civil drawings may be ~~utilized~~ used, particularly for planned intersections or driveways. Measurements need to account for vertical and horizontal curvature, grades, landscaping, and right-of-way limitations. Sight distance measurements ~~shall~~ must comply with City of Bend Standards and Specifications for the posted speed of the road ~~or as approved by the City Engineer~~. At the written request of an applicant and as part of the discretionary track development review process, the City Engineer may approve an alternate site distance standard based on existing constraints. ***(Amended by the City Council on December 18, 2019)***

ii. For arterial and collector street accesses and new street connections document the location of all existing driveways and street connecting points within 300 feet of the frontage of the property. Provide a driveway conflicting movement diagram and assessment showing overlapping conflicts with nearby existing driveways and street intersections.

d. The following on-site circulation and/or street plan access information:

i. The proposed street layout ~~and determine if it~~ that matches the Transportation System Plan and how it interfaces ~~if it matches~~ into abutting and nearby approved development street layouts, abutting and nearby master plans or special planned areas and requirements of this code and provides access for ~~logical orderly~~ development of adjoining properties.

ii. Truck circulation and entry/egress assessment including routing, turning movement, and delivery needs for all truck and emergency service vehicles. Identify any proposed special truck accommodations for freight service.

iii. A demonstration that ~~Necessary~~ required public access, shared access, and shared parking easements are in place or will be required to be in place.

e. The following existing and planned walking, biking and transit facilities and infrastructure serving the site from each access point (driveway or street) of the proposed development onto and along the transportation system for a distance of one-quarter mile:

i. Location of all sidewalks, curb ramps, bike lanes, paths, crosswalks, pedestrian signal heads, push buttons, related signage, striping, and transit facilities along with pedestrian paths of travel between the transit facility and the site and to the buildings on the site.

ii. Barriers, deficiencies and high-pedestrian demand land uses including schools, parks, parking, senior housing facilities, and transit facilities.

f. Truck circulation and entry/egress including routing, turning movement, and delivery needs for all truck and emergency service vehicles. Identify any proposed special truck accommodations for freight service.

7. Safety Evaluation.

a. Safety must be evaluated for the study area and a Discretionary Track application may require additional locations as required by the City Engineer. The evaluation must document and review crash data from the ODOT Crash Analysis and Reporting Section (ODOT-CARS). Crash data may be requested directly from ODOT or the Bend Urban Area Metropolitan Planning Organization. Crash data must provide a five-year history of ODOT reported crashes and must be presented in tabular and crash diagram form. Crash data must include the following information:

i. Crash histories and a calculated crash rate

ii. Crash patterns (was there an identifiable pattern to the crashes due to the design characteristics of the intersections) and crash types affecting proposed development trips; and

iii. Whether any location within the study area is included within published safety studies, such as the Oregon Department of Transportation Safety Priority Index System lists, ODOT Safety Action Plan, or the City's Arterial and Collector Multimodal Safety Study.

8. Walking, Biking and Transit.

a. Public and Private Schools (K-12), Colleges and Universities. Provide an analysis of walking, biking and transit facilities along and across arterial and collector roadways which accommodate safe, accessible and direct access to and from the school. Elementary schools must analyze the facilities within one mile of the school. All other schools, colleges and universities must analyze the facilities within 1.5 miles of the school.

b. All Other Uses. ~~Provide an analysis of walking, biking and transit facilities, including street crossings and access ways, which accommodate safe, accessible and direct access from within new residential areas, planned developments, shopping centers, and commercial districts to residential areas, parks, shopping centers and transit facilities within one-quarter of a mile of the proposed development. Proposed residential developments must also provide the analysis to elementary schools within one mile and all other schools, colleges and universities within 1.5 miles of the proposed development.~~ Provide an analysis of walking, biking and transit facilities, including street crossings and access ways, which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas within one mile, to transit facilities within one-quarter of a mile, and to existing or planned neighborhood

activity centers within one-half mile of the development. Neighborhood activity centers includes, but are not limited to, parks, shopping areas, or employment centers. Proposed residential developments must also provide the analysis to elementary schools within one mile and all other schools, colleges and universities within 1.5 miles of the proposed development.

~~D~~C. City Review and Evaluation.

1. If ~~it is determined that~~ any of the infrastructure or facilities are missing or substandard as identified in the Transportation Facilities Report, then the applicant will be required to upgrade the infrastructure to comply with BDC Title 3, Design Standards, and with the City of Bend Standards and Specifications.

2. Based on information provided in the Transportation Facilities Report, the City Engineer will notify the applicant in writing if the Report is complete, and if not, what additional evaluation information is required. If no additional information is needed, the City Engineer will notify the applicant whether a Transportation Impact Analysis is required based on~~. The City Engineer will determine if a Transportation Impact Analysis is required by considering~~ the following criteria:

   a. Operations.

      i. Clear and Objective Track and Discretionary Track.

         The current or projected increase in trip generation of the roadway system in the vicinity of the proposed development will exceed the minimum operational criteria in BDC 4.7.500(B) (6)~~;~~ ~~and~~.

      ii. Discretionary Track.

      ~~i.~~ (A) ~~Poor~~ Substandard roadway configuration and/or alignment, or capacity deficiencies that are likely to be compounded as a result of the proposed development;

      ~~ii.~~ (B) Proposed street design creates inadequate circulation and does not minimize cut-through traffic or accommodate orderly development of adjacent properties; and

      ~~iii. It is anticipated that the current or projected increase in trip generation of the roadway system in the vicinity of the proposed development will exceed the minimum operational criteria in BDC 4.7.500(B)(6); and~~

~~iv.~~ (C) Potential improvements to accommodate freight.

b. Safety.

~~i. Existing safety issues;~~

i. ~~ii.~~ Projected increase in trip generation that ~~may have the potential to~~ will impact the safety of the existing transportation system; and

ii. ~~iii.~~ A traffic safety hazard is created or exacerbated on any street, roadway segment, or intersection within the study area as a direct result of the proposed development.

c. Walking, Biking and Transit Facilities.

i. ~~Potential i~~Impacts to priority walking and biking routes, school routes, transit connectivity and multimodal street improvements identified in the Transportation System Plan;

ii. Bike and/or pedestrian access to site has gaps and/or the bike lane or sidewalk is dropped, missing, or otherwise unusable; and ***(Amended by the City Council on December 18, 2019)***

iii. Identified transit facilities and/or their pedestrian paths of travel between the transit facility and the site and to the buildings on site are not complete ~~and additional analysis may be required~~.

3. In all instances, a Transportation Impact Analysis must be submitted for any proposed development that:

a. Considers modification, installation, or removal of any traffic control device; ~~or~~

b. Forecasts net increase in site traffic volumes greater than ~~100~~ 700 average daily vehicle trips or off-site major intersections within one mile are impacted by ~~15~~ 50 or more peak-hour vehicle trips ~~per lane group within one mile.~~;or

c. Contains a safety issue including one or more fatalities or severe injury crashes, one or more reported crashes per 1,000,000 entering vehicles, or if any location within the study area is included within published safety studies, such as the Oregon Department of Transportation Safety Priority Index System lists, ODOT Safety Action Plan, or the City's Arterial and Collector Multimodal Safety Study.

4. No off-site improvements will be required as a condition of approval when a Traffic Impact Analysis is not required for the Clear and Objective Track.

4.7.500 Transportation Impact Analysis.

A. Preparation. If ~~the City Engineer determines that~~ a Transportation Impact Analysis is required, it must be prepared by a licensed professional engineer especially qualified in traffic engineering by the ~~s~~State of Oregon. The applicant's engineer ~~shall~~ must consult with the City Engineer prior to preparing the Transportation Impact Analysis to ~~determine~~ verify the level of details to be included in the analysis.

B. Contents of the Transportation Impact Analysis Report. The Transportation Impact Analysis must contain the following information organized as follows:

1. Study Area.

a. Clear and Objective Track. The study area must include all site access and adjacent roadways and intersections. The study area must also include all off-site major intersections impacted by ~~15~~ 50 or more peak-hour vehicle trips ~~per lane group~~ within one mile of the site. The City Engineer must approve the defined study area prior to commencement of the Transportation Impact Analysis.

b. Discretionary Track. The study area must include all site access and adjacent roadways and intersections. The study area must also include all off-site major intersections impacted by 50 or more peak-hour vehicle trips within one mile of the site. The City Engineer must approve the defined study area prior to commencement of the Transportation Impact Analysis. The City Engineer may choose to waive the study of certain intersections if deemed unnecessary.

c. Exemption for Clear and Objective Track and Discretionary Track:

i. Intersections within the study area that had significant capacity improvements constructed within the 5 years preceding the application date or are included for construction in the City's 5-year CIP are exempt from analysis in a Traffic Impact Analysis. For the purposes of this section, "significant capacity improvements" means construction of intersection improvements that change the form or add significant capacity to an intersection, including changing the intersection form to a roundabout or adding lane capacity.

ii. Unique Situations in 4.7.600(D) are exempt from analysis in a Traffic Impact Analysis.

2. Study Analysis Years. The analysis ~~shall~~ must be performed for all study roadways and intersections, unless exempted in BDC 4.7.500(B)(1)(c), for the following years with and without the proposed development:

   a. Existing conditions (current year);

   b. Year of completion of the final phase (for phased projects, intermediate phases may be required to be analyzed); ~~and~~

   c. For an amendment to a functional plan, the Bend Comprehensive Plan, or a land use regulation the analysis year ~~shall~~ must reflect the Transportation Planning Rule OAR 660-012-0060 requirements but in no case ~~shall~~ will the analysis year be less than 10 years from the date of the preparation of the Transportation Impact Analysis. An analysis for an amendment to a functional plan, the Bend Comprehensive Plan or land use regulation must use the City of Bend's model as determined by the City Engineer.

3. Study Time Periods. Within each study year, an analysis must be performed for the following time periods:

   a. Weekday p.m. peak hour (i.e., one hour between 4:00 p.m. and 6:00 p.m.); and

   b. For Discretionary Track applications, Additional time periods may be required based on City Engineer direction for the following:

      i. Peak hour of the generator (i.e., peak hour for the proposed development);

      ii. Peak hour of nearby generator sites (e.g., a non-school site may study a nearby school's peak hour); and

      iii. Peak hour of cumulative nearby generators.

4. Traffic Counts. ~~Once the study periods have been determined traffic counts must be done as follows:~~

   a. Clear and Objective Track. Once the study periods have been determined traffic counts must be done as follows:

i. Counts must be taken Tuesday through Thursday;

ii. Counts must be no more than 12 months old from the date the Transportation Facilities Report is submitted.

iii. Counts must include all motorized, non-motorized, and pedestrian movements.

b. Discretionary Track. Once the study periods have been determined traffic counts must be done as follows:

i. ~~a.~~ Counts must be taken Tuesday through Thursday;

ii. ~~b.~~ Counts may need to be adjusted as required by the City Engineer to reflect seasonal, schools, or other variations in traffic;

iii. ~~c.~~ Unless approved by the City Engineer, counts must be no more than 12 months old from the date of the proposed development application submittal;

iv. ~~d.~~ Additional hours of classified turning movement counts may be required based on City Engineer direction for the following:

(A) ~~i.~~ To determine compliance with traffic signal or all-way stop warrants; or

(B) ~~ii.~~ To determine the extent of over-capacity conditions.

v. ~~e.~~ Counts must include ~~passenger cars, trucks, bikes and pedestrians~~ all motorized, non-motorized, and pedestrian movements. If high pedestrian and/or bike traffic is expected to be generated by the proposed development, as determined by the City Engineer, the Transportation Impact Analysis must consider improvements and connectivity to existing and proposed facilities.

5. Future Traffic Forecasts.

a. Traffic Forecast for Projects and Project Phasing.

i. Traffic forecast ~~shall~~ must include all projects within the study area that have ~~received~~ valid approvals for development (master plans, land divisions, site plans, conditional use permits, and similar approvals). They ~~shall~~ must be identified, and their traffic generation included as

cumulative traffic in the study. Proposed projects in the study area that have been submitted to the City for processing, but not yet approved, ~~may~~ must also be included ~~at the discretion of the City Engineer~~. ~~The City Engineer will also specify a~~An annual growth rate of 2.5% ~~to~~ must be applied to existing volumes to account for other general traffic growth in and around the study area.

ii. For phased developments, the traffic forecasts for the year of completion of each phase ~~shall~~ must be calculated to be field counts plus traffic from projects within the study area that have received approvals for development (approved master plans, land divisions, site plans, conditional use permits, and similar approvals), plus an annual growth factor of 2.5% which would factor the existing counts up to the analysis year.

b. Build-Out Studies for Bend Comprehensive Plan Amendments and Zone Changes.

i. Traffic projections for build-out scenarios must ~~utilize~~ use the current transportation model used by the City or other approved model as approved by the City Engineer. The applicant's Engineer ~~shall~~ must use the model projections post processed using NCHRP 255 and sound professional engineering standards as the basis for determining turning-movement volumes for the required intersection analysis. A manual assignment of the project traffic added to the build-out traffic may typically be used to demine total future traffic, as approved by the City Engineer.

6. Operations Analysis Methodology.

a. The operations analysis must include the following:

i. Software inputs must ~~utilize~~ use field conditions (e.g., measured field peak hour factor, saturation flow rates, lane utilization percentages, lane configurations, actual signal phasing and timing, and truck percentages). For a Discretionary Track application, ~~O~~other references and the City of Bend Standards and Specifications may be required to be ~~utilized~~ used as approved by the City Engineer;

ii. An operations analysis for roundabouts performed in conformance with the City's Roundabout Operational Analysis Guidelines;

iii. An operations analysis for traffic signal and stop controlled intersections performed in conformance with the most recent version of the Highway Capacity Manual (HCM) or, the City of Bend Standards and Specifications. ~~or~~ For a Discretionary Track application, other references may be approved by the City Engineer;

iv. Identify intersection operations in a table including volume to capacity ratios, delay, and queuing for critical movements as well as for the intersection as a whole including the following:

(A) Delays for two-way and four-way stop controlled study intersections including delays for lane groups, approaches, and intersections as a whole;

(B) Ninety-fifth percentile queue projected to block nearby critical system elements such as adjacent traffic signals, roundabouts, or at-grade rail crossings, or ~~such that~~ line of sight safety ~~issues~~ impacts are identifiable; and

(C) Volume to capacity ratio for any approach or for the intersection as a whole for signalized and roundabout controlled study intersections.

v. Microsimulation modeling and analysis using a calibrated model for the transportation corridor as defined must be performed for interconnected traffic signals. Calibration must include field measured saturation flow rates, existing timing and phasing rotations, peak hour factors, available queue storage and queuing~~; and~~.

b. The operations analysis must use existing transportation system conditions (intersection control type and street roadway geometry). Committed funded transportation facilities ~~may~~ will also be considered in the analyses. Committed funded transportation facilities means ~~future funded~~ transportation facilities, improvements or services that are authorized in a local transportation system plan and for which construction funding is in the approved Capital Improvements Program (CIP), the Statewide Transportation Improvement Program (STIP) or other approved funding plan.

c. Operations Standards. The intersection analyses provided in the Transportation Impact Analysis will be evaluated for safety deficiencies and queuing deficiencies and compliance with this code, the Transportation Planning Rule, the Bend Urban Area Transportation System Plan, any applicable development agreements, and regional transportation system plans. Intersections

under the jurisdiction of the Oregon Department of Transportation ~~shall~~ will also be evaluated using the ODOT Analysis Procedures Manual for compliance with the Oregon Highway Plan. Intersections under the jurisdiction of Deschutes County that are outside the Urban Growth Boundary ~~shall~~ must also be evaluated for compliance with Deschutes County Code. Intersections that do not comply with the criteria listed in those documents will be considered to have significant impacts for purposes of BDC 4.7.600.

d. Projects are considered to have significant impacts on the ~~arterial-collector~~ transportation system for purposes of BDC 4.7.600 as identified below:

   i. Two-Way Stop Control. Average delay for the critical lane group for ~~approaches of an arterial or collector to another arterial or collector~~ any major intersection with greater than 100 peak hour trips is greater than or equal to 50 seconds during the peak hour;

   ii. All-Way Stop Control. Average delay for ~~the collector to collector and higher order intersection~~ any major intersection as a whole is greater than or equal to 80 seconds during the peak hour;

   iii. If the ninety-fifth percentile queue exceeds the existing available storage or is projected to block nearby critical system elements such as adjacent traffic signals, roundabouts, or at-grade rail crossings, or ~~such that~~ line of sight safety ~~issues~~ impacts are identifiable; or

   iv. For signalized ~~and roundabout collector to collector and higher order~~ intersections under the jurisdiction of the City, the volume-to-capacity ratio for the intersection as a whole is greater than or equal to 1.0 during the peak hour. ***(Amended by the City Council on December 18, 2019)***

   v. For roundabout intersections under the jurisdiction of the City, the volume-to-capacity ratio for the critical movement is greater than or equal to 1.0 during the peak hour. ***(Amended by the City Council on December 18, 2019)***

e. Intersections under ODOT Jurisdiction.

   i. In addition to the City operations standards, intersections on ODOT facilities will also be required to comply with ODOT mobility targets. Coordination with ODOT is required in the study process.

7. Arterial and Collector Left Turn, Median Refuge, and Right Turn Lane Assessment. ~~Meeting the following criteria does not automatically require a pedestrian refuge or a turn lane to be installed. The City Engineer has the final determination during the review of proposed mitigation on the installation of a pedestrian refuge or a turn lane based on safety and operations of the system.~~

   a. A median refuge assessment and a left and right turn lane assessment on arterial and collector streets must include the following information:

      i. An assessment using Table 11 of the Safety Effects of Marked Versus Unmarked Crosswalks at Uncontrolled Locations Final Report and Recommended Guidelines (FHWA Publication Number HRT-04-100, September, 2005);

      ii. An assessment using the Left and Right Turn Lane Criteria in the ODOT Analysis Procedures Manual (APM); and

      iii. Provide the ninety-fifth percentile queue length for left turning, right turning and through ~~turning~~ vehicles.

   b. Projects are considered to have significant impacts for purposes of BDC 4.7.600 as identified below:

      i. Clear and Objective and Discretionary Track. ~~I~~If Table 11 of the Safety Effects of Marked Versus Unmarked Crosswalks at Uncontrolled Locations Final Report and Recommended Guidelines identifies a candidate site(s) for the installation of a marked crosswalk or other needed pedestrian improvements at uncontrolled locations.

      ii. ~~c.~~ Clear and Objective Track. If the proposed development meets the criteria in the APM or exceeds the ninety-fifth percentile queue length for left or right turning vehicles~~, then the City Engineer has the final determination whether it is a significant impact for purposes of BDC 4.7.600~~. The City Engineer may consider this not to be a significant impact due to pedestrian safety, lane extensions or physical geometry.

      iii. Discretionary Track. If the proposed development meets the criteria in the APM or exceeds the ninety-fifth percentile queue length for left or right turning vehicles, then the City Engineer has the final determination whether it is a significant impact for purposes of BDC 4.7.600.

8. Safety Review.

~~a. For the study area or those locations required by the City Engineer, document and review crash data from the ODOT Crash Analysis and Reporting Section (ODOT-CARS). Crash data can be requested directly from ODOT or the Bend Urban Area Metropolitan Planning Organization. Crash data must provide a five-year history of ODOT reported crashes and must be presented in tabular and crash diagram form. Crash data must include the following information:~~

~~i. Crash histories and a calculated crash rate;~~

~~ii. Crash patterns (was there an identifiable pattern to the crashes), crash types, and crash patterns affecting proposed development trips; and~~

~~iii. Whether any location within the study area is included within published safety studies, such as the Oregon Department of Transportation Safety Priority Index System lists, ODOT Safety Action Plan, or the City's Arterial and Collector Multimodal Safety Study.~~ ***(Relocated above to TFR)***

~~b.~~ a. Projects are considered to have significant impacts for purposes of BDC 4.7.600 if there is ~~a crash pattern, one or more fatalities or severe injury crashes, one or more reported crashes per 1,000,000 entering vehicles, or if it is included within a published safety study.~~ one or more fatalities or severe injury crashes, one or more reported crashes per 1,000,000 entering vehicles, or if any location within the study area is included within published safety studies, such as the Oregon Department of Transportation Safety Priority Index System lists, ODOT Safety Action Plan, or the City's Arterial and Collector Multimodal Safety Study.

9. Walking, Biking and Transit ~~Friendly Developments~~.

~~a. Public and Private Schools (K-12), Colleges and Universities. Provide an analysis of walking, biking and transit facilities along and across arterial and collector roadways which accommodate safe, accessible and convenient access to and from the school. Elementary schools shall analyze the facilities within one mile of the school. All other schools, colleges and universities shall analyze the facilities within 1.5 miles of the school.~~

~~b. All Other Uses. Provide an analysis of walking, biking and transit facilities, including street crossings and access ways, which accommodate safe, accessible and convenient access from~~

~~within new residential areas, planned developments, shopping centers, and commercial districts and residential areas, parks, shopping centers and transit facilities within one-quarter of a mile of the development. Residential developments must also provide the analysis to elementary schools within one mile and all other schools, colleges and universities within 1.5 miles of the development.~~ ***(Relocated above to TFR)***

~~c.~~ a. Projects are considered to have significant impacts for purposes of BDC 4.7.600 if:

i. A project fails to provide accessible and safe pedestrian and bike connections (i.e., curb extensions, pedestrian refuges, striping and/or signage) to schools, adjacent residential areas, ~~parks, shopping areas,~~ transit facilities, ~~and~~ adjacent streets and to existing or planned neighborhood activity centers; or

ii. The project disrupts existing or planned biking or walking facilities or conflicts with the adopted Bend Urban Area Bicycle and Pedestrian System Plan.

10. Proportionate Share Contribution. Provided proportionate share calculations in compliance with BDC 4.7.700, Proportionate Share Contribution.

4.7.600 Significant Impacts and Mitigation Measures.

A. Applicability. When significant impacts are identified as part of the Transportation Impact Analysis, mitigation measures must be included to address those impacts.

B. Preparation. Prior to proposing mitigation, the applicant's engineer ~~shall~~ must consult with the City Engineer regarding ~~potential~~ mitigation options. The proposed mitigation and a concept-level drawing of the final intersection form must be prepared and submitted prior to a development application being deemed complete~~, unless approved otherwise by the City Engineer~~. Mitigation measures may be proposed by the applicant or recommended by ODOT or Deschutes County in circumstances where a state or county facility will be impacted by a proposed development. Deschutes County and/or ODOT must be consulted to determine if improvements proposed for their facilities comply with their standards and are supported by the respective agencies.

C. Intersection Operation Standards. If the Transportation Impact Analysis shows that the operation standards at the intersection are or will be exceeded ~~or if the intersection already exceeds the standards~~, the

applicant ~~will be~~ is required to provide mitigation measures in compliance with subsection (F) of this section ~~impacts~~.

D. Unique Situations.

1. Development proposals within Master Planned Developments or Special Planned Areas, as described in BDC Chapter 4.5, Master Planning and Development Alternatives, where a Transportation Mitigation Plan has been approved, may exceed the operation standards at affected intersections as long as the proposed development is consistent with the approved Transportation Mitigation Plan.

2. Widening to accommodate additional travel lanes will not be permitted in the following situations:

   a. Clear and Objective Track and Discretionary Track. Intersections and streets that are already constructed consistent with the Bend Urban Area Transportation System Plan (TSP) including streets identified by the TSP as "not being authorized for lane expansion";

   b. Clear and Objective Track and Discretionary Track. Intersections and streets located within or directly adjoining the City's Central Business District or historic district;

   c. Discretionary Track. Where no physical mitigation is available to improve intersection operations to the performance standard; or

   d. Discretionary Track. Where improvements may result in unacceptable tradeoffs to other modes of travel.

E. Timing of Improvements.

1. Unless a unique situation is identified in subsection (D) of this section, Unique Situations, mitigation ~~shall~~ must be in place, or secured in conformance with BDC 4.3.400(J), at the time of final platting of a land division~~,~~ or at the time of final occupancy, whichever occurs first ~~for commercial, industrial, institutional, mixed use, multi-family housing, triplex buildings and all other development~~. Mitigation for phased developments must be in place at the time specified in the approved decision. ~~Exception:~~ Construction of emergency services access requirements may be needed earlier.

2. Development proposals within Master Planned Developments or Special Planned Areas, as described in BDC Chapter 4.5, Master Planning and Development Alternatives, where a Transportation Mitigation Plan has been approved, ~~shall~~ must refer to the Plan for the extent and timing of improvements.

F. Mitigation Measures. Mitigation measures must consider all users and ~~include all or a combination of the following mitigation measures as approved at the discretion of the City Engineer, to~~ mitigate the impacts of the proposed development:.

1. The following mitigation measures may be proposed by the applicant for the Clear and Objective Track and Discretionary Track:

   a. Construct Transportation Mitigation.

      i. ~~a.~~ The intersection form will be determined through the City's Intersection Form Evaluation Framework located in the City's Roundabout Evaluation and Design Guidelines document.

      ii. ~~b.~~ Mitigation must include the construction of the full intersection infrastructure and control required to bring the intersection into compliance with this code, the Bend Urban Area Transportation System Plan, and the City of Bend Standards and Specifications. ~~Final intersection improvements, including type and geometry, will be determined by the City Engineer.~~

      iii. ~~c.~~ Intersection improvements must improve corridor operations in terms of progression and reduced corridor delay, and must be shown to cause no significant adverse impact to the corridor during integrated corridor operations.

      iv. ~~d.~~ Mitigation in the form of street widening must be constructed in conformance with the street classification of the Bend Urban Area Transportation System Plan and the cross-sections contained in this code or the City of Bend Standards and Specifications. ~~As~~ At the written request of an applicant and as part of the discretionary track development review process, the City Engineer may approve an alternate cross section if it meets operations standards.

      v. ~~e. Intersection and street improvements must balance operations and safety for all modes of travel.~~ Walking and biking accommodations must be considered as part of any improvement.

   b. Construct Interim Transportation Mitigation.

      i. ~~a.~~ Construct Interim Mitigations. Interim mitigation measures may include but are not limited to upgraded operations controls, interconnected signals, signage, striping, pedestrian refuge, etc.

ii. ~~b.~~ Improved signal timing and phasing may be achieved by installing the necessary communications and field equipment that would provide the increased capacity necessary to achieve the operation standards. For this to be acceptable as an interim measure, the applicant ~~shall~~ must demonstrate through a field calibrated corridor operations model ~~approved by the City Engineer~~ that the proposed signal timing and phasing will provide the additional capacity necessary to meet the concurrency standards. Timing and phasing communications and field equipment are subject to approval of the City Engineer and/or ODOT.

2. The following mitigation measures may be proposed by the applicant for the Discretionary Track:

a. ~~3.~~ Transportation and Parking Demand Management (TPDM) Plan. Implement an approved TPDM plan in compliance with BDC 4.7.400(~~C~~B)(3), Transportation and Parking Demand Management (TPDM) Plan, and BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan.

b. ~~4.~~ Walking, Biking and Transit. In addition to accommodating walking and biking as part of the intersection and street improvement mitigation, walking, biking and transit improvements may be considered as potential mitigation measures, particularly when they reduce the number of study area generated vehicle trips. Mitigation improvements may include accessible sidewalks, pedestrian refuges, bike lanes, curb extensions, traffic control devices, curb ramps, striping, signage and other elements. Negative impacts of intersection and street mitigation measures on walking and biking infrastructure, such as on crosswalks and roadway shoulders, must be avoided, minimized, and/or mitigated themselves. The City may require accessibility improvements, including compliant curb ramps along the proposed development and including safe and accessible paths of travel to and from the proposed development, depending on the type and impacts of the proposed development.

c. ~~5.~~ Payment in Lieu of Construction. If infrastructure construction is required above, the City may elect to accept a payment in an amount equal to the cost estimated by the City for the design, right-of-way acquisition, utility relocation and construction cost of the improvements in lieu of actual construction. The City will use these funds on the impacted corridor to improve multi-modal safety, operations and to relieve congestion. Once the City accepts a payment in

lieu of construction, the proposed development may proceed even if the impact of the proposed development causes the operation standards to be exceeded.

d. ~~6.~~ Alternate Location Mitigation. Mitigation strategies at alternative locations or affecting alternative modes of travel may be proposed by the applicant and may be accepted by the City Engineer. At a minimum, the proposed improvements ~~should~~ must meet the following criteria:

i. ~~a.~~ The overall improvements proposed should be proportional to the impacts created by the application;

ii. ~~b.~~ The proposed improvement strategies must address a critical need or issue within the study area such as safety, connectivity, system capacity, and parallel routes;

iii. ~~c.~~ The locations proposed for improvement must be within the study area;

iv. ~~d.~~ The proposed improvements must not already be, or be in the process of being, a condition of approval of another development; and

v. ~~e.~~ All applicable analysis requirements for the primary locations(s) ~~shall~~ apply to the analysis of the alternative location(s).

e. ~~7.~~ Suspend the Mobility Standard. The City Manager may suspend the mobility standard for a particular intersection or series of intersections under the City's jurisdiction when the intersection(s) may be in a condition that interim mitigation is not practical due to the large scale of the improvements or the City desires to maintain the current intersection's form. In such cases, developments impacting the intersection(s) do not have to analyze or mitigate impacts on the intersection(s). The City Manager will issue a written statement providing the duration and reason for the suspension of the mobility standard, and will maintain a list of all intersections where the mobility standard has been suspended. Suspending the mobility standard is not a limited land use decision or a land use decision.

4.7.700 Proportionate Share Contribution.

Each proposed development that submits a Transportation Impact Analysis will be required to contribute a proportionate share of the costs of the final improvements to the transportation system that will be required as a result of the cumulative impact that various developments combined will have on the intersections.

Proposed ~~D~~developments must contribute their proportionate share or contribution for all collector and collector, arterial and arterial, or collector and arterial intersections, and intersections identified on the TSP list for an intersection improvement but not on the System Development Charge (SDC list) within the ~~analysis~~ study area.

The City may use the proportionate share contributions for multi-modal improvements on the transportation corridor and surrounding system if the improvement project benefits safety and operations and helps to reduce congestion.

Proportionate share calculations must be submitted with the Transportation Impact Analysis. Proportionate share calculations are calculated based on the ratio of development trips to growth trips for the anticipated cost of the full Bend Urban Area Transportation System Plan intersection infrastructure. The formula is provided below:

Proportionate Share Contribution = [Net New Trips/'Planning Period Trips–Existing Trips)] x Estimated Construction Cost

Net new trips are the total entering trips that are proposed to be added to the ~~analysis~~ study area intersection by the proposed development.

Exception: Intersections within the ~~analysis~~ study area that are included in the City's Capital Improvement Plan or that are on the most current ~~System Development Charge (SDC)~~ fiscally constrained project list are exempt from proportionate share contribution.

EXHIBIT B
FINDINGS OF FACT
BEND DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT PZ 19-0776

I. PROCEDURAL FINDINGS:

(1) PUBLIC NOTICE AND COMMENTS. Notice of the proposed amendment was provided to the Department of Land Conservation and Development (DLCD) on October 18, 2019. Staff emailed the proposed amendments to the Bend Development Code Update Group and to technical experts from the private and public sectors on November 4, 2019. A notice of the November 25, 2019, Planning Commission public hearing and of the December 18, 2019, City Council public hearing was printed in the Bend Bulletin on November 2, 2019, and was mailed to the neighborhood associations on October 31, 2019.

(2) PROPOSAL: Bend Development Code (BDC) amendments to Chapter 1.2, Definitions, 4.1, Development Review and Procedures and Chapter 4.7, Transportation Analysis.

II. CRITERIA OF APPROVAL:

(1) The Bend Comprehensive Plan

(2) Bend Development Code

(a) Chapter 4.6, Land Use District Map and Text Amendments; Section 4.6.200(B), Criteria for Legislative Amendments

III. APPLICABLE PROCEDURES:

(1) Bend Development Code

(a) Chapter 4.1, Land Use Review and Procedures

IV. FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:

CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE, CHAPTER 4.6, LAND USE DISTRICT MAP AND TEXT APMENDMENTS

4.6.200 Legislative Amendments.

A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of

the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

FINDING: The recommended amendments to the text of the BDC involve broad public policy rather than application to an individual property owner. Therefore, the Legislative Amendment Procedures of this section are the appropriate procedures for this review.

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

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

FINDING: The proposed amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 10: Housing, and Goal 12: Transportation.

Goal 1, Citizen Involvement, is satisfied by following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.

On August 14, 2019, the Affordable Housing Advisory Committee reviewed the amendments and on November 4, 2019, the Bend Economic Development Advisory Board reviewed the amendments. On November 4, 2019, staff emailed the amendments to the Development Code Update Group for their review. The group includes community members comprised of architects, lawyers, developers, engineers, a representative from COBA, representatives from Central Oregon LandWatch, and a land use planner. Staff also emailed the amendments to technical experts from the private and public sectors for their review. Staff received comments from several of the members, including ODOT and Deschutes County, and made additional revisions based on this feedback.

A notice of the November 25, 2019, Planning Commission public hearing and of the December 18, 2019, City Council public hearing was printed in the Bend Bulletin on November 2, 2019, and was mailed to the neighborhood associations on October 31, 2019.

On October 28, 2019, the Planning Commission held a work session and discussion the proposed amendments and on November 25, 2019, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council.

Therefore, Goal 1 has been met.

Goal 2, Land Use Planning, requires 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. The Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan and BDC as a basis for the decisions and actions related to the new regulations and to assure an adequate factual base for these decisions and actions. The proposed amendments will be adopted by the City Council after a public hearing. Multiple opportunities were provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Goal 2 specifically states that minor plan changes should be based on special studies or other information, which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. The City Council has a 2019-21 goal of approving 3,000 housing units by June 30, 2021. In order to achieve that goal, Councilors asked staff to consider development code changes that remove barriers to housing development. Bend Development Code Chapter 4.7, Transportation Analysis includes the following two processes for a traffic analysis:

1) The Traffic Facility Report (TFR) for developments forecast to generate fewer than 100 daily trips; and,
2) The Traffic Impact Analysis (TIA) for developments forecast to generate more than 100 daily trips

The two most significant development barriers related to the Traffic Impact Analysis requirements in the Bend Development Code are:

a) Analysis of intersections with known capacity problems.
b) Staff and developer time spent submitting and reviewing studies and then identifying appropriate mitigation for projects that show minor or minimal intersection operational impacts on the transportation system.

The amendments eliminate intersections typically required to be analyzed in a Traffic Impact Analysis that have already been identified and funded for capacity and/or safety improvements. The amendments also increase the trip thresholds which reduces the developer and consultant time required for land use application preparation for smaller development projects. These amendments will reduce the time and cost to the developer for the land use application and reduce the city staff time for land use approval which could help facilitate faster land use approvals for housing which is a public benefit.

In addition, the amendments include additional changes to BDC Chapter 4.7, Transportation Analysis to comply with Oregon Revised Statutes 197.307 and Oregon Administrative Rule Chapter 660 Division 8 that require cities to adopt and apply only

"clear and objective standards, conditions and procedures" to residential development. These standards may not, either individually or cumulatively, have the effect of discouraging residential development through "unreasonable cost and delay." While previously the clear and objective requirement applied to standards for "needed housing"—already a broad term encompassing most housing types— recent 2017 legislation expanded the requirement to apply to all residential development.

The proposed amendments create two different review paths for applications that include needed housing: Clear and Objective Track and Discretionary Track. When an applicant submits a Transportation Facilities Report they must clearly state whether they are electing to use a review process for the transportation analysis with clear and objective standards (Clear and Objective Track) or is electing to allow the City Engineer to modify or waive the required information (Discretionary Track).

Therefore, Goal 2 is satisfied.

Goal 3, Agricultural Lands, Goal 4, Forest Lands, and Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces. Goals 3 and 4 are not applicable because there are no Agricultural or Forest Lands in the City. Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

Goal 6, Air, Water and Land Resources Quality is not applicable because the City's acknowledged regulations implementing Goal 6 remain in effect with no change in applicability.

Goal 7, Areas Subject to Natural Hazards is not applicable because the City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

Goal 8, Recreational Needs is not applicable to the proposed amendments because the amendments do not limit any recreational uses in any zone.

Goal 9, Economic Development, is implemented through Oregon Administrative Rule (OAR) Division 9, which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth. Goal 9 is not applicable because these amendments do not affect any regulation that implements Goal 9 and the City's acknowledged regulations implementing Goal 9 remain in effect with no change in applicability.

Goal 10, Housing, requires provisions to provide for the housing needs of citizens of the state.

The Bend Development Code currently requires that any development that forecasts a net increase in site traffic volumes greater than 100 average daily vehicle trips or off-site major intersections are impacted by 15 or more peak-hour vehicle trips per lane group within one mile has to submit a Traffic Impact Analysis.

For example, a 20 lot single family subdivision is forecast to generate 198 daily trips and 20 pm peak hour trips. This proposed development would be required to submit a Traffic Impact Analysis report. If this development were to put 15 of the forecast 20 pm peak hour trips going straight through an adjacent intersection that only has one lane, the report would be required to include intersection operations analysis for that intersection.

The amendments increase the daily trips to 700 as the threshold for requiring a Traffic Impact Analysis and increase the peak hour trips per lane group to 50 to require an intersection operations analysis. These amendments would allow a 74 lot single family subdivision or a 128 unit apartment complex to submit just the Traffic Facility Report (TFR) and no longer require the TIA with intersection operations analysis.

The increase in trip thresholds reduces the developer and consultant time required for land use application for smaller development projects. It will also reduce the staff time required for review of land use application. Reductions to application preparation and review timelines could bring housing to fruition more quickly than with existing rules.

In addition, the amendments include additional changes to BDC Chapter 4.7, Transportation Analysis to comply with Oregon Revised Statutes 197.307 and Oregon Administrative Rule Chapter 660 Division 8 that require cities to adopt and apply only "clear and objective standards, conditions and procedures" to residential development. These standards may not, either individually or cumulatively, have the effect of discouraging residential development through "unreasonable cost and delay." While previously the clear and objective requirement applied to standards for "needed housing"—already a broad term encompassing most housing types— recent 2017 legislation expanded the requirement to apply to all residential development.

The proposed amendments create two different review paths for applications that include needed housing: Clear and Objective Track and Discretionary Track. When an applicant submits a Transportation Facilities Report they must clearly state whether they are electing to use a review process for the transportation analysis with clear and objective standards (Clear and Objective Track) or is electing to allow the City Engineer to modify or waive the required information (Discretionary Track).

Therefore, Goal 10 is satisfied.

Goal 11, Public Facilities and Services, requires the City 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 proposed amendments will not result

in the need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is satisfied.

Goal 12, Transportation, requires the City to provide and encourage a safe, convenient and economic transportation system.

Goal 12 is satisfied because the amendments require a Transportation Impact Analysis to be submitted for any proposed development that:

a. Considers modification, installation, or removal of any traffic control device; ~~or~~
b. Forecasts net increase in site traffic volumes greater than 700 average daily vehicle trips or off-site major intersections within one mile are impacted by 50 or more peak-hour vehicle trips; or
c. Contains a safety issue including one or more fatalities or severe injury crashes, one or more reported crashes per 1,000,000 entering vehicles, or if any location within the study area is included within published safety studies, such as the Oregon Department of Transportation Safety Priority Index System lists, ODOT Safety Action Plan, or the City's Arterial and Collector Multimodal Safety Study.

The City will review the analysis to ensure safety and operations of the transportation system are met for vehicle, biking, walking and transit and may impose conditions and mitigation requirements on the proposed development in proportion to its impacts.

Therefore, compliance with Goal 12 is satisfied.

Goal 13, Energy Conservation is not applicable because the City's acknowledged regulations implementing Goal 13 remain in effect with no change in applicability

Goal 14, Urbanization, requires the City 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 proposed amendments do not encourage sprawl or lower than targeted densities. The management of the City's land use inventories is unaffected by these proposed amendments and therefore, the City's long standing acknowledgment of compliance with Goal 14 is met.

Goal 15, Willamette River Greenway, Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, Goal 18, Beaches and Dunes, and Goal 19, Ocean Resources are not applicable to the proposed amendments.

Based on the above discussion, the proposed amendments to the BDC are consistent with the statewide planning goals and therefore comply with the requirement that the amendments are consistent with state land use planning law.

Because the proposed code amendment is limited in scope, there are no other Administrative Rules applicable to this amendment. Likewise, there are no other applicable Oregon Revised Statutes that are criteria applicable to this amendment (Note, consistency with the Transportation Planning Rule (TPR) is discussed further in this document).

2. The request is consistent with the applicable Bend Comprehensive Plan goals and policies;

FINDING: The "goals" established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The "goals" are generally carried out through "policies," which are statements of public policy. The following Goals and Policies are applicable:

Chapter 1: Plan Management and Citizen Involvement
Goals:

- **Foster a Balanced Transportation System**
  Bend's balanced transportation system incorporates an improved, well-connected system of facilities for walking, bicycling, and public transit, while also providing a reliable system for drivers. Bend's transportation system emphasizes safety and convenience for users of all types and ages. Transportation and land use are integrated to foster livability.

FINDING: The proposed amendments continue to support a safe transportation system. The amendments require a Traffic Impact Analysis if there is a safety issue including one or more fatalities or severe injury crashes, one or more reported crashes per 1,000,000 entering vehicles, or if any location within the study area is included within published safety studies, such as the Oregon Department of Transportation Safety Priority Index System lists, ODOT Safety Action Plan, or the City's Arterial and Collector Multimodal Safety Study. The City will review the analysis to ensure safety and operations of the transportation system are met for vehicle, biking, walking and transit and may impose conditions and mitigation requirements on the proposed development in proportion to its impacts.

Citizen Involvement
1-15. The city shall continue to use advisory committees in their planning process, members of which are selected by an open process, and who are widely representative of the community.

1-16. The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

FINDING: Notice of the proposed amendment was provided to the Department of Land Conservation and Development (DLCD) on October 18, 2019. On August 14, 2019, the Affordable Housing Advisory Committee reviewed the amendments and on November 4, 2019, the Bend Economic Development Advisory Board reviewed the amendments. On November 4, 2019, staff emailed the amendments to the Bend Development Code Update Group for their review. The group includes community members comprised of architects, lawyers, developers, engineers, a representative from COBA, representatives from Central Oregon LandWatch, and a land use planner. Staff also emailed the amendments to technical experts from the private and public sectors for their review. Staff received comments from several of the members, including ODOT and Deschutes County, and made additional revisions based on this feedback.

A notice of the November 25, 2019, Planning Commission public hearing and of the December 18, 2019, City Council public hearing was printed in the Bend Bulletin on November 2, 2019, and was mailed to the neighborhood associations on October 31, 2019.

Therefore, compliance with Chapter 1 has been met.

Chapter 5: Housing

Goals:

- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.

Housing Mix, Density, and Affordability

5-7 The City will continue to create incentives for and remove barriers to development of a variety of housing types in all residential zones, consistent with the density ranges and housing types allowed in the zones. This policy is intended to implement the City's obligation under the State Housing Goal to "encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density".

FINDING: The Bend Development Code currently requires that any development that is forecast to generate 100 daily trips submit a Traffic Impact Analysis (TIA) report. This report must include intersection operations analysis for any collector/arterial intersection forecast to receive 15 peak hour trips per lane group.

For example, a 20 lot single family subdivision is forecast to generate 198 daily trips and 20 pm peak hour trips. This proposed development would be required to submit a Traffic Impact Analysis report. If this development were to put 15 of the forecast 20 pm

peak hour trips going straight through an adjacent intersection that only has one lane, the report would be required to include intersection operations analysis for that intersection.

A proposed increase to 700 daily trips as the threshold for requiring a Traffic Impact Analysis and an increase to 50 pm peak hour trips to require intersection operations analysis would allow a 74 lot single family subdivision or a 128 unit apartment complex to submit just the Traffic Facility Report (TFR) and no longer require the TIA with intersection operations analysis.

The increase in trip thresholds reduces the developer and consultant time required for land use application for smaller development projects. It also will reduce the staff time required for review of land use application. Reductions to application preparation and review timelines could bring housing and mixed use developments to fruition more quickly than with existing rules.

The amendments also include changes to BDC Chapter 4.7, Transportation Analysis to comply with Oregon Revised Statutes 197.307 and Oregon Administrative Rule Chapter 660 Division 8 that require cities to adopt and apply only "clear and objective standards, conditions and procedures" to residential development. These standards may not, either individually or cumulatively, have the effect of discouraging residential development through "unreasonable cost and delay." While previously the clear and objective requirement applied to standards for "needed housing"—already a broad term encompassing most housing types— recent 2017 legislation expanded the requirement to apply to all residential development.

The proposed amendments create two different review paths for applications that include needed housing: Clear and Objective Track and Discretionary Track. When an applicant submits a Transportation Facilities Report they must clearly state whether they are electing to use a review process for the transportation analysis with clear and objective standards (Clear and Objective Track) or is electing to allow the City Engineer to modify or waive the required information (Discretionary Track).

Therefore, the proposed amendments satisfy Chapter 5.

Chapter 6: Economy

POLICIES

General Policies

6-3 Investment in transportation, water, sewer, fiber, and other utility infrastructure should be prioritized to serve economic lands.

6-4 Infrastructure will be planned, designed, and constructed to support continued economic growth and orderly development.

Currently, the Bend Development Code requires that any development that is forecast to generate 100 daily trips submit a Traffic Impact Analysis (TIA) report. This report must include intersection operations analysis for any collector/arterial intersection forecast to receive 15 peak hour trips per lane group. This would require in most cases a 2,700 square foot retail development to submit a TIA.

A proposed increase to 700 daily trips as the threshold for requiring a Traffic Impact Analysis and an increase to 50 pm peak hour trips to require intersection operations analysis would allow an 18,500 square foot retail development to submit just the Traffic Facility Report (TFR) and no longer require the TIA with intersection operations analysis. These amendments would support continued economic growth.

Chapter 7: Transportation Systems
The Bend Comprehensive Plan Chapter 7: Transportation Systems and the City's Transportation Systems Plan have the following applicable objectives, policies and implementation measures that support the amendments:

Pedestrian and Bicycle Systems

Goals:

Safety:

- Design and construct the transportation system to enhance travel safety for all modes.

FINDING: The amendments will require a Traffic Impact Analysis if there is a safety issue which includes one or more fatalities or severe injury crashes, one or more reported crashes per 1,000,000 entering vehicles, or if any location within the study area is included within published safety studies, such as the Oregon Department of Transportation Safety Priority Index System lists, ODOT Safety Action Plan, or the City's Arterial and Collector Multimodal Safety Study. The City will review the analysis to ensure safety and operations of the transportation system are met for vehicle, biking, walking and transit and may impose conditions and mitigation requirements on the proposed development in proportion to its impacts.

Street System

Objectives:

- To provide a safe and efficient means to access all parts of the community

Safety:

7-80 The City shall monitor transportation crash and safety issue locations, and develop and implement corrective improvement projects.

FINDING: As part of the Transportation Facilities Report, the applicant must submit the following:

Safety Evaluation.

a. Safety must be evaluated for the study area and a Discretionary Track application may require additional locations as required by the City Engineer. The evaluation must document and review crash data from the ODOT Crash Analysis and Reporting Section (ODOT-CARS). Crash data may be requested directly from ODOT or the Bend Urban Area Metropolitan Planning Organization. Crash data must provide a five-year history of ODOT reported crashes and must be presented in tabular and crash diagram form. Crash data must include the following information:

i. Crash histories and a calculated crash rate

ii. Crash patterns (was there an identifiable pattern to the crashes due to the design characteristics of the intersections) and crash types affecting proposed development trips; and

iii. Whether any location within the study area is included within published safety studies, such as the Oregon Department of Transportation Safety Priority Index System lists, ODOT Safety Action Plan, or the City's Arterial and Collector Multimodal Safety Study.

If a proposed development contains a safety issue including one or more fatalities or severe injury crashes, one or more reported crashes per 1,000,000 entering vehicles, or if any location within the study area is included within published safety studies, such as the Oregon Department of Transportation Safety Priority Index System lists, ODOT Safety Action Plan, or the City's Arterial and Collector Multimodal Safety Study, then the applicant must submit a Transportation Impact Analysis. The City will review the analysis to ensure safety and operations of the transportation system are met for vehicle, biking, walking and transit and may impose conditions and mitigation requirements on the proposed development in proportion to its impacts.

Therefore, compliance with Chapter 7 has been met.

Based on the findings stated above, staff concludes that the proposed text amendment is consistent with the applicable Bend Comprehensive Plan Goals and Policies.

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

FINDING: The City reviews proposed developments to ensure the transportation system provides for:

- Consistency with the Bend Comprehensive Plan.
- Orderly construction of the Bend Urban Area Transportation System Plan network of streets and walking, biking and transit facilities.
- Safety and operations.

The City requires applicants to complete an assessment of the transportation system within the study area of a proposed development for adequacy to serve the proposed development and to assess the impacts of the proposed development on the nearby transportation system. The amendments provide a public benefit since they continue to ensure safety and operations of the transportation system are met for vehicle, biking, walking and transit. The City may also impose conditions and mitigation requirements on the proposed development in proportion to its impacts.

Therefore, the proposed amendment to the BDC meet this criterion.

4.6.500 Record of Amendments.

The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.

FINDING: In the event the BDC text amendment is adopted by ordinance, the City Recorder will maintain a record of the amendment and the revised provision will be included as part of the BDC available to the public on the City's website.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

FINDING: The proposed text amends the Bend Development Code, a functional component of the Comprehensive Plan, and is an amendment to a land use regulation as noted in OAR 660-012-0060. The proposed amendments implement the City's Transportation System Plan. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060.

V. CONCLUSIONS:

Based on the above Findings, the proposed BDC amendment meets all applicable criteria for adoption.

VI. RECOMMENDATION:

The Planning Commission recommends approval of the proposed text amendment to the City Council.