



STAFF FINDINGS

FILE NUMBER(S): 247-23-000507-PA/508-TA

**SUBJECT PROPERTY/
OWNER:** N/A

APPLICANT: Deschutes County Planning Division
c/o Tarik Rawlings, Senior Transportation Planner
P.O Box 6005
Bend, OR 97708

REQUEST: Replace the 2010-2030 Deschutes County Transportation System Plan with 2020-2040 Transportation System Plan and accompanying map, including updated traffic volumes, Goals and Policies, project list, and functional reclassifications.

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RECORD: Record items can be viewed and downloaded from:
www.buildingpermits.oregon.gov

Record items can be viewed and downloaded from:
<https://www.deschutes.org/cd/page/transportation-system-plan-update-2020-2040-247-23-000507-pa-508-ta>

I. APPLICABLE CRITERIA

Deschutes County Code (DCC)
Title 22, Deschutes County Development Procedures Ordinance
Chapter 22.012, Legislative Procedures

Oregon Administrative Rule (OAR)
OAR 660-015, Statewide Planning Goals and Guidelines
OAR 660-012, Transportation Planning

Deschutes County Comprehensive Plan – Title 23
Chapter 1, Comprehensive Planning
Chapter 3, Rural Growth Management

II. BASIC FINDINGS

PROPOSAL

This is a legislative plan and text amendment to the Deschutes County Comprehensive Plan to remove the 2010-2030 Transportation System Plan (TSP) and replace it with the 2020-2040 TSP. The TSP is Section 3.7 within the Deschutes County Comprehensive Plan. The TSP contains goals and objectives to ensure the safe, efficient, and economical operation of the County's transportation system. The 2020-2040 TSP includes several new goals and policies; updates information for population and traffic volumes; assesses system deficiencies and prioritizes future road projects and/or policies to mitigate those deficiencies; and makes several functional reclassifications of County roads.

BACKGROUND

In 2010, County staff prepared a 2010-2030 TSP, which removed and replaced the 1996-2016 TSP. The 2010 plan is now halfway through its lifespan and the County has seen a large increase both in population and traffic volumes on County roads and State highways. The process began in 2020 to update the TSP. The previous TSPs were done in-house, but this version was done by a consultant based on Planning Division staffing levels and workloads. The Road Department funded the project. The update was done concurrently with a State Transportation and Growth Management (TGM) grant to update of the bike, pedestrian, and transit components of the Tumalo Community Plan (TCP) and look at rural trails in the area known as Sisters Country, i.e. the attendance boundary of the Sisters School District.

REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan and text amendment. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and the County's Comprehensive Plan.

III. FINDINGS & CONCLUSIONS

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

FINDING: This criterion will be met because a public hearing will be held before the Deschutes County Planning Commission on August 10, 2023, and a future public hearing will be held before the Board of County Commissioners.

Section 22.12.020, Notice

Notice

A. Published Notice

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

FINDING: This criterion is met as notice was published in the Bend Bulletin newspaper on July 20th, 2023 for the Planning Commission public hearing and additional published notice will be sent for the Board of County Commissioners' public hearing.

- B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.***

FINDING: Posted notice was determined by the Planning Director not to be necessary.

- C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.***

FINDING: Given the proposed legislative amendments do not apply to any specific property, no individual notices were sent.

- D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.***

FINDING: Notice was provided to the County public information official for wider media distribution. This criterion is met.

Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board of County Commissioners and has received a fee waiver. This criterion is met.

Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
- 1. *The Planning Commission.***
 - 2. *The Board of County Commissioners.***
- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

FINDING: The Deschutes County Planning Commission held the initial public hearing on August 10, 2023. The Board will hold a public hearing on a future date to be determined. These criteria are or will be met.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes will be implemented by ordinance, number to be determined, upon approval and adoption by the Board of County Commissioners. This criterion will be met.

OAR 660-015, Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement:

FINDING: Deschutes County involved the public via a web site and online meetings, held two advisory committee meetings, targeted outreach to with community and social service organizations, and held work sessions with both the Planning Commission (PC) and the Board of County Commissioners (BOCC). The latter were open to the public both in person as well as broadcast online. The TSP Project Committee also worked closely with the citizen volunteers of the County's Bicycle and Pedestrian Advisory Committee (BPAC). The 2020-2040 TSP is therefore consistent with Goal 1.

Goal 2: Land Use Planning:

FINDING: The TSP 2020-2040 does not change any Comprehensive Plan designations or zoning designations for lands the County administers under DCC Titles 18 (County Zoning), 19 (Bend Urban Growth Boundary Zoning), 20 (Redmond Urban Area), and 21 (Sisters Urban Area). The update is the subject of land use file, 247-23-000507-PA/508-TA, and will be processed under the County's procedures for a legislative amendment. The County on July 6, 2023, provided the required 35-day prior notice to the Department of Land Conservation and Development (DLCD) before the first evidentiary hearing. The 2020-2040 TSP is therefore consistent with Goal 2.

Goal 3: Agricultural Lands:

FINDING: 2020-2040 TSP does not change any Comprehensive Plan Agriculture designations nor change any lands zoned Exclusive Farm Use (EFU). Future roadway projects are listed and prioritized in Tables 5-1 (Intersection Changes and Associated Cost Estimates), 5-2 (Roadway Changes and Associated Cost Estimates), and 5-4 (ODOT Intersections Changes and Associated Costs). The projects are shown on Figures 5-1 (County Intersection Projects), 5-2 (County Roadway Projects), and 5-4 (State Facility Projects). The only project shown on EFU lands is CC-17 to extend SW 19th Street to U.S. 97 in the vicinity of Quarry Road. The table notes this an illustrative project and staff notes an Exception to Statewide Planning Goal 3 (Agriculture) would likely be required prior to implementation. The priority of the project remains undetermined. The 2020-2040 TSP is consistent with Goal 3.

Goal 4: Forest Lands:

FINDING: The 2020-2040 TSP does not change any Comprehensive Plan Forest designations nor change any lands zoned F1 (Forest) or F2 (Forest). Future roadway projects are listed and prioritized in Table 5-1 (Intersection Changes and Associated Cost Estimates), 5-2 (Roadway Changes and Associated Cost Estimates) and shown on Figures 5-1 (County Intersection Projects), 5-2 (County Roadway Projects). County projects in F1 and F2 lands appear to be within existing rights of way. The Oregon Department of Transportation (ODOT) projects are listed in Table 5-4 (ODOT Intersections Changes and Associated Cost Estimates) and shown on Figure 5-4 (State Facility Projects.) The only project that may be on Forest lands is S-6 (Deschutes River Woods South Interchange Project). At this scale it is hard to discern if this low-priority project is located on Deschutes National Forest (DNF) land or not. If on DNF land, then no Exception to Statewide Planning Goal 4 (Forest) is required. If not on federal land, then a Goal 4 Exception would be required prior to implementation. The 2020-2040 TSP is consistent with Goal 4.

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

FINDING: No roadway projects are proposed that would adversely affect Goal 5 resources. Additionally, Goal 6: Sustainability and the Environment calls for balancing transportation needs with protecting the natural environment. Policy 6.4 states specifically to “Preserve listed Goal 5 resources within the County.” Therefore the 2020-2040 TSP is consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality:

FINDING: Goal 6 and its policies all pertain to protecting the quality of air, water, and land resources. Specifically, Policy 6.3 calls for compliance with applicable state and federal noise, air, water, and land quality regulations. Through the inclusion of policies to provide for alternate modes, the TSP will also ensure the quality of air, water, and land resources. Therefore the 2020-2040 TSP is consistent with Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards:

FINDING: The Comprehensive Plan in Section 3.5 lists the following natural hazards endemic to Deschutes County: wildfire, snowstorms, flooding, and volcanic eruptions and earthquakes. The Road Department maintains a signed system of evacuation routes from isolated rural subdivisions in case of a natural disaster. Sustainability and Environment Policy 6.6 specifies prioritizing “...transportation investments that support system resilience to seismic events, extreme weather events, and other natural hazards.” ODOT plows State highways and has Variable Message Signs

(VMS) posted on selected roads to provide information about road conditions. The TSP does not change any existing building codes regarding fire, snow loads or structural resistance to earthquakes. Therefore, the 2020-2040 TSP is consistent with Goal 7.

Goal 8: Recreational Needs:

FINDING: The 2020-2040 TSP has numerous policies to benefit recreation. Besides having a well-functioning road system that leads to/from recreational areas, the TSP also includes policies for those who recreate by bicycle along those roadways. Specific examples include Safety Policy 2.4 to continue the partnership with BPAC to inform investment decisions for those biking and walking and Safety Policy 2.7 to prioritize investment in key locations where bicyclists or pedestrians cross major County roads or State highways. Mobility and Connectivity Policy 3.13 calls for continued coordination with U.S. Forest Service (USFS) and Bureau of Land Management (BLM) "...to maintain the County's system of forest highways to continue to provide key access to recreational areas such as campsites, lakes, hiking, and biking trails in the County." Economic Development Policy 4.4 calls for "incorporating facilities for people walking or riding bikes to key recreational area as part of changes to the roadway system." Economic Development Policy 4.5 states "Support bicycle tourism by prioritizing and improved designated County bike routes." Equity and Accessibility Policy 5.8 states "Support efforts of local agencies to develop and maintain a trail system along the Deschutes River within Tumalo and along major irrigation canals." Finally, Strategic Investments Policy 7.1 states "Continue to pursue and implement Federal Lands Access Program (FLAP) funding to prioritize County investments to support tourism and access to key recreational sites." Table 5-7 (Bicycle Recreation Connections) also meets this goal. Therefore, the 2020-2040 TSP is consistent with Goal 8.

Goal 9: Economic Development:

FINDING: A functioning well-managed transportation network with sufficient capacity to move goods and services is a foundation of economic development. The 2020-2040 TSP has identified deficiencies in the County network and mitigations to address those deficiencies via its list of prioritized projects for County roads and State Highways, both segments and intersections. Goal 4 Economic Development states "Plan a transportation system that supports the existing industry and encourages economic development in the County." Economic Development Policies 4.1 and 4.2 support a well-maintained system of arterials and collectors for land use development and employment. Economic Development Policies 4.5 and 4.6 stress improvements to support the freight system and access to U.S. 97, U.S. 20, and OR 126, which ODOT designates as Freight Routes. Therefore, the 2020-2040 TSP is consistent with Goal 9.

Goal 10: Housing:

FINDING: The 2020-2040 TSP does not change any of the County's Comprehensive Plan designations or zoning codes related to residential uses. Therefore the 2020-2040 TSP is consistent with Goal 10. If Goal 10 is interpreted to require a mix of housing types, then it is inapplicable as a TSP only relates to various transportation modes as defined by OAR 660-012-0020 that serve existing land use designations.

Goal 11: Public Facilities and Services:

FINDING: The development of the TSP itself and the resulting list of prioritized road projects at Tables 5-1 (Intersection Changes and Associated Cost Estimates), 5-2 (Roadway Changes and Associated Costs), 5-4 (ODOT Intersections Changes and Associated Cost Estimates) 5-5 (Pedestrian Facilities and Associated Cost Estimates), 5-6 (Bicycle Route Community Connections) ensure adequate public facilities and services. These listed prioritized improvements will result in a timely, orderly, and efficient development of public roads and highways. The 2020-2040 TSP is consistent with Goal 11.

Goal 12: Transportation:

FINDING: The development of the TSP itself meets the goal. The TSP as cited in Goal 11 results in the timely, orderly, and efficient development of public roads and highways as well as accommodations for all modes. The TSP is based on a combination of planning requirements (Chapter 1). Goals and policies then set the 20-year vision for the transportation system, which includes all modes, not just motorized vehicles (Chapter 2). The TSP analyzes deficiencies and needs while developing a list of plan improvements and programs (Chapter 3). The recommended projects for a multimodal system are summarized and explained (Chapter 4). The proposed prioritized projects are listed along with cost estimates and mapped (Chapter 5). The financial assumptions and forecasts for funding the improvement are then detailed (Chapter 6.) The tables and figures for the various road projects are summarized above in the findings for Goals 3, 4, and 11. Amendments to the functional classifications for selected roads are provided in Table 5-3 (Changes to the Functional Classification Designations). The 2020-2040 TSP is consistent with Goal 12.

Goal 13: Energy Conservation:

FINDING: The 2020-2040 TSP proposes physical improvements to accommodate bicyclists and pedestrians as well as policies to promote the development and use of alternate modes such as bicycling, walking, and transit. The various roadway projects will ensure roads and highways are not congested as vehicles in stop and go traffic consume more fuel and emit more emissions than vehicles in free-flow conditions. The 2020-2040 TSP is consistent with Goal 13.

Goal 14: Urbanization:

FINDING: The TSP update was prepared with input from cities within the County to ensure consistency with the respective TSPs regarding functional classification, future improvements, and transportation policies. The meshing of the County and urban TSPs ensures an orderly and efficient transition from rural to urban. The County TSP, by definition applies only to lands outside of UGBs, however, the TSP contains policies to provide continuing consistency between the County's and the cities' transportation facilities. Specifically, Goal 1, Coordination and Collaboration states the TSP promotes a plan that is consistent and coordinated with "...the cities and incorporated communities within the County." Coordination and Collaboration Policies 1.1-1.18 also stress consistency with city and County transportation plans and projects. Specifically, Policy 1.3 states "Coordinate regional project development and implementation with the cities of Bend, Redmond, Sisters, and La Pine." Policy 1.6 states "Maintain an intergovernmental agreement with each of the cities to provide specific timelines and milestones for the transfer of County roadways with the urban growth boundaries at the time of annexation, including full width of right of way." The 2020-2040 TSP is consistent with Goal 14.

Goals 15 through 19

FINDINGS: Goals 15 through 19 are not applicable to the proposed plan and text amendments because the County does not contain these types of lands.

OAR 660-012, Transportation Planning

FINDING: The document was prepared in accordance with the requirements of OAR 660-012, including but not limited to the modal elements of a TSP, land use assumptions, needs analysis, traffic projections, selection of alternatives, financing aspects, and public outreach. The 2020-2040 TSP is consistent with OAR 660-012.

Deschutes County Comprehensive Plan

FINDING: The relevant portions of the Comprehensive Plan are Chapter 1 (Comprehensive Planning), which sets the goals and policies of how the County will involve the community and conduct land use planning. These are specified in Section 1.2 (Community Involvement) and Section 1.3 (Land Use Planning). The Comprehensive Plan at Chapter 3 (Rural Growth Management) and the applicable element is Section 3.7 (Transportation).

Section 1.2 sets a goal for an open and active community involvement program that engages the public during development of land use policies and codes. Policy 1.2.2 designates the Planning Commission as the Committee for Community Involvement. Policies 1.2.3 and 1.2.4 detail procedures for public outreach and avenues of outreach. As described above, the County complied with DCC 22.12 for a legislative amendment, including notice to the public, DLCD, and relevant agencies. Both the Planning Commission and Board will conduct separate public hearings and objectively evaluate the facts. Additionally, staff conducted extensive public outreach via email, online open houses, website, and work sessions with the PC and the Board, which were open to the public and broadcast online.

Section 1.3 sets a goal of an open and public land use process to reach fact-based decisions. For the development of the TSP, the County has done public outreach using traditional methods (face-to-face meetings, work sessions with the PC and the Board) and newer methods (website, online public meetings, electronic records, video meetings, etc.)

Section 3.7 is the Transportation System Plan itself and is incorporated into the Comprehensive Plan as Appendix C.

Based on the above, the 2020-2040 TCP is consistent with the Deschutes County Comprehensive Plan.

V. CONCLUSION

The proposed 2020-2040 TSP complies with all relevant Deschutes County and OAR requirements.