



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

08/28/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment  
DLCD File Number 007-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, September 12, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Peter Russell, Deschutes County  
Jon Jinings, DLCD Community Services Specialist  
Karen Swirsky, DLCD Regional Representative  
Gary Fish, DLCD Transportation Planner

<paa> YA



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE  
STAMP

DEPT OF

AUG 24 2012

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Deschutes County**

Local file number: **PA-11-5/TA-11-4**

Date of Adoption: **8/20/2012**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 9/12/2011

☒ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The original 1998 Deschutes County Transportation System Plan was done in accordance with the 1991 Oregon Highway Plan. The Update has an ending year of 2030 and reflects changes in traffic volumes, the performance standards and policies of the 1999 OHP, the development of a regional transit system, and County road policies tied to the loss of federal timber revenues. The TSP Update amends the Deschutes County TSP map and plan and the transportation section of the Comprehensive Plan.

Does the Adoption differ from proposal? Please select one

The adoption only differs in the following: A slight change in prioritization of projects and revised cost estimates; added an executive summary; reformatted the references to policies to identify which goal they supported; required ODOT to hold public meetings prior to designing project in Tumalo and passing lanes near Sisters.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD File No. 007-11 (18965) [17142]



35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT, cities of Bend, Redmond, Sisters, and La Pine, and local road districts.

Local Contact: **Peter Russell**

Phone: (541) 383-6718 Extension:

Address: **117 NW Lafayette Ave**

Fax Number: **541-385-1764**

City: **Bend**

Zip: **97701-**

E-mail Address: **peterr@co.deschutes.or.us**

## **ADOPTION SUBMITTAL REQUIREMENTS**

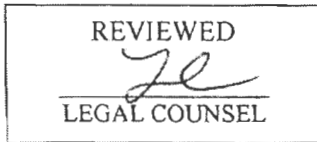
**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**

**per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending the Deschutes County  
Comprehensive Plan Transportation Systems  
Plan, and Repealing Deschutes County Code  
Chapters 23.60 and 23.64.

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ORDINANCE NO. 2012-005

WHEREAS, the Community Development Department planning staff initiated a Comprehensive Plan amendment in order to update the Transportation System Plan ("TSP") adopted by Ordinance 98-044 on August 26, 1998; and

WHEREAS, after notice was given in accordance with applicable law, public hearings were held before the Deschutes County Planning Commission on October 27, 2011 to consider the revised draft County Comprehensive Plan; and

WHEREAS, on February 23, 2012, the Planning Commission forwarded to the Board of County Commissioners ("Board") a recommendation of approval to adopt changes to the Comprehensive Plan; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on April 16, 2012 and concluded that the public will benefit from changes to the Comprehensive Plan; and

WHEREAS, the Board finds it in the public interest to adopt the following Comprehensive Plan amendments; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDING. Deschutes County Code 23.01.010, Introduction, is amended to read as described in Exhibit "A," attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 2. AMENDING. Deschutes County Comprehensive Plan, adopted in Deschutes County Code 23.01.010, Section 3.7, Transportation Plan, is amended to read as described in Exhibit "B," attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~;

Section 3. ADDING. Deschutes County Comprehensive Plan, adopted in Deschutes County Code 23.01.010, Section 3.7, Transportation Systems Plan, is amended by the addition of Appendix C as described in Exhibit "C," attached and by this reference incorporated herein.

Section 4. REPEALING. Deschutes County Code Chapter 23.60 Transportation is repealed.

Section 5. REPEALING. Deschutes County Code Chapter 23.64, Transportation System Plan, is repealed.

Section 6. FINDINGS. The Board adopts as its findings Exhibit "D," attached and incorporated by reference herein.

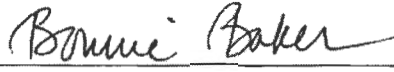
Dated this 20<sup>th</sup> of August, 2012

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

  
ANTHONY DeBONE, Chair

  
ALAN UNGER, Vice Chair

ATTEST:

  
Recording Secretary

- absent -  
TAMMY BANEY, Commissioner

Date of 1<sup>st</sup> Reading: 6<sup>th</sup> day of August, 2012.

Date of 2<sup>nd</sup> Reading: 20<sup>th</sup> day of August, 2012.

Commissioner	Record of Adoption Vote:			
	Yes	No	Abstained	Excused
Anthony DeBone	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>
Alan Unger	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>
Tammy Baney	<u>—</u>	<u>—</u>	<u>—</u>	<u>✓</u>

Effective date: 19<sup>th</sup> day of November, 2012.

## **Chapter 23.01 COMPREHENSIVE PLAN**

### **23.01.010. Introduction.**

- A. The Deschutes County Comprehensive Plan, adopted by the Board in Ordinance 2011-003 and found on the Deschutes County Community Development Department website, is incorporated by reference herein.
- B. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2011-027, are incorporated by reference herein.
- C. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-005, are incorporated by reference herein.  
(Ord. 2012-005 §1, 2012; Ord. 2011-027 §1 through 12, 2011; Ord.2011-003 §3, 2011)



## Section 3.7 Transportation System Plan

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### Background

~~The Transportation System Plan is being adopted as a separate project and will be incorporated here when adopted.~~ The Transportation System Plan was adopted in Ordinance 2012-005 and is hereby incorporated into this Plan as Appendix C. The Deschutes County Transportation System Plan Map will be retained in official replica form as an electronic map layer within the County Geographic Information System and is adopted as part of this Comprehensive Plan.



## Community Development Department

Planning Division Building Safety Division Environmental Soils Division

117 NW Lafayette Avenue Bend Oregon 97701-1925  
(541)388-6575 FAX (541)385-1764  
<http://www.co.deschutes.or.us/cdd/>

### FINDINGS

DEPT OF

AUG 24 2012

LAND CONSERVATION  
AND DEVELOPMENT

**File:** PA-11-5, TA-11-4

**HEARING DATE:** April 16, 2012, at 10 a.m.

**LOCATION:** Barnes and Sawyer rooms of the Deschutes Services Center, 1300 NW Wall St. in Bend.

**APPLICANT/OWNER:** Deschutes County  
c/o Peter Russell, Senior Transportation Planner  
117 NW Lafayette Street  
Bend, OR 97701

**REQUEST:** The County is requesting a Plan Amendment and Text Amendment to update the Deschutes County Transportation System Plan (TSP) and accompanying map; the update will forecast traffic volumes in 2030; identify gaps and deficiencies in 2030; add prioritized projects and/or policies to mitigate those deficiencies; and make several functional reclassifications of County roads in the Bend and Redmond areas.

**STAFF CONTACT:** Peter Russell, Senior Transportation Planner

#### **I. APPLICABLE STANDARDS & CRITERIA:**

- A.** Statewide Planning Goals 1, 2, 11, and 12
- B.** Oregon Administrative Rules (OAR)
  - 1. OAR 660-012, Transportation Planning
- C.** Title 22, Deschutes County Code Procedures Ordinance
  - 1. Chapter 22.28, Land Use Action Decisions
- D.** Title 23, Deschutes County Comprehensive Plan
  - 1. Chapter 23.60, Transportation
  - 2. Chapter 23.64, Transportation System Plan



## **II. PROPOSED FINDINGS OF FACT**

### **A. Procedure and Background:**

Deschutes County adopted a 20-year transportation plan in 1998 covering 1996-2016 to comply with the state's Transportation Planning Rule (TPR) at Oregon Administrative Rule (OAR) 660-012. Typically, 20-year plans are updated every five to ten years. Additionally, in the intervening years the County and its cities saw significant population and traffic growth. The TSP is the Transportation component of the County's Comprehensive Plan, which the County also updated in 2010.

The 1998 TSP, which has an ending year of 2016, was codified as Chapter 23.64 (Transportation System Plan). A previous portion of the Comprehensive Plan, 23.60, predated the TPR requirement for a TSP. There is a large overlap between the two chapters although they conflict regarding Level of Service (LOS) standards. This TSP combines and updates both chapters. As the Board has best been able to determine after reviewing the 1998 TSP Table 2.2.T3, the LOS volumes in 23.60.010(G) were for County roads and the LOS volumes in 23.64.080 were for State highways.

Both the changes described below and the fact the original TSP was almost halfway to its planning horizon year of 2016 led Deschutes County to begin the process to update its TSP in 2007. The TSP now has a planning span of 2010-2030.

Between the 1998 and 2007, Deschutes County has witnessed a vast array of changes. The most significant shifts relate to population growth, rise and plateauing of destination resorts, development of regional public transit, changes in federal and local funding of transportation, and changes to Oregon Department of Transportation (ODOT) plans and policies. The County has grown from a 2000 population of 116,600 to its current population of 166,572 and an estimated 2030 population of 266,539. The rural portion of the population in 2000 was 47,230 (41%) to its current level of 57,430 (34%) with an estimated 2030 rural population of 88,748 (33%).

Destination resorts grew throughout Central Oregon beginning in the mid-90s with Deschutes County as their epicenter with pre-existing resorts (Black Butte, Crosswater, Eagle Crest, Inn of the Seventh Mountain, Sunriver, Widgi Creek), expansion of existing resorts (Eagle Crest) or new resorts (Caldera Springs, Pronghorn, Tetherow, Thornburgh). By the early 2000s, however, the destination resort market had all but disappeared with little actual development at Pronghorn, Tetherow, or the resorts approved in western Crook County; Pronghorn and the Crook County resorts would have sent traffic onto Powell Butte Highway, a County arterial.

While there was no public transit in 1998 other than Dial-A-Ride and some social service providers, fixed-route service debuted in 2006 in Bend with Bend Area Transit (BAT). Cascades East Transit (CET) knitted various special needs transportation providers into a single tri-county transit system in 2008. CET took over BAT in 2010 and provides fixed-route service between the major cities in Crook, Deschutes, and Jefferson counties.

The timber revenues that once funded a significant portion of the Road Department ebbed as lumber production declined. The federal government under the Secure Rural Schools Funding Act attempted to buffer the economic effects by gradually phasing the loss of federal funds before they vanished in 2012. The County established a road moratorium in 2006 to no longer accept new facilities into the County-maintained system. The moratorium was modified in 2009 to give the Board the discretion to accept new arterials or collectors. In 2011 the County formed

a Road Committee to examine the operation of the Road Department for potential changes or efficiencies as well as possible new sources of funding. The Road Committee completed its work in early 2012 and recommended several internal efficiencies be tried in the Road Department prior to the County seeking additional revenues in the form of either a gas tax or an increase in the transient lodging tax (TLT) for rural properties.

One of the most significant shifts since the 1998 TSP was ODOT changed its mobility standards in 1999 from Level of Service (LOS) to volume-capacity (v/c) ratio. LOS is based on time delay whereas v/c is based on traffic volumes and theoretical capacity. Additionally, ODOT went to a new functional classification system for its highways and their segments and added overlaying designations. These designations also drive the access management of State highways. (Chapter 2 of the TSP update provides fuller details.)

The Deschutes County Planning Commission (PC) held a public hearing on Oct. 27, 2011 and after several continuances on Feb. 23, 2012, voted to forward the draft TSP to the Board with a recommendation of approval with a few modifications. The modifications to the June 30, 2011, draft are shown in Exhibit B as ~~striketrough~~ for deletions and underline for additions. In general the major topics of discussion at the PC were:

- The need for or timing of a Deschutes Junction Refinement Plan
- Policy language supporting a future bike/ped bridge across the Deschutes River just beyond the southwest edge of the Bend Urban Growth Boundary (UGB)
- Frontage road for the Deschutes Junction area
- Designation of a County bikeway system
- Long-term solution for US 20 in Tumalo
- Prioritization for future State Highway and County Road projects in Table 5.3.T1
- Adding an Illustrative List of projects as Table 5.3.T2
- Additional lanes on US 20 between Black Butte Ranch and Sisters
- Rural roundabouts

The Board held public hearings on April 16 and April 23, 2012. The oral record was closed on April 23 and the written record closed May 14, 2012. The major topics remained the same as those identified before the PC.

#### **B. Proposal:**

Deschutes County will amend the transportation section of its Comprehensive Plan by eliminating Chapter 23.60 (Transportation) and replacing Chapter 23.64 (Transportation System Plan) with the TSP Update. Essentially, the descriptive elements of 23.60 (types of roads, functional classification, performance standards, inventories, etc.,) will appear in one section with updated information. Chapters 23.60 and 23.64 have a large amount of duplication. By having one chapter for Transportation, the current Comprehensive Plan confusion will be eliminated. The County recently updated the Comprehensive Plan and transportation is now located in Chapter 3, Rural Development under Section 3.7. The new TSP chapter will be incorporated into the updated Comprehensive Plan by reference as Appendix C.

The TSP map will be amended to include the following changes in functional classifications:

#### ***Bend Area:***

Rural Collector to Rural Arterial:

- Deschutes Market Road: Bend Urban Growth Boundary (UGB) north to Deschutes

- Junction/US 97 Interchange
- OB Riley: Cooley Road south to Bend UGB
- Hamby Road: Butler Market Road south to US 20
- Ward Road: US 20 south to Stevens Road

Future Rural Collector to Future Rural Arterial:

- Cooley Road Extension: US 20 west of OB Riley then back east to Glen Vista Road

Rural Collector constructed since 1998 TSP adoption:

- Skyline Ranch Road: Skyliners Road south to Century Drive

Rural Collector to Local Road:

- Deschutes Pleasant Ridge Road: From northern terminus south to Deschutes Market Road

***Redmond Area to ensure consistency with Figure 9-1 of Redmond TSP:***

Future Urban Arterial:

- Pershall Way: extending west to Helmholtz Way
- Northwest Way: extending from NW Maple south to NW 27<sup>th</sup> Street/Hemlock Avenue
- Northwest Maple: extending west from NW 35<sup>th</sup> Street to NW Helmholtz Way

Future Collector:

- Quartz Avenue: extending west from SW 37<sup>th</sup> Street to SW Helmholtz Way
- Elkhorn Avenue: extending east from 39<sup>th</sup> Street to BNSF railroad tracks

Rural Collector to Rural Arterial:

- Helmholtz Way (43<sup>rd</sup> Street): Between NW Maple Avenue and South Canal Boulevard
- Northwest Way: Maple Avenue to future west extension of Pershall Way
- NW Maple Avenue: between Helmholtz (43<sup>rd</sup> Street) and Northeast Way (27<sup>th</sup> St)

Local to Rural Collector:

- Elkhorn Avenue: SW Helmholtz to 39<sup>th</sup> Street
- NW Spruce: Redmond City Limits west to western UGB edge, crossing Northwest Way

The following maps are proposed to be added or modified to the June 30, 2011, version of the TSP Update. The maps do not add any new road projects, but either depict items described in the TSP text, or carry forward a project from the 1998 TSP, or correct a mapping error. The proposed maps and their subject matters on Exhibit B are:

New figures -

- F5.3.12 "Redmond Area Functional Reclassification Map" (changes described on Page 156-157)
- F5.3.13 "Bend Area Functional Reclassification Map" (changes described on Page 157)
- F5.5.F10 "Proposed Regional Trails" (changes described on Page 167)

Modified or corrected figures -

- F2.2.F13 "2009 State Highways Average Daily Traffic" (added traffic data)
- F5.3.F1 "Proposed Travel Lane/Turn Lane Improvements" (additional lanes on US 20 between Providence to Hamby are shown in their actual location; data base error on an

earlier version had incorrectly shown lanes just outside Sisters instead of Bend)

- F5.3.F2 “Proposed Intersection Improvements” (carried Quarry Road interchange forward from 1998 plan’s map, Figure 5.2.F2 “ODOT Projected Interchanges”)

Modified or new language related to the bulleted topics above –

- Deschutes Junction Refinement Plan (page 129)
- Future bike/ped bridge across the Deschutes River outside of Bend UGB (page 168, Policy 41.m)
- Frontage road for the Deschutes Junction area (page 129)
- Designation of a County bikeway system (pages 165-166; 167, Policy 41.a and b)
- Long-term solution for US 20 in Tumalo (page 135)
- Prioritization for future State Highway and County Road projects in Table 5.3.T1 (pages 143-147)
- Adding an Illustrative List of projects as Table 5.3.T2 (page 147)
- “Triggers” for new lanes on US 20 between Black Butte Ranch and Sisters (page 133)
- Rural roundabouts (Page 151)

### III. CONCLUSIONS OF LAW

#### A. **Applicable Statewide Planning Goals [When addressing the goals, there needs to be a bit more discussion than just referencing the purpose statement from each goal. The guidelines and implementation sections need to be addressed as well.]**

##### 1. Goal 1: Citizen Involvement

***Oregon Statewide Planning Goal 1 seeks “To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”***

**FINDING:** Goal 1 has been met as the TSP is the subject of a noticed public hearing before the Deschutes County Planning Commission on Oct. 27, 2011. The TSP Update also included noticed public hearings before the Board of County Commissioners (BOCC) on April 16, 2012. Additionally, Table 4.2.T1 “Partial List of Meetings Related to TSP Update” documents the numerous opportunities for citizen involvement beginning in September 2008.

##### 2. Goal 2: Land Use Planning

***Oregon Statewide Planning Goal 2 seeks “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”***

**FINDING:** Goal 2 has been met as the traffic model that projected the 2030 traffic volumes was based on the adopted and acknowledged land uses of the comprehensive plans of Deschutes County and the cities within the County. The model and its conclusions are reported in technical memoranda on existing conditions (Technical Memo #2), 2030 future conditions and identified deficiencies (Technical Memo #3), and mitigations to redress those deficiencies (Technical Memo #4). These technical memos provide the adequate factual base. Additionally,



Oregon Revised State 197.610 allows local governments to initiate post-acknowledgement plan amendments.

3. Goal 3: Agricultural Lands;

***Oregon Statewide Planning Goal 3 seeks “To preserve and maintain agricultural lands.”***

**FINDING:** Goal 3 has been met for the following reasons. The transportation alignments or improvements in Table 5.3.T1 either:

1. meet the definitions of OAR 660-012-065 for transportation improvements on rural lands that can be done without a goal exception (collector designation; two travel lanes; channelization; replace an intersection with an interchange, etc.) or
2. are located on exception lands (MUA-10, RR-10) or
3. are within an Urban Growth Boundary or
4. occur within existing rights of way[Point to specific provisions in the TSP that related

TSP Goal 7 and Policies 24 and 25 refer to the County's adopted dimensional standards for rights of way and roads. If a transportation improvement would require building on farm or forest lands, to meet these standards, the responsible agency (ODOT, City of Bend, City of Redmond, Deschutes County, etc.) would have to apply for and receive a goal exception before the project can occur. This is particularly true for ODOT under OAR 660-012-0050.

4. Goal 4: Forest Lands

***Oregon Statewide Planning Goal 4 seeks “To conserve forest lands by...”***

**FINDING:** Goal 4 has been met for the following reasons. The transportation alignments or improvements in Table 5.3.T1 either:

1. meet the definitions of OAR 660-012-065 for transportation improvements on rural lands that can be done without a goal exception (collector designation; two travel lanes; channelization; replace an intersection with an interchange, etc.) or
2. are located on exception lands (MUA-10, RR-10) or
3. are within an Urban Growth Boundary or
4. occur within existing rights of way

TSP Goal 7 and Policies 24 and 25 refer to the County's adopted dimensional standards for rights of way and roads. If a transportation improvement would require building on farm or forest lands, to meet these standards, the responsible agency (ODOT, City of Bend, City of Redmond, Deschutes County, etc.) would have to apply for and receive a goal exception before the project can occur. This is particularly true for ODOT under OAR 660-012-0050.

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

***Oregon Statewide Planning Goal 5 seeks “To protect natural resources and conserve scenic and historic areas and open spaces.”***

**FINDING:** Goal 5 has been met as there is no change to existing County Goal 5 policies and regulations; additionally the TSP does not include any future roads that would affect an

identified Goal 5 resource because all designated future roads are the same as what were in the 1998 TSP.

*Impacts on related resources:*

Mineral and aggregate resources: None; no current or future road or highway is designated to fully or partially occupy a mineral or aggregate resource. Mineral and aggregate resources would be utilized in any future road improvements.

Energy sources: None; no current or future road or highway is designated to fully or partially occupy an energy source.

Fish and wildlife habitat: None; any future road or highway project must abide by existing County, State and federal environmental regulations and policies.

Ecologically and scientifically significant natural areas, including desert areas: None; no current or future road or highway is designated to fully or partially occupy an ecologically and scientifically significant natural area even in the desert. Any future road or highway project must abide by existing County, State and federal environmental regulations and policies.

Outstanding scenic views: None; no current or future road or highway is designated to fully or partially occupy a scenic view. Any future road or highway project must abide by existing County, State and federal environmental regulations and policies.

Water areas, wetlands, watersheds, and groundwater resources: None; wetlands make a very poor location for a road. No new bridge sites are proposed. No new alignments are proposed through a water area or wetland. ODOT and Deschutes County have plans and policies to accommodate roadside runoff. Finally, any future road or highway project must abide by existing County, State and federal environmental regulations and policies. The Deschutes River is not a transportation resource as the segment in Deschutes County has not been designated by the state as viable for commercial navigation. The Deschutes River is a recreational resource managed under applicable federal and state scenic waterway designation, which bar any future bridges for motorized or non-motorized traffic, from crossing the river.

Wilderness areas: None; roads and highways are forbidden in wilderness areas. No current or future road or highway is designated to enter a wilderness area.

Historic areas, sites, structures and objects: None; no current or future road or highway is designated to fully or partially impact a historic site, structure, or object. Any future road or highway project must abide by existing State and federal environmental regulations and policies regarding historic and cultural resources.

Cultural areas: None; no current or future road or highway is designated to fully or partially impact an existing inventoried historic site, structure, or object. Any future road or highway project must abide by existing County, State and federal environmental regulations and policies regarding cultural resources.

**FINDING:** Goal 5 has been met.

6. Goal 6: Air, Water, and Land Resources Quality

***Oregon Statewide Planning Goal 6 seeks "To maintain and improve the quality of the air, water and land resources of the state."***

**FINDING:** Goal 6 has been met as the State requires a TSP to include all modes to encourage no one single mode dominates the transportation network. By adopting a 20-year plan to accomplish that balance, the TSP will maintain and improve the quality of the air, water, and land resources within Deschutes County. A variety of TSP goals and policies accomplish this goal of a balanced transportation system which in turn protects the quality of air, water, and land. TSP Goal 15 and its policies promote Public Transportation; Goals 19-23 and their policies promote bicycles in the County; and Goal 30 and its policies (60 a through h) are designed to reduce reliance upon single-occupant vehicles.

7. Goal 7: Areas Subject to Natural Hazards

***Oregon Statewide Planning Goal 7 seeks "To protect people and property from natural hazards."***

**FINDING:** Goal 7 has been met as roads provide evacuation routes in the event of a natural hazard such as a wildfire or a flood. In the event the surface transportation system of roads and rail is crippled or compromised, the presence of public use airports offers an alternative route to deliver supplies to the region. TSP Goal 4 sets a geographically diverse and safe arterial and collector system to serve mobility and Policy 7 requires the transportation system to be kept in good repair while Policy 17 supports developing new secondary access to identified isolated rural subdivisions that would provide an evacuation route; Goal 12 and Policy 33 provide a safe and efficient bridge network; Goal 25 and policies 52 and 53 protect the safe function of public and private-use airports. All of these would provide safe transportation routes to natural hazards for public safety and law enforcement personnel and from natural hazards for those needing to escape those hazards.

8. Goal 8: Recreational Needs

***Oregon Statewide Planning Goal 8 seeks "To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."***

**FINDING:** Goal 8 has been met as transportation facilities such as roads and highways (both of which accommodate bicycles), rail, and transit provide access to recreational areas. Roads are not typically considered recreational facilities themselves as a road's primary function is the delivery of goods and services. Road do perform a secondary recreation role for cyclists and pedestrians. Section 5.5 of the TSP, Goals 19-24 and their accompanying policies ensure the County will have an adequate bicycle and trails system.

9. Economic Development

***Oregon Statewide Planning Goal 9 seeks "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."***

**FINDING:** A functioning, well-managed transportation network with sufficient capacity to move goods and services is a foundation of economic development. The TSP has identified deficiencies in 2030 and mitigations to redress those deficiencies. Goal 9 has been met through TSP Goals 1-3 and their policies, which result in a multi-modal transportation system to specifically meet the economic needs of residents, employers, and visitors.

10. Housing

***Oregon Statewide Planning Goal 10 attempts “To provide for the housing needs of citizens of the state.”***

**FINDING:** Goal 10 is either met or is not applicable. The goal is met by providing a transportation network with sufficient capacity to allow people to travel to and from their houses. TSP Goal 4 and its policies provide for a safe and efficient transportation system for residential mobility by meeting the performance standards of the state and county. If the Goal is interpreted to mean the mix of housing types be available to the public, then it is inapplicable.

11. Public Facilities and Services

***Oregon Statewide Planning Goal 11 endeavors “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.”***

**FINDING:** Goal 11 is met by the development of the TSP itself and the resulting prioritized list of projects at Table 5.3.T1, which will ensure a timely, orderly, and efficient development of public roads and highways. TSP Goal 1 requires an safe, convenient, and economic transportation system; Goal 2 requires the TSP be updated in a timely fashion; Goal 3 and its policies require coordination with cities and ODOT while Goal 6 and its policies provide a mechanism for identifying and prioritizing transportation projects. **Additionally, the technical memos referenced in the TSP inventoried the existing system for sufficiency and needed capacity improvements and the project was updated to address those future deficiencies.**

12. Goal 12: Transportation

***Oregon Statewide Planning Goal 12 seeks “To provide and encourage a safe, convenient and economic transportation system.”***

**FINDING:** Goal 12 is met through the TSP Update itself, but particularly by the technical memoranda; the existing inventory of population and transportation in Chapter 2; the traffic projections in Chapter 3; the transportation needs analysis and issues summaries in Chapter 4; the planned improvements and policies in Chapter 5; and the financial forecast in Chapter 6. The 30 transportation goals and 60 policies provide Deschutes County with a safe, efficient, and well-balanced transportation system that meets the mobility standards of County roads and State highways.

13. Goal 13: Energy Conservation

***Oregon Statewide Planning Goal 13 seeks “to conserve energy.”***



**FINDING:** Goal 13 is met as the TSP provides policies to encourage the development and use of alternate modes such as biking, walking, transit and has policies and future projects to ensure the roads and highways are not congested. Vehicles in stop and go traffic consume more fuel than vehicles in free-flow conditions. Specifically TSP Goal 10 and Policy 29 provide a system with limited stop and go traffic during the peak load in the afternoon. Goals 15-18 and their policies promote public transportation and Goal 19-23 and their policies provide for bicycle and trail system. Taken together a well-functioning roadway system and the use of alternate modes to a single-occupant vehicle will conserve energy.

14. Goal 14: Urbanization

***Oregon Statewide Planning Goal 14 attempts “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.”***

**FINDING:** Goal 14 is met as the TSP was prepared with input from the cities within the County to ensure consistency within the respective TSP's 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 land use. The urban and County TSPs are consistent regarding functional classification and planned improvements. TSP Goal 3 and its policies require coordination with cities and ODOT; Goal 6 and its policies require coordination between cities and Deschutes County pertaining to roadway classification, design standards, rights of way, and jurisdictional transfers.

Goals 15 through 19 are not applicable to any amendments to the County's comprehensive plan as the County has none of these types of lands

**B. Oregon Administrative Rules (OARs)**

(1) OAR 660-060, Transportation Planning Rule (TPR)

**FINDING:** The requirements of the TPR have been met. The TSP Update was prepared in accordance with the requirements of OAR 660-012-0020 (Elements of a TSP). Chapters 2 provides inventory and background. Chapter 3 documents the transportation forecast and deficiencies. These two chapters, along with Technical Memo #2, “Existing Conditions” and Technical Memo #3 “2030 Traffic Projections” satisfy the requirements of 660-012-0030 (Determination of Transportation Needs). Chapters 4 and 5 document the transportation needs analysis as well as planned improvements and policies. These chapters, coupled with Technical Memo #4 “Mitigations,” satisfy 660-012-0035 (Evaluation and Selection of Transportation System Alternatives). Additionally, the combination of Chapters 3-5 and technical memos #3 and #4 satisfy 660-012-0060, determining whether there were any significant effects and identifying appropriate mitigations. Chapter 6 relates the estimated costs of the transportation projects to current and projected County revenues and identifies several funding options. This satisfies 660-012-0040 (Transportation Financing Program). The TSP continues to use the standards already adapted in the County development code for performance standards and dimensional standards. Goal 3 and its policies require the County to regularly update the TSP. This satisfies 660-012-0045 (Implementation). The TSP identifies and prioritizes projects, specifically at Table 5.3.T1 (County Roads and Highway Projects). Goal 3, Policy 3, and Goal 6 and all of its policies ensure any projects will be consistent with state and local land use requirements, fulfilling 660-012-0050 (Project

Development). The TSP Update was done in a timely manner following the adoption of the Bend Metropolitan Organization (MPO) Regional Transportation Plan (RTP) in June 2007, satisfying OAR 660-0012-0055 (Timing of Adoption and Update) of which the applicable portion is 0055(1)(b). As no new road alignments are proposed in the TSP, neither OAR 660-012-0065 (Transportation Improvements on Rural Lands) or OAR 660-012-0070 (Exceptions for Transportation Improvements on Rural Land) apply. Additionally, TSP Goal 3 and Policy 6 and 7 required findings of compliance with statewide goals for any road projects, ensuring 0065 and 0070 would be addressed at an appropriate and timely fashion.

### **C. Title 22, Deschutes County Code Procedures Ordinance**

#### **22.12.020. 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.

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

##### **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.

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

**FINDING:** Notice was published in The Bulletin, a general circulation newspaper serving Central Oregon, on Oct. 2, 2011. The notice described the land use and provided a file number, location, time, and date of the public hearing before the Deschutes County Planning Commission. The hearing was also posted on the website of the Deschutes County Planning Commission in a timely manner. Similar information was posted for the Board's April 16, 2012, public hearing and the materials were available on the Board's website prior to the hearing.

#### **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 Commissioners or the Planning Commission.

**FINDING:** The application was submitted by the Deschutes County Planning Division as part of the County's update of the TSP.

**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 land use was heard before the Deschutes County Planning Commission on October 27, 2011, at 5:30 p.m. and the Planning Commission made its recommendation for approval on Feb. 23, 2012. The Board of County Commissioners will hold a public hearing on April 16, 2012 at 10 a.m. in the Barnes and Sawyer rooms, Deschutes County Services Center.

**22.12.050. Final Decision.**

**All legislative changes shall be adopted by ordinance.**

**FINDING:** These findings are in support of Ordinance 2012-005, therefore, this criteria is met.

**D. Title 23, Deschutes County Comprehensive Plan**

**1. Conformance with Chapter 23.60, Transportation**

**23.60.010(A) Introduction**

**The purpose of DCC 23.60 is to develop a transportation system that meets the needs of Deschutes County residents while also considering regional and state needs at the same time. This plan addresses a balanced transportation system that includes automobile, bicycle, rail, transit, air, pedestrian and pipelines. It reflects existing land use plans, policies and regulations that affect the transportation system.**

**FINDING:** As this is an update of the TSP the document was prepared in accordance with the State's OAR requirements for TSP's. The document conforms with the transportation component of the Comprehensive Plan. The TSP Update retains all the previous policies of DCC 23.60. In terms of housekeeping, the County's Comprehensive Plan Update took effect on Nov. 9, 2011. The TSP Update will become the transportation component of the updated Comprehensive Plan, which combines the former 23.60 and 23.64 into a new Section 3.7. This Section will incorporate the complete TSP by reference into the updated Comprehensive Plan, as Appendix C.

**2. Conformance with Chapter 23.64, Transportation System Plan**

**Section 23.64.020, Coordination and implementation of the TSP**

**Based on the requirements of the Transportation Planning Rule (TPR), Deschutes County has established an ongoing procedure to periodically analyze, prepare, and plan for the transportation needs of Deschutes County residents and visitors. The following goals and policies are intended to implement the Deschutes County Transportation System Plan, and thereby meet the requirements of the TPR.**

**FINDING:** Given the TSP Update is the TSP, by definition the document is consistent. Any existing policies that were modified or deleted were done as part of the public hearing process.

As this is an update of the TSP the document was prepared in accordance with the State's OAR requirements for TSP's. The document conforms with the transportation component of the Comprehensive Plan.

### **3. Conformance with the overall Comprehensive Plan**

**FINDING:** The TSP update conforms with the updated Comprehensive Plan because the TSP does not propose any new transportation projects or roads that would impact the resources the Comprehensive Plan protects. Alternately, the updated Comprehensive Plan does not amend existing land uses, so the Comprehensive Plan does not impact the TSP. The TSP was created through a public process consistent with the County's policies for community outreach and regional cooperation.

The TSP Update does not include any future roads or highways on or across resource lands. The TSP Update does not result in the consumption of any cultural and historic resources, surface mines, open spaces, scenic views, energy resources or other Goal 5 resources. The TSP Update therefore conforms with the resource management goals and policies of the comprehensive plan.

The TSP Update does not propose any additional rural growth other than what is currently in the comprehensive plan and zoning. The traffic projections of the TSP update were based on the existing land use designations of the comprehensive plan. Similarly, the TSP Update does not propose any additional urban growth other than what is currently in the comprehensive plan and zoning. The TSP Update thus conforms with the comprehensive plan in terms of growth management for both rural and urban areas.

#### **Conclusion**

The Board finds the the Deschutes County TSP Update complies with all approval criteria at the state and local level and approves the implementing Ordinance 2012-005..





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LAND CONSERVATION  
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**Deschutes County Community Development Department**

117 NW LAFAYETTE AVENUE  
BEND, OREGON 97701-1925  
(541) 388-6575

*Attention: Plan Amendment Specialist  
Department of Land Conservation &  
Development  
635 Capitol Street NE, Suite 150  
Salem, OR  
97301-2540*