

From: [Joe Bessman](#)
To: [Quinn Shubert](#); [Rachel Vickers](#)
Cc: [Trevor Munro](#)
Subject: Finley Butte Subdivision Comments
Date: Friday, August 16, 2024 10:56:38 AM
Attachments: [1468response.pdf](#)

Good morning Quinn and Rachel,

Trevor at BECON sent me over the comments from the County Wednesday, and I see that these comments were then incorporated into the staff report that was just released. With the pending hearing I have tried to provide these responses as quickly as I could. I'm happy to further discuss these with City and County staff as appropriate, particularly since some of the comments relate to the County vs. City role and applicable Code within the La Pine UGB; I am available most of the day today, Monday, or Tuesday. Rachel, if you could please add the enclosed response into the record for the Finley Butte Subdivision that would be appreciated.

Thank you!

Joe

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Date:	August 15, 2024
To:	Quinn Shubert, PE, Deschutes County
Cc:	Rachel Vickers, City of La Pine
From:	Joe Bessman, PE
Project Reference No.:	1468
Project Name:	Finley Butte Subdivision Transportation Comments

The purpose of this memorandum is to provide a formal response to comments provided from Deschutes County via email dated August 14, 2024, and sent from Quinn Shubert, PE, with the Deschutes County Road Department. The comments relate to the Finley Butte Subdivision application. Comments are provided below followed by our response.

Comment 1: This development has a significant impact on the surrounding county road systems.

Response: The term “significant impact” has a specific meaning relative to the Transportation Planning Rule (OAR 660-012). The proposed application is zoned appropriately for residential development and is located within the City of La Pine. The impact of trips from the subdivision relies on streets that are within La Pine’s Urban Growth Boundary, and impacts to rural transportation facilities outside of La Pine are negligible. We understand that there are on-going roadway maintenance agreements between the City and County following the incorporation of La Pine as a City; however, it is my understanding that the roadway performance standards identified within the La Pine urban area as adopted within the Transportation System Plan (with County and State approval) are separate and distinct from Deschutes County’s standards for rural facilities outside of the urban area. There are no “significant impacts” to Deschutes County roads located outside of the UGB with this application.

Comment 2: The intersection operations summary tables on pages 14 and 18 (Tables 4 and 5) need to be updated to accurately reflect the county’s jurisdiction over these intersections.

Response: The tables within the TIA correctly cite that the relevant agency performance standards within the La Pine urban area are those adopted within the City’s Transportation System Plan, not the rural standards that apply outside of the urban area in Deschutes County. The traffic operations tables do not refer to jurisdictional maintenance authority.

Comment 3: The TIA cites new clear and objective criteria on page 6 that limits the ability of jurisdictions to expand the area of potential impacts [study area] for this development.

Response: Per Oregon Administrative Rule 660-008-0015, “a local government may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of needed housing on buildable land.” The intent of this provision was to eliminate arbitrary and capricious conditions that would increase hurdles to increasing housing supply, make efficient use of buildable lands within urban growth boundaries, and to provide greater certainty in the development process to reduce housing costs. While the City of La Pine’s Development Code defines when a Transportation Impact Analysis is required

(LPDC 15.90.080), there are no Clear and Objective Code provisions related to the contents of the traffic study. This is noted within the subject application and has been raised as part of prior applications.

Regardless, the TIA that was prepared follows the general requirements adopted by Deschutes County, which includes all impacted classified intersections impacted by 25 or more weekday p.m. peak hour trips. There are no locations in Deschutes County that exceed these impact levels, with the study area limited to the portion of Finley Butte Road between Evans Way and US 97, and the connection of Bassett Drive to Huntington Road. County comments indicate agreement with this scope.

The comments note that Clear and Objective Code requirements necessitate adoption by governing bodies; this has not occurred in La Pine, which does not mean that discretionary requirements can continue to be imposed, but instead that the lack of specific clear and objective criteria effectively provide no transportation requirements in La Pine. Regardless, the applicant and the City want to ensure in the interim that transportation planning and development occurs in an orderly manner, that a safe and functional system is available for future residents, and so a “typical” TIA was prepared addressing general traffic study requirements.

Comment 4: The assertion that “payment of Transportation SDC fees with future development of the subdivision will provide funding for this [location not specified, presumably referencing US 97/Finley Butte] intersection improvement. No additional contributions or mitigation measures should be required” requires further scrutiny. SDCs are designed to address demand on the transportation system due to development. Mitigation, on the other hand, is meant to address deficiencies specifically created or exacerbated by the development.”

Response: The comment appears to reference the stated operational deficiency at the US 97/Finley Butte Road intersection during the seasonally adjusted 30th highest design hour. I personally led the preparation of the City’s adopted Transportation System Plan and provided transportation support within the development of La Pine’s Transportation System Development Charge process. The City’s TSP was prepared prior to the signalization of the US 97/1st Street intersection (following the US 97/La Pine Corridor Plan and integrating its findings) and recognized the failure of this intersection and its broad regional benefits of improvements. The purpose of transportation SDC fees is to support the 20-year planned projects within the TSP, of which the US 97/Finley Butte intersection improvements reflects one of the most critical issues (Project No. 1), as it completes a signalized loop around the City of La Pine together with the signal at 1st Street – Reed Road. This project has been identified a near-term priority with the project listed as “100% Capacity Increasing” (which would indicate that any efforts toward this project would also be 100% Transportation SDC creditable).

The County’s comments recognize the delays experienced at the existing US 97/Finley Butte intersection and relay the highway access issues to a need for a westbound left-turn lane from Finley Butte Drive onto S Huntington Road. The comments note the interplay between the Huntington Road left-turn lane and the broader US 97/Finley Butte highway improvements.

Implementation of the broader US 97/Finley Butte Drive realignment and signalization project faces challenges on both sides of the highway; toward the west, the location of the real estate office and realignment of Morson Street will be required, which impacts private property. To the east, the close proximity of the Huntington Road intersection will need to be addressed, which could either require realignment or movement restrictions (neither of which is ideal). These projects cannot be completed privately given the ROW constraints, and the costs for signalization and realignment will be millions of dollars. The use of Transportation SDCs is intended to provide a mechanism to help fund a portion (the City portion) of the improvement costs as this corridor and signalization project broadly benefit all of La

Pine (as well as Deschutes County and ODOT). Accordingly, use of Transportation SDCs is the appropriate venue for mitigation, as no single development project can reasonably condemn private property, fund, and construct this scale of improvements on the State Highway system.

Comment 5: Traffic volumes on Page 17 of the TIA shows traffic volumes sufficient to trigger the need for a median left-turn lane at the Finley Butte and Huntington Road intersection, as indicated by the TTI [Texas Transportation Institute] curves.

Response: Per Comment 3, the City of La Pine does not have any adopted Transportation Impact Analysis requirements within its development code, creating a statutory conflict with OAR 660-008-0015. It is unclear why Deschutes County comments are proposing use of the TTI curves to an intersection within the City of La Pine, as La Pine Development Code provides no reference to this criterion. While Deschutes County Code references the ODOT (TTI) curves, Deschutes County Code is not applicable within the La Pine urban area.

Further, the left-turn warrant graphic provided within the comments does not correspond to the traffic volumes provided in the report. The corrected left-turn values within ODOT’s (TTI) curves are provided in Figure 1 for each of the scenarios included within the TIA. This shows that left-turn lane warrants are not met today, but with regional growth over the next couple of years the volumes will exceed the minimum conflicting volume thresholds for installation of a left-turn lane with or without the project.

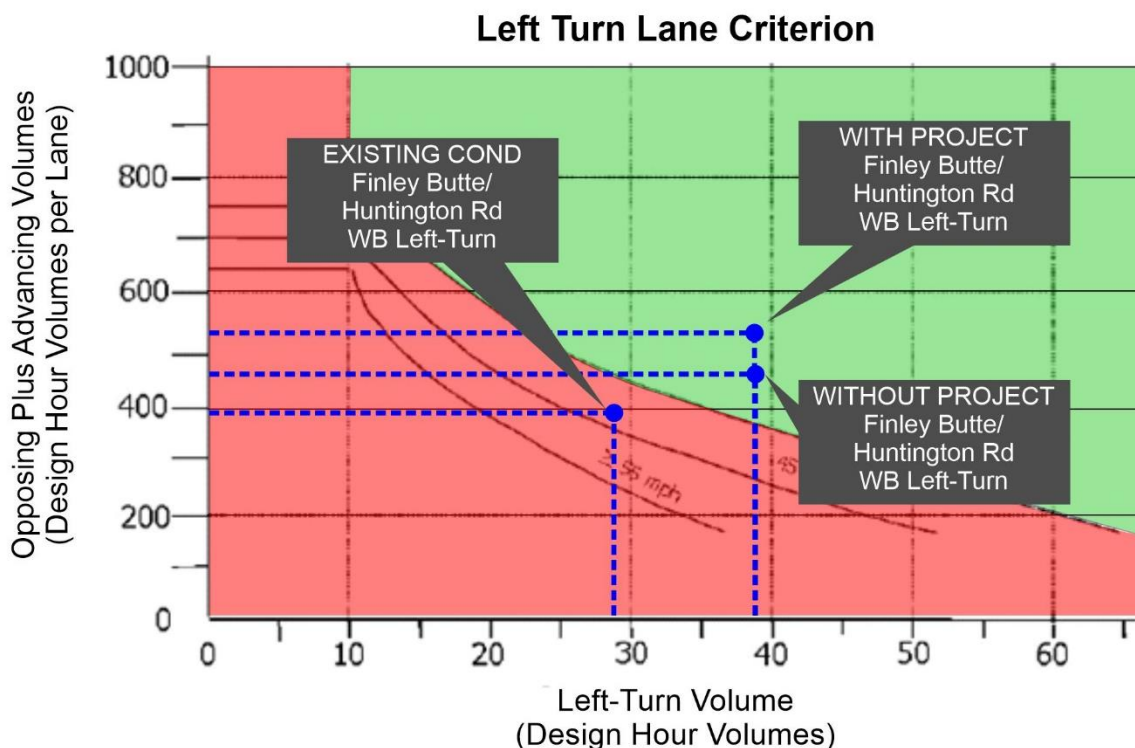


Figure 1. ODOT Left-Turn Lane Warrants at Huntington Road and Finley Butte Road.

Figure 1 also shows that the proposed subdivision does not add any westbound left-turns to the Finley Butte/Huntington Road intersection. As the proposed subdivision does not contribute any left-turns, and as the intersection meets left-turn lane warrants with or without the proposed subdivision, it is unclear why this mitigation would be requested of the subdivision, as there is no nexus.

Further, even if a left-turn lane was warranted, it does not appear to be a feasible improvement at this location as part of a private development project. The left-turn lane would necessarily extend through the adjacent grocery store entrance, and the taper west of Huntington Road would extend to US 97 maintaining the three-lane section for alignment purposes. There is no right-of-way along the south side of Finley Butte Road to support widening (nor are there sidewalks, which is a more critical need), and there is inadequate ROW along the north side of the road to fit this turn lane and replace the existing sidewalks.

The widening project itself is not without merit; it appears that the project could be beneficial and would likely be required as a component of the US 97/Finley Butte signalization efforts, and the widening for a separate left-turn lane at US 97/Finley Butte would help separate delays for left- and right-turning motorists. However, this is a much broader project than indicated within the County’s comments, and is a portion of the same project identified within the City’s TSP and SDC methodology related to the US 97/Finley Butte improvements. Requiring this project as “left-turn mitigation” would be disproportionate and not provide a nexus for a project that contributes no left-turns to the movement and whose trips do not trigger the warrants, would conflict with the Clear and Objective provisions of State Statute related to needed housing, and would require additional right-of-way from surrounding private properties to be constructed. Plus, any expended funds would then be reimbursable against the project’s Transportation SDCs to avoid “double-dipping” for the same improvement.

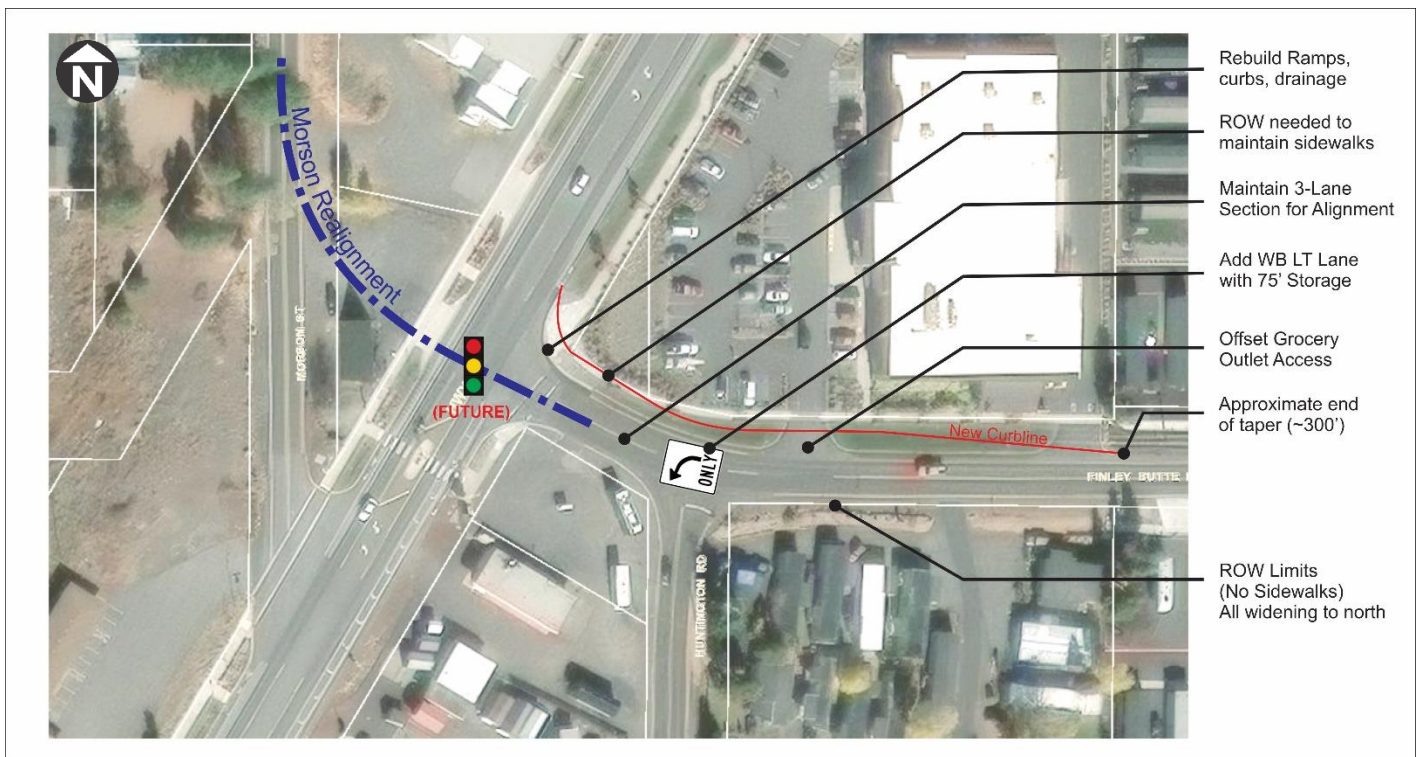


Figure 2. Huntington Road/Finley Butte Drive Left-Turn Lane Design Impacts.

NEXT STEPS

I trust that this response to comments provides the City of La Pine and Deschutes County with the necessary information to proceed with the review of the proposed residential subdivision. I agree with the County's general comment that further investigation of improvements along this corridor is appropriate (separate from the subdivision application), as similar operational issues continue to be noted in numerous studies related to the US 97/Finley Butte intersection. Improvements at Finley Butte will also benefit the existing traffic signal at the US 97/1st Street intersection, which was not designed to serve all highway crossing and access traffic within La Pine in isolation and separate from the looped roadway system. The completion of this overall arterial and highway project provides a broad regional benefit, but completion will likely need to occur as part of a STIP project given the scale of improvements, right-of-way needs, and multi-jurisdictional system implications.

Thank you for the opportunity to provide these supplemental responses, I can be reached at (503) 997-4473 or at joe@transightconsulting.com if you have any additional questions.