

**Minutes of the Century West Neighborhood Association Board of Directors Meeting of  
October 13, 2010**

The Regular Monthly Meeting of the CWNA Board of Directors was called to order by its Chair, Bob Brell at 7 P.M. A quorum of Board Members was present: Bob Brell, Jim Gattey, Nancy McCullough, and Stephanie Uetrecht. No other CWNA members or guests attended.

**Approval of September 21, 2010 CWNA Board Meeting Minutes:** Approval of the Minutes was moved and unanimously adopted.

**Committee Reports:**

***Cascade Middle School Crosswalk Task Force:*** Bill Padgham, Task Force Chair sent notes of the Task Force meeting of September 22, 2010, and newly created exhibits of aspects of the proposal for the CMS crosswalks area. The documents will be attached as part of these Minutes.

***Finance:*** McCullough presented a draft of budgets and treasury status reports for 2009 and 2010 fiscal years and reported problems associated with determination of recent expenditures approved and paid by the Office of Neighborhood Associations created by the cutback of administrative employee assistance by the City of Bend. After discussion of the processes involved in obtaining the information, McCullough requested that consideration of the Treasurer's Report be tabled until the Board's November meeting .

***Land Use Planning Committee:*** Brell submitted a report reflecting the status of all pending proceedings authorized by CWNA, a copy of which is attached to these Minutes. Brell discussed further recent developments regarding additional issues being raised prior to consideration of the draft of the City's proposed Cell Towers Ordinance by the Planning Commission.

***Membership:*** Julie Austin, CWNA Website/Data Base and Communications Chair reports that there are now 557 CWNA members, residing or working at 313 unique addresses. The Board expressed its appreciation for Julie's work in maintaining the membership data base and assuring CWNA's communications with its membership by promptly posting CWNA Minutes and attached Committee Reports to the CWNA Website upon approval of the Minutes.

***Transportation and Traffic Safety Committee:*** Gattey submitted a written report, of copy of which is attached to these Minutes. The Board supported a proposal to present to the City of Bend Traffic Safety Advisory Committee a recommendation to support a proposal to improve consistency and clarity of communication regarding rights of way at intersections by adopting standards to assure that standard criteria are used when determining to install signs intended to advise motorists of the presence of a marked crosswalk and that the signs more accurately communicate information regarding pedestrian rights of way at intersections by deleting from such signs depictions of bicycle riders.

**New Business:**

A request by Board members to reschedule the November meeting was discussed and approved, with notice of the new meeting date to be communicated by timely email directed to all CWNA Members. No other requests for action on items of new business were presented and the meeting was adjourned at 9:14 PM.

Minutes submitted by Jim Gattey, CWNA Vice-Chair

## **CWNA Transportation and Traffic Safety Committee Report, October 13, 2010**

There has been no meeting of the City of Bend Traffic Safety Advisory Committee (TSAC) since the date of this Committee's last Report and thus there is no additional information to provide. The following is the summary of the status of the three traffic safety issues directly affecting CWNA.

***Mt. Washington Parking adjacent to the City of Bend Parks & Recreation Skyline Sports Complex:*** Immediately following the September, 2010 TSAC meeting, Capt. Jim Porter, Bend Police Department TSAC representative was to inspect the signs intended to control parking on Mt. Washington and is to make recommendations to replace the existing two "No Parking Any Time" signs with a number of signs and modified sign language determined to be more adequate to achieve the goal of prohibiting all parking on the north side of Mt. Washington adjacent to the Sports Facility. Observations, as recent as this past Saturday make clear that little, if any attention is being paid to the signs by drivers who are participants in or spectators of events held on the fields of the Facility.

***Metolious Drive Road Improvement From Mt. Washington to the Gate Controlling Entry to the Tetherow Development:*** Since the developers of Tetherow desire to promptly undertake construction of improvements as required by the City of Bend Development Code, which include sidewalks on both sides of the street, curbs and marked bicycle lanes precluding parking on either side of the street, the only issues remaining are the speed limits to be set and the design and construction of the traffic controls to be placed at the intersections of Metolious, Devils Lake Loop and Fairway Ridge. That design is within the jurisdiction of a committee, the members of which include residents chosen by The Parks Homeowner's Association and Broken Top Community Association, whose communities are directly affected by the design. CWNA has no representative but two of its members, CWNA Board Members Stephanie Uetrecht and Rich Ray will keep CWNA advised of the status of the design and construction. Rich Ray, as a Member of CWNA's Land Use Development Committee continues to be an active participant in the review of the entire project, including the determination of the speed limit(s) to be set for travel on the road.

### ***Recommendation for New Traffic Safety Improvement Project:***

This is a presentation I would like to make to the TSAC at its next meeting. I would like to make the presentation as one endorsed by CWNA and would like to enlist the support of other Neighborhood Associations.

Shortly after noon on October 9<sup>th</sup>, I was traveling on the 97 Bypass north of the Powers Road Intersection when I saw the three vehicles traveling in the eastern northbound travel lane in front of me stopped and two vehicles in the western northbound travel lane also stopped. The doors of both the first vehicles were open and there was frantic action by drivers and passengers. Immediately in front of the stopped vehicles is a marked crosswalk across the 97 Bypass, but no road crossing the Bypass at that location. Immediately south of the crosswalk is a yellow sign depicting, on the top portion, a person walking and, on the bottom, a person riding a bicycle. The first vehicle in the east lane had stopped to permit a father and his 14 year old daughter, who were waiting with their bicycles to cross, to do so. The father and daughter apparently got on their bicycles and began crossing but the driver in the western northbound lane did not stop. The father died immediately. The daughter was slightly injured.

I believe that there is a significant traffic safety issue in Bend that is created by conflicting and inaccurate information conveyed by signs preceding crosswalks. There is strong evidence that when presented with conflicting information, less than well thought out decisions are more frequent. In Bend, signs preceding crosswalks are of two different kinds. One depicts only a pedestrian. The other depicts a pedestrian and a bicyclist. There seems to be no rationale determining which sign is selected for a particular crosswalk. Driving on Portland Avenue recently, I noticed that on both sides of the Deschutes River bridge, across which there is no marked crosswalk, there is a yellow sign depicting both a pedestrian and a bicyclist. A few blocks away, at Second Street, there is a marked crosswalk that is preceded by a yellow sign depicting a pedestrian for westbound traffic. There is no sign preceding the same intersection for traffic traveling eastward. A few blocks away at the intersection with Awbrey, the exact opposite is the case, the intersection being preceded by a sign depicting a pedestrian and a cyclist, but only for eastbound traffic. The October 9<sup>th</sup> fatal incident has made me aware of how arbitrary the selection of a sign intended to call attention to a crosswalk seems to be.

What is the message the sign depicting the pedestrian and the bicyclist is intended to communicate? Is it that people riding their bicycles across crosswalks have the same rights of way as a pedestrian? If so, that is contrary to Oregon law. People riding their bicycles across crosswalks, whether or not marked, have the same rights and duties as other operators of vehicles. I am certain that many, if not most, motorists, who also ride bicycles occasionally, would not think of themselves as operating a vehicle when they ride their bicycle across a crosswalk, particularly one that is marked and preceded by a yellow warning sign depicting a pedestrian and a bicyclist. Logically, there is least a suggestion communicated by such a sign that pedestrians and bicyclists are entitled to the same right of way. That perception is reinforced if the person waiting at an intersection on his bicycle is encouraged to cross by a driver who stops his vehicle to permit the person to cross, often signaling the person with the bicycle to do so. I cannot help but believe that poor decision making leading to a decision to ride, rather than walk the bicycle across a crosswalk, too often takes place in such circumstances. The danger of that decision is significantly amplified when there are two lanes of traffic in the same direction that are separated by a median from two lanes of traffic going in the opposite direction.

Our legal system often uses rules of rights of way to resolve issues of liability. Rules of rights of way are not necessarily logical to many people but even if arbitrarily defined society attempts to educate vehicle drivers regarding those rules and tests their knowledge of them before a license to drive is issued. Bicyclists are not required to learn or be tested regarding rights of way before they can begin riding.

If they walk their bicycles across an intersection, bicyclists are pedestrians with strong rights of way. In conversations since the October 9<sup>th</sup> incident, I have encountered broad differences in the interpretation of the right of way in the circumstances that resulted in a man's death and infliction of lifelong trauma for his daughter who was out for a ride with her dad. Perhaps the driver who struck them had the right of way. While that might affect the issue of her financial liability, nothing can ever erase the terror she will experience by a lifelong recollection of her experience.

It is my belief that we as a society share some responsibility for this incident. We have failed to convey accurate information to drivers and to bicyclists. We can start by reducing the confusion created by signs intended to call attention to a pedestrian crossing. No signs should suggest that riders on their bicycles have some primacy of right of way because they decide to ride their bicycle in a crosswalk. We have often heard, in TSAC meetings, about the fact that marked crosswalks create a

sense of false security. Think again about the sense of security created for bicyclists who frequently encounter signs before crosswalks that at least can be seen as suggesting they have the same rights of way as pedestrians. I request that the TSAC support replacement of all such signs in the City of Bend as a first step toward reducing what at least can easily be interpreted as presenting conflicting or inaccurate information for motorists and bicyclists.

Thank you for your attention.

Submitted by Jim Gattey

October 7, 2010

City of Bend

Community Development Department

710 NW Wall Street

Bend, Oregon 97701

Attention: Aaron Henson

BEFORE THE CITY OF BEND PLANNING COMMISSION.

In the Matter of the proposed Chapter 3.7 Wireless Communication Facilities-Standards and Procedures

Project Number PZ 10-244

On behalf of the Century West Neighborhood Association, it's Board of Directors and separately on behalf of Robert Brell.

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**1. The Century West Neighborhood Association Board of Directors .**

- a. Bob Brell, Chair and Board Member-at Large
- b. Jim Gattey, Vice-Chair and Board Member Ward # 5. representing Broken Top, The Reserve at Broken Top
- c. Nancy McCullough, Board Member Ward # 3 representing Touchmark and Mt Bachelor Village.
- d. Judy McKrell, Board Member-at-Large.
- e. Bill Padgham, Board Member Ward # 1 representing Sunrise Village and Bachelor View Road.
- f. Richard Ray, Board Member-at-Large.
- g. Stephanie Uetrecht, Board Member Ward # 6 The Parks

2. **Robert Brell** 61130 Bachelor View Road. Bend, OR 97702.

We submit the following comments and suggestions for your consideration.

1. **2.7.300 Application Requirements. Recommend the number change to 3.7.300.** Why? To be consistent with other numbering in this ordinance.

2. **3.7.300 Application Requirements. B. Visual Impact, Technological Design Options, and Alternative Site Analysis. Recommend in the fourth sentence that begins with, Except for Type I applications, that the first four words (Except for Type I applications) be deleted so that the sentence begins with, The applicant shall include an analysis.... and so on and so forth.** Why? In the case of Type I applications, why wouldn't we want the applicant to include an analysis of alternative sites and technological design options for the facility within and outside of the city that are capable of meeting the same service objectives as the preferred site with an equivalent or lesser impact? Seems to us **Type I applications should not be excluded from this requirement.** Seems to us Type I applications should be treated the same as Type II and Type III applications because we are talking about "visual impact" which is important to all property owners in the City of Bend.

3. **3.7.400 General Regulations. A. High visibility facilities. Recommend this sentence be changes to read, High visibility facilities are prohibited on any property designated as Residential on the Bend Area General Plan Map.** Why? **Why wouldn't we want to prohibit high visibility facilities on any and all residential zoned property?** Telecommunication facilities don't belong in residential zoned property. The Mosier Telecom Ordinance reads, High visibility facilities are prohibited in any location visible from a Residential zoned property or from the Historic Columbia River Highway. We owe this to the property owners of Bend. Those property owners who live in a development that has CC&R's generally do not allow telecommunication facilities such as Awbrey Butte, Broken Top, Sunrise Village, etc, Why shouldn't the City of Bend extend the same visual protection benefit to all residential zoned property?

4. **3.7.400 Tower heights.** Recommend the first sentence read, Towers may not exceed the height limits otherwise provided for in the Development Code. Why? This sets the proper tone. The way it reads as proposed is permissive in tone.

5. **3.7.400 General Regulations. E. Maximum towers per lot or parcel.** Recommend the first sentence read, No more than two towers, with a maximum of three facilities is allowed on any one site or parcel in Commercial, Industrial, Public Facilities or Mixed Use zones on the Bend Area General Plan Map. Why? Again, we need to keep Telecommunication facilities out of the residential zones. We need to encourage co-share in order to minimize the number of towers. We need to be thinking more long term.

6. **3.7.400 General Regulations. F. Towers adjacent to residentially designated property.** Recommend the first and second sentence read, Telecommunication towers located adjacent to any property designated as Residential on the Bend Area General Plan Map shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measure from that part of the tower that is closest to the neighboring residential property. Why? Again, we need to recognize all residential zones as the same. When it comes to views, how can residential zones be different?

7. **3.7.800 Inspections.** Why do we want to cause the City or its agents to inspect telecommunications facilities for compliance? Compliance is needed and necessary but it should be at the expense of the telecommunication company not the City of Bend.

8. **Recommend language be included that requires a Public Meeting be held on all wireless telecommunication facility applications prior to the application being submitted.** Why? Proposed language essentially extends the current code requirement for land use with regard to public meetings. We believe a telecommunication facility should not be treated the same as an application for a home, or a shed or a partition where a public hearing is not required. Wireless telecommunication towers (cell towers) are among the top most divisive issues that face property owners. Simply stated, cell towers obstruct views and views are one of the crown jewels in Bend. Holding a public meeting is about extending a courtesy to the public informing the public that a tower may be going up in their neighborhood and giving the cell company an opportunity to share what considerations went into the plan for the tower. Property owners within 500 feet of the perimeter of the property where the tower will be sited should be notified in addition to the respective Neighborhood Association. A telecommunication tower has significant visual impact not only on the surrounding properties but extends in some cases for miles from the site.

Your consideration of these suggestions is appreciated.

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Respectfully submitted on behalf of the Board of Directors of Century West Neighborhood Association and its 550 plus members and on behalf of Robert Brell.

Bob Brell

CWNA Land Use Committee Chair

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