Findings in Support of Amendments to the text of Chapter 2, Natural Resources and Open Space, and Chapter 3, Community Connection, of the Bend Comprehensive Plan

I. Purpose and Context

These findings support the decision to amend the text of Chapter 2, Natural Resources and Open Space, and Chapter 3, Community Connections, of the Bend Comprehensive Plan. The Bend Park and Recreation District (BPRD), a special district that provides park and recreation facilities for an area slightly larger than the Bend City limits, is updating their Comprehensive Plan. This update of the Bend Park and Recreation District’s Comprehensive Plan includes an inventory of existing parks, trails, and recreational facilities and establishes a framework for developing future parks, trails, and recreational facilities for the next ten years (up to 2028) based upon the community’s needs.

The City, in coordination with Bend Park and Recreation District, is amending Chapters 2 and 3 of the Bend Comprehensive Plan, to update outdated text and to clarify existing policies relevant to parks, recreation, and open space.

These findings address OAR 660-015-0000(8), Goal 8, and other applicable Statewide Planning Goals as well as applicable plan policies of the Bend Comprehensive Plan and Bend Development Code.

II. Proposal

The Proposal supported by these findings include:

1. Amendments to the text of Chapter 2 of the Bend Comprehensive Plan, Natural Resources and Open Space, dated May 2018;

The Proposal does not propose further amendments to chapters of the Comprehensive Plan, and proposes no changes to the Bend Development Code.

III. Background

1. In 2016, the City adopted a set of significant amendments to the Bend Comprehensive Plan, including a UGB amendment that added 2,380 acres to the Bend UGB. Through Ordinance 2271, the City also adopted several new plan chapters and new appendices to support the adoption of the UGB amendment.
2. Through this ordinance, the City is amending Chapters 2 and 3 to update the format and correct outdated text through minor text changes.

3. In May of 2018, the Bend Park and Recreation District released their Draft Comprehensive Plan which addresses the future growth of Bend and identifies the District’s plans, policies, and priority projects to serve the community’s needs for parks and open space until 2028.

4. In June of 2018, the City worked with the Bend Park and Recreation District to update outdated text, information, and park inventories in the City’s Comprehensive Plan.

5. The Bend Park and Recreation District is conducting a thorough public outreach process to update their Comprehensive Plan and plans to adopt the 2018 Comprehensive Plan on July 17, 2018.

6. The amendments that are subject to these findings are focused on the planning and provision of recreational needs, events, and facilities as well as the natural resources, open spaces, and cultural amenities for the City.

IV. Applicable Criteria

Legislative land use decisions must comply with the applicable provisions of the statewide land use planning goals, statutes and administrative rules, and unamended provisions of the comprehensive plan and implementing regulations. Legislative land use decisions must also be internally consistent pursuant to Statewide Planning Goal 2, Land Use Planning. Although other applicable goals are addressed in these findings, Goals 8, 5, and 11 are most directly applicable for this action. No Oregon state statutes are applicable. These findings address:

1. Statewide Planning Goal 8, Recreation;
2. Statewide Planning Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces;
3. Statewide Planning Goal 11, Public Facilities;
4. Other Applicable Statewide Planning Goals
   i. Goal 1: Citizen Involvement,
   ii. Goal 2: Land Use Planning,
   iii. Goal 3: Agricultural Lands,
   iv. Goal 4: Forest Lands,
   v. Goal 6: Air, Water, and Land Resources Quality
   vi. Goal 7: Areas Subject to Natural Hazards
   vii. Goal 9, Economic Development
   viii. Goal 10, Housing
   ix. Goal 12, Transportation
   x. Goal 13: Energy Conservation
   xi. Goal 14, Urbanization
xii. Goals 15 through 19

5. Bend Comprehensive Plan – applicable policies
   i. Preface
   ii. Chapter 1, Plan Management and Citizen Involvement
       1. Urban Planning Coordination Policy 1-4
   iii. Chapter 3, Community Connections,
       1. Parks and Recreation Facilities Policies 3-5 to 3-8; Urban
          Trails Policies 3-9 to 3-11
   iv. Chapter 5, Housing,
       1. Transportation Connectivity Policy 5-42 to 5-43
   v. Chapter 7, Transportation
       1. Pedestrian and Bicycle Systems Policy 7-28
   vi. Chapter 8, Public Facilities and Services
   vii. Chapter 11, Growth Management
       1. Policies for Residential Neighborhoods Policy 11-17 and 11-28

6. Bend Development Code (BDC) 4.6.200, Legislative Amendments

V. Substantial Evidence

The following lists represents the key evidence that supports the findings in the
following sections.

1. Bend Park and Recreation District 2018 (Draft) Comprehensive Plan

VI. Finding Addressing Statewide Planning Goal 8 (OAR 660-0015-0000(8)),
    Recreation;

Goal 8: 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: The proposed amendments are minor text changes that continue to
recognize BPRD as the urban service provider of parks within the City of Bend. By
recognizing the District’s Plan as the Comprehensive Plan for parks and recreation for
the Bend UGB, the City supports the District’s work to satisfy the recreational needs of
the community. The proposed amendments therefore satisfy Goal 8 by supporting the
Park District to address the recreational needs and siting of necessary recreational
facilities.

VII. Findings Addressing Statewide Planning Goal 5, Natural Resources
    (OAR 660-0015-0000(5)), Scenic and Historic Areas, and Open Spaces;
Goal 5: To protect natural resources and conserve scenic and historic areas and open spaces

FINDING: The proposed amendments are minor text changes that continue to support the natural resource, open space, and historic area conservation goals of the City and the District and therefore satisfy Goal 5.

VIII. Findings Addressing Statewide Planning Goal 11, Public Facilities;

Goal 11: Public Facilities and Services

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 considers recreation facilities and services as “urban facilities or services”. Under Goal 11, a “timely, orderly and efficient arrangement” refers to a system or plan that coordinates the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses. The proposed amendments to Chapters 2 and 3 of the Comprehensive Plan are minor text changes that continue to satisfy Goal 11 by supporting BPRD as the urban service provider of parks and recreation facilities and services for the City of Bend. By doing so, the City is supporting the timely, orderly, and efficient arrangement of park and recreation facilities according to the District’s Plan.

IX. Findings on OAR 660-0015, Compliance with Statewide Planning Goals

1. Goal 1: Citizen Involvement,

Goal 1: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: The proposed amendments will meet Goal 1 because the City has used its citizen involvement program to ensure citizens have an opportunity to review and comment on the proposed changes to Chapters 2 and 3 of the Bend Comprehensive Plan. In addition, BPRD conducted “a two-year public engagement process” that was the “most robust public involvement campaign in [BPRD’s] District history” to develop their 2018 Comprehensive Plan.

2. Goal 2: Land Use Planning,

Goal 2: 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.

---

1 See pp 1-2 of the District’s 2018 Comprehensive Plan
FINDING: Goal 2 requires that special districts plans and actions related to land use shall be consistent with the comprehensive plans of cities. In addition, it defines “Major Revisions” to Comprehensive Plans compared to “Minor Changes”. “Minor Changes” are “those which do not have a significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change”. The proposed amendments to Chapters 2 and 3 demonstrate a continued coordination between the City and BPRD to ensure that local plans are consistent. The proposed changes are supported by BPRD’s Draft 2018 Comprehensive Plan which will be adopted by the time these amendments are adopted. By updating outdated text and inventories of the Bend Comprehensive Plan, the City can support BPRD’s most recent update of their Comprehensive Plan and therefore ensures that the City’s Comprehensive Plan continues to serve as a factual base.

3. Goal 3: Agricultural Lands,

Goal 3: To preserve and maintain agricultural lands.

FINDING: This goal is not applicable because the proposed amendments do not affect agricultural lands.

4. Goal 4: Forest Lands,

Goal 4: To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

FINDING: This goal is not applicable because the proposed amendments are intended to serve those land uses within the Bend UGB that are planned for under the Bend Comprehensive Plan.

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

Goal 6: To maintain and improve the quality of the air, water and land resources of the state.

FINDING: The proposed amendments to Chapter 2 and 3 of the Comprehensive Plan meet this goal because they do not affect existing goals and policies related to air, water, and land resource quality.

6. Goal 7: Areas Subject to Natural Hazards

Goal 7: To protect people and property from natural hazards.
FINDING: This goal is not applicable because the Comprehensive Plan does not include an inventory of Goal 7 natural hazards that would potentially be affected by the proposed text amendments.

7. Goal 9, Economic Development

Goal 9: 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: The proposed amendments to Chapters 2 and 3 of the Comprehensive Plan are minor changes that do not impact the City’s goals or policies that satisfy Goal 9.

8. Goal 10, Housing

Goal 10: To provide for the housing needs of citizens of the state.

FINDING: The proposed amendments to Chapters 2 and 3 of the Comprehensive Plan are minor changes that do not impact the City’s goals or policies that satisfy Goal 10.

9. Goal 12, Transportation

Goal 12: To provide and encourage a safe, convenient and economic transportation system.

FINDING: This goal is not applicable because the proposed amendments do not propose any changes to the city’s transportation system that would trigger review under Goal 12 or its administrative rule under OAR 660-012. The 2018 BPRD proposed trail plans will be reviewed in conjunction with the City’s current Transportation System Plan update at a later date.


Goal 13: To conserve energy.

FINDING: This goal is not applicable because the proposed amendments do not propose any changes to the land uses allowed under the Bend Comprehensive Plan that would require more energy be used.

11. Goal 14, Urbanization

Goal 14: 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: This goal is satisfied by recognizing BPRD as the urban service provider of park and recreation facilities within the UGB. The BPRD’s work to provide parks and recreation services for Bend ensures it will remain a livable community.

12. Goals 15 through 19

FINDING: These goals are not applicable because the City is not located within the Willamette River Greenway, and is not located within or adjacent to any coastal or estuarine resources.

X. Finding on Compliance with the Bend Comprehensive Plan – applicable policies

1. Preface,

Future Plan Updates

The Comprehensive Plan is a document that changes over time to reflect new information and new directions for the future. Amendments or additions to the Comprehensive Plan text, exhibits, and policies go through a public hearing and review process before being adopted by the governing bodies. Changes and updates can be generated in at least six ways:

- Changes proposed by individuals or other agencies. A proposal by an individual, corporation, or public agency to change to the Plan text, land use map, other exhibits, or policies shall be considered as determined by the procedures ordinance. A person or agency proposing a change has the burden to demonstrate a public need and benefit for the change.

FINDING: The City proposes amendments to the text of Chapters 2 and 3 of the Comprehensive Plan which have been initiated by proposed changes from the Bend Park and Recreation District. The following plan policies were identified as being applicable to the review of these proposed amendments. These findings demonstrate that the proposed amendments are consistent with the applicable plan policies.

2. Chapter 1, Plan Management and Citizen Involvement
   i. Urban Planning Coordination Policy 1-4

1-4: The City and special districts shall work toward the most efficient and economical method for providing their services within the UGB.

3. Chapter 3, Community Connections,
   i. Parks and Recreation Facilities Policies 3-5 to 3-8; Urban Trails Policies 3-9 to 3-11

3-5: The City will apply a new “Public Facilities” zone for public parks and recreation facilities within the planning area.
FINDING: The proposed changes maintain this policy.

3-6: The City shall support efforts by the Park and Recreation District and Bend-La Pine School District to jointly develop school-park sites to meet neighborhood park and school recreation needs.

FINDING: The proposed changes maintain this policy.

3-7: Sites for small neighborhood parks are not shown on the Land Use Plan Map, but the city shall encourage private or public parties to develop small neighborhood parks.

FINDING: The proposed changes maintain this policy.

3-8: The City shall refer to the park district, for its review and recommendations, all development proposals that include or are adjacent to existing or proposed parks or trails.

FINDING: The proposed changes maintain this policy.

3-9: The City will continue to work with the county, irrigation districts, state and park district to develop a series of trails along the Deschutes River, Tumalo Creek, and the major canals so that these features can be retained as an asset in the urban growth boundary and urban reserve area.

FINDING: The proposed changes maintain this policy. The 2018 Bend Park and Recreation District’s proposed trail plans will be reviewed in conjunction with the City’s current Transportation System Plan update at a later date.

3-10: The trails designated on the Bicycle and Trail System map shall be the basis for developing a trail system that serves the recreational and transportation needs of the community.

FINDING: The proposed changes maintain this policy. The 2018 Bend Park and Recreation District’s proposed trail plans will be reviewed in conjunction with the City’s current Transportation System Plan update at a later date.

3-11: The City, when practical, shall require connecting links to the urban trail system from all adjacent new developments.

FINDING: The proposed changes maintain this policy. The 2018 Bend Park and Recreation District’s proposed trail plans will be reviewed in conjunction with the City’s current Transportation System Plan update at a later date.

4. Chapter 5, Housing,
   i. Transportation Connectivity Policy 5-42 to 5-43
5-42 Schools and parks may be distributed throughout the residential sections of the community, and all types of dwelling units should have safe and convenient access to schools and parks.

FINDING: The proposed changes maintain this policy.

5-43 The City will coordinate with the school and parks districts to ensure that the respective plans of each local government are coordinated and consistent with state law.

FINDING: The proposed amendments ensure that this policy is upheld and maintain the policy itself.

5. Chapter 7, Transportation
   i. Pedestrian and Bicycle Systems Policy 7-28

7-28: The City shall work together with the Park District to acquire, develop and maintain the primary trails designated on the Bend Urban Area - Bicycle and Pedestrian System Plan; Figure 7-2. New development shall be required to construct and dedicate Primary Trails for public use according to this plan. The alignments depicted are general in nature and shall be located according to criteria defined in TSP Section 6.3.1.3. These trails, and future trail additions, shall support the need for non-motorized travel in the community.

FINDING: The proposed changes maintain this policy. The 2018 Bend Park and Recreation District’s proposed trail plans will be reviewed in conjunction with the City’s current Transportation System Plan update at a later date.

6. Chapter 11, Growth Management
   i. Policies for Residential Neighborhoods Policy 11-17, 11-28

11-17 Schools and parks may be distributed throughout the residential sections of the community, and all types of dwelling units should have safe and convenient access to schools and parks. The School District and Park District facilities plans will determine the location and size of needed schools and parks.

FINDING: The proposed amendments ensure that this policy is upheld and maintain the policy itself.

11-28 Some UGB expansion areas have identified preliminary needs for schools and parks. The need and location for schools and parks is determined by the facility planning of the School District and Park District. The School Attendance Areas and Park Service Areas may change and the Area Plans for the UGB expansion areas should take into account any updated school and park needs when the plan is prepared.
FINDING: The proposed amendments ensure that this policy is upheld and maintain the policy itself.

XI. Findings on Compliance with Bend Development Code (BDC) 4.6.200, Legislative Amendments

4.6.200 – Legislative Amendments

A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the Comprehensive Plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to BDC 4.6.600, Transportation Planning Rule Compliance. A legislative amendment may be approved or denied.

FINDING: This criterion is applicable because the City proposes a legislative amendment to the text of the Bend Comprehensive Plan and has followed the applicable procedures. This proposed amendment include minor changes to Chapters 2, Natural Features and Open Space, and Chapters 3, Community Connections, of the Bend Comprehensive Plan.

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

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

   FINDING: The findings under Sections VI, VII, and VIII, and IX above show the proposed amendments are consistent with Statewide Planning Goals.

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

   FINDING: The proposed amendments to Chapters 2 and 3 meet this criterion because the findings in Section VI and VII show the proposed amendments are consistent with the Bend Comprehensive Plan.

3. **The applicant can demonstrate a public need or benefit for the proposed amendment.**
FINDING: The proposed amendments meets this criterion because the City has demonstrated that the amendments fulfill a public need and provides a public benefit. The public need satisfied by the adoption of the amendments is the need to have coordinated park and recreational facility development between the City and special districts. These uses include those that will be developed in the Opportunity Areas, and in the UGB Expansion Areas. The public benefit for the change includes the recognition of BPRD as the urban service provider for parks and recreation facilities and services that will support the development of land uses allowed under the Comprehensive Plan.

CONFORMANCE WITH THE BEND DEVELOPMENT CODE SECTION 4.6.200:

FINDING: The proposed amendments to Chapter 2 and 3 of the Comprehensive Plan are consistent with Bend Development Code Section 4.6.200.

CONCLUSIONARY FINDINGS: Based on the findings above, the proposed minor changes to amend Chapter 2, Natural Features and Open Space, and Chapter 3, Community Connections, of the Bend Comprehensive Plan are consistent with and implement all applicable statewide planning goals, all applicable policies of Bend’s Comprehensive Plan and are consistent with Bend Development Code Section 4.6.200.