

**Bend Metro Park & Recreation District
Board of Directors &
Bend City Council
Joint Work Session & Executive Session &
BMPRD Board of Directors Regular Meeting
June 19, 2005**

BOARD PRESENT: Suzanne Johannsen, Don Smith, Bob Woodward and Ted Schoenborn.
Board members-elect: George Thayer and Scott Wallace

COUNCIL PRESENT: Mayor Bruce Abernethy, Linda Johnson, Bill Friedman, Jim Clinton,
Mark Capell, and Peter Gramlich.

DISTRICT STAFF: Don Horton, Bruce Ronning, Lindsey Lombard, Ed Moore, Andie
Lindgren, Wayne Smith, Robin Laughlin, Theresa Albert, Dave
Crowther, Norm Ziesmer, Steve Jorgensen and Paula Lowery.

CITY STAFF: Andy Anderson, Patty Stell, Rick Root, Mel Oberst, Andy Jordan, and
Ken Fuller.

LEGAL COUNSEL: Neil Bryant.

MEDIA: Yoko Minoura, The Bulletin.

VISITORS: Bill Dolf, Larry Zak, Michael Graham, Keith Scott, Gary Loggan and
Dana Miller.

WORK SESSION

Chair Suzanne Johannsen convened a work session at 5:30 pm and welcomed the city councilors, city staff and visitors.

Suzanne stated that the district board had met with the school board in April to review how the two agencies currently work together to serve a shared constituency and brainstorm about possibilities for additional collaboration. She explained that as the meeting progressed, several projects and opportunities were identified and a clear set of topics for staff and the boards was identified to be worked on for the benefit of the community. Suzanne stated she is hopeful of a similar outcome for tonight's meeting with the city council. She noted that there is a great deal of interaction between the district and city staff, however, the interaction between the board and council has been minimal, and she hoped that in the future the board and council could meet at least a couple of times a year. Suzanne stated that our community is diverse and complex; both agencies have a lot on our plates and she is hopeful that we can find some areas where we can work together to accomplish both of our goals and better serve the citizens of Bend.

Bruce Abernethy thanked Suzanne for taking the lead in planning this meeting. He stated he believes there is a good understanding and appreciation of each other's roles in the community.

He recognized the challenges facing each agency and he is looking forward to meeting those challenges together.

Trails Planning

Bruce Ronning, BMPRD Planning & Development Director and Rick Root, City of Bend Transportation Planner, presented background information regarding the city and district trails system and implementation.

Bruce Ronning noted that the board and council had been provided with copies of the district's new trail guide user map, and a copy of the assessment of the bicycle and pedestrian system needs map. He also identified a displayed map of the district's neighborhood parks plan map that includes the same existing and future trails included in the city's Transportation System Plan (TSP). He stated that it is important to note that not all of the trails that are on the planning maps are advertised as open to public use. He referred to a number of surveys that have been conducted in the last four or five years, both state-wide and locally, that demonstrate consistently the broad support for recreation trails in Oregon and here in Bend, including those trails that can be accessed from people's homes on a day to day basis.

Rick Root explained the trail system all begins with a plan and reviewed a history of the planning steps that have led up to the city's transportation system plan. He explained it began in the late 1970s when the city adopted the general plan and nearly 20 years later the Bend Urban Trails Plan was an effort to evaluate opportunities and constraints within the community and develop design standards so trails would be safe and convenient and connect to destination points that people were interested in. He stated this effort involved over 30 individuals representing advocacy groups, different agencies, the canal districts, and a multitude of folks from every walk of life. Rick stated the transportation chapter really emphasizes the reduced reliance on the automobile and the importance of bike trails, bike lanes, and sidewalks as far as facilitating bike and pedestrian travel throughout the community.

Bruce Ronning reviewed the joint planning effort of the city, district and community that resulted in the Bend Riverway Community Vision. He stated the vision led to the jointly supported River Trail Action Plan that identified 56 different projects on the Deschutes River trail that would be needed to complete that effort. He stated the plan was adopted in 2001; we have been funding and working on those projects on an annual basis. He identified the south canyon bridge as one of those projects recently completed. He further explained the connection between the district's neighborhood park plan and the trails plan in that neighborhood parks are planned within walking distance of every residence of the community, thereby bringing connector trails into the planning mix.

Rick Root stated that a land division ordinance was adopted by the city in 2003 and the distinction of primary trails was established by land use regulations which facilitated acquisition of the right-of-way corridors and improvements commensurate with the plan that is in place today.

Bruce Ronning stated in 2003 the district revised its system development charge methodology to include trails and subsequently funds have been available to build some of those trail projects

that are not exacted as part of the land division process. He noted that in 2003 the district signed memorandums of understanding with the Central Oregon Irrigation District and the Tumalo Irrigation District to allow for public use some of the ditch roads. He stated the district is currently working on a district trails master plan as identified in the 2005 Park and Recreation Green Space Plan.

Rick Root stated that adoption of the city's TSP in 2000 was precipitated by a number of items remanded by the state Department of Land Use and Development that directed a significant amount of detail in terms of planning for bike and pedestrian travel throughout the community basically at a neighborhood level. He stated he presented to the Park Board and Council revisions to the plan based on the neighborhood service plan areas which were intended to create walk ability within neighborhoods. He shared a document that identified individual neighborhoods and included details of the trails. He stated these documents have been very important in terms of the developing community as they make application for their particular development. He stated it has also been very important in terms of providing coordination with the district to make the plan work for both agencies.

Suzanne Johannsen stated this is a very good example of where both agencies have a need for trails to provide transportation as a part of our city's transportation plan, and also to provide recreation. She noted it can be a long, complicated process and referred to the Larkspur Trail as an example.

Bruce Abernethy stated he very much appreciates the work of both agencies toward this mutual goal. He asked how we are doing with keeping up the acquisition of trails we need to keep up with the growth, and what are some of the issues that we need to know about so we can take action. He also asked if there are some areas where staff might want some feedback from a board level.

Rick Root stated the plan itself is an instrument to help guide development, so in terms of keeping up with development, we are getting the respective pieces that might impact the different properties as they develop. He cited roads and stated he is sure we are behind the curve in terms of creating a total system. He also referred to the Deschutes River Trail that does not include segments to make it a complete route throughout the entire city which is the objective.

Bruce Ronning stated that the two primary tools that we have for trail acquisition and development are the land division ordinance that allows the city to exact primary trails that are an adopted part of the TSP, and we have been very successful in doing that over the last three or four years. He cited several trails including the west Bend trail through NorthWest Crossing, also through Cascade Highlands, segments of trail in River Canyon Estates and River Rim at the south end of town, and shorter segments along the old Pilot Butte canal at the north end of town. He stated that tool has been very successful and we do have gaps where creating a short section of trail or right-of-way doesn't necessarily mean we have completed the entire trail. Bruce stated there are some portions on the trail plan on the irrigation ditches that we don't really have a master strategy for because the ditches cross multiple single family residential parcels, and the irrigation district easement doesn't speak to opening the ditch road for public

access. He stated those particular elements of the trail plan are not on the user guide because they are not open. Andy Anderson asked Bruce to speak to an example of that he and Bruce have been discussing. Bruce identified a segment of trail on the Central Oregon Irrigation District (COID) canal between Ferguson Road and 27th Street where there is currently a dispute regarding public access. He explained that is an example of where the COID canal crosses multiple single family residential lots and some of those residential owners are happy to allow the public to use the ditch road as trail, and others are not as willing to allow that. He stated that we have just recently, through the development process, of the Orion Greens Subdivision, exacted a short piece of trail right-of-way on the ditch road there. He stated that doesn't mean we will open it to public use immediately because it doesn't go anywhere in either direction, but it sets us up in the future to potentially open that section of trail.

Bruce stated another tool in acquisition and development of trails is the SDC funding and we have used that in the last number of years to build trail projects that are not available to us through the exaction process. He stated the South Canyon Bridge is an example of how we apply some of that SDC funding.

Don Smith commented that the most recent surveys of the community express the desire for additional trails. He complimented the progress that has been made with the cooperation of both agencies and noted there are many segments that need to be connected.

Bob Woodward asked if there is an option for rails to trails. Rick Root stated that he thinks development is a good news, bad news kind of thing; good news in terms that it brings the missing segments that are out there; the bad news is that there is more people in the community that want to use the system. He said the rail corridor has been talked about through this process and is an opportunity to create a continuous route throughout the community, not to say it is not full of all sorts of issues with privacy, security, and safety. He said the intent of placing it on the plan in terms of a trail opportunity was to demonstrate to the railroad or anyone else in the future, it is our intent to explore that possibility, and without it being on the plan it takes out of the realm of possibility of getting grants. He stated the hope is to eventually obtain some sort of grants to identify what the issues are, how best to treat them and hopefully develop that system over time.

Intergovernmental Agreement Amendment

Suzanne Johannsen referred to a copy of the existing Intergovernmental Agreement (IGA) provided for the Board and Council that was adopted in 2003. She explained the Board had recently reviewed the agreement and there were a few issues identified for review and discussion including trails and annexation. Bruce Ronning shared copies of a proposed draft amendment to the IGA. Suzanne Johannsen stated the IGA states how the city and district intend to work together, and one of the things we thought ought to be cleared up is the responsibility of trails with respect to the levels of trails. She stated that the language would not be crafted tonight; rather the district and council would discuss identifying the responsibility for the trails.

Bruce Ronning explained that district staff had presented to the Park Board some potential amendments to the existing urban services provider agreement which is in the form of an IGA

and it speaks to the provision of park and recreation services within the park and recreation district and for the city of Bend. He noted that since 1974 the city of Bend has not had a park and recreation department with the responsibility for providing park and recreation services, as these were given over to the district when the district was formed. Bruce explained the existing agreement calls for a three year periodic review and because of the city's work on the Urban Growth Boundary (UGB) and Urban Area Reserve (UAR) expansion it seemed time that we revisited the IGA. He stated that district staff reviewed the agreement and identified what we thought might be a few issues and brought that to the Park Board for discussion in a work session, and asked the Park Board to direct us to pass that along to city staff which has been done. He stated the two primary issues identified by district staff are an update of the provisions of trails to better reflect the actual working relationship of the city and district. He stated it doesn't make any changes, but makes it more clear who in practice is responsible for what. He stated fundamentally it states the city is responsible for those bike ways and pedestrian ways that exist within street right-of-ways, and the park and recreation district is responsible for those primary trails, bike ways, connector pathways, etc. that are outside of street right-of-ways. He stated that in terms of planning, development and maintenance that is how we have been working the last few years.

Suzanne Johannsen asked if it makes sense that those trails on city right-of way are the responsibility of the city and those that are off street are the responsibility of the Park District. Mel Oberst, Community Development Director for the city of Bend stated his staff had only received the proposed amendment this week and it is a work in progress. He stated he has had several staff review the agreement and generally we are in agreement with the concept. Suzanne Johannsen stated that the Park Board is looking for clarification of the trails and where they fall, and whose responsibility they are in terms of the overall plan. Rick Root stated that for clarification it is not all trails on the street as there some connector trails that are city responsibility. He stated principally it is the primary trail system and regional trail system and some key connectors to the primary trail system. Bruce Ronning stated the reality is the city and district do work closely together and cited a trail along Bear Creek Road where he and Ken Fuller had worked to create a wide sidewalk where we knew the sidewalk was carrying the Larkspur Trail for a short distance from where the trail merges on to Bear Creek down to the roundabout at 15th Street.

Bruce Abernethy asked from a policy perspective, what does staff want the council to know. He asked if outside the recommendation before them, are there things you want the City Council to weigh in to have a discussion; how can this body move most efficiently to give direction to staff to fill out the details. Mel Oberst stated there are a number of details to be worked out; for example, a trail passes under a right-of-way (Pine Nursery). He stated where the trail is the sidewalks are part of the trail system which may be a maintenance issue to which we need to give more attention. Mark Capell asked if it is the intention that district pay for the one under the right-of-way. Bruce Ronning stated the discussion to date has been a jointly funded project to pass the primary trail under the 27th Street/Empire extension. He stated that city and district staff has worked very closely on this over the past year or more trying to determine a design, etc. Ted Schoenborn stated the most important step is to agree there will be a trail under the road to provide connection between the neighborhood park and the Pine Nursery. He stated this is a real reflection of the cooperation that we already have, and now we

are talking about how we build it. Mark Capell stated that from council's perspective, he would want to see design, costs and a staff recommendation. He stated that where there are areas like this particular one, the IGA is not as clear as to the responsibility. Ted Schoenborn stated that the board's focus is to make sure that we have language that allows the various staffs to work together. Don Smith stated that the cooperative effort should address that part of the work that can be done by one agency and part of it done by the other agency. He cited the Farewell Bend Park project and the city's need for retention ponds to collect runoff from the street where the district accommodated the city's need in exchange for the district's need for grading, sidewalks, utilities, etc. for the park. He stated the most efficient way to get things done is the way he hopes projects are accomplished. Mel Oberst stated this is draft language that probably applies 99% of the time, and there are going to be exceptions to everything which he believes can be addressed. Suzanne Johannsen stated that at this point in order to go forward together it is important to agree conceptually to identify something that clarifies the agreement.

Mel Oberst addressed the issue of annexation which brings with it the UGB and UAR expansion. He stated the framework planning the city will be doing in conjunction with the parks district will enlarge an area outside the existing city limits. He stated the agreement refers to minimums for communication and coordination and we will definitely go beyond that. He stated he thinks the parks district planning staff needs to be actively involved in the framework planning for the UAR and the UGB. He stated that he and Bruce Ronning had discussed how to structure annexations so that an annexation of territory to incorporate the city limits of Bend will also concurrently annex property to the district. He stated that it saves everyone a lot of extra process, makes it clear and it keeps our boundaries co-terminus and keeps this agreement a lot more relevant. Don Smith stated that this component of the agreement was developed three years ago and subsequently went by the wayside, and now it is time to bring it back and make sure it happens. He stated the joint expansion should incorporate the parks as well as the city; it doesn't make sense to operate separately on those issues.

Bill Friedman stated it seems like there are some opportunities to coordinate both planning and funding of trails under any refinement plan that is put into action so as we know as we go through the process and not discover afterwards that we have got some obligations that we are unclear about. He asked if we have language now that requires when a subdivision is submitted for development, if there is a canal going through it and there is only an easement for the canal to require a public recreation easement. Bruce Ronning explained that if the canal ditch road in that circumstance is on the primary trail system as an adopted element of the TSP, the city can exact that trail route or the fact that the city can exact the trail route also brings the developer to the table in discussion with the district. He cited the Ridgewater subdivision on the canal at the south end of town between 15th Street and Ferguson Road, and when the development came into application one of the requirements in the land division ordinance is the applicants talk to the district about park and trail issues. He stated the district staff suggested to the developer that they partition off that section of their subdivision that contained the canal ditch road which they did by dedicating the partition to the district. He explained we now have a 50 foot wide, 200+ foot long parcel that contains half of the canal and the ditch road which has become the trail. He stated a similar condition exists on the North Unit canal on either side of Brinson Boulevard where there was a subdivision in the same circumstance and the land

division ordinance brought that applicant to the table and we discussed partitioning off a tract within his subdivision which was dedicated to the district. He stated that in larger subdivisions, NorthWest Crossing for example, the developer is more than happy go well beyond the minimum in trail dedications because trails are very important amenity to their development. Bill Friedman stated we are about to expand the UGB and there is an incredible urgency to extend the draft of the primary trail system into those areas so that as soon as we achieve that goal, we have them identified as there is going to be some pressure to subdivide, and it is a lot easier to address at the beginning. Bruce Ronning stated the IGA is about provision for planning so within the UAR it speaks to joint planning for parks and trails so when those areas do come into the UGB that planning has already been done and we have the plan to guide the decisions that we make. Don Smith asked about obtaining trail right-of-way on the canals after they are piped. Bruce Ronning explained that when Tumalo Irrigation District piped the canal around Awbrey Butte to Putnam Road the trail went on top of the pipe. Don Horton stated that district staff has had some discussion with the canal companies, that after the ditch is piped, they may be willing to give up a piece of the 100 foot right of way back to the adjacent property owners and in exchange for that we get public use of right-of-way over the top of the easement.

Suzanne Johannsen asked if there is a consensus to direct staff to work on the IGA to get those pieces in place. Bill Friedman stated the awkwardness might be about land dedicated that comes into the city for parks that the district might not want responsibility for. Don Horton stated that in concept he would anticipate the land would also be in the Park District. Bill Friedman referred to the Juniper Ridge Refinement plan and the trails and green spaces included in the plan, and asked if the district would agree to have responsibilities for those sites. Don Horton stated the district is already in negotiation with the irrigation district regarding the trail system and would certainly want that to be a part of the district. Jim Clinton stated that long-term he expected the trails and green spaces to be inside the Park District, and short-term, during the development state, is a big question mark. He added this discussion has not come before the City Council and is not part of the contract between the city and the developer. Mark Capell stated the developer also has some concerns regarding turning over control of the development and maintaining control over the quality of the development. Jim Clinton stated there is also a question about the Urban Renewal District that would not provide property taxes to the district until the debt is paid off. He stated the developer does not want to wait ten years until the property generates revenue to build parks. He added these are all start up and transition questions and in the long run the Park District would be involved in Juniper Ridge. Mark Capell stated he hoped the Park District is brought in to help with design. Ted Schoenborn stated the district would like to follow the established level of services and standards for the overall design of the parks. He stated the rational thing to do at the very beginning is to build the kind of facility that is consistent with other facilities in the community. Mark Capell stated he believes the intention is to build Juniper Ridge incredibly deluxe. Linda Johnson stated that beyond the design of Juniper Ridge we are going to be drafting CC&Rs, for multiple homeowners associations and she encouraged both agencies to ensure that the CC&Rs standards support the kind of vision for the parks that we want to build. Don Smith shared his concern for the loss of SDCs from Juniper Ridge for the Park District that will build parks outside Juniper Ridge, in the district, that Juniper Ridge residents will be using. He stated the SDC system applies every place in the entire city and is a very workable system and it has done

tremendous things for the Park District, and yet this is not going to be applied to Juniper Ridge for reasons he doesn't understand. Bruce Abernethy stated he thought it would be very valuable for Jim Clinton and Mark Capell to sit down with the developer and the Park District to get some concrete examples of types of things that might be missing from the original vision and figure out a way to incorporate some of the district's input into the discussion. He stated he feels it is important to incorporate that now.

The work session was concluded at 6:45 pm at which point Chair Suzanne Johannsen convened a joint executive session pursuant to ORS 192.660 (2) (e) for the purpose of discussing real property transactions.

REGULAR MEETING

Chair Suzanne Johannsen called the regular meeting to order at 7:05 pm.

CONSENT AGENDA

Minutes - June 5, 2007, Work Session & Regular Meeting

Minutes - May 15 & May 22, 2007 Budget Meeting

Award Farewell Bend Boardwalk contract

Don Smith moved to approve the consent agenda. Ted Schoenborn seconded the motion. Don Smith, Ted Schoenborn, Bob Woodward and Suzanne Johannsen all voted aye. Motion passed.

BUSINESS SESSION

Conduct Budget Hearing

Chair Suzanne Johannsen opened a public hearing to receive comment regarding the Bend Metro Park & Recreation District FY 2007-08 budget. As there was no comment, the hearing was closed.

Adopt FY 2007-08 Budget

Resolution No. 291 Adopting the Budget and Making Appropriations for FY 2007-08

Don Smith moved to adopt Resolution No. 291, adopting the budget and making appropriations for fiscal year 2007-08. Bob Woodward seconded the motion. Don Smith, Bob Woodward, Ted Schoenborn and Suzanne Johannsen all voted aye. Motion passed.

Resolution No. 292 Imposing and Categorizing Taxes

Bob Woodward moved to adopt Resolution No. 292, imposing and categorizing taxes for fiscal year 2007-08. Ted Schoenborn seconded the motion. Bob Woodward, Ted Schoenborn, Don Smith and Suzanne Johannsen all voted aye. Motion passed.

Resolution No. 293 Adopting 2007-08 Capital Improvement Plan

Bob Woodward moved to adopt Resolution No. 293 including the BMPRD 2007-08 Five-Year Capital Improvement Plan. Ted Schoenborn seconded the motion. Bob Woodward, Ted Schoenborn, Don Smith and Suzanne Johannsen all voted aye. Motion passed.

GOOD OF THE ORDER

Don Horton presented plaques to Suzanne Johannsen and Don Smith in appreciation and recognition of their service to the district. He stated the district has accomplished a lot during

their terms on the Board through their leadership. He stated he believed the Board has afforded staff a lot of leeway to push forward with the various projects and programs.

Suzanne Johannsen stated she has enjoyed being on the Board and it is very rare to be involved in something that makes people as happy as parks and recreation does.

Don Smith thanked the staff for their support of the Board and establishing stable funding including the update of the SDCs and annexation. He noted that his dream of the 50 meter pool had been completed. He stated that he trusts that the assets created are in good hands and will be appreciated by the community. He stated that he will enjoy standing back and observing the continued progress of the district.

As there was no further business the meeting was adjourned at 7:40 pm.

Prepared by,

Paula Lowery
Executive Assistant

Ruth Williamson, Vice-Chair

Bob Woodward

Ted Schoenborn