



Bend Metro Park & Recreation District

October 4, 2022

# Board of Directors

## Agenda and Reports

[www.bendparksandrec.org](http://www.bendparksandrec.org)



*play for life*



## **Our Vision**

To be a leader in building a community connected to nature, active lifestyles and one another.

## **Our Mission**

To strengthen community vitality and foster healthy, enriched lifestyles by providing exceptional park and recreation services.

## **We Value**

Excellence by striving to set the standard for quality programs, parks and services through leadership, vision, innovation and dedication to our work.

Environmental Sustainability by helping to protect, maintain and preserve our natural and developed resources.

Fiscal Accountability by responsibly and efficiently managing the financial health of the District today and for generations to come.

Inclusiveness by reducing physical, social and financial barriers to our programs, facilities and services.

Partnerships by fostering an atmosphere of cooperation, trust and resourcefulness with our patrons, coworkers and other organizations.

Customers by interacting with people in a responsive, considerate and efficient manner.

Safety by promoting a safe and healthy environment for all who work and play in our parks, facilities and programs.

Staff by honoring the diverse contributions of each employee and volunteer, and recognizing them as essential to accomplishing our mission.



**District Office | Don Horton, Executive Director**

799 SW Columbia St., Bend, Oregon 97702 | [www.bendparksandrec.org](http://www.bendparksandrec.org) | (541) 389-7275



## Board of Directors

October 4, 2022

District Office Building | 799 SW Columbia | Bend, Oregon

### AGENDA



The board will meet in person with a virtual link to the meeting. The public may provide public input in-person at the meeting or via the virtual Zoom link.

**Please use the link below to join the webinar:**

<https://us02web.zoom.us/j/84713219029?pwd=UGMwYUppTWg3MGtvQzZyeEYrdlh5dz09>

**Passcode: 878721**

**Or Telephone:**

**US: +1 669 900 6833**

**Webinar ID: 847 1321 9029**

**Passcode: 878721**

### **5:30 p.m. CONVENE MEETING**

#### **VISITORS**

The board welcomes input from individuals at our public meetings about district-related issues. Members of the community who wish to make public comment may attend the meeting in-person or virtually. To provide public comment virtually, click on the "Raise Hand" option on the Zoom platform. You will be called into the meeting in the order received. Visitors should turn on their cameras and microphones when speaking to the board. All remarks should be limited to 3 minutes or less and relevant to a topic on the agenda. Public comment on the first two topics tonight will be taken after the presentations. Please fill out a visitor comment card if you wish to make public comment. If there are questions, follow up will occur after the meeting. Thank you for your involvement.

#### **WORK SESSION**

1. South DRT History – *Henry Stroud and Michelle Healy (60 min)*
2. Review Summer Whitewater Park Operations – *Ryan Richards and Jason Monaghan (30 min)*

#### **CONSENT AGENDA**

1. Minutes 7/19/2022
2. Minutes 9/06/2022

#### **BUSINESS SESSION**

1. Approve preferred concept plan for Sawyer Park – *Bronwen Mastro (30 min)*
2. Resolution of support for LWCF grant application – *Bronwen Mastro and Rachel Colton (5 min)*

3. Award GMP for Drake Park DRT Project – *Brian Hudspeth (20 min)*
4. Approve IGA with the city of Bend for the Wilson Avenue Corridor Project Improvements at Ponderosa Park – *Brian Hudspeth (10 min)*
5. Contract Amendment for Big Sky parking lot – *Brian Hudspeth (15 min)*

**EXECUTIVE DIRECTOR’S REPORT**

**PROJECT REPORT** – In Board Packet

**BOARD MEETINGS CALENDAR**

**GOOD OF THE ORDER**

**ADJOURN**



Accessible Meeting/Alternate Format Notification

This meeting location is accessible. Sign and other language interpreter service, assistive listening devices, materials in alternate format or other accommodations are available upon advance request. Please contact the Executive Assistant no later than 24 hours in advance of the meeting at [sheilar@bendparksandrec.org](mailto:sheilar@bendparksandrec.org) or 541-706-6151. Providing at least 2 business days’ notice prior to the meeting will help ensure availability.



**BOARD AGENDA COMMUNICATION**

<b>AGENDA DATE:</b>	October 4, 2022
<b>SUBJECT:</b>	DRT South Project Update
<b>STAFF RESOURCE:</b>	Henry Stroud, Planner Michelle Healy, Deputy Executive Director
<b>PREVIOUS BOARD ACTION:</b>	Adopted Resolution No. 409, 2/20/18, Received Conflict Assessment Report 12/18/18, Adopted Resolution No. 419, 2/19/19
<b>ACTION PROPOSED:</b>	None
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Operations & Management Practices
<b>Outcome:</b>	A balance between caring for existing infrastructure and new development
<b>Strategy:</b>	Ensure the district is maintaining its adopted level of service targets

**BACKGROUND**

The intent of this presentation is to provide the board of directors, and members of the community, an overview of the Deschutes River Trail South project that the district ceased working on in 2019. This presentation was requested by the board after they received a significant number of emails and inquiries from the public, and an organized group called Connect Bend, advocating for the project.

The presentation will cover the following topics:

- planning framework and project background,
- project history and summary of major milestones, and
- project status as of 2019

Completion of the Deschutes River Trail has been a long-time community goal. The DRT South Project is designed to close one of the last remaining gaps on the trail. The project was first identified in the City of Bend's *Urban Trail Plan, 1996*, and has since been included in numerous planning documents. Most recently, the project was identified in the district's *Comprehensive Plan, 2018*, and the *Deschutes National Forest Alternative Transportation Feasibility Study, 2015*, which identifies projects that could enhance non-motorized access to the Deschutes National Forest.

The DRT South project has two primary components: one is to extend the Deschutes River Trail through Southwest Bend connecting residents to the greater Deschutes River Trail System that runs through the city north to Tumalo State Park. The second is to construct a new bicycle and pedestrian bridge over the Deschutes River to connect the trail to the popular Deschutes National

Forest trail system near the Rim Rock (aka Good Dog) trailhead and recreation area.

District staff began work on the bridge in 2012 after voters approved a bond measure which provided funds towards completion of the Deschutes River Trail. The trail bridge was included in the list of projects that could be funded by the bond measure. However, the project never successfully moved past the planning phase due to complications within State Scenic Waterway rules, and organized opposition from environmental groups and individuals in the community.

After community opposition formed against the project and two attempts to thwart the project at the State Legislature failed, the district passed Resolution No. 409 (attachment A) that outlined steps to evaluate the project through a collaborative process. Following the passage of that resolution, the district hired Oregon Consensus to study the issue in more detail and provide recommendations on how to potentially move forward. The conflict assessment report (attachment B) completed in 2018, indicated that there was no clear community consensus and that the project should be delayed until such time that a consensus/trust building process could take place. In response, the district's board of directors passed Resolution No. 419 (attachment C) removing the project from the Capital Improvement Plan and from the System Development Charge eligible projects list. The board also directed district staff to cease work on the project and focus efforts on other trail development projects until such time that there was a community consensus on how to move forward.

**BUDGETARY IMPACT**

None

**STAFF RECOMMENDATION**

None

**MOTION**

None

**ATTACHMENT**

Attachment A: BRPR Resolution No. 409

Attachment B: Southern Connection of the Deschutes River Trail Conflict Assessment Report

Attachment C: BPRD Resolution No. 419

**BMPRD RESOLUTION NO. 409****A RESOLUTION OF THE BEND METRO PARK AND RECREATION DISTRICT BOARD OF DIRECTORS  
ADOPTING PROCEDURES FOR A COMMUNITY PROCESS TO DETERMINE BEST ROUTE AND  
METHOD TO CONNECT THE DESCHUTES RIVER TRAIL ALONG BEND'S SOUTHERN BOUNDARY**

**Whereas**, Bend Metro Park and Recreation District (the "District") has a responsibility to plan for connectivity of the Deschutes River Trail, equitable access to outdoor recreation and education opportunities throughout the District, and fully account for impacts to fish and wildlife habitat in the process; and,

**Whereas**, since the conclusion of the 2017 State Legislative Session, the District has taken no action to pursue a bicycle and pedestrian bridge across the Deschutes River at or near Bend's southern boundary,

**Whereas**, in the District's 2017 comprehensive plan needs analysis, trails were the top ranked need among Bend residents; and,

**Whereas**, a bicycle and pedestrian bridge at or near Bend's southern boundary is included in local transportation system plans, recommended in the Deschutes National Forests Alternative Transportation Feasibility Study (2015), is identified in the District's system-wide trails plan, and is one of several projects specifically called for in Measure 9-86 (2012); and,

**Whereas**, trails offer healthy recreation and transportation options to communities, allowing people of all ages to walk and bike to key destinations, engage with community and connect with nature; and,

**Whereas**, the District believes the best way to build the next generation of conservation supporters involves opportunities for them to enjoy the outdoors in an environmentally sound manner; and,

**Whereas**, the District is the park and recreation provider for the City of Bend and manages 49 percent of the riverfront within the District boundaries; and,

**Whereas**, the District has a history of rehabilitating riverfront habitat along the banks of the Deschutes River on properties owned by the District and is committed to continuing and improving upon past work with community partners to rehabilitate and manage riverfront habitat; and,

**Whereas**, the District recognizes that there have been past processes, including an Oregon Park and Recreation Department (OPRD) process about whether to alter scenic waterway rules and a District process to select a desired trail alignment for a possible bridge, and that neither process fully considered conservation goals within the reach of the river where a potential bridge may be located; and,

**Whereas**, the District proposes to participate in a broad community process to develop and build community support for a preferred trail alignment connecting the Deschutes River Trail along the Deschutes River;

**Whereas**, the preferred trail alignment should offer net benefits to nearby fish and wildlife habitat; and,

**Whereas**, the District has a responsibility to ensure that habitat impacts of recreation are minimized to the greatest degree possible. Wherever possible, investments in outdoor recreation and education are accompanied by conservation investments and seek to provide habitat improvements.

**NOW THEREFORE**, the Board of Directors of the Bend Park and Recreation District does hereby resolve as follows:

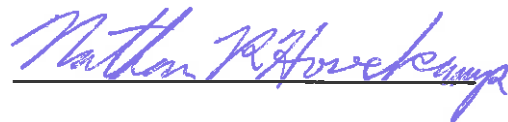
1. The District supports a process to consider connection of the Deschutes River Trail, conducted by a neutral, third-party facilitator with demonstrated expertise and success facilitating natural resources, recreation and community issues.
2. The fundamental question that the process would seek to address is: "How should the community provide for trail connectivity in this reach of the Upper Deschutes River to provide for human needs while seeking to provide a benefit to fish and wildlife habitat?"
3. The District understands that a community process may not lead to a bridge across the Deschutes River at or near the location in question. Conversely, the District would hope that other participants accept the possibility that a bridge, if properly designed and conditioned upon achieving certain conservation outcomes, may stand out as the preferred alternative.
4. The District supports a data-driven process informed by the most current assessments of the impacts of recreation activities, trails and bridges on river ecosystems and wildlife habitat within the area in question, as well as the growth and development projections for the Bend metropolitan region. The process should include an assessment and evaluation of past, present and desired future conditions in order to identify the most appropriate ecological outcomes.
5. The process will fully consider conservation measures, including both rehabilitation and operational, that would seek to provide a benefit to fish and wildlife habitat while providing for trail connectivity in partnership with the USFS and conservation groups.
6. The District supports a community process where participants would include a group of representatives from different stakeholder groups (to be vetted by the facilitator) including:
  - Community and neighborhood interests
  - Recreation interests



- Conservation and environmental interests
  - Relevant local, state and federal agencies including the United States Forest Service, Oregon Department of Fish & Wildlife, Oregon Parks and Recreation Department, City of Bend, Deschutes County and Bend Park and Recreation District.
7. The District resolves to honor any broadly-supported outcomes that aim to complete the Deschutes River Trail and asks other participants to do the same.
  8. District will not pursue any other avenues to plan, develop or construct a bridge within the Upper Deschutes River, or support such activities by others, while this process is underway and until it has concluded.
  9. District supports a timely initiation of these procedures.

District's goal is that such a process would not only resolve a very complex local matter in the context of a specific State Scenic Waterway, but participants in the collaborative process would gain a better understanding of how to address concerns over recreation projects on Scenic Waterways statewide. We ask the State Legislature to take into consideration the potential for collaborative problem solving among local conservation, environmental, recreation and community interests.

**ADOPTED** by the Board of Directors on this 20<sup>th</sup> day of February 2018.



Nathan Hovekamp, Board Chair

Attest:



Don P. Horton, Executive Director



The **Mary Orton** Company  
TRANSFORMING HOW PEOPLE WORK TOGETHER

# Southern Connection of the Deschutes River Trail Conflict Assessment Report

prepared on behalf of Oregon Consensus



by

Mary Orton, The Mary Orton Company, LLC  
Bend, Oregon

[mary@maryorton.com](mailto:mary@maryorton.com) ☞ [www.maryorton.com](http://www.maryorton.com) ☞ 702.210-9642

Final Report, December 15, 2018

# Table of Contents

---

Executive Summary .....	1
Introduction .....	2
Background on the Issue .....	2
Oregon Consensus .....	3
Role of The Mary Orton Company .....	3
Methodology.....	4
Report Organization .....	4
Interviewees' Comments .....	6
Concerns and Interests .....	6
Laws and Regulations .....	6
Wildlife .....	7
Access, Connectivity, and Increased Use .....	7
Off-Leash Dogs .....	8
Local vs. State/National Decision.....	9
Neighborhood Impact.....	9
Social Equity and Environmental Justice.....	9
Barriers and Complicating Factors .....	9
Trust .....	10
Public Processes.....	10
District Management.....	10
Wildlife.....	10
Resources.....	10
Legislative Efforts .....	10
Alternatives .....	11
Eminent Domain .....	11
Elected and Appointed Officials .....	11
Claiming Support .....	11
Impacts.....	11
Bridge Location .....	11
Differences as to Fact.....	12
Level of Development.....	12
Previous Processes .....	12
Wild and Scenic Regulations.....	12
State Scenic Waterways Restrictions .....	12
Wildlife Presence.....	12
Conservation Easement .....	12
Impacts at Rimrock .....	13
Lack of Data.....	13
Polarization .....	13
Capacity of Stakeholders .....	13
Laws and Regulations .....	13
BPRD's Experience with Restoration .....	13

Possible Common Ground from Interviewees .....	13
Possible Alternatives from Interviewees.....	14
Interviewees' Perspectives on a Collaborative Process.....	15
Recommendations .....	16
Introduction .....	16
Collaborative Opportunity.....	16
Step 1: Trust-Building Conversations .....	16
Step 2: Neutral Convenor .....	17
Step 3: Joint Fact-Finding .....	17
Step 4: Community Collaborative.....	18
Convenor.....	18
Facilitator .....	18
Process Development.....	18
Scope .....	18
Funding.....	18
Stakeholders to be Involved .....	18
Board Action .....	19
Transparency.....	19
Allow Enough Time .....	19
Consensus.....	19
Summary .....	20
Attachment A: BPRD Board of Directors Resolution .....	21
Attachment B: Interview Questions .....	23
Attachment C: Interviewees .....	25
Attachment D: Process Ideas from Interviewees .....	26



## Executive Summary

---

The areas close to the Deschutes River are precious: in general, people who are there want to protect what they have, and those who are not desire more access. All persons interviewed for this report are concerned about avoiding negative environmental impacts.

The issue of a southern crossing of the Deschutes River addressed in this report is a controversial one. After being part of a Bend Park and Recreation District bond measure that voters approved in 2012, it has been the subject of several public processes with diverse purposes and outcomes, as well as two unsuccessful legislative attempts to prohibit a bridge.

This conflict assessment report, commissioned by the Bend Park and Recreation District through Oregon Consensus, was designed to advise whether and how a collaborative agreement-seeking process might help address ongoing concerns about the alignment and construction of a trail segment to connect the Deschutes River Trail on the south end of Bend. It is the result of 25 face-to-face interviews of 29 people from September 9 through October 9, 2018. It summarizes their concerns and interests, as well as barriers to addressing those concerns.

The concerns of stakeholders are complex and include wildlife, the ecosystem, social equity, access, neighborhood impacts, private property rights, and erosion of environmental protections. The issue has been marked by the loss or simply lack of trust, misinformation, wildly divergent opinions as to facts, lack of data, and polarization among stakeholders. Considering these and other factors, BPRD has several options at this point, including forgoing the project of a crossing in this reach of the river.

Should BPRD and stakeholders decide to proceed with a collaborative process, this report contains a number of recommendations intended to help shape that process, including a stepwise approach that would test at each step whether there is adequate commitment to support a full collaborative process. This stepwise approach would include small private facilitated conversations to rebuild trust, the engagement of a neutral convenor, a joint fact-finding process, and then, only if indicated, the initiation of a community collaborative with a number of elements that would help it be successful.

We also recommend that such a process address more than simply a crossing. It should include broader concerns that were evident in the interviews: the tension between equitable recreational access and environmental protection in a growing area. We also recommend that participants include those who are traditionally underserved with recreational opportunities, residents who live in different parts of the community, and those who live near any possible proposed crossing.

The collaborative group will need enough time to address the differences as to fact and to rebuild relationships and trust, and then generate, evaluate, and choose among alternatives. We estimate this will take at least one year.

We believe that, should BPRD and stakeholders decided to initiate a collaborative process, especially if in alignment with the recommendations herein, they could ensure that the community would benefit. It could offer a way forward for all stakeholders with increased recreational access, environmental protection, and social equity, as well as increase trust and enhanced relationships.

# Introduction

---

## BACKGROUND ON THE ISSUE

Bend Park and Recreation District (BPRD or District) is a special tax district, separate from the City of Bend, that is governed by a five-member elected Board of Directors and managed by an Executive Director. BPRD maintains and operates about 3,000 acres of parkland (including 70 miles of trail), offers recreation programs, and manages several facilities.

BPRD's Bond Measure 9-86, approved by voters in 2012,<sup>1</sup> included, among several other projects, "pedestrian crossings connecting the east and west sides of the River Trail." The BPRD does not own land that could be used for such a crossing. The BPRD convened a Citizens Advisory Committee (CAC) in 2015; staff presented several options for a trail alignment and bridge location and the CAC agreed on one that is just outside the Bend Urban Growth Boundary (UGB) on Forest Service land.

All bridge locations studied—some on private land, some on public land—were in a reach of the river that has special designations under the federal Wild and Scenic Rivers Act and the Oregon Scenic Waterways Act, or solely under the Scenic Waterways Act.

According to the Oregon Park and Recreation Department, "The Scenic Waterways Act was created to strike a balance between protecting the natural resources, scenic value, and recreational uses of Oregon's rivers by designating them."<sup>2</sup> Additionally, "...the Oregon Legislative Assembly designated [as a State Scenic Waterway] portions of the river from the [Wickiup] reservoir to Bend through a bill in 1987. In 1988, Oregon voters approved Measure 7 and added the last, most-downstream mile inside Bend's Urban Growth Boundary."<sup>3</sup>

The Wild and Scenic Rivers designation extends from Wickiup Dam up to but not within the Bend UGB. The *Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Management Plan*<sup>4</sup> (hereinafter "Management Plan"), developed by fifteen federal, tribal, state, and local agencies, notes that the federal Wild and Scenic designation was established due to the "scenic, recreational, cultural, geologic, wilderness, fish and wildlife as well as historic and botanical values" in the area.

The Management Plan also reads (page 42), with regard to the Wild and Scenic reach of the river, "New bridges, transmission, gas or water lines will be discouraged." With regard to the Scenic Waterways reaches of the river, the Management Plan as well as the Upper Deschutes River Scenic Waterway—Oregon Administrative Rule 736-040-0073<sup>5</sup> reads, "New bridges will not be permitted."

BPRD approached the Oregon Parks and Recreation Department (OPRD), which manages the Scenic Waterways Program, and requested an amendment to the rules to allow a footbridge on the Upper Deschutes. In 2016, the Oregon State Parks and Recreation Commission took comments through a

---

<sup>1</sup> See page 5 of the voters' pamphlet at <https://weblink.deschutes.org/public/0/doc/13654/Page1.aspx> for the text.

<sup>2</sup> See <https://www.oregon.gov/oprd/NATRES/scenicwaterways/Pages/index.aspx>.

<sup>3</sup> See <https://www.oregon.gov/oprd/Pages/upper-deschutes-scenic-waterway.aspx>.

<sup>4</sup> July 1996, <https://www.oregon.gov/oprd/docs/deschutes-sww-plan.pdf>.

<sup>5</sup> See <https://www.oregon.gov/oprd/docs/deschutes-rules.pdf>.

public review and declined to amend the rule. Instead, it directed OPRD staff to look at the rules for that reach at a higher level, rather than specifically targeting the one restriction that affects crossings. That review was completed in 2017 and the decision was made to not to pursue any new rule amendments at that time. The OPRD process included, among other outreach efforts, a citizens' committee named the Upper Deschutes Advisory Group (UDAG).<sup>6</sup>

By this time, the bridge proposal had become controversial. Bills to ban a bridge were introduced in the 2017 and 2018 legislative sessions. They did not pass.

The BPRD Board of Directors adopted a resolution on February 20, 2018 (see Attachment A) that directs the District to enlist the help of a third-party facilitator to help stakeholders resolve how to best connect the Deschutes River Trail on the south end of Bend. Later that year, BPRD retained Oregon Consensus to assist them to find and contract with such a facilitator. Oregon Consensus suggested, and BPRD agreed, to first perform an assessment to ascertain whether initiating a collaborative process would be advisable. This report is the result of that assessment.

### OREGON CONSENSUS

Oregon Consensus (OC) is Oregon's legislatively established program for public policy consensus building and conflict resolution, providing assessment, facilitation, mediation, and other services to communities, public entities, and stakeholders on complex public policy issues.

OC issued a Request for Proposals to its Affiliated Practitioner Team for this conflict assessment. After reviewing proposals and consulting with a few stakeholders, including BPRD, OC selected The Mary Orton Company, LLC to perform the assessment.

### ROLE OF THE MARY ORTON COMPANY

The Mary Orton Company, LLC (TMOC) is a Bend, Oregon firm that has provided conflict prevention and management services, primarily for environmental and public policy issues and conflicts, throughout the country for 20 years. TMOC also provides facilitation, public involvement, and organization development services.

TMOC worked on behalf of OC to conduct a neutral assessment to advise whether and how a collaborative agreement-seeking process might help address ongoing concerns about the alignment and construction of a trail segment to connect the Deschutes River Trail on the south end of Bend.

The role of TMOC and OC in this assessment is to provide a thorough, accurate, and impartial analysis of the situation, in order to assist stakeholders to increase their mutual understanding of the interests and concerns of others and to help BPRD and stakeholders to decide whether to embark on a collaborative process.

Neither TMOC nor OC is an advocate for any particular outcome or interest except good process, and we conduct our work in a fair, deliberate, and impartial fashion. TMOC and OC staffs are bound by the code of ethics of the Association of Conflict Resolution that reads, in part, "Impartiality means freedom from favoritism, bias, or prejudice." To that end, without endorsing any interviewee's

---

<sup>6</sup> See <https://www.oregon.gov/oprd/Pages/upper-deschutes-scenic-waterway.aspx>.

opinions, we have strived to include a summary of all points of view expressed by interviewees in this report.

We hope this report is useful to both BPRD and stakeholders as they decide on their next steps with regard to this issue. Of course, the recommendations in this report are advisory only; the parties will decide whether to move forward with a collaborative process after taking into account the data and recommendations in this report and other information as they choose.

## METHODOLOGY

This assessment is based upon data collected through voluntary interviews of stakeholders. Mary Orton conducted 25 face-to-face interviews of 29 people from September 9 through October 9, 2018. Mary developed the interview questions (see Attachment B) in consultation with OC and BPRD.

Mary requested and received from BPRD a list of 19 potential interviewees, 17 of whom agreed to be interviewed. Two of those invited another person from their organizations to attend their interviews. Mary asked all interviewees to suggest others who should be interviewed. Based on those recommendations, Mary contacted 14 additional potential interviewees, 10 of whom agreed to be interviewed. Three of these were interviewed at one time.

The interviews and report structure were designed to encourage frank and open answers to interview questions. Interviewees were told that a report would be written, that their names would be listed as interviewees, and that a summary of their comments would be included in the report. They were also told that their comments would not be attributed to them or their organization. In addition, interviewees were invited to designate any part of their interview as private, in which case it would not be used in the report or shared outside TMOC.

TMOC encouraged feedback on the report. Interviewees were sent a draft version of the report (one that did not include the executive summary or recommendations) and were invited to alert Mary if something important they said was inadvertently not included in the report.

TMOC thanks the interviewees who took the time to share their thoughts, opinions, hopes, and concerns. A list of those invited to be interviewed is in Attachment C.

## REPORT ORGANIZATION

An **Executive Summary** precedes this **Introduction**.

The report continues with **Interviewees' Comments**, a detailed summary of comments made by interviewees. Readers should note that not every comment made is included here; it is intended to be a summary of the main themes we heard during the interviews. The first subsection here contains interviewees' concerns and interests, organized by issue area. The next section lists barriers to addressing those concerns and interests. After barriers is a section on possible common ground and a section on possible solutions suggested by interviewees. A reference to process ideas from interviewees completes this section.

The final section of the report contains the recommendations from TMOC for the BPRD and others to consider as they determine next steps and is aptly named **Recommendations**.



Attachments include the BPRD Board of Directors resolution on the subject (referenced above), interview questions, the list of interviewees and interviewees' process ideas for a possible collaboration.

## Interviewees' Comments

---

This section describes, without attribution, the comments and opinions of the interviewees. It is intended to include the full range of opinions shared by interviewees, without indicating how many made one comment or another. The terms “interviewees” and “some interviewees” should be viewed as interchangeable. These terms are not intended to mean all interviewees and could mean one interviewee.

Statements from interviewees are treated as opinions for the purposes of this report, and, because this is not a fact-finding report, they were not checked for accuracy.

Mary Orton, TMOC, and OC neither endorse nor necessarily agree with the following comments and opinions; they are included here because one or more interviewees said them.

### CONCERNS AND INTERESTS

This section describes the concerns and interests of the interviewees, and is organized by issue.

#### Laws and Regulations

Many interviewees cited the federal Wild and Scenic Rivers Act and State Scenic Waterways Act designations when discussing their desires vis-à-vis this reach of the river, whether they were in favor of or against a crossing.

Some interviewees, including some who preferred to have a connection across the river, cited their fear of losing protections on federal and other public lands. They felt that if a bridge were allowed despite the language in the rules, it could set a strong and negative precedent that would weaken the integrity of the Scenic Waterways Act and perhaps also the Wild and Scenic Rivers Act.

Others said with the large number of private homes built on the river, as well as the high level of recreation by people and dogs in the area, this reach of the Deschutes should no longer qualify as a protected area, and so the designations or the rules should be reconsidered. Some said a bridge would not detract from a Wild and Scenic or Scenic Waterways reach, especially when private development has occurred up to the shoreline in those reaches. They also said that there are many examples of Wild and Scenic and Scenic Waterways rivers that have bridges, including the Upper Deschutes, and that a bridge would enhance the corridor because it would allow people to access the river.

Some interviewees said the Wild and Scenic and Scenic Waterways laws and regulations were so restrictive that pursuing a bridge had no legal basis, and would open the BPRD to lawsuits if they continued.

Other laws and regulations were also cited. Interviewees noted that the Deschutes County Transportation System Plan has language supportive of a bike/pedestrian bridge along the

Deschutes River, provided there is adequate outreach to affected property owners.<sup>7</sup> Others noted the private property rights of residents near any proposed bridge site would have to be respected.

### **Wildlife**

Some interviewees mentioned the potential negative impact on wildlife of a bridge, and resultant increased use by people, dogs, and bicycles, as a reason not to build a bridge. While acknowledging that this is not a pristine river corridor, some said that it is still critical for wildlife, and that impacts to wildlife from a bridge would extend beyond the bridge location, affecting nesting areas as well as migration corridors.

Some cited the Oregon Department of Fish and Wildlife 2015 letter to the Oregon Park and Recreation Department regarding a bridge that said, “Much of the area on the west side of the River between River Miles 174.6 and 172 is part of a U.S. Forest Service Key Elk Management Area as described in the Deschutes National Forest Land and Resource Management Plan (1990). In addition, according to the Deschutes County Comprehensive plan, the west side of the river is part of the Statewide Goal 5 Tumalo Deer Winter Range.”

Some noted that the privately-owned “Thompson Wildlife Sanctuary” was an undeveloped area on the east side of the river that provides a significant habitat for several riparian species, as well as serving as a mule deer crossing point. They were concerned that a bridge at the District’s preferred location and a trail leading to that bridge would irreparably harm the wildlife and the Sanctuary.

Some said they had seen elk in the area in recent years, and others said the elk would return if the dog park were removed and no bridge were built. Others stated that the elk were no longer in the area and that a bridge would not have a negative impact on wildlife. They noted that the area is mostly developed, with subdivisions already built in what used to be elk wintering habitat and a new subdivision being built in the area, and they doubted that a bridge would have a significant impact above and beyond these developments.

Still others said there is no recent study of the current usage level of the area by wildlife, and without those data, no decision should be made about a crossing in the area. Some said if studies showed wildlife were no longer using the area due to current recreational use and housing development, then the area could be considered a “sacrifice area” and increased recreation should be allowed.

While some interviewees opposed to a bridge due to wildlife concerns suggested that a set of eastside trails would address the needs of those residents, others said eastside trails could also have a negative impact on wildlife.

### **Access, Connectivity, and Increased Use**

Interviewees of different opinions about a crossing said they believed that more recreational use of any area would encourage more environmental stewardship of the area.

---

<sup>7</sup> See Policy 15.3(m), 15.9, and 15.10 at <https://weblink.deschutes.org/public/DocView.aspx?id=6061&page=12&searchid=bf0cd6e9-f1a3-4d44-b7a4-d39f2f9f2ec1>.

Some interviewees said as Bend grows, more access and more trails would need to be built; other interviewees said as Bend grows, the special places would need more protections. Some interviewees said they wanted to find a balance between conservation and recreation. Some found that balance with a bridge, some without a bridge, and some said while they didn't know where that balance was best found, the cost of access needed to be weighed against the benefits.

Interviewees said additional connections and trails were needed to prevent over-use of existing trails, especially trails along the river. "People are hungry for places to walk along the river," one interviewee said.

Some said a bridge makes good sense from an environmental point of view, instead of requiring people to drive several miles to connect. They noted the potential to reduce car trips, carbon emissions, congestion, and vehicle-miles traveled, helping to achieve the goal of decreased reliance on vehicles and reduction of air pollution. Others thought that increasing trails throughout the city would be a better way to decrease vehicle-miles traveled.

Some interviewees felt a crossing in this reach was fulfillment of a promise of the bond measure they supported and the goal of a continuous trail connection between Tumalo and Sunriver. Others pointed out the projections of significant growth in the southeast part of the City, and viewed a crossing in this area as a way to address the demand for westside recreation by moving people from the east to the west side. They also said a crossing in this area would allow eastside children too young to drive to enjoy the Deschutes National Forest on their bikes.

By contrast, some interviewees said they were concerned about "opening the floodgates of people" coming into the area. At the same time, some opponents said any bridge in that area would only be used by a limited number of people in the River Rim development. (BPRD has not indicated how many additional recreationists are predicted to use the area if a crossing were there, a source of frustration for some interviewees.)

Some interviewees said they consider this a wild section of river, and others noted the list of "outstandingly remarkable values" that warranted designation as Wild and Scenic as reasons to not build a bridge. While they acknowledged houses and dogs already impact the area, they said impact from a bridge would exacerbate the situation. Others noted that the visual impact of the bridge alone would negatively impact others' enjoyment of that reach of the river, and trash and other impacts from the increased numbers of visitors would be detrimental. Others said there could be unintended consequences of a bridge, including increased river use by inexperienced floaters unprepared for the dangerous rapids below.

### **Off-Leash Dogs**

Supporters and opponents of a crossing noted that the riparian area, especially on the west side in the Rimrock area (also known as Good Dog, and which is a year-round off-leash area with access to the river), has already been heavily impacted by people and dogs, and that the increased turbidity of the water can negatively affect fish and other riparian wildlife. (Whether that impact and turbidity is attributable to dog and dog-owner use is disputed—see "Differences as to Fact," below.) They opined that this area has not been well managed by the Forest Service and that increased use could mean further degradation if there were no change in management strategy. Some who value the off-leash river access were concerned that more users would mean their year-round off-leash access would



be restricted or eliminated. They point out that Rimrock is one of only two places in or near Bend where people can legally take off-leash dogs to swim in the river in the summer (when many trails don't allow off-leash dogs and when access to water is important to many dog owners) and is the only such place that also allows for hiking.

### **Local vs. State/National Decision**

Interviewees said because the Wild and Scenic designation is federal, and the Scenic Waterways designation was established (in part) with a statewide vote, local stakeholders should not be the only ones to weigh in on a crossing. Others felt strongly that local stakeholders should be the primary decision-makers.

Still others believe that the community as a whole wants to have a crossing, and that desire should outweigh the opposition of nearby property owners. Others remarked that the community doesn't have those kinds of conversations very well.

### **Neighborhood Impact**

Some interviewees were concerned about the impact of a crossing on their neighborhoods, including increased traffic, crime, potential for fire, trespassing on private property, where people will park, and undesirable people who might be attracted by a trailhead or crossing. Some were concerned about conflict between trailhead users and residents. Others responded to these concerns by noting that "we all have to share" the beautiful parts of the city.

Some interviewees said it would be a "travesty" to ruin such a beautiful stretch of river with a bridge, while others pointed out that there were already many private property owners with homes built near the river and with private access to these areas. Interviewees said local people who have a trail or an area to themselves wouldn't like additional people, but it would be a good trade-off for getting more people active and outside. Some characterized opposition and support of a crossing as: those near the river don't want it, and those further away support it.

### **Social Equity and Environmental Justice**

Some interviewees brought up environmental justice and social equity issues, with the lower-income (east) side of the river having less access to the river and to Deschutes National Forest trails. They noted that eastside trails off the river would not equate to the experience of the Deschutes National Forest river trails. This is in contrast to others who said a trail system on the east side could provide the same values.

Interviewees said there were 30-40,000 people on the east side without easy access to trails west of Bend, despite living quite close to them. Almost all the trail networks are on the west side, but more than 50% of the population lives east of the river. Interviewees also said the area immediately south of the City has no parks; if a crossing existed, the Forest Service land could serve as their park.

### **BARRIERS AND COMPLICATING FACTORS**

This section details the complicating factors or barriers to addressing the concerns identified by stakeholders.

## **Trust**

Many events and occurrences have increased distrust among both opponents and proponents of a river crossing. Many interviewees expressed dismay at the erosion of trust and wished it could be rebuilt.

### Public Processes

Interviewees said there had been several public processes that have resulted in a recommendation of no bridge (this is in dispute—see “Differences as to Fact,” below). However, because in their view the District has not accepted those outcomes, they could not be trusted to accept another process that didn’t recommend a bridge.

Also, because the District has indicated that they could wait one year and build a bridge under the Scenic Waterways rules (this is in dispute—see “Differences as to Fact,” below), some interviewees felt that meant that they could not trust that the results of a collaborative process would be followed.

Some interviewees said that the CAC process was flawed because members were not told of the restrictions on bridges from the two overlays (federal Wild and Scenic and state Scenic Waterways).

Some interviewees said the UDAG process, run by OPRD, was supposed to only address whether the Upper Deschutes Scenic Waterway rules should be reopened. They say that despite the fact that the participants were told that they were not to discuss the bridge, they did end up discussing the bridge, which some saw as unfair. Also, while some say that this process recommended against a bridge (this is in dispute—see “Differences as to Fact,” below), others said it was not a representative or well-run process.

### District Management

Some interviewees strongly distrust BPRD management. For them, the lack of trust is so strong that virtually every action of the Director is seen as malicious or at least ill-intentioned.

### Wildlife

Some interviewees said they do not believe there is enough data to know whether a bridge in the area would be detrimental to wildlife; yet, in their perspective, BPRD personnel indicate that they know it would not be detrimental. They said this increased their distrust of BPRD and the District should not be so quick to opine about a subject on which they are not expert.

### Resources

Some interviewees said they distrusted BPRD because they usually seem to have enough funds to do what they want. Similar distrust was cited toward some of the landowners near the bridge area because they were viewed as spending their funds on spreading misinformation and fear.

### Legislative Efforts

Some interviewees saw the two legislative efforts as trying to prevent a collaborative process and public input, which increased their distrust of the bridge opponents. Other interviewees considered the two legislative efforts as valid public processes. Also, interviewees mentioned that the first legislative effort was launched during the UDAG process, which was trying to find common ground, and they felt blindsided at a time when “they were supposed to be open and honest with each other.”

### Alternatives

Some interviewees indicated they didn't trust other stakeholders who proposed an eastside trail that would be the "equivalent" of the Deschutes National Forest trails. They said eastside trails would be a totally different experience: lava rock instead of ponderosa pines and away from the river instead of on the river. They said if the connection to Sunriver were past Lava Butte, there is less accessibility to the Deschutes National Forest and many would not be interested in that trail.

### Eminent Domain

Several interviewees told the story of hearing second- or third-hand that a BPRD staff member threatened a landowner with eminent domain (condemnation), before BPRD decided the preferable site for a bridge was on public land. Others told of hearing first-hand a former BPRD staff member say that condemnation was a possibility or that BPRD was "prepared" to take land through that process. Still others told of an email that said BPRD would have "no problem using condemnation." Interviewees also said Don Horton, BPRD Executive Director, has said publicly that BPRD would never say that.

### Elected and Appointed Officials

Interviewees said they knew of political candidates who were offered significant sums in campaign contributions for opposing the bridge, or of significant contributions given to other candidates because they supported the bridge. Others said there should be a change in the leadership of the BPRD if the bridge idea continued to be pushed. Still others said the BPRD Board tends to uncritically do what their Executive Director suggests, which decreased their trust of the Board.

### Claiming Support

Some interviewees said their trust of BPRD eroded when the District claimed publicly that the interviewees' organizations supported the bridge. While they had supported the bond issue that included "pedestrian crossings connecting the east and west sides of the River Trail," they didn't understand at the time the full implications or the restrictions against a bridge in state and federal law. Some felt that the District should have been more forthcoming about those restrictions when they were first approached to support the bond election, and others said that BPRD should have checked with them before using their organization's name later in support of a bridge when they had more generally supported the bond issue.

### Impacts

Interviewees said opponents' reasons for opposing the bridge were not honest because there was so much development and use in the area already that the bridge would not have a negative impact, even to wildlife. In addition, District funding could help mitigate even current impact from overuse in the Rimrock area.

### Bridge Location

Interviewees said BPRD announced at a legislative hearing that the bridge location had been moved from private property to Forest Service land, and they felt BPRD had been disingenuous because they hadn't disclosed that change before the hearing. Others said the CAC had chosen the Forest Service site in 2015 as the preferred location, and the Board adopted that location during the discussion of the first legislative bill.

### **Differences as to Fact**

In addition to the differences of opinion described above, there were multiple instances of disagreements about facts that might be clarified by a mutual exploration of the issues, learning, or fact-finding.

#### Level of Development

Some interviewees said the area in question is quite developed with houses and recreational trails, while others said the area is not all developed.

#### Previous Processes

Some interviewees said, “State Parks has said ‘no’ twice to a bridge,” while others said that never happened—that instead OPRD declined to open the rules to amendment. Some said the UDAG process resulted in consensus against a bridge, while others say there was no consensus on the bridge. While some said the UDAG process was designed only to ask how well the Scenic Waterways designation was working to protect the values for which it was made, others said it was about whether to build a bridge, and still others say its purpose was to come to consensus on a trail alignment.

#### Wild and Scenic Regulations

Some interviewees said there was “no mitigation allowed under the Wild and Scenic Rivers Act,” while other pointed out that the Wild and Scenic part of the Management Plan not only doesn’t prohibit a bridge, but it seems to encourage mitigation: “New bridges, transmission, gas or water lines will be discouraged. Where no reasonable alternative exists, adverse effects to scenic quality will be minimized by using existing rights-of-way and structures or burying lines (page 42).”

#### State Scenic Waterways Restrictions

Some interviewees said the Scenic Waterways regulations prohibit a bridge, and so there can be no bridge. Others said to allow a bridge would require a change in state law or regulations. Still others said no change would be needed, as there is a provision in the Scenic Waterways Act that allows a property owner to propose a change that is counter to the rules, be denied, and then after a period of a year (designed to allow the state to work with the property owner), the property owner can do as she pleases on her property. Still others said this latter provision applies only to persons, not to districts or other non-individual landowners. Still others said if that provision applies only to persons, the entire Act would probably apply only to persons.

While some characterized utilizing the one-year waiting period as failing to adhere to the rules, others pointed out that this provision was actually a part of the Act, and so abiding by this provision would not be acting counter to the rules or the Act.

#### Wildlife Presence

As noted above, some interviewees who have lived or recreated in the area for years disputed assertions by others (also including some who have lived or recreated in the area for years) that there is a significant amount of wildlife still in the area.

#### Conservation Easement

Some interviewees stated that the privately-owned Wildlife Sanctuary that is posted in the area is protected by a conservation easement (with some saying it was not adequate to truly protect the area). Others said there is no conservation easement, but county zoning protects it.

### Impacts at Rimrock

Some interviewees said there were significant negative environmental impacts from dogs and people at the Rimrock area. Others said there was some impact on small section of bank because users are concentrated, but the dog impact is less than that from humans; and that fluctuating river flows cause more streambank erosion than dogs.

### **Lack of Data**

Some interviewees emphasized the importance of doing a serious assessment of the wildlife utilization in the area, because there is no good recent assessment. Others emphasized that community data, such as the level of support of such a crossing, is also lacking.

### **Polarization**

Interviewees noted that many people involved with this issue are “dug in” and have polarized views. Some named as a barrier certain individuals, on all sides of the issue, who were viewed as holding their views so strongly that they would be an impediment to any community solution that didn’t closely align with their own views. Both opponents and proponents of a bridge expressed the view that the other side’s positions were “narrow and self-centered.”

### **Capacity of Stakeholders**

Some interviewees said BPRD has the capacity to address many issues at once, but the individuals and organizations that might be expected to participate in a collaborative process have less. They were concerned this might make it difficult to have real engagement, especially for a process that lasted as long as a year.

### **Laws and Regulations**

Some interviewees listed the Wild and Scenic and Scenic Waterways designations as a barrier to addressing their concerns. They said finding an option to connect the River Trail that complies with the Management Plan and state rules, or a legislative change that would allow a bridge, would be difficult. Others said they viewed the fact that the state cannot enforce the Scenic Waterways rules as a barrier to addressing their concerns.

### **BPRD’s Experience with Restoration**

Interviewees said the BPRD is not greatly skilled or experienced at addressing wildlife, habitat, and riparian restoration concerns. They noted that BPRD had just started with its own restoration projects (in conjunction with the Upper Deschutes Watershed Council [UDWC]) and so were unproven. Others said BPRD has experience in this area, and has restored more riverfront within the UGB than any other agency. They pointed out that BPRD has partnered with UDWC on riparian restoration since 2003.

### **POSSIBLE COMMON GROUND FROM INTERVIEWEES**

When asked whether they felt there was common ground among all stakeholders, interviewees had some ideas, as listed below. (Some interviewees said their own views were potential common ground, but those are not listed here when others expressed strongly-held and opposite views.)

- Access, exposure, and the opportunity for people to be outside is important, at least in part so they continue to invest in those places and steward them.
- We want to protect the values that brought people here: the outdoors, wildlife, views, landscapes, and quality of life.
- The river is a special part of our community and we need to protect its health.

- The issue of managing recreation on public land while protecting that land is difficult, especially for a community that celebrates outdoor recreation, and is growing, like Bend.
- Trails along the river are special and provide a different experience from trails not along the river.
- It's a fine idea to have a trail that connects from Tumalo to Sunriver.
- We should examine alternative solutions.

### POSSIBLE ALTERNATIVES FROM INTERVIEWEES

While interviewees were not asked for specific alternatives or solutions, some were offered. Some possible alternatives had to do with development of eastside trails.

- While some interviewees talked about the equity of connecting eastside residents with the Deschutes National Forest trails, others talked about the equity of building more trails on the east side.
- Interviewees said there is a "beautiful" eastside trail that connects Deschutes River Woods to Benham Falls Bridge through Lava Lands, and back through the Haul Road.
  - Others said this trail doesn't exist on the east side unless you walk on the railroad tracks. They also said while a trail on the east side could be built, it would be away from the river unless easements were obtained from the many homeowners on the east side whose property runs to the river's edge.
  - Interviewees also said a trail away from the river is not the same as, and is far less desirable than, access to the river trail.
  - Others said to build a trail through the lava would disrupt habitat.

Interviewees also had the following suggestions:

- There is a potential route for a trail starting on the west side, out to the new Visitor's Center, then south, crossing on Benham Falls existing bridge, then connecting via Lava Lands.
- No bridge is needed because trail connectivity already exists: people can cross the Bill Healy Bridge and travel along the Haul Road Trail, which leads to the Deschutes National Forest and ultimately to Sunriver.
  - Others said this was not a river trail and put trail users along a highway instead of in nature, which is much less desirable.
- Figure out if better management, sharing among different users (bikes, dogs, pedestrians), seasonality and hours restrictions, and restoration along the stream bank, especially at Rimrock, would help bring the elk back and meet the values that people have for the area, even with a bridge.
- BPRD could allocate funding for protection and restoration of the area impacted by any bridge, including Rimrock.
- A crossing might be acceptable where the canyon is so steep there are no homes there. Engineering would be difficult and the cost of a bridge there would be expensive, and there would still be issues with private lands.
- Move the bridge site inside the UGB, away from the Scenic Waterways reach, further downstream.
- Move the bridge site to Meadow Camp, on private property.
- Move the bridge site to Lava Island.
- Reduce the state Scenic Waterways reach to allow for the bridge, in order to make the rest of it rock solid. If it were reduced by half, that would be a big concession; if it were reduced by a quarter mile, it would not be such a big deal. (Note: this idea came from a bridge opponent.)

- Buy the right to build a trail at the existing pedestrian bridge downstream.

#### **INTERVIEWEES' PERSPECTIVES ON A COLLABORATIVE PROCESS**

Most interviewees were willing to consider and participate in a collaborative process on this issue. For some, it was a way to potentially find a creative solution for trail connectivity that everyone could agree to. For others, it would at least offer a path to increase mutual understanding and rebuild trust, even if a consensus did not emerge.

Interviewees offered many suggestions for what ground rules or approaches might be useful or not useful, and also had suggestions for who should be involved in any such process. Many of these suggestions have been incorporated in our recommendations. Please see Attachment D for interviewees' ideas.

## Recommendations

---

This section contains our recommendations to address the central question of the assessment: whether and how a collaborative agreement-seeking process might help address ongoing concerns about the alignment and construction of a trail segment to connect the Deschutes River Trail on the south end of Bend.

### **Introduction**

There is common ground among all interviewees: they all cherish the river, and they want to protect the river from environmental degradation. Many of those without easy access want to more fully experience the river in this reach, and those with access, particularly private access, are concerned that more users will denigrate their own experience, the ecosystem, or both. Recreational experiences along or near the river are clearly valued more highly than those away from the river.

Whether or not to build a bicycle and pedestrian bridge near the southern UGB of Bend—the narrow question that has embroiled many of the interviewees to date—is a manifestation of a broader issue facing the community: the tension between equitable recreational access and environmental protection in a growing area, especially with an overlay of private property rights. It is difficult to have a productive conversation solely about a particular bridge or river crossing in that context. To address this issue properly, the community would need to engage in a broader conversation: How do we want to manage this area that is valued by so many for so many different reasons?

Whether or not to engage in such a community conversation is discussed below.

### **Collaborative Opportunity**

Almost all the interviewees were in favor of a collaborative process as a way to have a civil conversation about these issues. Even some who were pessimistic about the possibility of achieving agreement saw value in a process that might rebuild trust and relationships.

There is no guarantee that a collaborative process would result in consensus or even broad agreement on the question at hand. Many stakeholders have strong and polarized views and mutual levels of distrust are quite high. The challenges would be many should a collaborative process ensue. BPRD has several options at this point, including forgoing the project of building a connection for the Deschutes River Trail in this reach of the river.

That being said, we believe that a collaborative process, deliberately designed with certain elements described below, holds the potential of being of value to the District and the community, both to provide an opportunity for rebuilding trust and to explore whether agreement could be reached. Should the District and stakeholders decide to explore this possibility, we recommend a stepwise approach with an evaluation at the conclusion of each step to determine whether it makes sense to proceed to the next.

### **Step 1: Trust-Building Conversations**

The trust issues raised in this report need to be directly addressed both in advance of and throughout any process, and indeed, should be addressed even if there is no process. Many



interviewees expressed distress at finding themselves at odds with other stakeholders on this issue and said they would like to repair those relationships.

As a first step, stakeholders would be invited to participate in one-on-one or very small group conversations with each other to begin the process of rebuilding trust. These voluntary conversations could be facilitated or mediated by a professional trained in helping people have difficult conversations.

Depending on the tone and outcome of these conversations, the process might proceed to the next step.

### **Step 2: Neutral Convenor**

Due to high levels of distrust discussed above, we recommend that a neutral outside convenor or leader be engaged for the remaining steps, to prevent any impression that BPRD is attempting to control the process or the outcome. This should be a person or persons with credibility who is highly respected by stakeholders of all points of view. Perhaps a former elected official or another community leader, or a pair or small group of such individuals, could be found to fill the role. An alternative might be to form a diverse group of involved stakeholders who could collectively serve as convenor.

It would be helpful if a convenor were engaged at this point to assist with the subsequent steps. The convenor's role might include, among other tasks, potentially forming a small group of stakeholders to serve as an executive committee for the process, retaining a facilitator, working with the facilitator (and executive committee, if one is formed) to develop process design options, issuing invitations to those who would participate in the process, and chairing meetings as appropriate. (Note that this convenor role is separate from the idea of retaining a facilitator to help with process design and implementation.)

In our view, BPRD would serve both as a participant in any ensuing process (with a Board member potentially serving in that role), and as a resource to any group that is formed (at the staff level).

It is possible that the convenor for the Joint Fact-Finding step might be different from the convenor for the Community Collaboration step.

### **Step 3: Joint Fact-Finding**

The large number of "disagreements as to fact" in this report speaks to the need to address and attempt to resolve those disagreements—or at least find a way to amicably agree to disagree on interpretation of facts. Here we are recommending this as a stand-alone preliminary step. There would likely be additional joint learning that takes place as part of the educational phase if a full-fledged collaborative process moves forward from here.

Joint fact-finding typically involves all sides of a conflict working together with experts to address factual disputes. Key elements are that

- Experts, decision makers, and key stakeholders from all sides of an issue work together.
- Information and resources are shared.

- The result is a single text embodying the sum of the joint efforts.<sup>8</sup>

When this step is completed, a decision would be made, based on how parties worked together and the outcomes, whether to proceed to the next step—or to an unforeseen interim step if that is indicated.

#### **Step 4: Community Collaborative**

If it is decided that a community collaborative should be convened, we recommend the following elements be adopted.

##### Convenor

A convenor should be selected, or the convenor that has been serving re-confirmed, for this step.

##### Facilitator

Retaining a trusted third-party facilitator, as the BPRD Board has indicated is their intention, will help to both increase trust in the process and ensure the process has integrity.

##### Process Development

Before any collaborative process begins, the convenor, facilitator, and a small group of key stakeholders should develop a proposed process to vet with potential participants. Elements of this proposed process could include those listed in this section of the report (scope, participants, funding, etc.), and perhaps more. During the vetting process, the process managers should be open to changing their draft plan to accommodate good ideas from potential participants.

##### Scope

The scope of the collaborative should be broader than just a bridge. It might include, for example, how to provide access, connectivity, and eastside recreational opportunities while protecting the natural resources the community loves.

This will not only address a community need; in addition, the broader scope will allow for more opportunities for tradeoffs and outcomes that could meet diverse needs of different stakeholders.

The actual scope should be developed with the convenor, the facilitator, and other key stakeholders (including BPRD) and should be thoroughly vetted with all participants early in the process or before it begins. We anticipate this could take a substantial amount of time and energy, and that the time invested here would provide a significant return as the process ensues.

##### Funding

There could be value in having multiple entities fund the process both to share the expense and to ensure there are no perceptions that one entity is controlling the process.

##### Stakeholders to be Involved

This collaborative process should include many or all of the individuals, agencies, and organizations that have been involved in the issue to date, including, as noted above, a BPRD Board member. Without listing all these, we point out a few categories that might otherwise be missed.

---

<sup>8</sup> See <https://www.beyondintractability.org/essay/joint-fact-finding> for more information.

Representatives from all neighborhoods and neighboring landowners with the potential to be impacted should be included. These should include many neighborhoods along the river, even those that previously have not been engaged, to avoid the potential problem of engaging them later after norms and relationships have been developed.

Organizations and individuals that represent populations that are traditionally underserved with recreational opportunities should also be invited to participate.

Also invited should be trail users and other stakeholders who do not live near the crossing site, and even some outside the District boundaries. Just as some interviewees pointed out that federal Wild and Scenic and state Scenic Waterways designations are not solely local issues, but rather of statewide or nationwide scope, so too relying only on the opinions of those near the crossing site would be incomplete, especially if the scope were broader. Even if the scope is narrow, the process should include participants who live away from the crossing site who believe they have a stake in the outcome.

In addition, representatives of governmental agencies, some of whom might be unable to participate at the consensus-building table, should be requested to serve as a resource to the group. These might include agencies such as the Deschutes National Forest, Oregon Department of Fish and Wildlife, U.S. Fish and Wildlife Service, Oregon Parks and Recreation Department, BPRD, and various local government transportation planners. Some of these might choose to attend every meeting, while others could be called in to help the group address specific issues.

#### Board Action

The District Board should be clear about what it will do with the results of any process. Specifically, they should consider under what circumstances they could accept no new bridge as an outcome, and be open about that with potential participants.

As a trust-building step, the Board should consider pledging to not initiate any bridge-building projects for the duration of the process.

#### Transparency

Throughout the collaboration, the process managers should ensure the strictest rules for transparency and integrity to enhance trust.

#### Allow Enough Time

Everyone involved should be willing to allow enough time for trust to be (re)built and for participants to develop relationships. Only when that happens will people be able to be creative and honestly consider alternatives that are not their own.

Participants should assume that this process would last, at a minimum, a year, in order to rebuild trust, address the differences as to fact, identify values and criteria for success, generate alternatives, evaluate alternatives, and then choose among alternatives.

#### Consensus

The full group should discuss and decide on a definition of consensus at the outset of the process. Consensus can be defined in many different ways; one of the most common is that everyone's point of view has been heard and understood, and everyone can live with the proposal. The advantage of

adopting a consensus decision-making rule is that it would be clear that any outcome would be acceptable to all parties at the table, and it gives parties an incentive to not just reject proposals but rather to work to find ways that a proposal could be made acceptable to everyone.

If the BPRD board can commit to implementing a consensus proposal (flowing from a consensus-based process in which they have fully participated), this would offer an incentive for individuals to find a way to achieve consensus as opposed to relying on the relative uncertainty of a legislative or litigated solution. This idea, as well as other details such as the definition of consensus, could be vetted as part of the detailed process proposal.

### **Summary**

A well-designed and skillfully led community collaboration with participants fully participating in good faith could help rebuild trust among stakeholders, and might find a way to balance environmental protection, social equity, and recreational access. Should this be determined to be an appealing option, whether a collaboration is truly indicated should be carefully considered with a series of pre-collaboration steps to determine feasibility and potential.

## Attachment A: BPRD Board of Directors Resolution

---

### BPRD RESOLUTION NO. 409

#### A RESOLUTION OF THE BEND METRO PARK AND RECREATION DISTRICT BOARD OF DIRECTORS

#### ADOPTING PROCEDURES FOR A COMMUNITY PROCESS TO DETERMINE BEST ROUTE AND METHOD TO CONNECT THE DESCHUTES RIVER TRAIL ALONG BEND'S SOUTHERN BOUNDARY

**Whereas**, Bend Metro Park and Recreation District (the "District") has a responsibility to plan for connectivity of the Deschutes River Trail, equitable access to outdoor recreation and education opportunities throughout the District, and fully account for impacts to fish and wildlife habitat in the process; and,

**Whereas**, since the conclusion of the 2017 State legislative Session, the District has taken no action to pursue a bicycle and pedestrian bridge across the Deschutes River at or near Bend's southern boundary,

**Whereas**, in the District's 2017 comprehensive plan needs analysis, trails were the top ranked need among Bend residents; and,

**Whereas**, a bicycle and pedestrian bridge at or near Bend's southern boundary is included in local transportation system plans, recommended in the Deschutes National Forests Alternative Transportation Feasibility Study (2015), is identified in the District's system-wide trails plan, and is one of several projects specifically called for in Measure 9-86 (2012); and,

**Whereas**, trails offer healthy recreation and transportation options to communities, allowing people of all ages to walk and bike to key destinations, engage with community and connect with nature; and,

**Whereas**, the District believes the best way to build the next generation of conservation supporters involves opportunities for them to enjoy the outdoors in an environmentally sound manner; and,

**Whereas**, the District is the park and recreation provider for the City of Bend and manages 49 percent of the riverfront within the District boundaries; and,

**Whereas**, the District has a history of rehabilitating riverfront habitat along the banks of the Deschutes River on properties owned by the District and is committed to continuing and improving upon past work with community partners to rehabilitate and manage riverfront habitat; and,

**Whereas**, the District recognizes that there have been past processes, including an Oregon Park and Recreation Department (OPRD) process about whether to alter scenic waterway rules and a District process to select a desired trail alignment for a possible bridge, and that neither process fully considered conservation goals within the reach of the river where a potential bridge may be located; and,

**Whereas**, the District proposes to participate in a broad community process to develop and build community support for a preferred trail alignment connecting the Deschutes River Trail along the Deschutes River;

**Whereas**, the preferred trail alignment should offer net benefits to nearby fish and wildlife habitat; and,

**Whereas**, the District has a responsibility to ensure that habitat impacts of recreation are minimized to the greatest degree possible. Wherever possible, investments in outdoor recreation and education are accompanied by conservation investments and seek to provide habitat improvements.

**NOW THEREFORE**, the Board of Directors of the Bend Park and Recreation District does hereby resolve as follows:

1. The District supports a process to consider connection of the Deschutes River Trail, conducted by a neutral, third-party facilitator with demonstrated expertise and success facilitating natural resources, recreation and community issues.
2. The fundamental question that the process would seek to address is: "How should the community provide for trail connectivity in this reach of the Upper Deschutes River to provide for human needs while seeking to provide a benefit to fish and wildlife habitat?"
3. The District understands that a community process may not lead to a bridge across the Deschutes River at or near the location in question. Conversely, the District would hope that other participants accept the possibility that a bridge, if properly designed and conditioned upon achieving certain conservation outcomes, may stand out as the preferred alternative.
4. The District supports a data-driven process informed by the most current assessments of the impacts of recreation activities, trails and bridges on river ecosystems and wildlife habitat within the area in question, as well as the growth and development projections for the Bend metropolitan region. The process should include an assessment and evaluation of past, present and desired future conditions in order to identify the most appropriate ecological outcomes.
5. The process will fully consider conservation measures, including both rehabilitation and operational, that would seek to provide a benefit to fish and wildlife habitat while providing for trail connectivity in partnership with the USFS and conservation groups.
6. The District supports a community process where participants would include a group of representatives from different stakeholder groups (to be vetted by the facilitator) including:
  - Community and neighborhood interests
  - Recreation interests
  - Conservation and environmental interests
  - Relevant local, state and federal agencies including the United States Forest Service, Oregon Department of Fish & Wildlife, Oregon Parks and Recreation Department, City of Bend, Deschutes County and Bend Park and Recreation District.
7. The District resolves to honor any broadly-supported outcomes that aim to complete the Deschutes River Trail and asks other participants to do the same.
8. District will not pursue any other avenues to plan, develop or construct a bridge within the Upper Deschutes River, or support such activities by others, while this process is underway and until it has concluded.
9. District supports a timely initiation of these procedures. District's goal is that such a process would not only resolve a very complex local matter in the context of a specific State Scenic Waterway, but participants in the collaborative process would gain a better understanding of how to address concerns over recreation projects on Scenic Waterways statewide. We ask the State Legislature to take into consideration the potential for collaborative problem solving among local conservation, environmental, recreation and community interests.

**ADOPTED** by the Board of Directors on this 20th day of February 2018.

/s/ Nathan Hovekamp, Board Chair

Attest:

/s/ Don P. Horton, Executive Director

## Attachment B: Interview Questions

---

### **Oregon Consensus/BPRD Southern Connection Project Issues Assessment Interview Protocol**

Note: These questions were used as a starting point of the interview. Other questions may have been posed if they flowed from the conversation.

#### **INTRODUCE MARY ORTON AND THE PROCESS**

- I am a mediator with a practice in public policy issues and disputes. Been doing this work all over the country for about 20 years. I live just outside Bend.
- As you may recall from the email, I work with the Oregon Consensus program as an affiliated practitioner. Oregon Consensus is Oregon's legislatively established program for public policy consensus building and conflict resolution - providing assessment, facilitation, mediation and other services to communities, public entities, and their stakeholders on complex public policy issues - like this one!
- I was retained by Oregon Consensus to talk with stakeholders regarding the issue of a southern connection for the Deschutes River Trail, in order to determine whether a collaborative, consensus-based process might be feasible and productive.
  - From the District Board resolution: "The fundamental question that the process would seek to address is: 'How should the community provide for trail connectivity in this reach of the Upper Deschutes River to provide for human needs while seeking to provide a benefit to fish and wildlife habitat?'"
- I will make a written report from these interviews. This report will include all the major points that I hear during the interviews. It will also include my analysis and recommendation about whether a collaborative process should be undertaken, and if so, how.
- While the report will include a list of everyone I interview, none of your comments will be attributed to you by name. Also, if you ask me to keep something private, I will not mention it at all in the report or to anyone.
- You will have a chance to review the draft report before it is finalized.
- My code of ethics requires that I disclose potential conflicts of interest. For two years ending in 1999 (almost 20 years ago), I was Southwest Regional Director of American Rivers, a national conservation organization. Since then, I have had a mediation practice as a third-party neutral, primarily in the public policy and natural resources arena. I do not believe my background would impair my ability to be impartial. If you have any concerns, please let me know. You can also alert Turner Odell of your concerns, if you prefer: he is senior project manager with Oregon Consensus and is OC's primary contact for this project.

#### **INTERVIEW**

1. Please tell me about you: your background (and your organization, if any).
2. How have you been involved to date with the southern connection for the Deschutes River Trail?
  - a. (If not already answered:) What are your connections, concerns, and interests?
3. What are the barriers or obstacles to addressing your concerns?
4. Where do you think there is common ground? What do you think are the things everyone could agree on?

5. If there were no collaborative, inclusive process to address these issues, what would you do?
  - a. What would be your best-case outcome?
  - b. What would be your worst-case outcome?
6. If there were a collaborative process regarding a southern connection for the Deschutes River Trail:
  - a. What do you think could be accomplished?
  - b. (Would you continue with your current efforts, do you think?)
  - c. Who should be involved?
  - d. Would you want to be involved?
  - e. What approach or ground rules would be useful? Not useful?
7. Who else should I interview on this topic? (Please note, while I cannot commit to interview everyone you suggest, I will interview as many as I can.) People invited to an interview to date:

**Neighbors**

Eastside River Rim: Larry Waters

Westside Bachelor View: Bob Brell

Westside Bachelor View: Tim Phillips

Westside Sunrise Village: Cynthia Eckoff

**Agencies**

Bend Park and Recreation District Board: Ellen Grover

City of Bend: Sally Russell

Confederated Tribes of Warm Springs: Bobby Brunoe

Deschutes County transportation planner: Peter Russell

Metropolitan Planning Organization: Tyler Deke

Oregon Department of Fish and Wildlife: Corey Heath

Oregon Parks and Recreation Department: Chris Havel

US Forest Service: Kevin Larkin

**Environmental and Recreation Organizations**

Bend Paddle Trail Alliance: Jayson Bowerman

Central Oregon Landwatch: Paul Dewey

Central Oregon Trails Alliance: Woody Keen

DogPAC: Val Gerard

Oregon Wild: Erik Fernandez

Trout Unlimited: Shaun Pigott

Upper Deschutes Watershed Council: Ryan Houston

8. Is there anything else I should know?
9. Do you have any questions?



## Attachment C: Interviewees

---

### INTERVIEWED

Jim Baker, DogPAC

Jayson Bowerman, Bend Paddle Trail Alliance

Bob Brell, westside neighborhood (Bachelor View), and former Century West Neighborhood Association Chair

Greg Bryant, Deschutes River Woods Neighborhood Association

Brad Chalfant, Deschutes Trails Coalition\*

Jim Clinton, eastside neighborhood

Judy Clinton, eastside neighborhood

Tyler Deke, Metropolitan Planning Organization

Cynthia Eckoff, westside neighborhood (Sunrise Village HOA)

Erik Fernandez, Oregon Wild

Val Gerard, DogPAC

Ellen Grover, BPRD Board Member

Chris Havel, Oregon Parks and Recreation Department

Louise Hawker, eastside neighborhood

Corey Heath, Oregon Department of Fish and Wildlife

Don Horton, Bend Park and Recreation District

Ryan Houston, Upper Deschutes Watershed Council (now working for Oregon Natural Desert Association)

Woody Keen, Central Oregon Trail Alliance

Kevin Larkin, Deschutes National Forest, US Forest Service

Tim Phillips, westside neighborhood (Bachelor View)

Shaun Pigott, Trout Unlimited

Mike Riley, The Environmental Center

Nikki Roemmer, Oregon League of Conservation Voters

Peter Russell, Deschutes County transportation planner

Sally Russell, City of Bend

Karen Swirsky, City of Bend transportation planner

Stosh Thompson, westside neighborhood (Bachelor View) and Director of the Thompson Wildlife Sanctuary

Bridget Tinsley, Oregon Parks and Recreation Department

Larry Waters, River Rim Homeowners Association

\* Brad Chalfant's comments reflected his personal observations, as the Deschutes Trails Coalition has neither reviewed nor taken a position on the project.

### DECLINED TO BE INTERVIEWED

Bobby Brunoe, Confederated Tribes of Warm Springs

Paul Dewey, Central Oregon LandWatch

Bridget Moran, US Fish and Wildlife Service

Bill Moseley, City of Bend

Gail Snyder, Coalition for the Deschutes

Southwest Bend Neighborhood Association

## Attachment D: Process Ideas from Interviewees

---

### **Approach Ideas from Interviewees**

Interviewees had the following suggestions when asked what ground rules or approaches might be useful or not useful.

#### Convenor and Funding Ideas from Interviewees

- An entity other than the District should be in charge of collaborative process.
- Financial support for a collaborative process should come from outside the BPRD.

#### Participant Ideas from Interviewees

- The group needs to be carefully constructed with balanced interests.
- BPRD should be equal to every other member of the group.

#### Process Ideas from Interviewees

- Make sure the process has integrity and there is transparency.
- Figure out what everyone can agree to.
- If a consultant is retained, ensure that person is not promoting her own agenda.
- BPRD has to be open to a “no bridge” answer, and say if that is the result of the process, they will stop pursuing a bridge.
- Provide clarity on how the BPRD Board will respond to what comes out of the process.
- Have the group elucidate their values and a vision for the future. Give everyone a chance to hear everyone’s positions and interests.
- The group could define some alternatives for trail connectivity and identify what information was needed to evaluate those alternatives. The BPRD could then pay for assessments or studies if information were not available.
- Develop wide support for a trail that connects east and west or both to Lava Lands and Sunriver, and then hand off that project to the Forest Service, BPRD, and OPRD to coordinate agencies to work on it.

#### Decision Making Ideas from Interviewees

- While private property concerns should be a consideration, they should not be a controlling consideration.
- Resource considerations at the proposed location have to be weighed. All data should be evaluated to determine the best options for a connection point.
- Clearly define how decision-making will occur.
- Give participants adequate time to make decisions.

#### Logistics Ideas from Interviewees

- Record meetings and make videos available online.

#### Scope Ideas from Interviewees

- Give clear scope and context to the group.
- Make sure the scope is broader than just a bridge: make it about connectivity.
- Create a master plan from Meadow Camp or Widgi Creek to the Central Oregon Irrigation District diversion, or the Upper Deschutes Wild and Scenic river corridor, that acknowledges the

reality of the many people using the trails and river, the new Pahlisch development, River Rim Park, and Rimrock, and addresses how to manage transportation and recreation in the corridor. Address all the restrictions, habitat needs, recreation desires, and mandates of the various land management agencies.

- The scope should include a broad look at trails:
  - Part of the District's comprehensive plan is to expand non-river trail opportunities. The group should look at its job in the context of larger trail build-out in the District.
  - Broaden the discussion to address how far to go on development of all these trails.
  - The conversation should be about a more expansive, inclusive, and inviting trail system, not solely a bridge.
- Address growth head-on: congestion in recreation areas is happening everywhere in the state and will continue. Have an honest community conversation about growth and how to manage it without sacrificing resources, while getting what we need.
- Clearly define terms from the BRPD Board resolution if that is still in play; e.g., "broadly supported." Should it "seek to benefit" or should it benefit?
- Address unregulated travel (people going off trail).
- Address social equity issues for underserved low-income people and increased access to public areas.
- Recognize the need and create the urgency to actually manage these areas that have been lost to development. There needs to be more management and much better management.

#### Outreach Ideas from Interviewees

- Engage the entire district population, including some kind of polling or survey.
- Allow for public comment and input with broad public outreach.

#### Ground Rules and Operating Procedures Ideas from Interviewees

- There should be clear ground rules and operating procedures developed by the group.
- No one should work outside the collaborative process to get what she wants (legislature, litigation, public relations, ballot initiative, etc.).
- No surprises if you plan to go outside the collaborative.
- Participants should be required to attend and cannot just show up for the decision-making meeting.
- Participants will need to explain why they have the positions they have.
- Define consensus as "I can live with the proposal."
- Participants should work for the benefit of the community.
- Participants should treat others with respect.
- Participants should say what they believe is true.
- Participants should make a commitment to understand issues and respect others' points of view.
- Participants should be open to various solutions.

#### Education Ideas from Interviewees

- Make sure the discussions are fact-based.
- Allow time for mutual education and information sharing on the part of all stakeholders.
- Have reliable data that shows impacts of alternatives on environment, wildlife, or ecosystem.
- Make sure people understand the rules for the Scenic Waterways and Wild and Scenic designations on the Upper Deschutes.

- Participants need to know:
  - What is impact from bridge building?
  - What would it cost?
  - How many people would use it?
  - What wildlife in what numbers are in the area and would be negatively impacted?
  - What is the usage and impact of dogs and dog owners at Rimrock?
  - What is the big picture of trails in the District?

#### Relationships Ideas from Interviewees

- Give the people at the table the opportunity to get to know each other, build relationships, and rebuild trust.

#### **Ideas for Participants from Interviewees**

In answer to a question about who should be involved, all of the following persons, entities or groups were mentioned at some point by one or more interviewees.

#### Governmental Agencies

All signers of the original Management Plan (see pages 4 and 5 of the Management Plan)

Bend Metropolitan Planning Organization

Bend Park and Recreation District: Executive Director Don Horton and all Board Members

City of Bend (elected and appointed officials)

City of Bend climate action staff

Deschutes County (elected and appointed officials)

Deschutes National Forest (U.S. Forest Service)

Oregon Department of Fish and Wildlife

Oregon Department of Land Conservation and Development

Oregon Department of State Lands

Oregon Department of Transportation

Oregon Parks and Recreation Department

U.S. Fish and Wildlife Service

#### Neighbors and Neighborhood Organizations

Bachelor View neighborhood

Brookwood area residents

Citizens Advisory Committee members from 2014

Jim Clinton, eastside resident

Deschutes River Woods Homeowners Association (HOA)

Eastside residents who want to see a connection

Landowners

Neighborhood Leadership Alliance

Neighbors to all prior proposed bridge sites

Tim Phillips, Bachelor View neighborhood

River Canyon Estates HOA

River Rim HOA

Southeast Neighborhood Association

Southwest Neighborhood Association

Stosh Thompson, Bachelor View neighborhood

Sunrise Village HOA

Organizations and Non-Profits

American Rivers  
Audubon Society  
Bend Bikes  
Bend Endurance Academy  
Bend Paddle Trail Alliance  
Central Oregon Land Watch  
Central Oregon Trails Alliance  
Central Oregon Visitors Association  
Coalition for the Deschutes  
Commute Options  
Deschutes Land Trust  
Deschutes Trails Alliance  
Deschutes River Coalition  
Deschutes River Conservancy  
DogPAC  
The Environmental Center  
Great Old Broads for Wilderness  
Oregon Wild  
Oregon League of Conservation Voters  
Trout Unlimited  
Upper Deschutes Watershed Council  
Visit Bend  
WaterWatch of Oregon

Businesses

Commercial connections to the trails  
LOGE Camps (the former Entrada Lodge)  
Pahlisch Homes  
Sun Country Tours

Others

Basin Study Work Group participants (Central Oregon irrigation districts, cities, environmental organizations, and others)  
The broader community  
Environmental community (local and statewide)  
Environmental experts  
Local and statewide legislators  
Low-income advocates  
Organizations that work with at-risk youth (e.g., Boys and Girls Clubs)  
Pedestrian advocacy organizations  
People who have been involved in collaborative processes who have seen them work well  
Recreation advocates  
Schools  
Social service organizations that serve underserved communities  
Someone involved in non-motorized transportation planning for the region  
Someone who can explain how the laws work

Taxpayers

Trails advocates

Users and user groups of all kinds: hikers, runners, bikers, etc.

Wildlife biologists

**BMPRD RESOLUTION NO. 419**  
**A RESOLUTION OF THE BEND METRO PARK AND RECREATION DISTRICT BOARD OF DIRECTORS**  
**PROVIDING DIRECTION RESULTANT TO THE OREGON CONSENSUS REPORT ON SOUTH UGB**  
**DESCHUTES RIVER CONNECTION**

**WHEREAS**, the Bend Park and Recreation District has been working on expanding the Deschutes River Trail to the South into the US Forest Service Deschutes National Forest, and;

**WHEREAS**, Bend is a fast-growing urban area surrounded by public lands; and

**WHEREAS**, the south UGB bridge has been a community goal for more than 20 years as demonstrated in the City of Bend Transportation System Plan and Urban Trails Plan, subsequent in BPRD trail plans and most recently in the 2015 Deschutes National Forest Alternate Transportation Plan, and;

**WHEREAS**, in the District's 2018 Comprehensive Plan needs analysis and previous plans, trails were among the top ranked community need, and;

**WHEREAS**, the voters of the District voted in favor of making a southern connection as a part of the 2012 voter-approved Bond Measure, and;

**WHEREAS**, after being part of a voter-approved bond, it has been the subject of several public processes with diverse purposes and outcomes, as well as two unsuccessful legislative attempts to prohibit a bridge, and;

**WHEREAS**, the Bend Metro Park and Recreation District Board of Directors adopted Resolution 409 adopting procedures for a community process to determine the best route and method to connect the Deschutes River Trail along the urban growth boundary/US Forest Service interface, and;

**WHEREAS**, Oregon Consensus, a third-party facilitator established by the Oregon Legislature, was retained to help determine whether conditions are ripe for collaboration and if so, how the process should be designed for the greatest likelihood of success, and;

**WHEREAS**, the Oregon Consensus report found that the concerns of stakeholders are complex and include wildlife, the ecosystem, social equity, access, neighborhood impacts, private property rights, and erosion of environmental protections.

**WHEREAS**, based on the report's finding, the Board of Directors for Bend Metro Park and Recreation District believe that focusing efforts to expand opportunities and trail connections throughout Bend among other strategies will help build a shared community vision for our trail system.

**NOW, THEREFORE**, let it be known that the Bend Park and Recreation Board of Directors directs staff to do the following:

- Postpone the southern Deschutes River Trail connection project until such time that the District, other agencies and the broad community share a vision on how to proceed; and,

- Focus efforts on existing Deschutes River Trail riparian areas in partnership with the Upper Deschutes Watershed Council to identify and implement practical stream bank management practices; and,
- Focus District trail planning efforts to expand options and improve trail connectivity and user experiences throughout Bend; and,
- Engage in discussions with local, state and federal agencies about how to meet communitywide recreation and transportation and recreational trail needs as Bend's population grows; and,
- Communicate the District's long term trail planning strategies in order for trail users to better understand future trail opportunities and anticipated user experiences throughout the greater Bend area; and,
- Remove south UGB bridge project from the 2019 five-year Capital Improvement Plan and 10 year System Development Charge project list to show in good faith that the District will not pursue this project until/unless a collaborative community process occurs.



Brady Fuller, Board Chair

Attest:



Don P. Horton, Executive Director



**BOARD AGENDA COMMUNICATION**

<b>AGENDA DATE:</b>	October 4, 2022
<b>SUBJECT:</b>	Whitewater Park Update
<b>STAFF RESOURCE:</b>	Jason Monaghan, Facility Manager Ryan Richards, River Recreation Specialist Julie Brown, Communications and Community Relations Manager
<b>GUEST PRESENTER:</b>	Justin Rae, President, Bend Paddle Trail Alliance
<b>PREVIOUS BOARD ACTION:</b>	June 7, 2022 – Board accepted staff recommendations for reopening the surf wave and directed monitoring and revisit of the no-leash rule
<b>ACTION PROPOSED:</b>	None
<b>STRATEGIC PLAN:</b>	N/A

**BACKGROUND**

On June 7, 2022, the board of directors accepted the recommended equipment modifications, operational changes and reopening procedures for the surf wave at the Bend Whitewater Park as presented by staff. These recommendations included:

- Prohibit the use of leashes
- Install temporary signage explaining the no-leash rule and enhanced communications campaign promoting river safety
- Meet with Bend Fire Department to review and update the water rescue process and procedures, if applicable
- Install a district-owned and managed video camera at the whitewater park
- Install a larger air holding tank to speed up gate changes
- Install “sweepers” on the static wave blockers

The board requested staff return to a future board meeting with a report on user compliance with the no-leash rule over the summer, and more generally, the summer operations at the park.

Staff will present findings from data collected over the summer (see attachment A and B), additional steps taken since the last meeting, and plans for the future. Justin Rae from the Bend Paddle Trail Alliance will also present information about the loaner safety gear program and the status of planning for whitewater information sessions.

**BUDGETARY IMPACT**

None

**STAFF RECOMMENDATION**

None

**MOTION**

For information only.

**ATTACHMENTS**

Attachment A: River safety communications campaign summary report

Attachment B: Surf wave summer data summary



## River safety communications campaign summary report Summer 2022

**Overview:** To support new rules at Bend Whitewater Park and to increase awareness of river safety, a communications campaign was developed to reach an audience of local residents and visitors. The goals were to communicate new rules, articulate the differences between river and ocean surfing, and strongly encourage and facilitate use of safety gear.

**Signage:** These new signs were developed, manufactured and installed at Bend Whitewater Park.

<p><b>are you ready to surf?</b></p> <p>No matter how you board, prepare before you ride to lower the related risks of Class III whitewater.</p> <ul style="list-style-type: none"> <li>• <b>Ride leash-free.</b> To reduce entrapment, board leashes are prohibited. If leashes are observed, the surf wave will be flattened.</li> <li>• <b>River surfing comes with serious risks of injury and death.</b> A tragic accident has happened here.</li> <li>• <b>Have a buddy.</b> Put safety first and look out for each other. Don't surf alone.</li> <li>• <b>Wear a helmet and a life jacket/PFD.</b> A helmet can help protect you from impact on rocks and equipment; a PFD provides buoyancy.</li> <li>• <b>Fall flat and swim on the surface.</b> Bottom impact can break bones or knock you out.</li> <li>• <b>Never put your feet down when moving downriver in the current.</b> Foot entrapments can break bones or cause pinning and drowning. Swim to calm water.</li> </ul>	<p><b>are you ready to kayak?</b></p> <p>Prepare before you whitewater kayak to lower the related risks of Class III - IV whitewater.</p> <ul style="list-style-type: none"> <li>• <b>Wear a life jacket/PFD, whistle and helmet.</b> The PFD and whistle are required by law; the helmet helps protect you from rocks and equipment.</li> <li>• <b>Know your limits.</b> Only paddle within your skill and physical abilities.</li> <li>• <b>Whitewater kayaking comes with serious risks of injury and death.</b> Tragic accidents have happened on this river.</li> <li>• <b>Have a buddy.</b> Put safety first. Always have someone to assist, rescue and/or call 911.</li> <li>• <b>Gear up.</b> Only use a whitewater-specific boat and gear.</li> <li>• <b>Dress for immersion.</b> Wear proper apparel that can reduce your risk of hypothermia.</li> </ul>
<p><b>FOR EMERGENCIES, CALL 911.</b></p> <div>  <p>More information at <a href="https://bendwhitewaterpark.com">bendwhitewaterpark.com</a></p>  </div>	<p><b>FOR EMERGENCIES, CALL 911.</b></p> <div>  <p>More information at <a href="https://bendwhitewaterpark.com">bendwhitewaterpark.com</a></p>  </div>



**love the river?  
lose the leash.**

**here's why:**

- Reduce risks of entrapment and drowning.**  
Board leashes get caught on rocks and equipment and can pull and hold a river user underwater, drowning them.
- Leash releases are not reliable in rivers.**  
Unlike the ocean, a river's current is constant. The Deschutes River's current is very strong and can prevent a river user from activating a leash release, regardless of placement on the body.
- Keep the wave up for all.**  
Board leashes are prohibited here.  
If leashes are observed, the surf wave will be flattened.

**thank you for your cooperation.**

**FOR EMERGENCIES, CALL 911.**



More information at  
[bendwhitewaterpark.com](http://bendwhitewaterpark.com)



**river surfing  
is not ocean surfing.**

It's critical to know the differences.  
Wear a PFD and don't use a leash in the river.

RIVER		OCEAN
<b><u>The river's current never stops.</u></b> If a board leash gets entangled, it's nearly impossible to release.	<b>VS</b>	Ocean waters ebb and flow, giving one a chance for release if a board leash is entangled.
The river has recirculation hydraulics and eddies.	<b>VS</b>	The ocean has tidal changes and rip tides.
Fresh water is less buoyant.	<b>VS</b>	Salt water is more buoyant.

**FOR EMERGENCIES, CALL 911.**



More information at  
[bendwhitewaterpark.com](http://bendwhitewaterpark.com)



### **New videos:**

A series of new videos were produced to inform whitewater park users, specifically river surfers, about the no-leash rule. In addition to sharing the rule, the videos described how to fall with one's surf board and how to travel over the next wave feature (Cricket's) if needed.

- River surfing rules: [https://www.bendparksandrec.org/facility/bend-whitewater-park/#rules\\_safety](https://www.bendparksandrec.org/facility/bend-whitewater-park/#rules_safety) (661 views as of 9/20/22)
- Leash-free skills overview: <https://www.bendparksandrec.org/facility/bend-whitewater-park/#surfing> (1,528 views as of 9/20/22)

For a general river recreation audience, the "How to Float the River" video was also replaced with strong safety messaging, modeled behavior desired, and an authentic representation of the experience on a busy summer day.

- BPRD's Guide to Floating the Deschutes River: <https://www.bendparksandrec.org/float/> (Views: 2,726 as of 9/20/22)


### **Social media campaign:**

There were 39 social media posts shared on the Bend Whitewater Park Facebook page between April 30 and September 15. For the busy summer season, we coordinated a social media campaign titled "Bend Whitewater Park Social Series: Education, Community, & Safety Campaign," to help with our communication efforts. Every week, we shared 1-3 posts and/or videos that specifically focused on safety, education, and community. This was a combined effort between the Community Relations department and the River Recreation Specialists. The Education, Community, & Safety Campaign consisted of 28 social media posts during the high-use season.


Most of the posts and videos shared on social media received high engagement. Early in the summer, comments were focused on the tragedy that occurred at the end of April, with many people suggesting that we hire lifeguards to monitor the Bend Whitewater Park activity. Others expressed concern about the design of the park as well as resistance to the no leash rule. As time went on, comments became more positive and less contentious. By the end of the summer, most comments are focused on appreciation for the Bend Whitewater Park.

**Bend Whitewater Park**  
about 2 weeks ago

Did you know that the Bend Whitewater Park began with a partnership between Bend Park and Recreation District and the Bend Paddle Trail Alliance in 2007? Prior to the redevelopment of the riverbed in 2014-15, floaters and paddlers had to exit the river before the Colorado Avenue dam. The dam made the area impassible to migrating fish. Tenacious dedication, community support through a 2012 bond measure, general fund tax revenues, grants and private contributions resulted in the Bend Whitewater Park. Learn more at: <https://www.bendparksandrec.org/facil.../bend-whitewater-park/>




**Bend Whitewater Park**  
about 2 weeks ago



As a reminder, a "Share Your Experience" comment form is available on our website. You can submit anything you would like to share about your experiences using the Bend Whitewater Park. All input and suggestions are welcome. The link is available here: <https://www.bendparksandrec.org/facil.../bend-whitewater-park/>

**Boogie Boarding at the Park**  
Bend Whitewater Park



Reminders for boogie boarding:

1. Leashes are not allowed on any of the features at the park. This rule applies to boogie boarders as well. Please leave your leashes at home.
2. Limit your rides to under 1 minute.

See ya out there!

Wickiup: 1210 CFS  
Water Temperature: 62.2 F  
Wickiup Storage: 14%




18 likes, 1 comment, 1 share

**Bend Whitewater Park**  
about a month ago

It's a beautiful day at the Bend Whitewater Park! Are you a planning on surfing? If yes, please come prepared. Here are a few safety reminders.

- Wear a helmet. A helmet can help protect you from impact on rocks and equipment.
- Wear a well fitted PFD; it provides buoyancy.
- Leashes are prohibited.

Have you watched our River Surfing Rules video? Check it out at: <https://www.bendparksandrec.org/facil.../bend-whitewater-park/>

### **Paid advertising (radio and print):**

An advertising campaign was created to emphasize river safety. A new campaign was created to communicate "Straight-up Basics" focused on not tying up, not bridge jumping and using Park & Float for parking. It ran on local radio stations from mid-June to Aug. 31.



We also placed our Float the River Print Campaign 2022, encouraging use of proper gear, Park & Float and river shuttle and “Don’t drink on the river” focused on proper gear and avoiding alcohol use from May to September in the Old Mill Guide Early Summer Issue and Late Summer Issue, May – September; The Source Weekly – multiple issues, May – August; Bend Magazine – May – August issues; COVA Annual Visitors Guide; and Savvy 360 Bend (annual visitors’ guide and app).



**don't drink**  
and float on the Deschutes River

Before you float the river,  
have the right gear for a good time.






life jacket   durable tube   footwear   **nope**

Skip the alcohol.  
It's prohibited and carries a \$750 fine.

Maps & safety  
information at  
[bendparksandrec.org/float](https://bendparksandrec.org/float)






**float on**  
summer's not over yet!

Before you float the river, have the right gear  
for a good time.






life jacket   durable tube   footwear   no alcohol

Park & Float and the river shuttle end for the season on Labor Day.

Maps & safety  
information at  
[bendparksandrec.org/float](https://bendparksandrec.org/float)




#### Website information:

The whitewater park webpage, [bendwhitewaterpark.com](https://bendwhitewaterpark.com), always has strong viewership and it continues to be a valuable source of information. Page views have been very consistent over the past four years. This year, we reorganized the information and separated the floating information into its own webpage, [bendparksandrec.org/float](https://bendparksandrec.org/float) in recognition of the distinct audiences.

Pageviews	2019	2020	2021	2022	2022 total
/facility/bend-whitewater-park/	42,556	46,116	46,918	37,111	47,774
/float	-	-	-	10,663	
Top Locations	Total views	Avg. Time on Page			
Portland	4,625(12.51%)	0:02:32			
Bend	4,166(11.27%)	0:02:44			

Seattle	4,063(10.99%)	0:02:14
Los Angeles	3,486(9.43%)	0:02:07
(not set)	1,242(3.36%)	0:02:12
San Francisco	681(1.84%)	0:03:08
Redmond	522(1.41%)	0:03:02

### Community feedback:



River users have communicated via email, calls and with comments submitted to the website. The sign to the left was on site for 2+ weeks in September to invite additional input.

There were 19 messages received, expressing perspectives that believe break-away leashes should be acceptable and that leash-free surfing requires excessive swimming. There was also support for information sessions and other training opportunities.

We also received information about night-time surfing and concern about teens participating without supervision in low-visibility conditions. In addition, there were reports of toe and tailbone incidents that did not seek medical treatment. The majority of these comments were received in June. A small number of comments have been submitted from July to September.

## Share Your Experience

About Surfing at Bend Whitewater Park

Info and videos at:  
**[bendwhitewaterpark.com](http://bendwhitewaterpark.com)**



## Surf wave summer data summary

Since the June 7 board meeting, BPRD staff established a process to gather data on use at the Bend Whitewater Park. The intent of the data collection was primarily to observe and document the no-leash rule that had been instituted for all board usage with a focus on surfers at the “green wave.”

Staff also documented the safety equipment used, experience after exiting the wave, as well as number of boogie boarders and kayakers at the park.

Data collection began on June 29 and concluded on Sept. 9. We asked staff to vary the days of the week and times of their observations to gain a well-rounded perspective of the usage at the park. The information collected from staff was then compiled into a spreadsheet for further analysis.

In all, staff completed 57 site visits totaling 60.5 hours of observation.

Below are some brief definitions of the categories that were documented as well as a chart with the total numbers.

- **Total surfers-** Number of individual patrons that surfed the wave during the observation period. This count includes the number of surfers on site upon arrival and surfers that would arrive throughout the observation session.
- **Total surfers with leash-** Number of surfers observed with a leash attached to board and entering the surf wave.
- **Total rides-** This number includes every time a surfer entered the surf wave during an observation period.
- **Helmet-** Number of individuals observed wearing a helmet while surfing.
- **PFD-** Number of surfers wearing a PFD (life jacket) while surfing.

<b>Total Surfers</b>	<b>Total surfers with leash</b>	<b>Total rides</b>	<b>Total with helmets</b>	<b>Total PFDs</b>
1,044	0	4,454	170	102



July 19, 2022

## **CONSENT AGENDA**

1. Minutes: 07/05/2022

***Director Méndez made a motion to approve the consent agenda. Director Borja seconded. The motion passed unanimously, 5-0.***

## **BUSINESS SESSION**

1. Authorize the Executive Director to Negotiate and Execute a Contract for the Human Resources Management System Agreement (software) – *Justin Sweet*

Mr. Sweet said this agreement is for a three-year contract and explained the annual amount and training costs.

***Director Méndez made a motion to authorize the executive director to negotiate and execute a contract with Paylocity for a Human Resources Management System for a three-year amount not-to-exceed \$335,000, and to authorize the executive director to execute annual contract extensions through June 30, 2042, or until such time that the HR Management System is no longer meeting our needs. Director Borja seconded. The motion passed unanimously, 5-0.***

2. Approve JSFC Outdoor Pool Renovation Contract – *Matt Mercer and Justin Sweet*

Mr. Sweet explained the request for proposal (RFP) for the pool renovation, two bids were received. One was not responsive and the other was significantly over budget. He said he is asking the board to approve awarding the bid to the lowest responsive bidder after going out to bid a second time.

Mr. Mercer said that the latest information received indicates that prices are going up than originally estimated on this project and asked for a larger budget than previously planned.

***Director Méndez made a motion to authorize the executive director to award and negotiate a contract with the lowest priced responsive and responsible bidder for the JSFC Outdoor Pool Renovation Project for an amount not to exceed \$350,000 and that if the bid amount plus the materials purchase amount is greater than the adjusted budget of \$400,000, including contingencies, all bids will be rejected. Director Hovekamp seconded. The motion passed unanimously, 5-0.***

3. Approve Preferred Concept for Little Fawn Park – *Ian Isaacson*

Mr. Isaacson reviewed the process to choosing the preferred concept of the park design. He spoke about where the park is located, the size and current site.

Mr. Isaacson reviewed the public outreach that included a bilingual survey, open houses in Spanish and English and said there were 150 participants. He reviewed the initial conceptual park designs that the participants had to choose from. He added that detailed feedback was obtained at a second open house that had 60 attendees.

He reviewed the preferred concept that included:

- Preferred park layout
- Preferred standard park features
  - Natural space
  - Shaded lawn
  - Multi-use path
  - Picnic shelter
- Preferred Unique Park features
  - Art, enhanced topography
  - Half court for basketball
- Preferred playground features
  - Belt swings
  - Hillside slide
  - Balls
  - Spinning climber
  - Tot swing
- Proposed Fencing
  - Strategic placement of cedar split rail fence and chain link fencing

Mr. Isaacson shared that staff was unable to secure a bus stop or shared parking and said sidewalks in the area are limited. There is not an enhanced or marked crossing, but one is planned nearby by and the city is planning two additional crossings further up the road. The preferred parking plan included an eight-stall parking lot with one ADA space.

***Director Borja made a motion to approve the Little Fawn Park preferred concept plan. Director Hovekamp seconded. The motion passed unanimously, 5-0.***

#### 4. Approve Park Event Rentals Policy – Michael Egging and Becky Rexford

Mr. Egging said a draft Park and Event Rentals policy was introduced in February and staff engaged with several stakeholders, had meetings with other agencies in town and businesses that hold events in parks and some neighborhood associations.

Ms. Rexford said the feedback received was positive and people were thankful to be involved in the process. No changes were proposed to the draft policy in these meetings. She said staff learned that people and groups that rent the shelters and park spaces may need more information about what they are getting and what the rental team does.

Mr. Egging said Riverbend and Drake Parks are the most popular event parks and staff's goal is to shift more events to other parks so that these parks are not overused and create conflict with parking and other events in the surrounding areas. Event staff schedules around the concert schedule. Mr. Egging added that this policy allows staff to be nimbler in making decisions for events.

***Director Hovekamp made a motion to adopt the Event Rentals in Park Policy as presented and to abolish the board approved 2009 Community Special Events Policy. Director Méndez seconded. The motion passed unanimously, 5-0.***

#### **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Horton gave updates on:

- The Alpenglow Park grand opening was successful, feedback was good and neighborhood focus was appreciated. He said it was a good test run of the event space to better understand what works and what doesn't.
- Grant spending has allowed staff to increase the funding level of the district's scholarship program, allowing for more participants. Staff has also been giving out summer facility passes to lower income families for free use of district recreational facilities.
- Staff is conducting survey work to better understand the needs of Farewell and Riverbend Parks when the parking lots go away. He invited the board to participate in the survey work.

**PROJECT REPORT** In Board Packet

#### **BOARD MEETINGS CALENDAR**

#### **GOOD OF THE ORDER**

- Director Méndez said we should look at the calendar to schedule time to discuss SDC waivers. He Expressed gratitude to staff for the pet parade, the Alpenglow Park grand opening and the new event policy that allows staff to be responsive and competent in their work. He said on July 7 he met with city staff and councilors, the chief of police joined to discuss the Freedom Ride. He shared his concerns that this event has morphed into a heavy alcohol and drug induced party. They discussed a plan to help get this organized into a safer and better event. In addition, he mentioned the new Bird Bikes, overall complaints are diminishing and use is high. Director Méndez said the South UGB bridge and South Canyon property are tied to the city's comprehensive plan which would have to be changed.
- Director Kropf agreed that the Alpenglow grand opening was a great event, he said it was amazing to see so many people and children enjoying themselves and he appreciated the announcements at recent events have been in Spanish and English.
- Director Borja expressed his gratitude to staff for putting on two great back to back events.
- Director Schoen commented that back to back special events (July 4 and Alpenglow) is difficult to do without an events department to do the work. She said all went well and staff did a great job. She said she was in Alpenglow Park the day after the grand opening and observed several birthday parties going on and noted that the park was clean and ready for people to use. She commended the work for providing bilingual announcements and expressed her appreciation for Kathya and her work to make this happen.
- **ADJOURN** 7:12 pm

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

Prepared by,

Sheila Reed  
Executive Assistant

---

Deb Schoen, Chair

---

Nathan Hovekamp, Vice-Chair

---

Jason Kropf

---

Zavier Borja

---

Ariel Méndez

September 6, 2022

## AGENDA

<https://www.bendparksandrec.org/about/board-meeting-videos/>

Deb Schoen  
Jason Kropf  
Nathan Hovekamp  
Zavier Borja  
Ariel Méndez

Don Horton, Executive Director  
Michelle Healy, Deputy Executive Director  
Julie Brown, Manager of Communications and Community Relations  
Kristin Donald, Administrative Services Director  
Matt Mercer, Director of Recreation  
Brian Hudspeth,

## VISITORS

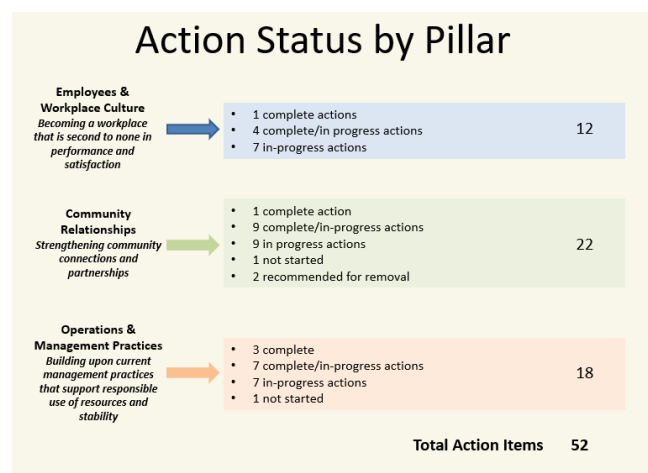
## WORK SESSION

- Ms. Healy discussed the plan history as:

- Adopted in 2019
- 23 action items have been added to date- total of 85
- September 2021 plan extended two years through FY 2023/2024

She reviewed the pillars and desired outcome of the plan. Ms. Colton reviewed the FY 21/22 Q3 and Q4 action item summary:

- 52 action items: 5 complete
- 20 complete/in progress
- 23 in progress
- 2 not started
- 2 recommended for removal



Ms. Colton reviewed the mid-year action item summary by pillar:

#### **Employee and Workplace Culture:**

- Sufficiently staffed with well qualified employees
- Employees have the opportunity to learn and grow
- A workforce that is heard, informed, involved and valued

#### **Community Relationships**

- The district is strategic about partnerships
- A community better informed about the district
- District services that are accessible to all
- Exceptional customer service and community experiences

#### **Operations & Management Practices**

- Staffing levels that are consistent with district growth
- Balance between caring for existing infrastructure and new development

- Be a local leader in environmental stewardship
- Financial well-being supported by strong business practices

#### **New Action Items:**

1. Out of district fees/registration priority
2. Improve registration processes and technology
3. Publish two magazines per year
4. Evaluate South UGB bridge project

#### **Action Items Recommended for Removal**

1. Develop a communications partnership plan
2. Create a partnership management plan

#### **Alignment of Executive Director Goals to the Strategic Plan**

- 8 goals
  - 7 directly align
  - Achievement of all goals in progress
- 2 actions added
- Goals will not always directly align with plan

#### **Performance Measures**

- Took to track progress
- 13 performance metrics developed to date
- Today's focus:
  - Existing metrics
  - Website metric

Ms. Colton reviewed the thirteen existing performance measures and website performance measures. She explained the staff looks at the number of annual page views on the parks and trails webpages over the calendar year. Despite the large increase in page views, there was not an increase in views divided by population; however, the performance metric documents the growing interest.

#### **River Capacity Analysis:**

- Addresses expressed capacity concerns
- Informed by discussions with National Park Service and Oregon State Marine Board
- Highlights district work to date

Ms. Colton spoke about the work to date in parks along the river. She said the key take-away is implementation of the River Plan is the best readily available tool to address the need for desired access, and habitat impacts to the Deschutes River.

Next, she reviewed the next steps

- Action items- FY22/23 Q1 and Q2 progress update Feb. 2023



- Performance Measures- annual update Feb. 2023
- River Capacity- continue to implement River Plan to improve access and habitat

## 2. Recreation Update – *Matt Mercer*

Mr. Mercer said he would cover the following topics:

- Summer season summary
- Kids, INC status report
- Registration Improvement Update

He reviewed the JSFC/Larkspur visits for 2019, 2021 and 2022. The 2022 number of visits showed a substantial increase over 2019 and 2021. He said the rebound from COVID has been strong and reviewed the total visits for lap, recreation swim, and swim lessons.

Mr. Mercer said that water fitness has increased, but land fitness has decreased. He added that land fitness has been the most affected by COVID nationwide. The fitness centers have almost doubled visits in 2022, with Juniper as the primary workout space.

Roller sports is a growing sport at the Pavilion including: open skate, roller hockey and roller derby. Youth Summer day camps continue to grow and the district has worked to increase capacity. Sport camps are slightly down due to less options that were able to be offered.

Mr. Mercer spoke about the outreach program. He said Outreach spends three nights a week in the community during the summer, offering 33 programs that include:

- Onsite programing and outreach
- Discover the Outdoors
- Housing Works partnership
- Movies in the Park
- Alpenglow Opening Celebration
- Friends of the Children Partnership

Summer scholarships increased and households qualifying also increased. The district gave \$200,000 in scholarships this year.

Kids, INC Status:

- Spaces available: 1000
- Children Served-1114
- Full time- 855
- Part time-259
- Wait list – 320
- Initial applications – 122
- Late applications- 198
- PT desiring FT- 137

- 64 positions filled
- 14-16 positions still needed to meet capacity
- 10 COCC/OSU Scholarship Students
- 1 High School Intern

#### Registration Trends:

Mr. Mercer explained that there was a perfect storm during the last registration process. The volume was unpredictable with more than 8,000 transactions in the first 6 hours. In addition, the following also occurred:

- BPRD public website went down for the first hour
- Registration link failed multiple times
- Hit internet bandwidth maximum often
- Internal server did not operate at full capacity (due to electrical storm the week prior)

In order to improve the registration process, Mr. Mercer spoke about the following technology and process changes:

- Add server capacity
- Upgrade internet speed from 100 mbps to 1 Gbs
- Move public website hosting for higher capacity
- Test and confirm prior to registration
- Implement queuing system with waiting room

#### Process Changes

- Stagger registration to spread out demand
- Decrease urgency by identifying programs that do not have capacity limitations
- Simplify check out process to speed time it takes to complete a registration
- Consider delayed start for out of district residents
- Consider waitlist limitations

### 3. Budget Committee Selection Process – *Kristin Donald*

Ms. Donald explained that there are three vacancies for the Budget Committee that will be filled at the end of this year.

The board discussed that they would like to see these appointments as a pipeline to the board, and place heavier weight to experience in the community over finance experience. The board suggested that questions could better reflect experience in the community, add a DEI question, and consider racial background for scoring. The board decided to replace a question with better wording with the discussion in consideration and keep the scoring system that is in place.

## **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Horton gave updates on the following topics:

- Vandalism has increased all over the district, restrooms are torn apart and graffiti is common. Staff cannot keep up with it all. Graffiti is normally cleaned up in 24 hours, but due to the rise in occurrences, staff needs more time to clean.
- The Fish Passage Committee, the facilitator's contract has ended and the committee is working on renewing it. The committee is interested in PacifiCorp owning the fish passage since they control the water and can funnel more through the passage.
- NRPA conference is the third week of September and the next regular meeting has been canceled.
- Whitewater Park Surf Wave evaluation coming in October. Staff will present data collected and recommendations.
- South UGB Bridge project will be on the agenda in October. Staff will provide history and invite a local group that has organized to speak to the board about their grass-roots effort.
- The district's five e-bikes have arrived. Staff has been training on the safe use and rules of the road. Replacement vehicles have been ordered, including an electric pick-up.
- Donation, a community member donated \$10,000 in his will to the district
- In response to the visitor tonight, this has come up before, religious groups in parks are allowed, but they are not allowed to interrupt patron's activities in parks.
- Employee Social is this Sunday at the Pavilion from 5-7 pm. Roller skating will be available and families are invited.
- Need two volunteers for the policy committee, Directors Schoen and Borja volunteered.

Director Schoen mentioned the SDC waiver program that is sunseting this year. Director Mendez said he would like to hear more about the program and its effectiveness from the city. Director Hovekamp added he would like to see if the savings were passed through to the tenants and asked how the money waived will be replaced for the district. Director Méndez would like to see a longer deed restriction. Ms. Healy said city staff are going to the city council in November for approval of their waivers. She said the waiver program ends December 31, 2022. Deed restriction is 20 years and home ownership had to meet AMI and restricted over 54 units results in only half of the units qualifying for the waiver, some types were excluded all together (shelters, Habitat Homes). The city has trouble estimating what will be built. Director Kropf expressed interest in putting this on the agenda and inviting the city to come to present. He shared his thoughts that the district should support this program for affordable housing. Executive Director Horton shared that the information has not been given to support that the 400 units built would not have been built without the waivers. Staff asked the city staff to meet early to discuss and this has not happened and the city is still moving forward. Director Hovekamp is interested in revenue neutral to the district. Executive Director Horton shared some examples of how the city could better partner with the district so that it goes both ways.

**PROJECT REPORT** In Board Packet

**BOARD MEETINGS CALENDAR**

**GOOD OF THE ORDER**

- Director Méndez made comments about the shooting in Bend. He said he appreciated the comments made by Director Schoen and the role that the district plays in kids lives. He said he attended an outreach event at Pine Nursery and shared some of his experiences that were connected to his decision to run for city council. He stated that if he wins the seat in November, he will step down from the park board in January 2023.
- Director Kropf said Welcoming Week starts this weekend and added that there will be a discussion on affordable housing.
- Director Schoen attended the Northpointe opening, the neighbors are very pleased with the park. She reminded the board to do their online training.
- Executive Director Horton asked the board to consider appointing a board member if the position comes open. He said that during the legislative session could make it hard for Director Kropf to attend and the board will need a quorum. Director Schoen agreed that this may be the best option.

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

Prepared by,

Sheila Reed  
Executive Assistant

\_\_\_\_\_  
Deb Schoen, Chair

\_\_\_\_\_  
Nathan Hovekamp, Vice-Chair

\_\_\_\_\_  
Jason Kropf

\_\_\_\_\_  
Zavier Borja

\_\_\_\_\_  
Ariel Méndez

**BOARD AGENDA COMMUNICATION**

<b>AGENDA DATE:</b>	October 04, 2022
<b>SUBJECT:</b>	Preferred Concept Design for Sawyer Park Asset Replacement Project
<b>STAFF RESOURCE:</b>	Bronwen Mastro, Landscape Architect Brian Hudspeth, Development Manager
<b>PREVIOUS BOARD ACTION:</b>	November 16, 2021 – Sawyer Park Project Review March 01, 2022 – Approve Design Consultant Contract
<b>ACTION PROPOSED:</b>	Approve Preferred Concept Design
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Operations & Management Practices
<b>Outcome:</b>	A balance between caring for existing infrastructure and new development
<b>Strategy:</b>	Ensure the district is maintaining its adopted level of service targets

**BACKGROUND**

Sawyer Park is a 58.35-acre community park in northwest Bend that stretches along both sides of the Deschutes River. Formerly an Oregon State Park, it was dedicated to the district in 1980. Much of the park needs repair as it has gone beyond normal maintenance. The existing paving is rutted and pot-holed, and the park's layout and spatial planning needs to be reviewed and adjusted to meet current demand and safety concerns.

The district's 2018 Comprehensive Plan, which is the guiding plan for the next ten years of parks and recreation in Bend, identifies a renovation project at Sawyer Park. This project is included in the district's 2023-27 Capital Improvement Plan (CIP) for implementation. The scope of the project is to evaluate the capacity and location of the parking area, trails, landscaping and address ADA accessibility.

On November 16, 2021, the Board of Directors discussed the overall project scope and reviewed the findings of the parking study prepared by Lancaster Mobley, a local traffic engineering firm. After a lengthy discussion about parking, the board advised staff to move forward with the project design in anticipation of further discussion about parking and access needs during the planning effort.

On March 01, 2022, the Board of Directors awarded a Professional Design Services contract to GreenWorks P.C.

Staff recently completed two rounds of public outreach effort to develop the preferred concept design for the park. The outreach included a series of public involvement activities to inform the

design options and create the plan being presented to the board for consideration. The primary methods for outreach were targeted stakeholder communications, online surveys, public and partner agency meetings.

Staff developed a stakeholder contact list at the onset of the project. Stakeholders were notified of outreach efforts via phone calls and emails. The community was notified via the project website and social media posts. Staff attended neighborhood and agency meetings, conducted intercept surveys on-site and hosted a public open house to provide information about the project, answer community questions, and solicit feedback. Staff also conducted internal outreach to solicit feedback from BPRD staff.

Information received from meetings, online surveys, the opportunities and constraints of the site and the BPRD Development Standards were used to develop the three initial concept designs that were then refined into the proposed preferred concept. A summary of the outreach results was also sent directly to stakeholders and shared publicly during the outreach process.

Proposed features include relocating the parking closer to O.B. Riley Road, expanding the parking capacity, adding two crosswalks, adding a future bus stop, improving trail connectivity both for internal circulation and as part of the city's low stress network, improving ADA access, providing bike parking in multiple locations and habitat restoration. As a direct result of the outreach effort, permanent restrooms, extended accessibility improvements and additional picnic facilities have been added to the project scope, which respondents say will greatly improve their experience in the park. Due to the added scope, staff intends to seek grant funding beyond what is identified in the CIP to support construction of the project.

#### **BUDGETARY IMPACT**

The 2023-2027 CIP allocates \$1,100,000 for the project - \$850,000 in property tax funds and \$250,000 in a potential future grant to support construction. To date, \$34,459.42 has been spent on design services and related expenses leaving \$1,065,540.58 allocated to complete the project. Staff intends to seek an additional \$540,000 in grant funding, making the total potential future grant funding \$790,000. Given the cost of construction in today's market, the district may have to apply for additional funding to complete the entire master plan.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the Sawyer Park Asset Replacement preferred concept design. Once approved, staff will move forward to complete the design and construction of the park.

#### **MOTION**

***I move to approve the Sawyer Park Asset Replacement preferred concept design.***

#### **ATTACHMENT**

Attachment A – Draft Sawyer Park Preferred Concept Design







<b>BOARD AGENDA COMMUNICATION</b>
-----------------------------------

<b>AGENDA DATE:</b>	October 04, 2022
<b>SUBJECT:</b>	Resolution No. 2022-06 Land and Water Conservation Fund Grant – Sawyer Park Asset Replacement
<b>STAFF RESOURCE:</b>	Bronwen Mastro, Landscape Architect Rachel Colton, Park Planner
<b>PREVIOUS BOARD ACTION:</b>	None
<b>ACTION PROPOSED:</b>	Adopt Resolution No. 2022-06 authorizing a 2022 Land and Water Conservation Fund Grant Application for Sawyer Park
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Operations and Management Practices
<b>Outcome:</b>	A balance between caring for existing infrastructure and new development
<b>Strategy:</b>	Ensure the district is maintaining its adopted level of service targets

**BACKGROUND**

Sawyer Park is a 58.35-acre community park in northwest Bend that stretches along both sides of the Deschutes River. Formerly an Oregon State Park, it was dedicated to the district in 1980. Much of the park needs repair as it has gone beyond normal maintenance. The existing paving is rutted and pot-holed, and the park's layout and spatial planning needs to be reviewed and adjusted to meet current demand and safety concerns.

The district's 2018 Comprehensive Plan, which is the guiding plan for the next ten years of parks and recreation in Bend, identifies a renovation project at Sawyer Park. This project is included in the district's 2023-27 Capital Improvement Plan (CIP) for implementation. The scope of the project is to evaluate the capacity and location of the parking area, trails, landscaping and address ADA accessibility.

Staff recently completed two rounds of public outreach effort to develop the preferred concept design for the park. Information received from the outreach was used to develop the preferred concept design.

Feedback from the outreach process indicates that Sawyer Park is beloved for the natural character of the property. Nature related activities are what visitors most frequently come to do in the park and it is of utmost priority to retain and enhance that environment. Some concerns were expressed regarding safety and visibility into the park. When asked if there were improvements beyond renovating the parking that would enhance visitor's experience in the park, permanent restrooms were by far the most frequent response. The other high-ranking improvements were related to



accessibility, picnic facilities and signage. As a direct result of the outreach effort, permanent restrooms, extended accessibility improvements and additional picnic facilities have been added to the project scope.

The Land and Water Conservation Fund grant would help fund the following improvements at Sawyer Park:

- Permanent restrooms
- Relocation of the parking lot closer to O.B. Riley Road
- Expansion of parking capacity
- Improved trail connectivity and circulation
- Improved accessibility
- Improved picnic facilities, including a picnic shelter
- Habitat restoration

The grant requires a minimum match of 50% of the total project cost which would be matched with district funds. The grant application deadline is November 1, 2022 and requires the submittal of a Board Resolution approving the application. Staff has prepared the attached draft Resolution No. 2022-06 for board review and approval.

#### **BUDGETARY IMPACT**

The district's approved 2023-2027 Capital Improvement Plan (CIP) allocates \$1,100,000 for the Sawyer Park Asset Replacement project - \$850,000 in property tax funds and \$250,000 in a potential future grant to support construction. Based on the results of the public outreach, staff proposes to request grant funding of up to \$790,000 to fund a portion of the project. Given the cost of construction in today's market, the district may have to apply for additional funding to complete the entire master plan.

#### **STAFF RECOMMENDATION**

Staff recommends the board adopt Resolution No. 2022-06 supporting the 2022 Sawyer Park Asset Replacement Project Land and Water Conservation Fund Grant application.

#### **MOTION**

***I move to adopt Board Resolution No. 2022-06 authorizing the executive director to apply to the Oregon Parks and Recreation Department for a 2022 Land and Water Conservation Fund grant in support of improvements at Sawyer Park.***

#### **ATTACHMENT**

Resolution No. 2022-06

**BMPRD RESOLUTION NO. 2022-06**

**A RESOLUTION OF THE BEND PARK AND RECREATION DISTRICT BOARD OF DIRECTORS AUTHORIZING  
DISTRICT STAFF TO APPLY FOR THE 2022 OREGON PARKS AND RECREATION DEPARTMENT  
LAND AND WATER CONSERVATION FUND GRANT**

**WHEREAS**, the Oregon Parks and Recreation Department is accepting applications for the Land and Water Conservation Fund Grant Program; and

**WHEREAS**, Bend Park and Recreation District desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation improvements and enhancements; and

**WHEREAS**, the Bend Park and Recreation District Board of Directors have identified improvements at Sawyer Park as a priority in the district's Five-Year Capital Improvement Plan and the Comprehensive Plan; and

**WHEREAS**, the Sawyer Park Asset Replacement Project includes the relocation and expansion of the existing parking lot, improved circulation and connectivity for all modes of transportation, improved accessibility and ADA access, a new permanent restroom, enhanced and expanded trails and picnic facilities and new native vegetation; and

**WHEREAS**, Bend Park and Recreation District has available local matching funds to fulfill its share of the obligation related to this grant application should the grant funds be awarded; and

**WHEREAS**, Bend Park and Recreation District will provide adequate funding for on-going operations and maintenance of this park and recreation facility should the grant funds be awarded; and

**NOW, THEREFORE, BE IT RESOLVED** that the Bend Park and Recreation District Board of Directors hereby authorizes district staff to seek Land and Water Conservation Fund grant funds to support improvements at Sawyer Park.

**ADOPTED** by the Board of Directors on this 4<sup>th</sup> day of October, 2022

---

Deb Schoen, Board Chair

Attest:

---

Don P. Horton, Executive Director

**BOARD AGENDA COMMUNICATION**

<b>AGENDA DATE:</b>	October 4, 2022
<b>SUBJECT:</b>	Drake Park Bank and Trail Improvement Project – GMCC Guaranteed Maximum Price (GMP)
<b>STAFF RESOURCE:</b>	Brian Hudspeth, Development Manager Michelle Healy, Deputy Executive Director Don Horton, Executive Director
<b>PREVIOUS BOARD ACTION:</b>	November 16, 2021 approve Early Work Amendment #2 September 7, 2021 approve additional contingency for A&E contract October 6, 2020 Approve additional contingency for A&E contract September 2, 2020 Project Update November 6, 2018 Award CMGC Contract September 4, 2018 Project Update June 19, 2018 Approve contract amendment for construction documents December 19, 2017 Project Update 30% DD Design October 17, 2017 Project Update
<b>ACTION PROPOSED:</b>	Approve the GMP with Emery & Sons Construction for the completion of work on this project
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Operations & Management Practices
<b>Outcome:</b>	A balance between caring for existing infrastructure and new development
<b>Strategy:</b>	Ensure the district is maintaining its adopted level of service targets

**BACKGROUND**

In November 2018, the board authorized a Construction Management – General Contractor (CMGC) contract with Emery and Sons Construction. Since that time, Emery and Sons has been instrumental in helping the district and the design team on constructability and cost estimating for the Drake Park Bank and Trail Improvement project.

Construction of this project has been delayed by challenges obtaining easements from adjacent property owners, and by the National Park Service’s approval of the Land and Water Conservation Fund (LWCF) grant awarded for the project. Two early work amendments have been completed, the first was the demolition of the old building in Pacific Park in Fall of 2019. Then in November 2021 the Board approved the second to construct improvements in Pacific Park and a portion of

the trail improvements in Drake Park. Construction on the second amendment work was recently been completed.

Two easements, one from Pacific Corp, and one from Deschutes Opportunity Fund, have still not been obtained, however, staff and legal counsel has been diligently working to get them executed.

All permits have been obtained, and with the board's approval of the GMP, work can continue later early fall (pending easements) with full completion of the project anticipated by next spring (Exhibit A depicts the work to be completed). Regardless of the easement issue, work can get started on the boardwalk trail section, and the remainder of the trail work in Drake Park. The completion of the final trail connections in Pacific Park requires execution the two remaining easements.

### **BUDGETARY IMPACT**

The district's total approved Capital Improvement Plan funding for the project is \$8,092,175. To date, approximately \$2,529,123 has been spent on design, permitting, easement acquisition, miscellaneous costs, and construction early work amendments 1 and 2. With the approval of this GMP, the total construction costs of this project are as follows:

Early Work Amendment 1 (Demolition of old district office in Pacific Park)	\$114,356
Early Work Amendment 2 (Phase 1 work recently completed)	\$1,869,163
GMP Award (work to complete project)	\$6,371,526
<b>Total Construction</b>	<b>\$8,355,045</b>

The GMP received by the District to complete this project is \$6,071,562. This leaves a short fall as follows:

<b>Total Approved Project Funding</b>	
System Development Charge (SDC) Funding	\$6,301,417
Tax dollar Funding	\$1,040,988
Grant Funding	\$749,770
<b>Total Project Budget</b>	<b>\$8,092,175</b>
<b>Required Funding to Complete Work (based on GMP)</b>	
SDC Funding	\$7,491,085
Tax dollar Funding	\$1,386,376
Grant Funding	\$749,770
<b>Total project budget to complete</b>	<b>\$9,627,231</b>
<b>Difference to be Re-allocated</b>	
SDC Funding (funding to be moved from Little Fawn Park)	<b>\$1,189,668</b>
Property Tax Funding (covered with authorized, but un-appropriated contingency in the Facility Reserve Fund)	<b>\$345,338</b>

To immediately address the shortfall in funding for Drake Park, staff proposes to delay the start of Little Fawn Park construction by several months until the summer of 2023 (next fiscal year), and shift the allocated SDC funds to Drake Park. This allows for the construction of Drake Park to continue this winter, which is critical to the overall construction schedule and allows for work to

occur when water levels are low in the river, and during the non-peak season for park visitation and use.

Concurrently, staff requested some additional funds from LWCF to help with the general fund shortfall, but those decisions would not be made by the National Park Service until later this winter. In the meantime, funds from the authorized, but un-appropriated contingency in the Facility Reserve Fund are proposed to cover the property tax portion of the short fall.

Additionally, the district sent a request to the city of Bend for transient room tax funds (TRT) collected from visitors to help with the project. These funds could help cover all, or a portion of the property tax and SDC shortfall. If awarded, the district may not have to delay Little Fawn Park, or remove an SDC funded project in the CIP in future years.

During the five year-CIP review at the board workshop this winter, staff may suggest another project funded by SDCs be removed or delayed to cover the costs of Little Fawn Park next year. The need to do this will depend on the status of the SDC forecast and existing collections at the time, and the success of obtaining TRT funds or additional grant funds explained above.

#### **STAFF RECOMMENDATION**

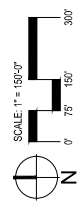
Staff recommends approving the GMP with Emery and Sons Construction and re-allocating the funding as described to award the GMP in an amount of \$6,071,526. Staff also recommends adding an additional 5% owner's contingency of \$300,000 for a total of \$6,371,526.

#### **MOTION**

***I move to authorize the executive director to award the GMP with Emery and Sons Construction Group, LLC not to exceed \$6,071,526, and to authorize an additional 5% owner's contingency of \$300,000 for a total construction budget of \$6,371,526 dollars with funding coming from the unappropriated contingency within the facility reserve fund, and to delay the construction of Little Fawn Park until such time that another park is removed from the Capital Improvement Plan or additional funds are identified for Drake Park construction.***

#### **ATTACHMENT**

Exhibit A – Map of remaining work



1. NOT ALL SHEETS IN SET ARE REFERENCED WITHIN KEY MAP.

**BOARD AGENDA COMMUNICATION**

<b>AGENDA DATE:</b>	October 4, 2022
<b>SUBJECT:</b>	IGA with City of Bend for Wilson Ave Corridor Improvements at Ponderosa Park
<b>STAFF RESOURCE:</b>	Brian Hudspeth, Development Manager Michelle Healy, Deputy Executive Director
<b>PREVIOUS BOARD ACTION:</b>	None
<b>ACTION PROPOSED:</b>	Authorize Executive Director to negotiate and execute an IGA with the City of Bend for the City's Wilson Ave Corridor Improvements at Ponderosa Park
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Operations & Management Practices
<b>Outcome:</b>	A balance between caring for existing infrastructure and new development
<b>Strategy:</b>	Ensure the district is maintaining its adopted level of service targets

**BACKGROUND**

The city of Bend is planning a transportation infrastructure project along Wilson Avenue from 2<sup>nd</sup> Street to 15<sup>th</sup> Street. This work includes a new Roundabout (RAB) at the Wilson Ave and 15<sup>th</sup> Street intersection. The new RAB will not interfere with existing park property, however, the new crosswalks and sidewalk sections will connect to the Coyner Trail and Ponderosa Park trail systems.

As a part of the city's project, a new pathway, or sidewalk needs to be constructed within the Ponderosa Park property. Because of restricted right of way, and Ponderosa Park encumbrance with Land and Water Conservation Funds (LWCF), the city is using the entire right-of-way for roadway and bike lanes and needs to construct a new pathway through the park property (Exhibit A).

The city and the district wish to execute an IGA to allow the city access to construct the new pathway on district property. This IGA will set the terms and conditions of the city's work within the park property.

The new pathway will be a 10-foot wide paved trail meandering through the park adjacent to Wilson Ave. The city will need approximately 30,042 sf of area to construct the improvements and will turn the trail over to the district following the district's acceptance of work.

Per the conditions of the district's new Easement Policy, the city has created a narrative for the proposed work (Exhibit B) and provided an estimated value for use of the land during construction.

The work on the district’s property is scheduled to begin October 20 with completion no later than April 30, 2023.

**BUDGETARY IMPACT**

The city will pay (at time of IGA execution) to the District \$6,600 for the use of the land during construction. The fee is broken out as follows:

Estimated value of land:	\$2.72 per SF
Area of required land:	30,042 SF
Total (rounded) cost of agreement:	\$6,600.00

No other financial impacts are anticipated.

**STAFF RECOMMENDATION**

Staff recommends authorizing the executive director to negotiate and execute an IGA with the city to allow the for the construction of the Wilson Avenue Corridor improvements at Ponderosa Park.

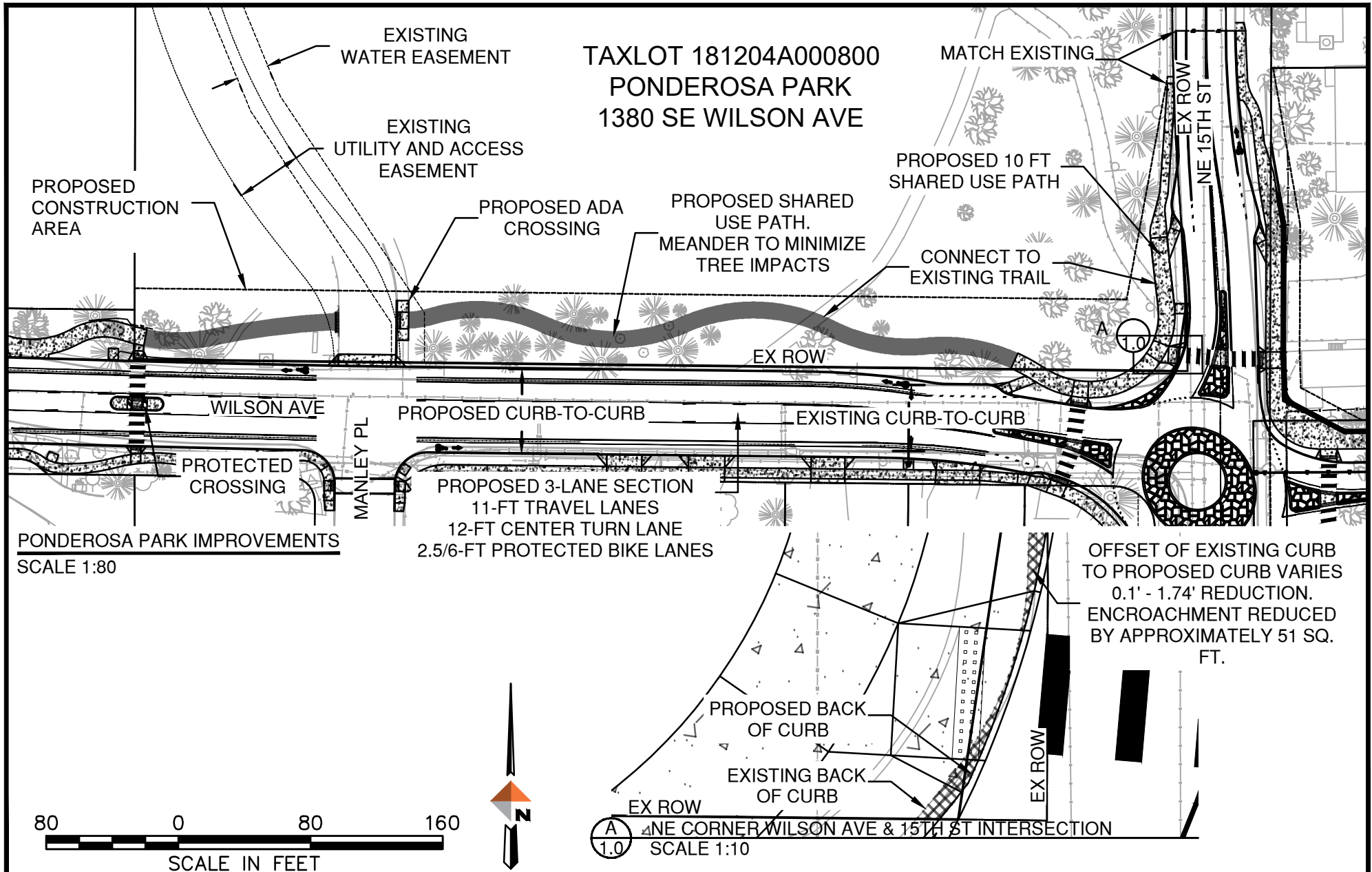
**MOTION**

***I make a motion to authorize the executive director to negotiate and execute an IGA with the city of Bend for the Wilson Avenue Corridor Improvements at Ponderosa Park.***

**ATTACHMENT**

Attachment A – Depiction of proposed work  
Attachment B – City of Bend proposal narrative





WILSON CORRIDOR IMPROVEMENTS PROJECT  
 PONDEROSA PARK - TAXLOT 181204A000800  
 1380 SE WILSON AVE

PROJECT 14670.01  
 DATE 05/09/2022

EXHIBIT B





August 28, 2022

Bend Park & Recreation District  
Planning and Development Department  
799 SW Columbia St  
Bend, OR 97702

Re: Ponderosa Park Intergovernmental Agreement Narrative

**Type of agreement being requested:** Intergovernmental Agreement (IGA)

**Associated timelines for construction:** October 20, 2022 through April, 2023 (City will work in good faith to minimize disruptions, see discussion below)

**Anticipated impacts:** Closure of construction area during construction activities; removal of trees; construction of: paths, sidewalks, bike ramps, pedestrian ramps, driveway reconstruction, landscape restoration

**Proposed compensation to the district:** \$6,600.00 (see below for calculations)

## Introduction

Voters in Bend passed a \$190M General Obligation Bond for transportation improvements in November of 2020. One of the identified projects was an intersection improvement at 15<sup>th</sup> Street and Wilson Avenue. Due to the safety benefits for all users, the City of Bend (City) has a 'roundabout first' policy that directs staff to investigate the feasibility of a roundabout at intersections before analyzing traffic signals or other traffic control devices.

Ponderosa Park, a facility owned and managed by Bend Parks and Recreation District (District), is situated at the northwest corner of the 15<sup>th</sup> Street and Wilson Avenue intersection. The City project is proposing to replace the existing 'curb-tight' sidewalk adjacent to the park with a multi-use path (note that path and trail are being used interchangeably throughout this narrative) situated on District property to improve user experience along the corridor and in the park.

## Agreement Necessity

The existing public right-of-way available in this segment of Wilson Avenue is very constrained when considering the improvements that the travelling public is expecting of the project. The existing pavement width of Wilson Avenue adjacent to the park is 40' - much narrower than the minimum City Standard of 51' for a major collector. The majority of the roadway widening is being made to improve bike infrastructure along this frontage, and is the main driver for the need of an agreement.

Due to more of the public right-of-way being dedicated to bike infrastructure, accommodations for pedestrian traffic is proposed to be relocated onto District property. This relocated pedestrian facility is intended to improve user experience by providing a wider facility (10' vs 5'-8') and separating the proposed path from the roadway. This separation is a proven way to reduce the level of pedestrian traffic stress per the Oregon Department of Transportation Analysis Procedures Manual, Chapter 14.

The project team has made every attempt to minimize impacts to the District property including: a non-circular roundabout design, construction of a large wall on the northeast corner, and working with the developer of the Wildflower Master Plan area to acquire and demolish the house at the southwest corner of the intersection. The City believes that the resulting plan achieves project goals while minimizing impacts to Ponderosa Park.

## Benefits to the District

A new shared-use-path along the frontage of Ponderosa Park benefits both the City and the District by improving pedestrian and bike access to the Ponderosa Park. The widened path also constructs a portion of the Coyner to Larkspur Connector trail as noted on Map 4 of the Bend Park & Recreation District Comprehensive Plan. The remainder of the trail connection will be constructed by the developer of the Wildflower Master Plan area. The District will own all improvements made on district property following final completion and acceptance by the district.

## Minimizing Disruptions

The construction of the path on Ponderosa Park will be an early portion of the work on the roundabout to provide a pedestrian detour around the construction site. This early construction will ensure access to the park for users accessing the site by foot or bicycle during construction of the 15<sup>th</sup> Street and Wilson Avenue roundabout.

The contractor will construct the driveway to the park from Wilson in two separate concrete pours, which will keep the access open at all times, except for very short durations where asphalt paving will occur. The contractor will work with the district on all closure and detour areas with sufficient time to allow the district to notify the public of upcoming changes.

The proposed path meanders through District property so as to minimize impacts to nearby trees. This strategy has been successful on the recently completed Murphy Corridor Improvements project and Empire corridor Improvements project.

## Compensation Calculations

According to Deschutes County tax assessment information, Tax lot 181204A000800 of Ponderosa Park is 18.61 acres and is worth \$2,220,990 as of May 18, 2022. The area of the proposed temporary construction is 30,042 square feet. Land lease rates are typically based on a percentage of the underlying land value, usually 5% to 10% based on the risk associated with the tenant. The City believes that the acquisition of access and construction rights is equivalent

to a land lease to a low-risk tenant, but that the potential for intermittent use and disruption justifies a greater return to the land. Therefore, an 8% rate of return is an appropriate rate on which the value of the land area can be estimated.

Therefore, the proposed compensation for this agreement is:

$$\$2,200,990 \div 18.61 \text{ acres} = \$118,269.21 \text{ per acre}$$

$$\$118,269.21 \text{ per acre} \times \frac{1 \text{ acre}}{43,560 \text{ square feet}} = \$2.72 \text{ per square foot}$$

$$\$2.72 \text{ per square foot} \times 30,042 \text{ square foot TCE} \times 8\% \text{ land lease rate} = \$6,537.14$$

$$\text{Rounded total} = \$6,600.00$$

The City recognizes that the Park District's draft policy for Easement, License & Right of Way Acquisition Requests on District Property identifies the need for an appraisal for each easement. The City requests that this requirement be waived for this agreement due to the time, and cost requirements of obtaining an appraisal that complies with the District's policy. The City believes that it is in both the City and the District's best interest to work together to get these needed improvements completed in an expedient manner to best serve both of our users.

**BOARD AGENDA COMMUNICATION**

<b>AGENDA DATE:</b>	October 4, 2022
<b>SUBJECT:</b>	Big Sky Park Improvements Project
<b>STAFF RESOURCE:</b>	Jason Powell, Construction Manager Brian Hudspeth, Development Manager
<b>PREVIOUS BOARD ACTION:</b>	October 17, 2017, Award Professional Services Contract February 7, 2017, Approve Master Plan October 5, 2021, Award Construction Contract
<b>ACTION PROPOSED:</b>	Amend Construction Contract
<b>STRATEGIC PLAN:</b>	
<b>Pillar:</b>	Operations and Management Practices
<b>Outcome:</b>	A balance between caring for existing infrastructure and new development
<b>Strategy:</b>	Ensure the district is maintaining its adopted level of service targets

**BACKGROUND**

Big Sky Park is an existing 96-acre community park located east of Hamby Road and north of Neff Road. The park is a combination of undeveloped natural areas and developed areas with restroom facilities, paths, playgrounds, sport fields and an off-leash dog area. In 2017, the Board of Directors approved an updated Master Plan for the park, which primarily focused on activities that could provide a wider range of recreational opportunities for community members, including secondary vehicular and pedestrian access off of Hamby Road, improved vehicular and pedestrian circulation within the site, additional parking and several bike park amenities.

This project was divided into two segments, with the parks infrastructure component to be constructed in FY2021-22 and the bike park amenities to be constructed in FY 2023-24. In discussions prior to bid of the infrastructure portion, the district became aware of an opportunity for grant funding to assist in the construction of a portion of the bike park elements, the district was awarded grant funds to construct certain bike component. These alternates were added to the bid and incorporated into the project.

On October 5, 2021 a Contract for Construction was awarded to Deschutes Construction Corporation.

During the course of construction, in a portion of the park not covered by the scope of work, a sinkhole was discovered in an existing parking lot located east of field number two (see Exhibit A). After considering possible repair options for the area affected by the subsidence, staff determined that complete repaving of the parking lot is necessary. Removal of the existing asphalt will allow for full assessment of the conditions below, and repair of the base conditions across the entire lot.

Since the current construction project includes significant paving, and the contractor is still mobilized and has equipment on site, the efficiency of amending the contract with Deschutes Construction to include the re-building of this parking lot is possible. The district requested a proposal for the work and received a price of \$102,291 to remove and replace the asphalt, correct the base rock, provide appropriate compaction, repave, stripe the lot, and install wheel stops in lieu of curb on the field two side of the parking lot.

#### **BUDGETARY IMPACT**

The 2023-2027 Capital Improvement Plan (CIP) includes \$4,810,000 in park system development charges (SDC), property tax dollars and grant funding to develop the Big Sky Park Improvements. The current CIP funding allocation for this fiscal year (2022-2023) is \$150,000, made with the assumption that most of the FY 2021-22 allocation of \$2,955,226 would be spent by the end of the fiscal year (June 30,2022). Due to the progress of the project, the amount spent was lower, totaling \$1,594,254, leaving \$1,684,051 to be expended in the current fiscal year (2022-23).

This unanticipated repair will increase the overall project budget by \$102,291, plus a 10% contingency for a total project allocation of \$4,922,520. The additional cost to repair the parking area will be covered by authorized but un-appropriated contingency in the Facilities Reserve Fund (property taxes).

#### **STAFF RECOMMENDATION**

Staff recommends the board authorize the executive director to execute a change order to the construction contract with Deschutes Construction Corp. in the amount of \$102,291, plus an additional 10% contingency of \$10,229, for a total construction budget not to exceed \$2,942,965.

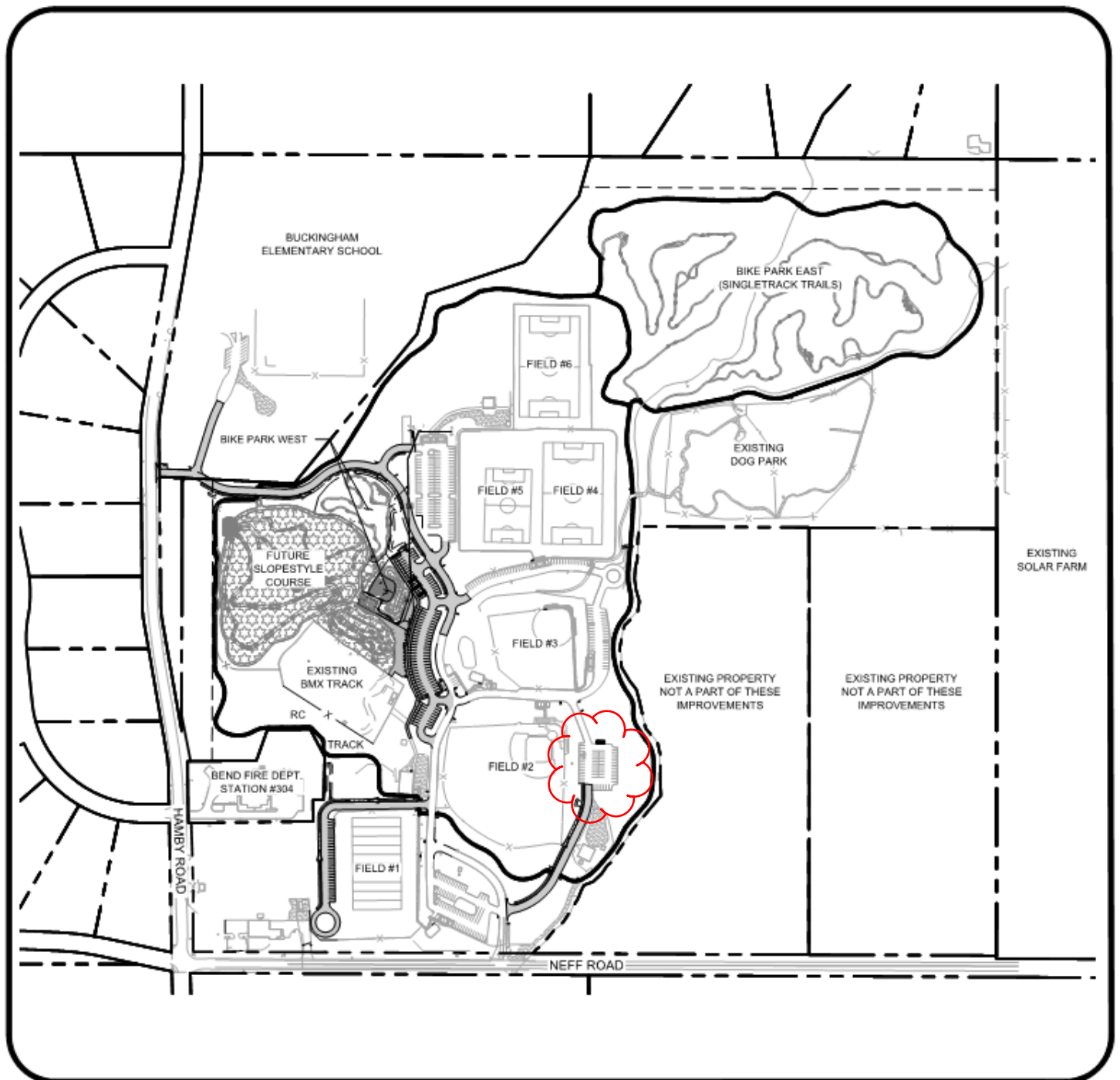
#### **MOTION**

***I move to authorize the executive director to execute a change order to the construction contract with Deschutes Construction Corp. for the construction of the Big Sky Park Improvements for a total amount of \$102,291, and to approve an additional 10% construction contingency of \$10,229, for a total construction budget not to exceed \$2,942,965.***

#### **ATTACHMENT**

Exhibit A: Map

Exhibit A







## PLANNING & DEVELOPMENT PROJECT UPDATES October 2022

---

### COMMUNITY AND REGIONAL PARK PROJECTS

---



**Drake Park DRT & Bank Improvement Project:** Staff continues to work with the remaining two landowners to obtain the required right of way easements needed to construct the trail. Construction on phase 1 is now complete. With the approval of the GMP work is scheduled to start on the final phase of the project with an expected completion by spring of 2023. The remaining work will complete the trail section from Pacific Park to Drake Park and the internal Drake Park trail from the footbridge to the existing plaza area. The latter will also include the bank improvements and removal of the old seawall along the edge of river through that stretch. The final piece of work will be at the beach and will include a new plaza area, beach restoration, and an ADA pathway into the river.



**Big Sky Park Expansion:** Construction on the Big Sky Park improvements is still underway. The access roads and parking lots are paved, the perimeter path is going in, and numerous bike park elements are in various stages of completion. The pump track is paved, but still required additional work to embankments and surrounding areas. The trials area is constructed, the skills course area and single-track area are roughed in but still need wooden and steel elements to be installed which is currently underway. The bike park elements were in part funded through a grant from the Bend Sustainability Fund. Construction is expected to be complete this fall of 2022.



**Sawyer Park Entrance and Parking Lot Upgrades:** Three conceptual designs were developed based on responses from the first round of outreach and existing site conditions. They were shared with staff and the community for feedback in a second round of outreach. The preferred conceptual design has been developed based on input from outreach. The application for the Land and Water Conservation Fund grant is in progress.



**Pine Nursery Park Phase 5:** This project completes the amenities identified in the concept plan (formerly known as the Master Plan) for Pine Nursery Park including additional sports fields. This project may consider the installation of softball/baseball infields with all-weather turf to expand seasonal use. Trail lighting and other community park improvements may be part of the scope as well. The full scope of this project will be refined through staff coordination that is in progress.

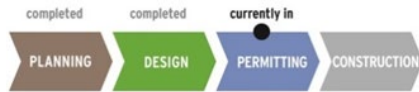
---

## NEIGHBORHOOD PARK PROJECTS

---



**Little Fawn Park - (Project #155):** The board approved the preferred concept design in July which sets in motion the continued design and refinement of the plans for the park. Staff will continue to work with the consultants through the fall and winter on the designs and permitting for the park.



**Fieldstone Park – Park Search Area 4:** Construction of Fieldstone Park has begun. Site grading and a majority of the paving work is installed. Irrigation is currently being installed and installation of the playground and assorted furnishings are also underway. Completion is expected in the spring of 2023.



**Shevlin West:** This 3.5-acre piece of property in the Shevlin West subdivision was dedicated to the district to meet the open space requirement for the development. A development agreement was signed in March of 2021 for the building of the park and required frontage improvements. Design is anticipated to begin Fall 2022.

---

## TRAIL PROJECTS

---



**North Unit Canal Trail:** Flagline Engineering continues to make progress on the design and permitting for Phase 1 of the trail between Canal Row Park and Deschutes Market Road. 30% plans and draft trail easement property descriptions are expected any day. BPRD will issue another RFP to hire a right of way agent to help with the property transactions later in 2022. A public outreach event was held at Pine Nursery Park on August 6<sup>th</sup> for community members to learn more about the project and take a short tour with district staff. More than 20 people participated and district staff received overwhelmingly positive feedback about the project.

---

## RIVER PROJECTS

---



**Miller's McKay Columbia River Access Project:** Data collection and analysis is near complete and staff will soon begin developing conceptual designs for each project location. Once concepts are complete this fall, staff will begin an extensive public outreach campaign to present the concepts to the community and collect feedback about them. Staff will also begin researching grant funding opportunities to cover some of the cost for future construction.



**Riverbend and Farewell Bend Parks River Access and Parking Analysis:** This project was prompted by Project 11 in the Deschutes River Access and Habitat Restoration Plan – the district shall complete a parking analysis for parking proximate to Farewell Bend and Riverbend parks to determine how best to adequately address parking needs for these parks. In partnership with Kittelson and Associates, the district completed an intercept survey and parking utilization survey in July to better understand existing access and usage patterns at and around these parks. This data will be utilized by the consultant to develop a report with findings, recommendations and next steps, which will be brought to the board for review in November.



**Riverbend South Access and Restoration Project:** A contractor, Cascade Civil Corp., has been selected for this project and construction is slated to begin late fall/early winter 2022. The extensive permitting process continues to move forward.

---

## OTHER PROJECTS AND FUTURE DEVELOPMENT

---



**SDC Waivers for Affordable Housing:** Park SDC waivers for 452 units have been approved through coordination with the City of Bend's Affordable Housing Committee. Following the board approval of an additional 150 waivers, a remaining 23 waivers are available through the end of 2022. Staff and legal counsel have completed the necessary deed restriction documents for nine of the developments, totaling 376 units. In addition, BPRD has approved SDC waivers for three temporary shelter projects, totaling 25 units.



**Park Search Area Planning:** District planners regularly work with local developers or property owners selling large parcels of land to acquire property for new parks and trails in district Park Search Areas as defined by the 2018 Comprehensive Plan.

*Three proposals were received in response to the RFP for a land acquisition agent. Epic Land Solutions was selected to assist the district with purchasing land in seven high-priority search areas. The project is expected to kick-off in October.*



**Diversity, Equity and Inclusion (DEI) Initiative:** The draft action plan is in the final phase of editing and is anticipated to be shared with the board at the October 18, 2022 board meeting.

---

## Board Calendar 2022-2023

*\*This working calendar of goals/projects is intended as a guide for the board and subject to change.*

### **October 18**

#### Staff Introductions

#### Work Session

- ◆ DEI Update – *Bronwen Mastro and Becky Rexford (30 min)*
- ◆ COID Property overview – *Michelle Healy (45 min)*
- ◆ Pre-Qualified A/E process – *Justin Sweet (15 min)*

#### Business Session

- ◆ SDC Waivers
- ◆ Approve Contract for Larkspur Community Center (BSC) Roof Renovation – *Jason Monaghan (15 min)*

### **November 1**

#### Work Session

- ◆ Riverbend and Farewell Bend Parks Access and Parking Analysis Draft Report – *Rachel Colton (30 min)*
- ◆ ORPA Leadership Academy – *Joelle Easton, Lee Sherwin, Michelle Healy (30 min)*  
tentative

#### Consent Agenda

- ◆ Codify Personnel Policies

#### Business Session

- ◆ Approve Juneteenth Holiday – *Theresa Albert (10 min)*
- ◆ Approve Paid Family Medical Leave Insurance employee contribution pick-up – *Theresa Albert (20 min)*
- ◆ Resolution Authorizing Executive Director to support funding through the Oregon Legislature – *Don Horton (10 min)*

### **November 15**

#### Work Session

- ◆ Budget Committee Applications and Review Process – *Kristin Donald (10 min)*
- ◆ Registration Process Update – *Matt Mercer (20 min)*

#### Business Session

### **December 6**

#### Work Session

#### Business Session

### **December 20**

#### Work Session

#### Business Session

- ◆ Accept 2021-22 Annual Comprehensive Financial Report – *Eric Baird and Brenda Bartlett (15 min)*
- ◆ Out of District Registration – *Matt Mercer (20 min)*

**January 3**

Work Session

Business Session

- ◆ Appoint Budget Committee Members– *Kristin Donald (15 min)*

**January 17**

Work Session

Business Session

**February 7**

Board Workshop (afternoon start 2-8pm)

**February 21**

Work Session

Business Session

City of Bend presentation of parking districts (Tobias Marx) – *Sara Anselment*

IGA with the City for Mirror Pond Silt Removal – *Don Horton (30 min)*

Park Services Report: Prescribed Fire – *(30 min)*

Park Services Report: Hardsurface Program – *Alan Adams and Jason Monaghan (15 min)*

Update on Bi-lingual Communications – *Julie Brown and Kathya Avila Choquez (20 min)*

Website Update/Data Sharing

Approve Land Acquisition consultant RFP – *Sara Anselment*

IGA with NUID for canal trail – *Henry Stroud*

Approve SE Neighborhood Park Development Agreement – *Henry Stroud (20 min)*