

**STAFF REPORT TO THE BEND CITY COUNCIL  
FOR AMENDMENTS TO THE BEND  
COMPREHENSIVE PLAN**



CITY OF BEND

**PROJECT**

**NUMBER:** 17SPFP

**HEARING DATE:** Wednesday September 5, 2018  
City Council Chambers  
710 NW Wall Street  
Bend, OR 97701

**APPLICANT:** City of Bend  
710 NW Wall Street  
Bend, OR 97701

**PROPOSAL:** The proposal includes the following amendments to the Bend Comprehensive Plan:

1. Adoption of a 2018 Collection System Public Facility Plan (CSPFP), and replacing the 2014 CSPFP as Appendix I
2. Adoption of amendments to the text of Chapter 2, Natural Features and Open Space
3. Adoption of amendments to the text of Chapter 3, Community Connections
4. Adoption of amendments to Chapter 8, Public Facilities and Services

**STAFF:** Damian Syrnyk, AICP, Senior Planner  
Allison Platt, Senior Planner

**I. APPLICABLE CRITERIA:**

- (1) Statewide Planning Goals 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14
- (2) Oregon Administrative Rules (OAR) Chapter 660, Division 11, Public Facilities and Services
- (3) The Bend Comprehensive Plan,
  - a. Preface
  - b. Chapter 1, Plan Management and Citizen Involvement
    - Urban Planning Coordination Policies 1-4, 1-5, and 1-6
  - c. Chapter 3, Community Connections,

- Parks and Recreation Facilities Policies 3-5 to 3-8; Urban Trails Policies 3-9 to 3-11
- d. Chapter 5, Housing,
  - Neighborhood Appearance Policy 5-32
  - Transportation Connectivity Policy 5-42 to 5-43
  - Public utilities and services Policy 5-52
- e. Chapter 6, Economy
  - General Policies 6-3 and 6-4
- f. Chapter 7, Transportation
  - Pedestrian and Bicycle Systems Policy 7-28
- g. Chapter 8, Public Facilities and Services
  - Sewer Collection Facilities Policies 8-1 through 8-12, and proposed policies 8-13 and 8-14
- h. Chapter 11, Growth Management
  - General Area Planning Policy 11-21
  - Policies for Residential Neighborhoods Policy 11-17 and 11-28
  - Master Planning Policy 11-31
  - Annexation Policy 11-43

(4) City of Bend Development Code

- (a) Chapter 4.6, Land Use District Map and Text Amendments; Section 4.6.200(B), Criteria for Legislative Amendments

**II. APPLICABLE PROCEDURES:**

- (1) Bend Code Chapter 10, City of Bend Development Code
  - (a) Chapter 4.1, Land Use Review and Procedures

**III. PROCEDURAL FINDINGS:**

**1. PROPOSAL:** The proposal before the City Council is a set of amendments to the Bend Comprehensive Plan. These proposed amendments include amendments to the text of Chapter 2, Natural Areas and Open Space, Chapter 3, Community Connections, and Chapter 8, Public Facilities and Services. The amendments to Chapters 2 and 3 are intended to reflect changes coming from the 2018 Comprehensive Plan of the Bend Park and Recreation District. The proposed amendments to Chapter 8 recognize the adoption of a 2018 Collection System Public Facility Plan (PFP) and changes supported by adoption of this public facility plan. The 2018 Collection System PFP is before Council for adoption and approval as Appendix I to the Bend Comprehensive Plan.

## **2. PUBLIC NOTICE AND COMMENTS:**

Notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on June 15, 2018, as required by ORS 197.610. A notice of a July 23, 2018, Planning Commission public hearing was printed in the Bend Bulletin on July 3, 2018 and was mailed to the neighborhood associations on July 2, 2018. City staff conducted a work session with the Planning Commission on July 9, 2018. The Planning Commission conducted a public hearing on the proposal at their July 23, 2018 meeting. After the close of the hearing, the Planning Commission voted unanimously to forward the proposal on the City Council with a recommendation of approval (See July 23, 2018 Planning Commission order.)

Notice of the September 5, 2018 public hearings was mailed to neighborhood association representatives on August 10, 2018, and published in the Bend Bulletin on August 15, 2018. No written comments have been received as of the date of this staff report. Any written comments submitted after the date of this report will be hand delivered to the City Council at the September 5, 2018 hearing.

## **IV. FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:**

The Findings in Support of Adoption of the Goal 11 Collection System Public Facility Plan and amendments to Chapter 8 are attached as Exhibit A to this Staff Report. The Findings in Support of Adoption of the amendments to Chapters 2 and 3 of the Comprehensive Plan are attached as Exhibit B to this Staff Report. Each set of findings address the applicable goals, plan policies, administrative rules, and BDC 4.6.200.

## **V. CONCLUSIONS:**

Based on the Findings in Exhibit "A," the 2018 Collection System PFP and the proposed amendments to the text of Chapter 8, Public Facilities and Services, of the Comprehensive Plan meet all applicable criteria for adoption. Based on the Findings in Exhibit "B," the proposed amendments to the text of Chapter 2, Natural Areas and Open Space, and Chapter 3, Community Connections, of the Comprehensive Plan meet all applicable criteria for adoption.

## **VI. RECOMMENDATION:**

Staff recommends the City Council approve the proposed amendments to the text of Chapters 2, 3, and 8 of the Comprehensive Plan, and adopt the 2018 Collection System Public Facility Plan as Appendix I of the Bend Comprehensive Plan.

## **VII. ATTACHMENTS:**

1. Exhibit A – Findings Report. To Support Adoption of a 2018 Collection System Public Facility Plan and amendments to Chapter 8, Public Facilities and Services, of the Bend Comprehensive Plan.
2. Exhibit B – Findings Report. To Support Amendments to the text of Chapter 2, Natural Resources and Open Space, and Chapter 3, Community Connections, of the Bend Comprehensive Plan.

## **FINDINGS REPORT**

### **To Support Adoption of a 2018 Goal 11 Collection System Public Facility Plan and amendments to Chapter 8, Public Facilities, of the Bend Comprehensive Plan**

#### **I. Purpose and Context**

These findings support the decision to adopt a 2018 Collection System Public Facility Plan (CSPFP) for the City of Bend. The 2018 CSPFP covers the areas within the Bend urban growth boundary (UGB) for which the City provides or will provide sanitary sewer collection. In 2016, the City Council adopted amendments to the Bend UGB, which added ten expansion areas into the UGB, that will either be master or area planned and subsequently annexed into the City. The 2018 CSPFP incorporates projects needed to serve these areas, and changes to the sizes and the locations of two key interceptor lines that were identified in the planning for the UGB expansion.

Concurrently with the adoption of the 2018 CSPFP, the City also proposes to amend Chapter 8 of the Bend Comprehensive Plan, Public Facilities and Services, to reflect those changes identified in the 2018 CSPFP, including projects needed to serve the entire UGB and specific expansion areas, and adopt policies needed to support its implementation. The policies proposed are intended to support the development of two new sewer interceptors outside of the Bend UGB, and in a manner consistent with state law. The amendments to Chapter 8 also include those conforming amendments to include figures and tables from the CSPFP, and make corrections to certain text.

Finally, these findings address OAR 660-015-0000(11), Goal 11, the Goal 11 administrative rule at OAR 660-011, the applicable statewide planning goals, the applicable plan policies of the Bend Comprehensive Plan, and the requirements for a legislative amendment under Bend Development Code 4.6.200.

#### **II. Proposal**

The Proposal supported by these findings includes:

1. A 2018 Collection System PFP, dated June 2018;
2. Amendments to the December 6, 2016 version of Chapter 8 of the Bend Comprehensive Plan dated May 2018.

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

### III. Background

1. The City adopted a Goal 11 public facility plan for the sewer collection system (2014 CSPFP) for the Bend UGB in 2014 through Ordinance No. 2231. The 2014 CSPFP was based on the Bend Comprehensive Plan and the UGB in place at that time.
2. In 2016, the City adopted a set of significant amendments to the Bend Comprehensive Plan, including a UGB amendment that added 2,380 acres to the Bend UGB. Through Ordinance 2271, the City also adopted several new plan chapters and new appendices to support the adoption of the UGB amendment.
3. In 2017, the City began work to update the Collection System PFP to identify and subsequently incorporate several new projects and changes to existing projects in the PFP to ensure the City could provide sewer collection services to the areas added to the UGB in 2016.
4. The public facility plan (CSPFP) that is the subject of these findings is focused on the City's wastewater or sewer collection system. In 2010, the Oregon Land Conservation and Development Commission approved the public facility plan for the City's water reclamation facility (See Order 001795).

### IV. Applicable Criteria

Legislative land use decisions must comply with applicable provisions of the statewide planning goals, applicable statutes and administrative rules, and applicable unamended provisions of the comprehensive plan and implementing regulations. Legislative land use decisions must also be internally consistent pursuant to Statewide Planning Goal 2, Land Use Planning. The following goals, rules, plan policies, and development code text are the criteria applicable to review of the Proposal:

1. Statewide Planning Goal 11, Public Facilities and Services;
2. Oregon Administrative Rules (OAR) Chapter 66, Division 11, Implementation of Goal 11
3. Applicable Statewide Planning Goals:
  - a. Goal 1, Citizen Involvement
  - b. Goal 2, Land Use Planning
  - c. Goal 3, Agriculture
  - d. Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces
  - e. Goal 6, Air, Land, and Water Quality
  - f. Goal 8, Recreation
  - g. Goal 9, Economic Development

- h. Goal 10, Housing
  - i. Goal 14, Urbanization
4. Bend Comprehensive Plan – applicable policies:
- a. Preface: Changes proposed by individuals or other agencies
  - b. Chapter 1, Plan Management and Citizen Involvement:
    - i. Urban Planning Coordination Policy 1-5
    - ii. Urban Planning Coordination Policy 1-6
  - c. Chapter 5, Housing:
    - i. Neighborhood Appearance Policy 5-32
    - ii. Public utilities and services Policy 5-52
  - d. Chapter 6, Economy:
    - i. General Policies 6-3 and 6-4
  - e. Chapter 8, Public Facilities and Services
    - i. Sewer Collection Facilities Policies 8-1 through 8-12, and proposed policies 8-13 and 8-14
  - f. Chapter 11, Growth Management
    - i. General Area Planning Policy 11-21
    - ii. Master Planning Policy 11-31
    - iii. Annexation Policy 11-43
5. Bend Development Code Section 4.6.200, Legislative Amendments

## **V. Substantial Evidence.**

The following documents represent the substantial evidence upon which the City relied to prepare these findings.

1. Final Collection System Public Facility Plan, June 2018
2. Draft Technical Memorandum “Sanitary Sewer Projects for Key Development Areas,” March 12, 2018
3. Technical Memorandum “Future Land Use Assumptions Documentation: Bend Sewer Public Facility Plan (PFP),” September 19, 2017
4. Technical Memorandum “UGB Expansion – Sanitary Sewer Analysis – Long term Optimization,” October 14, 2016
5. Technical Memorandum “UGB Expansion – Sanitary Sewer Analysis, Scenario 2.1G,” July 20, 2016

## **VI. Findings Addressing Statewide Planning Goal 11 (OAR 660-0015-0000(11)), Public Facilities and Services**

**Goal 11 - To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

**FINDING:** The proposed 2018 CSPFP satisfies Goal 11 because it proposes a timely, orderly, and efficient arrangement of sewer collection facilities that will serve as a framework for urban development in Bend’s UGB. Under Goal 11, a “*timely, orderly and efficient arrangement*” refers to a system or plan that coordinates the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses. The proposed CSPFP is consistent with and builds on the work completed in the 2014 Collection System Master Plan (CSMP), and the 2014 Collection System PFP (CSPFP). The proposed 2018 CSPFP includes capital projects that either rely or support gravity conveyance of effluent to the City’s Water Reclamation Facility (WRF). The 2018 CSPFP furthers Goal 11 by providing a comprehensive planning document that summarizes system information and serves as guidance for sound stewardship of its sewer collection system.

## **GUIDELINES**

### ***A. PLANNING***

- 1. Plans providing for public facilities and services should be coordinated with plans for designation of urban boundaries, urbanizable land, rural uses and for the transition of rural land to urban uses.***

**FINDING:** The proposed CSPFP is consistent with this guideline because it serves as the collection system public facility plan for the Bend UGB. The CSPFP was coordinated with the planning for development of urban and urbanizable land inside the Bend city limits and the newly acknowledged UGB. The 2018 Collection System PFP relies on and updates the 2014 CSMP and an analysis prepared by MSA and summarized in technical memoranda (See Section V of this report). The 2018 CSPFP focuses on what improvements are needed to ensure urban and urbanizable land can develop over the planning period. The 2014 PFP initially covered a planning period of 2008 to 2028, but has been updated to cover a planning period of 2013 to 2033. The CSMP included assumptions used for the city’s planning for the UGB in 2014. Appendix 3A, *Land Use Assumptions in CSMP GIS Data* located in Volume 4 of the CSMP; page 3A-1, provides a technical memorandum that explains the assumptions and process used to load the hydraulic model in the CSMP based on land use data. It also provides data to be used in subsequent analysis relying on population projections and growth rates.

For the 2018 CSPFP, the City relied on analysis of the UGB, including those areas added through the UGB expansion (See Scenario 2.1G) to estimate future flows and ensure that future projects were identified to provide wastewater collection for the land uses contemplated under the Comprehensive Plan<sup>1</sup>. This analysis updated the data relied upon for the 2014 CSPFP by relying on updated flow and loading data developed for Scenario 2.1G. The 2017 CSPFP includes those new improvements that were

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<sup>1</sup> See September 17, 2017 technical memo and October 2016 technical memo, pages 12 through 26.



developed through an optimization process conducted after the adoption of the 2016 UGB Expansion<sup>2</sup>.

**2. *Public facilities and services for rural areas should be provided at levels appropriate for rural use only and should not support urban uses.***

**FINDING:** This criterion is not applicable, because the 2018 CSPFP is intended to serve the urban and urbanizable areas of the current Bend UGB. The City has not proposed and is not providing new sewer public facility services, as defined under the Goal 11 rule, to serve areas outside of the Bend UGB. The City will continue to plan for and provide existing sewer service to a limited number of developments outside of the Bend UGB that have prior approval. These are limited to Tetherow, a Goal 8 destination resort, and the Inn at the Seventh Mountain/Widgi Creek Resort Community<sup>3</sup>. This report includes findings in a subsequent section that describe two sewer interceptors that will be located outside of the UGB, but intended to serve only those areas inside the UGB.

**3. *Public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses.***

**FINDING:** The 2018 CSPFP has been prepared to provide levels of service necessary and suitable for urban uses. The CSPFP includes all areas within the recently expanded urban growth boundary (2016) that are currently served or will be served by the system within the planning period. The extent of development anticipated within the urban growth boundary is defined in the adopted 2016 Comprehensive Plan. Section V of this report lists the technical memoranda that explains the assumptions and process used to load the hydraulic model in based on land use data. The City's engineering consultant relied on this data to update it with the estimated levels of housing and jobs in the Opportunity Areas and the Expansion Areas of the UGB<sup>4</sup>.

**4. *Public facilities and services in urbanizable areas should be provided at levels necessary and suitable for existing uses. The provision for future public facilities and services in these areas should be based upon: (1) the time required to provide the service; (2) reliability of service; (3) financial cost; and (4) levels of service needed and desired.***

**FINDING:** The 2018 CSPFP shows that sewer facilities and services will be provided at levels necessary and suitable for existing uses within the recently expanded urban growth boundary. The 2018 CSPFP relies on the updated information provided in the

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<sup>2</sup> Ibid, page 19 and Section 6 of the 2014 CSMP, "Optimization."

<sup>3</sup> Tetherow is a Goal 8 destination resort approved by Deschutes County in 2005 under CU-04-94. The Inn of the 7<sup>th</sup> Mountain/Widgi Creek is designated a resort community under Section 4.8 of the County's Comprehensive Plan and zoned Resort Community under Chapter 18.110 of the County's Zoning Ordinance.

<sup>4</sup> See July and October 2016 technical memoranda, and March 12, 2018 technical memorandum under Section V of this report.

2014 CSMP including the condition of the city's facilities, the cost of the system and the timing of needed services.

The sequencing of projects is outlined and discussed in the 2018 CSPFP. The project timing is based on existing and future system deficiencies and known operational issues. The CSMP underwent an optimization process in 2013-2014 to determine the combination of improvements that satisfy hydraulic performance criteria and minimize overall lifetime costs. The optimization process results in more reliable system for the long term. System costs are also factored into the optimization process.

The 2018 CSPFP describes the City's Capital Improvement Program for proposed improvements in the short-, mid-, and long-term. Project unit costs were used to estimate the capital cost of proposed collection system improvement projects and to develop the CIP budget associated with the CSMP recommended for adoption. Table 20 of the 2018 CSPFP lists the recommended projects for the collection system by the following broad improvement categories:

1. Trunk sewers and interceptors
2. South Lift Stations Impacting Amethyst/Mahogany Trunk Sewer
3. Older South and East Lift Station Capacity and Condition Improvements
4. Central Area Lift Station Condition and Capacity Improvements
5. West Area Lift Stations Impacting Newport Ave Trunk Sewer
6. North Area Lift Station Conditions and Decommissioning
7. Other North Area Lift Station Capacity and Condition Improvements
8. Programmatic Funding
9. Expansion Area Infrastructure

For each project, Table 23 provides a timeframe, describes type of improvement, a description, certain specifications (e.g. pipe length), and an estimate of project cost in 2017 dollars. Table 24 provides a summary of the capital improvement program costs for each improvement category by timeframe (Year 1 to 5, Year 6 to 10, and Year 11 to 20) and a total cost for the projects in the improvement category.

***5. A public facility or service should not be provided in an urbanizable area unless there is provision for the coordinated development of all the other urban facilities and services appropriate to that area.***

**FINDING:** The 2018 CSPFP shows that sewer collection service has been coordinated with the development and provision of other urban facilities and services for the Bend UGB. Goal 11 defines "urban facilities and services" as key facilities and appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services. The implementation of the 2018 CSPFP through construction of new facilities and improvements will be coordinated with other key facilities in the Bend UGB, including water and street construction. These projects will be coordinated

between the Engineering and Infrastructure Planning, Utilities, and Streets Departments.

**6. All utility lines and facilities should be located on or adjacent to existing public or private rights-of-way to avoid dividing existing farm units.**

**FINDING:** This guideline is not applicable as an approval criterion for the CSPFP. The following findings shows that sewer utilities such as force mains and interceptors will be located within public rights of way, with the exception of segments of the North Interceptor. This report includes findings that address OAR 660-011-0060 and show the segment of the North Interceptor developed outside the UGB in areas designated for agriculture will not divide existing farm units.

**7. Plans providing for public facilities and services should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development action provided for by such plans should not exceed the carrying capacity of such resources.**

**FINDING:** The 2018 CSPFP relies on sewer collection plans designed to transport wastewater flows from the Bend UGB to the water reclamation facility on McGrath Road. The collection and treatment of effluent, as described in the 2014 CSPFP and in the 2008 PFP for the water reclamation facility, will ensure that the disposal of effluent will not impact the carrying capacity of the air, land, and water resources of the planning area<sup>5</sup>.

**CONFORMANCE WITH GOAL 11:**

**FINDING:** Based on the above findings, the proposed Collection System PFP for the City of Bend is consistent with and implements Goal 11.

**VII. Findings Addressing OAR 660-011, Public Facilities and Planning**

**660-011-0000 - Purpose**

***The purpose of this division is to aid in achieving the requirements of Goal 11, Public Facilities and Services, OAR 660-015-0000(11), interpret Goal 11 requirements regarding public facilities and services on rural lands, and implement [ORS 197.712\(2\)\(e\)](#), which requires that a city or county shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. The purpose of the plan is to help assure that urban development in such urban growth boundaries is guided and supported by types and levels of urban facilities and services appropriate for***

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<sup>5</sup> The WRF PFP was acknowledged in 2010. See Order 10-REMAND-PARTIAL ACKNOW-001795 [http://www.oregon.gov/LCD/docs/general/bend\\_ugb/bend\\_ugb\\_lcdc\\_orderfinal\\_110210.pdf](http://www.oregon.gov/LCD/docs/general/bend_ugb/bend_ugb_lcdc_orderfinal_110210.pdf).

***the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement, as required by Goal 11. The division contains definitions relating to a public facility plan, procedures and standards for developing, adopting, and amending such a plan, the date for submittal of the plan to the Commission and standards for Department review of the plan.***

**FINDING:** The requirements of OAR 660-011 are applicable to the development of the 2018 CSPFP because the City has a population of greater than 2,500 persons within its UGB. The following findings show the city has developed the 2018 CSPFP to ensure that future urban development is guided and supported by types and levels of urban sewer collection and treatment facilities, including those facilities that will serve development in the areas added to the UGB in 2016<sup>6</sup>.

***660-011-0010 - The Public Facility Plan***

***(1) The public facility plan shall contain the following items:***

- (a) An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;***

**FINDING:** The 2018 CSPFP satisfies this criterion because it includes an updated inventory and general assessment of the condition of the City's sewer collection systems. In general, the wastewater collection system consists of gravity pipelines, pressurized pipelines, manholes, lift stations, and force mains/common pressure mains. The following finding identifies the relevant tables in the 2018 CSPFP that provides the inventory and general assessment of condition of these public facilities.

For the gravity pipe system:

- Table 1 provides an inventory and general assessment
- Table 2 provides a material summary
- Tables 4 through 7 provide an assessment by category, age, size, and material.
- Figures 1 through 3 identify the existing system, pipe diameter, installation year, and gravity pipe material

For lift stations:

- Table 9 provides an inventory of lift stations and their characteristics
- Table 10 provides capacities for each lift station
- Table 11 summarizes the components considered in each assessment
- Table 12 identifies those lift stations that require significant improvements immediately

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<sup>6</sup> See Ordinance 2271, and related exhibits amending the Bend Comprehensive Plan.

- Table 13 identifies those lift stations that require significant improvements in 5 years
- Table 14 identifies those lift stations that require significant improvements in 6 to 10 years
- Table 15 identifies those lift stations in Good Condition, Requiring No Major Improvements within 10 years
- Figure 6 identifies the service area with basins and a deficiency assessment that maps the data in Tables 12 through 15

For Vacuum Sewers:

- Table 16 provides an inventory of the vacuum sewer lines
- Figure 7 identifies those properties in Wood River Village that are served by the vacuum sewer lines

For force mains and common pressure mains:

- Tables 17 and 18 provide data on main diameter and material by installation year
- Table 19 provides a summary of material and diameter
- Figure 8 provides a map of the system of force mains by diameter
- Page 36, as indicated above, indicates the City does not have a program to inspect lines such as the force mains and common pressure mains

**(b) *A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;***

**FINDING:** The 2018 CSPFP meets this criterion because it includes lists of both short term and long term projects needed to support land uses in the acknowledged Bend Comprehensive Plan. The CSPFP provides a highlighted project summary and a brief description of each major project. A complete list of short-term and long term projects is provided in Table 23 and contains the list of projects, including a description and general time frame, by improvement type.

**(c) *Rough cost estimates of each public facility project;***

**FINDING:** The 2018 CSPFP meets this criterion because it includes rough cost estimates for each project listed. The CSPFP provides a discussion of the City's proposed Capital Improvement Program for the Sewer Collection System. The detailed information regarding the various short and long-term projects is included in Table 23, with Table 24 providing the rough cost estimates for projects by improvement type and by time frame. The tables include a cost estimate for each project listed. All cost estimates are Class 5 budget estimates, as established by the American Association of Cost Engineers. This preliminary estimate class is used for conceptual screening and assumes project definition maturity level below two percent. The expected accuracy range is -20 to -50 percent on the low end, and +30 to +100 percent on the high end. For the purpose of addressing this criterion, the City finds that the cost estimates provided in the 2018 CSPFP satisfy the definition of "rough cost estimate" under OAR 660-011-0005(2).

**(d) *A map or written description of each public facility project's general location or service area;***

**FINDING:** The 2018 CSPFP meets this criterion because it includes a figure, a table, and written descriptions of each public facility project's general location. Figure 13 provides an overview of the Capital Improvement Project locations. These projects are listed in Table 23, and short descriptions of each project are provided between pages 50 and 54 of the 2018 CSPFP.

**(e) *Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;***

**FINDING:** The City has already addressed this criterion with the adoption of the 2014 CSPFP. There are no other sewer service providers within the City's UGB, nor are there any special districts or private utilities with which the City coordinates to provide wastewater collection and treatment. Therefore, an urban growth management agreement with other providers is not necessary. The Bend Comprehensive Plan contains several policies, including a policy statement that identifies the City as the sole sewer service provider for the current Bend UGB. The existing and proposed policies are discussed in Section IX of these findings.

**(f) *An estimate of when each facility project will be needed; and***

**FINDING:** The 2018 CSPFP meets this criterion because it identifies the timing of each project. Table 23 of the 2018 CSPFP identifies the needed capital projects for the sewer collection system. This table also identifies the timing of these projects under

OAR 660-011-025, and whether projects will be needed in the short-term, short to mid-term, or mid to long-term.

***(g) A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.***

**FINDING:** The 2018 CSPFP meets this criterion because it includes a discussion of the City's existing funding mechanisms and the ability of these to fund the development of the needed projects (See pages 78 to 82). The CSPFP discusses the City's existing funding strategy and ability of these to fund improvements to the collection system and treatment plant. The goal of the City is to have a self-supported utility system where the rates and fees are set at a level sufficient to meet the annual costs. The City primarily relies on monthly uses fees and system development charges (SDCs) collected with new or increased development. The City has chosen to combine the wastewater collection system and the water reclamation facility under one fee structure rather than charging for wastewater collection separate from treatment.

***(2) Those public facilities to be addressed in the plan shall include, but need not be limited to those specified in OAR 660-011-0005(5). Facilities included in the public facility plan other than those included in OAR 660-011-0005(5) will not be reviewed for compliance with this rule.***

***(3) It is not the purpose of this division to cause duplication of or to supplant existing applicable facility plans and programs. Where all or part of an acknowledged comprehensive plan, facility master plan either of the local jurisdiction or appropriate special district, capital improvement program, regional functional plan, similar plan or any combination of such plans meets all or some of the requirements of this division, those plans, or programs may be incorporated by reference into the public facility plan required by this division. Only those referenced portions of such documents shall be considered to be a part of the public facility plan and shall be subject to the administrative procedures of this division and ORS Chapter 197.***

**FINDING:** This finding addresses (2) and (3) above. The 2018 CSPFP focuses on the wastewater collection and water reclamation systems intended to serve the Bend UGB. OAR 660-011-0005(1) defines a public facility plan as a support document or documents to a comprehensive plan. The CSPFP addressed here describes the sewer collection facilities that will support the land uses designated under the Bend Comprehensive Plan. OAR 660-011-0005(5) requires that the sewer system be included within a public facility plan. The plan refers to sewer planning documents prepared for the City that provide the information required for a public facility plan under OAR 660-011-0010(1) above. The 2018 CSPFP references those facilities intended to serve the Bend UGB.

**660-011-0015 - Responsibility for Public Facility Plan Preparation**

- (1) Responsibility for the preparation, adoption and amendment of the public facility plan shall be specified within the urban growth management agreement. If the urban growth management agreement does not make provision for this responsibility, the agreement shall be amended to do so prior to the preparation of the public facility plan. In the case where an unincorporated area exists within the Portland Metropolitan Urban Growth Boundary which is not contained within the boundary of an approved urban planning area agreement with the County, the County shall be the responsible agency for preparation of the facility plan for that unincorporated area. The urban growth management agreement shall be submitted with the public facility plan as specified in OAR 660-011-0040.**

**FINDING:** Pursuant to Section 3.3(d) of the Revised Joint Management Agreement Regarding the Area within the Bend Urban Growth Boundary, the City retains the authority to prepare and adopt public facility plans and amendments for utilities within the UGB and the Urbanizable Area (UA)<sup>7</sup>. Further, the proposed Collection System PFP specifies the City as the provider of sewer collection and treatment service in the Bend UGB. In addition, the City has also coordinated the amendment of the CSPFP with Deschutes County and special districts as required by OAR 660-011-015(2).

- (2) The jurisdiction responsible for the preparation of the public facility plan shall provide for the coordination of such preparation with the city, county, special districts and, as necessary, state and federal agencies and private providers of public facilities. The Metropolitan Service District is responsible for public facility plans coordination within the District consistent with [ORS 197.190](#) and [268.390](#).**

**FINDING:** The proposed CSPFP meets this criterion because City has coordinated with affected governmental units. The City identified the following as the affected governmental units, and requested their comments and input through direct email communication. The following describes the affected government units with which the City has coordinated, and where applicable, the agency's response to the request for comments.

**Bend LaPine School District.** City staff met with District staff during an April 17, 2018 meeting. District staff had no further comments or questions after this meeting.

**Bend Parks and Recreation District.** The District indicated they had no comments through an April 25, 2018 email.

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<sup>7</sup> The UA or Urbanizable Area, was identified and zoned as such through Ordinance NS-2293 on June 21, 2017.



**Deschutes County Community Development and Road Departments.** The Community Development Department stated that they had no comments through an April 25, 2018 email. The Road Department provided no comments.

**North Unit Irrigation District.** The District did not provide any comments on the draft PFP, but did send along several questions in a May 2, 2018 email.

**Oregon Department of Transportation (ODOT), Region 4.** ODOT provided the comments through an April 27, 2018 email.

**Swalley Irrigation District.** The District provided comments through an April 24, 2018 email, and also provided a map that identified the District's facilities – e.g. canals and laterals, that would be crossed with one or more proposed sewer interceptors.

The City also requested comments from the Arnold, Central Oregon, and Tumalo Irrigation Districts. The City provided geographic information system (GIS) data and files to all three of these districts as requested. None of the districts provided any comments on the draft PFP.

**(3) *Special districts, including port districts, shall assist in the development of the public facility plan for those facilities they provide. Special districts may object to that portion of the facilities plan adopted as part of the comprehensive plan during review by the Commission only if they have completed a special district agreement as specified under [ORS 197.185](#) and [197.254\(3\)](#) and (4) and participated in the development of such portion of the public facility plan.***

**FINDING:** This rule is not applicable because there are no sanitary districts organized under ORS 450 that provide sewer service to areas within the Bend UGB. Goal 11 defines a sanitary sewer system to include a primary collection system and a treatment facilities system. The private systems in the Bend UGB for collection and treatment of effluent are private on-site sewage disposal systems for individual dwellings.

**(4) *Those state agencies providing funding for or making expenditures on public facility systems shall participate in the development of the public facility plan in accordance with their state agency coordination agreement under [ORS 197.180](#) and [197.712\(2\)\(f\)](#).***

**FINDING:** This rule is not applicable because no state agencies are providing funding for or making expenditures on the sewer public facility systems that are the subject of this plan adopted by this ordinance.

**660-011-0020 - Public Facility Inventory and Determination of Future Facility Projects**

- (1) ***The public facility plan shall include an inventory of significant public facility systems. Where the acknowledged comprehensive plan, background document or one or more of the plans or programs listed in OAR 660-011-0010(3) contains such an inventory, that inventory may be incorporated by reference. The inventory shall include:***
- (a) ***Mapped location of the facility or service area;***
  - (b) ***Facility capacity or size; and***
  - (c) ***General assessment of condition of the facility (e.g., very good, good, fair, poor, very poor).***

**FINDING:** The 2018 CSPFP meets this criterion because it includes several tables that present an inventory of the significant public facility systems that constitute the wastewater collection system. These tables include an inventory of facilities, their capacity, size or length, and for several a general assessment of condition of the facility. The City maintains a system of vacuum sewer lines, force mains, and pressure mains for which the City does not have an assessment or evaluation program, and therefore has no data on their condition.

**Gravity Pipes.** Tables 1 through 3 provide this information and an assessment for the gravity pipes. These tables provide the inventory pipes by dimensions and material. Tables 5 through 7 provide a general assessment of pipes by category, age, size, and material, and rely on an assessment scale of 1 to 5 for rating the condition of the pipe. Table 4 provides the description of the ratings themselves. Figures 1 through 4 show the existing pipe system by diameter, the installation year, gravity pipe material, and assessment. Each figure shows the system within the current Bend UGB.

**Lift Stations.** Table 9 provides the inventory of lift stations by basin, with Table 10 providing the capacities of the lift stations. Tables 12 through 14 provide the assessment summary for lift stations with the assessment identifying lift stations by needing significant improvements immediately, within 5 years, or within 6 to 10 years. Table 15 identifies those lift stations that are in Good Condition and that will require no major improvements within 10 years. Figure 5 shows the existing system service area and basins served by lift stations. Figure 6 displays the deficiency assessment for the lift stations.

**Vacuum Sewers.** Table 16 provides the inventory of pipes in the vacuum sewer system, including diameter and length. As indicated above, the City does not have an assessment program for pipes in the vacuum system. Figure 7 identifies the location of the vacuum sewer lines and the area that they serve.

**Force Mains/Common Pressure Mains.** Tables 17, 18, and 19 present the inventory of mains by installation year, diameter, and material. Like the vacuum sewers, the City does not have an assessment program for evaluating the condition of force mains and

common pressure mains. Figure 8 presents the inventory of the existing system of mains by pipe diameter.

**(2) *The public facility plan shall identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. The public facility plan shall list the title of the project and describe each public facility project in terms of the type of facility, service area, and facility capacity.***

**FINDING:** The 2018 CSPFP meets this criterion because it includes proposed changes to the City's Capital Improvement Program (CIP) which identifies the significant public facility projects for the collection system. The CIP organizes projects according to the following categories:

1. Trunk Sewer and Interceptor Improvements
2. Southeast Lift Station Condition and Decommissioning Improvements
3. South Lift Station Capacity and Condition Improvements impacting the Amethyst/Mahogany/3<sup>rd</sup> Street Trunk Sewer
4. Other South and East Area Lift Station Condition Improvements
5. Central Area Lift Station Capacity and Condition Improvements
6. West Lift Station Capacity and Condition Improvements
7. North Lift Station Condition and Decommissioning Improvements
8. Other North Area Lift Station Capacity and Condition Improvements
9. Programmatic Funding
10. Expansion Area Infrastructure.

The PFP provides a brief written description for each category on pages 39 and 40.

These ten (10) categories of public facility projects are planned to support land uses designated in the Bend Comprehensive Plan. The 2018 CSPFP identifies several major projects that will be undertaken and contains a project summary of highlighted significant projects in the short term, short to mid-term, and mid to long-term. A complete list of the Capital Improvement Projects planned for the 20-year planning period is shown in Table 20 of the CSPFP.

**(3) *Project descriptions within the facility plan may require modifications based on subsequent environmental impact studies, design studies, facility master plans, capital improvement programs, or site availability. The public facility plan should anticipate these changes as specified in OAR 660-011-0045.***

**FINDING:** This rule is not a criterion for approval for the 2018 CSPFP. This report addresses OAR 660-011-045 in a subsequent finding.

**660-011-0025 - Timing of Required Public Facilities**

- (1) The public facilities plan shall include a general estimate of the timing for the planned public facility projects. This timing component of the public facilities plan can be met in several ways depending on whether the project is anticipated in the short term or long term. The timing of projects may be related directly to population growth, e.g., the expansion or new construction of water treatment facilities. Other facility projects can be related to a measure of the facility's service level being met or exceeded, e.g., a major arterial or intersection reaching a maximum vehicle-per-day standard. Development of other projects may be more long term and tied neither to specific population levels nor measures of service levels, e.g., sewer projects to correct infiltration and inflow problems. These projects can take place over a long period of time and may be tied to the availability of long-term funding. The timing of projects may also be tied to specific years.**
- (2) Given the different methods used to estimate the timing of public facilities, the public facility plan shall identify projects as occurring in either the short term or long term, based on those factors which are related to project development. For those projects designated for development in the short term, the public facility plan shall identify an approximate year for development. For those projects designated for development over the long term, the public facility plan shall provide a general estimate as to when the need for project development would exist, e.g., population level, service level standards, etc. Timing provisions for public facility projects shall be consistent with the acknowledged comprehensive plan's projected growth estimates. The public facility plan shall consider the relationships between facilities in providing for development.**
- (3) Anticipated timing provisions for public facilities are not considered land use decisions as specified in [ORS 197.712\(2\)\(e\)](#), and, therefore, cannot be the basis of appeal under [ORS 197.610\(1\)](#) and (2) or [197.835\(4\)](#).**

**FINDING:** This finding addresses OAR 660-011-0025(1) through (3). The 2018 CSPFP meets (1) through (3) above because it includes a general estimate of timing for all capital improvement projects. Table 20 of the CSPFP identifies projects as to whether they will be needed in the short term (1 to 5 years), short to mid-term (1 to 5 or 6 to 10 years), or mid to long term (6 to 10 years or 11 to 20 years). The CSPFP also includes brief written descriptions of the projects on pages 41 through 44. Figure 10 of the CSPFP is a map all of the significant capital improvement projects.

**Short term** projects are considered to be those projects that will be undertaken in 1 to 5 years. The short term projects include:

1. North Interceptor Phase 1
2. Southeast Interceptor Extension and Diversion

3. Southeast Lift Station Decommissioning
4. Drake Lift Station and Force main

**Short to Mid-Term** projects are those projects that are development driven, and may be completed in either the short term (1 to 5 years) or mid-term (6 to 10 years). These projects include:

1. Amethyst/Mahogany/3rd Street Trunk
2. River Rim Lift Station
3. 8th to 15th Street Trunk
4. Newport Trunk, Shevlin Commons Lift Station, Shevlin Meadows Lift Station and Force main, and Renaissance Lift Station
5. Deschutes Business Lift Station
6. North Interceptor Phase 2
7. North Area Lift Station Decommissioning
8. North Interceptor Phase 3
9. Old Mill Lift Station and Force main
10. East Interceptor Phase 1

**Mid to Long Term Projects** are those that are also development driven, and will be needed in either the mid-term (6 to 10 years) or the long term (11 to 20 years). These projects are described on page 43 and include:

1. Drake Downstream Trunk
2. Central Interceptor
3. East Interceptor Phase 2

**UGB Expansion Area Projects** are those that are intended to serve specific UGB Expansion Areas, are development driven. These projects are estimated to be need in either the short- or mid-term, when the City approves either an area plan or a master plan for an expansion area. These projects include:

1. Elbow Gravity Trunk
2. Elbow Lift Station and Force main
3. DSL Gravity Trunk
4. Thumb Gravity Trunks
5. West Gravity Trunks

**Other Projects** is a final category of projects that are other than short-, mid-, and long-term projects required to accommodate system growth and maintain system condition. These projects are described on pages 53-54 and include:

1. Condition Related Lift Station Improvements
2. Condition Assessment, Sewer Flow Monitoring, Modeling, and Planning Projects
3. Pipeline Repair and Replacement Program
4. Local Area Improvements

5. Plant Interceptor Rehabilitation (lower portion)

Table 23 lists the projects by improvement category, and includes their respect timeframe, specifications, and project cost estimates. Table 24 lists the total costs for each category of improvement and by their timeframe.

**660-011-0030 - Location of Public Facility Projects**

**(1) The public facility plan shall identify the general location of the public facility project in specificity appropriate for the facility. Locations of projects anticipated to be carried out in the short term can be specified more precisely than the locations of projects anticipated for development in the long term.**

**FINDING:** The 2018 CSPFP meets this criterion because it includes maps that identify the general location of public facility projects. The CSPFP provides a summary of both short-term and long-term projects including the general location of sewer public facilities. Figure 13 of the Collection System PFP provides the mapped location of all proposed capital improvement projects. Table 23 provides a description of each project including the project category, type of improvement, size, length and project estimate.

**(2) Anticipated locations for public facilities may require modifications based on subsequent environmental impact studies, design studies, facility master plans, capital improvement programs, or land availability. The public facility plan should anticipate those changes as specified in OAR 660-011-0045.**

**FINDING:** The 2018 CSPFP relies on sewer planning documents for the City that acknowledge that additional design work and studies will be required before the city develops a final design and location for specific facilities.

**660-011-0035 - Determination of Rough Cost Estimates for Public Facility Projects and Local Review of Funding Mechanisms for Public Facility Systems**

**(1) The public facility plan shall include rough cost estimates for those sewer, water, and transportation public facility projects identified in the facility plan. The intent of these rough cost estimates is to:**

- (a) Provide an estimate of the fiscal requirements to support the land use designations in the acknowledged comprehensive plan; and**
- (b) For use by the facility provider in reviewing the provider's existing funding mechanisms (e.g., general funds, general obligation and revenue bonds, local improvement district, system development charges, etc.) and possible alternative funding mechanisms. In addition to including rough cost estimates for each project, the facility plan shall include a discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility**

***project or system. These funding mechanisms may also be described in terms of general guidelines or local policies.***

**FINDING:** The proposal meets this criterion because the 2018 CSPFP includes rough cost estimates for the sewer collection projects identified in the plan. The CSPFP relies on Class V costs estimates as rough cost estimates for the projects in the CIP. Table 23 of the PFP provides rough cost estimates for projects. Table 24 aggregates this data to the 10 improvement categories used in the PFP and provides total estimates by improvement category, by timeframe, and then a total rough cost estimate for all the projects in the PFP. The project estimates will change over time due to fluctuations in actual labor and material costs, competitive market conditions, site conditions, final project scope, implementation schedule, continuity of personnel, and other unforeseeable factors.

**(2) *Anticipated financing provisions are not considered land use decisions as specified in [ORS 197.712\(2\)\(e\)](#) and, therefore, cannot be the basis of appeal under [ORS 197.610\(1\)](#) and (2) or [197.835\(4\)](#).***

**FINDING:** This rule is not an approval criterion for the proposal.

#### ***660-011-0040 - Date of Submittal of Public Facility Plans***

***The public facility plan shall be completed, adopted, and submitted by the time of the responsible jurisdiction's periodic review. The public facility plan shall be reviewed under OAR Chapter 660, Division 25, "Periodic Review" with the jurisdiction's comprehensive plan and land use regulations. Portions of public facility plans adopted as part of comprehensive plans prior to the responsible jurisdiction's periodic review will be reviewed pursuant to OAR Chapter 660, Division 18, "Post Acknowledgment Procedures".***

**FINDING:** The proposed 2018 CSPFP will be reviewed and adopted as a post-acknowledgement plan amendment. This amendment will include adoption of the 2018 CSPFP, and related amendments to Chapter 8 of the Bend Comprehensive Plan, *Public Facilities and Services*, to recognize and incorporate the plan and as the PFP for sewer collection and adopt new policies to implement the PFP.

#### ***660-011-0045 - Adoption and Amendment Procedures for Public Facility Plans***

**(1) *The governing body of the city or county responsible for development of the public facility plan shall adopt the plan as a supporting document to the jurisdiction's comprehensive plan and shall also adopt as part of the comprehensive plan:***

***(a) The list of public facility project titles, excluding (if the jurisdiction so chooses) the descriptions or specifications of those projects;***

***(b) A map or written description of the public facility projects' locations or service areas as specified in sections (2) and (3) of this rule; and***

***(c) The policy(ies) or urban growth management agreement designating the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated.***

**FINDING:** This finding addresses (1)(a) through (1)(c) above. The proposal before the City Council is to adopt the 2018 CSPFP as a supporting document to the Bend Comprehensive Plan. This proposal also includes adoption of related and conforming amendments to Chapter 8 of the Bend Comprehensive Plan, *Public Facilities and Services*, to include the Sewer PFP. The amendments to Chapter 8 will list the titles of the significant public facility projects intended to serve the Bend UGB. The CSPFP includes Figure 5 which identifies the City's sewer service area and sewer basins, and identifies the areas included in the 2016 UGB Expansion. Finally, the CSPFP describes the City as the sole wastewater collection and treatment service provider within the Bend UGB. The proposed amendments to Chapter 8 include new text and new policies for Sewer Collection Facilities. These new policies include Policies 8-13 and 8-14 regarding the location of sewer collection facilities outside of the UGB. These criteria have been satisfied.

***(2) Certain public facility project descriptions, location or service area designations will necessarily change as a result of subsequent design studies, capital improvement programs, environmental impact studies, and changes in potential sources of funding. It is not the intent of this division to:***

- (a) Either prohibit projects not included in the public facility plans for which unanticipated funding has been obtained;***
- (b) Preclude project specification and location decisions made according to the National Environmental Policy Act; or***
- (c) Subject administrative and technical changes to the facility plan to ORS 197.610(1) and (2) or 197.835(4).***

**FINDING:** This rule is not an approval criterion. The City understands that certain elements of projects listed in the 2018 CSPFP plans may change, and that such changes are not subject to ORS 197.610(1) or (2) or 197.835(4).

***(3) The public facility plan may allow for the following modifications to projects without amendment to the public facility plan:***

- (a) Administrative changes are those modifications to a public facility project which are minor in nature and do not significantly impact the project's general description, location, sizing, capacity, or other general characteristic of the project;***



- (b) Technical and environmental changes are those modifications to a public facility project which are made pursuant to "final engineering" on a project or those that result from the findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the National Environmental Policy Act of 1969 (40 CFR Parts 1500-1508) or any federal or State of Oregon agency project development regulations consistent with that Act and its regulations.**
- (c) Public facility project changes made pursuant to subsection (3)(b) of this rule are subject to the administrative procedures and review and appeal provisions of the regulations controlling the study (40 CFR Parts 1500-1508 or similar regulations) and are not subject to the administrative procedures or review or appeal provisions of ORS Chapter 197, or OAR Chapter 660 Division 18.**

**FINDING:** This rule is not an approval criterion. The City understands that certain elements of projects listed in the water and/or sewer public facility plans may change. This rule defines what changes are not subject to ORS Chapter 197 or OAR Chapter 660 Division 18.

- 4) Land use amendments are those modifications or amendments to the list, location or provider of, public facility projects, which significantly impact a public facility project identified in the comprehensive plan and which do not qualify under subsection (3)(a) or (b) of this rule. Amendments made pursuant to this subsection are subject to the administrative procedures and review and appeal provisions accorded "land use decisions" in ORS Chapter 197 and those set forth in OAR Chapter 660 Division 18.**

**FINDING:** This rule is not an approval criterion; however, the city acknowledges that the city's adoption of this ordinance amending the plans is subject to the review and appeal procedures accorded "land use decisions" in ORS Chapter 197 and those set forth in OAR Chapter 660 Division 18. As indicated above, the City will submit this proposal to the Department of Land Conservation and Development as a post-acknowledgement plan amendment under OAR 660-018.

**660-011-0060**

### **Sewer Service to Rural Lands**

**(1) As used in this rule, unless the context requires otherwise:**

**(a) "Establishment of a sewer system" means the creation of a new sewage system, including systems provided by public or private entities;**

**(b) "Extension of a Sewer System" means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing sewer system in order to provide service to a use, regardless of whether the use is inside the**

***service boundaries of the public or private service provider. The sewer service authorized in section (8) of this rule is not an extension of a sewer;***

***(c) "No practicable alternative to a sewer system" means a determination by the Department of Environmental Quality (DEQ) or the Oregon Health Division, pursuant to criteria in OAR chapter 340, division 71, and other applicable rules and laws, that an existing public health hazard cannot be adequately abated by the repair or maintenance of existing sewer systems or on-site systems or by the installation of new on-site systems as defined in OAR 340-071-0100;***

***(d) "Public health hazard" means a condition whereby it is probable that the public is exposed to disease-caused physical suffering or illness due to the presence of inadequately treated sewage;***

***(e) "Sewage" means the water-carried human, animal, vegetable, or industrial waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present;***

***(f) "Sewer system" means a system that serves more than one lot or parcel, or more than one condominium unit or more than one unit within a planned unit development, and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, appurtenances and facilities used for treating or disposing of sewage or for collecting or conducting sewage to an ultimate point for treatment and disposal. The following are not considered a "sewer system" for purposes of this rule:***

***(A) A system provided solely for the collection, transfer and/or disposal of storm water runoff;***

***(B) A system provided solely for the collection, transfer and/or disposal of animal waste from a farm use as defined in ORS 215.303.***

**FINDING:** This finding addresses subsection (1) of OAR 660-011-0060 above. The amendments to the 2018 CSPFP include two (2) new sewer collection interceptors that need to be located outside of the Bend UGB to better serve lands within the UGB. These are identified as the North Interceptor (Phases 1 through 3) and the East Interceptor (Phases 1 and 2). The following findings show these interceptors are required to provide sewer collection service to several expansion areas and transport of wastewater to the City's WRF, and that they must be located outside of the Bend UGB in order to do so.

***(2) Except as provided in sections (3), (4), (8), and (9) of this rule, and consistent with Goal 11, a local government shall not allow:***

***(a) The establishment of new sewer systems outside urban growth boundaries or unincorporated community boundaries;***

***(b) The extension of sewer lines from within urban growth boundaries or unincorporated community boundaries in order to serve uses on land outside those boundaries;***

***(c) The extension of sewer systems that currently serve land outside urban growth boundaries and unincorporated community boundaries in order to serve uses that are outside such boundaries and are not served by the system on July 28, 1998.***

**FINDING:** This finding addresses subsection (2) of OAR 660-011-0060. With respect to (2)(a) and (2)(b) above, the proposed 2018 CSPFP does not propose to establish a new sewer system outside the City's UGB. There are no unincorporated community boundaries adjacent to or affected by the proposed amendments to the City's CSPFP<sup>8</sup>.

For context, these criteria are applicable because the 2018 CSPFP proposes two (2) sewer interceptor projects that would be located outside of the Bend UGB, and constructed to transport wastewater from the UGB to the City's water reclamation facility (WRF) on McGrath Road. The WRF is located on a 1,600-acre site approximately two miles north and east of the City. The City obtained a conditional use permit to establish the facility, CU-77-71, in 1977. The WRF has been operating since 1981.

One of these interceptors is identified as the North Interceptor, and includes three (3) segments or phases that extend from the WRF west to the OB Riley Expansion area (See Figure 13 of the PFP). These segments total approximately 40,500 linear feet of pipe<sup>9</sup>. Once constructed, the OB Riley Expansion Area, North Triangle Expansion Area, Juniper Ridge, and areas of Northeast Bend will have access to a sewer interceptor that relies on gravity to direct flows of wastewater to the WRF. The proposed phasing of construction proceeds in an east to west direction from the WRF to the OB Riley Expansion Area.

The second interceptor is the East Interceptor. The 2014 CSPFP included an alignment for the Southeast Interceptor that was located within the existing UGB. The 2018 CSPFP includes construction of a new interceptor, identified as the East Interceptor, that would replace a segment of the Southeast Interceptor. This new interceptor would transport wastewater from the Thumb, Elbow, DSL, and Northeast Edge Expansion Areas. This interceptor would be constructed in two phases, in a north to south direction, with a total pipe length of 23,100 linear feet<sup>10</sup>. Phase 1 of the East Interceptor would provide wastewater collection for the Northeast Edge. Phase 2 of the East Interceptor would provide wastewater collection for the other expansion areas identified above. Each of these phases of the East Interceptor would be located outside of the UGB, with most of the segments located within public rights of way.

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<sup>8</sup> See Deschutes County Official Zoning Map – <https://www.deschutes.org/cd/page/mappinggis>.

<sup>9</sup> See Table 20, page 45 for unit lengths of each phase.

<sup>10</sup> See Table 20, page 47 for unit lengths of each phase.

**(3) Components of a sewer system that serve lands inside an urban growth boundary (UGB) may be placed on lands outside the boundary provided that the conditions in subsections (a) and (b) of this section are met, as follows:**

**(a) Such placement is necessary to:**

**(A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;**

\*\*\*

**(C) Connect to components of the sewer system lawfully located on rural lands, such as outfall or treatment facilities; or**

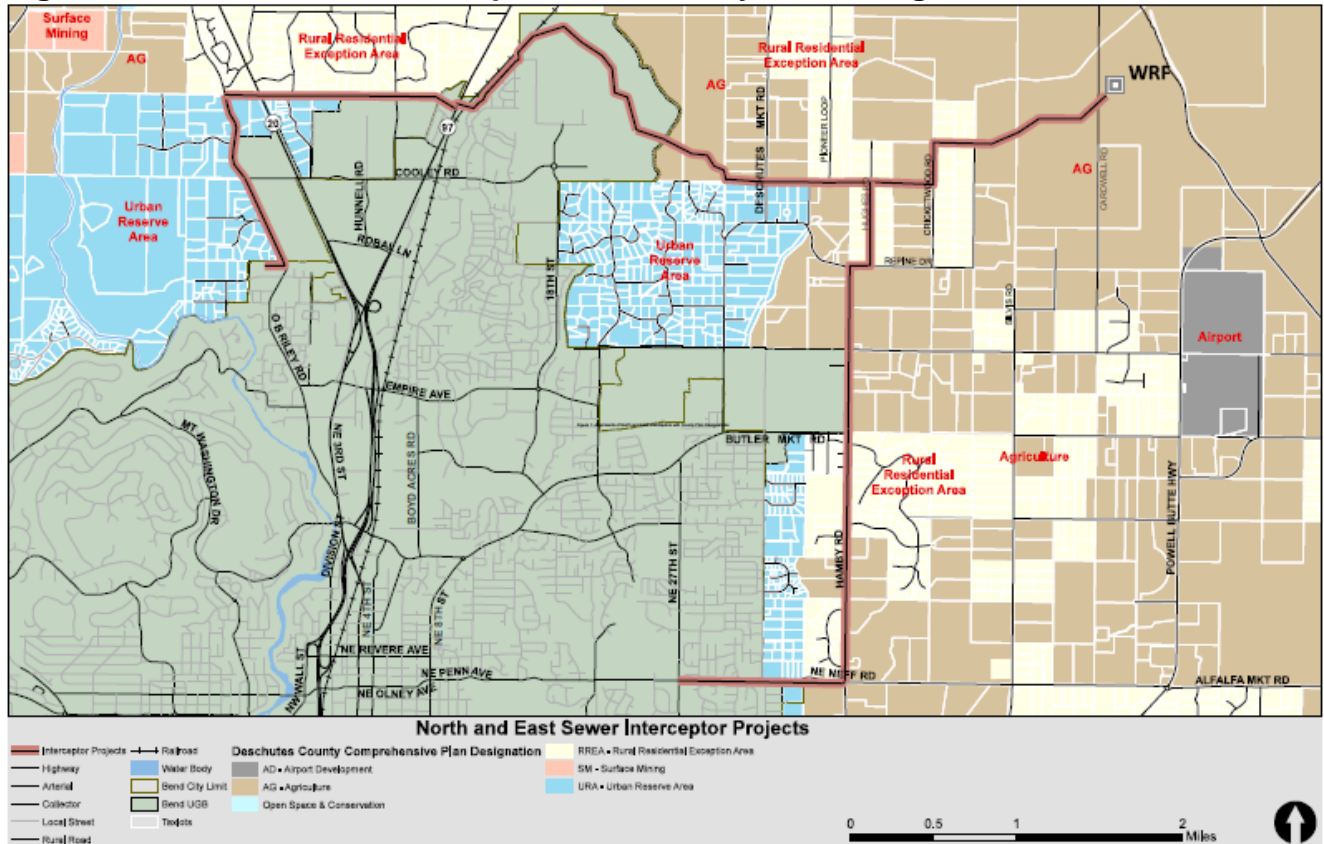
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**FINDING:** This finding addresses (3)(a)(A) and (3)(a)(C) above. The City proposes to establish two sewer collection facilities, the East Interceptor and the North Interceptor, on lands outside of the Bend UGB. Each interceptor would have segments that would be constructed on lands either outside the UGB or within the public rights of way outside the UGB. The 2018 CSPFP (See Figure 13) shows the proposed segments of each interceptor constructed outside of the UGB. The City has relied on technical memoranda identified in Section V of this report that provide the analysis supporting the improved performance of these interceptors in transporting effluent to the City's wastewater treatment facility, which is located outside of the City's UGB<sup>11</sup>.

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<sup>11</sup> See July 20, 2016 technical memorandum "UGB Expansion-Sanitary Sewer Analysis, Scenario 2.1G" and October 14, 2016 technical memorandum "UGB Expansion-Sanitary Sewer Analysis-Long Term Optimization" by MurraySmith.

**Figure 1: North and East Interceptors and County Plan Designations**



The preceding map (Figure 1) shows the alignments of the North and East interceptors in relation to the comprehensive plan designation of the lands through which they travel<sup>12</sup>.

The City’s water reclamation facility (WRF) is located outside of the Bend UGB approximately two miles to the north and east. Two of the interceptors proposed in the CSPFP were either considered in the 2014 CSMP and proposed here with new dimensions or considered during the UGB evaluation process as a project that would be needed to serve new areas included in the UGB<sup>13</sup>.

The North Interceptor was included in the 2014 CSMP and previously described as the Northeast Interceptor. The 2018 SPFP proposes an extension of the project further to the west and is further amended to provide additional capacity for the north and west expansion areas<sup>14</sup>.

<sup>12</sup> A larger version of this map is attached at the end of this report.

<sup>13</sup> See July 20, 2016 technical memorandum “UGB Expansion – Sanitary Sewer Analysis, Scenario 2.1G”

<sup>14</sup> See page 25 of 26, October 14, 2016 MSA memorandum

The North Interceptor has three phases, each of which in whole or in part are located outside of the UGB, but provide wastewater collection for two UGB expansion areas. The interceptor also provides additional sewer capacity for infill in the north and northeast areas of Bend. In addition, this interceptor provides a redundancy in the City's wastewater collection system by providing another facility for transporting wastewater flows from inside the UGB to the City's WRF. Phase 1 of the North Interceptor provides the redundancy and diverts existing wastewater flows from the Plant Interceptor. Phase 2 of the North Interceptor extends west from the point where the existing Plant Interceptor connects with Phase 1 of the North Interceptor to provide sewer service to Juniper Ridge, one of the City's industrial areas inside the UGB and a key location of industrial employment. Phase 2 of the North Interceptor travels through land outside the UGB west to Juniper Ridge, travels further west through Juniper Ridge, and then terminates at a point near Highway 97. Roughly half of Phase 2 of the North Interceptor is in the UGB. Phase 3 of the North interceptor begins where Phase 2 terminates in the UGB and travels west where it crosses Highways 97 and 20 before connecting with a sewer line in OB Riley Road. Phase 3 provides wastewater collection for both the North Triangle Expansion Area and then the OB Riley Expansion Area.

The proposed East Interceptor was previously considered a segment of the Southeast Interceptor Project. A subsequent optimization analysis found that the optimal alignment for this same segment changed from 27<sup>th</sup> Street to Hamby Road to the east. This new alignment provides for gravity service to properties east of 27<sup>th</sup> Street, and parallels sections of the existing Plant Interceptor<sup>15</sup>. In the technical memoranda listed in Section V, the East Interceptor is referred to as the Hamby alignment of the Southeast Interceptor. These memoranda concluded moving the alignment of this interceptor to Hamby Road allowed for gravity service to be provided to properties east of 27<sup>th</sup> Street. This alignment also parallels sections of the existing Plant Interceptor that would otherwise require significant capacity improvements to serve long-term growth.

The East Interceptor provides wastewater collection for the UGB expansion areas located on Bend's south and east side including the Thumb, the Elbow, the DSL Property, and the Northeast Edge. Phase 1 of the East Interceptor begins at a point where it connects to Phase 1 of the North Interceptor and travels south along the eastern edge of the Northeast Edge where it terminates at this expansion areas southeast corner. Phase 2 of the East Interceptor begins at this point, traveling south within the right of way of Hamby Road before traveling west at Neff Road to a point where it would connect with the Southeast Interceptor within the UGB. Phases 1 and 2 of the East Interceptor also divert some flows from the existing system and provide additional capacity for wastewater flows in the DSL Expansion Area, and for part of the Thumb Expansion Areas. The East Interceptor further supports development in the south part of the UGB by providing capacity for some infill.

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<sup>15</sup> See October 14, 2016 technical memorandum "UGB Expansion – Sanitary Sewer Analysis – Long Term Optimization."

The City has relied on technical memoranda (See Section V) that concluded the North Interceptor is the project through which wastewater can be effectively transported to the WRF for the OB Riley and North Triangle Expansion Areas. This interceptor also helps divert flows from areas of Northeast Bend, and provides the opportunity to decommission nine (9) pumping stations in this area. The July and October 2016 technical memoranda concluded that amended alignments for the North Interceptor (referred to as the Northeast Interceptor in these documents), bypasses the existing Plant Interceptor and connects with the Hamby alignment of the Southeast Interceptor (aka East Interceptor). In addition, the North Interceptor proposes to include a diversion structure where flows from the existing Plant Interceptor can be diverted and conveyed directly to the WRF, providing a valuable redundancy for existing poor condition and near capacity interceptor piping<sup>16</sup>.

The technical memoranda in Section V also show the East Interceptor is a more effective project to provide sewer collection for the Northeast Edge, and for the expansion areas in the southeast. Each interceptor would provide for gravity flow of wastewater from areas within the UGB to the City's wastewater reclamation facility, which has been lawfully established on land outside of the UGB. Moving the interceptor to Hamby Road allows for more efficient gravity flow of wastewater to the intersection of the East Interceptor with the North Interceptor, which also relies on gravity to direct wastewater to the WRF.

One of the key reasons for locating these facilities outside of the UGB is that each interceptor serves areas recently added through the 2016 UGB expansion. The proposed routes are outside of the UGB to support gravity flows of wastewater to the WRF. In addition, the WRF itself was lawfully established outside of the UGB in 1977<sup>17</sup>.

Based on the forgoing, the City concludes that the proposed CSPFP meets these criteria for establishing sewer facilities outside of the Bend UGB, and that their development and location outside of the UGB will better serve areas inside the UGB.

***(b) The local government:***

***(A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth boundaries or unincorporated community boundaries, except as authorized under section (4) of this rule; and***

***(B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices, except for systems located in the subsurface of public roads and highways along the public right of way.***

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<sup>16</sup> See page 9, July 20, 2016 technical memorandum, and page 25 of October 14, 2016 memorandum listed in Section V.

<sup>17</sup> See CU-77-71, available to download from DevDocs portal of the Community Development Department website - <https://www.deschutes.org/cd/page/development-documents-devdocs>.

**FINDING:** This finding addresses (b)(A) and (b)(B) above. The forgoing findings addressing (3)(a)(A) and (3)(a)(C) of OAR 660-011-0060 refer to elements of the 2018 CSPFP that include construction of two (2) sewer interceptor lines on lands outside of the Bend UGB, to better serve those lands within the Bend UGB. With respect to (3)(b)(A), the City has already adopted land use regulations to ensure the City's sewer collection system does not serve these land outside of the Bend UGB. There are several developments outside of the UGB that currently receive sewer collection service from the City. These include a Goal 8 destination resort, and a resource community designated by the County under OAR 660-022<sup>18</sup>. The proposed interceptor has not been designed and will not be established to provide new sewer service to these areas.

On January 3, 2018, the Bend City Council adopted Ordinance 2302. Through this ordinance, the City adopted a number of changes to the Bend Development Code (BDC), which also contains the City's land use regulations. Exhibit A to Ordinance 2302 included a new (E) under BDC 3.4.400, Sanitary Sewer and Water Improvements.

*E. Sewer Collection Service outside the Bend Urban Growth Boundary (UGB). The City may establish sewer collection or treatment facilities outside the Bend UGB, including, but not limited to, the extension of sewer interceptor lines to serve lands in the UGB more efficiently by traversing outside the Bend UGB, or to connect to treatment facilities outside of the Bend UGB. Service connections to these facilities may only be allowed in cases where either the Oregon Department of Environmental Quality or Oregon Health Division determines a public health hazard exists and service is provided consistent with the Oregon Administrative Rules, 660-011.*

The City finds that adding this language will ensure that sewer interceptor lines proposed through this PFP amendment cannot be used to serve land outside of the Bend UGB, and only if such a connection is preceded by a determination by either the DEQ or Oregon Health Division (OHD) that a health hazard exists.

The City further proposes to add two policies to Chapter 8 of the Comprehensive Plan, *Public Facilities and Services*, to support this regulation:

- 8-13** *The City may establish wastewater collection facilities such as sewer interceptor lines, outside of the Bend UGB, to better serve the land inside the UGB.*
- 8-14** *The City may allow lands outside the UGB to connect to sewer collection facilities located outside of the UGB in order to mitigate a public health hazard,*

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<sup>18</sup> The Goal 8 destination resort is Tetherow, which received approvals from Deschutes County in 2004 and 2005. The resort communities are the Inn at the 7<sup>th</sup> Mountain and Widgi Creek, which have been operating since 1972 and 1989, respectively.



*and in a manner consistent with state administrative rules that implement a statewide planning goal concerning public facilities and services.*

With respect to (3)(b)(B), the proposed alignment for the East Interceptor shows it will be located within the public rights of way of Neff Road, Hamby Road, Hamehook Road, and Hughes Road. This alignment intersects with the proposed alignment of Phase 1 of the North Interceptor, which then proceeds east to the wastewater reclamation facility (WRF). This phase of the North Interceptor will be constructed within a combination of public rights of way and easements that cross private land. Because Phases 1 and 2 of the North Interceptor will be located outside of the public right of way, and through areas plan designated Agriculture and zoned EFUTRB, the City finds that the following standards in ORS 215.296 must be addressed.

***215.296 Standards for approval of certain uses in exclusive farm use zones; violation of standards; complaint; penalties; exceptions to standards.***

***(1) A use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:***

***(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or***

***(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.***

Based on the forgoing findings, the City has concluded that the East Interceptor, both Phases 1 and 2, will be located within the road rights of way of Neff, Hamby, and Hughes Roads. These above cited criteria from ORS 215.296 apply to review of Phases 1 and 2 of the North Interceptor. There are two phases of the North Interceptor that will be constructed outside of the Bend UGB and outside of a road right of way (See (3)(b)(B) above). One segment Phase 1 of the North Interceptor will be constructed from the WRF to a section that crosses rural residential exception area located between Cricketwood and Gentry Loop Roads. A final segment of Phase 1 travels west from Cricketwood to the eastern boundary of rural residential exception area that abuts Hughes Road. A segment of Phase 2 of the North Interceptor begins at the western boundaries of properties abutting Hughes Road, and proceeding west to a point where it reaches the UGB. The rest of this finding addresses how these segments of the North Interceptor satisfy ORS 296(1) and (2).

The segments of the North Interceptor that travel through resource land will not force a significant change in accepted farm practices on surrounding lands devoted to farm use. For the purpose of addressing ORS 215.296(1)(a) above, the City notes that none of the area surrounding the interceptor alignment is planned and zoned for forest uses.

The alignment of the North Interceptor crosses both resource lands and lands for which the County has adopted exceptions to Goals 3 (Agricultural Lands) and 4 (Forest Lands). These lands are zoned either Multiple Use Agricultural (MUA10), Exclusive

Farm Use-Tumalo/Redmond/Bend subzone (EFUTRB), or Exclusive Farm Use-Alfalfa subzone. During a site visit on April 13, 2018, staff noted that farm practices in the area north and south of the alignment included some livestock grazing (cattle), and irrigated pasture. The properties on either side of Pioneer Loop, and on the east side of Cricketwood Drive are designated rural residential exception areas. The farming practices observed were south of Phase 2 of the North Interceptor. Phase 1 of the North Interceptor will be constructed through designated agricultural lands that are developed with residences, not engaged in farm practices, or covered with a juniper woodland with an understory of native sage brush and bitter brush.

The proposed sewer interceptor line will not force a significant change in accepted farm practices because it will be constructed underground to allow for gravity conveyance of wastewater to the City's WRF. The line itself does not require the use of groundwater or a diversion from the Deschutes River to operate. The location of the line underground does not have any operating characteristics such as noises, odors, or vibrations that would interfere with accepted farming practices in the area. These practices are limited to livestock grazing and irrigated pasture.

The proposed sewer interceptor line will also not significantly increase the cost of accepted farming practices occurring on surrounding lands devoted to farm use. As indicated above, the sewer interceptor line will be located underground for the purpose of transporting wastewater to the City's WRF. There will be no equipment located above ground to assist with these operations. In addition, and as indicated above, the sewer line itself does not have any operating characteristics that would potentially interfere with the cultivation of pasture grass for livestock, or livestock grazing.

Based on the forgoing, the City finds that the locations of the East Interceptor and the North Interceptor satisfy OAR 660-011-0060(3).

#### **CONFORMANCE WITH OAR 660-011:**

**FINDING:** The 2018 CSPFP complies with all regulations in OAR Chapter 660-011.

### **VIII. Findings on OAR 660-0015, Compliance with Statewide Planning Goals**

#### **Goal 1: Citizen Involvement.**

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

**FINDING:** The proposed CSPFP will meet Goal 1 because the City has used its citizen involvement program to insure citizens have an opportunity to review and comment on the PFP and the proposed changes to Chapter 8 of the Comprehensive Plan<sup>19</sup>. For the

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<sup>19</sup> See Citizen Involvement Program: <https://www.bendoregon.gov/home/showdocument?id=33917>.

2018 CSPFP, the City will hold at least two public hearings on this proposal, consistent with the City's acknowledged procedures for legislative amendments in Section 4.6.200 of the Development Code. Those hearings provide an opportunity for citizens to be involved in the adoption of the 2018 CSPFP.

## **Goal 2: Land Use Planning**

***To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

**FINDING:** The 2018 CSPFP meets this goal because it has been developed with and supported by an adequate factual base. This set of findings includes a Section V in which the City has outlined the evidence upon which the City relied to develop the 2018 CSPFP. These documents provide a factual base to show the PFP includes all necessary elements required under Division 11, specifically OAR 660-011-0010.

The 2018 CSPFP also meets this goal because the City has coordinated review of the PFP with affected governmental units. This report includes forgoing findings that address OAR 660-011-0015(2), regarding coordination with other public agencies and affected governments in plan preparation. The City contacted agency staff through electronic mail and requested comments from: 1) Bend LaPine School District; 2) Bend Parks and Recreation District; 3) Deschutes County Community Development and Road Departments; 4) ODOT Region 4, and; 5) the Arnold, Central Oregon, Swalley, and Tumalo Irrigation Districts. The City made this request before submitting the Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development. After submitting the notice, the City reached out again to request comments on the draft PFP.

## **Goal 3: Agricultural Lands**

**FINDING:** This goal is applicable because the proposed alignments for the East and North Interceptors include segments that travel through land designated for Agriculture on Deschutes County's Comprehensive Plan Map. These same areas are zoned for Exclusive Farm Use. The proposal satisfies this goal because the proposed use, the sewer interceptor lines identified as the North Interceptor and the East Interceptor, will not force a significant change in or significantly increase the cost of any farming practices occurring in the surrounding area.

Section VII of this report includes findings that address this more directly under OAR 660-011-0060. To summarize, the sewer interceptors will be buried underground for the purpose of transporting waste water to the City's treatment plant (aka WRF) on McGrath Road. The proposed interceptors do not have any operating characteristics that would interfere with adjacent farming practices to the extent that they would force a significant change in or significantly increase the cost of such practices. Finally, the sewer interceptors have been designed and will be constructed to rely on gravity, and will not

consume resources needed to support adjacent farming practices such as electricity and irrigation water.

#### **Goal 4: Forest Lands**

**FINDING:** This goal is not applicable because the 2018 CSPFP is intended to serve those land uses within the Bend UGB that are planned for under the Bend Comprehensive Plan. None of the facilities proposed in this 2018 CSPFP will be developed in or extended through forest lands.

#### **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

***To protect natural resources and conserve scenic and historic areas and open spaces.***

**FINDING:** The 2018 CSPFP does not include any projects that could potentially affect Goal 5 resources already protected under the Bend Comprehensive Plan. The purpose of the 2018 CSPFP is to support the land uses allowed under the Bend Comprehensive Plan. Any development of land uses allowed under the Comprehensive Plan adjacent to identified Goal 5 resources will develop according to any adopted protection measures. The projects and improvements proposed in the 2018 CSPFP neither require nor propose any changes to any of the City's acknowledged protection measures.

#### **Goal 6: Air, Water, and Land Resources Quality**

***To maintain and improve the quality of the air, water and land resources of the state.***

**FINDING:** The 2018 CSPFP meets this goal because it includes projects that will help maintain and improve the quality of the air, water, and land resources. The PFP proposes capital projects for gravity infrastructure, lift station and force main infrastructure, and sewer collection infrastructure for the recently added UGB Expansion Areas. All of these projects will improve the collection of wastewater and its transportation to the WRF. These proposed improvements, once implemented, will ensure that the quality of the air, water, and land resources of the state are maintained.

#### **Goal 7: Areas Subject to Natural Hazards**

***To protect people and property from natural hazards.***

**FINDING:** This goal is not applicable because the 2018 CSPFP does not propose to provide sewer collection service to areas identified as Goal 7 natural hazards in the Bend UGB. None of the capital projects are proposed in areas with identified Goal 7 natural hazards.

### **Goal 8: Recreational Needs**

**FINDING:** The 2018 CSPFP meets this goal because it includes projects intended to improve the existing collection system or extend it to areas that are not already served. These projects, once constructed, will ensure that sewer collection service is provided to existing and proposed parks within the Bend UGB. In addition, the City will continue to provide sewer collection service to the existing Goal 8 destination resort, Tetherow.

### **Goal 9: Economic Development**

***To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.***

**FINDING:** The 2018 CSPFP will meet this goal because the proposed improvements outlined in the PFP will improve existing collection service or provide service to areas designated for employment. These projects include local area improvements to provide wastewater collection to areas recently added to the Bend UGB for employment. In addition, the trunk sewer improvements within the UGB will serve those Opportunity Areas with capacity for additional jobs.

### **Goal 10: Housing**

***To provide for the housing needs of citizens of the state.***

**FINDING:** The 2018 CSPFP meets this goal because it includes projects needed to serve residential areas that have been planned and zoned for needed housing. These areas within the UGB include those identified as Opportunity Areas and Expansion Areas in Chapter 11 of the Comprehensive Plan.

### **Goal 11: Public Facilities and Services**

***To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.***

**FINDING:** The 2018 CSPFP proposes a plan to develop a timely, orderly, and efficient arrangement of public sewer facilities and services to serve the land uses allowed under the Bend Comprehensive Plan. As demonstrated above, in Sections VI and VII, the PFP satisfies Goal 11 and its administrative rule at OAR 660-011.

## **Goal 12: Transportation**

***To provide and encourage a safe, convenient and economic transportation system.***

**FINDING:** This goal is not applicable because the 2018 CSPFP does not propose any changes to the city's transportation system that would trigger review under Goal 12 or its administrative rule under OAR 660-012.

## **Goal 13: Energy Conservation**

***To conserve energy.***

**FINDING:** This goal is not applicable because the 2018 CSPFP does not propose any changes to the land uses allowed under the Bend Comprehensive Plan that would require more energy to be used. However, the PFP includes projects that include decommissioning pump stations that, once completed, can be expected to result in a more sustainable system with reduced energy demands.

## **Goal 14: Urbanization**

***To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.***

**FINDING:** The 2018 CSPFP meets this goal because it proposes improvements to the public sewer facility systems to support the land uses in the recently expanded Bend UGB. The 2018 CSFP will support the orderly and efficient development of urban and urbanizable lands in the Bend UGB for future housing and employment. The PFP supports this orderly and efficient transition through short-term and long terms projects that will either improve or extend sewer collection service to the areas of the Bend UGB, and those land uses contemplated under the Bend Comprehensive Plan.

## **Goals 15 through 19**

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

## **CONFORMANCE WITH THE STATEWIDE PLANNING GOALS:**

**FINDING:** The 2018 CSPFP satisfies all applicable statewide planning goals.

## IX. Findings Demonstrating Compliance with Bend Comprehensive Plan

### **Future Plan Updates**

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

- Regularly scheduled reviews and updates by the city and county. Every five years, beginning in the year 2000, the city and county will review the population growth, the housing mix and acreage needs, the industrial lands absorption, and the commercial lands absorption against the long-term forecasts in the Comprehensive Plan. Other issues may also be evaluated during these regular views.*
- Preparation of more detailed refinement plans for neighborhoods or geographic areas. As provided for in Oregon land use law, the city or county may prepare more detailed land use and development plans for parts of the urban area that have large vacant or under-utilized parcels. Such refinement plans could address future street patterns and other utility systems, housing density and compatible uses, site and design standards, locations for parks, schools, and open space, and other land use issues.*
- Evaluation of land use topics required to be reviewed under the Oregon Land Conservation and Development Commissions periodic review of the Comprehensive Plan. The state requires all local plans to be updated periodically to comply with applicable new state laws, administrative rules, or to incorporate new data available to the state.*
- Other state laws or legislative actions that require changes to the Plan outside of the normal periodic review cycle. The state legislature or the voter referendum/initiative process can require changes to local land use plans within a specific time period.*
- City or county response to new issues or changes. Issues that were unforeseen during the development of the plan can arise that have an impact on a particular neighborhood or the whole urban area. The city and county officials can direct staff to amend the Plan to address these issues.*
- Changes proposed by individuals or other agencies. A proposal by an individual, corporation, or public agency to change to the Plan text, land use map, other exhibits, or policies shall be considered as determined by the procedures ordinance. A person or agency proposing a change has the burden to demonstrate a public need and benefit for the change.*

**FINDING:** The City proposes two amendments to the Bend Comprehensive Plan. One, is adoption of a 2018 public facility plan for the City's sewer collection system (CSPFP).

The second are amendments to the text of Chapter 8, Public Facilities and Services, to reflect those changes proposed by the 2018 CSPFP, and make some limited corrections.

The 2018 CSPFP and the amendments to Chapter 8 both address a public need and provide public benefits. Section V of this report refers to technical memoranda and the 2018 CSPFP which identify projects needed to both improve the existing wastewater collection system and provide service to those areas recently added to the Bend UGB. These materials identified in Section V have identified the public need for these improvements; the 2018 CSPFP satisfies this need and provides public benefits in the form of the projects themselves. The 2018 CSPFP further provides a public benefit in the form of improved wastewater collection service that comes as a result of the gravity capital projects, lift station projects, and projects that will provide sewer to those areas recently included in the UGB. In addition, the 2018 CSPFP satisfies the public need of serving the land uses contemplated and planned for under the Bend Comprehensive Plan. The public need for amending Chapter 8 of the Comprehensive Plan is to ensure the adoption of the CSPFP as an appendix to the Comprehensive Plan is consistent with previously adopted policies, including those for sewer collection. The benefit in amending Chapter 8 includes updating the text to reflect the changes to the sewer collection system adopted since the 2014 CSPFP, and ensure that this chapter reflects those changes and projects needed to provide sewer collection for the uses under the Comprehensive Plan.

The following plan policies were identified as being applicable to the review of the 2018 CSPFP and the conforming amendments to Chapter 8. These findings show the PFP and amendments to Chapter 8 are consistent with the applicable plan policies.

## ***Chapter 1 – Plan Management and Citizen Involvement***

### **Urban Planning Coordination**

#### ***1-5. No new water or sewer service districts shall be created within the UGB without the concurrence of the city.***

**FINDING:** The 2018 CSPFP does not propose to create new sewer collection service districts within the UGB. The PFP proposes improvements to the City's existing wastewater collection system within the UGB. It does propose the development of two new sewer interceptors – the North Interceptor and the East Interceptor – that will have segments located outside of the UGB, but serve areas within the UGB. Both the 2018 PFP and the amendments to Chapter 8 continue to recognize the City as the sewer service provider in the Bend UGB.



### **Development within the Urban Growth Boundary**

- 1-6** *New developments shall pay to extend planned sewer, water, and transportation facilities to and through the property if the development occurs prior to the scheduled construction of those facilities shown in the capital improvement plan.*

**FINDING:** The 2018 CSPFP includes both large capital projects and local area improvements to provide wastewater collection for the recently added UGB Expansion Areas. Development within the existing UGB and the Expansion Areas will be required to extend sewer facilities to and through property as required by this policy.

### **Chapter 5 – Housing**

#### **Neighborhood Appearance**

- 5-32** *Above-ground installations, such as water and sewer pumping stations, power transformer substations or natural gas pumping stations, shall be screened and designed to blend with the character of the area in which they are located.*

**FINDING:** This policy is applicable because the 2018 CSPFP includes a number of lift station improvement projects. Development of these projects will be consistent with this policy because the lift stations will be screened and designed to blend with the character of the area in which they are located. This requirement is consistent with language in the City's Standards and Specifications (See Part II, 4.4.9).

#### **Public Utilities and Services**

- 5-52.** *All residential areas shall be provided with community water and sewer services and other facilities necessary for safe, healthful, convenient urban living consistent with the density of development.*

**FINDING:** The 2018 CSPFP is consistent with this policy because it includes planned improvements to the wastewater collection facilities for land uses within the Bend UGB. Completion of these improvements will ensure the continued provision of sewer service throughout the City to ensure safe, healthful, and convenient urban living consistent with the density of development.

### **Chapter 6 – Economy**

- 6-3.** *Investment in transportation, water, sewer, fiber, and other utility infrastructure should be prioritized to serve economic lands*

**FINDING:** The 2018 CSPFP is consistent with this policy because it includes projects that will serve economic lands in the UGB. The PFP includes gravity capital projects, lift station and force main projects, and local area improvement projects that will either improve or provide wastewater collection service to the employment lands within the UGB. The projects will also provide sewer service to the recently added UGB Expansion Areas, so those areas with designated employment lands have access to sewer service.

**6-4 *Infrastructure will be planned, designed, and constructed to support continued economic growth and orderly development.***

**FINDING:** The 2018 CSPFP is consistent with this plan policy because it includes wastewater collection projects that have been planned and will be designed and constructed to support continued economic growth and orderly development. As indicated in forgoing findings, the CSPFP includes a number of capital gravity projects, lift station and force main projects, and local area improvements for the UGB Expansion Areas. The PFP shows that these projects are planned to support continued economic growth by providing sewer collection service to areas designated for employment. In addition, this report includes forgoing findings addressing Statewide Planning Goals 11 and 14 that demonstrate how the improvements to the city's wastewater collection system will contribute to and support orderly development.

**Chapter 8 – Public Facilities and Services**

**Sewer Collection Facilities**

**8-1. *All new development within the City Limits should be connected to City sewer***

**FINDING:** The 2018 CSPFP is consistent with this policy because it proposes both short-term and long term projects to provide sewer service to currently unsewered areas within the UGB enabling and encouraging development within the UGB. These projects include those serving areas recently added to the UGB in 2016.

**8-2. *The city is the primary provider of sewage collection and treatment services for the City's service area under Statewide Planning Goal 11.***

**FINDING:** There are no other providers of sewer service within the City of Bend and the UGB. The City currently coordinates with all other utility providers during the planning and construction of new sewer facilities.

**8-3. *To reduce the reliance on individual sewage disposal systems within the Urban Growth Boundary the city will work with unsewered neighborhoods to find solutions for sewer service***

**FINDING:** The proposed CSPFP is consistent with this policy because it includes a projects intended to provide sewer for unsewered neighborhoods within Bend. These projects include the completion of North Interceptor Phase 1, and Phases 1 and 2 of the East Interceptor. In addition, the CSPFP includes a number of projects referred to as “local area improvements” that will provide sewer service to the Expansion Areas recently added to the Bend UGB.

***8-4 The city should collect a sufficient amount of revenue to allow the creation of capital project reserves and to replace aging infrastructure in addition to operational needs of the utility.***

**FINDING:** The 2018 CSPFP includes discussion of sewer rates and system development charges (SDCs) that show sufficient revenues will be collected to fund capital project reserves. This funding source will allow the City to replace aging sewer infrastructure in addition to any operational needs of the City’s sewer utility. The PFP includes discussion of monthly sewer rates and SDC’s (See pages 78 to 82) and how these revenues fund the operation of the sewer utility and fund current and future capital projects.

***8-5 Staff should report to Council on an annual basis regarding the status of the Collection System Master Plan, Capital Improvement Projects and capacity issues within the collection system.***

**FINDING:** This policy is not an approval criterion for the 2018 CSPFP. However, the City will be taking actions to comply with it when the Planning Commission recommendation on the 2018 CSPFP is brought to the City Council for consideration.

***8-6 The City will annually update its financial model as part of the review of sewer rates and report to Council on any changes in the 20-year financial outlook and subsequent rate impacts.***

**FINDING:** This policy is not applicable to the 2018 CSPFP. This policy requires the City to take an action outside of the PFP development process, but the information regarding the financial model and sewer rates has been incorporated in the draft PFP.

***8-7 The master plan shall be updated at least every 5 years with official review and adoption by Council.***

**FINDING:** This policy refers to the Collection System Master Plan (CSMP), the last version of which was adopted by Council in December 2014. The 2017-2019 Strategic Plan identifies the update of the CSMP starting in 2019<sup>20</sup>.

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<sup>20</sup> See 2017-2019 Strategic Plan online - <https://www.bendoregon.gov/home/showdocument?id=31653>.

***8-8 The preference of the City is to serve development through gravity conveyance and use of the Water Reclamation Facility.***

**FINDING:** The 2018 CSPFP is consistent with this policy because it continues this preference of relying on gravity conveyance of wastewater to the Water Reclamation Facility. The PFP includes gravity capital projects including several local gravity improvements that will continue to rely on gravity conveyance.

***8-9 If lift stations are required to serve new development, regional pump stations shall be relied upon to the extent practicable versus individual or smaller lift stations.***

**FINDING:** The 2018 CSPFP includes seven (7) lift station projects that will serve as regional facilities in the UGB. Three of these projects have an associated force main project. The PFP is consistent with this policy.

***8-10 These policies will be implemented through the City of Bend Public Improvement Construction Procedure Standards & Specifications.***

**FINDING:** This policy is not applicable to review of the 2018 CSPFP. The Standards and Specifications were last updated as of March 1, 2018<sup>21</sup>.

***8-11 The City should look for reasonable opportunities to decommission energy- and maintenance-intensive lift stations as part of new development or other City infrastructure projects.***

**FINDING:** The 2018 CSMP is consistent with this plan policy because it includes several capital projects intended to decommission lift stations (See Table 23). These projects are described at pages 50 and 51 of the 2018 CSPFP:

- Southeast Lift Station Decommissioning. With completion of the Southeast Interceptor, gravity sewer connections can be implemented to decommission up to 24 lift stations.
- North Interceptor Phase 2 and North Area Lift Station Decommissioning. Once the sewer interceptor is in place, gravity sewer connections can be implemented to decommission up to 7 lift stations.
- North Interceptor Phase 3. Once this interceptor is in place, gravity sewer connections can be implemented to decommission two additional lift stations.

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<sup>21</sup> See City's website for Standards and Specifications - <https://www.bendoregon.gov/government/departments/community-development/private-development-engineering-services/standards-specs>.

**8-12 The City will consider the conservation and water reuse measures in the Water Management and Conservation Plan in infrastructure planning to reduce overall impacts to the sewer collection and treatment system.**

**FINDING:** This plan policy is not an approval criterion for the 2018 CSPFP. This policy will apply to review of the next Water Management and Conservation Plan.

## **Chapter 11 – Growth Management**

### **General Area Planning Policies**

**11-21 Area Plans are intended to coordinate development and provide flexibility to tailor land use regulations and/or transportation and infrastructure plans to respond to area- or site-specific conditions.**

**FINDING:** The 2018 CSMP is consistent with this policy because it includes local area improvement projects to serve UGB Expansion Areas. These projects include several local area improvement projects (See page 53), which include two projects for the Elbow Expansion Area. The gravity capital projects list includes Phases 1 and 2 of the East Interceptor, and Phases 2 and 3 of the North Interceptor, which are needed to provide sewer service to the Northeast Edge and North Triangle Expansion Areas. The Elbow, Northeast Edge, and North Triangle are all areas that require an area plan according to plan policies in Chapter 11, Growth Management, of the Comprehensive Plan.

### **Master Planning Policies**

**11-31 The purposes of master plans are to:**

- **promote and facilitate coordinated development and efficient use of land;**
- **provide a process to consider future development on larger sites and to analyze future demand on public facilities; and**
- **provide an opportunity for innovative and creative development while providing long-term predictability for the applicants, surrounding neighborhoods, and the entire community**

**FINDING:** This finding addresses the second bullet under Policy 11-31. The 2018 CSPFP is consistent with this policy because it includes significant capital projects that will help inform any analysis on future demand for public sewer facilities. Development proposed in area plans and master plans will be evaluated by the City to determine their impact on the capacity of sewer collection facilities.

**Annexation Policies**

***11-43 Requests for annexation must demonstrate how the annexed land is capable of being served by urban services for sanitary sewer collection, domestic water, transportation, schools and parks, consistent with applicable district facility plans and the City’s adopted public facility plans.***

**FINDING:** The 2018 CSMP is consistent with this policy because it aids both annexation requestors and the City to develop and review annexation requests. Such requests and their evaluation will consider the capability of being served by sanitary sewer collection facilities<sup>22</sup>. The 2018 CSPFP includes both significant capital projects and local area improvements that will provide sanitary sewer collection for the expansion areas where an area plan is required (See text page 53; Table 23).

**CONFORMANCE WITH THE BEND GENERAL PLAN:**

**FINDING:** The 2018 CSPFP is consistent with all applicable provision of Bend’s Comprehensive Plan.

**X. Findings on Compliance with Bend Development Code 4.6.200, Legislative Amendments**

***4.6.200 – Legislative Amendments***

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

**FINDING:** This criterion is applicable because the City proposes a legislative amendment to the text of the Bend Comprehensive Plan and has followed the applicable procedures. This proposed amendment includes adopting the 2018 CSPFP as an appendix to the Comprehensive Plan, and amendments to the text of Chapter 8, *Public Facilities and Services*.

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

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<sup>22</sup> See BDC 4.9.600(A)(3) and (A)(4).

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

**FINDING:** The findings under Sections VI, VII, and VIII above show the 2018 CSPFP is consistent with Statewide Planning Goal 11, its administrative rule at OAR 660 Division 11, and the applicable statewide planning goals.

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

**FINDING:** The 2018 CSPFP meets this criterion because the findings in Section IX show the PFP is consistent with the Bend Comprehensive Plan.

**3. *The applicant can demonstrate a public need or benefit for the proposed amendment.***

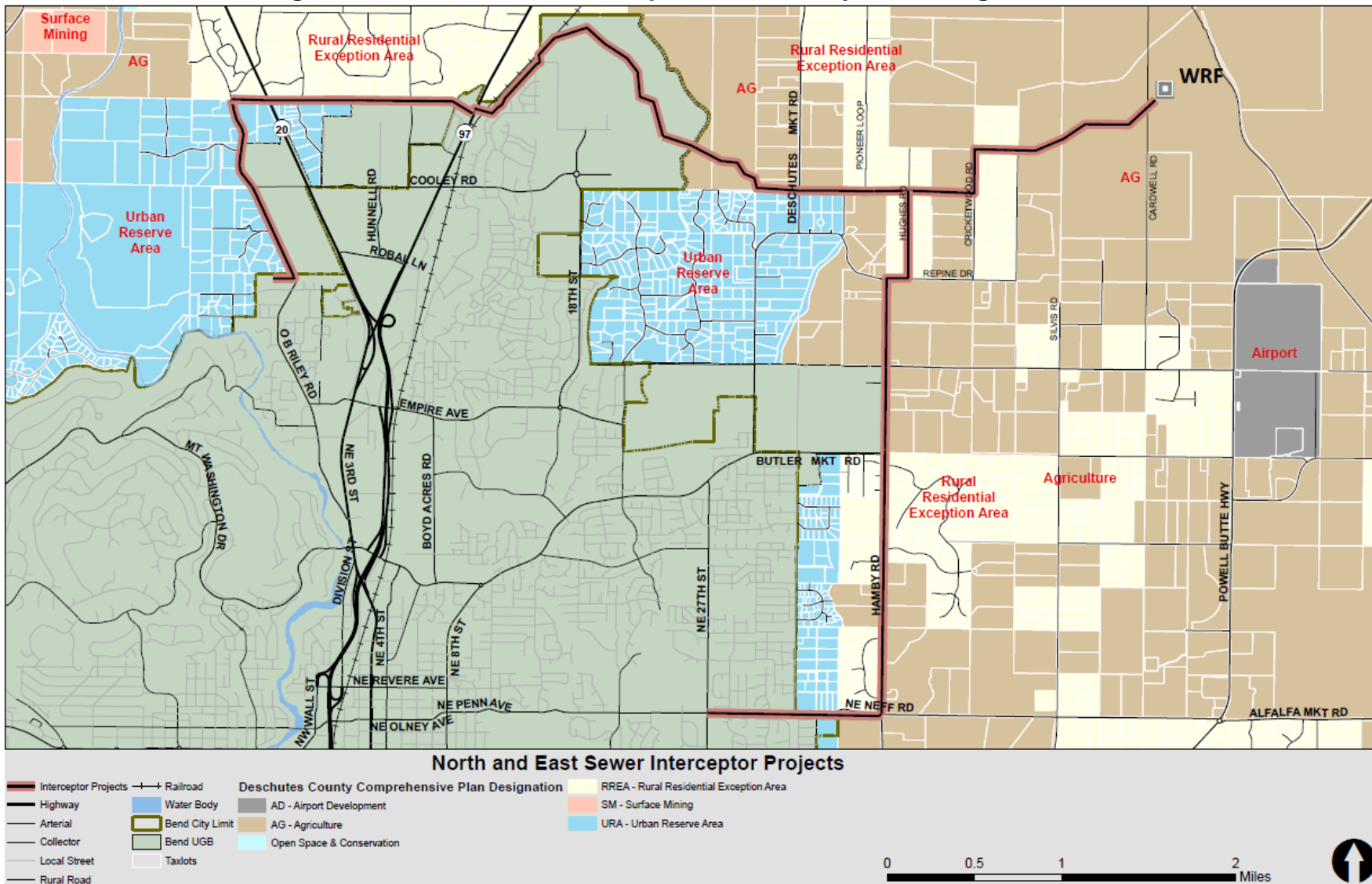
**FINDING:** The 2018 CFPFP meets this criterion because the City has demonstrated the PFP fulfills a public need and provides a public benefit. The public need satisfied by the adoption of the 2018 PFP is the need to have public sewer collection facilities that can serve the land uses contemplated and allowed under the Bend Comprehensive Plan. These uses include those that will be developed in the Opportunity Areas, and in the UGB Expansion Areas. The current PFP for sewer collection was completed in 2014, and does not include projects needed to serve both the entire UGB, and local area improvements needed to serve the UGB Expansion Areas. The public benefit for the change includes the proposed improvements to the sewer collection system that will support the development of land uses allowed under the Comprehensive Plan.

**CONFORMANCE WITH THE BEND DEVELOPMENT CODE SECTION 4.6.200:**

**FINDING:** The 2018 CSPFP is consistent with Bend Development Code Section 4.6.200.

**CONCLUSIONARY FINDINGS:** Based on the findings above, the proposed 2018 Collection System Public Facilities Plan is consistent with and implements Goal 11, OAR 660-011 Public Facilities and Planning, all applicable statewide planning goals, all applicable policies of Bend's Comprehensive Plan and is consistent with Bend Development Code Section 4.6.200.

Figure 1: North and East Interceptors and County Plan Designations





## **FINDINGS REPORT**

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

#### **I. Purpose and Context**

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

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

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

#### **II. Proposal**

The Proposal supported by these findings include:

1. Amendments to the text of Chapter 2 of the Bend Comprehensive Plan, Natural Resources and Open Space, dated May 2018;
2. Amendments to the text of Chapter 3 of the Bend Comprehensive Plan, Community Connections, dated May 2018.

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

#### **III. Background**

1. In 2016, the City adopted a set of significant amendments to the Bend Comprehensive Plan, including a UGB amendment that added 2,380 acres to the Bend UGB. Through Ordinance 2271, the City also adopted several new plan chapters and new appendices to support the adoption of the UGB amendment.

2. Through this ordinance, the City is amending Chapters 2 and 3 to update the format and correct outdated text through minor text changes.
3. In May of 2018, the Bend Park and Recreation District released their Draft Comprehensive Plan which addresses the future growth of Bend and identifies the District's plans, policies, and priority projects to serve the community's needs for parks and open space until 2028.
4. In June of 2018, the City worked with the Bend Park and Recreation District to update outdated text, information, and park inventories in the City's Comprehensive Plan.
5. The Bend Park and Recreation District is conducting a thorough public outreach process to update their Comprehensive Plan and plans to adopt the 2018 Comprehensive Plan on July 17, 2018.
6. The amendments that are subject to these findings are focused on the planning and provision of recreational needs, events, and facilities as well as the natural resources, open spaces, and cultural amenities for the City.

#### **IV. Applicable Criteria**

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

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

- xii. Goals 15 through 19
- 5. Bend Comprehensive Plan – applicable policies
  - i. Preface
  - ii. Chapter 1, Plan Management and Citizen Involvement
    - 1. Urban Planning Coordination Policy 1-4
  - iii. Chapter 3, Community Connections,
    - 1. Parks and Recreation Facilities Policies 3-5 to 3-8; Urban Trails Policies 3-9 to 3-11
  - iv. Chapter 5, Housing,
    - 1. Transportation Connectivity Policy 5-42 to 5-43
  - v. Chapter 7, Transportation
    - 1. Pedestrian and Bicycle Systems Policy 7-28
  - vi. Chapter 8, Public Facilities and Services
  - vii. Chapter 11, Growth Management
    - 1. Policies for Residential Neighborhoods Policy 11-17 and 11-28
- 6. Bend Development Code (BDC) 4.6.200, Legislative Amendments

#### **V. Substantial Evidence**

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

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

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

***Goal 8: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.***

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

#### **VII. Findings Addressing Statewide Planning Goal 5, Natural Resources (OAR 660-0015-0000(5)), Scenic and Historic Areas, and Open Spaces;**

**Goal 5: To protect natural resources and conserve scenic and historic areas and open spaces**

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

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

**Goal 11: Public Facilities and Services**

***To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.***

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

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

**1. Goal 1: Citizen Involvement,**

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

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

**2. Goal 2: Land Use Planning,**

***Goal 2: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

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<sup>1</sup> See pp 1-2 of the District’s 2018 Comprehensive Plan

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

### **3. Goal 3: Agricultural Lands,**

**Goal 3: *To preserve and maintain agricultural lands.***

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

### **4. Goal 4: Forest Lands,**

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

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

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

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

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

### **6. Goal 7: Areas Subject to Natural Hazards**

**Goal 7: *To protect people and property from natural hazards.***

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

### **7. Goal 9, Economic Development**

**Goal 9: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.***

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

### **8. Goal 10, Housing**

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

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

### **9. Goal 12, Transportation**

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

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

### **10. Goal 13: Energy Conservation**

**Goal 13: *To conserve energy.***

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

### **11. Goal 14, Urbanization**

**Goal 14: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.***

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

## **12. Goals 15 through 19**

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

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

#### **1. Preface,**

#### ***Future Plan Updates***

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

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

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

#### **2. Chapter 1, Plan Management and Citizen Involvement**

- i. Urban Planning Coordination Policy 1-4

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

#### **3. Chapter 3, Community Connections,**

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

***3-5: The City will apply a new “Public Facilities” zone for public parks and recreation facilities within the planning area.***

**FINDING:** The proposed changes maintain this policy.

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

**FINDING:** The proposed changes maintain this policy.

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

**FINDING:** The proposed changes maintain this policy.

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

**FINDING:** The proposed changes maintain this policy.

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

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

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

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

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

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

#### **4. Chapter 5, Housing,**

- i. Transportation Connectivity Policy 5-42 to 5-43



**5-42 Schools and parks may be distributed throughout the residential sections of the community, and all types of dwelling units should have safe and convenient access to schools and parks.**

**FINDING:** The proposed changes maintain this policy.

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

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

## **5. Chapter 7, Transportation**

### **i. Pedestrian and Bicycle Systems Policy 7-28**

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

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

## **6. Chapter 11, Growth Management**

### **i. Policies for Residential Neighborhoods Policy 11-17, 11-28**

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

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

**11-28 Some UGB expansion areas have identified preliminary needs for schools and parks. The need and location for schools and parks is determined by the facility planning of the School District and Park District. The School Attendance Areas and Park Service Areas may change and the Area Plans for the UGB expansion areas should take into account any updated school and park needs when the plan is prepared.**

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

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

**4.6.200 – Legislative Amendments**

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

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

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

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

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

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

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

- 3. *The applicant can demonstrate a public need or benefit for the proposed amendment.***

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

**CONFORMANCE WITH THE BEND DEVELOPMENT CODE SECTION 4.6.200:**

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

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