



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005
(541) 388-6575 Fax (541) 385-1764
<http://www.deschutes.org/cd>

MEMORANDUM

DATE: November 4, 2015
TO: Deschutes County Planning Commission ("PC")
FROM: Anthony Raguine, Senior Planner
RE: PC Deliberation – Riley Ranch Nature Reserve, County Land Use File Nos. 247-15-000333-CU, 247-15-000334-SP

BACKGROUND

A public hearing was conducted before the PC on October 22, 2015. At the conclusion of the hearing, the written record was left open to October 29, 2015 to allow submittal of additional testimony and evidence by any party (Attachment 1). The applicant was allowed until November 5, 2015 to submit final legal argument (Attachment 2). A date for deliberation by the PC on the land use applications was set for November 12, 2015. To aid the deliberation, below staff highlights five outstanding issues related to the land use applications, the Hearings Officer's findings, and testimony from parties. Each requires a Planning Commission determination.

i. Bridge – Setbacks

Determine if the bridge is a structure that must comply with the required setbacks for the underlying UAR10 and SM Zones.

ii. Bridge – Parking Impacts

Determine if, from the evidence in the record, the proposed bridge will result in an adverse impact to nearby properties.

iii. Transportation Facilities

Determine if meeting the stopping sight distance standard is sufficient to make a finding that the proposed park will not cause an undue burden on a transportation facility. Should the PC find that meeting stopping sight distance is sufficient, then no other mitigation measures are necessary. If the PC finds that safety concerns at this intersection warrant additional mitigation measures such as the dynamic feedback sign, then the PC will need to address maintenance of the additional mitigation measures.

Neither the City of Bend nor the county are willing to accept maintenance responsibility for improvements within county right-of-way.

iv. Glen Vista Road

Determine if the paved width of Glen Vista Road must be increased to accommodate the traffic generated by the park use.

v. Interference with Irrigation Systems

Determine if the location and proposed paving of Parking Lot A will interfere with any Swalley Irrigation District facilities.

I. BRIDGE – SETBACKS

The applicant, Bend Park and Recreation District (“District”), proposes a bridge along the northwestern portion of the property that would cross the Deschutes River. The eastern half of the bridge would be sited on the subject property which is zoned Urban Area Reserve (“UAR10”). The western half of the bridge would be sited on the Shevlin Sand and Gravel property which is zoned Surface Mining (“SM”). Both zones include minimum setback standards for structures from property lines.

Hearings Officer

The Hearings Officer (“HO”) identified the following definitions in Deschutes County Code (“DCC”) Section 19.04.040 as relevant to this issue:

“Building” means any structure built and maintained for the support, shelter, or enclosure of persons, animals, chattels or property of any kind meeting the requirements of State Structural Specialty Code and Fire and Life Safety Code.

“Setback” means the minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure as defined herein.

“Structure” means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which required location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, driveways, walks and fences.

“Yard” means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in DCC Title 19. In determining the required yard for properties abutting the Deschutes River, the edge of the river shall be determined by the ordinary high water mark which shall be the mark on the Deschutes River that will be found by examining the banks and ascertaining where the presence and action of water are so common and usual, and so long contained in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, and as it may naturally change.

“Yard, front” means an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as specified

elsewhere in DCC Title 19. Distances referred to throughout DCC Title 19 shall constitute building setback requirements.

“Yard, rear” means an open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in DCC Title 19.

“Yard, side” means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in DCC Title 19.

The HO found that a bridge falls within the definition of both “structure” and “building” because it would be “built and maintained for the support, shelter, or enclosure of persons, animals, chattels or property of any kind,” and its abutments would require “location on the ground” and would be “attached to something having a location on the ground” – i.e., abutments and bollards.

The definition of structure includes exceptions for driveways, walks and fences. The HO made a finding that a bridge, unlike a driveway or walk, is not a ground-level structure. Further, the HO found that a bridge, unlike a fence, is not insubstantial. For these reasons, a bridge does not fall under the allowable exceptions for a structure.

Applicant

The District disagrees with the HO findings, and believes the bridge should not be subject to setbacks. The record includes the following arguments from the District:

1. A bridge is part of a driveway or walk and, therefore, should also be exempt from the definition of structure and the setback standards.
2. A bridge does not provide support, shelter or enclosure for persons animals, chattels, or property. It is a feature of transportation that does not meet the definition of building.
3. The Hearings Officer erred in making the interpretation that the bridge must be insubstantial, like fences.
4. The definition of bridge implies that its purpose is for transportation. It is not a standalone building.

The District cites Webster's Dictionary for the definition of bridge,

“Bridge 1a: structure carrying a pathway or roadway over a depression or obstacle.”

5. The bridge should be considered an access or access way as defined under DCC 19.04.040.

“Access or access way” means the place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to, through or past a property or use as required by DCC Title 19.”

6. Based on the District's conversation with Oregon Parks and Recreation Department ("OPRD"), OPRD¹ does not consider bridges to be structures.
7. The City of Bend Development Code² does not consider a bridge to be a building.

Public Testimony

There is testimony in the record from a member of the public arguing that because the bridge will require structural steel and structural concrete, the bridge is a structure.

Planning Commission Determination

The PC must determine if the bridge is a structure that must comply with the required setbacks for the underlying UAR10 and SM Zones.

II. BRIDGE – PARKING IMPACT

DCC 19.76.090(A)(5) requires the PC to take into account impacts from the proposed park on nearby properties. There is testimony in the record that public use of official and unofficial Deschutes River trails results in parking impacts to residential neighborhoods across the river to the south and southwest of the proposed park. This testimony also included a request to require parking facilities for the proposed bridge access.

Hearings Officer

The HO made the following findings,

The Hearings Officer is sympathetic to the parking concerns of Wyndemere residents. However, I am not persuaded the addition of the proposed bridge necessarily would provoke increased parking on the south side of the river. The bridge would not facilitate any sort of "loop" trail through the park as there are no other existing or planned river crossings associated with the park. While I concur with Mr. Findling and Mr. Smith that there may be a need for additional parking for Deschutes River Trail users on the south side of the river to relieve pressure on public and private streets, I find that need currently exists and there is not sufficient evidence in this record to demonstrate either the regional park or the bridge will increase that need.

Planning Commission Determination

The PC must determine if, from the evidence in the record, the proposed bridge will result in an adverse impact to nearby properties.

III. TRANSPORTATION FACILITIES

Under DCC 19.76.070(G), the proposed park shall not be an undue burden on public facilities, such as the street system. To address this issue, the District submitted a traffic analysis which

¹ OPRD's rules and regulations do not constitute approval criteria for the land use applications.

² The City of Bend's Development Code does not constitute approval criteria for the land use applications.

included a number of mitigation measures to address intersection sight distance at O.B. Riley Road and Glen Vista Road.

Hearings Officer

The HO made the following findings,

I find it is theoretically feasible to increase the sight distance at the Glen Vista/O.B. Riley Road intersection looking north in order to meet minimum AASHTO standards. However, most of the recommended remediation measures either involve cooperation with private property owners³ who did not participate in this proceeding, or require approval from both the city and county engineers, each of whom has expressed concern about the cost, function and maintenance of some of these measures. For these reasons, I find there is enough uncertainty as to if, when and by whom the recommended sight distance remediation measures will be completed that I cannot find the applicant has met its burden of proof to demonstrate the proposed park will not create an undue burden on the public street system. Since this application must be reviewed by the DCPC, the applicant may have the opportunity during that review to remove some of this uncertainty through further conversations with the city and county engineers and affected property owners.

Applicant

In response to the HO findings, the District worked with their traffic engineer, and in consultation with the City of Bend, to determine if stopping sight distance⁴ could be met. The District determined that vegetation removal within the right-of-way along O.B. Riley Road would allow southbound drivers on O.B. Riley to meet the stopping sight distance standard.

The District argues that because the stopping sight distance standard can be met, all other proposed mitigation measures such as the dynamic feedback sign, are above and beyond the necessary improvements, and should not be required.

City of Bend

At the public hearing, City of Bend Engineer Russell Grayson testified to the following:

1. The removal of vegetation within the right-of-way meets the minimum requirements for stopping sight distance, which is the criterion that applies.
2. Any other improvements are above and beyond the minimum requirement.

³ The traffic study identified mitigation measures that would be located on private property.

⁴ There are two broad categories of sight distance: a) intersection sight distance and b) stopping sight distance. Sight distance is measured from the side street and looking left and right. The distance is the longer of the two sight distances as a stopped vehicle making a left-out needs the greatest amount of space to safely enter the roadway as compared to a vehicle turning right onto the mainline or crossing the mainline.

If intersection sight distance cannot be met, AASHTO allows for stopping sight distance to be used. This is the distance measured so that a vehicle traveling on the mainline will have enough time for a driver to recognize that a vehicle is entering from the side street and then begin braking. Stopping sight distance is shorter than intersection sight distance.

3. The City of Bend agrees with the proposal that additional improvements such as the dynamic feedback sign and LED flashers on the intersection light will enhance safety at the intersection by reducing speeds.
4. Studies show that measures such as the feedback sign and LED flashers help to reduce speeds.
5. The county will be responsible for maintenance of any improvements within county right-of-way.

Deschutes County

Per a memo from Senior Transportation Planner Peter Russell, in consultation with the Road Department, the county will not be responsible for maintenance of any improvements installed within the county right-of-way, such as the dynamic feedback sign.

Public Testimony

Testimony from the public indicated a concern regarding vehicular and pedestrian safety at the intersection, and a concern regarding vehicular speeds on O.B. Riley Road.

Planning Commission Determination

The PC must determine if meeting the stopping sight distance standard is sufficient to make a finding that the proposed park will not cause an undue burden on a transportation facility. Should the PC find that meeting stopping sight distance is sufficient, then no other mitigation measures are necessary. If the PC finds that safety concerns at this intersection warrant additional mitigation measures such as the dynamic feedback sign, then the PC will need to address maintenance of the additional mitigation measures. As noted above, neither the City of Bend nor the county are willing to accept maintenance responsibility for improvements within county right-of-way.

IV. GLEN VISTA ROAD

Public testimony indicated a concern regarding insufficient paved width along Glen Vista Road resulting in safety concerns for pedestrians along this street.

Hearings Officer

The HO found that the low traffic generation of the proposed park will have little impact on the capacity of nearby streets. The HO did not identify a need to widen the paved width of any portion of Glen Vista Road.

Deschutes County

Testimony from both George Kolb, County Engineer, and Peter Russell indicate that the paved width for the portion of Glen Vista Road under county jurisdiction is sufficient to handle the low volume of traffic expected on this roadway.

City of Bend

The City of Bend did not indicate a need to widen the paved portion of Glen Vista Road under city jurisdiction.

Planning Commission Determination

The PC must determine if the paved width of Glen Vista Road must be increased to accommodate the traffic generated by the park use.

V. INTERFERENCE WITH IRRIGATION SYSTEMS

Public testimony indicated a concern regarding the location of Parking Lot A. Specifically, this parking lot will interfere with Swalley Irrigation District's access to the below-ground irrigation pipes, and interfere with access to the diversion gates and screens adjacent to the irrigation pond.

Hearings Officer

The HO found that the proposed parking lot will not interfere with access to the irrigation pipes because the asphalt paving can be removed if necessary.

Swalley Irrigation District

Comments received from Swalley Irrigation District did not identify any issue with the location of Parking Lot A or a concern regarding inadequate access to any of their irrigation facilities.

Planning Commission Determination

The PC must determine if the location and proposed paving of Parking Lot A will interfere with any Swalley Irrigation District facilities.

NEXT STEPS

At the conclusion of the PC's deliberations, the PC can choose one of the following options:

1. If the PC determines that additional time for deliberation is necessary, the PC can continue the deliberations to a date and time certain.
2. Adopt the HO findings as is. This means that the proposed park would be denied because of inadequate sight distance at the O.B. Riley/Glen Vista intersection, and because the proposed bridge cannot meet the required setbacks.
3. Approve the park, including the bridge, based on PC-specific findings that address all outstanding land use issues such as sight distance and bridge setbacks.
4. Approve the park, but not the bridge, based on PC-specific findings that stopping sight distance is adequate and no other mitigation measures are necessary, and that the bridge cannot be approved because it will not meet required setbacks.

5. Deny the park use based on PC-specific findings.

Attachments:

1. Public testimony received after public hearing
2. Applicant's final legal argument

Submitted at
Oct 10-22-15

Bend City Council,

Good Evening City Council. I am Daniel Kiesow residing at 20214 Glen Vista Rd, Bend 97703.

I come before you with deep concern for not only myself, but for other members of our community. This is a safety and quality of life issue, as well as financial issue that is facing the City of Bend. It is caused by the Bend Parks and Recreation Department (BPRD) hurry-up request to develop the Riley Ranch Nature Preserve. They plan to spend \$3.7 million for overlooks, pathways, signage, restrooms, and 66 parking spaces. Their only proposal for access safety is signage and stripping, perhaps some vegetation removal, and removing a right-out barricade on Hardy Rd. No improvement of Glen Vista Rd either in or out of the City, no bike lanes, no walking paths, just \$3.7 million for some overlooks, trails, restrooms, and of course 66 parking spaces. Will signage increase or decrease use of Glen Vista Rd and the intersection? Will removing blocking sight vegetation along O. B. Riley decrease or increase speeding around the corner? Should a major portion of the parks SDC's spent to rush to this development be spent to prepare proper access for this park.

I have given each of you a copy of a letter written on December 27, 2014. Although you should each have received a copy then, I ask that you re-read this now. Copies were also sent at the time to County Commission, Parks Board, City and County Traffic engineers.

BPRD is in the Conditional Use phase asking Deschutes County to grant the go ahead for park development. The park is in the county, but the access is partially in the city, and partially in the county. Please refer to my letter from 2014.

According to testimony before the County Hearings Officer on Sept. 8, 2015, the City traffic engineers had not responded to either the County or BPRD traffic engineers and therefore the assumption was made that the City either did not care, or was in favor of, the BPRD proposals for dealing with access to the proposed park. This needs some more thought and planning by the City to avoid a major problem. It must be done right now. This why I am taking my time and resources to bring this before you tonight.

Although the county hearings officer has not yet released her recommendation, she did remand the CU 247-15-000333-CU and 247-15-000334-SP to a Public Hearing before the Deschutes County Planning Commission on Oct 22, 2015.

I ask therefore that the City Council direct the City Manager to make sure that the City Traffic engineers are involved with the County and the BRPD engineers to solve the problems with not only the intersection of O. B. Riley Rd and Glen Vista Rd, but also the entire length of Glen Vista, including the easement access at the end of Glen Vista, prior to the hearing in a few days. I have been involved with this for nearly two years, sending my comments and concerns almost a year ago. Now it is your turn to step it up and get the job done before it becomes "to late". Please remember, part City, part County, part BRPD, all in need of proper planning and development.

I thank the council for listening and acting quickly to avert another problem when there is no need.

Sincerely, Daniel Kiesow 541-771-9045

SCANNED
OCT 23 2015

TO: ALL CONCERNED COMMISSIONERS, COUNCILORS, PARKS BOARD MEMBERS, ENGINEERS, ROAD AND STREET MANAGERS, PLANNERS, AND RESIDENTS (WHO USE O. B. RILEY ROAD, AND GLEN VISTA ROAD, TO ACCESS YOUR PRIVATE PROPERTY).

FROM: DANIEL KIESOW

RE: RILEY RANCH PARK

DATE: DECEMBER 27, 2014

Earlier this year I spoke and emailed with a Parks and Recreation designer about access to the up and coming Riley Ranch park. My concerns were dismissed, my comments invalidated due to timing, the jurisdictional boundaries disputed, my attitude and reasoning questioned. I also attended the "neighbors" meeting a couple of days before the "public" meeting, again expressing my concerns about the sequence of planning and development, the timing of applications, the now and future uses of the land. Of course, I was ignored by staff and director who, it seems, are on a mission to plan and develop a park right now; access for both now and in the future... just not ready to think about, or more likely talk about it... waiting for engineers traffic study? First we must plan the park (just show little limited use... call it a nature reserve... small groups of student to use the house, etc) showing no great impact on roads and intersections. This is the opposite of planning, asking for a conditional use permit from the County, knowing full well that this will be a City park very soon, and having been informed by me, (based on a traffic study which cost me \$3000.00) that the intersection of O. B. Riley and Glen Vista Road is near failure with current traffic loads. Please keep in mind that uses proposed today can and will change in the future. Please look ahead, knowing, that today the land owner to the north of the project says that he plans large lots (wasn't the urban growth plan rejected by the State with concerns over density?... is this area to be UAR?). Look ahead and plan for now and in the future redevelopment. Don't just try to cram the square peg in the round hole; spend the time and resources to make it a good fit. This is what the citizens who pay your wages and retirement are counting on you to accomplish.

My email contact with the park planner earlier in the year, and contact again in the fall demonstrates the lack of pre-planning required for a project of this size (183 acres), not just the today uses, but the future uses which might evolve as the park moves from "rural" to "urban". This will occur when the urban growth boundary is expanded in the very near future. I understand and desire to have "natural" areas such as the Cake Ranch (also known as Gopher Gulch, and now Riley Ranch) preserved, but a "nature" preserve? Really? When it is surrounded by the City in a few short years, it will change. Having been born and lived on Glen Vista Road for nearly all my sixty seven years, hunted and fished all the area concerned since childhood, I have seen a lot of change, some good, some bad. Many of you know I was a builder, designer, and land developer during my working career. Why would you care? Maybe my years of experience could help bring reason to this project.

Well, lets get down to it. Now I could complain that P&R is wasting money developing trails, parking, kiosks, and nature viewing areas (looking across the river at houses I built in Awbrey Meadows), or that their planner calls a hay field a meadow, or an irrigation pond a wetlands (knowing this will all soon change). I chose to overlook this, being thankful that P&R was able to locate and purchase this property. I do believe that I have stated several times that I favor a park vs. housing development, even if it does cost us all a lot more in taxes. But here is the "rub".

ACCESS!

The only public vehicle access, and really the main access for the public is ONLY Glen Vista Road. Each person who has any responsibility in determining the issues regarding this access needs to personally visit this problem area several times and think carefully and fully about (now and future) uses and traffic. Also, please think of kids in groups, on bikes, runners, walkers, seniors, disabled in motorized chairs: and this is only for the current proposed use as a "nature reserve". Also, remember the traffic studies will only be as good as the data given by the designer as to amount of usage based on the "current" proposed park use.

The intersection of O B Riley Rd and Glen Vista Rd is just inside the City limits of Bend. It is therefore the City's responsibility to plan and maintain and develop this intersection for all current and future uses. A sharp curve in O B Riley just a few feet to the north obscures the vision of drivers as they approach from the north. Working with the City and ODOT we were able to obtain a speed order to reduce the area from 45mph to 35mph, but still were required to use a right out only coming from the East (Hardy Rd). This barricade in the center of the street is largely ignored by area residents, police and sheriffs deputies, and others, who use this intersection to access the justice campus and neighborhood. Also, over the years a right out paved area coming from the west on Glen Vista Rd makes the intersection overly wide on the only side to have access to the sidewalk along Hardy Rd. People use this area to accelerate (by running the stop sign) in an attempt to blend into the speeding traffic from the north, which is obscured by the curve in O B Riley.

As I previously pointed out to P&R, Glen Vista Rd is a 40 foot wide right-of-way, with a pavement width varying from 20 to 24 feet, has no sidewalks, bike paths or lanes, and by and large is in poor condition except for the first 300 some feet which we personally paid to have re-paved rather than patched when we built the sewer pump station. Please remember that this is a City street for the first 700 or more feet. A City minimum street requires a 60 foot easement (not 40), sidewalks, street lighting is common, and serving a special interest area like the Riley Reserve, provisions for bike traffic. What I am trying to get everyone on board with, is that this access issue is a MAJOR problem and must be resolved PRIOR TO, not concurrent with, the issuance of a conditional use permit by Deschutes County. By "resolved" I am meaning "planned", not "reacted to" as the development and use begin.

Parks and Rec has spent a good deal of time and money planning the Riley Park itself, but virtually nothing to provide safe and useable access. I have been assured by P&R that the public would be kept updated and informed as to how this will be accomplished. Since the parks board formally adopted the master plan two (nearly three) months ago, there have been no updates or responses to these concerns. Hence this letter asking that those of you who are responsible for overseeing the larger picture, not just the park itself, help P&R to make good and right decisions on access that plans for both the "now" and "future" uses. This should not become a public burden or safety issue in a rush to use land acquired with bond funds that will be paid over many years into the future. The SDC's noted for park development are to be used to develop the entire system, including access. No conditional use permit should be given for any use that provides access off Glen Vista Rd until the intersection with O B Riley and Glen Vista Rd itself are planned, funded, and scheduled. This plan must address future potential uses as this becomes an urban park in the future. After all, isn't that what planning is about, preparing for the future?

In my business I always maintained that if you're going to do something, do it right the first time or don't do it at all. It costs a lot more to re-do it, and leaves a future liability. Lets get this one right the first time.

Sincerely,

Daniel Kiesow 541-771-9045 (talk or text) or dkiesow@juno.com

22 October 2015

Submitted
at PC
10-22-15

Mr. Peter Gutowsky, Planning Manager
Deschutes County
Community Development Department
Deschutes Services Center
1300 NW Wall Street,
Bend, Oregon 97701

Reference: FINDINGS AND RECOMMENDATIONS OF
DESCHUTES CPOUNTY HEARING OFFICER
247-15-000333-CU
247- 15 000334-SP

I have reviewed the above referenced findings and respectfully request the following comments be included in the Record.

(3) Interference With Irrigation Systems

At Page 29 of the Findings and Recommendations the Hearings Officer (HO) states "I find the applicant's proposed approach to this issue is appropriate inasmuch as the asphalt surface of the parking area can be removed if/when necessary to provide access to irrigation pipes located beneath the parking area."

This finding would be accurate except for the fact that these easements are not only for the irrigation pipe(s) located beneath them), but also serves as road access to the diversion gate(s) and screens located adjacent to the irrigation pond. These Easements and Agreements were recorded on August 27, 2013 (Deschutes County Official Record 2013-036761).

Conclusion

In the event Parking Lot A encroaches on the boundaries of these easement(s) the Applicant's Conditional Use Permit should require the applicant to locate Parking Lot A outside the boundaries of the easement(s).

Respectfully,



Edward J. Elkins
63613 O. B. Riley Road
Bend, Oregon 97703
541-389-9662
thumper2@centurylink.net

SCANNED
OCT 23 2015

Anthony Raguine

From: Jim Powell <jhp@bendbroadband.com>
Sent: Monday, October 26, 2015 5:19 PM
To: Anthony Raguine
Cc: Nick Lelack; Peter Gutowsky
Subject: Riley Ranch additional note for the Planning Commission

Anthony

I learned today in a discussion with one of the local staff for Oregon Parks and Recreation Department that the department has no enforcement or mitigation authority for those who fail to obtain a negotiated permit or who do not follow the management rules for a given reach of a State Scenic Waterway. Their only enforcement action is to purchase the property and then make the mitigation. Needless to say, that has not happened during the program's inception. This places the entire burden of interpretation and enforcement for riparian and river protection on the provisions of the LMZ overlay for the river. The prerogatives afforded the Federal government for the US Scenic Waterway Program are attached below. While County Code requires a OPRD permit for work in a Scenic Waterway, the real protections, it seems, lie with the LMZ

Enforcement

Law enforcement within the river corridor is coordinated through the following primary enforcement agencies: USFS Law Enforcement, Oregon State Police, and Deschutes County Sheriff Department. Each agency has a different primary purpose, but all have a mutual overall goal. Law enforcement efforts will continue to be coordinated between these agencies with an emphasis on identifying mutual areas of concern, combining resources to benefit overall goals, and increase efficiency of work force.

~~Scenic River Act~~
If the Upper Deschutes River Plan does not speak to a particular issue, the river corridor will be managed in accordance with the laws, rules, and regulations pertaining to the National Forest System and the Deschutes National Forest, the State of Oregon, Deschutes County, and the City of Bend to the extent that such laws and regulations are consistent with the Wild and Scenic River Act.



Oregon

Kate Brown, Governor

Submitted at
pc 10-22-15

Parks and Recreation Department
Region 3 Office
1645 NE Forbes Road, Suite 112
Bend, OR 97701
(541) 388-6211
FAX (541) 388-6391
www.oregonstateparks.org



September 28, 2015

Bend Parks and Recreation District
(c/o Jim Figurski)
799 SW Columbia Street
Bend, OR 97702

Re: Notification File No.: 2a-208-15
Property Location: T 17S R 12E Sec. Taxlot 1712180000100 & 1712180000111

The Oregon Parks and Recreation Commission grants its approval to Bend Parks and Recreation District (c/o Jim Figurski) for the development of a 184 acre regional park (Riley Ranch Nature Preserve). New park amenities seen from the river will include trails, boardwalks, overlooks, river access areas, and a pedestrian bridge across the Deschutes River. All of this is within the Middle Deschutes River Scenic Waterway. THIS APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. The activity shall be in conformance with the plans submitted.
2. A removal/fill permit from DSL must be secured prior to installing bridge across the Deschutes River (removal/fill permit may be needed for boulder placement at river access points discussed in submitted plans).
3. At constructed river access points & bridge, only pruning of riparian vegetation may occur (no root extraction).
4. Disturbed areas outlined for bridge construction must be re-seeded based on plans submitted.
5. New bridge over the Deschutes River is a pedestrian only bridge, no motor vehicles (except for authorized maintenance).
6. The Commission shall be notified in writing when activity has been completed. Written notices shall be sent to Rivers Program, Oregon Parks and Recreation Department, 1645 NE Forbes Rd, Suite 112, Bend, OR 97701.

Failure to comply with the conditions of approval will constitute a violation and be grounds for legal action. This approval does not affect any obligation you might have to other persons or agencies, local, state or federal.

Sincerely,

Greg Ciannella
Program Coordinator

Cc: Sarah Kelly, Department of State Lands (DSL)

SCANNED
OCT 23 2015

RECEIVED

BY: CD

OCT 28 2015

To: Deschutes County Planning Commission

From: Daniel Kiesow

Re: Riley Ranch Park (nature reserve)

DELIVERED BY:

October 26, 2015

Planning Commission Members and County Staff,

As you know I attended and spoke at your hearing last week and now want to add to and refine my testimony.

Despite the assurances of BPRD (Bend Parks and Recreation District) that they have provided safe and reasonable access to their proposed park, they absolutely have not. As stated, in their "rush" to develop this property, they have not reasonably considered the related off-site impacts and safety issues. There is no "need" or "requirement" to develop this park for many years into the future. Therefore, why put their very patrons and the neighboring residents at risk to move forward now?

My points, which seem to be just ignored, obfuscated by traffic engineers, who cannot even remember traffic counts while giving public testimony, should be the most important facts. Why? Simply because I live here, and have on and off for sixty eight years. If the BPRD traffic engineer tells me he walked down Glen Vista Road one time, and if the Hearings Officer publicly states she made one site visit and frankly was not really looking at the condition of the road or the intersection, what can I do as a concerned citizen and neighbor? Well, I've spent my time trying to bring reason to the discussion. I have copies of emails with project manager Jim Figurski from December 2013, nearly two years ago, asking BPRD to address the safety and access issues.

As the planning commission, you are being asked to give a "conditional" use permit. Make the approval based on the conditions of a planned, timed, and funded resolution to mitigate not only the safety issues at the intersection of Glen Vista and O B Riley (with Hardy as

well), but also the issue of Glen Vista itself, and how it will properly connect to the park at the termination for current proposed uses, and future issues as the UGB expands. That would be "planning". Remember they are spending \$3.7 MILLION for a few boardwalks, overlooks, restrooms, and most notably, 66 paved parking spaces, and 40 bicycle spots.

BPRD states that two-way traffic in the park itself requires a 24 foot wide paved roadway. Glen Vista Road is only 22 feet wide, and in places 20 feet or less, and is in very broken and poor condition, especially the Deschutes County portion. While BPRD will provide pedestrian trails, boardwalks, and some bicycle paths within the park, there are none planned or provided along Glen Vista. Auto traffic will compete with bicycle traffic, and pedestrians for the narrow road. This is plainly not right and definitely a major safety issue even now, and will be multiplied many times over with the park development. Remember they have planned 66 parking spaces and 40 bicycle spaces (as well as meeting space for 30 people at a time); if they did not think there would be a use for them, they surely would not build them.

Another issue that has come up is that the other access via a bridge across the river will not be allowed until the surface mine is finished operating and reclaimed. The owners think this will be complete in five years. This leaves the only access Glen Vista Road.

There are 19 driveways that directly access Glen Vista, one county road known as South Road (serving 5 residences directly plus Cheny Road serving an additional 7 residences). In addition, the easement at the end of Glen Vista Rd will not only serve as access to the park, but is access to 2 residences and the Gopher Gulch Ranch.

The traffic and associated safety issues must be

remediated by the City, County, and BPRD, prior to any opening of the park to the general public. A plan and funding for the remediation work needs to be in place prior to a conditional use permit that would allow the BPRD to move forward with any form of development of the park.

You will not be able to enjoy the nature trails in the park if you get hit or run off the road while walking or biking to get there.

Sincerely , Daniel Kiesow

RECEIVED

OCT 29 2015

Deschutes County CDD

John R Gist
20015 Chaney Road
Bend, Oregon 97703
(541) 815-5000
johnrgist@gmail.com

October 28th, 2015

4:08 pm

Attention: Anthony Raguine
Senior Planner
Deschutes County Community Development Department
117 NW Lafayette Avenue
Bend, Oregon 97701
(541) 617-4739
Anthony.Raguine@deschutes.org

Dear Anthony Raguine,

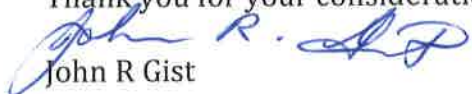
I am writing this letter to affirm my support for the Riley Ranch Reserve Park. This is a unique opportunity to provide an additional type of park to the people of Bend, Oregon. I was a member of the citizen committee that developed the plan and I have lived off Glen Vista since 2002. I am at the intersection of OB Riley road at least twice every day. The reduction of speed is a game changer. This is a low traffic count intersection. Possibly twice a month there will be two cars there at the same time. By lowering the speed and removing the direction medium the public can move safely. The Sheriff's office is at the end of the street and this shall allow a safer situation overall. There are two other parks; Tumalo State Park and Sawyer City Park within two miles of Glen Vista Road. Neither have any special road developments and both are on O B Riley Road. Both parks have greater usage than the new Riley Ranch Reserve Park. There are also two schools within a half mile of the Glen Vista and O B Riley intersection. Neither have any special arrangement for traffic.

The lower speed limit is long overdue in this section of O B Riley Road. In the past, it has been at the highest allowable speed limit the Bend area. The speed was the concern of the local community for traffic safety and this has been addressed in the Riley Ranch Reserve Park Plan.

The bridge is a connection for the people of Bend. We the people funded the park as part of the expansion of the Bend River Trail System. This was voted on and funded by the electorate. After many, many hours of volunteers meeting, discussing and walking the site, we came up with the bridge location as a compromise to facilitate the wish of the electorate and allowing emergency access to the lower canyon. Many locations were considered. It seems the prior location a century ago, still remains a great connecting point. The steep terrain in other areas, compromise the ability to construct a bridge without disturbing the natural state of either shoreline.

I urge you to consider the effort of our citizens committee, we worked diligently in a transparent environment for many months to integrate the concerns of my neighbors, the safety of visitors and the mandate of the electorate who funded and supported the creation of the Riley Ranch Reserve Park. The proposed plan represents the safest way for the public to access this pristine resource.

Thank you for your consideration,


John R Gist

Fellow Commissioners:

I have listened to the October 22nd proceedings of 247-15-000333-CU/334-S. I will recuse myself from the deliberations on this issue as I feel that it is unfair to the applicant for me to raise issues to which they do not have a chance to respond. Instead, I want to enter the following observations into the record as well as some sections of the OARs and OPRD's brochure addressing Scenic Waterways. This will allow consideration and response as well as, hopefully, stimulating additional discussion by the Commission.

Bridge:

- The provisions of the Landscape Management Zone overlay predate the 1986 River Study and the 1985-86 creation of the Oregon Scenic Waterway designations of the Upper and Middle Deschutes River. Both the Federal and Oregon Scenic Waterway Management Plans refer to those provisions as excellent protection tools for these river reaches and defer to the provisions of the County Code.
- DCC 18.84.095 was added in 2000-2001 and defers to OPRD for permits within Scenic Waterways. I do not know the history of that change. Anthony did point out in our initial work session that a valid permit from OPRD fulfills the County Scenic Waterway requirements.
18.84.095 Approval of all structures in a State Scenic Waterway shall be conditioned upon receipt of approval of the Oregon Department of Parks and Recreation. Ord. 2001-016, §2, 2001; Ord. 2000-033 §4, 2000)
- Bridges, despite the play on words by the BPRD argument, are structures or improvements within the concept of the Landscape Management Zone. At the time of the overlay's creation, there were multiple actual or planned intrusions into the river corridor by buildings, private bridges, docks or decks. The 100' setback was applied to both buildings and these types of structures or improvements in order to preserve the corridor. Only certain river segment classifications within the Scenic Waterway Program prohibit bridge construction; the County's LMZ and its provisions still apply to those reaches.
- OPRD has historically not fulfilled some of its directives and obligations in the classification of, or enforcement of protective regulations in, some peri-urban river reaches. These classifications guide the agency's requirements for considering "development" in a given reach. The Riley Ranch proposal includes a segment of Scenic Waterway designated as the "North Bend River Community Area". From my perspective, that designation accurately reflects the degree of existing development and allows greater development flexibility for the applicant.
- OAR 736-040-0035 addresses "Rules of Land Management" within a Scenic Waterway. Section (10) provides for the replacement of existing structures or improvements. BPRD testifies in its application that the proposed bridge will replace a deteriorated one and will require removal of some old pilings and structure.

Intersection / Traffic:

- Peter and Kittleson et al have addressed the current status of the OB Riley and Glen Vista transportation routes as well as the projected immediate impact of trips/day generated by the proposed park.
- What I did not hear reflected in the 400+ traffic counts for Glen Vista and 1100+ for OB Riley are projections for increases predicted by the population changes within our planning period and changes subsequent to the recent "preferred" UGB expansion alternative. Consummation of the proposed park is at least several years away; traffic projections attributable to the proposal should, at least, include that time span for evaluation.
- Nor did I hear who will be responsible for bearing or sharing the costs of remedy for traffic pattern improvements if the traffic assumptions posed by this application are incorrect.

EIS:

- BPRD has proposed restrictions within the confines of this project to preserve the character of the environs within the park. Unless the first condition proposed by staff encompasses these restrictions, to my reading, there is no other condition of approval that requires actual adherence to a limited impact park. I have seen too many proposals come to this Commission with promises which are never acted upon unless there is some requirement for same. Even then, as the code amendment about enforcement of code violations you considered at the October 22nd meeting attests, there are lapses.
- A key objective in this proposal is the interconnection of a Bend trail system on one side of the river to another system on the opposite bank. This larger community and environmental impact created by the connection of a trail from Bend to Tumalo State Park is missing from this proposal. BPRD has had considerable experience in creating some very successful trail systems with many of the following issues admirably addressed. The entity has pursued a vision of a continuous river trail from Sunriver to Tumalo State Park for over 30 years. The link in Riley Ranch and the bridge that BPRD has applied for south of Bend (subject of a OPRD hearing on October 29th) are the final big components to that vision. The County cannot depend on OPRD or BPRD to consider all of the impacts; the Planning Commission has the opportunity to make certain these aspects get attention and forethought rather than having to be addressed after the fact. From my perspective, this impact has to be considered:
 - Transportation type issues – transportation planning requires looking at impacts along a route, not just at the new traffic generator segment. What kind and intensity of traffic will be generated onto the trail system by the interconnect? What are the neighboring land uses along the connected trail segments and how will they be impacted? Do other components of the system need upgrading before this leg is constructed?
 - Wildlife - will this interconnected trail system result in more wildlife habitat intrusion? What species may be displaced? Are any mitigation measures necessary such as are proposed for within the park?
 - Health – are there adequate restroom facilities to service the traffic anticipated by the trail system? How will trash along the trail system be handled?
 - Use - what are the impacts when this trail system is targeted for some type of an event such as a race or promotional gathering? Will this be a multiuse system; will it allow motorized devices?
 - Indemnity – will the trail system be bounded by easements? How will issues of trespass and injury liability be addressed?
 - Riparian protection – we humans tend to act like ungulates and migrate towards the water, creating our own paths and not heeding plants or other wildlife. What measures will be in place to protect the riparian communities?
 - Safety – how will the trail be monitored and administered for legal and illegal activities?

Transportation Goal:

- The Policies of Goal 15 of the County's Transportation Plan addresses the standards and support requirements for interconnected trail systems. None of these provisions are addressed by the applicant or staff report. The link:
http://weblink.deschutes.org/public/0/edoc/6061/Executive_Summary.pdf

Respectfully

Jim Powell
Bend, OR
10/25/15

736-040-0035**Rules of Land Management**

These rules and regulations governing the use of related adjacent lands and improvements made on or to these lands apply to all designated scenic waterways. Land management on scenic waterways includes, but is not limited to, the following examples:

(1) **Timber Harvest:** The forest cover on related adjacent land is a part of the scenic beauty of the scenic waterway and notification of planned timber harvest operations must be given to the Commission one year prior to commencement. The notification must include a plan specifying timber to be cut, road locations, logging methods, slash cleanup, soil stabilization, revegetation measures and any other details as the Commission may require.

(2) **Tree Cutting:** No person shall cut any living tree within a scenic waterway without prior written notice except as provided in these rules.

(3) **Grazing and Farming:** Existing use in the form of grazing or farming of the related adjacent land is a part of the scenic beauty of the waterway. Notification is not required for:

(a) Construction of fences;

(b) Maintenance of farm buildings, fences or appurtenances necessary to existing use;

(c) Laying of irrigation lines;

(d) Pump house construction, if not in violation of OAR 736-040-0030(5);

(e) Additions to farm buildings, if not in violation of OAR 736-040-0030(5);

(f) Crop rotation;

(g) Variations in grazing land management;

(h) Placing of grazing land under cultivation, except within classified natural river areas named in OAR 736-040-0045 through 736-040-0075;

(i) Construction of silos and grain storage facilities, and other structures or buildings as are needed in connection with the existing use of the related adjacent land, if not in violation of OAR 736-040-0030(5), except within classified natural river areas named in OAR 736-040-0045 through 736-040-0075;

(j) Cutting of danger trees. Notification is required for construction of new roads or improvement of existing roads.

(4) **Suburban Housing:** Notification is not required for:

(a) Maintenance of existing homes in a manner compatible with these rules and regulations;

(b) Modifications to existing single family dwellings, if not in violation of OAR 736-040-0030(5);

(c) Construction of garages necessary to the use of existing homes, if not in violation of OAR 736-040-0030(5);

(d) Changes in or additions to homesite landscaping which do not impair vegetation screening structures from view from the river;

(e) Construction of protective fences necessary to use of the home;

(f) Cutting of firewood for occupant's dwelling;

(g) Cutting of danger trees. Notification is required for construction of new roads or improvement of existing roads.

(5) **Prospecting, Mining, Dredging, and Quarrying:**

(a) All prospecting, mining, dredging, and quarrying operations, including removal or movement of gravel, rocks and sand within related adjacent lands, require notification to the Commission as prescribed herein;

(b) Such notification shall include plans to ensure that debris, silt, chemicals or other materials, will not be discharged into or allowed to reach the waters within a scenic waterway and that the natural beauty of the scenic waterway will not be impaired substantially.

(6) **Transportation Facilities and Utilities:**

(a) No roads, railroads or other facilities for transportation or utilities shall be constructed or improved within a scenic waterway without notification to the Commission as prescribed by the Act and herein;

(b) The Commission, whenever practicable, will require the sharing of land and airspace by such facilities and utilities. All permissible transportation facilities and utilities shall be so located as to minimize impairment of the natural beauty of the scenic waterway. For example, it will be desirable to place electrical and telephone lines underground wherever reasonably practicable.

(7) Structures, Buildings, and Other Improvements: Except as provided in OAR 736-040-0030(5), sections (3) and (4) of this rule and OAR 736-040-0045 through 736-040-0075, no structures, buildings, or other improvements shall be made, erected or placed on related adjacent lands without notification to the Commission as prescribed by the Act and herein. Permitted new structures, buildings, or other improvements on related adjacent lands which can be seen from the waters within a scenic waterway shall:

(a) Be of such design and be constructed of such materials as to be unobtrusive and compatible with the scenic qualities of the area. For example, the following shall apply:

(A) All structures shall be finished in muted tones appropriate to their natural surroundings;

(B) No large areas, including roofs, shall be finished with white or bright colors or reflective materials;

(C) No structures shall exceed 30 feet in height from natural grade on a side facing the river;

(D) All structures shall be so designed and constructed that little or no soil is left exposed when construction is completed.

(b) Be located in such a way that topography and natural vegetation make them as inconspicuous as reasonably practicable, and in no case obtruding on the view from the river. The Commission may require that additional vegetative screening be established and maintained. In such event, it shall be evergreen, wherever practicable, and compatible with natural growth in the area.

(8) Mobile homes, modular residential structures, house trailers, campers and similar structures and vehicles. Mobile homes, modular residential structures, house trailers, campers, motor homes and the like shall not be established as dwellings, either permanent, (or) seasonal or temporary, within related adjacent lands unless they are entirely concealed from view from the waters within a scenic waterway by topography, except that those mobile homes, modular residential structures and house trailers, that are at least 20 feet wide, with exterior dimensions, less hitch, of 800 square feet, may be permitted under these rules subject to the same requirements and standards set forth in the previous section relating to criteria for review for structures and improvements that are visible from the waters within a scenic waterway. Additionally, except when a mobile home, modular residential structure, house trailer or the like is not set on a ground-level foundation, full skirting shall be installed which in design, color and texture appears to be an integral part of the exterior of the structure:

(a) For the purposes of this division, a structure is a mobile home, modular residential structure, house trailer, camper or motor home if it is used, designed or intended to house persons, and is transported to the site in a state of substantial prefabrication. Once a structure fulfills this test, it shall remain subject to the rule regardless of whether the wheels or other temporary assembly have been removed or detached, and regardless of whether the structure is subsequently relocated;

(b) Within public recreation sites and transient public trailer parks where travel trailers, campers, motor homes and similar vehicles are permitted by the public agency, firm or individual maintaining the facility, their transient, short-term use by travelers is allowed, but they shall not be left on the site during their user's absence of more than three day's duration.

(9) Maintenance of Structures and Improvements: Owners and users of existing structures and other improvements shall maintain them and their surroundings in a manner and condition in harmony with the environment, compatible with the objectives set forth in these rules and regulations for the classified river area in which they lie, and without impairing substantially the natural beauty of the scenic waterway. The existing color of such structures may be maintained.

(10) Replacement of Existing Structures and Improvements: The Commission may approve replacement of existing structures and improvements, including those lost by fire, flood or other casualty, provided the new structure or improvement is in compliance with provisions of the Act and this division. Notification procedures set forth in OAR 736-040-0040 are required.

(11) Advertising: No signs or other forms of outdoor advertising that are visible from waters within a scenic waterway shall be constructed or maintained. Property protection signs (No Hunting, No Trespassing, etc.) are exempted.

(12) Erosion Protection: The Commission recognizes that erosion protection work and maintenance may be necessary on riverbanks and related adjacent lands along the scenic waterways. Notification, which shall include plans to protect the natural beauty of the scenic waterway, and Commission approval are required.

(13) Submerged and Submersible Lands:

(a) No dam or reservoir or other water impoundment facility shall be constructed or placer mining permitted on waters within scenic waterways. No water diversion facility shall be constructed or used except by right previously established or as permitted by the Oregon Water Resources Department, State Engineer, or Court decree;

(b) No bank protection works or dredging facility shall be constructed or used on such waters, except as permitted by the Director of the Department of State Lands and approved by the State Land Board.

(14) Emergencies:

(a) An owner or their authorized agent may act in emergencies without prior notice when necessary in the interest of public safety, or safety of an owner's property, except that notice of any action taken shall be filed with the Commission not later than seven days following the commencement of the emergency procedures;

(b) An owner or their authorized agent must show that the emergency situation required immediate action to prevent immediate danger or damage. Such emergency procedures shall not be extended beyond the minimum necessary to accomplish the needed protection safely and shall be conducted throughout in such manner as to minimize impairment of the natural beauty of the scenic waterway. For example, car bodies and similar scrap or trash shall not be used as riprap.

(15) Solid Waste, Pollution and Sanitation: Owners, occupants and users of related adjacent land shall comply with the rules and regulations of the Department of Environmental Quality relating to solid waste control, water, air and noise pollution control and sewage disposal.

Stat. Auth.: ORS 390.845(2)

Stats. Implemented: ORS 390.845(2)

Hist.: HC 1285, f. 6-27-72; 10TC 6, f. 11-1-73; 10TC 28, f. 6-15-74; PR 12-1981, f. & ef. 7-29-81; PR 11-1996, f. & cert. ef. 12-23-96; PRD 6-2008, f. & cert. ef. 5-15-08

736-040-0040**Classification of Scenic Waterways and Segments Thereof**

1(f) River Community Areas -- Those designated areas of a scenic waterway, perhaps on only one bank of the river, where density of structures or other developments, already existing or provided for precludes application of a more restrictive classification.

736-040-0072**Middle Deschutes River Scenic Waterway**

(1) North Bend River Community Area:

(a) From Sawyer Park at approximately river mile 164 to the northern Urban Growth Boundary of the City of Bend at approximately river mile 161, the river is classified North Bend River Community Area;

(b) Within this area, all new structures, improvements and development shall be in compliance with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(f), and be consistent with applicable City of Bend and Deschutes County land use and development regulations. Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(4) Recreational River Area:

(a) From the northern Urban Growth Boundary of the City of Bend at approximately river mile 161 downstream to Tumalo State Park at approximately river mile 158, the river is classified Recreational River Area;

(b) Within this area, all new structures, improvements and development shall comply with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(c)(B), and be consistent with applicable Deschutes County land use and development regulations:

(A) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river. A set back of 20 feet or more is required from the edge of the rim rock (where this feature exists). The Department shall determine the exact distance for the above setbacks on a case-by-case basis, dependent on existing terrain, existing vegetation, height of proposed structure, and applicable county setback requirements;

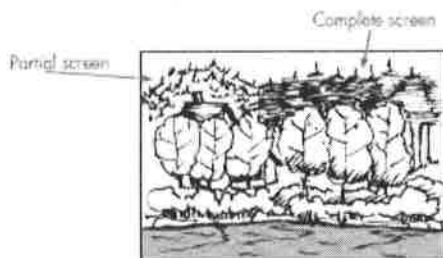
(B) New structures shall be finished in colors and tones that blend with the surrounding landscape. For the purpose of this rule, landscape includes indigenous vegetation, soils and rock material.

Natural evergreen vegetation will be maintained between the structures and the river. The establishment of additional vegetative screening (preferably native vegetation) may be required to further mitigate the visual impact of the structure as seen from the river;

(C) Roads, mines and similar forms of development shall be set back from the river consistent with County zoning and land development requirements and be screened from view from the river by topography or by existing or established evergreen vegetation;

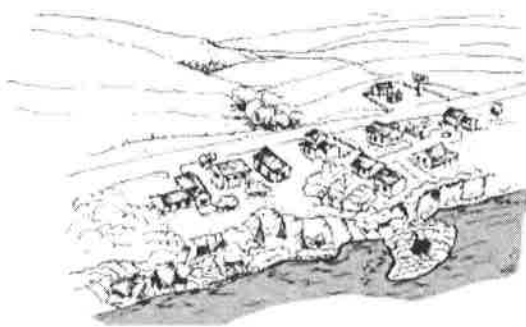
(D) Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

than that needed for agricultural, recreational or resource protection uses is not allowed to be visible and requires complete screening. On other rivers where development is visible and dominant, development may be visible if it meets certain requirements for screening, density or use. For example, on the Rogue River, agricultural, commercial or residential structures can be visible from the river but are limited to four per mile per bank, and must meet the uniform standards for color, material and height.



Existing uses, public recreation facilities and natural resources protection projects can be seen from the river. They must blend into the natural scene as much as possible.

River Community Area



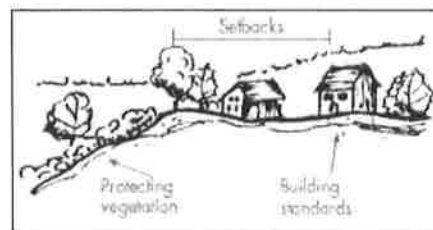
A River Community Area is a densely developed area, such as a residential tract or platted subdivision.

A River Community Area is managed to allow development compatible with local zoning, and must blend into the natural character of the surrounding landscape. This also means protecting existing riparian vegetation, and encouraging activities that protect the resources or improve the landscape.

Conditions for Use

In general:

- Development compatible with existing local zoning is allowed.
- New improvements may be visible from the river if they meet the design standards (height, color, materials). A density standard may exist for the number of structures visible from the river.
- OPRD encourages landowners to protect riverbank vegetation.



27 October 2015

RECEIVED
BY: cms

OCT 29 2015

DELIVERED BY:

E/E

Mr. Anthony Raguine Senior Planner
Deschutes County
Community Development Department
Deschutes Services Center
1300 NW Wall Street,
Bend, Oregon 97701

Reference: 247-15-000333-CU
247- 15 - 000334-SP
Planning Commission Hearing
October 22, 2015

Dear Mr. Raguine:

On October 22, 2015 Bend Parks and Recreation District (BPRD) presented written and oral testimony in support of its Conditional Use Permit (CUP) referenced above to the Deschutes County Planning Commission (DCPC). I take exception to some of the testimony present by BPRD as stated below.

1. Is The Proposed Bridge A Structure?

BPRD put forth the argument that the bridge is not a structure, rather it is an access point, similar to a driveway and therefore there are no setback requirements. BPRD further stated that the Oregon Parks and Recreation Department stated it did not consider the bridge to be a structure, rather an access point. In addition, BPRD offered testimony suggesting the bridge was replacing an older bridge (this bridge was abandoned in the 1950's or earlier) to help promote BPRD's position.

The definition of "Structure" in the Oxford Dictionary is "something built, such as a building or a bridge", McMillan Dictionary "something large such as a building or a bridge that is built from different parts." and Merriam-Webster "something (such as a house, tower, bridge, etc.) that is built by putting parts together and that usually stands on its own"

In the inverse, Merriam-Webster defines a bridge as "a structure carrying a pathway or roadway over a depression or obstacle.", WIKIPEDIA "A bridge is a structure built to span physical obstacles such as a body of water, valley, or road, for the purpose of providing passage over the obstacle." and Cambridge Dictionary "a structure that is built over a river, road, or railroad to allow people and vehicles to cross from one side to the other".

Conclusion

- 1- The proposed Bridge is a structure by definition and design and must meet the setback requirements of Chapter 19 Surface Mining Zone (SMZ), Section 19.16.050 and OAR 736-040-0072.
- 2- The Findings and Recommendations of the Hearings Officer are correct and should be adopted by the Deschutes County Planning Commission.

2. BPRD Comment that Oregon Parks and Recreation Department (OPRD) staff gave oral support to the argument the Bridge is an access point.

BPRD in an effort to bolster its "Access" argument presented oral testimony suggesting OPRD staff did not consider the bridge to be a structure but rather an access point. This might be a personal believe by a staff member of OPRD but is not supported by Notification File No.: 2a-206-15 approval letter dated September 28, 2015 (copy attached). The last sentence of the approval letter reads **"This approval does not affect any obligation you might have to other persons or agencies, local, state or federal."** (Emphasis added).

The attached Oregon Administrative Rule (OAR) 736-040-0072, Middle Deschutes River Scenic Waterway Section (4) (a), (b) and (A) are very specific as to what area is a Recreational River Area and the requirements associated with the area as stated below.

(4) Recreational River Area:

(a) From the northern Urban Growth Boundary of the City of Bend at approximately river mile 161 downstream to Tumalo State Park at approximately river mile 158, the river is classified Recreational River Area;

(b) Within this area, all new structures, improvements and development shall comply with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(c)(B), and be consistent with applicable Deschutes County land use and development regulations:

(A) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river. A set back of 20 feet or more is required from the edge of the rim rock (where this feature exists). The Department shall determine the exact distance for the above setbacks on a case-by-case basis, dependent on existing terrain, existing vegetation, height of proposed structure, and applicable county setback requirements;

In all cases new structures shall be consistent with applicable Deschutes County land use and development regulations (See Section (4)(b)). In addition Section (4)(A) requires a minimum setback of 100 from ordinary high water line for new structures and improvements.

Recent discussions with OPRD staff regarding definition of structure and set back requirements confirmed the 100 feet from ordinary high water line whether it be for a toilet structure or other structures is still required.

Conclusion

- 1- As stated earlier, the proposed bridge is a structure and subject to the setback requirements of OAR 736-040-0072 and all applicable Deschutes County land use codes and regulations.
- 2- The Findings and Recommendations of the Hearings Officer are correct and should be adopted by the Deschutes County Planning Commission.

There are other river bottom access alternatives available to BPRD such as relocating the proposed bridge to another location where the setback requirements can be met; upgrade an existing jeep trail;

enter into a maintenance agree with The Elkins family Trust to use an existing road currently being used by BPRD for emergencies and maintenance; forgo the bridge and improve the existing trails along the river and secure a 10 feet wide pedestrian trail easement through any private properties.

Careful consideration needs to be given to the long term affect this bridge will have on the river bottom Eco System. Increased pedestrian and vehicle traffic will take its toll on the area. A Park that was developed to be a nature preserve will soon be void of wild life and the sanctity that this unique section of canyon contains.

Respectfully,



Edward J. Elkins

63613 O. B. Riley Road

Bend, Oregon 97703

541-389-9662

thumper2@centurylink.net



Oregon

Kate Brown, Governor

Parks and Recreation Department
Region 3 Office
1645 NE Forbes Road, Suite 112
Bend, OR 97701
(541) 388-6211
FAX (541) 388-6391
www.oregonstateparks.org



September 28, 2015

Bend Parks and Recreation District
(c/o Jim Figurski)
799 SW Columbia Street
Bend, OR 97702

Re: Notification File No.: 2a-208-15
Property Location: T 17S R 12E Sec. Taxlot 1712180000100 & 1712180000111

The Oregon Parks and Recreation Commission grants its approval to Bend Parks and Recreation District (c/o Jim Figurski) for the development of a 184 acre regional park (Riley Ranch Nature Preserve). New park amenities seen from the river will include trails, boardwalks, overlooks, river access areas, and a pedestrian bridge across the Deschutes River. All of this is within the Middle Deschutes River Scenic Waterway. THIS APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. The activity shall be in conformance with the plans submitted.
2. A removal/fill permit from DSL must be secured prior to installing bridge across the Deschutes River (removal/fill permit may be needed for boulder placement at river access points discussed in submitted plans).
3. At constructed river access points & bridge, only pruning of riparian vegetation may occur (no root extraction).
4. Disturbed areas outlined for bridge construction must be re-seeded based on plans submitted.
5. New bridge over the Deschutes River is a pedestrian only bridge, no motor vehicles (except for authorized maintenance).
6. The Commission shall be notified in writing when activity has been completed. Written notices shall be sent to Rivers Program, Oregon Parks and Recreation Department, 1645 NE Forbes Rd, Suite 112, Bend, OR 97701.

Failure to comply with the conditions of approval will constitute a violation and be grounds for legal action. This approval does not affect any obligation you might have to other persons or agencies, local, state or federal.

Sincerely,

Greg Ciannella
Program Coordinator

Cc: Sarah Kelly, Department of State Lands (DSL)

Staff Contact: Greg Ciannella
1645 N.E. Forbes Road, Suite 112
Bend, OR 97701

(541) 388-6236 Phone
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These rules are specific to the Middle Deschutes River Scenic Waterway. Other administrative rules apply to all state scenic waterways. For the complete set of regulations, please go to: <http://egov.oregon.gov/OPRD/RULES/waterways.shtml>

Oregon Administrative Rule (OAR) 736-040-0072

Middle Deschutes River Scenic Waterway

(1) North Bend River Community Area:

(a) From Sawyer Park at approximately river mile 164 to the northern Urban Growth Boundary of the City of Bend at approximately river mile 161, the river is classified North Bend River Community Area;

(b) Within this area, all new structures, improvements and development shall be in compliance with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(f), and be consistent with applicable City of Bend and Deschutes County land use and development regulations. Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(2) Crooked River Ranch River Community Area 1:

(a) From approximately river mile 129.9 to 131.5, the residential building lots #1 -- 50 within Phase 5 of the Crooked River Ranch subdivision as specified on the Plat Map recorded November 1973, in book 2, Pages 253-258, in the Deschutes County Clerk's Office, the river is classified Crooked River Ranch Community Area 1;

(b) Within this area, all new structures, improvements and development shall be in compliance with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(f), and be consistent with applicable Deschutes County land use and development regulations. There will be no further partitioning of designated Community Areas for residential development. Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(3) Crooked River Ranch River Community Area 2:

(a) From approximately river mile 124.3 to 125.25, the residential building lots #1 -- 107 within Phase 12 of the Crooked River Ranch subdivision as specified on the Plat Map recorded June 1978, in book 12, Page 582, in the Jefferson County Clerk's Office; the river is classified Crooked River Ranch River Community Area 2;

(b) Within this area, all new structures, improvements and development shall be in compliance with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(f), and be consistent with applicable Jefferson County land use and development regulations. There

will be no further petitioning of designated Community Areas for residential development. Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(4) Recreational River Area:

(a) From the northern Urban Growth Boundary of the City of Bend at approximately river mile 161 downstream to Tumalo State Park at approximately river mile 158, the river is classified Recreational River Area;

(b) Within this area, all new structures, improvements and development shall comply with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(c)(B), and be consistent with applicable Deschutes County land use and development regulations:

(A) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river. A set back of 20 feet or more is required from the edge of the rim rock (where this feature exists). The Department shall determine the exact distance for the above setbacks on a case-by-case basis, dependent on existing terrain, existing vegetation, height of proposed structure, and applicable county setback requirements;

(B) New structures shall be finished in colors and tones that blend with the surrounding landscape. For the purpose of this rule, landscape includes indigenous vegetation, soils and rock material. Natural evergreen vegetation will be maintained between the structures and the river. The establishment of additional vegetative screening (preferably native vegetation) may be required to further mitigate the visual impact of the structure as seen from the river;

(C) Roads, mines and similar forms of development shall be set back from the river consistent with County zoning and land development requirements and be screened from view from the river by topography or by existing or established evergreen vegetation;

(D) Improvements needed for public recreation use or resource protection shall be designed to blend with the natural character of the landscape.

(5) Scenic River Area:

(a) From Deschutes Market Road at approximately river mile 157 downstream to the south boundary of the Wilderness Study Area at approximately river mile 131, excluding the Cline Falls Dam and powerhouse section between the State Highway 126 Bridge and river mile 144 and the Crooked River Ranch River Community Area, the river is classified Scenic River Area;

(b) Within this area all new structures, improvements and development will comply with the Land Management rules as described in OAR 736-040-0035 and 736-040-0040(1)(b)(B) and be consistent with applicable Deschutes County land use and development regulations:

(A) New structures and improvements shall be set back a minimum of 100 feet from the ordinary high water line of the river. A set back of 20 feet or more is required from the edge of the rim rock (where this feature exists). The Department will determine the exact distance for the above

RECEIVED
OCT 29 2015
Deschutes County CDD

October 29, 2015

Mr. Anthony Raguine
Deschutes County Community Development Department
117 NW Lafayette Avenue
Bend, OR 97701

Subject: Riley Ranch Nature Reserve, 247-15-000333-CU, 247-000333-SP

Dear Anthony:

On behalf of Bend Park and Recreation District (BPRD), we would like to submit the following into the record for Riley Ranch Nature Reserve. On October 14, 2015, the Hearings Officer issued a decision recommending that the Deschutes County Planning Commission deny BPRD's request for conditional use and site plan approval for its proposed regional park because the applicant has not demonstrated its proposal satisfies all applicable standards and approval criteria.

The Hearings Officer has found the applicant's proposed regional park satisfies, or with imposition of conditions of approval can satisfy, most of the applicable standards and approval criteria in Title 19. However, I have found I cannot recommend that the Deschutes County Planning Commission (DCPC) approve the applicant's proposal because it includes a bridge that does not meet the minimum applicable setbacks in the UAR-10 and SM Zones, and because the applicant has not adequately addressed or demonstrated compliance with all standards and approval criteria applicable to other elements of the proposed park. I have found that with respect to those other elements, the applicant may be able to provide sufficient additional information to the DCPC to allow it to approve the park without the proposed bridge. And because the applicant does not propose to construct the bridge for several years, I have found the applicant may be able to resolve the bridge setback issues during that interim period.

Hearings Officer Decision, page 7

The Hearings Officer states that the applicant has not adequately addressed or demonstrated compliance with all of the standards and approval criteria. Specifically, the Hearings Officer found that the proposed bridge does not meet the minimum 100-foot setback (UAR10 zone) or 300-foot setback (SM zone) from the Deschutes River; and that the applicant did not demonstrate there will be adequate sight distance, or a demonstrably feasible plan to provide adequate sight distance, at the Glen Vista Road/O.B. Riley Road intersection. The Hearings Officer made findings that all other approval criteria for the park (including all other criteria for the bridge and traffic) were met.

BRIDGE

Title 19 is not an often used section of the code. In an effort to ensure that all of the applicable code criteria were addressed in the application, we had several meetings with staff to discuss the project. One meeting was specifically dedicated to the bridge where we went through the code section by section. The issue about the setback did not arise until staff was preparing their staff report. If staff had told us

Mr. Anthony Raguine
October 29, 2015
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that a variance was needed, we would have applied for one. The potential need for a variance was not identified until we received the Hearings Officer's decision on October 14, 2015.

Both staff and the Hearings Officer found it is not clear whether the side or rear setback requirements apply. In trying to determine if setbacks applied, the Hearings Officer found the context of Section 19.12.050 also included the definitions in Section 19.04.040 of setback, yard, front yard, rear yard, side yard, building, and structure.

"Building" means any structure built and maintained for the support, shelter, or enclosure of persons, animals, chattels or property of any kind meeting the requirements of State Structural Specialty Code and Fire and Life Safety Code.

DDC 19.04.040

Bridge is not defined in Title 19. Webster's Dictionary defines a bridge as,

"Bridge 1a: structure carrying a pathway or roadway over a depression or obstacle."

Webster's Dictionary, 2015 Merriam-Webster Incorporated

Using Webster's definition and applying it to the definition in Title 19 for a building, a bridge does not provide support, shelter or enclosure for persons, animals, chattels¹, or property as the Hearings Officer found. The definition of bridge clearly implies that its purpose is for transportation. The definition of building under Title 19 implies structures that care for people and property and not on transportation. The definition of bridge states that it is a means of carrying a pathway or road over a depression or obstacle. A bridge is not a standalone building as the Hearings Officer found. You would not build a bridge unless it was connected to a pathway on both sides. A bridge is a transportation feature that provides access across an obstacle.

The Oregon Administrative Rules (OARs) also require a 100 foot setback for structures. The OARs does not define structures. I talked to Greg Ciannella at Oregon Parks and Recreation Department (OPRD) about the setback. He stated that OPDR does not consider bridges to be structures. OPDR interprets the setback to apply to buildings such as houses, barns, outbuildings, etc. or decks and not bridges or other elements of roads or trails. There are separate approval criteria within the OARs that apply to transportation.

Similarly, the City of Bend defines and differentiates structures and buildings. Chapter 1.2 of the Development Code defines "building" as "a structure which is designated and suitable for the habitation or shelter of human beings or animals or the shelter or storage of property." Although the code definition

¹ an item of tangible movable or immovable property except real estate and things (as buildings) connected with real property (Webster's Dictionary)

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of “structure” in the Bend Development Code is identical to the definition in Title 19, it has the addition of the following sentence:

“Building” and “structure” are not interchangeable terms. A building is one type of structure that shelters humans, animals and the like.

Bend Development Code, Chapter 1.2

Additionally, in determining the context of Section 19.12.050, the Hearings Officer **did not** take into consideration the definition of “access” or “access way.”

“Access or access way” means the place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to, through or past a property or use as required by DCC Title 19.

DDC 19.04.040

So using the definition of access way, it is reasonable that some elements, such as bridges, may be part of an access as a means or way to provide access, just as they are part of a street. The definition of street does not include these elements, but it is generally accepted that bridges or other features (such as box culverts, retaining walls, guard rails, etc.) are part of the infrastructure of a road.

“Street” means a public thoroughfare or right of way other than an alley, dedicated, deeded or condemned for such use and private thoroughfare or access easements which are used for vehicle travel including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

DDC 19.04.040

Staff has told us that if it were dedicated right-of-way that the setback would not be applicable. However the definition of street includes an access easement, which both driveways will have across private property.

The definition of structure states:

“Structure” means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which required location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, driveways, walks and fences.

DDC Title 19.04.040

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We find that the context in which the exceptions are listed in the definition of structures suggests that in certain situations structures are needed as part of the way by which the driveway or walk can provide safe and adequate vehicle and pedestrian access to and from the site. An access is more than just a path (paved or unpaved) that follows the contours of the ground. There are many examples of driveways and private roads throughout the County that have bridges or other structures (retaining walls).

The Riley Ranch property is landlocked, and has a natural rimrock cliff that parallels the Deschutes River. The elevation difference from the upper terrace to the canyon floor ranges from 200 to 250 feet. It is not possible to provide internal vehicle access from the upper terrace down to the canyon floor due to topography and geology of the site. Two accesses are needed to provide safe, adequate and usable ingress and egress: (1) to provide access the upper terrace; and (2) to provide access the canyon floor. Multiple access points are allowed under DCC 19.76.070.D. The upper terrace will be accessed from Glen Vista Road through an easement across the Clenaghan's property (this easement is already secured and recorded). Access to the canyon floor will be provided from Johnson Road across the Coats' property on an already existing jeep road (this easement is currently being developed, as already submitted into the record).

The Glen Vista Road driveway will be the public's vehicle entrance for the park. It will also provide emergency response and operations and maintenance access for the upper terrace portion of the park. The driveway will use the existing dirt/gravel road. The terminus of Glen Vista Road will be improved by striping a center line that provides clear wayfinding to park visitors while maintaining functional property access for existing homeowners. The access road to the property will be improved from the terminus of Glen Vista Road to the park entrance by paving and widening it to approximately 20 feet in width. Just outside the park entrance gate, there will be a "T-shaped" turnaround large enough to meet accommodate the turning radius of emergency response vehicles (as per fire code regulations).

The Johnson Road driveway will utilize an existing jeep road that includes the landing of where a formed bridge that spanned the Deschutes River and connected the two parcels. The only improvement proposed to this road is the installation of the bridge. Because a bridge once occurred at this location, limited grading and vegetation removal is needed. The primary purpose of the bridge will be to provide pedestrian access to the Riley Ranch Nature Reserve from the Deschutes River Trail. The bridge will be gated to prevent unauthorized vehicles. The Johnson Road driveway will provide emergency response and operation and maintenance vehicles access to the canyon floor as needed.

The Hearings Officer found,

Specifically, the applicant argues that because the bridge will connect sections of park trails and the Deschutes River Trail, it is part of a "driveway" or "walk." The Hearings Officer disagrees. Although it is not entirely clear from the "structure" definition, I find the exemption appears to apply to features that are either level with the ground or are

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insubstantial such as fences. In contrast, as demonstrated in the design drawings included in the record as Attachment 8 to the applicant's burden of proof and as Hearing Exhibit 1, the proposed bridge is neither a ground-level structure nor insubstantial. It will be over 100 feet in length and 12 feet wide, constructed of prefabricated steel trusses anchored to abutments and bollards on each bank, and of sufficient height to span the river above its base flood elevation.

Hearings Officer Decision, page 11

There is no basis in the code for interpreting the exemptions as insubstantial, since Title 19 does not define scale for either paved areas, driveways, walks or fences. There are many examples in the County of driveways, walks or fences that could be considered substantial such as the bridge and two tunnels associated with the pedestrian walkway at Tetherow² or the driveways for Pine Nursery Park. Both Park Nursery Park driveways include a divided median and roundabouts. The NE Purcell Road driveway's roundabout has artwork, and artwork is planned and approved for the NE Yoemen Road driveway's roundabout. Additionally, the Yoemen Road driveway includes a raised retaining wall to delineate travel lanes. Additionally, there is nothing in the code that states the features have to be level with the ground.

Although the bridge will provide both vehicle and pedestrian access to the canyon floor, the main purpose of the bridge is to provide an east-west pedestrian link across the river for the Deschutes River Trail. The Deschutes River Trail has been identified as a Multi-Use Trail in the Bend Metropolitan Transportation System Plan (BMTSP), which is part of the Bend General Plan.

DCC Title 19 has been designed in accordance with the goals, policies and statements of intent of the Bend Area General Plan, the officially enacted comprehensive plan for the City of Bend and its environs. It is the general purpose of DCC Title 19, therefore, to provide one of the principal means for implementation of the Bend Area General Plan.

DDC 19.04.020.A Purpose

Chapter 7 of the BMTSP states,

Trails also provide citizens and visitors with links to the natural environment. One special quality of a trail is the opportunity they provide to escape the bustle of the city - while remaining within the city. This is particularly evident along the Deschutes River trail system. Public opinion

² It should be noted that the pedestrian bridge and the two tunnels on the walkway connect to different tax lots. The bridge connects tax lots 1811120001500 and 181110000100; the tunnels connect 181112BB00900 and 1811120001300, and 1811120001700 and 1811120001300.

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supports this sentiment, as people cite the ability to depart from traffic congestion, noise, and exhaust as a prime factor in their enjoyment of trails.

The first trail plan in the area was established in the Bend Area General Plan in 1981. This has been the policy tool that has provided some protection of trail corridors and has promoted the construction of the current limited system. Several additions were adopted by the City and County and incorporated into the General Plan in 1998. The current "primary" trail plan is illustrated in the City of Bend Transportation System Plan (Bicycle and Trail System Map). The city of Bend and the Bend Metro Park and Recreation District continue working together to plan and develop a trail system to meet the recreational and transportation needs of the community.

Additionally, the Riley Ranch Nature Reserve and the connection to the future connection with the Deschutes River Trail is consistent with or helps to implement the following Bend General Plan goals: Chapter 2 goals 15-17 and 25; and Chapter 3 goals 7, 9-11.

The Riley Ranch Bridge will be approximately 100 feet long and 12 feet wide. This is comparable to the other four bridges along the Deschutes River Trail. As shown below, the Riley Ranch Bridge will be about the same length of the South Canyon Bridge and as wide as the First Street Rapids Bridge.

Bridge	Length (feet)	Width (feet)
Riley Ranch Bridge (proposed)	100	12
South Canyon Bridge	110	8
Farewell Bend Bridge	135	15
First Street Rapids Bridge	180	12
Sawyer Park Bridge	180	8

The Hearings Officer found the criteria in the second paragraph of DDC 19.76.080.F only applicable criterion is the requirement that on-site walkways connect building entrances to one another.

Internal pedestrian circulation shall be provided in new office parks and commercial developments through the clustering of buildings, construction of hard surface pedestrian walkway, and similar techniques.

Walkways shall connect building entrances to one another and from building entrances to public street and existing or planned transit stops. On site walkways shall connect with walkways, sidewalks, bikeways, and other

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pedestrian or bicycle connection on adjacent properties planned or used for commercial, multifamily, institutional or park use.

DDC Section 19.76.080.F.

The Hearings Officer found that record indicates there are no existing or planned transit stops in the area to which the proposed walkways could connect and the rest of the approval criterion was not applicable. We would argue that providing connection to the Deschutes River Trail is needed in order to meet this approval criterion since is an identified and planned pedestrian and bicycle pathway, as identified in the BMRSP and the BPRD Trails Master Plan.

O.B. RILEY ROAD/GLEN VISTA ROAD INTERSECTION SIGHT DISTANCE

Both Deschutes County and the City of Bend cite the intersection sight distance requirements within the American Association of State Highway and Transportation Officials (AASHTO) Green Book (AASHTO 2011). Based on AASHTO, stopping sight distance provides the minimum sight distance requirements. If the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions. To enhance traffic operations, intersection sight distances that exceed stopping sight distances are desirable along the major road.

Field measurements collected at the O. B. Riley Road/Glen Vista Road intersection identified an available sight distance of 325 feet. This provides adequate stopping sight distance for the posted speed of 35 miles per hour. However, based on speed studies conducted by the City of Bend within the area, the 85th percentile speed is approximately 44.5 miles per hour, which would require 360 feet of stopping sight distance.

To maximize the available sight distance there are treatment options within and outside of the available right-of-way. Within the right-of-way, vegetation is limiting available sight lines. Some of this vegetation is from trees that are outside of the right-of-way but overhang it, and as such are within the jurisdiction of Deschutes County or the City of Bend to address. By removing vegetation within the right-of-way, plan measurements show that 366 feet of sight distance can be obtained, which exceeds the stopping sight distance for the current 85th percentile speed of 45 miles per hour. Additional sight distance can be provided if neighbors are agreeable to improvements along the property frontage; however, these additional treatments would need to be coordinated with the neighbors on a voluntary basis.

To enforce the 35 mph posted speed there are numerous treatments proposed that include speed feedback signs, curve warning signs, chevrons, intersection ahead signs, roadside delineators, and various striping treatments such as speed reduction markings and a relocated stop bar and centerline striping on Glen Vista Road. The treatments were specifically selected to minimize the required maintenance and to avoid impacts to the bicycle lanes.

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The conceptual design was coordinated with City and County staff, but the jurisdictional change that occurs on the southbound approach to Glen Vista Road will require further discussions as part of the design process. However, the treatments³ have been proven effective in similar applications nationally. All of the speed enforcement treatments will occur within the right-of-way.

Further changes are proposed in the area around the intersection to address functionality and geometrics. This includes removal of the pork-chop median serving Hardy Road to allow full-access movements. Motorists currently disregard the purpose for pork chop median. Removal of this treatment will reduce the exposure to motorists that are currently making extended or inappropriate maneuvers around the island.

Mailboxes that are located along O. B. Riley Road should also be relocated; this will require coordination with the mail service and residents to understand where the residents live that these mailboxes serve, and to avoid unnecessary roadway crossings. While it appears that the existing pull-out north of the current location would better serve the mail carrier and area resident needs, an alternate location along Hardy Road (or complete removal if no longer in use) may be more appropriate.

As noted within agency correspondence, concerns have been expressed by City and County staff related to on-going maintenance of the proposed treatments. During the concept development phase we coordinated the design treatments with City and County staff, and the specific treatments shown reflect more permanent treatments (at a higher cost to BPRD) based on feedback received. This includes use of thermoplastic striping, higher reliance on signage and treatments outside of the travel way. However, the design remains conceptual and is intended to show a menu of treatment options that we understand will require final review and approval by the affected roadway authority, which changes within the southbound approach from Deschutes County to the City of Bend.

Similar to the additional maintenance required of agencies with the installation of any type of capacity or safety improvement (e.g., new turn lanes, traffic signals, roundabouts), the additional signing and striping will require periodic maintenance and replacement, as well as review of emerging vegetation overhanging or within the right-of-way. It is understood by BPRD that necessary repairs or maintenance will be completed by the City and County based on agency funding and priorities.

However, we think it is important to note that the treatments proposed are addressing an existing speed compliance and sight distance issue within the rural to urban transition and affecting an existing public intersection. As such, we believe these treatments remain appropriate whether or not BPRD were to develop the Riley Ranch Nature Reserve.

³ Proposed treatments are largely based on research summarized within *National Cooperative Highway Research Program (NCHRP) Report 613: Speed Reduction Treatments at High-Speed Intersections* and *NCHRP Synthesis 412: Speed Reduction Techniques for Rural High-to-Low Speed Transitions*.

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SUMMARY

The definition of building under Title 19 focuses on structures to support people and property and not on transportation. The Webster's definition of bridge states that it is a means of carrying a pathway or road over a depression or obstacle. A bridge is not a standalone building; it is connected to a pathway or road. Other jurisdictions (OPRD and the City of Bend) also consider bridges to be part of the transportation infrastructure and thus do not find that the setback along the Deschutes River applies to bridges.

Using the definition of access or access way, it is reasonable that some elements, such as bridges, may be part of an access as a means or way to provide access, just as they are part of a street. Both of the access ways into the park will have a private access agreement.

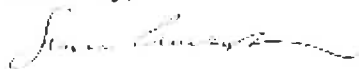
There is no basis in the code for interpreting the exemptions as either ground level or insubstantial, since Title 19 does not define scale for either paved areas, driveways, walks or fences.

Although the bridge will provide both vehicle and pedestrian access to the canyon floor, the main purpose of the bridge is to provide an east-west pedestrian link across the river for the future extension of Deschutes River Trail. The Deschutes River Trail has been identified as a Multi-Use Trail in the Bend Metropolitan Transportation System Plan (BMTSP), which is part of the Bend General Plan. A connection to the Deschutes River Trail is needed in order to meet approval criteria since is an identified and planned pedestrian and bicycle pathway, as identified in the BMRSP and the BPRD Trails Master Plan.

The proposed road design improvements addresses sight distance requirements within Deschutes County and City of Bend Code. The proposed mitigation measures will allow sight distance to be met for both the existing 85th percentile speed of 45 mph and the posted speed of 35 mph with improvements located entirely within the existing right-of-way. Additional treatments (within and outside of the right-of-way) are proposed to encourage lower speeds and improve the functionality of the intersection to "enhance traffic operations and make the intersection more desirable."

Please feel free to call or email me with any questions.

Sincerely,



Susan Cunningham
Program Director

C: Jim Figurski



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

354 SW Upper Terrace Drive, Suite 101, Bend, Oregon 97702 P 541.312.8300 F 541.312.4585

MEMORANDUM

Date:	October 29, 2015	Project #: 17294
To:	Russ Grayson and Peter Russell	
From:	Joe Bessman, PE	
Project:	Riley Ranch Nature Reserve	

SUMMARY OF HEARING EXAMINER FINDINGS

Related to transportation, the hearing examiner recommended denial due to uncertainty associated with intersection sight distance requirements. Applicable text is provided below for context.

Conclusions. *The Hearings Officer finds from the applicant's traffic studies that the very low volume of traffic anticipated to be generated by the proposed park will not exceed the capacity of Glen Vista Road or its intersection with O.B. Riley Road. I find it is theoretically feasible to increase the sight distance at the Glen Vista/O.B. Riley Road intersection looking north in order to meet minimum AASHTO standards. However, most of the recommended remediation measures either involve cooperation with private property owners who did not participate in this proceeding, or require approval from both the city and county engineers, each of whom has expressed concern about the cost, function and maintenance of some of these measures. For these reasons, I find there is enough uncertainty as to if, when and by whom the recommended sight distance remediation measures will be completed that I cannot find the applicant has met its burden of proof to demonstrate the proposed park will not create an undue burden on the public street system. Since this application must be reviewed by the DCPC, the applicant may have the opportunity during that review to remove some of this uncertainty through further conversations with the city and county engineers and affected property owners.*

SIGHT DISTANCE STANDARDS

This section summarizes agency requirements related to sight distance at the OB Riley Road/Glen Vista Intersection.

Deschutes County Requirements

Sight distance requirements for Deschutes County are contained within 18.116(H) and state the following:

H. The minimum operational and safety standards for use on Deschutes County's system are:

- 3. The minimum sight distance for driveways and intersections is defined in AASHTO's "Geometric Design of Highways and Streets" and the AASHTO "Design Guidelines for Very -Low Volume Local Roads (<400 ADT)".*

DCC 18.116(I) addresses mitigation, further stating:

I. Mitigation

- 1. The applicant shall be responsible to mitigate any safety or capacity problems that are caused by their proposed development.*
- 2. At the County Engineer's discretion, if there are pre-existing safety deficiencies and/or capacity failures at relevant intersections or road frontages within the impact analysis area, then no additional development shall be allowed until a solution that accounts for the proposed project's additional impacts is funded or built.*

City of Bend Requirements

Bend Development Code ("BDC") 4.7.400(B) identifies sight distance within the *required information* for a Transportation Impact Analysis, and further references safety needs within the *Operations Standards* section.

BDC 4.7.300(B)(1) states the following:

Sight Distance Measurements. For all driveways, study area intersections, and new intersections created by the development (with the exception of single-family residential driveways), an intersection sight distance measurement shall be provided that shows compliance with City of Bend Standards and Specifications for the posted or eighty-fifth percentile speed (whichever is greater). Field measurements shall be used wherever possible, and plan measurements from civil drawings provided for planned intersections or driveways.

AASHTO Sight Distance

Both Deschutes County and the City of Bend cite the intersection sight distance requirements within the American Association of State Highway and Transportation Officials (AASHTO) *Green Book*. The most recent version of the manual is the 2011 Edition (commonly referred to as *AASHTO*). The purpose of AASHTO is to provide context-specific design guidance to engineers to more fully understand influencing factors. Specific guidance related to intersection sight distance is as follows:

If the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions.

To enhance traffic operations, intersection sight distances that exceed stopping sight distances are desirable along the major road.

Based on AASHTO, stopping sight distance provides the minimum sight distance requirements, as summarized below in Figure 1.

Design Speed (mph)	Brake Reaction Distance (ft)	Braking Distance on Level (ft)	Stopping Sight Distance	
			Calculated (ft)	Design (ft)
15	55.1	21.6	76.7	80
20	73.5	38.4	111.9	115
25	91.9	60.0	151.9	155
30	110.3	86.4	196.7	200
35	128.6	117.6	246.2	250
40	147.0	153.6	300.6	305
45	165.4	194.4	359.8	360
50	183.8	240.0	423.8	425
55	202.1	290.3	492.4	495
60	220.5	345.5	566.0	570
65	238.9	405.5	644.4	645
70	257.3	470.3	727.6	730
75	275.6	539.9	815.5	820
80	294.0	614.3	908.3	910

Figure 1. Stopping Sight Distance. Source: 2011 AASHTO Table 3-1, 3-4

Available Sight Distance

Field measurements were collected at the OB Riley Road/Glen Vista intersection and identified an available sight distance of 325 feet. While this provides adequate stopping sight distance for the posted speed of 35 miles per hour, based on speed studies conducted by the City of Bend within the area the 85th percentile speed is approximately 44.5 miles per hour, which would require 360 feet of stopping sight distance.

Proposed Mitigation

An illustration of proposed mitigation options is provided within Figure 2 of the original March 27, 2015 Transportation Impact Analysis. The proposed mitigation plan was prepared to address three separate issues:

1. Enforce the posted 35 mile per hour speed
2. Maximize the available sight lines
3. Address system functionality and geometrics

As summarized within each of these areas, the proposed mitigation will meet the applicable sight distance requirements (based on the existing 45 mph travel speed), it will help improve compliance with the posted speed (thereby reducing speeds and making the sight lines more desirable), and will improve geometrics providing a more functional entrance to Riley Ranch and the surrounding neighborhoods.

Speed Enforcement

To enforce the 35 mph posted speed there are numerous treatments proposed that include speed feedback signs, curve warning signs, chevrons, intersection ahead signs, roadside delineators, and various striping treatments such as speed reduction markings and a relocated stop bar and centerline striping on Glen Vista Road. The treatments were specifically selected to minimize the required maintenance and to avoid impacts to the bicycle lanes.

While the conceptual design was coordinated with City and County staff, with the jurisdictional change that occurs on the southbound approach to Glen Vista Road further discussions will be required as part of the design process. However, the treatments, which are largely based on research summarized within *National Cooperative Highway Research Program (NCHRP) Report 613: Speed Reduction Treatments at High-Speed Intersections* and *NCHRP Synthesis 412: Speed Reduction Techniques for Rural High-to-Low Speed Transitions* have been proven effective in similar applications nationally. All of the speed enforcement treatments will occur within the right-of-way.

Sight Distance Enhancements

To maximize the available sight distance there are treatment options within and outside of the available right-of-way. Within the right-of-way vegetation is limiting available sight lines. Some of this vegetation is from trees that are outside of the right-of-way but overhang it, and as such are within the jurisdiction of Deschutes County and/or the City of Bend to address. By removing vegetation within the right-of-way plan measurements show that 366 feet of sight distance can be obtained, which exceeds the stopping sight distance even for the current 85th percentile speed of 45 miles per hour. Additional sight distance can be provided if neighbors are agreeable to improvements along the property frontage; however, these additional treatments would need to be coordinated with the neighbors on a voluntary basis.

Functional Modifications

Further, changes are proposed to the area to address functionality and geometrics. This includes removal of the pork-chop median serving Hardy Road to allow full-access movements. Based on

current disregard for the pork chop median this treatment will reduce the exposure to motorists that are currently making extended maneuvers around the island.

Mailboxes that are located along OB Riley Road should also be relocated; this will require coordination with the mail service and residents to understand where the residents live that these mailboxes serve, and to avoid unnecessary roadway crossings. While it appears that the existing pull-out north of the current location would better serve the mail carrier and area resident needs, an alternate location along Hardy Road (or complete removal if no longer in use) may be more appropriate.

MAINTENANCE CONCERNS

As noted within agency correspondence, concerns have been expressed by City and County staff related to ongoing maintenance of the proposed treatments. During the concept development phase we coordinated the design treatments with City and County staff, and the specific treatments shown reflect more permanent treatments (at a higher cost to BPRD) based on feedback received. This includes use of thermoplastic striping, higher reliance on signage and treatments outside of the travel way. However, the design remains conceptual and is intended to show a menu of treatment options that we understand will require final review and approval by the affected roadway authority, which changes within the southbound approach from Deschutes County to the City of Bend.

Similar to the additional maintenance required of agencies with the installation of any type of improvement (e.g., new turn lanes, traffic signals, roundabouts), the additional signing and striping will require periodic maintenance and replacement, as well as review of emerging vegetation overhanging or within the right-of-way. It is understood by BPRD that necessary repairs or maintenance will be completed by the City and County based on agency funding and priorities.

However, we think it is important to note that the treatments proposed are addressing an existing speed compliance and sight distance issue within the rural to urban transition and affecting an existing public intersection. As such, we believe these treatments remain appropriate whether or not BPRD were to develop the Riley Ranch site.

SUMMARY

As summarized herein, the proposed design addresses sight distance requirements within Deschutes County and City of Bend Code. The proposed mitigation measures will allow sight distance to be met for both the existing 85th percentile speed of 45 mph and the posted speed of 35 mph with improvements located entirely within the existing right-of-way. Additional treatments (within and outside of the right-of-way) are proposed to encourage lower speeds and improve the functionality of the intersection to *"enhance traffic operations and make the intersection more desirable."* Accordingly, we believe the application meets all applicable City of Bend and Deschutes County requirements.

Please let me know if you have any questions on these materials at (541) 312-8300.

Anthony Raguine

From: Sher Buckner
Sent: Friday, October 23, 2015 12:26 PM
To: dalecraw@bendnet.com; Ed Criss; Hugh Palcic; James Powell; Maggie Kirby; Steve Swisher; Susan Tunno
Cc: Nick Lelack; Anthony Raguine; Peter Gutowsky
Subject: FW: Public Comment Follow-up
Attachments: 1-17-12_Board_minutes.pdf; EXHIBIT - Bend.doc

From: Justin Gottlieb [<mailto:hdcannabiscooperative@gmail.com>]
Sent: Friday, October 23, 2015 11:54 AM
To: Planning Commission
Subject: Public Comment Follow-up

Dear Commission Members,

It was wonderful attending the Planning Commission Meeting on October 22, 2015.

Attached is supporting evidence (*BPRD Board Minutes* and *Exhibit-Bend*) for the provided Public Commit regarding **Bend Parks and Recreation District's** Riley Ranch Bridge request. The Testimony was personal in nature and does not reflect the opinion or views of the High Desert Cannabis Community.

Please feel free to contact me with questions.

Respectfully Submitted,
Justin L. Gottlieb
503-810-6557

**Bend Metro Park & Recreation District
Board of Directors
Work Session, Regular Meeting, Strategic Plan Work Session
January 17, 2012**

BOARD PRESENT: Ted Schoenborn, Scott Asla, Scott Wallace, Ruth Williamson and Dallas Brown

STAFF PRESENT: Don Horton, Bruce Ronning, Lindsey Lombard, Matt Mercer, Jan Taylor, Ed Moore, Theresa Albert, Kim Johnson, Colleen McNally, Steve Jorgensen, Sue Jorgenson, Russ Holliday, Bob Smith, Becky Curfew and Paula Lower.

LEGAL COUNSEL: Paul Taylor.

MEDIA: None.

VISITORS: Justin Gottlieb, Ron Bozell and Kurt Petrich.

WORK SESSION

Chair Ted Schoenborn convened a work session at 4:08 pm.

VISITORS

Justin Gottlieb presented and read a formal letter of support for Dallas Brown's minority opinion and vote on the 1st Street Rapids Bridge location.

Ron Bozell addressed the board regarding the district's purchase of the former Mt. Bachelor Park & Ride property. He stated he does not think it is fair to create unfair competition with other athletic clubs and businesses and he would like to see some form of community center and community garden on the site.

Budget Calendar Review

Lindsey Lombard presented the proposed budget meeting calendar for the 2012-13 budget process. She proposed a tour date of April 25, and meeting dates of May 14, 16 and 22. She asked the board to let her know of any conflicts with those dates in order to confirm the scheduling of the meetings.

The work session was concluded at 4:17 pm.

REGULAR MEETING

Chair Ted Schoenborn called the regular meeting to order at 4:17 pm.

CONSENT AGENDA

Minutes: January 3, 2012 – Work Session & Regular Meeting

OSU-Cascades MOU

Scott Wallace moved to approve the consent agenda. Scott Asla seconded the motion. Scott Wallace, Scott Asla, Ruth Williamson, Dallas Brown and Ted Schoenborn all voted aye. Motion passed.

The regular meeting was adjourned at 4:19 pm.

STRATEGIC PLAN WORK SESSION

Bruce Ronning introduced Barbara Heller, Heller and Heller, Inc., and reviewed the work done to date on the Recreation Needs Assessment. He explained how this process is associated with the strategic planning process and noted Barbara's extensive experience and background in parks and recreation and as a strategic plan consultant. Barbara conducted a PowerPoint presentation identifying the components of strategic planning. The board reviewed and discussed the district's mission statement, organizational strengths, weaknesses, opportunities and threats (SWOT), identified core services, major focus areas, key steps in strategy development, and development of strategic themes. The board also participated in a series of exercises to identify core service criteria, and define strategic themes. At the conclusion of the discussion, Barbara explained how she would compile the information that would be presented to the board for further discussion and refinement.

The strategic plan work session was concluded at 7:45 pm.

Prepared by,

Paula Lowery
Executive Assistant

Ted Schoenborn, Chair

Scott Asla, Vice-Chair

Ruth Williamson

Scott Wallace

Dallas Brown

EXHIBIT A

Public Testimony and Record

Bend Parks and Recreation District (BPRD)¹
City of Bend (Bend)²
Oregon State House Committee Hearing
United States Congress

1. BPRD Budget Committee; May 11, 2011
2. BPRD; June 7, 2011
3. BPRD; July 19, 2011
4. BPRD; August 19, 2011
5. Bend; September 21, 2011
6. BPRD; October 4, 2011
7. BPRD; January 17, 2012
8. Bend; January 18, 2012
9. BPRD; March 20, 2012
10. BPRD; April 3, 2012
11. Bend; April 4, 2012
12. BPRD; June 5, 2012
13. BPRD; July 2, 2012
14. BPRD; February 5, 2013
15. Bend; February 6, 2013
16. Bend; April 3, 2013
17. Ways and Means - Oregon State House; April 19, 2013
18. BPRD; June 18, 2013
19. Bend; June 19, 2013
20. BPRD; July 2, 2013
21. Mirror Pond Ad Hoc Committee; July 16, 2013
(No Public Testimony on Agenda)
22. Bend; July 17, 2013
23. Bend; August 7, 2013
24. Bend; August 21, 2013
25. US Congress; November 5/6, 2013
(No Testimony – Canvass Congressional offices)
26. BPRD; December 17, 2013
27. Bend; December 18, 2013
28. Mirror Pond Ad Hoc Committee; May 21, 2014
(No Testimony)
29. Bend; May 21, 2014
30. US Congress; June 25, 2014 (No Testimony – Document Drop)

¹ www.bendparksandrec.org/info/About_Us/board_meetings/

² www.bend.or.us/index.aspx?page=470

31. City of Hillsboro; April 24, 2015
32. Bend; August 5, 2015
33. BPRD; August 11, 2015
34. Deschutes County; August 12, 2015
35. Crook County; August 18, 2015
36. City of Prineville; August 25, 2015
37. City of Madras; September 1, 2015
38. Deschutes County; September 2, 2015
39. Bend; September 2, 2015
40. City of Madras; September 22, 2015
41. City of Prineville; October 13, 2015
42. Jefferson County Town Hall; October 15, 2015
43. Deschutes County Planning Commission; October 22, 2015



WYNDEMERE ASSOCIATION

October 27, 2015

Comments

Deschutes County Planning Commission:

Public Hearing: Riley Ranch Nature Reserve (RRNP)

October 22, 2015

File Numbers: 247-15-000333-CU, 247-15-000334-SP

My name is George Findling. I reside at 908 NW Glenbrooke Bend, OR 97703. I am the President of the Wyndemere Association (WA). The comments given below are to document and supplement the points given in oral testimony at the subject public hearing (10/22/2015). By reference, we also incorporate previous written and oral comments provided in this matter.

We previously recommended that the conditional use permit and site plan review plan for the RRNP should not be approved until the issue of public parking for those pedestrian visitors accessing the RRNP from the south side of the Deschutes River via the proposed bridge at the northwest corner of the RRNP has been resolved.

On pages 29 and 30, of the Findings and Recommendations of the Deschutes County Hearing Officer, our recommendation is acknowledged and dismissed. Specifically, the Hearing Officer was: "not persuaded that the addition of the proposed bridge necessarily would provoke increased parking on the south side of the river". The Hearing Officer further found: "that the need [for parking] currently exists and there is not sufficient evidence in this record to demonstrate either the regional park or the bridge will increase that need."

We respectfully disagree in part and agree in part with the findings. We concur that there is a paucity of evidence. Notwithstanding, a judgement can still be made that a viable parking plan is warranted. Improper parking is occurring in the Wyndemere neighborhood by people using the Deschutes River Trail (DRT) "out and back". It is reasonable to expect people to extend this "out and back" concept to RRNP. Further, the extension of the DRT and the addition of the new bridge can reasonably be expected to increase parking demand.

We recommend a compromise to the Planning Commission, if it decides to approve the RRNP proposal: add the following condition Prior to the Construction of the Bridge Over The Deschutes River: "A comprehensive and viable public parking plan for pedestrians accessing the Reserve via the bridge shall be prepared." This condition will only affect bridge construction and thus will allow the bulk of the RRNP to continue on.

George Findling

November 2, 2015

Mr. Anthony Raguine
Deschutes County Community Development Department
117 NW Lafayette Avenue
Bend, OR 97701

Subject: Riley Ranch Nature Reserve, 247-15-000333-CU, 247-000333-SP

Dear Anthony:

On behalf of Bend Park and Recreation District (BPRD), we would like to submit the following as our final argument for Riley Ranch Nature Reserve. The Hearings Officer states that the applicant has not adequately addressed or demonstrated compliance with all of the standards and approval criteria. Specifically, the Hearings Officer found that the proposed bridge does not meet the minimum 100-foot setback (UAR10 zone) or 300-foot setback (SM zone) from the Deschutes River; and that the applicant did not demonstrate there would be adequate sight distance, or a demonstrably feasible plan to provide adequate sight distance, at the Glen Vista Road/O.B. Riley Road intersection. The Hearings Officer also stated that applicant may be able to provide sufficient additional evidence to address these two issues. The Hearings Officer made findings that all other approval criteria for the park (including all other criteria for the bridge and traffic) where met.

O.B. RILEY ROAD/GLEN VISTA ROAD INTERSECTION SIGHT DISTANCE

The O. B. Riley Road/Glen Vista Road intersection is within the jurisdiction of the City of Bend. The city cites the intersection sight distance requirements within the American Association of State Highway and Transportation Officials (AASHTO) Green Book (AASHTO 2011) as the applicable design criteria. Field measurements collected at the O. B. Riley Road/Glen Vista Road intersection identified an available sight distance of 325 feet. The City and County engineering staff have both agreed that this provides adequate stopping sight distance for the posted speed of 35 miles per hour and meets the AASHTO criteria.

Based on speed studies conducted by the City of Bend within the area, the 85th percentile speed is approximately 44.5 miles per hour, exceeding the posted speed limit of 35 mph. The required stopping sight distance for 45 mph is 360 feet. By removing vegetation within the right-of-way, plan measurements show that 366 feet of sight distance can be obtained, which exceeds the stopping sight distance for the 85th percentile speed of 45 miles per hour. BPRD plans to remove this vegetation that is within the right-of-way.

At the Planning Commission meeting on October 22, 2015, Russ Grayson, City Engineer, stated that the improvements proposed by BPRD within the right-of-way meet the stopping sight distance criteria. He also stated that all of the other measures proposed by BPRD are above and beyond what is required, but will help to enhance enforcing the 35 mph posted speed limit, intersection functionality, geometrics, and sight distance. BPRD will continue to work with both the City and County on these additional improvements during the right-of-way permit process.

Mr. Anthony Raguine
November 4, 2015
Page 2

BRIDGE

The question isn't whether the bridge is a structure. The question is whether the bridge is a building as defined under Title 19. As several definitions entered into the record indicate, a bridge is a transportation feature that provides access. The Hearings Officer put a lot of thought into interpreting the context of Section 19.12.050 and the how definitions in Section 19.04.040 of setback, yard, front yard, rear yard, side yard, building, and structure applied. She did not include the definition of access or access way in her discussion. A bridge is not a standalone building; it is connected to a pathway or road. A bridge does not provide support, shelter or enclosure for persons, animals, chattels, or property. A bridge provides access.

SUMMARY

Field measurements collected at the O. B. Riley Road/Glen Vista Road intersection identified an available sight distance of 325 feet. The City and County engineering staff have both agreed that this provides adequate stopping sight distance for the posted speed of 35 miles per hour and meets the AASHTO criteria. All of the other road improvement measures proposed by BPRD are above and beyond what is required, but will help to enhance enforcing the 35 mph posted speed limit, intersection functionality, geometrics, and sight distance. This was confirmed by Mr. Grayson at the Planning Commission hearing. Final road improvements required by the City and County will be included in the right-of-way permits. These improvements will be paid for by BPRD and installed/constructed prior to the park opening to the general public.

We believe we made the case that a bridge does not fit into the definition of building contained in Title 19. A bridge is a transportation feature that provides access and is part of and connected to a transportation system.

We request that the Planning Commission approve the Riley Ranch Nature Reserve conditional use application with the conditions of approval suggested by staff and the Hearings Officer.

Sincerely,



Susan Cunningham
Program Director

C: Jim Figurski

Attachment: Response to Comments Received 10/29/2015

RESPONSE TO COMMENTS RECEIVED 10/29/15

MR. JIM POWELL

Powell 1: *The provisions of the Landscape Management Zone overlay predate the 1986 River Study and the 1985-86 creation of the Oregon Scenic Waterway designations of the Upper and Middle Deschutes River. Both the Federal and Oregon Scenic Waterway Management Plans refer to those provisions as excellent protection tools for these river reaches and defer to the provisions of the County Code.*

Response

Both the Coates property and Riley Ranch property are outside of the Landscape Management Zone.

Powell 2: *DCC 18.84.095 was added in 2000-2001 and defers to OPRD for permits within Scenic Waterways. I do not know the history of that change. Anthony did point out in our initial work session that a valid permit from OPRD fulfills the County Scenic Waterway requirements.*

18.84.095 Approval of all structures in a State Scenic Waterway shall be conditioned upon receipt of approval of the Oregon Department of Parks and Recreation. Ord. 2001-016, §2, 2001; Ord. 2000-033§4, 2000)

Response: BPRD received the Oregon Scenic Waterways Permit for the bridge from Oregon Parks and Recreation Department (OPRD) on September 28, 2015. The approval was entered into the record on October 22, 2015. All proposed activities within 100 feet of the ordinary high water mark of the Deschutes River and 20 feet from the rimrock edge were described in the Scenic Waterways permit application that was approved by OPRD.

Powell 3: *Bridges, despite the play on words by the BPRD argument, are structures or improvements within the concept of the Landscape Management Zone. At the time of the overlay's creation, there were multiple actual or planned intrusions into the river corridor by buildings, private bridges, docks or decks. The 100' setback was applied to both buildings and these types of structures or improvements in order to preserve the corridor. Only certain river segment classifications within the Scenic Waterway Program prohibit bridge construction; the County's LMZ and its provisions still apply to those reaches.*

Response: The proposed bridge location is outside of the Landscape Management Zone. BPRD received the Oregon Scenic Waterways Permit for the bridge from OPRD on September 28, 2015. The approval was entered into the record on October 22, 2015. All proposed activities within 100 feet of the ordinary high water mark of the Deschutes River and 20 feet from the

rimrock edge were described in the Scenic Waterways permit application that was approved by OPRD.

Powell 4: *OPRD has historically not fulfilled some of its directives and obligations in the classification of, or enforcement of protective regulations in, some peri-urban river reaches. These classifications guide the agency's requirements for considering "development" in a given reach. The Riley Ranch proposal includes a segment of Scenic Waterway designated as the "North Bend River Community Area." From my perspective, that designation accurately reflects the degree of existing development and allows greater development flexibility for the applicant.*

Response: The Scenic Waterway Act restricts certain types of development as described in the rules (Oregon Administrative Rule 736-040-0072 Middle Deschutes River Scenic Waterway). The river adjacent to Riley Ranch is designated as a Recreation River Area. OPRD concluded that Riley Ranch Nature Reserve complies with OAR 736-040-0040(1)(c)(B) for a recreational river area by issuing the State Scenic Waterway permit for the project. The Master Plan provides the public with a wide range of compatible river-oriented public outdoor recreation opportunities that do not impair the natural beauty of the scenic waterway or diminish its aesthetic, fish and wildlife, scientific or recreational values. BPRD received the Oregon Scenic Waterways Permit for the bridge from OPRD on September 28, 2015. The approval was entered into the record on October 22, 2015.

Powell 5: *OAR 736-040-0035 addresses "Rules of Land Management" within a Scenic Waterway. Section (10) provides for the replacement of existing structures or improvements. BPRD testifies in its application that the proposed bridge will replace a deteriorated one and will require removal of some old pilings and structure.*

Response: Implementation of the Master Plan is consistent with the land management rules as described in OAR 736-040-0035 and does not require timber harvest (1) or tree cutting (2). Existing vegetation management to reduce fire fuels and restore native plant communities will continue on the site. The Master Plan does not include any of the following land management activities (OAR 736-040-0035): Grazing and Farming (3); Suburban Housing (4); Prospecting, Mining, Dredging, and Quarrying (5); Structures, Buildings, and Other Improvements (7); Mobile homes, modular residential structures, house trailers, campers and similar structures and vehicles (8); Maintenance of Structures and Improvements (9); Replacement of Existing Structures and Improvements (10); Advertising (11); or Emergencies (14).

BPRD notified OPRD as required under the Scenic Waterway Act for the following land management activities:

- Transportation Facilities and Utilities (6): The new Riley Ranch Bridge will be located at a former bridge crossing site so as to minimize the impairment of the natural beauty of the scenic waterway. The bridge site already has roads on both sides of the river, thus no additional road construction is required.
- Erosion Protection (12): Appropriate erosion control measures will be implemented during construction. Erosion control plans will be submitted with the Scenic Area permit.
- Submerged and Submersible Lands (13): No dredging, water diversion facility or dam, reservoir, or other water impoundment facility will be constructed. BPRD will secure a permit from Department of State Lands for the bank protection work associated with the water access areas.
- Solid Waste, Pollution and Sanitation (15): The proposed vault toilet will comply with the rules and regulations of the Department of Environmental Quality relating to solid waste control and sewage disposal.

BPRD is proposing to build a new bridge at the crossing where a former bridge was once located. The proposal includes removing relic pieces of the bridge in order to construct the new bridge. BPRD received the Oregon Scenic Waterways Permit for the bridge from OPRD on September 28, 2015. The approval was entered into the record on October 22, 2015.

Powell 6: *Peter and Kittleson et al have addressed the current status of the OB Riley and Glen Vista transportation routes as well as the projected immediate impact of trips/day generated by the proposed park. What I did not hear reflected in the 400+ traffic counts for Glen Vista and 1100+ for OB Riley are projections for increases predicted by the population changes within our planning period and changes subsequent to the recent "preferred" UGB expansion alternative. Consummation of the proposed park is at least several years away; traffic projections attributable to the proposal should, at least, include that time span for evaluation.*

Response: Both City and County engineering staff have provided testimony that traffic study meets current code standards and requirements of the both the City and County. The study assesses full build-out of the park as required by Code. Construction on the Riley Ranch Nature Reserve is expected to begin in summer 2016.

Powell 7: *Nor did I hear who will be responsible for bearing or sharing the costs of remedy for traffic pattern improvements if the traffic assumptions posed by this application are incorrect.*

Response: The proposed traffic improvements have been reviewed and conceptually agreed to by both City of Bend and Deschutes County transportation engineers. The final improvements will be included in the right-of-way permits that will be issued by both the City and the County. BPRD will be responsible for paying for and installing the traffic improvements included in the right-of-way permits issued by the City and County.

Powell 8: *BPRD has proposed restrictions within the confines of this project to preserve the character of the environs within the park. Unless the first condition proposed by staff encompasses these restrictions, to my reading, there is no other condition of approval that requires actual adherence to a limited impact park. I have seen too many proposals come to this Commission with promises which are never acted upon unless there is some requirement for same. Even then, as the code amendment about enforcement of code violations you considered at the October 22nd meeting attests, there are lapses.*

Response: BPRD is a public agency that answers to an elected board. The Master Plan for the Riley Ranch Nature Reserve was presented to and adopted by the Park Board. Even without any conditions of approval requiring BPRD to operate and manage the park consistent with the permit application, BPRD is required to manage the park consistent with the Master Plan and mandated to implement park district policies.

In addition, both staff and the Hearings Officer have included conditions of approval that will ensure that park use and development is consistent with the permit application. BPRD has agreed to all of the proposed conditions of approval.

Powell 9: *A key objective in this proposal is the interconnection of a Bend trail system on one side of the river to another system on the opposite bank. This larger community and environmental impact created by the connection of a trail from Bend to Tumalo State Park is missing from this proposal. BPRD has had considerable experience in creating some very successful trail systems with many of the following issues admirably addressed. The entity has pursued a vision of a continuous river trail from Sunriver to Tumalo State Park for over 30 years. The link in Riley Ranch and the bridge that BPRD has applied for south of Bend (subject of an OPRD hearing on October 29th) are the final big components to that vision. The County cannot depend on OPRD or BPRD to consider all of the impacts; the Planning Commission has the opportunity to make certain these aspects get attention and aforethought rather than having to be addressed after the fact. From my perspective, this impact has to be considered:*

- *Transportation type issues – transportation planning requires looking at impacts along a route, not just at the new traffic generator segment. What kind and intensity of traffic will be generated onto the trail system by the interconnect? What are the neighboring land uses along the connected trail segments and how will they be impacted? Do other components of the system need upgrading before this leg is constructed?*
- *Wildlife - will this interconnected trail system result in more wildlife habitat intrusion? What species may be displaced? Are any mitigation measures necessary such as are proposed for within the park?*
- *Health—are there adequate restroom facilities to service the traffic anticipated by the trail system? How will trash along the trail system be handled?*

- *Use-what are the impacts when this trail system is targeted for some type of an event such as a race or promotional gathering? Will this be a multiuse system; will it allow motorized devices?*
- *Indemnity-will the trail system be bounded by easements? How will issues of trespass and injury liability be addressed?*
- *Riparian protection-we humans tend to act like ungulates and migrate towards the water, creating our own paths and not heeding plants or other wildlife. What measures will be in place to protect the riparian communities?*
- *Safety-how will the trail be monitored and administered for legal and illegal activities?*

Response: The Riley Ranch Nature Reserve Condition Use Permit application includes a bridge to provide future connection to the Deschutes River Trail. However, the application does not include the extension of the trail itself. BPRD is currently working on the extension of the Deschutes River trail that includes access to the trail, trail alignment, and additional trail head locations that would include parking and other facilities (such as toilets). Current and projected traffic is being taken into consideration in developing the number and location of access points and trail heads. BPRD is currently working with private property owners to secure access easements for the trail. BPRD will submit the appropriate land use application to the County after the easements are secured. The questions above would be more appropriately addressed when the application for the trail extension is submitted to the County.

Powell 10: *The Policies of Goal 15 of the County's Transportation Plan addresses the standards and support requirements for interconnected trail systems. None of these provisions are addressed by the applicant or Staff report.*

Response: The Riley Ranch Nature Reserve Condition Use Permit application includes a bridge to provide future connection to the Deschutes River Trail. However, the application does not include the extension of the trail itself. BPRD will submit the appropriate land use application to the County after the easements are secured. Bikeway and Pedestrian Plan Policies of the Deschutes County Transportation Plan will be addressed in that application.

MR. EDWARD ELKINS

Elkins 1: *BPRD put forth the argument that the bridge is not a structure, rather it is an access point, similar to a driveway and therefore there are no setback requirements.*

Response: BPRD does not dispute that a bridge is a structure. The question is whether the bridge is a building as defined under Title 19. BPRD believes that a bridge is a transportation feature that provides access and is connected to a pathway or road. It is not a stand alone structure.

Elkins 2: *BPRD further stated that the Oregon Parks and Recreation Department stated it did not consider the bridge to be a structure, rather an access point.*

Response: Our correspondence with staff at OPRD concluded that the 100 foot setback in Scenic River Waterway code did not apply to bridges.

Elkins 3: *In addition, BPRD offered testimony suggesting the bridge was replacing an older bridge (this bridge was abandoned in the 1950's or earlier) to help promote BPRD's position.*

Response: The above statement is incorrect. BPRD stated that the new proposed bridge will be located where a former bridge used to be located. Because a bridge was located at this site, very little grading and vegetation removal is needed. A road down to the crossing already exists, and there are level cleared areas on both sides of the river for the abutments. This bridge crossing location was considered to have the least impacts visually and to the river and riparian habitat compared to other bridge locations considered.

Elkins 4: *The definition of "structure" in the Oxford Dictionary is "something built, such as a building or a bridge", McMillan Dictionary "something large such as a building or a bridge that is built from different parts." and Merriam-Webster "something (such as a house, tower, bridge, etc.) that is built by putting parts together and that usually stands on its own"*

Response: Structure is defined in Title 19; therefore, these definitions are not applicable. The definition of structure in Title 19 must be used in making a finding.

Elkins 5: *In the inverse, Merriam-Webster defines a bridge as "a structure carry a pathway or roadway over a depression or obstacle." WIKIPEDIA "A bridge is a structure built to span physical obstacles such as a body of water, valley, or road, for the purpose of proving passage over the obstacle." and Cambridge Dictionary "a structure that is built over a river, road or railroad to allow people and vehicles to cross from one side to the other".*

Response: BPRD agrees with all of these definitions of a bridge. These definitions make it clear that a bridge is a transportation feature that is meant to provide access, and is a part of and connected to a transportation system. Therefore, a bridge does not meet the definition of a building as defined in Title 19.

Elkins 6: *Conclusion:*

- 1. The proposed Bridge is a structure by definition and design and must meet the setback requirements of Chapter 19 Surface Mining Zone (SMZ), Section 19.16.050 and OAR 736-040-0072.*
- 2. The Findings and Recommendations of the Hearings Officer are correct and should be adopted by the Deschutes County Planning Commission.*

Response: BPRD respectfully disagrees. As the several definitions of bridge provided by Mr. Elkins indicates, a bridge is a transportation feature that provides access. The Hearings Officer put a lot of thought into interpreting the context of Section 19.12.050 and the how the definitions in Section 19.04.040 of setback, yard, front yard, rear yard, side yard, building, and structure applied. She did not include the definition of access or access way in her discussion. A bridge is not a standalone building; it is connected to a pathway or road. A bridge does not provide support, shelter or enclosure for persons, animals, chattels, or property. A bridge provides access.

Elkins 7: *BPRD in an effort to bolster its "Access" argument presented oral testimony suggesting OPRD staff did not consider the bridge to be a structure but rather an access point. This might be a personal believe by a staff member at OPRD but is not supported by Notification File No.: 2a-206-15 approval letter dated September 28, 2015 (copy attached). The last sentence of the approval letter reads "This approval does not affect any obligations you might have to other persons or agencies, local, state or federal."*

The attached Oregon Administrative Rules (OAR 736-040-0072, Middle Deschutes River Scenic Water Section (4)(a), (b) and A are very specific as to what area is a Recreation River Area and the requirements associated with the area s stated below. (OARs were included in Mr. Elkins letter, but not included in this response.)

In all cases new structures shall be consistent with applicable Deschutes County land use and development regulations (See Section (4)(b)). In addition Section (4)(A) requires a minimum setback of 100 from ordinary high water for new structures and improvements.

Recent discussions with OPRD staff regarding definition of structure and set back requirements confirmed the 100 feet from ordinary high water line whether it be for a toilet structure or other structure is still required.

- 1. As stated earlier, the proposed bridge is a structure and subject to the setback requirements of OAR 736-040-0072 and all applicable Deschutes County land use codes and regulations.*
- 2. The Findings and Recommendations of the Hearings Officer are correct and should be adopted by the Deschutes County Planning Commission.*

Response: BPRD received the Oregon Scenic Waterways Permit for the bridge from OPRD on September 28, 2015. The permit was entered into the record on October 22, 2015.

Elkins 8: *There are other river bottom access alternatives available to BPRD such as relocation the proposed bridge to another location where the setback requirements can be met;*

Response: The property has a 100 foot setback requirement all along the river, so there is no other location along the property boundary that does not have a setback requirement.

Elkins 9: *upgrade the existing jeep trail;*

Response: There is no existing jeep trail from the upper terrace down to the canyon floor on the Riley Ranch property.

Elkins 10: *enter into a maintenance agree with The Elkins family Trust to use an existing road currently being used by BPRD for emergencies and maintenance;*

Response: There is a temporary easement between the Elkins Family Trust and BPRD to use a jeep trail that leads from Mr. Elkins' property to the canyon floor. Although this temporary easement gives BPRD limited access to the canyon floor, it does not provide unrestricted, long term access nor an east-west connection across the Deschutes River for connection to the Deschutes River Trail.

Elkins 11: *forgo the bridge and improve the existing trails along the river and secure a 10 feet wide pedestrian trail easement through any private properties.*

Response: BPRD is currently working to extend the Deschutes River Trail all the way to Tumalo State Park. This will require securing easements across private property. The extension of the Deschutes River Trail is not part of this application. Currently the Deschutes River Trail ends on the west side of the river. A bridge over the river is required to connect the trail to Tumalo State Park on the east side of the river.

Elkins 12: *Careful consideration needs to be given to the long term affect this bridge will have on the river bottom and Eco System. Increased pedestrian and vehicle traffic will take its toll on the area. A Park that was developed to be a nature preserve will soon be void of wild life and the sanctity that this unique section of canyon contains.*

Response: Careful consideration and technical evaluations were taken into preparing the Master Plan for the Riley Ranch Nature Reserve. The project started with the development of a Resource Management Plan that identified the different management zones and assessed the impact various types of recreation focused development would have on the resources. As a result of that plan and through our work with the Citizen Advisory Committee, the Master Plan was developed.

The vast majority of the Riley Ranch property will be maintained in its current undeveloped state. BPRD will improve existing trails where possible and rehabilitate and revegetate existing trails that will not be used. The proposed park includes one trail that parallels the Deschutes River. The distance from the trail to the river varies from the river's edge to over 200 feet away. This trail provides access to the three river access points and to the bridge. This trail already

exists. Creation of a new trail would fragment habitat. Not providing a riverfront trail experience would encourage visitors to make their own trail(s) which would have a greater negative impact on habitat and water quality. River access, trail usage and other park policies will be explicitly signed throughout the park and closely monitored. Corrective actions will be employed as the need arises. The Hearings Officer's written decision states she, "*is persuaded by the applicant's response that using the existing river trail will minimize impacts on the riparian area to the greatest extent practical, and along with the signage discussed above will discourage park visitors from damaging riparian habitat by making their own trails to the river.*"

Additionally, based on the submitted materials in the application, the Hearings Officer found the proposed developed portions of the park will minimize impacts on wildlife habitat to the maximum extent practical. Very little earthmoving or grading will be required for park development.

MR. DANIEL KIESOW

Kiesow 1: *As you know I attended and spoke at your hearing last week and now want to add to and refine my testimony. Despite the assurances of BPRD (Bend Parks and Recreation District) that they have provided safe and reasonable access to their proposed park, they absolutely have not. As stated, in their "rush" to develop this property, they have not reasonably considered the related off-site impacts and safety issues.*

Response: The acquisition of the Riley Ranch property, including a bridge to connect the park to the Deschutes River Trail, was specifically identified in Bond Measure No. 9-86. BPRD has been planning and developing the Master Plan for Riley Ranch Nature Reserve since 2013. The development of the Master Plan included a Citizen Advisory Committee, update meetings with just the neighbors, a public meeting, and updates to the BPRD Board of Directors (also public meetings). The process has been very methodical and transparent.

Kiesow 2: *There is no "need" or "requirement" to develop this park for many years into the future. Therefore, why put their very patrons and the neighboring residents at risk to move forward now?*

Response: The acquisition of the Riley Ranch property, including a bridge to connect the park to the Deschutes River Trail, was specifically identified in Bond Measure No. 9-86. In 2004 and 2008, BPRD conducted park and recreation needs assessment surveys in which citizens identified trails, acquisition of land and access to the Deschutes River as among the highest community priorities. In December 2011, BPRD's Board of Directors identified major projects highly desired by the community yet outside the funding resources of the district. The list of projects was further vetted in February 2012 through a community poll conducted on the district's behalf by the Trust for Public Land. The Board of Directors believed the projects in the bond measure represented opportunities similar in significance to Drake and Shevlin Parks

acquired by the community over 90 years ago. The community agreed and passed Bond Measure 9-86. BPRD is required to fulfill the commitments in the bond measure.

Kiesow 3: *My points, which seem to be just ignored, obfuscated by traffic engineers, who cannot even remember traffic counts while giving public testimony, should be the most important facts. Why? Simply because I live here, and have on and off for sixty eight years. If the BPRD traffic engineer tells me he walked down Glen Vista Road on time, and if the Hearings Officer publically states she made one site visit and frankly was not really looking at the conditions of the road or the intersection, what can I do as a concerned citizen and neighbor? Well, I've spent my time trying to bring reason to the discussion. I have copies of emails with project manager Jim Figurski from December 2013, nearly two years ago, asking BPRD to address the safety and access issues.*

Response: Two issues noted by Mr. Kiesow relate to the intersection of OB Riley/Glen Vista and the cross-section and functionality of Glen Vista Road. The proposed application includes several measures to improve the OB Riley/Glen Vista intersection not only to applicable Code requirements, but beyond the minimum requirements to provide a safer and more functional intersection. Details of these improvements are summarized below:

The O. B. Riley Road/Glen Vista Road intersection is within the jurisdiction of the City of Bend. The city cites the intersection sight distance requirements within the American Association of State Highway and Transportation Officials (AASHTO) Green Book (AASHTO 2011) as the applicable design criteria. Field measurements collected at the O. B. Riley Road/Glen Vista Road intersection identified an available sight distance of 325 feet. This provides adequate stopping sight distance for the posted speed of 35 miles per hour. City and County engineering staff have agreed this provides adequate stopping sight distance for the posted speed of 35 miles per hour.

Based on speed studies conducted by the City of Bend within the area, the 85th percentile speed is approximately 44.5 miles per hour. This exceeds the posted speed of 35mph. AASHTO cites stopping sight distance for 45 mph is 360 feet. By removing vegetation within the right-of-way, plan measurements show that 366 feet of sight distance can be obtained, which exceeds the AASHTO stopping sight distance for the current 85th percentile speed of 45 miles per hour. Additional treatments proposed by BPRD will help to improve compliance with the posted speed of 35 miles per hour.

Although the road improvements proposed by BPRD within the right-of-way meet the applicable stopping sight distance criteria for posted speeds, additional measures proposed by BPRD are above and beyond applicable requirements. These additional road improvements will enhance intersection functionality, geometrics, and sight distance at the Glen Vista Road/OB Riley Road intersection.

The second issue relates to the cross-section of Glen Vista Road. The measured section ranges between 22 feet and 24 feet, and gravel shoulders beyond the paved section are available throughout the facility and are generally six feet in width. The road is straight, providing ample views approaching other users. The traffic counts, which are consistent with field observations, show 23 two-way vehicles during the peak hour, or one car approximately every three minutes. Within this low-speed and low-volume environment shared use of the road or use of the gravel shoulders is appropriate, as was noted based on field review of the facility. This will continue to maintain low travel speeds appropriate for the *local street* classification of Glen Vista Road.

Kiesow 4: *As the planning commission, you are being asked to give a "conditional" use permit. Make the approval based on the conditions of a planned, timed, and funded resolution to mitigate not only the safety issues at the intersection of Glen Vista and O B Riley (with Hardy as well), but also the issue of Glen Vista itself, and how it will properly connect to the park at the termination for current proposed uses, and future issues as the UGB expands. That would be "planning". Remember they are spending \$3.7 MILLION for a few boardwalks, overlooks, restrooms, and most notably, 66 paved parking spaces, and 40 bicycle spots.*

Response: BPRD will be responsible for paying for the traffic improvements identified in the right-of-way permits issued by the City and County as part of this application. All traffic improvements will be installed/constructed prior to the park opening to the public.

Kiesow 5: *BPRD states that two-way traffic in the park itself requires 24 foot wide paved roadways. Glen Vista Road is only 22 feet wide, and in places 20 feet or less, and is very broken and poor condition, especially the Deschutes County portion. While BPRD will provide pedestrian trails, boardwalks, and some bicycle paths within the park, there are none planned or provided along Glen Vista. Auto traffic will compete with bicycle traffic and pedestrians for the narrow road. This is plainly not right and definitely a major safety issue even now, and will be multiplied many times over the park development. Remember they have planned 66 parking spaces and 40 bicycle spaces (as well as meeting space for 30 people at a time); if they did not think there would be use for them, they surely would not build them.*

Response: The County engineering staff has agreed with our review that the current cross-section of Glen Vista Road is considered adequate to accommodate the types of travel anticipated with development of Riley Ranch Nature Reserve, including motorists, cyclists, and pedestrians. Additionally, the proposed treatments along OB Riley Road will also help facilitate safer roadway crossings with improved speed compliance and improved sight lines toward approaching motorists on OB Riley Road.

BPRD wanted to ensure that parking was adequate for the site. Looking at the four other nature parks of comparable size to Riley Ranch Nature Reserve (Graham Oaks Nature Park, Tualatin Hills Nature Park, Cooper Mountain Nature Park, and Mount Talbert Nature Park), they all have fewer parking spaces than what is proposed at Riley Ranch Nature Reserve. All four parks are

heavily used and in an urban environment. Both Mount Talbert Nature Park and Cooper Mountain Nature Park are comparable in terms of trail mileage. Tualatin Hills Nature Park and Copper Mountain Park also have a nature center. Orenco Woods Nature Park is connected to a heavily used regional trail. It should be noted that none of these parks limit the size of groups for programmed activities. The Riley Ranch Nature Reserve will limit group size, which will also decrease parking demands.

Based on the analysis of other comparable parks, and using parking ratios employed by OPRD, the 66 parking spaces proposed for Riley Ranch Nature Reserve at full build-out would exceed the parking demand. Additionally, the Riley Ranch Nature Reserve will be developed in phases, with 41 parking spaces developed in Phase 1. The 41 parking spaces exceeds the number of parking spaces of other comparable nature parks of similar size, with the exception of Cooper Mountain Nature Park (which has 56 parking spaces). As parking and use increases, additional parking and trails will be developed, according to the Master Plan. This will further help to limit any parking spillover that may otherwise impact residents along Glen Vista.

Kiesow 6: *Another issue that has come up is that the other access via a bridge across the river will not be allowed until the surface mine is finished operating and reclaimed. The owners think this will be complete in five years. This leaves the only access Glen Vista Road. There are 19 driveways that directly access Glen Vista, one county road known as South Road (serving 5 residences directly plus Cheny Road serving an additional 7 residences). In addition, the easement at the end of Glen Vista Rd will not only serve as access to the park, but is access to 2 residences and the Gopher Gulch Ranch.*

The traffic and associated safety issues must be remediated by the City, County, and BPRD, prior to any opening of the park to the general public. A plan and funding for the remediation work needs to be in place prior to a conditional use permit that would allow the BPRD to move forward with any form of development of the park.

You will not be able to enjoy the nature trails in the park if you get hit or run off the road while walking or biking to get there.

Response: The City and the County have agreed with the traffic study prepared for the project. The road improvements proposed by BPRD within the right-of-way meet the stopping sight distance criteria. Additionally, all of the other measures proposed by BPRD are above and beyond what is required, but will help to enhance enforcing the 35 mph posted speed limit, intersection functionality, geometrics, and sight distance. BPRD will be responsible for the traffic improvements required by the City and County as part of this application. All traffic improvements will be installed/constructed prior to the park opening to the public, and Glen Vista will remain adequate to accommodate a low-volume and low-speed environment consistent with its designation.

JOHN R GIST

Gist 1: *I am writing this letter to affirm my support for the Riley Ranch Reserve Park. This is a unique opportunity to provide an additional type of park to the people of Bend, Oregon. I was a member of the citizen committee that developed the plan and I have lived off Glen Vista since 2002. I am at the intersection of OB Riley road at least twice every day. The reduction of speed is a game changer. This is a low traffic count intersection. Possibly twice a month there will be two cars there at the same time. By lowering the speed and removing the direction medium the public can move safely. The Sheriff's office is at the end of the street and this shall allow a safer situation overall. There are two other parks; Tumalo State Park and Sawyer City Park within two miles of Glen Vista Road. Neither have any special road developments and both are on O B Riley Road. Both parks have greater usage than the new Riley Ranch Reserve Park. There are also two schools within a half mile of the Glen Vista and O B Riley intersection. Neither have any special arrangement for traffic.*

The lower speed limit is long overdue in this section of O B Riley Road. In the past, it has been at the highest allowable speed limit the Bend area. The speed was the concern of the local community for traffic safety and this has been addressed in the Riley Ranch Reserve Park Plan.

The bridge is a connection for the people of Bend. We the people funded the park as part of the expansion of the Bend River Trail System. This was voted on and funded by the electorate. After many, many hours of volunteers meeting, discussing and walking the site, we came up with the bridge location as a compromise to facilitate the wish of the electorate and allowing emergency access to the lower canyon. Many locations were considered. It seems the prior location a century ago, still remains a great connecting point. The steep terrain in other areas, compromise the ability to construct a bridge without disturbing the natural state of either shoreline.

I urge you to consider the effort of our citizens committee, we worked diligently in a transparent environment for many months to integrate the concerns of my neighbors, the safety of visitors and the mandate of the electorate who funded and supported the creation of the Riley Ranch Reserve Park. The proposed plan represents the safest way for the public to access this pristine resource.

Response: BPRD thanks Mr. Gist for his support.