



## 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.co.deschutes.or.us/cdd/>

### MEMORANDUM

**To:** Deschutes County Planning Commission

**From:** Anthony Raguine, Senior Planner

**Date:** August 28, 2015

**Re:** Riley Ranch Nature Reserve; County File Nos. 247-15-000333-CU, 334-SP

Deschutes County Code (DCC) Title 22 is the Deschutes County Development Procedures Ordinance which details the procedures for review of land use applications and determinations by the Planning Division. Under DCC 22.22.010<sup>1</sup>, the Bend Urban Area Planning Commission (BUAPC) has review authority over Type II projects within the Deschutes River corridor.

The Bend Parks and Recreation Department has submitted land use applications for conditional use and site plan approval to establish a 184-acre regional park. This use is a Type II project subject to approval by the BUAPC. However, the BUAPC no longer exists. For this reason, there was some question regarding who has review authority for Type II projects within the Deschutes River corridor. Staff notes that DCC 19.04.040 provides the following definition,

*"Planning Commission" means the Planning Commission of the Bend Urban Area.*

In consultation with County Legal Counsel, the County believes the Deschutes County Planning Commission (DCPC) is the *de facto* planning commission for the Bend Urban Area. Because a public hearing was already scheduled and noticed before the Deschutes County Hearings Officer when this determination was made, the County has decided to conduct the public

---

<sup>1</sup> For all property subject to the Deschutes River design review process under DCC Title 19, the following procedures shall apply:

- A. There shall be two types of review for design review depending on the level and type of activity proposed.

...

2. Notwithstanding DCC 22.24.020(A), Type II review shall be performed by the Bend Urban Area Planning Commission for the following activities:

- a. Appeal of a Type I decision.
- b. New construction and new development.
- c. Master Plan approval for large-scale projects.
- d. Variances to application under DCC 19.76.090.
- e. Fill and removal activities associated with new development or for creation of firebreaks in association with appropriate fire prevention authorities.

hearing and ask the Hearings Officer to render a recommendation to the DCPC. Staff has tentatively scheduled a public hearing before the DCPC on October 22, 2015.

Because this is a quasi-judicial land use review, the DCPC should be mindful of *ex-parte* contacts with any interested parties, including the applicant. Prior to the DCPC hearing, staff will prepare a packet which will include the Hearings Officer's recommendation and, if necessary, a memo detailing any outstanding issues. Attached is the staff report that was prepared in advance of the Hearings Officer public hearing.



## Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925  
(541)388-6575 FAX (541)385-1764  
<http://www.co.deschutes.or.us/cdd/>

### STAFF REPORT

**FILE NUMBERS:** 247-15-000333-CU  
247-15-000334-SP

**APPLICANT/OWNER:** Bend Park and Recreation District (BPRD)  
799 SW Columbia Avenue  
Bend, OR 97702

**REQUEST:** Conditional use permit and site plan review applications to establish a 184-acre regional park to be known as the Riley Ranch Nature Reserve. The proposed park will include open space, trails, a boardwalk, three parking areas, gathering areas, restroom facilities, overlooks, river access areas, environmental education and programming, road improvements, and a bridge that will cross the Deschutes River.

**STAFF CONTACT:** Anthony Raguine, Senior Planner

#### I. APPLICABLE CRITERIA:

Title 19, Deschutes County Zoning Ordinance  
Chapter 19.12, Urban Area Reserve Zone - UAR10  
Chapter 19.72, Floodplain Combining Zone - FP  
Chapter 19.76, Site Plan Review  
Chapter 19.80, Off-Street Parking and Loading  
Chapter 19.100, Conditional Use Permits

Title 22, Deschutes County Development Procedures Ordinance

#### II. BASIC FINDINGS:

- A. Location:** The subject properties are identified as Tax Lot 111 on Assessor's Map 17-12-18 (63599 OB Riley Road); Tax Lots 200 (19975 Glen Vista Road) and 201 (no assigned address) on Assessor's Map 17-12-18D; and Tax Lot 202 (no assigned address) on Assessor's Map 17-12-19.
- B. Zoning and Plan Designation:** The subject property is zoned UAR-10, and is designated Urban Reserve Area (URA) on the Deschutes County Comprehensive Plan. Portions of the property associated with the A and AE zones identified on Flood Insurance Rate Map (FIRM) No. 41017C065D are within the Flood Plain (FP) Combining

Zone. Additionally, a portion of the property's river frontage is designated River Areas of Special Interest on the Bend Area General Plan map.

- C. Site Description:** The subject property is located at the terminus of Glen Vista Road, just beyond the northwest boundary of the City of Bend. The site is also located along the east side of the Middle Reach of the Deschutes River. The State of Oregon has designated this reach of the river as a State Scenic Waterway.

The property was historically used for rural residential purposes with associated pastures for grazing until BPRD purchased the property in 2010. The property is currently vacant. The site lies on the east side of the Deschutes River and its cliffs have an overall westerly aspect. The application materials identify seven management units within the subject property.

Riparian Management Unit. The Riparian Management Unit is a 100-foot-wide linear area immediately adjacent to the Ordinary High Water (OHW) line of the Deschutes River. It comprises approximately 20 acres of the property. Immediately adjacent to the river, vegetation is composed of deciduous trees, shrubs, emergent grasses, and forbs. Moving away from the river, coniferous trees are more prevalent in the overstory. The southern portion of the unit tends to include more coniferous trees in the canopy, while the northern portion of the unit tends to include a greater proportion of deciduous trees in the canopy. The southeast portion of this unit has steep slopes that begin at the water's edge.

Canyon Floor Management Unit. The Canyon Floor Management Unit consists of a large 34-acre area in the northwest portion of the site and a small, two-acre area in the southeast. The area is a bench between the base of the Rimrock Cliffs Management Unit and the Riparian Management Unit. The canyon floor has a mix of soft soils, rolling terrain, dense stands of ponderosa pine and juniper, and open areas. In addition, it contains a rocky high point, which separates the side-channel of the Deschutes River from the river's current channel. Existing development is minimal in this area; the north unit contains several old jeep roads, two power poles, and the remains of an old well, fencing, and two historic structures. The small two-acre section of canyon floor located in the southeast lies at the base of the cliffs and riparian area, and has no existing development.

Rimrock Cliffs Management Unit. The Rimrock Cliffs Management Unit is a linear band of cliffs that extends from the north to the south of the site. The area comprises approximately 30 acres. This steeply sloping area weaves through the property, dividing the lower elevation management units in the northwest of the site from the higher units in the southeast. The Rimrock Cliffs Unit is a rugged, exposed landscape at the terminal edge of large prehistoric lava flows from Newberry Volcano. Existing development is minimal in the area, consisting of a jeep road in the north that extends to the adjacent tax lot to the northeast, and a jeep road connecting the Canyon Floor Management Unit with the Rimrock Flats Management Unit.

Rimrock Flats Management Unit. The Rimrock Flats Management Unit is a broad basalt ledge located at the top of the rimrock cliffs. The area comprises approximately 20 acres of the 184-acre site. This management unit extends from the center to the south of the site, following the eastern, upper edge of the cliffs. Existing development within the unit is minimal, and consists of a small section of jeep road in the west.

Meadow Management Unit. The Meadow Management Unit is an open area located in the center of the proposed nature reserve. It comprises approximately 30 acres of the property. The unit is relatively flat and is framed by stands of juniper and pine. Agricultural uses, over-grazing, and invasive plant species have led to the degradation of native plant communities here. Recently, BPRD has begun active restoration and the area is being managed with prescribed fire and strategic herbicide applications. Existing development in the unit consists of several jeep roads and a fence extending along the eastern edge

Juniper Flats Management Unit. The Juniper Flats Management Unit is located on the eastern side of the site, to the north of the Rural Residential unit. It comprises approximately 30 acres of the property. The area contains a mix of juniper stands and native shrub patches. Existing development in the unit consists of ranch roads, fencelines, and gates.

Rural Residential Management Unit. The Rural Residential Management Unit is located in the southeast portion of the site. It comprises approximately 15 acres of the property. The unit includes the former Jeffers' house, garage, outbuildings, entry driveway from Glen Vista Road, and the surrounding informal landscape. This unit contains the irrigation pond and canal system located in the northeast portion of the site.

- D. Surrounding Zoning and Land Uses:** To the north are vast tracts of privately owned lands zoned UAR-10 that consist of both vacant and residentially-developed properties. To the east are other lands zoned UAR-10 that are developed with rural residential uses. To the southeast and south are residential uses on lands zoned Residential Standard (RS) District within the City of Bend. To the south and southwest are residential uses on lands zoned Suburban Low Density Residential (SR 2.5). To the west is Surface Mining Site No. 308, as identified on the County's Goal 5 mineral and aggregate inventory, on lands zoned Surface Mining (SM).

**E. Public Agency Comments:**

Bend Fire Department

*Fire Apparatus Access Roads*

1. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent access roads are available. 2014 OFC 3310.1.

[APPLICANT RESPONSE: No new buildings are proposed. Fire access will be provided to within 150 feet of all existing buildings and all portions of the exterior walls of the first story of the buildings, with the exception of the Jeffers house. As allowed under 2014 OFC 503.1.1 Exception 1, the building (Jeffers house) will be equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3; and Exception 2 the fire apparatus access road cannot be installed on west side of the house because of rim rock and an approved alternative means of fire protection (automatic sprinkler system) will be provided.]

2. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the

jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. 2014 OFC 503.1.1.

[APPLICANT RESPONSE: The park entrance road will provide fire access to the site. The entrance road will be 20 feet wide and paved. It will have an unobstructed vertical clearance. The entrance road will be signed NO PARKING FIRE LANE.]

3. Fire apparatus roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where a fire hydrant is located on a fire apparatus road, the minimum width shall be 26 feet, exclusive of shoulders. Traffic calming along a fire apparatus road shall be approved by the fire code official. Approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus roads to prohibit parking on both sides of fire lanes 20 to 26 feet wide and on one side of fire lanes more than 26 feet to 32 feet wide. 2014 OFC 503.2.1, D103.1, 503.4.1, 503.3.

[APPLICANT RESPONSE: The entrance road will be designed and maintained to support the imposed loads of 60,000 pounds GVW) and have an asphalt surface.]

4. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (60,000 pounds GVW) and shall be surfaced (asphalt, concrete or other approved driving surface) as to provide all weather driving capabilities. Inside and outside turning radius shall be approved by the fire department. All dead-end turnarounds shall be of an approved design. Bridges and elevated surfaces shall be constructed in accordance with AASHTO HB-17. The maximum grade of fire apparatus access roads shall not exceed 10 percent. Fire apparatus access road gates with electric gate operators shall be listed in accordance with UL325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. A Knox® Key Switch shall be installed at all electronic gates. 2014 OFC D102.1, 503.2.4.

[APPLICANT RESPONSE: The entrance road will be designed and maintained to support the imposed loads of 60,000 pounds GVW) and have an asphalt surface.]

#### *Fire Protection Water Supplies*

1. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

[APPLICANT RESPONSE: No new buildings are proposed in the Master Plan, but the Jeffers House will be remodeled in the future. At that time, appropriate building and fire protection plans will be submitted to the County for review and approval.]

2. Fire flow requirements for buildings or portions of buildings shall be determined by an approved method. Documentation of the available fire flow shall be provided to the fire code official prior to final approval of the water supply system.

[APPLICANT RESPONSE: BPRD will provide the required documentation of the available fire flow for approval of the water supply system.]

3. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. For Group R-3 and Group U occupancies the distance requirement shall 600 feet. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.3.1.2, the distance requirement shall be 600 feet. Fire hydrants shall be provided along required fire apparatus roads and adjacent public streets. The minimum number of fire hydrants shall not be less than that listed in table C105.1 of the 2010 OFC. Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. The average spacing between fire hydrants shall not exceed that listed in table C105.1 of the 2010 OFC.

[APPLICANT RESPONSE: No new buildings are proposed in the Master Plan, but the Jeffers house will be remodeled in the future. At that time, appropriate building and fire protection plans will be submitted to the Fire Marshall review and approval.]

#### *Other Fire Service Features*

1. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be visible under low light conditions and evening hours. Provide illumination to address numbers to provide visibility under all conditions. Address signs are available through the Deschutes Rural Fire Protection District #2. An address sign application can be obtained from the City of Bend Fire Department website or by calling 541-388-6309 during normal business hours.

[APPLICANT RESPONSE: The address number of the site will be on the entrance gateway sign at the end of Glen Vista Road. The address numbers will be Arabic numbers a minimum 4 inches high with a minimum stroke width of 0.5-inch width. The sign design will be submitted to the County as part of the Sign Permit application.]

2. A KNOX-BOX® key vault is required for all newly constructed commercial buildings, facilities or premises to allow for rapid entry for emergency crews. A KNOX® Key Switch shall be provided for all electrically operated gates restricting entry on a fire apparatus access road. A KNOX® Padlock shall be provided for all manually operated gates restricting entry on a fire apparatus road and security gates restricting access to buildings.

[APPLICANT RESPONSE: Prior to final inspection, BPRD will install the required keys on the buildings and security gates.]

### Deschutes County Building Division

The Deschutes County Building Safety Division's code required Access, Egress, Setbacks, Fire & Life Safety, Fire Fighting Water Supplies, etc. will be specifically addressed during the plan review process for any proposed structures and occupancies. All Building Code required items will be addressed when a specific structure, occupancy, and type of construction is proposed and submitted for plan review.

[APPLICANT RESPONSE: No new structures are planned for Phase 1. In the future the Jeffers House will be remodeled and at that time all building code required items will be submitted with the appropriate building plans and application materials.]

### Deschutes County Road Department

1. Glen Vista Road is under the jurisdiction of both the City of Bend and Deschutes County. The first 0.2 miles from OB Riley Road are under City of Bend jurisdiction and the final 0.32 miles are under the jurisdiction of Deschutes County. The existing road is 22 feet in width.
2. Burden of Proof comments:
  - a. Minimum sight distance of 390 feet meets the AASHTO standards for stopping sight distance which is 360 feet for 45 mph.
  - b. Intersection improvements at OB Riley Road/Glen Vista/Hardy Road will have to be coordinated with the City of Bend as this intersection is within the City limits and under their jurisdiction.
3. Figure 5
  - a. All proposed improvements to OB Riley Road within County jurisdiction will need review and approval by the County Road Department.

### Deschutes County Planning Division Senior Transportation Planner

I have reviewed the transmittal materials for 247-15-000333-CU/334-SP to develop a 184-acre regional park in the Urban Area Reserve (UAR-10), Surface Mining (SM), and Floodplain (FP), zones at 63599 OB Riley Road, aka 17-12-18, Tax Lot 111. I agree with the assumptions, conclusions, and recommendations in the traffic study dated March 27, 2015, by Kittelson & Associates, which is the applicant's traffic engineer.

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$3,852 per p.m. peak hour trip. Based on the applicant's traffic study, the park will generate 11 p.m. peak hour trips, resulting in an SDC of \$42,372.

### Oregon Department of Fish and Wildlife

The Bend Parks and Recreation Department (BPRD) is proposing to develop approximately 184 acres at the addresses of 63599 O.B. Riley Road and 19975 Glen Vista Road in Bend as the Riley Ranch Nature Reserve. The park will include open space, boardwalks, three parking areas, gathering areas, restrooms, overlooks, river access areas, environmental education and programming, road improvements, and a bridge across the Deschutes River.

The Oregon Department of Fish & Wildlife (ODFW) supports public enjoyment of the State's natural resources especially those opportunities that allow increased



understanding of wildlife and their habitats. This property sits along the Deschutes River and supports a diversity of vegetation types and landscape features that, although close to Bend's urban growth boundary, have remained relatively free from human encroachment. Thus, the proposed park offers a unique opportunity for BPRD to balance land stewardship with public enjoyment of the outdoors. Along with this opportunity comes the challenge of avoiding the disturbance to wildlife that results from the public's overuse of natural areas.

Upon reviewing the Riley Ranch Management Plan (Plan), ODFW has identified several proposed policy decisions that will help to reduce disturbance to wildlife on the property: a no dogs policy, a no bicycles policy, and limited development in the riparian corridor. There is a growing body of research showing that domestic dogs can be a source of stress and disease for wildlife (Miller et al. 2001, Lenth et al. 2008, Salb et al. 2008). Excluding dogs from the Riley Ranch property will help to preserve the safety and health of its wildlife, and as a result, will increase the public's wildlife viewing opportunities. Excluding bicycles will have similar benefits. In addition to causing stress to wildlife, bicycles commonly cause increased degradation of wildlife habitat through erosion and widening of trails (Naylor et al. 2009, Vandeman 2014). Due to its size and topography, this property offers relatively little opportunity for biking compared to other areas around Bend. Finally, limiting development to areas away from the riparian corridor will help to reduce wildlife habitat degradation in an area used by a high diversity of species.

[STAFF COMMENT: No dogs are proposed to be allowed within the park. Per Figure 4, bicycles will only be allowed along a short segment of trail north of the proposed bridge. Staff estimates this segment of trail to be approximately 1,000 feet long.]

In addition to the proposed policies discussed above, ODFW has the following recommendations for the property's development:

1. Reduce trail density. The Plan categorizes low density trails as less than 10 linear miles per square mile. Seek opportunities to reduce this density target to 2.5 linear miles per square mile. When possible, use existing trails for public access. This will minimize fragmentation of wildlife habitat and wildlife avoidance of the property.

[APPLICANT RESPONSE: In developing the trail network, existing trails and jeep roads will be used. There are only two new trail corridors proposed: (1) out to the overlook on the rim rock; and (2) up the small butte to another proposed overlook. Total developed trails and roads will be 4.6 miles. At full build-out, this will result in a net reduction (0.9 mi) of trails and roads that currently exist on the site (5.5 miles). Total trail and road development that would occur in Phase 1 is 3.37 miles. Trail usage will be monitored over time. BPRD will look at ways to reduce trail miles proposed in future phases. Other than in the Rural Residential Unit, construction of additional trails shown on the Master Plan will only be added when there is a demand for additional access or capacity.]

2. Install wildlife friendly (wooden rail) fencing or other barriers where needed along the riverbank to discourage additional social trails to the Deschutes River and Tumalo Creek.

[APPLICANT RESPONSE: BPRD has recently employed the use of split-rail wood fencing along the Deschutes River and Tumalo Creek in other parks successfully. The public's use of Riley Ranch Nature Reserve will be closely monitored and corrective actions, such as split-rail fencing, will be employed as the need arises.]

3. Explicitly sign river access points along trails and on maps to further discourage establishment of unwanted river access points.

[APPLICANT RESPONSE: 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.]

4. Maintain all trails at least 200' away from the Deschutes River and Tumalo Creek.

[APPLICANT RESPONSE: The Master Plan 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.]

5. Remove no riparian vegetation to accommodate structures (e.g. bridge)

[APPLICANT RESPONSE: At this time, no riparian vegetation has been identified as needing to be removed to accommodate structures.]

6. Prioritize education and public outreach regarding wildlife and the sensitive habitats on the property to encourage responsible use.

[APPLICANT RESPONSE: The education programming for the park has not been established yet. However, BPRD recognizes the sensitive habitats on the site and has already decided to limit the size of visiting groups. BPRD will work with our partnering agencies to develop appropriate educational programming for the site. Development of the site will include interpretive signs and displays that educate users about the cultural and natural resources of the site. Our public outreach for the park has focused on the richness and uniqueness of the site and the policies that will be implemented to help preserve those qualities.]

7. Consider closures or reduction in public use of the property on a seasonal basis. During the late winter and early spring wildlife are typically under the most physiological stress. Appropriately timed reductions in human presence will enhance wildlife use of the property.

[APPLICANT RESPONSE: BPRD has installed wildlife cameras on the site and has been monitoring them for wildlife usage. We are open to working with ODFW and discussing seasonal closures as needed. BPRD has a history of working with ODFW to protect sensitive wildlife habitat, such as the seasonal road closures at Shevlin Park. BPRD's Natural Resources division will closely coordinate with ODFW.]

8. In order to achieve the goals of the Plan and to maintain the Riley Ranch as a true Nature Reserve it will be critical to have an employee on site consistently during high public use periods. Finding funding to support this position should be one of the first priorities in the development of the property.

[APPLICANT RESPONSE: BPRD has recently increased our stewardship program. The usage of Riley Ranch Nature Reserve will be closely monitored and corrective actions, such as

needing to increase stewardships at the park will be employed as the need arises. The District is also considering employing a seasonal site host similar to those engaged by Oregon Parks and Recreation Department (OPRD).]

Oregon Parks and Recreation Department, Region 4

This project is along the Middle Deschutes River Scenic Waterway. Approval from OPRD is required.

[APPLICANT RESPONSE: BPRD has submitted the State Scenic Waterway permit application to OPRD.]

Swalley Irrigation District

There are 56 acres of Swalley Irrigation District water rights on this property. If BPRD plans to move the water right to a different location on or off the property, a water right transfer through Swalley will be needed.

[APPLICANT RESPONSE: At this time, BPRD does not plan to move the water rights to a new location. In the future if we want to move the water rights, we will contact Swalley Irrigation District and go through the proper process. Existing irrigation easements and ditches will be surveyed during final design for future reference.]

The following agencies did not respond or had no comments. Deschutes County Assessor, Deschutes County Environmental Health, City of Bend Planning, Oregon Department of State Lands, and U.S. Fish and Wildlife Service.

**F. Public Comments:**

Edward Elkins

Mr. Elkins submitted a letter dated July 14, 2015 into the record on July 15, 2015. Mr. Elkins identifies three issues:

1. Parking Lot A is located over three or four irrigation easements and should be relocated. The irrigation easements overlay concrete irrigation pipes which could be damaged by traffic using the parking lot.

[APPLICANT RESPONSE: As part of final design for Parking Lot A, all existing irrigation ditches and pipes will be located and surveyed. Pipes will be inspected for structural integrity and replaced as needed.]

2. Potential for offensive odors from the toilet that is proposed adjacent to the bridge. Said toilet would be 375 feet from Mr. Elkins' rear patio. Additionally, the toilet is located within the 100-year flood plain.

[APPLICANT RESPONSE: The proposed toilet location is located outside of the 100 year floodplain and over 100 feet from the river's edge. The toilet is part of trailhead that will provide future connections to the Deschutes River Trail. People using the lower bench of the park or people accessing the park from the trail will need restroom facilities. If facilities are not provided, the public will be forced to use landscape areas resulting in litter and potential health and safety issues. The toilet will be located in an area that will not be visible from Mr. Elkins'

house or patio, and will be separated by over 275 horizontal distance and approximately 195 feet vertical distance.]

3. There should be no bicycle parking lighting in the river bottom area. The gathering point and bicycle parking should be located above the canyon or halfway up.

[APPLICANT RESPONSE: As stated in the application, lighting will comply with DCC 19.80.060.B and will be arranged so that it will not project light rays directly upon any adjoining property. Lighting will be solar powered and only on for a limited amount of time before and after dusk. Lighting used at the bridge will have full cutoff luminaires to meet the code, and will be arranged to just illuminate the bicycle parking areas, thus minimizing adverse impacts on adjoining properties. The intention of the lighting at the bridge is to allow visitors of the park to walk safely to their bicycles and adjacent trails as daylight starts to fade and the park closes.]

Daniel Kiesow

On July 29, 2015, Mr. Kiesow submitted a letter into the record dated December 27, 2014. Mr. Kiesow identifies a number of issues:

1. Lack of planning for future uses at the park and nearby properties

[APPLICANT RESPONSE: Full development of the park is included in the Master Plan.]

2. Impact of those future uses and urbanization of the area

[APPLICANT RESPONSE: BPRD has no control over the development of adjacent properties. The Conditional Use/Site Plan Review Permit Application included the full development of the park and itemized park features that would be initially developed in Phase 1.]

[STAFF COMMENT: Staff believes there are no approval criteria which would require the applicant to address future urbanization or uses on adjacent properties. Should the park applications be approved, any substantial changes to the approved uses or site plan will require additional land use review by either the county or the city, if the subject property is ultimately brought into the City of Bend limits.]

3. Concern regarding the adequacy of the traffic study, the O.B. Riley Road and Glen Vista Road/Hardy Road intersection, and sight distance

[APPLICANT RESPONSE: A Site Traffic Report (Kittleson & Associates, Inc.) was conducted for the full development of the Master Plan and was included in the application. The Site Traffic Report concluded that proposed Riley Ranch Nature Reserve is expected to generate 11 weekday p.m. peak hour trips based on trip generation studies of other similar parks. Peter Russell, Deschutes County Senior Transportation Planner, concurred with the Site Traffic Report findings.

Traffic counts were conducted in September 2014, and the traffic engineers visited the site to observe conditions on several occasions. As documented in the Site Traffic Report, this intersection operates well below its carrying capacity owing to the very low side-street volumes. However, it is recognize that turning movements from the stop-signs are uncomfortable because of the limited sight lines with roadway curvature and vegetation. The available sight distances today are less than the recommended minimums, particularly as drivers commonly exceed the

posted speeds traveling south. The emphasis of the transportation study and discussions with the City and County has been centered around improving these sight lines and improving driver compliance with the posted 35 mph speed. With the range of treatments being proposed, access from Glen Vista onto OB Riley Road will be a much more comfortable maneuver to make, it will meet the minimum sight distance recommendations, and the design will enforce the posted speed for southbound drivers.]

[STAFF COMMENT: As noted by the applicant, Deschutes County Senior Transportation Planner Peter Russell agreed with the site traffic report. Additionally, no objections to the site traffic report were made by the Deschutes County Road Department or the City of Bend.]

4. Glen Vista Road does not conform to City of Bend road standards

[APPLICANT RESPONSE: All proposed improvements to OB Riley Road and Glen Vista Road within City jurisdiction will need review and approval by the City. The District has coordinated with the City of Bend regarding appropriate improvements required by the proposed development. The proposed measures are included in the application.]

[STAFF COMMENT: The City of Bend has not submitted a response to the notice of application, notice of public hearing, or staff email. Staff assumes the City of Bend does not object to the project generally or to the proposed road improvements specifically.]

5. Lack of updates to the public regarding progress of the project

[APPLICANT RESPONSE: Public outreach for the Riley Ranch Nature Reserve has included:

- Neighbors meetings on:
  - 01/15/2014 – general information
  - 10/06/2014 – progress update, master plan and phasing
  - Neighbors meetings included residents living along Glen Vista and connecting streets
- Boyd Acres Neighborhood Association update, 06/29/2015
- General Public Meeting, 10/09/2014
  - Advertised through public service announcement sent to all Bend media, 9/26/2014
  - Also advertised in Bulletin and The Source Weekly, ran two consecutive weeks
  - Approximately 70 people in attendance
- Citizen Advisory Committee meetings:
  - 10/16/2014 – site tour and general information
  - 5/12/2014 – programming workshop
  - 06/13/2014 – Alternatives workshop
  - 10/29/2014 – final wrap-up and approval of plan
  - CAC included 11 members of the public and included representative from High Desert Museum and Deschutes Watershed Council

Since the last public update, BPRD has been working on completing the land use application. No design changes or additional studies have been conducted.]

6. Improvements to the O.B. Riley Road/Glen Vista Road intersection must be planned, funded and scheduled

[APPLICANT RESPONSE: All of the proposed traffic improvements included in the application will be done as part of the Phase 1 development.]

7. Any improvements must address potential uses as the area urbanizes

[APPLICANT RESPONSE: The application includes both the initial development (Phase 1) and the entire Master Plan. The Site Traffic Report completed for the application looked at full build-out of the Master Plan. All of the proposed traffic improvements included in the application will be done as part of the Phase 1 development.]

- G. Notice:** On July 6, 2015, a Notice of Application was mailed to public agencies and to property owners entitled to notice. This notice identified the subject property as tax lot 111. On July 10, 2015, the applicant informed the Planning Division that the application materials should have also identified tax lots 200, 201 and 202 as part of the subject property. On July 14, 2015, a Revised Notice of Application identifying all four tax lots was mailed to public agencies and property owners entitled to notice.

The applicant submitted a Land Use Sign Affidavit indicating the land use sign was posted on July 10, 2015. A Notice of Public Hearing was mailed to parties entitled to notice and published in *The Bulletin*.

- H. Lot of Record/Land Use History:** Tax lots 200 and 202 are separate legal lots of record via lot of record determination LR-12-10. Per LL-12-35, a portion of tax lot 200 totaling 7.542 acres was removed and added to tax lot 202. This 7.542-acre portion was then segregated into its own tax lot – tax lot 201.

Tax lot 111 was formerly known as tax lot 107 on Assessor map 17-12-18. It was also formerly a portion of Parcel 1 of Major Partition MJP-79-8 (County Survey 02268). Tax lot 111 achieved its current shape via property adjustments LL-10-35, LL-10-36, LL-10-37, LL-10-45, and LL-13-28

- I. Review Period:** The subject applications were submitted on June 25, 2015 and deemed complete by the Planning Division on July 25, 2015.

### **III. CONCLUSIONARY FINDINGS:**

#### **Title 22, Deschutes County Procedures Ordinance**

##### **A. Chapter 22.22. Deschutes River Corridor Design Review Procedures**

1. Section 22.22.010. Deschutes River Corridor Design Review Procedures.

***For all property subject to the Deschutes River design review process under DCC Title 19, the following procedures shall apply:***

- A. There shall be two types of review for design review depending on the level and type of activity proposed.***

...

- 2. Notwithstanding DCC 22.24.020(A), Type II review shall be performed by the Bend Urban Area Planning Commission for the following activities:***

- a. Appeal of a Type I decision.***

- b. New construction and new development.**
- c. Master Plan approval for large-scale projects.**
- d. Variances to application under DCC 19.76.090.**
- e. Fill and removal activities associated with new development or for creation of firebreaks in association with appropriate fire prevention authorities.**

**FINDINGS:** Staff believes the applications constitute a Type II review subject to approval by the Bend Urban Area Planning Commission (BUAPC). However, the BUAPC no longer exists as described in DCC Title 2. For this reason, staff questions who has review authority for Type II projects within the Deschutes River Corridor. Staff notes that DCC 19.04.040 provides the following definition,

*"Planning Commission" means the Planning Commission of the Bend Urban Area.*

In consultation with County Legal Counsel, the county believes the Deschutes County Planning Commission (DCPC) is the de facto planning commission of the Bend Urban Area. Because a public hearing was already scheduled and noticed before the Deschutes County Hearings Officer when this determination was made, the county asks the Hearings Officer to review all of the relevant criteria and render a recommendation to the DCPC. Staff will then schedule and notice a public hearing before the DCPC at a date to be determined.

**Title 19, Bend Urban Growth Boundary Zoning Ordinance**

**A. Chapter 19.12, Urban Area Reserve Zone (UAR10)**

1. Section 19.12.030. Conditional Uses.

***The following conditional uses may be permitted subject to a conditional use permit and the provisions of DCC 19.76 and 19.100.***

...

***J. Parks and recreation facilities, fire stations, libraries, museums, but not including storage or repair yards, warehouses or similar uses.***

**FINDING:** The applicant proposes a 184-acre public park requiring site plan review under DCC 19.76 and a conditional use permit under DCC 19.100. The standards of these chapters are addressed below.

2. Section 19.12.040. Height Regulations.

***No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.***

**FINDING:** New structures proposed on-site include vault toilets, overlook decks, boardwalk, bridge, and information kiosks. The tallest of these structures will be the vault toilets, with a proposed height of 15' 2". This criterion will be met.

3. Section 19.12.050. Lot Requirements.

***The following requirements shall be observed:***

***A. Lot Area. Each lot shall have a minimum area of 10 acres.***

***B. Lot Width. Each lot shall have a minimum average width of 300 feet with a minimum street frontage of 150 feet.***

**FINDING:** The above criteria apply to newly created lots. The applicant does not propose to divide the subject property. Therefore, staff believes these criteria do not apply.

- C. Front Yard. The front yard shall be a minimum of 50 feet from the existing street right of way line or the ultimate street right of way as adopted on the Comprehensive Plan or Official Map, except that any lot of record less than one acre in size lawfully created prior to (effect date of this title) shall have a minimum front yard of 30 feet.**
- D. Side Yard. There shall be a minimum side yard of 10 feet.**
- E. Rear Yard. There shall be a minimum rear yard of 50 feet.**
- F. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.**

**FINDING:** Based on staff's review of the applicant's Figure 4, staff believes most structures will observe setbacks of at least 100 feet from all property lines. The only structure which will not observe the required setbacks is the proposed bridge. By necessity, it will cross the common property line between the subject property and Surface Mining Site No. 308 to the west. Given the design and purpose of the bridge, staff is unsure if the setback requirement applies to the bridge.

The tallest proposed new structure will be 15' 2" which will require a solar setback of approximately 20 feet. As noted above, all structures, with the exception of the bridge, will observe setbacks of at least 100 feet. Staff believes the required solar setbacks will be met.

- 4. Section 19.12.060. Off street Parking.

**Off street parking shall be provided as required in DCC 19.80.**

**FINDING:** Off-street parking is addressed below.

**B. Chapter 19.16, Surface Mining Zone (SM)**

- 1. Section 19.16.030. Conditional Uses Permitted.

**In an SM Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions subject to DCC 19.76 and 19.100:**

- ...
- G. Low intensity recreational uses in SM zones within the Inner Urban Growth Boundary, (IUGB), such as BMX bicycle tracks, ball fields, and parks and open space, subject to the criteria set forth in DCC 19.100.030 and the following:**

**FINDING:** As part of the park project, the applicant proposes to construct a bridge that will span the Deschutes River and connect the subject property to the property to the west, which contains Surface Mine Site No. 308 and is zoned SM. Staff believes the proposed bridge on SM-zoned land requires compliance with this section.

- 1. **The surface mining shall have been completed on the area to be utilized for recreational purposes and the site reclaimed prior to or in conjunction with the proposed recreational use. These preconditions shall not apply where no resource exists on the area to be used.**



**FINDING:** The applicant indicates the proposed bridge will not be constructed until surface mining activities above the bridge have been completed and that section of the mine reclaimed. Staff recommends a condition of approval to ensure compliance.

2. ***A showing that with respect to the proposed recreational use, the adjacent mining operation, as currently operated and as may foreseeably be operated in the future, will be able to operate without violating DEQ noise and dust standards applicable to noise or dust sensitive uses.***

**FINDING:** As noted above, the applicant proposes to construct the bridge only after the mining activities above the bridge are completed and that section of the mine reclaimed. No other portion of the park will be sited on lands zoned for surface mining. Staff believes no violation of DEQ dust and noise standards will occur.

3. ***The applicant and/or proprietor of the recreational use shall sign and record in the Deschutes County Book of Records a statement declaring that the applicant and the applicant's successors will not now or in the future complain about permitted surface mining activities on the adjacent surface mining site.***

**FINDING:** The applicant agrees to sign and record a Waiver of Remonstrance. Staff recommends a condition of approval to ensure compliance.

4. ***The proposed recreational use shall be setback 250 feet from existing surface mining operations and those that may foreseeably be located on the site in the future.***

**FINDING:** The applicant proposes to construct the bridge only after the mining activities above the bridge are completed and that section of the mine reclaimed. Staff recommends a condition of approval to ensure compliance.

2. Section 19.16.050. Use Setbacks.

- A. ***Uses within an SM Zone shall maintain a 100 foot setback from the property line when adjacent to a residential dwelling.***

**FINDING:** The only portion of the proposed park that will be located on land zoned SM will be the bridge. The proposed bridge will be located well over 100 feet from any residential dwelling. Staff believes this criterion will be met.

- B. ***Three hundred foot setback shall be maintained from the property lines adjoining roads that are in Landscape Management Areas as defined in the Comprehensive Plan, as well as from any stream or lake.***

**FINDING:** As proposed, the bridge will observe a setback of well over 2,000 feet from any public road in the LM Zone. By necessity, the bridge will not observe the 300-foot setback from the river. Staff asks the Hearings Officer to determine if this setback standard applies to the bridge.

- C. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.**

**FINDING:** The proposed bridge will be located well over 100 feet from any north property line. Staff believes this criterion will be met.

**C. Chapter 19.72, Flood Plain Zone (FP)**

1. Section 19.72.020. Application of FP Zone.
  - A. **The FP Combining Zone shall apply to the area identified on the Flood Insurance Rate Map (FIRM) as special flood hazard areas inundated by 100 year flood and floodway areas. The FIA Flood Insurance Study for Bend and the FIRM map are hereby adopted and by this reference included herein. The A and AE zones shown on the FIRM map are hereby zoned FP.**
  - B. **When base flood elevation data has not been provided on the FIRM, the Planning Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer DCC 19.72.020.**
  - C. **Information to be obtained and maintained:**
    1. **Where base flood elevation data is provided through the Flood Insurance Study or as required in DCC 19.72.020(B), record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.**
    2. **For all new or substantially improved flood proofed structures, record the actual elevation (in relation to mean sea level) of the structure's lowest floor. Obtain and maintain the flood proofing certifications required in DCC 19.72.070(B).**

**FINDING:** The subject property is identified on FIRM No. 41017C0655D. Staff notes that “special flood hazard areas” are areas below a specified base flood elevation in the Flood Insurance Study. However, areas downstream of River Mile 162 on the subject property, including the proposed bridge location are located in an approximate “A” flood zone that should have no specified base flood elevation. Confusingly, the Flood Insurance Study states that areas downstream of River Mile 162 are not included in the detailed study and then includes a graph of flood elevations in this reach. This graph suggests that over a mile of river has a perfectly even grade, which is highly unlikely. For these reasons, staff believes that the graph in the Flood Insurance Study should not be used and, instead, a base flood elevation at the bridge should be determined using FEMA’s The Zone A Manual: Managing Floodplain Development in Approximate Zone A Areas<sup>1</sup>.

Staff recommends the Hearings Officer, prior to any approval, require the applicant to develop a base flood elevation at the bridge location in accordance with the Zone A Manual, clearly identify the methodology used to develop the base flood elevation, provide a figure stamped by a licensed, professional surveyor showing the bridge project area with the base flood elevation (similar to submitted figure EX1), and a cross section of the bridge project with the base flood elevation (similar to submitted figure EX2). This will allow the Hearings Officer to determine if the proposed bridge will be wholly above the base flood elevation.

---

<sup>1</sup> <http://www.fema.gov/zone-manual-managing-floodplain-development-approximate-zone-areas>

For areas not including structural improvements adjacent to the river, the applicant may rely on FIRM Panel No. 41017C0655D or develop and map base flood elevations, in accordance with process described above.

2. Section 19.72.040. Alteration of Watercourses.

- A. ***Prior to any alteration or relocation of a watercourse, notice of the proposed alteration shall be given to affected, adjacent communities and the State Department of Water Resources and evidence of such notification submitted to the Federal Insurance Administration.***
- B. ***The applicant shall maintain the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.***

**FINDING:** Based on staff's review of the submitted site plans, the proposed park will not alter any watercourse.

3. Section 19.72.090. Land Development Standards in a Flood Hazard Area.

- A. ***In addition to the terms of DCC 19.72.070 and 19.72.080, a subdivision or other land development, including all utility facilities, within an FP zone shall be designed and constructed to minimize flood damage, including special provisions for adequate drainage to reduce exposure to flood hazards.***

**FINDING:** The applicant does not propose a subdivision. Proposed development of land within the FP Zone consists soft trails. No structures are proposed within the FP Zone. Staff believes the proposed park will minimize flood damage.

- B. ***A land development which will alter or relocate a watercourse shall be designed, constructed and maintained to retain the flood carrying capacity of the watercourse.***

**FINDING:** Based on staff's review of the project plans, staff believes no alteration or relocation of a watercourse will occur.

- C. ***A proposed land development of greater than either 50 lots or five acres shall include data showing the base flood elevation.***

**FINDING:** The calculated 100-year base flood elevation is shown on the applicant's Figure 8 and Exhibit 1. As noted previously, the proposed bridge will be located outside of the FP Zone.

4. Section 19.72.110. Utilities Standards in a Flood Hazard Area.

- A. ***A public utility or facility associated with a land development within an FP zone shall be designed, located and constructed to minimize or eliminate flood damage and to avoid raising the water elevation in a regulatory floodway.***

**FINDING:** The applicant does not propose a public utility or utility facility. Staff believes this criterion does not apply.

- B. Any new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system.**

**FINDING:** The applicant does not propose any new or replacement water supply system.

- C. Any new or replacement sewerage system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the floodwaters.**

**FINDING:** The applicant does not propose any new or replacement sewerage system. Restroom facilities on-site will be served by vault toilets.

5. Section 19.72.120. Floodways.

**Located within areas of special flood hazard established in DCC 19.72.020(A) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:**

- A. Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.**
- B. If DCC 19.72.120(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of DCC 19.72.070.**

**FINDING:** Staff notes that floodway is only mapped for this reach of the river upstream of River Mile 162. The applicant has indicated that no structures or earthmoving are proposed within a floodway. The proposed bridge will be constructed in a segment of the river with no mapped floodway. Staff believes no impact to a floodway will occur.

**D. Chapter 19.76, Site Plan Review**

1. Section 19.76.070. Site Plan Criteria.

**Approval of a site plan shall be based on the following criteria:**

- A. Safety and Privacy. Residential site plans shall be designed to provide a safe living environment while offering appropriate opportunities for privacy and transitions from public to private spaces.**

**FINDING:** The applicant does not propose a residential project. Staff believes this criterion does not apply.

- B. Special Needs of Disabled. When deemed appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs, drop curbs and disabled parking stalls.**

**FINDING:** The project includes six accessible parking spaces split between the three parking areas. Accessible parking spaces will allow for convenient access to existing buildings and proposed trailheads on-site. The applicant proposes accessible trails identified as Trail Type I on Figure 4. These paths will provide accessibility to the Juniper, Meadow and Point Loop Trails. Additionally, the Jeffers House and associated outbuildings will be remodeled for accessibility. This will be reviewed during the building permit process. Staff believes this criterion will be met.

- C. *Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.***

**FINDING:** The subject property is approximately 184 acres in size. As proposed, approximately 181 acres of land will be left undeveloped. The applicant has identified seven management units, with the goal within these management units to preserve native vegetation and landscape. Only minimal grading will be necessary to develop the proposed trails. Where possible, the applicant proposes to improve existing trails. The portion of the park proposed for intense development is limited to the three parking areas and paved internal access road. Focused development will also occur at the proposed lookouts and boardwalk. Given the limited physical development proposed, staff believes this criterion will be met.

- D. *Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, designs of parking areas and the separation between pedestrians and moving and parked vehicles shall be designed to promote safety and avoid congestion on adjacent streets.***

**FINDING:**

*Access*

The proposed park will be accessed via an easement<sup>2</sup> across the property with an assigned address of 20020 Glen Vista Road, and identified as tax lot 400 on Assessor map 17-12-17C. The Planning Division received a comment letter from Mr. Kiesow expressing concern regarding the intersection of O.B. Riley Road and Glen Vista Road/Hardy Road. As identified in both Mr. Kiesow's letter and the May 27, 2015 Kittelson & Associates, Inc. memo, sight distance when traveling eastbound on Glen Vista Road and looking north along O.B. Riley Road does not meet American Association of State Highway and Transportation Officials (AASHTO) standards. The memo indicates that this condition is due to vegetation and fencing along the west side of the southbound land of O.B. Riley Road. To address the vegetation and fencing, the Kittleson memo recommends vegetation trimming along the west side of the southbound travel lane of O.B. Riley Road within the AASHTO minimum sight distance area. To address fencing, the Kittleson memo recommends that the city and county work with property owners to remove fencing that currently reside in the O.B. Riley Road right-of-way.

The inadequate site distance is exacerbated by the speed of vehicles traveling southbound around the curve. To address this situation, and in consultation with the City of Bend, the applicant proposes the following treatments:

---

<sup>2</sup> The extent of the easement is detailed in the applicant's Attachment 2.

- Install a 35 mph sign prior to the southbound curve leading to the intersection
- Install a second curve advisory sign
- Roadway narrowing treatments which could include widening the centerline striping; installing rumble strips; or installing pavement markers to encourage reduced speeds
- Striping of the bicycle/fogline in conjunction with wider center median striping to narrow the travel lane and encourage reduced speeds
- Speed reduction markers to encourage reduced speeds
- Install LED border on the “Intersection Ahead” sign to further highlight the upcoming intersection

The applicant proposes to implement vegetation trimming and the roadway treatments identified on Figure 5. Staff notes that these treatments are proposed along the section of O.B. Riley Road that is within City of Bend jurisdiction. To date, the City of Bend has not submitted comments into the record in response to the Notice of Application, Notice of Public Hearing, or an email from staff. For this reason, staff recommends a condition of approval requiring implementation of the above-referenced treatments, if required by the City of Bend, prior to initiating the park use. Staff further recommends that the applicant be required to submit a letter of satisfaction from the City of Bend.

#### *Interior Circulation*

A single internal access road is proposed for the park. This road will provide access to all three parking areas. Based on staff’s review of the parking plan, there is sufficient room for maneuvering of vehicles, and adequate ingress and egress. Staff believes interior circulation is adequate for the proposed use and provides for safe movement of vehicles within the park.

#### *Design of Parking Areas*

Staff believes the design and location of parking areas will allow convenient access to all proposed trailheads, gathering areas, overlooks and the Jeffers House. Additionally, the parking areas are generally separated from the trails except at the trailheads, and will be at least 900 feet from any public roadway. Staff believes the design of the parking areas will promote safe access to the park and avoid congestion on adjacent streets.

#### *Separation of Pedestrians and Vehicles*

Except at the trailheads, the proposed trails are separated from parking areas and the access road by at least 100 feet. Additionally, the proposed trails cross the vehicular access road in only one location. For these reasons, staff believes there is adequate separation between pedestrians and moving and parked vehicles.

- E. Buffering and Screening. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires and the like), loading and parking and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts to the site and neighboring properties.***

**FINDING:** Based on staff’s review of the site plans and a site visit, staff believes the proposed parking areas, gathering areas, lookouts, and vault toilets will generally be screened from adjoining properties by intervening distance, topography and vegetation. As noted previously, approximately 181 of the 184 acres of the site will remain undeveloped. Additionally, the majority of the intense development such as the access road and parking areas will be limited to the eastern portion of the site. For these reasons, staff believes sufficient buffering and screening will be retained to minimize adverse impacts to the site and neighboring properties.

- F. Utilities. All utility installations above ground, if such are allowed, shall be located so as to minimize adverse impacts on the site and neighboring properties.**

**FINDING:** The applicant does not propose any above-ground utilities.

- G. Public Facilities. The proposed use shall not be an undue burden on public facilities, such as the street, sewer or water system.**

**FINDING:**

*Sewer System*

The Jeffers House is currently developed with an on-site septic system. Additionally, the applicant proposes vault toilets. No connection to a public sewer system is proposed. For these reasons, staff believes the park will not be an undue burden on the public sewer system.

*Water System*

The property has existing water rights which the applicant indicates can serve the park needs. No connection to a public water system is proposed. Staff believes the park will not be an undue burden on a public water system.

*Public Streets*

Per the Kittleson memo, the park is anticipated to generate 11 weekday p.m. peak hour trips. No impacts due to traffic volume were identified by the City of Bend, Deschutes County Road Department or County Senior Transportation Planner. As discussed previously, staff recommends implementation of the roadway treatments illustrated on Figure 5 of the application materials in conjunction with approval from the City of Bend. Staff believes compliance with this recommendation will ensure there is no undue burden on a public street system.

2. Section 19.76.080. Required Minimum Standards.

- A. Minimum Landscaping Standards. All developments subject to site plan approval shall meet the following minimum standards for landscaping:**

1. **A minimum of 15 percent of the area of a project shall be landscaped for multifamily, commercial and industrial developments, subject to site plan approval and the following requirements:**

**FINDING:** The applicant does not propose a multi-family, commercial or industrial development. Staff believes this criterion does not apply.

2. **Street Trees. The placement, spacing and pruning of street trees shall be as follows, although the Planning Director or Hearings Body may adjust the placement standard for special site conditions:**

**FINDING:** The subject property does not front on any public street. Staff believes this criterion does not apply.

- B. Shared Areas. Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development as follows:**

**FINDING:** The applicant does not propose an apartment residential development. Staff believes this criterion does not apply.

- C. Storage. Areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc.**

**FINDING:** The applicant does not propose a residential development. Staff believes this criterion does not apply.

- D. Drainage. Surface drainage shall be contained on site.**

**FINDING:** Hardscape in the development is limited to the access road, three parking areas, the boardwalk and the overlooks. Stormwater runoff from the road will drain to either side of the road. Given the amount of undeveloped land on either side of the road, staff believes that road runoff will be contained on-site. Per the parking plans shown on Sheet L1.1 and L1.2, parking area runoff will be directed to planted areas specifically designed to accept runoff. Staff believes runoff from the parking areas will be contained on-site. Given the small area of impervious surface associated with the boardwalk and overlooks in comparison to the surrounding undisturbed lands, staff believes drainage from the boardwalk and overlooks will be contained onsite.

- E. Bicycle Parking. The development shall provide the number and type of bicycle parking facility as required in DCC 19.80.080 and 19.80.090. The location and design of bicycle parking facilities shall be shown on the site plan.**

**FINDING:** Bicycle parking is addressed below.

- F. Internal Pedestrian Circulation. 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 pedestrian or bicycle connection on adjacent properties planned or used for commercial, multifamily, institutional or park use.***

**FINDING:** The applicant does not propose an office park or commercial development. Staff believes the first part of this criterion does not apply.

The proposal includes walkways from the parking areas to adjacent trailheads and the Jeffers House. The trailheads provide pedestrian access to each of the three Loop Trails, overlooks, the boardwalk, and the bridge. There are no existing or planned transit stops in the area to which the proposed walkways could connect. Staff believes this criterion will be met.



- G. Public Transit Orientation. New retail, office and institutional buildings on parcels within 600 feet of existing or planned transit routes shall provide preferential access to transit through the following measures:**

**FINDING:** The applicant does not propose a new retail, office or institutional building. Staff believes this criterion does not apply.

3. Section 19.76.090. Deschutes River Corridor Design Review.

- A. Purpose. It is the purpose of the Deschutes River Corridor Design Review to ensure compliance with the objectives of DCC Title 19 and the goals and policies relating to the Deschutes River in the Bend Area General Plan. The purpose shall also be to:**
- 1. Recognize and respect the unusual natural beauty and character of the Deschutes River.**

**FINDING:** The applicant proposes to develop a regional park on a total of 184 acres of land. Of this acreage, 181 acres will remain undeveloped in its natural state. The majority of the intense development, including access road and parking areas, will occur on the eastern edge of the plateau. The development within the Deschutes River Corridor<sup>3</sup> will consist of soft trails, three water access points, and the bridge and associated information kiosk, bike rack, bike rack lighting, and vault restroom. Just outside of the Deschutes River Corridor is a small proposed overlook within the Canyon Loop Trail. The vast majority of property along the Deschutes River will remain undisturbed. The proposed soft trails along the river will be improvements made to existing trails. No new trails will be developed along the river.

Staff notes that Mr. Elkins identified a concern regarding bicycle rack lighting at the bridge. Mr. Elkins argues that lighting in this location will detract from the natural beauty of the canyon and river, and disturb wildlife. According to the burden of proof, the applicant proposes to use solar lights that will only be illuminated for a short duration before and after dusk. Because the park will be open from dawn to dusk, the purpose of the short during lighting at the bike rack is to allow visitors to safely exit the park. Staff believes the proposed bike rack lighting will not significantly detract from the natural beauty and character of the Deschutes River.

For the reasons identified above, staff believes this criterion will be met.

- 2. Conserve and enhance the existing riparian zone along the Deschutes River.**

**FINDING:** As noted above, there will be limited development along the Deschutes River. The vast majority of land along the river will remain undeveloped. With respect to enhancement, the applicant submitted into the record *A Plan for an Alternative Practice*, that BPRD has used to manage vegetation with an eye toward fire fuels reduction and enhancement of the riparian area. In addition to the treatments identified in the Plan, the applicant proposes to remove non-native vegetation such as yellow-flag iris and reed canary grass along the riparian zone. Staff

---

<sup>3</sup> Pursuant to DCC 19.04.040,

*“Deschutes River corridor” means all property within 100 feet of the ordinary high water mark of the Deschutes River. The ordinary high water mark shall be as defined in DCC. 19.04.040.*

*“Ordinary high water” (OHW) means the highest line on the bank or shore of a lake, river or stream to which the water ordinarily rises annually in season.*

believes the majority of the land along the river will be conserved with enhancement accomplished as needed. However, the applicant will need to comply with DCC 19.88.240, Fill and Removal and DCC 19.92.130, Fill and Removal Exceptions, as described below.

**3. Allow the community flexibility in reviewing development proposals within the Areas of Special Interest that are designated on the Bend Area General Plan.**

**FINDING:** Portions of the subject property in the south and southeast along the Deschutes River are mapped as “River Areas of Special Interest” in the Bend Area General Plan. Notice of the application and notice of the public hearing was mailed to public agencies and adjacent properties entitled to notice. Additionally, notice of the public hearing was published in *The Bulletin*. Staff believes the notices and public hearing will provide an opportunity for the community to review the development.

**4. Maintain the scenic quality of the canyon and rimrock areas of the Deschutes River.**

**FINDING:** Within the canyon, development will be limited to soft trails, the bridge and an overlook within the Canyon Loop Trail. The applicant proposes only one access trail from the plateau down to the canyon floor. Along the rimrock areas of the property, the applicant proposes one overlook within the Meadow Loop Trail, and soft trails associated with the Meadow and Point Loop Trails. Additionally, the applicant proposes to utilize the existing Jeffers House along the canyon rim for educational programming. Staff believes development within the canyon and rimrock areas are limited, and will maintain the scenic quality of the canyon and rimrock areas.

**5. Conserve and enhance property values.**

***In considering a Design Plan the Bend Urban Area Planning Commission shall take into account the impact of the proposed development on nearby properties, on the capacity of the street system, on land values and development potential of the area, and on the appearance of the street and community.***

**FINDING:**

*Impact on Nearby Properties*

Based on staff’s review of neighboring properties, the closest dwellings will be approximately 300 feet from any development associated with the park. In addition to recreational use of the park, the applicant proposes educational programming at the Jeffers House. Per the burden of proof, educational programming groups will be limited to no more than 30 people. No other events such as birthday parties, weddings, or similar events will be allowed at the Jeffers House. Given the distance to adjacent residential uses, retention of existing tree cover, limited physical development proposed, expected low intensity of use at the Jeffers House, and low volume of expected traffic, staff believes the proposed park will generally have little if any impact on nearby properties.

Staff notes that Mr. Elkins identified an area of concern regarding the location and proximity of the vault toilet proposed adjacent to the bridge, and the possibility of offensive odors. Per Mr. Elkins letter, the proposed bridge toilet will be located approximately 375 feet from the Elkins rear patio. Staff believes these odors are not likely to impact the Ellkins residence due to the

distance and elevation difference of approximately 200 feet between the proposed toilet and the Elkins residence.

#### *Capacity of Street System*

As detailed in the Kittelson memo, the proposed park is expected to generate only 11 weekday p.m. peak hour trips. No impacts to the street system were identified by the City of Bend, the Deschutes County Road Department, or the County Senior Transportation Planner. Staff believes the park will not have a negative impact on the capacity of the public street system.

#### *Land Values*

The proposal will retain the majority of the property in its current natural state, with 181 of 184 acres remaining undeveloped. The park will not generate a significant number of trips on adjoining public streets. Development will be located approximately 300 feet from the nearest residential uses. Finally, there is no evidence in the record suggesting that the proposed park will negatively affect land values in the area. For these reasons, staff believes the park will not have a negative impact on land values in the area.

#### *Development Potential of the Area*

Given the limited development of the property, expected low vehicular trip generation, and no proposed connection to the public sewer or water system, staff believes the park proposal will not have a negative impact on the development potential of the area.

#### *Appearance of the Street and Community*

The park does not front on a street and will have little impact on the capacity of the public street system. For this reason, staff believes the park will not result in a negative impact to the appearance of nearby streets.

The applicant proposes a limited amount of development and will retain the vast majority of the existing natural landscape and vegetation. Additionally, development will generally be set back from existing residential development by a significant distance. Staff believes the proposed park will not have a negative impact to the appearance of the community.

***B. The following areas and uses are exempt from the Deschutes River Design Review process:***

- 1. Public streets and utility facilities existing as of the date of adoption of DCC Title 19. Notwithstanding anything to the contrary in DCC Title 19, a variance may be granted to the mandatory 40 foot setback for future public streets and utility facilities.***
- 2. Irrigation facilities, canals and flumes existing as of the date of adoption of DCC Title 19.***

**FINDING:** The applicant does not propose any areas or uses that are exempt from the Deschutes River Design Review process.

***C. Design Review Procedure. All new development, structures, additions and exterior alterations to structures, including outside storage and off street parking lots within the Deschutes River Corridor, are subject to a Design Review process.***

1. ***Prior to filing a design review application, the applicant shall confer with the Planning Director concerning the requirements of formal application.***

**FINDING:** The applicant met with county planning staff prior to filing the subject conditional use permit and site plan review applications. Staff believes this criterion has been met.

2. ***The design review application shall be filed on a form provided by the Planning Division and shall be accompanied by drawings and information as specified by the Planning Division. Copies of the plan shall be submitted and such additional information as is deemed necessary for the Planning Director or Bend Urban Area Planning Commission to adequately review the application.***

**FINDING:** The applicant has submitted all of the necessary forms, plan sheets, and supporting information necessary for a decision to be rendered. Staff believes this criterion has been met.

3. ***The Bend Urban Area Planning Commission or Planning Director shall in accordance with DCC Title 19 and DCC Title 22 approve, approve with conditions, or disapprove the design plan. In approving the plan, the Bend Urban Area Planning Commission or Planning Director shall find that all provisions of DCC Title 19 are complied with and that all buildings and facilities, access points, parking loading facilities, lighting, and walls or fences are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be minimal adverse effect on surrounding property and the river corridor. The decision of the Bend Urban Area Planning Commission or Planning Director shall be final unless appealed in accordance with applicable provisions of DCC Title 22.***

**FINDING:** Compliance with the applicable sections of Title 19 is addressed in this staff report. Should the proposed be approved, staff has recommended conditions of approval to ensure compliance.

**D. *Minimum Standards. All development within the Deschutes River Corridor shall meet the following minimum standards for development:***

1. ***Building Setbacks. For the areas described below, the setback for all new development shall be a minimum of 100 feet from the ordinary high water mark unless the applicant can demonstrate that a lesser setback is warranted, due to lot size and shape, topography, preservation of natural vegetation, view corridors, and subject to the criteria in DCC 19.76.090(E). In no case shall the setback be less than 40 feet from the ordinary high water mark of the Deschutes River. The term "new development" shall not include rebuilding an existing structure provided that the rebuilt structure is comparable in size, profile, use and location to the structure that previously existed.***

- a. ***The east and west banks from the southern boundary of the City of Bend to the southern boundary of the Bend Urban Area;***
- b. ***The east and west banks from the northern boundary of the City of Bend to the northern boundary of the Bend Urban Area<sup>4</sup>.***

**FINDING:** No portion of the subject property lies within the areas identified in subsections (a) and (b) above. Staff believes the proposed park is not subject to the building setbacks under this criterion.

2. ***Building Heights. Maximum structure height shall be limited to 30 feet at the minimum setback line. The Bend Urban Area Planning Commission may allow increases in building heights up to the allowed height in the underlying zone the farther the building sets back from the river. The Bend Urban Area Planning Commission may limit building height the closer to the river a building is allowed. The building height shall be measured from the lowest natural grade facing the river to the highest measurable point on or projecting from the roof of the structure.***

**FINDING:** As noted above, staff believes the property is not subject to the minimum building setbacks. The new structures proposed include vault toilets, information kiosks, outlook decks and the bridge. The vault toilets are the tallest proposed structures and will have a maximum height of approximately 15 feet. Staff believes this criterion will be met.

- E. ***Site and Design Review Criteria. In addition to the minimum standards above, the Bend Urban Area Planning Commission shall review the development using the following design criteria:***
  1. ***Conservation of natural features. Major rock outcrops, stands of trees or other prominent natural features are an important part of the visual character and duality of the community. The Bend Urban Area Planning Commission shall review the applicant's proposal for impacts on these resources and may limit the amount of removal, require additional screening, or moving or reducing in size the development addition or structure in order to preserve to the greatest extent possible, existing natural features.***

**FINDING:** As discussed previously, the applicant proposes to conserve and retain the majority of the natural features of the site including rock outcrops, terrain, tree cover, and natural benches. Where possible, the applicant proposes to improve existing trails on-site. Existing trails not necessary for the park will be revegetated. No dogs will be allowed on-site. Only a short segment of trail north of the bridge will allow bicycles. For these reasons, staff believes this criterion will be met.

2. ***Compatibility with existing area. The Bend Urban Area Planning Commission shall consider the relationship of the***

---

<sup>4</sup> DCC 19.04.040 provides the following definition,

*“Bend urban area” means that area lying inside the adopted Bend Urban Growth Boundary and outside of the City of Bend boundaries.*

***proposed development with the existing surroundings, in terms of building bulk, height, location, separation, shape, parking areas, lighting, fences, landscaping, open space, visual and physical corridors to the river and adjacent land use. The Bend Urban Area Planning Commission may establish increased setbacks, limitations of building heights, and limitations on the bulk and length of buildings, limitations on lighting, landscaping, fences, size and shape of windows facing the river, size and location of parking, and outdoor storage areas in order to carry out the purpose of DCC Title 19.***

**FINDING:** The applicant proposes a number of design and operational elements including:

- Limited, focused, development areas
- Retention of natural landscape
- Use of existing trails where possible
- Expected low volume of generated vehicular trips
- Use of short duration solar lighting
- Distance from development areas to adjoining residential uses
- 30-person maximum for educational programming
- No dogs on-site
- Bicycles only allowed on a short segment of trail north of the bridge
- No rental of park space for events such as weddings or birthdays
- No overnight camping

For these reasons, staff believes the proposed park will be generally compatible with the existing area.

3. ***Colors and Materials. The Bend Urban Area Planning Commission shall consider colors and materials. The Bend Urban Area Planning Commission may require new structures and additions to existing structures to be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site or colors that are compatible with adjacent buildings.***

**FINDING:** Based on staff's review of the applicant's submitted Concept Image Boards, all structural elements will be finished with stone and wood. For this reason, staff believes the colors and materials proposed will blend with and reduce contrast with the surrounding vegetation and landscape.

4. ***No large areas, including roofs, shall be finished with bright or reflective materials. Metal roofing material is permitted if it is nonreflective and of a color which blends with the surrounding vegetation and landscape.***

**FINDING:** According to the Concept Image Boards, no large areas, including roofs, will be finished with bright or reflective materials.

## **E. Chapter 19.80, Off-Street Parking and Loading**

1. Section 19.80.020, Off-Street Loading.

- B. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor space of 30,000 square feet or more shall provide off street truck loading or unloading berths in accordance with the following table:**

Square Feet of Floor Area	No. of Berths Required
Less than 30,000	0
30,000-100,000	1
100,000 and Over	2

**FINDING:** The applicant proposes a regional park which is a recreational facility requiring compliance with this criterion. In total, the existing buildings on-site, including the Jeffers House, garage, shop, stable, and kennel, have a combined floor area of 6,584 square feet. The three proposed restrooms will contribute an additional approximately 294 square feet of floor area. The total floor area of existing and proposed buildings of less than 7,000 square feet will not require a loading berth.

2. Section 19.80.030. Off Street Parking.

**Off street parking space shall be provided and maintained as set forth in DCC 19.80.030 for all uses in all zones, except for the CB zone. Such off street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of DCC Title 19 is changed. Improved off street parking shall mean paved with two inches of paving.**

**FINDING:** The parking requirement for the proposed park is addressed below. Staff recommends a condition of approval to ensure a minimum of two inches of paving for all off-street parking.

2. Section 19.80.040. Number of Spaces Required.

**Off street parking shall be provided as follows:**

- ...  
**H. Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining requirements for said other uses.**

**FINDING:** Park use is not identified in table of uses in this section. The proposed 66 parking spaces are based upon similar usage of Shevlin Park, another regional park operated by the applicant. Staff believes the proposed 66 parking spaces are sufficient for the use.

4. Section 19.80.050. General Provisions Off street Parking.

- A. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirement for off street parking shall be the sum of the requirements of the several uses computed separately.**
- B. Joint Use of Facilities. The off street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can**

***be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.***

**FINDING:** The applicant does not propose more than one use on one or more parcels. Additionally, the applicant does not propose to share parking facilities with multiple uses. Staff believes these criteria do not apply.

- C. *Location of Parking Facilities. Off street parking spaces for dwellings shall be located on the same lot with the dwellings. All other off street parking shall be located on the lot with the use or, if not located on the same lot, shall be first approved as a conditional use. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the use. The burden of proving the existence of such off premises parking arrangements rests upon the person who has the responsibility of providing parking.***

**FINDING:** The three proposed parking areas will be located on the same property as the park use. Staff believes this criterion will be met.

- D. *Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use.***

**FINDING:** Staff recommends a condition of approval to ensure compliance.

- E. *Parking, Front Yard. Unless otherwise provided, required parking and loading spaces for multifamily dwellings, commercial and industrial use shall not be located in a required front yard, but such space may be located within a required side or rear yard.***

**FINDING:** The applicant does not propose a multi-family, commercial or industrial use. Staff believes this criterion does not apply.

- F. *Disabled Parking. The number, location and design of disabled parking spaces shall be as required by the building code. Buildings and uses in existence on April 30, 1993 that are retroactively required to provide disabled parking facilities may place the disabled spaces in the front yard setback area if it is not possible to locate the parking elsewhere on the site.***

**FINDING:** The applicant proposes a total of six accessible parking spaces split among the three parking areas. The proposed accessible parking spaces will be reviewed by the Building Division. Staff recommends a condition of approval to ensure the number, location and design of accessible parking spaces meets the requirements of the Building Code.

- G. *Shopping Center Parking. The motor vehicle parking areas shall be located and designed to facilitate safe and convenient pedestrian***



**and bicycle movement to and from public sidewalks, streets, or transit stops.**

**FINDING:** The applicant does not propose a shopping center. Staff believes this criterion does not apply.

**H. Maximum parking. The maximum number of parking spaces for a commercial development with a gross floor area of 30,000 square feet or greater, or a site with more than six acres shall not exceed 150 percent of the required parking.**

**FINDING:** The applicant does not propose a commercial development. Staff believes this criterion does not apply.

**I. Reduction In Required Parking. The total number of required motor vehicle parking spaces for an industrial, commercial, and office use may be reduced by five percent for each of the activities listed below provided by the owners or operators, up to a maximum 10 percent reduction in the total number of motor vehicle spaces.**

**FINDING:** The applicant does not propose an industrial, commercial or office use. Staff believes this criterion does not apply.

**J. Parking Pods. Developments that provide more than 75 parking spaces shall:**

**FINDING:** The applicant does not propose a parking pod that provides more than 75 parking spaces. Staff believes the parking pod requirements do not apply.

5. Section 19.80.060. Development and Maintenance Standards for Off Street Parking Areas.

**Every parcel of land hereafter used as a public or private area, including commercial parking lots, shall be developed as follows:**

**A. An off street parking area for more than five vehicles shall be effectively screened by a site obscuring fence, hedge or planting on each side which adjoins a residential use or property situated in a residential zone or the premises of any school or like institution.**

**FINDING:** The subject property adjoins residential zones<sup>5</sup> to the north, east, southeast, south, and southwest. The location of the three parking areas will take advantage of existing vegetative cover. Given the planned retention of native vegetation on-site and the distance from the proposed parking areas to adjoining residentially-zone properties, staff believes the parking areas will be effectively screened and will meet this criterion.

**B. Any lighting used to illuminate the off street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in an R zone.**

**FINDING:** The burden of proof indicates the proposed parking area lights will meet this code provision. Staff recommends a condition of approval to ensure compliance.

---

<sup>5</sup> To the north and east are properties zoned UAR10. To the southeast, south, and southwest across the Deschutes River are properties zoned SR 2.5. Both are considered residential zones.

- C. *Except for single family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right of way other than an alley.***

**FINDING:** Based on staff's review of the Master Plan and the distance from the first parking area to Glen Vista Road, staff believes no backing movements or other maneuvering will be required within a street right-of-way. Staff believes this criterion will be met.

- D. *Areas used for standing and maneuvering of vehicles shall be paved surfaces maintained adequately for all weather use and so drained as to contain any flow of water on the site.***

**FINDING:** As discussed previously, the applicant proposes a paved access road and three paved parking areas. Runoff from the road and parking areas will be contained on-site. Staff recommends a condition of approval to ensure compliance.

- E. *Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.***

**FINDING:** The three proposed parking areas will be separated from adjoining residential zones and uses by at least 150 feet. As located, these parking areas will be surrounded by existing vegetative cover. The proposed parking area lighting will be required to meet the standard detailed in subsection B above. Similar to the bike rack lighting, the parking area lighting will be solar lights that will only be illuminated for a short duration before and after dusk. For these reasons, staff believes the parking and loading areas are designed to minimize disturbance to residents.

- F. *Access aisles shall be of sufficient width for all vehicular turning and maneuvering.***

**FINDING:** As shown on Plan Sheets L1.1 and L1.2, the applicant proposes 24-foot-wide access aisles for the three parking areas. This meets the minimum access aisle standard of the Off Street Parking Lot Design table at the end of Chapter 19.80. Staff believes this criterion will be met.

- G. *Service drives to off street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined throughout by the use of rails, fences, walls or other barriers or markers. Service drives to drive in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.***

**FINDING:** The applicant proposes one service or access drive that connects the subject property to Glen Vista Road. This service drive leads to the three parking areas and ultimately ends at the Jeffers House. Given the low expected volume generated by the park, staff believes this single service drive is sufficient to serve the park and parking areas. The service drive will

paved with asphalt and be bordered by existing native vegetation, providing a clear path for vehicles. As proposed, pedestrian trails will generally be separated from the access road by a distance of over 100 feet. There is only one proposed pedestrian crossing over the service drive which will reduce the number of vehicle and pedestrian conflict points. Staff believes this criterion will be met.

- H. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right of way line and a straight line joining said lines through points 30 feet from their intersection.**

**FINDING:** The proposed service drive does not form an intersection with Glen Vista Road. Instead, the service drive is designed to be a continuance of the Glen Vista Road roadway surface. For this reason, staff believes there is no clear vision area associated with the proposed service drive.

- I. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line, pedestrian walkway, bikeway, or a street right of way.**

**FINDING:** As proposed, the three parking areas will be at least 150 feet from any property line. Additionally, the applicant proposes to use boulders or other wheel stops to prevent a vehicle from extending over an adjacent walkway or landscaped area. Staff believes this criterion will be met.

6. Section 19.80.070. Off Street Parking Lot Design.

**All off street parking lots shall be designed in accordance with county standards for stalls and aisles set forth in the following drawings and table:**

**SEE TABLE AT END OF CHAPTER 19.80**

**FINDING:** As shown on Plan Sheet L1.1 and L1.2, the applicant's proposal will meet the minimum required stall width of nine feet and stall length of 20 feet for 90° parking. The proposed drive aisle width within the parking areas is 24 feet, which also meets the minimum width for two-way travel. The applicant indicates that parking stalls will be clearly marked via a combination of striping, boulders (or other wheel stops) and landscaping. Staff believes this criterion will be met.

7. Section 19.80.080. Required Bicycle Parking.

- A. On site bicycle parking shall be provided as listed below. Fractional spaces shall be rounded to the next highest number. Bicycle parking for multiple uses or large commercial developments may be provided in one or more locations.**

<b>Public or private recreational facility</b>	<b>1 space for every 10 employees plus 1 space for every 20 motor vehicle spaces</b>
--	--

**FINDING:** The applicant does not propose any full-time employees on-site. A total of 66 vehicular parking spaces are proposed, which requires at least three bicycle parking spaces.

The applicant proposes to provide parking for 40 bicycles split into three distinct parking areas depicted on Figure 4. Staff believes this criterion will be met.

8. Section 19.80.090. Bicycle Parking Location And Design: Other Required Conditions.

- A. ***Each required bicycle parking space shall be on asphaltic concrete, portland cement, or similar hard surface material and each space shall be at least two feet wide by six feet long with a minimum vertical clearance of seven feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.***

**FINDING:** The applicant indicates the bicycle parking areas will be on a hard surface material, and each space will be at least two feet wide by six feet long, with a minimum vertical clearance of seven feet. Where necessary, the applicant indicates that access aisles will be at least five feet wide. Staff believes this criterion will be met.

- B. ***Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack upon which the bicycle can be locked. Bicycle rack design must accommodate both U shaped locks and cables and include, but are not limited to, such shapes as an inverted "U" design or a "ribbon." Racks shall be securely anchored to a walkway, parking lot, building, or other approved structure.***

**FINDING:** The applicant proposes to provide bicycle racks which can accommodate both U-shaped locks and cables. The applicant proposes to anchor the bike racks to the hard surface material. Staff believes this criterion will be met.

- C. ***Where required, covered bicycle parking may be provided underneath an awning, eave, or other structural overhang, inside the main building or an accessory parking structure, or other facility as determined by the Site Plan Review that protects the bicycle from direct exposure to the elements.***

**FINDING:** Pursuant to the bicycle space calculation table provided in DCC 19.80.090, no covered spaces are required for private or public recreation facilities. Staff believes this criterion does not apply.

- D. ***Except as noted below, all required bicycle parking shall be located on site within 50 feet of well used entrances and not farther than the closest motor vehicle parking space. Bicycle parking for multiple uses such as a commercial center or college may be clustered in one or more locations that are convenient for bicyclists but must meet all requirements for bicycle parking.***

**FINDING:** As shown on Figure 4 and Plan Sheet L1.2, bicycle parking spaces are proposed within 50 feet of the Jeffers House, and not farther than the parking lot associated with this building. The remainder of the bicycle spaces are provided at trailheads. Staff believes this criterion will be met.

- E. ***Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent***

***sidewalks or motor vehicle parking lots. Bicycle parking shall be at least as well lit as motor vehicle parking.***

**FINDING:** The applicant proposes solar lights at all bicycle parking areas. These lights are intended to illuminate the spaces for a limited duration before and after dusk, and will allow the spaces to be visible from an adjacent vehicular parking area and trailhead. These same lights will be used in the vehicular parking areas. Staff believes this criterion will be met.

**F. *New commercial developments and public buildings in which 25 or more persons will be employed, shall provide changing room(s) and shower(s) for employees who bicycle to work. Such facilities may be incorporated into restrooms, exercise rooms or similar facilities in the building.***

**FINDING:** No employees are proposed on-site. Staff believes this criterion does not apply.

**F. Chapter 19.88, Provisions Applying to Special Use Standards**

1. Section 19.88.240. Fill and Removal.

***Except as otherwise provided in DCC Title 19, no person shall fill or remove any material or remove any vegetation, regardless of the amount, within the bed and banks of any stream or river, or in any wetland, unless such fill or removal is approved as a conditional use in accordance with the following standards:***

**A. *An application shall be filed containing a plan with the following information.***

**1. *A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.***

**FINDING:** The applicant indicates the bridge spans the floodplain. No grading or removal of soil is proposed within the bed and banks of the river, or in a wetland. Additionally, the applicant proposes no fill in within the bed and banks of the river, or in any wetland. The applicant proposes the following removal efforts:

Bridge

Removal of the remaining timbers associated with the historic bridge. Staff is uncertain if this work will require earthmoving within the bed and banks of the river, and suggests the Hearings Officer request additional information in this topic. The applicant has stated that some vegetation may need to be pruned, but not removed, under the bridge.

Trail

The trail already exists. Some vegetation may need to be pruned, but not removed.

Access Area 1

A small patch of reed canarygrass will be removed. Four red alder trees and a few red-osier dogwood shrubs maybe pruned.

Access Area 2

Three red alder trees and a few red-osier dogwood shrubs may be removed or pruned.

### Access Area 3

No vegetation will need to be removed at Access Area 3.

Staff believes that wetland and riparian vegetation has no normal maintenance requirements and that vegetation removal and/or pruning must be regarded as a conditional use under this criterion or be granted an exception under 19.92.130, Fill and Removal Exceptions. Staff notes that the applicant's vegetation management plans and invasive species reductions efforts may include vegetation removal within the bed and banks of the river, or associated wetlands. Staff recommends the Hearings Officer request additional information to determine where proposed/ongoing vegetation management may constitute a conditional use under these criteria.

It appears the applicant does not propose any earthmoving within the bed and banks of the river, or in any wetland. Staff recommends the Hearings Officer analyze compliance with applicable criteria for any proposed earthmoving and include a condition of any approval precluding earthmoving associated with trails or river access points unless that work receives conditional use approval.

#### **2. *An explanation of why the fill or removal is necessary.***

**FINDING:** The proposed new bridge will be in the same location as the historic bridge. The remaining timbers on-site must be removed to allow for the new bridge construction. At the three water access points, a small amount of vegetation will be removed or pruned to provide an adequate access route to the water.

- 3. *A site plan, drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed fill or removal. The site plan shall, at a minimum, include:***
- a. *An inventory of existing vegetation.***
  - b. *The proposed modifications, if any, to the vegetation.***
  - c. *Existing and proposed site contours.***
  - d. *Location of property lines, easements and high water marks.***
  - e. *Other site elements or information which will assist in the evaluation of the proposed fill or removal.***

#### **FINDING:**

*Inventory of existing vegetation*

#### Bridge

Vegetation around the bridge consists of red-osier dogwood, willow, and Douglas spirea.

#### Trail

The trail goes through the floodplain to the water access areas. At all three water access areas, the vegetation along the trail transitions to Ponderosa pine, bitterbrush, and Idaho fescue plant community beyond the water's edge.

### Access Area 1

A small patch of reed canarygrass, four red alder trees, a few red-osier dogwood and snowberry shrubs.

### Access Area 2

Vegetation at this area is very sparse, but includes red alder, red-osier dogwood, Douglas spirea, and nootka rose along the water's edge.

### Access Area 3

There is no vegetation growing along the water's edge.

### *Proposed modifications to the vegetation*

#### Bridge

Some vegetation may need to be pruned, but not removed, under the bridge.

#### Trail

The trail already exists. Some vegetation may need to be pruned, but not removed.

### Access Area 1

A small patch of reed canarygrass will be removed. Four red alder trees and a few red-osier dogwood shrubs maybe pruned.

### Access Area 2

Three red alder trees and a few red-osier dogwood shrubs may be removed or pruned.

### Access Area 3

No vegetation will need to be removed at Access Area 3.

### *Existing and proposed site contours*

#### Bridge

Existing and proposed site contours are shown on the applicant's Exhibit 1 and 2.

#### Trail

The trail already exists. Existing and proposed site contours will remain the same.

### Access Area 1

Existing and proposed site contours will remain the same.

### Access Area 2

Existing and proposed site contours will remain the same.

### Access Area 3

Existing and proposed site contours will remain the same.

### *Location of property lines, easements and high-water marks*

Location of property lines and the high water mark are shown on the applicant's Figure 4, Figure 8 and Exhibit 1.

### *Other site elements or information which will assist in the evaluation of the proposed fill or removal*

The applicant has stated that the bridge and abutments will be placed outside of the floodplain and above the ordinary high water mark. Staff has recommended a detailed analysis of this conclusion, as described above.

- B. *Public facility and service uses, such as construction or maintenance of roads, bridges, electric, gas, telephone, sewer or water transmission and distribution lines and related facilities controlled by public utilities or cooperative associations shall not be granted conditional use permits to fill or remove unless the following findings are made:***

**FINDING:** No public facility or services uses, such as those detailed above, are proposed. Staff believes this criterion does not apply.

- C. *Fill or removal required for public park and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, public boat launching ramps, public docks and public walkways shall not be allowed as a conditional use unless the following findings are made:***

- 1. *That all necessary state and federal permits will be obtained as a condition of approval of the conditional use permit.***

**FINDING:** According to the burden of proof, the applicant has applied for the following permits:

- Removal-Fill permit from the Department of State Lands
- Section 404 (Clean Water Act) permit from the US Army Corps of Engineers
- Scenic Waterways permit from Oregon State Parks

- 2. *That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.***

**FINDING:** As detailed above, staff believes the applicant is removing the minimum amount of vegetation and material necessary for the use.



3. ***That the specific location of the site will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.***

**FINDING:** The proposed new bridge will be located in the same location as the historic bridge, minimizing the amount of disturbance. Additionally, the bridge will not be constructed within the floodplain or below the ordinary high water mark. For the three water access areas, no grading or other earthmoving is proposed, and only a small amount of vegetation will be removed or pruned. Staff believes this criterion will be met.

4. ***That such construction and maintenance is designed and done in such a manner as to minimize the adverse impact on the site.***

**FINDING:** As detailed previously, the applicant has designed the bridge to minimize impacts to the river and wetlands. Only a small amount of vegetation is proposed to be removed or pruned in the bridge and water access areas. Given the limited amount of disturbance proposed, staff believes this criterion will be met.

5. ***That erosion will be adequately controlled during and after construction.***

**FINDING:** The burden of proof indicates that detailed erosion control measures will be in place to minimize construction impacts to the river. Staff requests the applicant provide the proposed erosion control plan for review by the Hearings Officer.

6. ***That the impacts on fish and wildlife habitat by the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.***

**FINDING:** Comments from ODFW and the applicant's responses are detailed above. Given the limited removal of timbers and vegetation, staff believes impacts to fish and wildlife habitat will be minimized to the greatest extent practical.

- D. ***Except for uses identified in DCC 19.88.240(B) and (C), an application for a conditional use permit for activity involving fill or removal of material or vegetation within the bed and banks of a stream, river or wetland:***

**FINDING:** The park proposal is a use identified under DCC 19.88.240(C). Staff believes this criterion does not apply.

## **G. Chapter 19.100, Conditional Use Permits**

1. Section 19.100.030. General Conditional Use Criteria.

***A conditional use permit may be granted only upon findings by the Planning Director or Hearings Body that the proposal meets all of the criteria in DCC 19.100.030, as well as all other applicable criteria contained in DCC Title 19. The general criteria are:***

- A. That the location, size, design and operating characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage and density with the alteration of traffic patterns and the capacity of surrounding streets and to any other relevant impact of the proposed use.**

**FINDING:** Staff believes the proposed park use will have minimal adverse impact on property value, livability and permissible development of the surrounding area for the following reasons.

#### *Location*

The subject property is 184 acres in size, and is bordered by residential uses to the north and east. Other residential uses exist across the Deschutes River to the southeast, south and southwest. To the west across the river is Surface Mine Site No. 308. Although bordered by residential uses, the proposed park contemplates limited development across the property. The location of intense development such as the bridge, parking areas, internal access road, and educational programming at the Jeffers House, are generally separated from all property lines by intervening topography and vegetation at a distance of at least 100 feet.

#### *Size*

Although the subject property is relatively large in comparison to surrounding properties and uses, the proposed park development is small in scale. Over the 184-acre site, the applicant proposes three parking areas with a total of 66 parking spaces. A single access road is proposed to service the parking areas and trailheads. The tallest proposed new structures will be the three vault toilets at a height of approximately 15 feet.

#### *Design*

The proposed park is designed to take advantage of existing development and natural features on-site. Where possible, the applicant proposes to use and improve existing trails on-site. Where existing trails will not be incorporated into the park use, the applicant proposes to rehabilitate and revegetate these areas. The applicant will re-purpose the Jeffers House and associated outbuildings for educational programming, and park maintenance and administration. Existing high points on the property will be used as a base for lookouts rather than building up structures for viewing.

#### *Operating Characteristics*

The park will be open from dawn to dusk, with solar lighting providing illumination shortly before and after dusk to ensure safe egress from the vehicular and bicycle parking areas. No dogs will be allowed on-site. Bicycle use will be prohibited with the exception of a short segment of trail to the north of the bridge. The applicant proposes to limit educational programming groups to no more than 30 people. No overnight stays or rental of the property for events such as birthdays or weddings will be allowed. Due to the focus on pedestrian trails rather than developed amenities such as ball fields, dog parks, and event venues, traffic volume to the site is expected to be low. No transportation capacity issues are expected from the park use. Additionally, the relatively low intensity use is not expected to negatively affect property values or result in noise impacts to adjacent properties.

- B. That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional**

***environment to the highest degree consistent with the nature of the use and the given setting.***

**FINDING:** As discussed previously, the applicant proposes to preserve the majority of the site in its natural state and improve existing trails where possible. Where existing trails will not be used, they will be rehabilitated and revegetated. The proposed soft trails are designed to provide access to the various management units while preserving habitat and topographic features. Very little earthmoving and grading are necessary. The existing Jeffers House and associated outbuildings will be re-purposed rather than constructing new buildings. For these reasons, staff believes this criterion will be met.

**C. *That if the use is permitted outright in another zone, there is substantial reason for locating the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.***

**FINDING:** Although parks are permitted outright in the Public Facilities (PF) Zone, there are no vacant PF-zoned properties which could accommodate a regional park. Staff believes there is substantial reason for the park to be located on the UAR-10 zoned property.

**D. *That the proposed use will be consistent with the purposes of DCC Title 19, the Comprehensive Plan, Statewide Goals and any other applicable statutes, ordinances or policies.***

**FINDING:**

*Title 19 Purpose*

The purpose statements under DCC 19.04.020 are incorporated into the approval criteria identified in this staff report. As detailed above, staff believes the applicant's proposal will be consistent with the applicable approval criteria and, therefore, consistent with the purposes of Title 19.

*Comprehensive Plan*

Staff has reviewed the Deschutes County Comprehensive Plan for goals and policies that are relevant to the proposed park project. While there are a number of aspirational goals and policies that primarily apply to the county rather than applicants for land use approval, staff finds no mandatory approval criteria.

*Statewide Goals*

Staff believes there are no Statewide Goals which will be affected or otherwise require an exception for the proposed park.

*Bend Area General Plan<sup>6</sup>*

Chapter 2: Natural Features and Open Space

**1. *The city and Bend Metro Park and Recreation District will inventory and maintain a list of natural features and open space lands that are important to the community.***

---

<sup>6</sup> The Bend Area General Plan applies to lands within the Bend urban reserve area.

**FINDING:** BPRD identified the Riley Ranch property as an important piece of open space because of its location on the Deschutes River, the natural features on the site (rim rock, riparian area, wildlife habitat), and the cultural resources and its historical significance. The Riley Ranch property was specifically identified as a piece of property that would be acquired with Bond Measure No. 9-86. While there are mandatory terms suggesting that this policy applies to the proposed park project, staff believes it is a policy that is achieved via coordination between the city and the applicant, rather than via the subject land use applications.

2. ***The city and Bend Metro Park and Recreation District shall share the responsibility to inventory, purchase, and manage public open space, and shall be supported in its efforts by the city and county.***

**FINDING:** BPRD identified the Riley Ranch property as an important piece of open space because of its location on the Deschutes River, the natural features on the site (rim rock, riparian area, wildlife habitat), and the cultural resources and its historical significance. The Riley Ranch property was specifically identified as a piece of property that would be acquired with Bond Measure No. 9-86. While there are mandatory terms suggesting that this policy applies to the proposed park project, staff believes it is a policy that is achieved via coordination between the city and the applicant, rather than via the subject land use applications.

15. ***The Bend Metro Park and Recreation District shall designate areas in parks with significant natural values as undeveloped, managed open spaces for natural habitat, educational, aesthetic and passive recreational use, and provide opportunities for trails, observation platforms, boardwalks, and interpretive signage.***

**FINDING:** The proposed project includes a significant amount of area that will be preserved as undeveloped and managed for open spaces and habitat. The applicant proposes to re-purpose the Jeffers House to provide educational programming. The design of the park features pedestrian trails for passive recreation use rather than developed recreational amenities such as ball fields or event venues. The park will also include five observational outlooks, a boardwalk, and interpretive signage and kiosks. Staff notes that the applicant proposes to prohibit dogs on-site. With the exception of a short segment of trail north of the bridge, the applicant also proposes to prohibit bicycles on-site. Staff believes the proposed use is consistent with this policy.

16. ***The Bend Metro Park and Recreation District shall acquire strategic areas along the rivers, streams, and canals to protect and conserve scenic, recreational, and natural values, and make such areas accessible to the community.***

**FINDING:** Per the burden of proof, the applicant acquired the subject properties along the Deschutes River from private property owners. As detailed above, staff believes the applicant has designed the park to protect and conserve scenic, recreational, and natural values. Additionally, staff believes the applicant has proposed a park which will be accessible to the community.

17. ***The Bend Metro Park and Recreation District shall acquire park sites and open space lands where possible to establish pedestrian, bikeway and greenway linkages between parks, open spaces, neighborhoods, and schools.***

**FINDING:** The proposed park is intended to connect to the Deschutes River trail along the western bank of the river, providing an east-west connection across communities. Additionally, the applicant indicates that the trail and bridge along the Deschutes River are included on the

City of Bend's Bike and Pedestrian Map in the city's Transportation System Plan, and also included on BPRD's Trails Master Plan in the BPRD Comprehensive Plan. Staff believes the park will be consistent with this policy.

25. ***The visual impact of excavations or structures that will be erected or substantially modified along the rimrocks bordering the Deschutes River or Tumalo Creek shall be minimized.***

**FINDING:** The applicant proposes only minor improvements in the form of a soft trail along the rimrock on-site, and a boardwalk and overlook to the east of the Meadow Loop Trail. The overlook and boardwalk will be made of native materials and designed to blend into the rimrock. Additionally, the applicant indicates they will secure the required approval from Oregon State Parks for the Scenic Waterway, which will include meeting the design criteria of OAR 736-040-0072. As noted previously, the applicant proposes to use the existing Jeffers House for educational programming rather than construct additional buildings. Staff believes the proposed park will be consistent with this policy.

### Chapter 3: Community Connections

5. ***The Bend Metro Park and Recreation District, with the support of the city and county, shall ensure an equitable distribution of parks and open spaces throughout the District's jurisdiction.***

**FINDING:** According to the applicant, the Parks, Recreation and Green Spaces Comprehensive Plan (Parks Plan; 2012) ensures equitable distribution of parks and recreational facilities throughout the District's jurisdiction. The purpose of the Parks Plan is to provide comprehensive and strategic direction for the District through an extensive needs assessment and community input process, and a thorough evaluation of all existing District facilities and future land acquisition, park development, administrative facilities, operations facilities, and recreation programming needs.

While there are mandatory terms suggesting that this policy applies to the proposed park project, staff believes it is a policy that is achieved via long-range planning outside of this land use review.

6. ***The Bend Metro Park and Recreation District shall identify "park deficient" areas of the community and shall acquire park and open space property in these areas.***

**FINDING:** According to the applicant, the Parks Plan ensures equitable distribution of parks and recreational facilities throughout the District's jurisdiction. This includes areas identified as underserved or deficient, recreational and leisure trends, and facility needs throughout the District.

While there are mandatory terms suggesting that this policy applies to the proposed park project, staff believes it is a policy that is achieved via long-range planning outside of this land use review.

7. ***The Bend Metro Park and Recreation District shall design parks and facilities that: excel in performance, function, image and affordability; facilitate social gathering opportunities and provide a balance of active and passive recreational opportunities, with an emphasis on multiple use and park "basics," including picnic areas, play areas, and multi-use turf and courts; and are good neighbors to adjacent properties.***

**FINDING:** According to the applicant, the District has 84 parks and 16 natural areas and manages 65 miles of developed trails. In addition, the District has three community/recreation centers, three community meeting centers, an administration facility, support facilities and caretaker facilities. Currently, BPRD is constructing both a Safe Passage project and a multi-purpose recreation center that will provide ice skating activities not currently available in the District.

Shevlin Park is the only nature park within the District. Although Shevlin Park mostly offers passive recreation opportunities it also hosts Cougar Camp (an outdoor education program with limited overnight camping), along with other programs at locations like Aspen Hall and Aspen Meadow that are available for rental by large groups (up to 150 people).

Riley Ranch will be BPRD's first park devoted to passive recreation and natural resource management/stewardship. In addition to providing wildlife viewing, fishing, and pedestrian trails, it provides opportunities for small groups to gather. It provides winter kayaking take out locations which builds upon the District's recent efforts to improve kayaking opportunities with the Safe Passage Project, First Street Rapids, and Sawyer Park.

Staff believes the applicant has designed a park that meets their stated goal of providing a passive recreational facility which focuses on the restoration and preservation of natural and cultural features. Given the proposed low intensity development and expected use of the park, staff believes the park is consistent with the policy of being a good neighbor to adjacent properties. Staff believes the proposed park is consistent with this policy.

**8. *The Bend Metro Park and Recreation District shall provide comprehensive sports complexes at dispersed locations throughout the community.***

**FINDING:** According to the applicant, the District has 84 parks and 16 natural areas and manages 65 miles of developed trails. In addition, the District has three community/recreation centers, three community meeting centers, an administration facility, support facilities and caretaker facilities. Currently, BPRD is constructing both a Safe Passage project and a multi-purpose recreation center that will provide ice skating activities that currently is not available in the District. BPRD's Parks Plan ensures equitable distribution of parks and recreational facilities throughout the District's jurisdiction. This includes areas identified as underserved or deficient, recreational and leisure trends, and facility needs throughout the District.

While there are mandatory terms suggesting that this policy applies to the proposed park project, staff believes it is a policy that is achieved via long-range planning outside of this land use review.

**9. *The Bend Metro Park and Recreation District shall orient riverfront parks to the river and to the riparian values of the river corridors.***

**FINDING:** The proposed park offers three water access areas and a lookout providing views of the river. At the same time, the applicant has limited physical disturbance along the river by improving existing trails rather than constructing new trails, and prohibiting dogs on-site. Additionally, the applicant proposes only a small amount of vegetation removal and pruning along the river to accommodate the bridge and water access areas. For these reasons, staff believes the proposed park orients visitors to the river while preserving the riparian values of the river corridor.

**10. *The Bend Metro Park and Recreation District shall employ "soft" engineering practices when developing or revitalizing park sites, utilizing on-site storm water***

***swales and retention ponds rather than piping water off-site, and shall restore wetland whenever possible.***

**FINDING:** As designed, the only impermeable surface proposed will be the access road and parking areas. Runoff from the road will drain to either side of the road. Given the vast expanse of open space on either side of the road, staff believes runoff will be contained on-site. The parking areas will be drained to specified vegetated areas within and around the parking spaces. Staff believes the park will be consistent with this policy

**11. *The Bend Metro Park and Recreation District shall include operation efficiency, patron safety, and barrier-free access when designing or revitalizing park sites.***

**FINDING:** The applicant indicates the park will comply with BPRD's Facilities Inventory and Accessibility Plan. Staff believes the park will be consistent with this policy.

**12. *When it is consistent with the needs identified in the Park and Recreation District's Comprehensive Management and Development Plan, park land may be acquired from a willing developer during the land subdivision process.***

**FINDING:** While there are mandatory terms suggesting that this policy applies to the proposed park project, staff believes it is a policy that is achieved via long-range planning outside of this land use review.

**13. *The city, county and Park and Recreation District shall develop a new zone for public parks and recreation facilities within the planning area.***

**FINDING:** While there are mandatory terms suggesting that this policy applies to the proposed park project, staff believes it is a policy that is achieved via long-range planning outside of this land use review.

**15. *The Park and Recreation District shall strive to develop neighborhood parks or community parks within a convenient distance of every residence in the community.***

**FINDING:** The applicant characterizes the proposal as a regional park, rather than a neighborhood or community park. While there are mandatory terms suggesting that this policy applies to the proposed park project, staff believes it is a policy that is achieved via long-range planning outside of this land use review.

#### **IV. RECOMMENDATION:**

Based upon the preceding analysis, staff believes that the applicant has or can meet all relevant approval criteria.

#### **V. PROPOSED CONDITIONS OF APPROVAL**

Should the land use applications be approved, staff recommends the following conditions of approval:

1. Approval is based up the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.

2. Prior to initiating the use, the applicant shall complete all City of Bend required sight distance treatments along O.B. Riley Road. The applicant shall submit to the Deschutes County Planning Division a letter or other correspondence indicating City of Bend approval of completed treatments.
3. No rental of the park for events such as birthday, weddings, family reunions, corporate parties, or similar events shall occur.
4. The applicant shall limit educational programming groups to no more than 30 people.
5. The applicant shall install signs prohibiting dogs on-site.
6. The applicant shall install signs prohibiting bicycle use on-site, with the exception of the proposed trail leading north from the proposed bridge.
7. Construction of the bridge shall not be initiated until after all mining activities within 250 feet of the bridge have been completed and this area reclaimed.
8. All off-street vehicular parking areas shall consist of two inches of paving.
9. Required parking space shall be available for the parking of operable passenger automobiles of customers, patrons and employees only, and shall not be used for the storage of vehicles or materials, or for the parking of trucks used in conducting the business or use.
10. The number, location and design of disabled parking spaces shall be as required by the building code. Buildings and uses in existence on April 30, 1993 that are retroactively required to provide disabled parking facilities may place the disabled spaces in the front yard setback area if it is not possible to locate the parking elsewhere on the site.
11. Any lighting used to illuminate the off street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in an R zone.
12. Areas used for standing and maneuvering of vehicles shall be paved surfaces maintained adequately for all weather use and so drained as to contain any flow of water on the site.
13. Prior to initiating the use, the applicant and/or proprietor of the recreational use shall sign and record in the Deschutes County Book of Records a statement declaring that the applicant and the applicant's successors will not now or in the future complain about permitted surface mining activities on the adjacent surface mining site.

Dated this 31<sup>st</sup> day of August, 2015

Mailed this 31<sup>st</sup> day of August, 2015