

Riley Ranch Nature Preserve

247-15-000333-CU

247-15-000334-SP

Applicant: Bend Park and Recreation District

Public Hearing

October 22, 2015



Hearing Procedure

This is a public hearing on a conditional use and site plan application (**247-15-000333-CU; 334 SP**). Applicant requests approval to establish Riley Ranch Nature Preserve, a regional park.

The Planning Commission's decision on this application will be based upon the record, the staff report, and the testimony and evidence presented at this hearing

The hearing will be conducted in the following order:

- Staff will provide a brief report.
- Applicant will present testimony and evidence.
- Opponents and proponents will testify and present evidence.
- Other interested persons will then present testimony or evidence.
- Applicant presents rebuttal testimony.
- Staff will be afforded an opportunity to make any closing remarks

Hearing Procedure

Questions to and from the Chair may be entertained at any time at the Chair's discretion.

Prior to the commencement of the hearing any party may challenge the qualifications of any Commissioner for conflict of interest or ex-parte contact. This challenge must be documented with specific reasons supported by facts.

At this time, do any members of the Commission need to set forth any information that may be perceived as a conflict of interest or ex-parte contact?

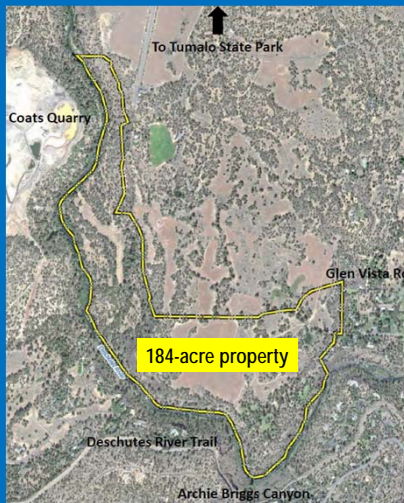
If hearing none, the public hearing is open.

Overview

- Summarize proposal
- Planning Commission procedures (Title 19)
- Hearings Officer recommendation



Riley Ranch Nature Reserve



Regional Park includes:

- Open space
- Trails
- Boardwalks
- Parking areas
- Gathering areas
- Restrooms
- Overlooks
- River access
- Environmental education
- Road improvements
- Bridge across Deschutes River

Planning Commission Procedures

- **DCC 22.22. Deschutes River Corridor Design Review Procedures**

Type II applications (new construction and development) shall be reviewed and performed by Bend Urban Area Planning Commission

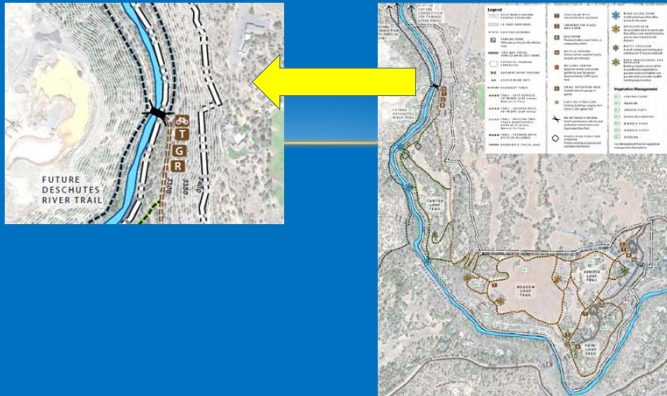
Bend Urban Area Planning Commission no longer exists

Deschutes County considers its Planning Commission to have the review authority for this application

- **Hearings Officer conducted a hearing on September 8 and issued a recommendation on October 15**

Hearings Officer Recommends Denial

1. Proposed bridge does not meet minimum setbacks for structures



Hearings Officer Recommends Denial

1. Proposed bridge does not meet minimum setbacks for structures

Eastern half of the bridge would be sited on property zoned Urban Area Reserve (UAR10). Western half would be sited on the Shevlin Sand and Gravel property, zoned Surface Mining (SM)

Both zones include minimum setback standards for structures from property lines. The District argued bridge is similar to a driveway or walkway that is specifically exempt from the definition of structure and, therefore, exempt from the setback standards. The HO disagreed finding that a bridge, unlike a driveway or walkway, is not a ground-level structure

Hearings Officer Recommends Denial

2. Lack of vehicular site distance

Traffic study identified lack of adequate site distance looking north from Glen Vista / O.B. Riley road intersection

Recommended a number of improvements including:

- i. Installation of several signs
- ii. Recessed pavement markers
- iii. Removal of the existing “pork chop” right-turn-only feature on Hardy Road
- iv. Trimming and removal of vegetation and repair of fences within the right-of-way and on private property
- v. Removal of mail boxes on private property

Hearings Officer Recommends Denial

2. Lack of vehicular site distance (continued)

HO found that most remediation measures either involve cooperation with private property owners who did not participate in public hearing, or require approval from both city and county engineers, each of whom expressed concern about the cost, function and maintenance of these measures

Because of the uncertainty, when and by whom recommended sight distance remediation measures will be completed, HO found that District did not meet its burden of proof to demonstrate proposed park will not create an undue burden on the public street system

Review Period

Deschutes County Code (DCC 22.20.040) requires the County to take final action, including consideration of appeals to the Board, within 150 days after the application is deemed complete.

The 150th day is **January 8, 2016**

Planning Commission Options

- Continue the hearing to a date certain
- Close the hearing and begin deliberation
- Close the hearing and leave the written record open to a date certain. Deliberations will be scheduled at a date to be determined
- Close the hearing and then allow a specified amount of time for a rebuttal period; and a specified time for final argument. Deliberations will be scheduled at a date to be determined
- Close the hearing, allowing the applicant a specified amount of time for final argument. Deliberations will be scheduled at a date to be determined

Questions of Staff