

DRT South UGB Project Summary – CAC Meeting #4 (4-9-15)

Action Items from CAC Meeting #3 (2-18-15):

- **Resend plat map showing public overlay on the streets in River Rim to Robert Taylor. There is still a misunderstanding of the designation of the streets** – *Done, forwarded Aaron Henson's email on the topic to the CAC*
- **Update matrix with additional evaluation criteria** – *Done, sent via email to CAC*
- **Provide draft responses to comments received at the CAC meeting** – *Done, sent via email to CAC*
- **Send out revised scoring criteria to CAC to gain concurrence** - *Done, sent via email to CAC*
- **Update scores based on new criteria** – *Done, sent via email to CAC, and updated again in this document*
- **Develop weighting system for the criteria – major/minor/none** – *Incomplete, possible subject of discussion*
- **Set up next CAC meeting** – *Done*
- **Send out materials for CAC to review and weigh criteria** - *Done*

Project Issues

- Determining the best bridge location - taking into account river width (relating to feasible bridge spans), wetlands, wildlife, existing homes, etc.
- Location of the trail(s) leading to the bridge,
- Possible need for trailhead parking, and
- The various land use permitting processes, bridge prohibitions in state administrative rules, and the carrying capacity of the USFS trail network (within the W&S corridor) that the new bridge/trail would be connecting to (UDCMP, R-12).

Bridge Locations

The existing DRT within the National Forest on the west side of the river extends to the edge of the Bend UGB. The current DRT on the east side ends at River Rim Park. With any bridge alternative, there will need to be a trail extension. The evaluation looked at a total of five (5) bridge locations located both inside and outside of the Bend Urban Area. The bridge locations are approximate given that more detailed engineering and environmental evaluations will need to take place for a selected option.

Trail Connections

The evaluation included eight (8) trail alignment options. The range of likely alternatives between the ends of existing trails would have the extended trail either cross privately-owned property on the east side of the river (as identified in the Renaissance Plan), across multiple private properties on the west side of the river, or some combination of the two. Keeping the trail along the river (accounting for any habitat and/or wetland impacts) is the preferred design goal. Having the trail and easement follow the river bank can face challenges from lot owners with deeded river frontage. Increased fishing access usage on trails located close to the river also needs to be managed in order to protect wetlands and riparian vegetation. Any upland trail options, along public roads or through private properties, can

create other issues. Although a few sections of the DRT (as well as other trail segments within the District) follow built sidewalks and in some cases streets, they are not the preferred route and only occur as a last option or as a gap filler to provide trail connectivity.



Trailhead Parking

The issue of accommodating trailhead parking (or not) as a result of the bridge location and trail expansion was another consideration when selecting the bridge crossing. Locating a new trail connection to the river/bridge can also create new access points for river users (swimmers, off-leash dogs, kayakers, inner-tubers, etc.) and lead to increased use of a more dangerous downstream section of the river. Prior to this project, BPRD was contacted by the owner of a 14-acre property on Buck Canyon Rd. (adjacent to Cinder Cone Park) and asked about our interest in its possible acquisition.

As this process began, staff contacted Deschutes County to inquire as to:

- The process to divide the parcel
The information provided by the County identified that the lot could be partitioned via a lot line adjustment with 4 acres accruing to BPRD's Cinder Cone Park and a remnant 10-acre portion remaining. The new Cinder Cone Park lot would straddle the Urban Growth Boundary (UGB) with a portion remaining inside the City of Bend and a portion in the County.
- Designate a trailhead parking area on it
The County does not allow for unpaved or gravel parking lots, so any new trailhead parking lot would need to be paved and would also be subject to the County's "Conditional Use Permit" approval process.
- The cost to improve Buck Canyon Rd.
The County Road Dept. provided a cost estimate to bring that portion of Buck Canyon Rd. (Brookwood to the new trailhead parking lot) up to a minimum County paved standard. That cost would be approximately \$250,000. The County does not currently accept any new roads into their system so it would remain the responsibility of the current special road district.

Evaluation Criterion

Over 800 area residents were initially sent project surveys leading to about 160 responses. A Citizen Advisory Committee (CAC) was then formed in spring 2014. The CAC originally included approximately 20 members comprised of residents of surrounding east side residential areas and agency staff. The CAC was later expanded to include members living west of the river. The main purpose of the CAC was to establish project evaluation criteria and develop a recommendation for a preferred generalized bridge site, trail alignment and parking location to the Bend Park and Recreation District Board of Directors. Once accepted by the Board, staff would be directed to complete further environmental and engineering evaluation on that recommendation.

Using objective criteria developed by the CAC and staff, the District considered the wide range of issues associated with selecting a bridge location and trail system. The initial criteria addressed multiple issues regarding the location of a bridge and connecting trails. They were further refined by staff and the CAC which resulted in these 13 criteria:

1) Impacts to wetlands and riparian areas (including listed or endangered species in the project area)

Several sections of the river in the project area have known wetlands (mapped) that have been identified in prior studies. There is also one federally-listed threatened species under the Endangered Species Act in the area (Oregon Spotted Frog), whose critical habitat boundary is proposed to include both sides of the river in the project area.

2) Wildlife habitat impact/loss

This is a measure of the probable impact to currently undeveloped land (forested, shrub, or herbaceous) that is assumed to have value as wildlife habitat. Existing unimproved roads and trails are considered developed areas for the purposes of this criterion. Any proposed impact/loss would be the result of a new trail alignment or bridge/parking lot construction occurring on previously undeveloped land.

3) Number of private properties adjacent to new bridge or new trail

This quantifies the perceived negative impact to adjacent properties by having a bridge, trail or parking area adjacent to a residential property. The more properties, the greater the perceived negative impact would be from that facility. This criterion accounts for properties that were not already next to a bridge or trail (public or private). Properties already next to a trail such as those in River Rim were not counted.

4) Neighborhood accessibility to trail

This criterion addresses the proximity of existing trails and/or parks to the proposed bridge, giving local residents better or worse access to the new bridge or trail. Presumably, the closer the connection is, the lower the score and the more desirable the connection.

5) Bridge linkage to the USFS system trails

One of the project goals is to minimize the distance of the trail connection that fills the gap between the existing trails on the west and east sides of the river. This addresses the distance from a proposed bridge site to its ultimate connection to USFS trails on the west side of the river.

6) Uses existing public lands, public easements and other public rights-of-way

To minimize potential private property acquisition, this criterion addresses the use of previously existing public property or easements for the bridge or trail.

7) Trail location is visible

This criterion speaks to the practical matter of perceived safety of trail users by being in visible locations, as well as discouraging undesirable activities that can occur out of sight. Generally, the perception is that the safest trails are those with higher user numbers and more visual exposure (e.g., a wilderness trail (low visual exposure and user numbers) versus an urban downtown sidewalk (maximum visual exposure and

user numbers). The scoring is broken down as either more or less than 50% of the trail being within 100' of homes, businesses or a public park.

8) Trail location supports off system (bicycle and pedestrian only) access

This addresses the mixing of modes and the general perception that it is safer and a more comfortable trail experience to be separated from motor vehicles as much as possible. The greater the percentage of the time that walkers and cyclists share roadway shoulders and/or actual vehicle travel spaces is considered more negative over a trail route that is more separated from vehicle use.

9) Trail location supports current trailhead parking options

The connecting trail(s) may or may not be very close to existing public parking opportunities. This criterion quantifies that relationship so that trails that have readily available public on-street parking close by would rate higher than locations that don't, or would require that a new trailhead parking area be constructed.

10) Proximity of trail adjacent to the Deschutes River – enhancing user experience

This criterion directly addresses one of the primary goals of the project, enhancing trail user experience by having the trail close to the Deschutes River. The higher proportion of time the trail is away from the river, the lower the route would score.

11) Location within the BPR District boundary

This criterion comes into play due to the rules governing the District's ability to exercise the power of eminent domain. Were it necessary for the District to explore condemnation options, it would be more difficult to make findings to support needed acquisition of property outside of the District boundary. This criterion only applies to potential acquisition of private properties.

12) Adjacent to Private Residences

This criterion addresses the perceived negative impact of having a public trail adjacent to private residences. Generally, the perception is that an adjacent trail reduces the privacy for the residence. This criterion includes all new trail construction but does not include existing private trails that would be converted to public trails. The scoring evaluates the percentage of the trail that is adjacent to residences.

13) Change of Use from Private to Public Trail

Several trail options use existing trails that are within private residential communities, such as Braeburn and Sunrise Village. The use of these trail segments is currently restricted (private use) for use by the residents and their guests in those communities. In order to use those trail segments for the project, the use would be changed from private to public use. This quantifies the perceived negative impact from changing the trail from private to public. Note: the trails within RiverRim are currently privately-maintained but have a "public use overlay" allowing the public to legally use them.

In the time since CAC meeting #3 (2-18-15), staff received comments from CAC members requesting additional criterion be added to the evaluation. The additional criteria were:

14) This criterion addresses the bridge locations relative to the presence or lack of a presence of a particular river regulatory classification.

Upstream of the Bend UGB (in County) the river is classified as federal Wild and Scenic and State Scenic Waterway "Scenic" (bridge options 1, 2 and 3). Downstream from the UGB to the COID intake the river is classified as State Scenic Waterway "Community River" and City of Bend Goal 5 issues may come into play (bridge option 4). Downstream of the COID intake (bridge option 5) the river is not classified. The assumption is that the permitting issues for a bridge become more complex as you move upstream.

- *Bridge Completely Outside State and Federal River Classification*
- *Outside Federal River but inside State "River Community" Classification and subject to City Goal 5*
- *Inside both State "Scenic" and Federal Wild and Scenic River but outside City Goal 5*

- 15) State Scenic Waterway (OAR 736 bridge prohibition)**
This criterion speaks to the specific issue of State Scenic Waterway river sections that currently do not allow for any new bridges. A bridge in these locations will require an amendment to the Oregon Administrative Rules.
- 16) City of Bend Goal 5 Mapped Wetland Impact**
The City of Bend has an identified and mapped Goal 5 wetland in the project area. This addresses the additional land use and environmental requirements that could be involved should a bridge or trail impact these wetland areas.
- 17) Oregon Spotted Frog Identified Critical Habitat Impact**
The US Fish and Wildlife Service are preparing to release new mapping of critical habitat for the Oregon Spotted Frog which is a listed endangered species. Based on conversations with USFWS staff it is not anticipated that any of the project area will be identified as critical habitat. However, wetland ponds adjacent to the river could be candidate locations for habitat.
- 18) May Require Amending the UDCMP**
While it is still undefined, USFS trail capacity issues can come into play for any alternative that connects directly with existing USFS trails within the 0.25 mile-wide federal Wild and Scenic River corridor. The 1996 UDCMP specified a specific threshold for trail carrying capacity. If it is determined that the new trail connection will exceed the amount of users identified in the UDCMP, it may require amending through an as yet undefined amendment process.
- 19) Requires a USFS Special Use Permit**
Any project component that uses federal land will be required to obtain a Special Use Permit from the Deschutes National Forest. This process is projected to take several years to complete.
- 20) Number of Private Property Acquisitions**
Any option that requires the use of private land for the bridge and/or trail may require the District to acquire that portion of property via sale, easement or provide a license across private land for public purposes. A score of "0" means that there are no acquisitions needed or that a particular affected property owner is currently willing to sell or grant easements. The acquisition of property was anticipated, with funds included in the project budget.

After additional review, staff added several additional criteria to the evaluation:

- 21) Bridge Constructability**
This addresses the ability of a public agency to access a bridge site for construction purposes and staging, as well as the physical setting allowing for bridge construction at a reasonable cost to the public. A score of "2" is assumed to be a fatal flaw and the option is recommended for removal from further consideration.
- 22) Supports the Buck Canyon Trailhead Parking Option**
The likely trailhead parking option consists of a new separate parking area on private property accessed from Buck Canyon Rd. While another parking area could be included within future development of parcels between the RiverRim community and the river, that timing is dependent on future development and is not now known. Parallel parking on existing RiverRim streets and along River Bend Drive, while legal in places, is not considered a complete substitute for trailhead parking.
- 23) Timeframe to Complete**
This criterion addresses the additional time (roughly double) for a federal versus local land use process.

Using all 23 criteria with combined scores for bridge and trail options, the combined results were:

23 Criteria							
Bridge Option	Bridge Location	Bridge Criteria Total	Trail Option	Trail Alignment	Trail Criteria Total	Subtotal	Draft Criteria Ranking
1	South River Bend Dr.	16	1	River Rim/Cinder Cone/Buck Canyon/Easement	15	31	4
2	North River Bend Dr.	15	2A	River Rim/Cinder Cone/Buck Canyon/River Bend Dr.	17	32	5
	North River Bend Dr.	15	2B	River Rim/Cinder Cone/Buck Canyon/Easement	18	33	6
3	Bridge on USFS	9	3A	River Rim/Cinder Cone/Buck Canyon/River Bend Dr.	15	24	2
3	Bridge on USFS	9	3B	River Rim Park/Renaissance Alignment/HTWR	10	19	1
3	Bridge on USFS	9	3C	River Rim/Upland ASI/Corner of HTWR	10	19	1
4	River Rim Park	10	4	Sunrise Village & Braeburn common area	17	27	3
5	COID Intake	10	5	Sunrise Village & Braeburn common area	14	24	2
4	River Rim Park	10	"4B"	S. Canyon Bridge/ SV/BE/River Rim	<i>Not Evaluated</i>		

After adding all the new criteria to the evaluation and reviewing them, it became obvious that there were some redundancies and also some criterion (based on staff's initial scoring) that likely did not result in enough separation of options to be useful. BPRD staff and the consultant team then took the 23 criteria and identified the following as redundant or not leading to enough separation of options:

- 4) Neighborhood accessibility to trail
- 7) Trail location is visible
- 12) Adjacent to Private Residences
- 14) Bridge locations relative to the presence or lack of a presence of a particular river classification
- 15) State Scenic Waterway (OAR 736 bridge prohibition)
- 16) City of Bend Goal 5 Mapped Wetland Impact
- 17) Oregon Spotted Frog Identified Critical Habitat Impact
- 18) May Require Amending the UDCMP
- 19) Requires a USFS Special Use Permit
- 23) Timeframe to Complete

The results also identified that Bridge Option 5 scored a "2" for constructability and is recommended to be removed from further consideration.

The results from applying just the combined 13 remaining criteria:

13 Criteria							
Bridge Option	Bridge Location	Bridge Criteria Total	Trail Option	Trail Alignment	Trail Criteria Total	Subtotal	Draft Criteria Ranking
1	South River Bend Dr.	9	1	River Rim/Cinder Cone/Buck Canyon/Easement	13	22	3
2	North River Bend Dr.	8	2A	River Rim/Cinder Cone/Buck Canyon/River Bend Dr.	14	22	3
	North River Bend Dr.	8	2B	River Rim/Cinder Cone/Buck Canyon/Easement	15	23	4
3	Bridge on USFS	2	3A	River Rim/Cinder Cone/Buck Canyon/River Bend Dr.	13	15	2
3	Bridge on USFS	2	3B	River Rim Park/Renaissance Alignment/HTWR	8	10	1
3	Bridge on USFS	2	3C	River Rim/Upland ASI/Corner of HTWR	8	10	1
4	River Rim Park	8	4	Sunrise Village & Braeburn common area	14	22	3
4	River Rim Park	8	"4B"	S. Canyon Bridge/ SV/BE/River Rim	<i>Not Evaluated</i>		

Staff then attempted to further simplify the evaluation by looking at the remaining 13 criteria and identifying seven (7) criteria as being most important based on current data, resident/property owner input, and those that appear to be most important in affecting BPRD’s ability to deliver a project that best meets the project goals. The criteria removed were:

- 3) Number of private properties adjacent to new bridge or new trail
- 6) Uses existing public lands, public easements and other public rights-of-way
- 8) Trail location supports off system (bicycle and pedestrian only) access
- 9) Trail location supports current trailhead parking options
- 13) Change of Use from Private to Public Trail
- 11) Location within the BPR District boundary

The seven (7) core criteria that remain were:

- 1) Impacts to wetlands and riparian areas (including listed or endangered species in the project area)
- 2) Wildlife habitat impact/loss
- 5) Bridge linkage to the USFS system trails
- 10) Proximity of trail adjacent to the Deschutes River – enhancing user experience
- 20) Number of Private Property Acquisitions
- 21) Bridge Constructability
- 22) Supports the Buck Canyon Trailhead Parking Option

Using just those seven core criteria, the scoring results are:

7 Core Criteria							
Bridge Option	Bridge Location	Bridge Criteria Total	Trail Option	Trail Alignment	Trail Criteria Total	Subtotal	Draft Criteria Ranking
1	South River Bend Dr.	5	1	River Rim/Cinder Cone/Buck Canyon/Easement	7	12	4
2	North River Bend Dr.	4	2A	River Rim/Cinder Cone/Buck Canyon/River Bend Dr.	7	11	3
	North River Bend Dr.	4	2B	River Rim/Cinder Cone/Buck Canyon/Easement	8	12	4
3	Bridge on USFS	2	3A	River Rim/Cinder Cone/Buck Canyon/River Bend Dr.	7	9	2
3	Bridge on USFS	2	3B	River Rim Park/Renaissance Alignment/HTWR	4	6	1
3	Bridge on USFS	2	3C	River Rim/Upland ASI/Corner of HTWR	4	6	1
4	River Rim Park	6	4	Sunrise Village & Braeburn common area	8	14	5
4	River Rim Park	6	"4B"	S. Canyon Bridge/ SV/BE/River Rim	<i>Not Evaluated</i>		

Results

A total of five (5) bridge and eight (8) trail options and were evaluated, scored and ranked. Each of the analysis exercises going in order from 23 to 13 to 7 criterion showed the same overall result of Bridge Option 3 along with either trail options 3B or 3C as the highest ranked options.

Recommendation

BPRD staff and the consultant team suggest that the CAC review the results and discuss if they are have enough information to move forward with a vote. If so, staff recommends the CAC vote to select **Bridge Option 3 and Trail Option 3C** as the current preferred alternatives. Staff also suggests that a trailhead parking area on Buck Canyon Rd. (with partial paving of Buck Canyon Rd.) be included in the recommendation to complement the existing on-street parking available within RiverRim. At this time,

BPRD can't guarantee that agreements will be reached with affected property owners, but we believe that satisfactory results are possible given the most recent conversations held with each of the owners involved.

Recommended Bridge Option 3 and Trail Option 3C, with Buck Canyon trailhead parking

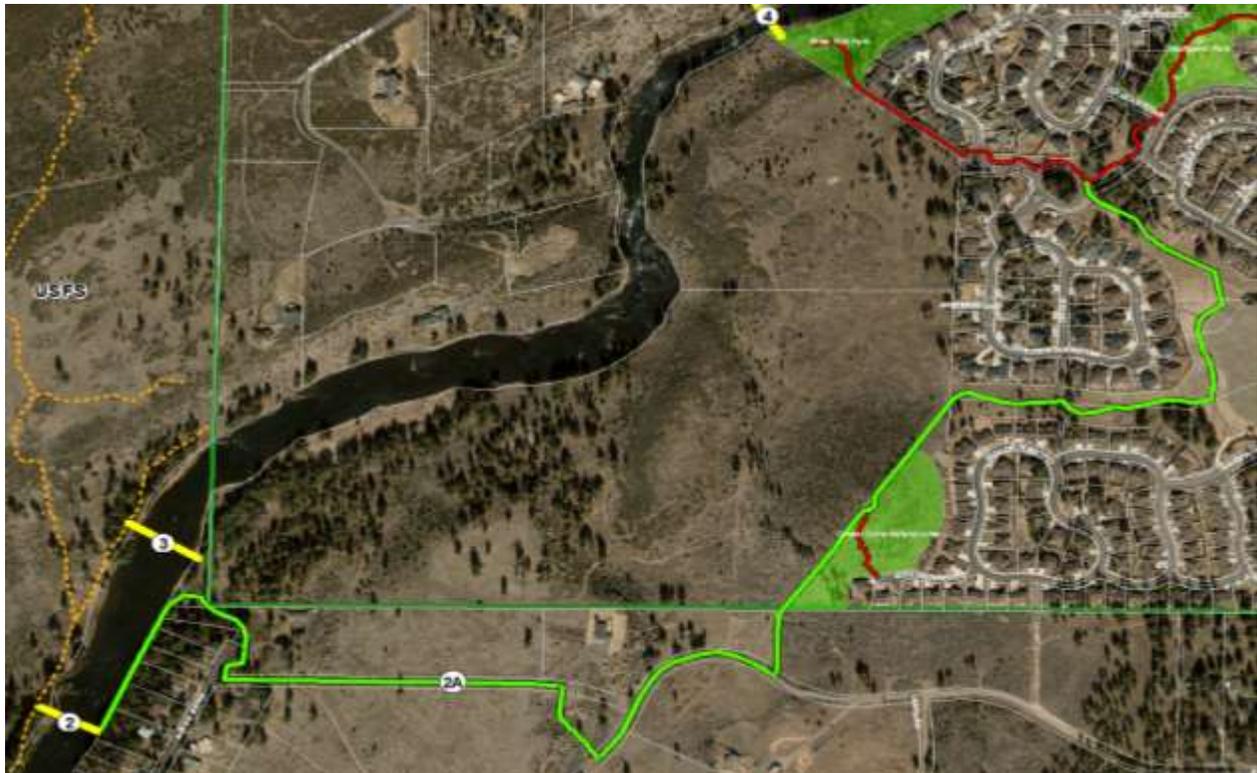


Option Discussion

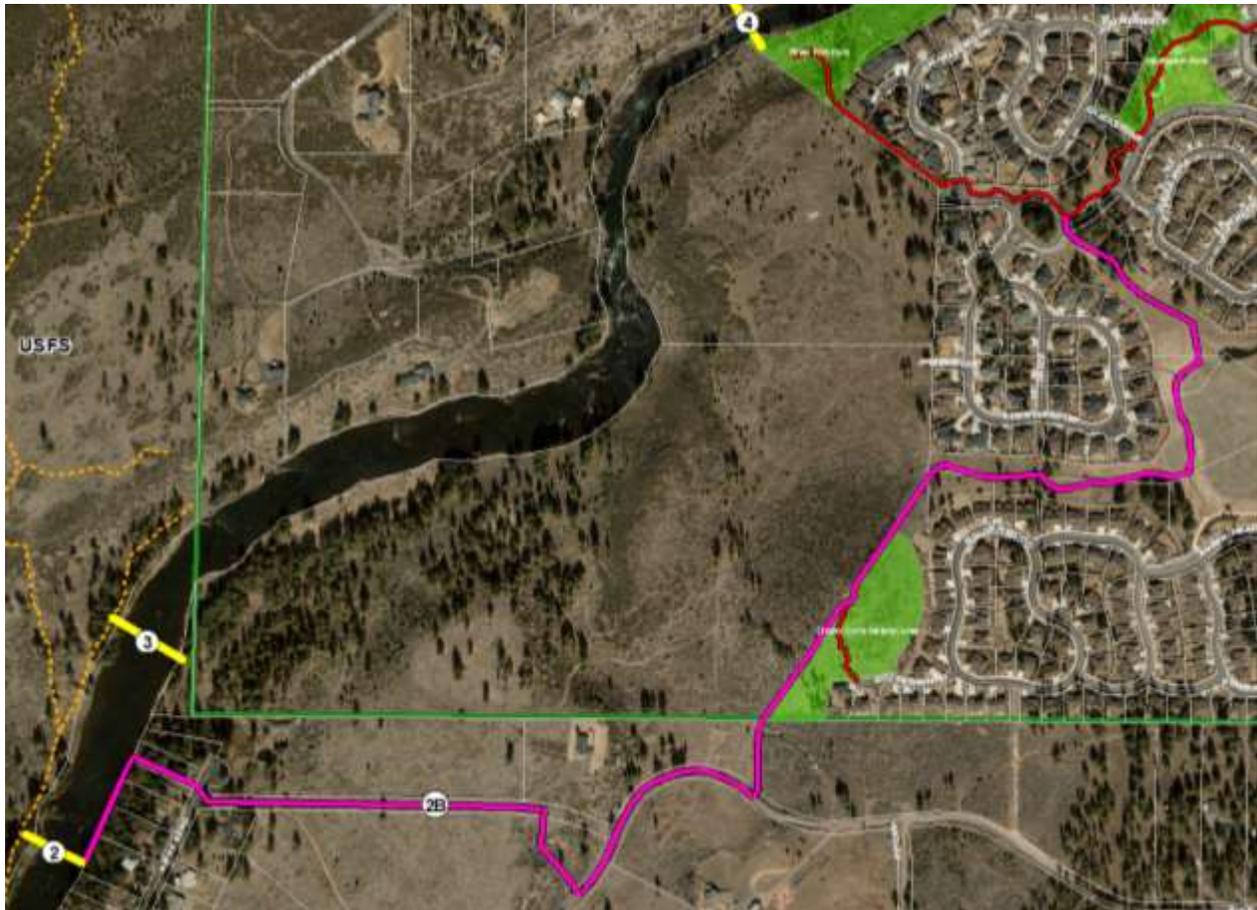
A map and discussion of each alternative follows below.



Bridge Option 1	Trail Option 1	Ranking	Recommended
<p>Bridge is accessed via a public use fisherman’s trail below River Bend Estates. The bridge site is located just south of an unimproved 25’-wide public access easement between the fisherman’s trail and River Bend Drive. Bridge crossing involves both the federal Wild and Scenic River and State Scenic Waterway.</p>	<p>Trail extends from River Rim Drive along an existing public trail through Elk Meadow in the River Rim neighborhood. Route uses the existing trail through the River Rim wildlife corridor to go up and over the Cinder Cone Natural Area. Trail enters private property before accessing an unimproved section of Buck Canyon Road. Route continues along Buck Canyon to Rusty Canyon (improved) then to River Bend Drive (improved).</p>	<p>3 to 4</p>	<p>No</p>
<p>Discussion: Bridge site is difficult to access and construction could be problematic. Access using an old public access easement from River Bend Dr. is steep and has been compromised by development. A portion of the public access easement along the river is for fishing only. Parking options could include streets in RiverRim, a new lot on Buck Canyon, and on-street at River Bend Dr. The remoteness of the bridge may encourage parking on River Bend Dr. which is a public street but with unimproved shoulders. The bulk of the trail alignment provides a poor user experience, and also creates a USFS trail connection approximately ½-mile upstream of the nearest connection point (Bridge Option 3) to the Urban Growth Boundary.</p>			



Bridge Option 2	Trail Option 2A	Ranking	Recommended
<p>Bridge is accessed via a public use fisherman’s trail below River Bend Estates. Bridge crossing involves both the federal Wild and Scenic River and State Scenic Waterway.</p>	<p>Trail extends from River Rim Drive along existing public trail through Elk Meadow in the River Rim neighborhood. Route uses the existing trail through the River Rim wildlife corridor to go up and over the Cinder Cone Natural Area. Trail enters private property before accessing an unimproved section of Buck Canyon Road. Route turns off of Buck Canyon to use an informal trail alignment across private property then to a gravel public road (driveway), then to River Bend Drive (improved). Path crosses one private parcel before accessing a public USFS parcel.</p>	<p>3</p>	<p>No</p>
<p>Discussion: Bridge site is difficult to access and construction could be problematic. Access from River Bend Dr. is steep. Owner of the private parcel at the end of River Bend Dr. has submitted written comments in opposition to the public trail crossing their property. Trail connection from Buck Canyon up to gravel road is steep. Portion of public access trail easement along the river is for fishing only. Parking options could include streets in RiverRim, a new lot on Buck Canyon, and on-street at the end (cul-de-sac) of River Bend Dr. The remoteness of the bridge may encourage parking on River Bend Dr. which is a public street but with unimproved shoulders. Much of the trail alignment provides a poor user experience. Option is similar to, and does not provide any benefit over Option 3/3A.</p>			



Bridge Option 2	Trail Option 2B	Ranking	Recommended
<p>Bridge is accessed via a public use fisherman's trail below River Bend Estates. Bridge crossing involves both the federal Wild and Scenic River and State Scenic Waterway.</p>	<p>Trail extends from River Rim Drive along existing public trail through Elk Meadow in the River Rim neighborhood. Route uses the existing trail through the River Rim wildlife corridor to go up and over the Cinder Cone Natural Area. Trail enters private property before accessing an unimproved section of Buck Canyon Road. Route turns off of Buck Canyon to use an informal trail alignment across private property then to a gravel public road (driveway), then to River Bend Drive (improved). A 25'-wide public access easement is used to access the fisherman's trail to reach the bridge site. Bridge crossing involves both the federal Wild and Scenic River and State Scenic Waterway.</p>	<p>4-6</p>	<p>No</p>
<p>Discussion: Bridge site is difficult to access and construction could be problematic. Access using an old public access easement from River Bend Dr. is steep and has been compromised by development. Trail connection from Buck Canyon up to gravel road is steep. Portion of public access trail easement along the river is for fishing only. Parking options could include streets in RiverRim, a new lot on Buck Canyon, and on-street at the end (cul-de-sac) of River Bend Dr. The remoteness of the bridge may encourage parking on River Bend Dr. which is a public street but with unimproved shoulders. Much of the trail alignment provides a poor user experience.</p>			



Bridge Option 3	Trail Option 3B	Ranking	Recommended
<p>Bridge is accessed via private property and USFS property on both sides of the river. Bridge crossing involves both the federal Wild and Scenic River and State Scenic Waterway.</p>	<p>Trail extends from River Rim Park across private property to the bridge site. Route mirrors the tail alignment included in the Renaissance development (2007) but was never built. Also connects to RiverRim and the Cinder Cone Natural Area. Alignment goes through the Helen M. Thompson Wildlife Refuge. New trails stay within the undevelopable portions of private property that are City-zoned "areas of special interest".</p>	<p>1 (tie)</p>	<p>No</p>
<p>Discussion: Owner of private land for bridge access is willing to work with BPRD as long as bridge remains on USFS land and this trail alignment is <u>not</u> selected. Parking options would include streets in RiverRim, and a possible new lot on Buck Canyon. Trail connection to RiverRim utilizes a steep climb and decent of Cinder Cone Park. Most of the trail provides an excellent user experience and maintains the closest connection to the river.</p>			



Bridge Option 3	Trail Option 3C	Ranking	Recommended
<p>Bridge is accessed via private property and USFS property on both sides of the river. Bridge crossing involves both the federal Wild and Scenic River and State Scenic Waterway.</p>	<p>Trail extends from River Rim Drive along an existing public trail through Elk Meadow in the River Rim neighborhood. Route uses the existing trail through the River Rim wildlife corridor to connect to the Cinder Cone Natural Area but follows land contours around the Cone to eventually reach the bridge site. Alignment mostly avoids the Helen M. Thompson Wildlife Refuge. Much of the new trails stay within the undevelopable portions of private property that are City-zoned “areas of special interest”.</p>	<p>1 (tie)</p>	<p>Yes</p>
<p>Discussion: Owner of private land for bridge access is willing to work with BPRD as long as bridge remains on USFS land and this trail alignment is selected. Parking options would include streets in RiverRim, and a possible new lot on Buck Canyon. Trail connection to RiverRim utilizes the contours of Cinder Cone Park for a more gradual elevation gain/loss. Most of the trail provides an excellent user experience. This option is recommended over Option 3B based on the strength of meeting the project goals, and the current willingness of the private property owner to provide bridge access and a suitable trail alignment.</p>			



Bridge Option 4	Trail Option 4	Ranking	Recommended
<p>Bridge is accessed via River Rim Park and private property on the west side of the river. Bridge crossing involves the State Scenic Waterway. Bridge span length is relatively shorter than bridge options 1-3.</p>	<p>Trail originates in River Rim Park then crosses over the bridge to private parcels. Majority of the trail would use existing private path alignment within Sunrise Village on private common areas. Approach to Sunrise Village is via a relatively steep stairway of landscape timbers. Out-of-direction distance from the river back to the river is approximately 3 miles. A portion of the trail parallels Century Dr.</p>	<p>3-5</p>	<p>No</p>
<p>Discussion: Like Options 1-3, the bridge site still crosses a State Scenic Waterway. The Sunrise Village Homeowners Association has provided written opposition to the use of any of their private property for public bridge or trail use. It is assumed that affected owners in Bachelor View Estates and the Braeburn Community HOA would have concerns similar to the Sunrise Village HOA. Parking would be focused on the limited existing on-street capacity of RiverRim Drive. The bulk of the trail is away from the Deschutes River and much of it provides a poor “trail” user experience.</p>			



Bridge Option 5	Trail Option 5	Ranking	Recommended
<p>Bridge is accessed via River Canyon Park and private property on both sides of the river. Bridge crossing involves no scenic waterways. Bridge span length is relatively shorter than options 1-3.</p>	<p>Trail originates in River Rim Natural Area Park then uses the COID access road to reach the bridge site. Majority of the trail would use existing private path alignment within Sunrise Village on private common areas. Approach to Sunrise Village is via a relatively steep landscape timber stairway. Out of direction distance from the river back to the river is approximately 3 miles. Portion of the trail parallels Century Dr.</p>	<p>2, then unranked due to likely infeasibility</p>	<p>No</p>
<p>Discussion: Unlike Options 1-4, the bridge site does not cross a federal or State Scenic Waterway. Bridge footing on west side of river appears to be infeasible. The Sunrise Village Homeowners Association has provided written opposition to the use of any of their private property for public bridge or trail use. It is assumed that the Braeburn Community HOA would have concerns similar to the Sunrise Village HOA. The property owner on the east side of the river (COID) has not been contacted and therefore has not taken a position on this option. Trail crosses the river over ½-mile downstream from River Rim Park. Parking would be focused on the limited existing on-street capacity of Pine Dr. and Snowbrush Dr. The bulk of the trail is away from the Deschutes River and much of it provides a poor “trail” user experience.</p>			

Background

Purpose and Need

In 2008, the Bend Park and Recreation District (District) completed a Trails Master Plan (District, 2008) that included a fully developed Deschutes River Trail (DRT) extending through the District. The Trails Master Plan proposed developing a system of multiuse off-street primary trails that connect to the US Forest Service (USFS), Bureau of Land Management (BLM) and other regional trails within Deschutes County. The DRT was first identified in the 1981 City of Bend Comprehensive Plan then further refined in the 1995 Bend Urban Trails Plan, the 1999 Bend Riverway Plan and the Deschutes River Trail Action Plan in 2002 (JT Atkins Company PC, 2002). The DRT is comprised of a series of trail segments that roughly parallel the Deschutes River but are not all currently connected. To create a fully connected trail network through the City of Bend and parts of Deschutes County, the District included a series of DRT projects in the 2012 BPRD Bond (Measure 9-86) to improve and connect existing trails, add footbridges, and build new trails along the Deschutes River:

Complete the Deschutes River Trail. The River Trail would extend from Sunriver to Tumalo State Park with connections to US Forest Service Trails and would provide (a) public access to Gopher Gulch Community Park; (b) additional connectivity through the land adjacent to Gopher Gulch Community Park; (c) a new trail along 3 plus miles of the Deschutes River; (d) pedestrian crossings connecting the east and west sides of the River Trail, and (e) improved trails linking the River Trail to downtown Bend and Pioneer Park.

The intent of BPRD Bond Measure 9-86 was to plan, design and develop a new bike/pedestrian footbridge and Deschutes River Trail extension in the southern portion of the Bend urban area.

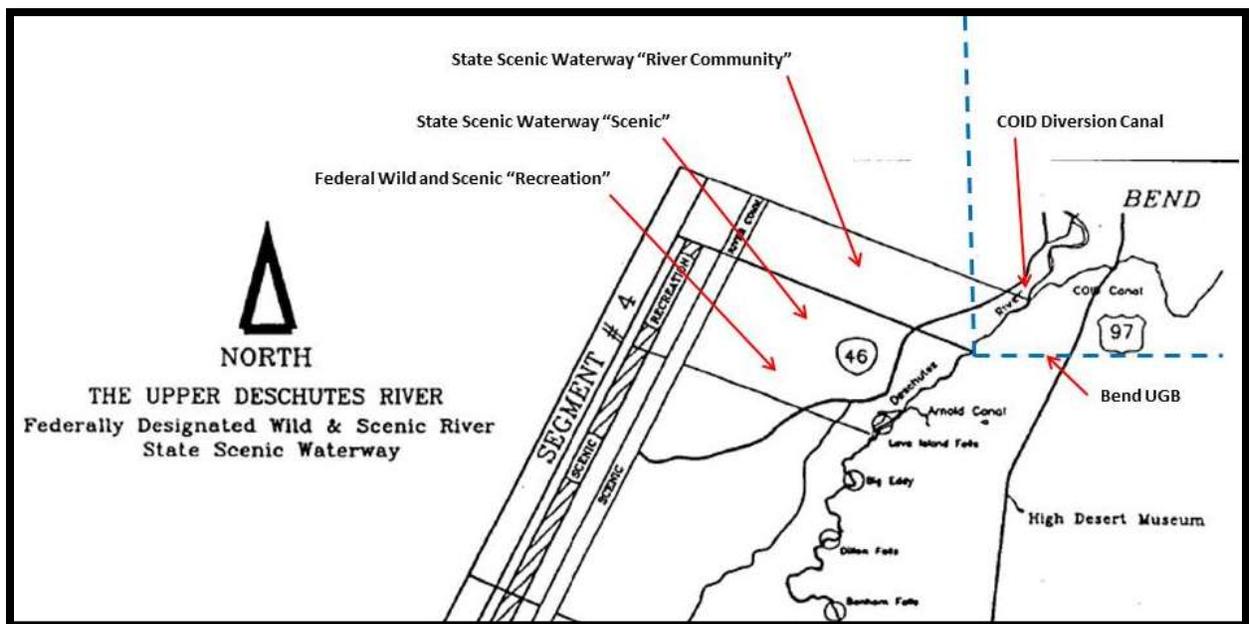
This DRT project segment originally included building a trail near or through the site of the proposed Renaissance Subdivision (Renaissance Deschutes River Loop Trail Plan, 2007) and River Rim Park near the River Rim neighborhood. After several years of negotiations between the city, BPRD and the developer, the Renaissance Subdivision Plan included the extended DRT (and connecting trails) Between River Rim and the river's edge, with it terminating at the UGB (USFS property) on the east side of the river (***Trail Option 3B***). Several (non-trail related) conditions of approval for the development proposal were appealed to the State Land Use Board of Appeals (LUBA) in 2007. This appeal and development have now been officially dropped from further consideration. The original property has been reconfigured with a lot line adjustment but is still available for future development.

Scenic Waterways

The Upper Deschutes River from Wickiup Reservoir downstream to the southern boundary of the city of Bend (UGB) was designated as a *federal Wild and Scenic River* under the Federal Wild and Scenic Rivers Act of 1968. It was also designated as a *State Scenic Waterway* upstream from the Central Oregon

Irrigation District (COID) diversion (near river mile 171) in 1987. The goal of these designations is to protect and enhance the river's Outstandingly Remarkable Values (ORV).

The US Forest Service and the State of Oregon collaborated to create a joint planning process that resulted in the "1996 Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Management Plan" (UDCMP). When adopted, this plan provided programmatic management direction to relevant agencies and partners by guiding all development, management and restoration activities within the river corridor upstream of the COID irrigation diversion on the sections of State Scenic Waterway and the federal Wild and Scenic River. The UDCMP rules applied to the State Scenic Waterway until the State of Oregon adopted their own specific administrative rules governing State Scenic Waterways (**found in OAR 736-040**).



Federal Wild and Scenic River (W&S), Segment #4 "Recreation"

The UDCMP currently addresses rules for trail users and bridges upstream of the UGB.

• **Recreation – Dispersed Use:**

- R-10 *Bicycles will be permitted on trails unless otherwise designated; non off-road/off-trail use will be allowed on public lands within the river corridor.*
- R-12 *Use of the existing Deschutes River Trail by both hikers and bikers will be allowed until resource conditions or user conflicts are determined to be unacceptable.*
- R-13 *Trail construction may occur when a demonstrated need exists; existing use adversely affects Outstandingly Remarkable Values; or use conflicts indicate a need to separate different user types. Trails will be designed to minimize adverse effects on riparian vegetation; streambank stability, and soils*

- **Administrative:**

- A-5 *New bridges, transmission, gas or water lines will be discouraged. Where no reasonable alternative exists, adverse effects to scenic quality will be minimized by using existing rights-of-way and structures or burying lines.*

State Scenic Waterway

Oregon Administrative Rules, Division 40 now governs all sections of State Scenic Waterway, including the relevant portions both upstream of the Bend UGB and downstream to river mile 171 (COID diversion).

OAR 736-040-0073, Upper Deschutes River Scenic Waterway

- **Upstream of the UGB:**

- (1) **Scenic River Areas,**

- (B) *The segment of the scenic waterway extending from the Deschutes National Forest boundary in Section 20, Township 19 South, Range 11 East, of the Willamette Meridian, (Section 20, T 19S, R 11E, W.M.) to the Bend Urban Growth Boundary at River Mile 172 is classified as a Scenic River Area.*

The rules include:

- (b) *Within the River Community Areas described in subsection (2)(a), all new structures, improvements and development shall be in compliance with the Land Management Rules as described in OAR 736-040-0035, with the intent of the classification description in OAR 736-040-0040(1)(f), and be consistent with applicable City of Bend and Deschutes County land use and development regulations;*
- (e) *New bridges will not be permitted. Maintenance, repair and replacement of existing bridges shall be consistent with OAR 736-040-0035(6) and (7), Deschutes County and City of Bend land use and development regulations, and Oregon Department of State Lands regulations;*
- (h) *New, above ground river crossings shall not be permitted;*

- **Downstream of the UGB:**

- (2) **River Community Areas,**

- (D) *Those related adjacent lands within the City of Bend Urban Growth Boundary beginning at about river mile 172 and extending downstream approximately one mile the Central Oregon Irrigation diversion at about river mile 171 is classified as the South Bend River Community Area.*

The rules include:

- (b) *Within the River Community Areas described in subsection (2)(a), all new structures, improvements and development shall be in compliance with the Land Management Rules as described in OAR 736-040-0035, with the intent of the classification description in OAR 736-040-0040(1)(f), and be consistent with applicable City of Bend and Deschutes County land use and development regulations;*

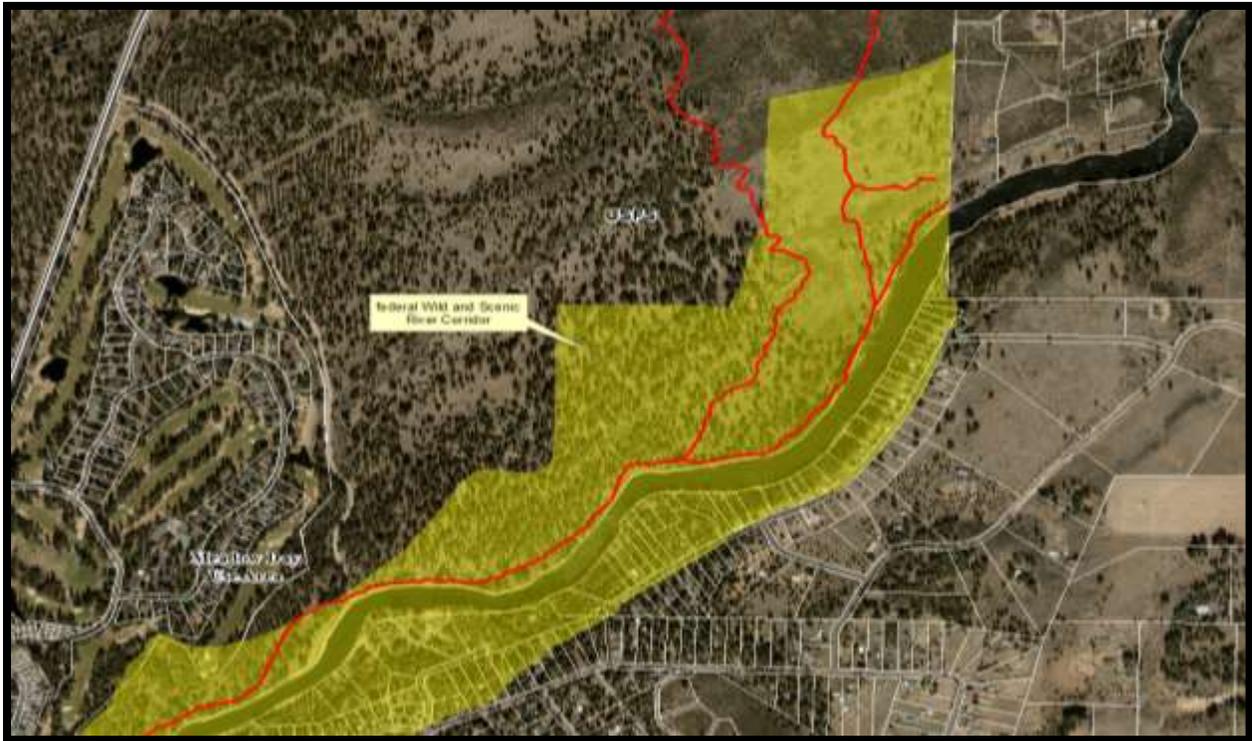
- (f) New bridges will not be permitted. Maintenance, repair and replacement of existing bridges shall be consistent with OAR 736-040-0035(6) and (7), Deschutes County and City of Bend land use and development regulations, and Oregon Department of State Lands regulations;*
- (h) New, above ground river crossings will not be permitted;*

Bend Transportation System Plan

The bicycle and pedestrian component of the Bend Urban Area Transportation System Plan (TSP) (which included a conceptual bridge location at the South UGB) was completed and adopted by the Bend city council on October 11, 2000, as part of their Land Conservation and Development Commission (LCDC)-required periodic review update of the Transportation System Plan (TSP). On March 2, 2001, the Department of Land Conservation and Development (DLCD) issued its order remanding a significant portion of Bend's Bicycle and Pedestrian Plan under the TSP update, periodic review work task #1 requirement (DLCD Order No. 001291). The Bend City Council adopted its natural resource protection program under statewide Goal 5 to address the requirements stated in the DLCD remand in the fall of 2002. On October 18, 2006, the city adopted the Bend Urban Area Bicycle and Pedestrian System Plan as part of the TSP (City Ord. No. NS-2026). The adopted report retained a proposed 6'-8' wide bicycle and pedestrian bridge located at the "South UGB Boundary Crossing".

Trail Capacity

Any trail on federal land (south of the UGB) within the W&S corridor are addressed by the UDCMP. The "Recreation" standard (pg. 34) for the W&S River states that "A variety of recreational activities will be provided within a predominately natural setting without adversely affecting other river values." Rule "R-1" discusses the management of river and trail use and identifies levels of use based on annual capacities resulting from non-commercial (general public) and commercial outfitter use. (UDCMP-Table 5) Table 5 shows a river and trail user (public, non-commercial) designed annual capacity of 44,000 annual users combined for a 15-mile stretch of river between segments 4A (Sunriver north boundary) to 4G (COID canal diversion within UGB). The table also shows a commercial outfitter capacity of an additional 66,500 users. Any new trail connections to existing USFS trails within the W&S corridor, covered by the UDCMP rules, could be evaluated as to their impact on the overall annual capacity of those trails, as well as the addition of potential river users. This evaluation is specifically identified in Rule R-12: "Use of the existing Deschutes River Trail by both hikers and bikers will be allowed until resource conditions or user conflicts are determined to be unacceptable."



Alternatively, since the UDCMP dates back to 1996, it does include a provision for updating/modification “...as technologies, information and conditions change...” (pg.14). This provision demonstrates that change was anticipated and that the rules and requirements in the Plan should not remain static in the face of new recreation trends and population increases.

Jurisdictional Authority

For projects:

- **Inside the Bend City Limits & Urban Growth Boundary (UGB) (City of Bend, Oregon Parks and Recreation Department (OPRD)):** The 2006 update to the City’s TSP included additional provisions for proposed improvement projects such as a new bridge crossing within an inventoried Goal 5 Natural Resource area, a significant wetland area, or other sites including the State Scenic Waterway designation located upstream from the COID diversion canal.

The City has only one documented Goal 5 wetland (“R9”) in the vicinity of the proposed bridge location (Bridge Option 3). The south river canyons are considered Areas of Special Interest (ASI) by the City, however they are not a recognized Goal 5 resource. The criteria for developing within an ASI must also be addressed. BPRD may need to make findings addressing the State Land Use Goal 5 Economic, Social, Environmental, and Energy analysis (ESEE) standards when selecting the location for crossing the river involving the R9 wetland. The City’s Waterway Overlay Zone (WOZ) implements the City’s Goal 5 program, and may require that the bridge and trail projects protect inventoried resources (Wetland R9). The State Scenic Waterway is also a statewide Goal 5 resource, but it is administered by OPRD.



Permitting process:

- Waterway Overlay Zone Permit (City of Bend)
- Other City Permits (City of Bend)
- OPRD Notification of Proposed Project (OPRD, *see OAR 736-040-0080 discussion below*)

- **Outside the UGB on US Forest Service Land** (Deschutes National Forest (DNF), OPRD): A bridge crossing on DNF land is subject to the UDCMP for the Upper Deschutes River. Even though the project may fall within County jurisdiction, the County will defer decision-making to the federal government if the project is completely on federal land. In that instance, the local Deschutes National Forest (DNF) District Ranger is the final review authority to issue or deny a USFS Special Use Application/Permit for facilities proposed to be constructed on USFS land. In this case he has stated that an Environmental Assessment (EA) would be the appropriate environmental documentation.
 - Special Use Application (DNF District Ranger)
 - NEPA Process (EA, USFS)
 - OPRD Notification of Proposed Project (OPRD, *see OAR 736-040-0080 discussion below*)

- **Outside the UGB in Unincorporated Deschutes County** (Deschutes County, DNF, OPRD): A bridge crossing in Deschutes County partially on private property (east side) and federal land (west side) upstream from the UGB is subject to the UDCMP, the Deschutes County Comprehensive Plan, and any associated County zoning such as the Landscape Management and Floodplain Zones. The Deschutes County Hearings Officer is the likely review authority for the County permitting, and the

DNF District Ranger would be the approval authority for the Special Use Permit that would apply to the federal component.

- Special Use Application (DNF District Ranger)
- NEPA Process (EA, USFS)
- Conditional Use Permit (Deschutes County)
- OPRD Notification of Proposed Project (OPRD, *see OAR 736-040-0080 discussion below*)

Oregon State Parks (OPRD) and OAR 736-040-0080

The Oregon State Scenic Waterway is administered by OPRD and governed by OAR 736 Division 40. OAR 736-040 can include prohibitions such as *“New bridges will not be permitted...”* In that same OAR (736-040-0080 and 0081), there is a process identified that addresses prohibited projects to be implemented within the State Scenic Waterway. To paraphrase; the process requires that a landowner or representative with a proposed project notifies the Oregon State Parks Commission via letter with a detailed description of the proposed change, improvement or activity on related adjacent land. For example, this could be for a new footbridge in a section of State Scenic Waterway where new bridges are prohibited. The Commission then determines if the if the proposal will substantially impair the natural beauty of the scenic waterway or be in violation of either the Act or the rules. If there are no impacts then the Commission can approve the project. If the Commission determines that the proposed use would impair the natural beauty of the scenic waterway or otherwise violate either the Act or the rules, they then issue a letter of project denial. In the case of a denial, the owner or applicant can't proceed with the proposal until at least one year after the date the Department accepts as complete the original notice/letter to the Commission, unless the owner and the Commission reach agreement on an alternate plan within the year.

During the one year period following the original notice to the Commission, the Commission and the owner of the land involved can work to modify the proposal so that it would not substantially impair the natural beauty of the scenic waterway or otherwise violate the provisions of the Act or the rules and regulations. The Commission may also choose to acquire by purchase, gift, or exchange, the land involved or interest therein, including scenic easements, for the purpose of preserving the natural beauty of the scenic waterway.

If the Commission reaches agreement on an alternative plan and the applicant then gives notice to terminate the negotiations;

- 9 months after the notice of termination of negotiations, the owner may use his land in conformity with any specific written plan submitted by the owner prior to or during negotiations in the event the Commission and the owner reach agreement establishing a plan for land use;

If the Commission can't reach agreement on an alternative plan, chooses not to acquire the land, and the applicant then gives notice to terminate the negotiations;

- 12 months after the Department accepts as complete the original notice to the Commission, the owner may use their land in conformity with the specific written plan submitted as a part of that original notice.

What this says is that if a use is prohibited by OAR 736-040, OPRD has one year to negotiate a change to the project that makes it comply with the rules or they can purchase/condemn the project/land. Otherwise, the applicant waits 12 months and can then initiate whatever local land use permitting process is applicable (City or County), and if approved locally, then the project can proceed.

References

Bend Metro Park and Recreation District (District), 2008. ***Parks, Recreation, and Green Spaces Trails Master Plan: Exhibit A to Resolution No. 306, August 5, 2008.***

Bend Urban Trails Plan. ***2006 Bend Urban Area Bicycle and Pedestrian System Plan.***

JT Atkins and Company PC., 2002. ***Deschutes River Trail Action Plan.*** Prepared for the Bend Metro Park and Recreation District, City of Bend, and Bend Park and Recreation Foundation.

Darcy McNamara, July 1999. ***The Bend Riverway, A Community Vision*** for the Bend Metro Park and Recreation Foundation.

USDA, July 1996. ***Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Management Plan.***

City of Bend and ODOT Growth Management Program, June 1995.

LCDC Statewide Planning Goal 5 and Bend Area General Plan.