



Oregon Parks and Recreation Department

Public hearing on proposal to amend Oregon Administrative Rule 736-040-0073

799 SW Columbia Street, Bend, OR

6-8 p.m., October 28, 2015

Agenda

1. Welcome and introductions – (5 min)OPRD
2. Scenic Waterway info: history, process, current/new language – (15 min)OPRD
3. Bend Park and Rec information: trail connections – (35 min)Bend PR
4. Next steps: Results of passing/not passing new language. – (5 min)OPRD
5. Public testimony, 3 minutes for each person. – (60 min +/-).....All

Materials:

1. Agenda.
2. Scenic waterway history and process explanation.
3. Proposed rule amendment.
4. Map of area affected by proposed rule change.
5. Bend Park and Recreation District information about request.
6. Comment sheet.



Oregon Parks and Recreation Department

Public hearing on proposal to amend Oregon Administrative Rule 736-040-0073

799 SW Columbia Street, Bend, OR

6-8 p.m., October 28, 2015

2. Oregon State Scenic Waterways Background



Upper Deschutes River



Nature
HISTORY
Discovery

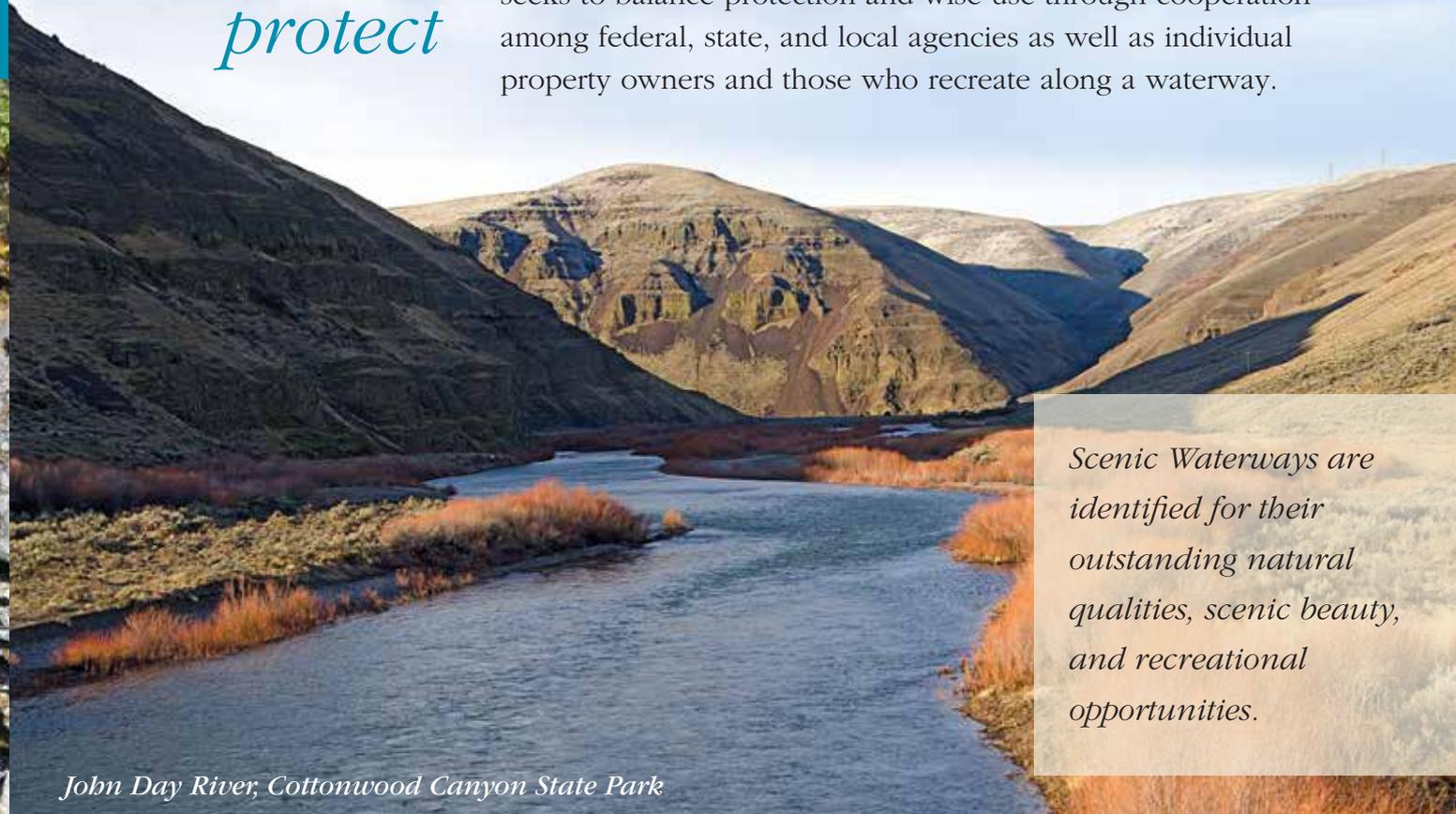
Oregon's Scenic Waterways

*Live,
play,
protect*

Oregon is blessed with a diversity of river systems that contribute richly to our quality of life. Oregonians decided to protect special waterways in 1970 when they voted two-to-one to establish the Oregon Scenic Waterways Program. The program seeks to balance protection and wise use through cooperation among federal, state, and local agencies as well as individual property owners and those who recreate along a waterway.



Rogue River



John Day River; Cottonwood Canyon State Park

Scenic Waterways are identified for their outstanding natural qualities, scenic beauty, and recreational opportunities.

www.oregonstateparks.org

Oregon Parks and Recreation Department
725 Summer St. NE, Suite C
Salem, OR 97301



Nature
HISTORY
Discovery



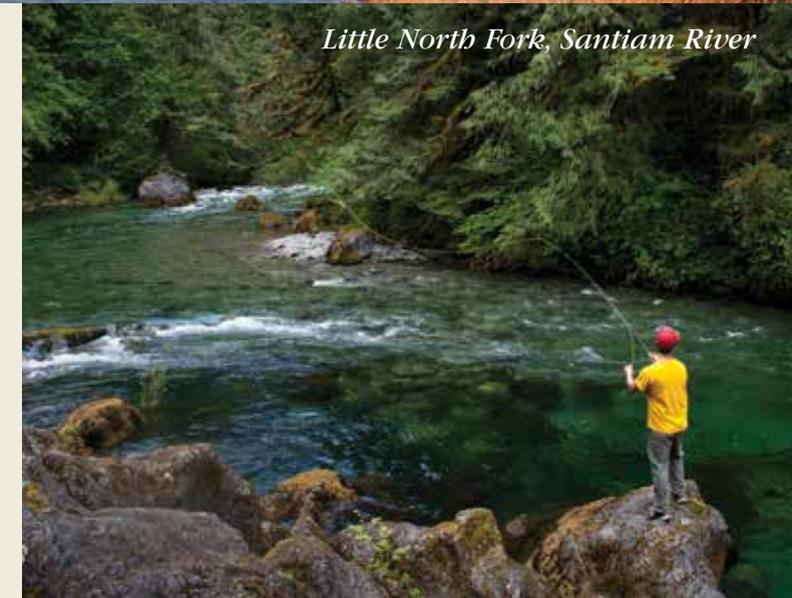
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63400-9837 (03/15)

Program goals:

- Protect the free-flowing character of designated rivers;
- Protect and enhance scenic and natural values, recreation, and fish and wildlife;
- Promote expansion of the scenic waterways system;
- Protect private property rights;
- Encourage other agencies to act consistently with the goals of scenic waterways management.



Little North Fork, Santiam River

Congress establishes the National Wild and Scenic Rivers System “to preserve certain rivers with outstanding natural, cultural, and recreational values.” This prompted Oregon lawmakers to consider a complementary state program.

1968

Oregonians vote by a two-to-one margin to establish the Oregon Scenic Waterways Program. The scenic waterways system originally included 496 miles of the Deschutes, Illinois, John Day, Owyhee, Rogue, and Minam rivers.

1970

An additional 113 miles are added from the Sandy, Clackamas, Santiam and Upper Deschutes rivers, plus the North Fork of the Middle Fork of the Willamette River.

1972-1987

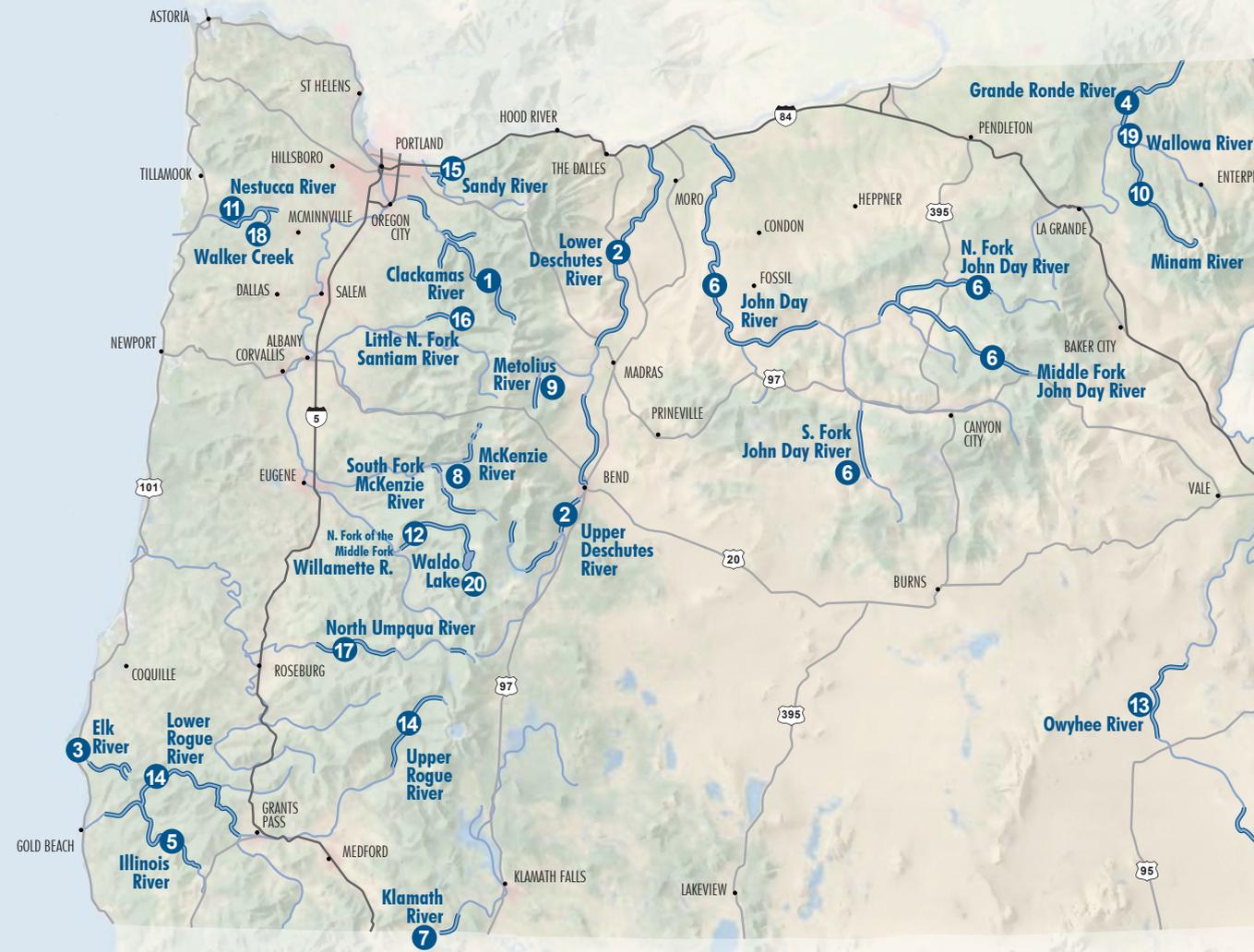
Voters pass an initiative to add 573 miles of scenic waterways, nearly doubling the waterways system to approximately 1,180 river miles.

1988

The program protects 19 rivers and one mountain lake.

2015

Oregon State Scenic Waterways



1 Clackamas River

- North Fork (14 miles)
- South Fork (4 miles)
- * • Main stem from Ollalie Lake Scenic Area to North Fork Reservoir (49 miles)
- River Mill Dam to Carver Bridge (14 miles)

2 Deschutes River

- * • Upper Deschutes: various segments from Little Lava Lake (headwaters) to Lake Billy Chinook (97 miles)
- * • Lower Deschutes: Pelton Dam to Columbia River (100 miles)

3 Elk River

- * • North Fork (6 miles)
- South Fork (5 miles)
- * • Main stem from confluence of North and South Forks to Elk River Fish Hatchery (18 miles)

4 Grand Ronde River

- * • Confluence with Wallowa River to Washington border (43 miles)

5 Illinois River

- * • Deer Creek to Rogue River (46 miles)

6 John Day River

- * • North Fork: North Fork John Day Wilderness boundary to River Mile 20.2 above Monument (57 miles)
- * • South Fork: Post-Paulina Road crossing to Murderers' Creek Wildlife Area above Dayville (30 miles)
- Middle Fork: Crawford Creek to confluence with North Fork (73 miles)
- * • Main stem: Parrish Creek to Tumwater Falls (158 miles)

7 Klamath River

- * • John Boyle Dam powerhouse to California border (11 miles)

8 McKenzie River

- South Fork: Three Sisters Wilderness boundary to main stem, excluding Cougar Reservoir (21 miles)
- * • Three segments of the main stem from Clear Lake to Paradise National Forest Service Campground (14 miles)

9 Metolius River

- * • Metolius Springs to Candle Creek (12 miles)

10 Minam River

- * • Minam Lake to Wallowa River (50 miles)

11 Nestucca River

- Main stem: McGuire Dam to Blaine (27 miles)

12 North Fork of Middle Fork of Willamette River

- * • Waldo Lake to River Mile 1.5 near Westfir (42 miles)

13 Owyhee River

- * • Crooked Creek to Birch Creek
- * • South Fork: Idaho Border to Three Forks (26 miles)

14 Rogue River

- * • Upper Rogue: Crater Lake National Park to Rogue River National Forest boundary (44 miles)
- * • Lower Rogue: Applegate River to Lobster Creek Bridge (83 miles)

15 Sandy River

- * • Bull Run River to Dabney State Park (13 miles)

16 North Santiam River

- Little North Fork: Battle Ax Creek to River Mile 16.7 at Willamette National Forest boundary (9 miles)

17 North Umpqua River

- Mt. Thielsen Wilderness boundary to Lemolo Reservoir (7 miles)
- * • Soda Springs Dam powerhouse to Rock Creek (34 miles)

18 Walker Creek

- Source to confluence with Nestucca River (3 miles)

19 Wallowa River

- * • Confluence with Minam to confluence with Grande Ronde (10 miles)

20 Waldo Lake

- 6,672 acres, 13 miles north of Oregon Highway 58

Full descriptions are at <http://bit.ly/scenicwaterways>
* National Wild and Scenic Rivers

How are waterways designated?

The Oregon Scenic Waterways Act (ORS 390.855 to 390.865) establishes procedures to designate new scenic waterways.

1. Oregon Parks and Recreation Department (OPRD) must periodically study rivers for inclusion in the program. This process includes involving the local community. The study must show that the waterway meets the following criteria to be eligible for designation:

- Is the river relatively free-flowing?
- Is the scene from the river pleasant and undisturbed?
- Does the river segment provide outstanding recreational and natural values?
- Is the segment large enough so that recreation use will not damage the natural settings?

2. OPRD and the Water Resources Commission review the study and public comments, then make a recommendation to designate the waterway.

3. The governor reviews the recommendation and may officially designate the river as an Oregon Scenic Waterway. The Legislature could act to void all, or part of, the governor's designation.

4. Waterways can also be designated by voter initiative or legislative action.

What is allowed in a state-designated Scenic Waterway?

OPRD requires notification of certain activities proposed within a 1/4 mile of the bank of a scenic waterway, including some logging, mining, and construction activities. Additional information on what is allowed is available at <http://bit.ly/scenicwaterways>



Coho salmon on a tributary of the Sandy River

Background

The people of Oregon established the Oregon Scenic Waterways Program in 1970, recognizing that wise individual and public use of these special rivers and adjacent lands is necessary. It strives to achieve a balance between protecting the rivers' natural resources and the equally valuable lives and plans of the people who live along them.

The Oregon Parks and Recreation Department must be notified of certain activities proposed within ¼ mile of the bank of Oregon's designated scenic waterways. Such activities include cutting of trees, mining, construction of roads, railroads, utilities, buildings, or other structures. The proposed uses or activities may not be started until the written notification is approved, or until one year after the notice is accepted.

Process Overview

Written notification to the Oregon Parks and Recreation Department (OPRD) is required for certain activities proposed within Oregon scenic waterways. Such activities include cutting of trees, mining, construction of roads, railroads, utilities, buildings, or other structures. Commencement of the proposed uses or activities occurs upon OPRD approval, or one year after the notice is accepted.

Review Process

The following materials are online at <http://bit.ly/scenicwaterways> for your review and use:

- Scenic Waterways Act, Oregon Revised Statutes 390.805 to 390.940 (See "Oregon Administrative Rules and Oregon Revised Statutes");
- Scenic Waterways Rules, Oregon Administrative Rules, Chapter 736, Division 40 (See "Oregon Administrative Rules and Oregon Revised Statutes");
- Notification of Intent Form (See "Guidelines, Procedures & Forms");
- Timber Harvest Form (See "Guidelines, Procedures & Forms"); and,
- Staff Contact Information (See "Key Staff").

The Notification of Intent form is for the landowner to make written notification to OPRD. Acceptance of this form is dependent upon completion with the required information and attachments including landowner signature, location, activity, map drawing, etc. We ask that all drawings be no larger than 11"x17".

Upon acceptance of a complete notification by OPRD, the review process begins. Copies of the notification and all associated materials are provided to affected agencies and interested parties for their review and comment. Upon closure of the comment period, OPRD conducts a site visit to review the proposal. OPRD staff, the property owner or representative, and interested agencies typically attend the site visit. During the site visit, staff will consider whether the proposal meets the scenic waterway requirements, or whether modifications are necessary. After the site visit, OPRD determines whether the project will comply with the scenic waterway regulations. If the proposal is in compliance, OPRD will issue a written approval for the project. As required in the statute and rule, this process concludes within one year of receipt of a complete notification; however, OPRD works to finalize reviews within four to six weeks of accepting a complete notification.

If you have any questions, please do not hesitate to contact the staff person listed for your area.

THE OREGON SCENIC WATERWAYS ACT

History of the Act

Oregon is blessed with a diversity of river systems that richly contribute to our quality of life. Wise stewardship of the state's natural resources becomes increasingly important as the population along our rivers increases and development quickly follows.

Landowners along an Oregon Scenic Waterway likely feel a special "ownership" of the river. These people, along with many other Oregonians, seek to conserve and protect these rivers for their enjoyment today, and for their children's tomorrow. By a 2:1 margin, the people of Oregon voted to establish the Oregon Scenic Waterways Program in 1970, recognizing that taking responsibility for these "special" rivers and adjacent lands was necessary if they were to remain unspoiled.

Passage of the Scenic Waterways Act, in 1970, immediately set into motion a state protection program for certain rivers in Oregon. The program promotes cooperative protection and wise use of these rivers by federal, state and local agencies, individual property owners and recreation users. This Act is Oregonians' response to protecting the state's beautiful rivers. It tries to achieve a balance between protecting natural resources and granting the wishes of riverbank property owners.

What the Act Does

A major function of the Scenic Waterways Program is to protect the natural and scenic diversity of waterways by encouraging new development to blend in with what is already there. No attempt is made to restore scenic waterways to a pristine condition, and no claim is made to their beauty being present only in a natural, unaltered state. This program applies to all new developments. The ability to fit in and be concealed determines whether or not new development is acceptable.

Under the Act, OPRD must be notified of certain changes that landowners may want to make to their property, and those changes may be subject to review (for details, see pages 10-11).

The Scenic Waterway Program's goals are:

- To protect the free-flowing character of designated rivers for fish, wildlife and recreation. No dams, reservoirs, or impoundments are allowed on scenic waterways.
- To protect and enhance scenic, aesthetic and natural values, recreation, scientific research, and fish and wildlife qualities along scenic waterways. New development or changes of existing uses within a scenic waterway are reviewed before they may take place.
- To protect private property rights. The Act discourages unsightly structures or inappropriate developments that could be a nuisance to neighboring landowners or even depreciate property values. It prohibits pollution and the disturbance of adjacent surface lands by placer mining. It also prohibits the public use of private property without explicit consent of the landowner.
- To promote expansion of the scenic waterways system. The Act sets up a process and establishes criteria for adding new rivers to the system.
- To encourage other state agencies to act consistently with the goals of scenic waterways management. OPRD reviews plans and decisions made by other state agencies for possible impact on the scenic waterways system.

The Act Does Not:

- Restrict the use of existing water rights along scenic waterways. Once a river is designated, developments may remain and are protected.
- Allow public use of private property without consent of the landowner.
- Require the removal of existing development or private property uses.

OPRD administers the Oregon Scenic Waterways Act. Other state agencies, such as the Division of State Lands, and the Oregon Water Resources Department, also have special responsibilities. For a complete list of other agencies involved in the Act, see page 15.

THE PROGRAM

Scenic Waterways Designation

A river or river segment can be designated as an Oregon Scenic Waterway by one of three ways:

- **By the governor.** After studies by OPRD and favorable recommendations from OPRD and the Water Resources Commission, the governor may designate a scenic waterway. The new designation becomes effective if the Legislature has no objections.
- **Direct legislative action.** The Clackamas River was added to the system by the Legislature in 1975. In

fact, parts of new rivers (and one lake) were added this way in 1983, 1985 and 1987. The governor can veto this legislation at any point.

- **Public initiative.** The voters of Oregon, following a successful initiative campaign, established the program in 1970 by a vote of 2 to 1. In 1988 the system doubled as a result of Ballot Measure 7. The governor or the Legislature cannot veto public initiative.

Scenic Waterways Boundary

A scenic waterway includes the river and its shoreline, and all land and tributaries within one quarter mile (1320 feet) of its banks. Land outside of this isn't in the jurisdiction of the Scenic Waterways Program and isn't affected by the Oregon Scenic Waterways Act.

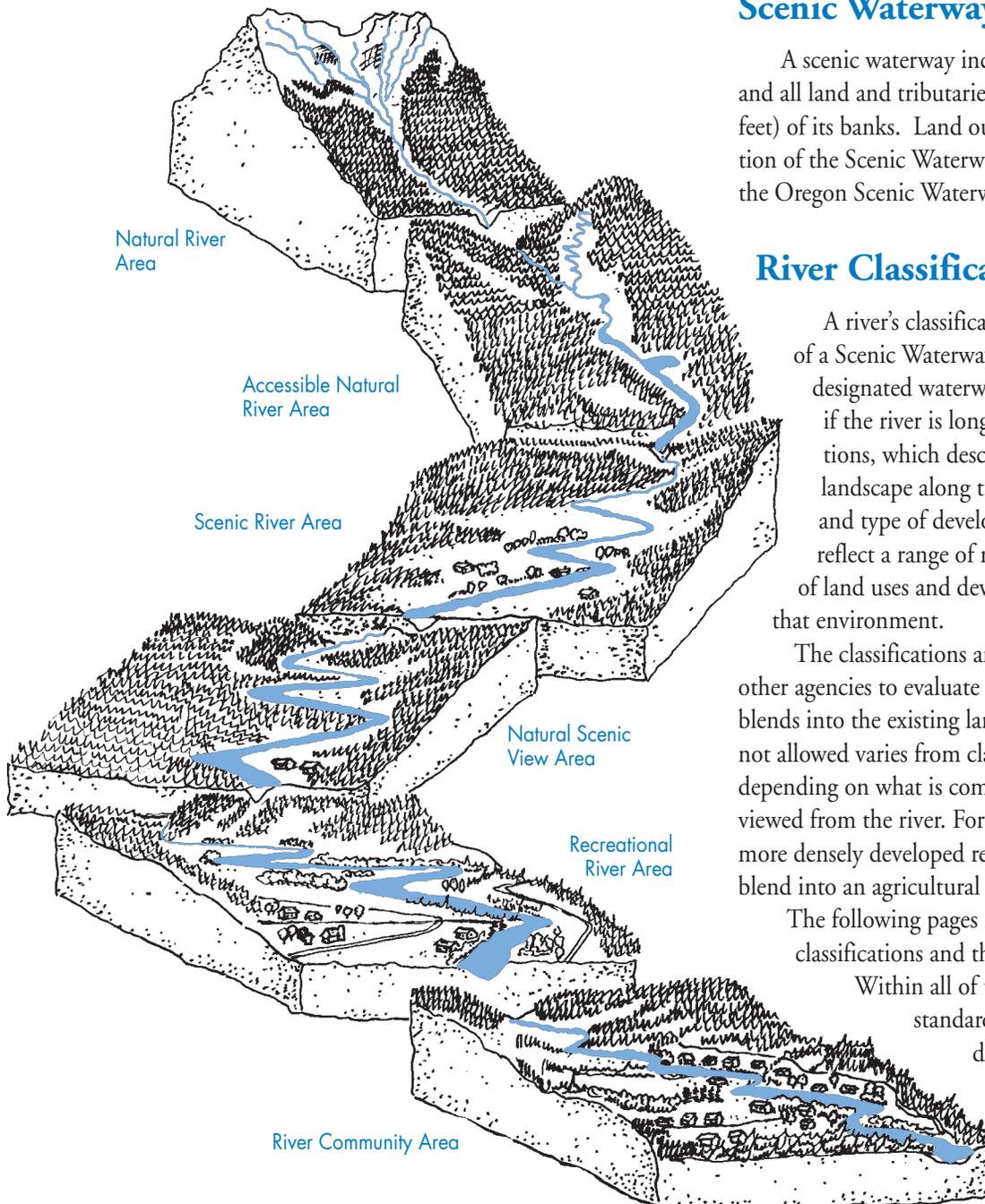
River Classification

A river's classification is an important component of a Scenic Waterway Management Plan. Each designated waterway is given one (or possibly more, if the river is long or complex) of six classifications, which describe the general appearance of the landscape along the river as well as the amount and type of development. These classifications reflect a range of river environments and a variety of land uses and development densities for that environment.

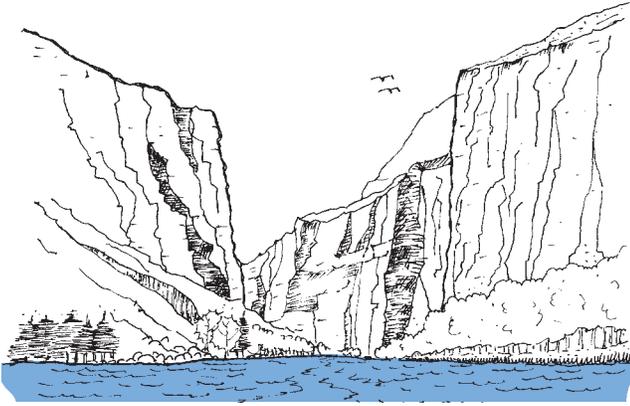
The classifications are also guidelines for OPRD and other agencies to evaluate how well new development blends into the existing landscape. What is allowed and not allowed varies from classification to classification, depending on what is compatible with the existing scene as viewed from the river. For example, uses that fit into a more densely developed residential area will not necessarily blend into an agricultural or forested setting.

The following pages illustrate examples of the classifications and their standards of development.

Within all of these classifications, development standards vary depending on existing development and the appearance of the landscape.



Natural River Area



A Natural River Area is undeveloped, and pristine or near pristine. It is accessible only by trail, boat or airplane. While the landscape of a Natural River Area can vary from steep-walled canyons to forested foothills, its character is consistent: primitive, very scenic, and conveying a sense of solitude. Evidence of human use in a Natural River Area is usually limited and any structures or indication of settlement are rare or scattered.

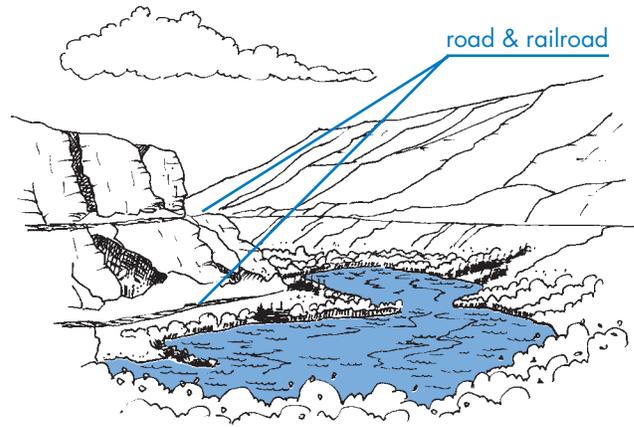
Because a Natural River Area is undeveloped, any change has great potential to affect its natural beauty. A Natural River Area is designed to preserve and protect its primitive natural condition. Stringent standards for concealing all developments from the river are applied. River recreation activities compatible with a primitive setting and with very low visual impact are allowed.

Conditions for Use

A Natural River Area's dominant feature is its natural, primitive character. To assure adequate protection within the corridor:

- All new structures and developments must be completely hidden (screened) from the river, usually by topography (landform).
- Public recreation facilities and natural resource protection measures (*e.g.*, stream bank protection) may be visible from the river only if absolutely necessary. Their appearance must blend into the natural landscape and in no way dominate the view from the river.

Accessible Natural River Area



An Accessible Natural River Area is similar to a Natural River Area in character and lack of development, but an Accessible Natural River Area can be usually reached by road. Typically, the access road is unpaved and passable only during warm, dry seasons.

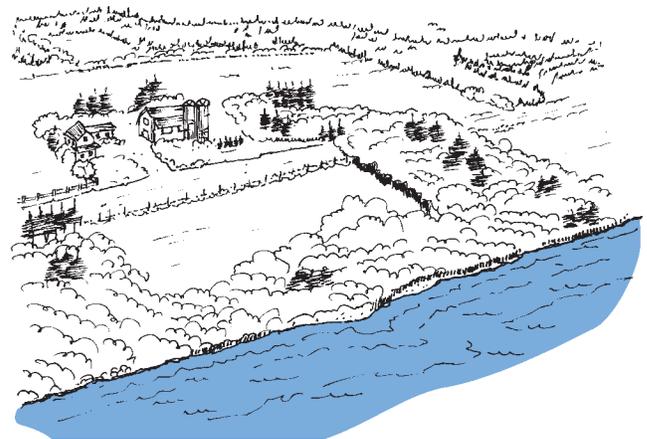
An Accessible Natural River Area is managed like a Natural River Area. The undeveloped, pristine character of the area is protected and preserved, with stringent standards for screening new development that can be seen from the river.

Conditions for Use

To protect and preserve the natural character of the view from the river:

- All new developments must be completely screened from the river, usually by topography.
- Existing roads cannot be extended or improved.
- Public recreation facilities compatible with the undeveloped, primitive condition of the landscape are allowed.

Scenic River Area



A Scenic River Area may have nearby development, but for the most part is undeveloped and natural appearing. The dominant human influences in a Scenic River Area are

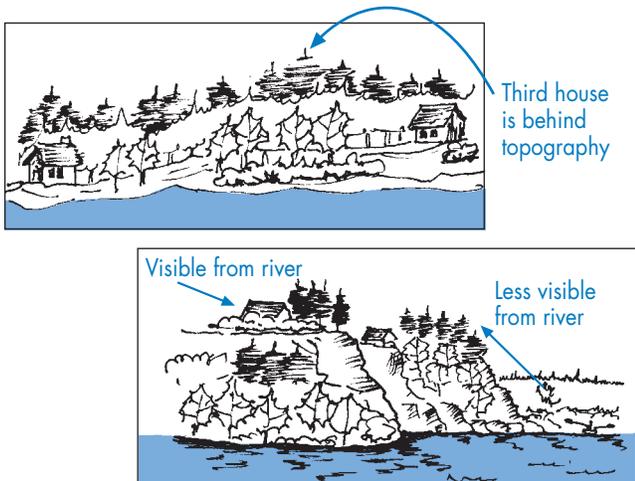
agriculture and grazing. Roads may be nearby, but are lightly traveled and not easily seen from the waterway. Power lines may be visible.

A Scenic River Area is managed to protect the scenic quality created by the combination of agricultural and natural features. Agriculture and recreation activities compatible with existing land uses are allowed.

Conditions for Use

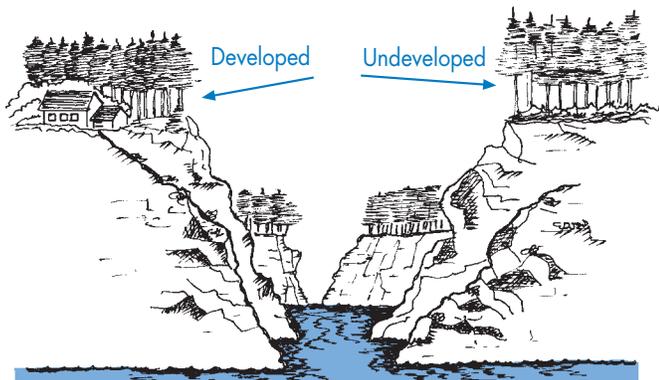
In general, certain structures and improvements can be visible from the river, but they must:

- Be related to agricultural, residential or recreation activities already visible.
- Meet the general design standards for building (height, color and materials).
- Meet local zoning requirements or density standards* established by the waterways program.



* An example of a density standard exists along the Rogue River. Only two residences per mile may be visible along each bank of its Scenic River Area. If the density standard is already met, new structures must be screened from view by topography. If only one house is visible, the new house may be seen, but must meet the uniform standards for color, wall and roof materials, and height.

Natural Scenic View Area



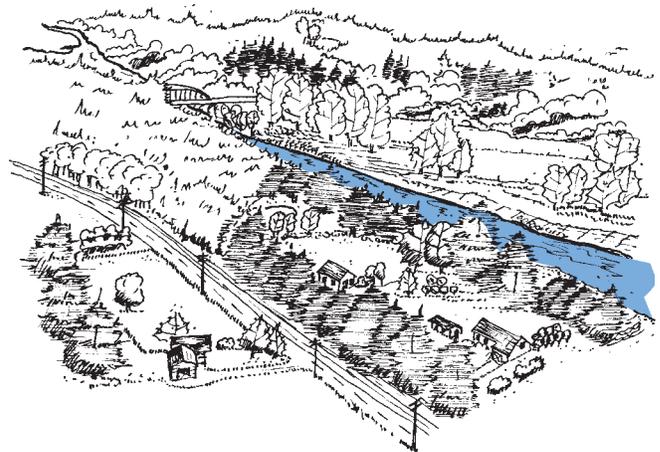
A Natural Scenic View Area contains one undeveloped and largely pristine riverbank while the opposite bank is more developed.

Conditions for Use

Standards for development within a Natural Scenic View Area are similar to those for a Natural River Area or Accessible Natural River Area:

- New development along the waterway must be completely screened from view from the river, usually by topography. Vegetative screening of new development may be allowed in a forested area.
- Existing roads within a Natural Scenic View Area usually cannot be improved or extended.
- Public recreation facilities and resource protection measures can be visible, if their appearance blends in with the natural character of the surroundings.

Recreational River Area



A Recreational River Area contains mixed agricultural, residential and commercial development along the shore and adjacent lands. A Recreational River Area is often rural or pastoral in character and easily accessible from local roads.

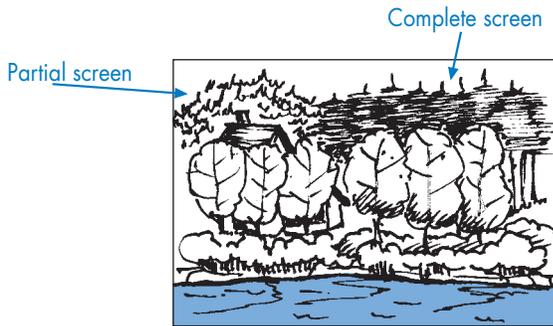
A Recreational River Area is managed to protect the view from the river, allow development consistent with existing land uses and provide for a wide range of recreational activities within the scenic waterway.

Conditions for Use

In general:

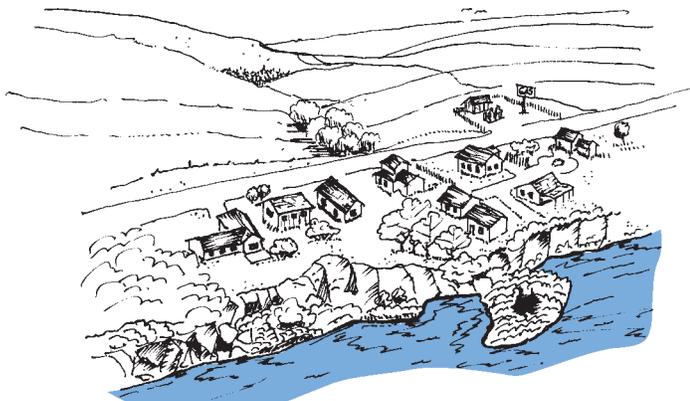
- Development is allowed if it does not interfere with the natural scene from the river. On scenic waterways where the natural landscape is dominant, such as the Deschutes River, this means that development other

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



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

River Community Area



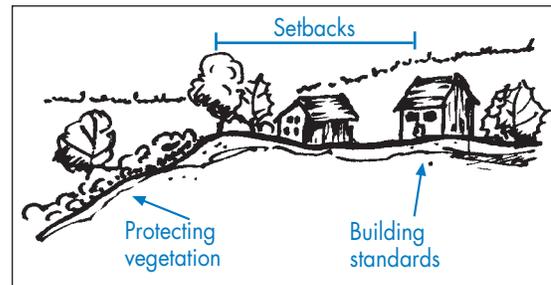
A River Community Area is a densely developed area, such as a residential tract or platted subdivision.

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

Conditions for Use

In general:

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





Oregon Parks and Recreation Department

Public hearing on proposal to amend Oregon Administrative Rule 736-040-0073

799 SW Columbia Street, Bend, OR

6-8 p.m., October 28, 2015

3. Proposed amendment

Exhibit A

OAR 736-040-0073 (*Proposed Text Edits*)

(1) Scenic River Areas:

(a) Two river segments are designated as 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.

(b) Within the Scenic River Areas described in subsection (1)(a), all new structures, improvements and development shall comply 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)(b)(B) and be consistent with applicable Deschutes County land use and development regulations;

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

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

(e) New bridges will not be permitted except for that segment of river between the irrigation canal intake at River Mile 174.6 and the Bend Urban Growth Boundary at River Mile 172, in which bicycle and/or pedestrian bridges only are permitted. The installation of any new bicycle and /or pedestrian bridges, as well as maintenance, repair and replacement of existing bridges, shall be consistent with OAR 736-040-0035(6) and (7), Deschutes County land use and development regulations, and Oregon Department of State Lands regulations;

(f) New commercial public service facilities, including but not limited to resorts, hotels, motels, lodges, recreational vehicle parks, convenience stores and gas stations, shall be obscured from view from the river by topography;

(g) New utility facilities shall share land and air space with existing utilities, road rights-of-way and/or river crossings. Upgrades to existing facilities will be permitted. New, above ground river crossings for new utility facilities will not be permitted;

(h) New, above ground river crossings shall not be permitted except as described in (e) above;

Exhibit A

(i) Roads, mines and similar forms of development shall be obscured from view from the river by topography;

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

(k) Timber harvest activities, including thinning, shall not be visually evident after completion of the removal of the trees as viewed from the river, from developed recreation sites, or from trails adjacent to the river. Stumps shall be cut low, slash cleaned up promptly, and the remaining trees and brush protected. Reforestation shall occur within one year of the project's completion. The provisions of the Oregon Department of Forestry forest practices rules shall be strictly followed.

(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 to the Central Oregon Irrigation diversion at about river mile 171 is classified as the South Bend River Community Area.

(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;

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

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

(e) Natural evergreen vegetation shall be maintained between the structures and improvements and the river. Additional vegetative screening may be required to be established and maintained;

(f) Except for bicycle and/or pedestrian bridges, no new bridges will be permitted. The installation of any new bicycle and /or pedestrian bridges, as well as 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;

Exhibit A

(g) New utility facilities shall share land and air space with existing utilities, road rights-of-way and/or river crossings. Upgrades to existing utility facilities will be permitted. New river crossings for new utility facilities will not be permitted;

| (h) New, above ground river crossings will not be permitted except as described in (f) above;



Oregon Parks and Recreation Department

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799 SW Columbia Street, Bend, OR

6-8 p.m., October 28, 2015

4. Map

Attachment B

Sunrise Village

River Mile 171 @
COID Canal Intake

Bachelor View Estates

River Rim Neighborhood

Deschutes National
Forest

Bend Urban Growth
Boundary (UGB) and
City Limits

River Bend Estates

Extent of river
subject to
proposed Rule
amendment

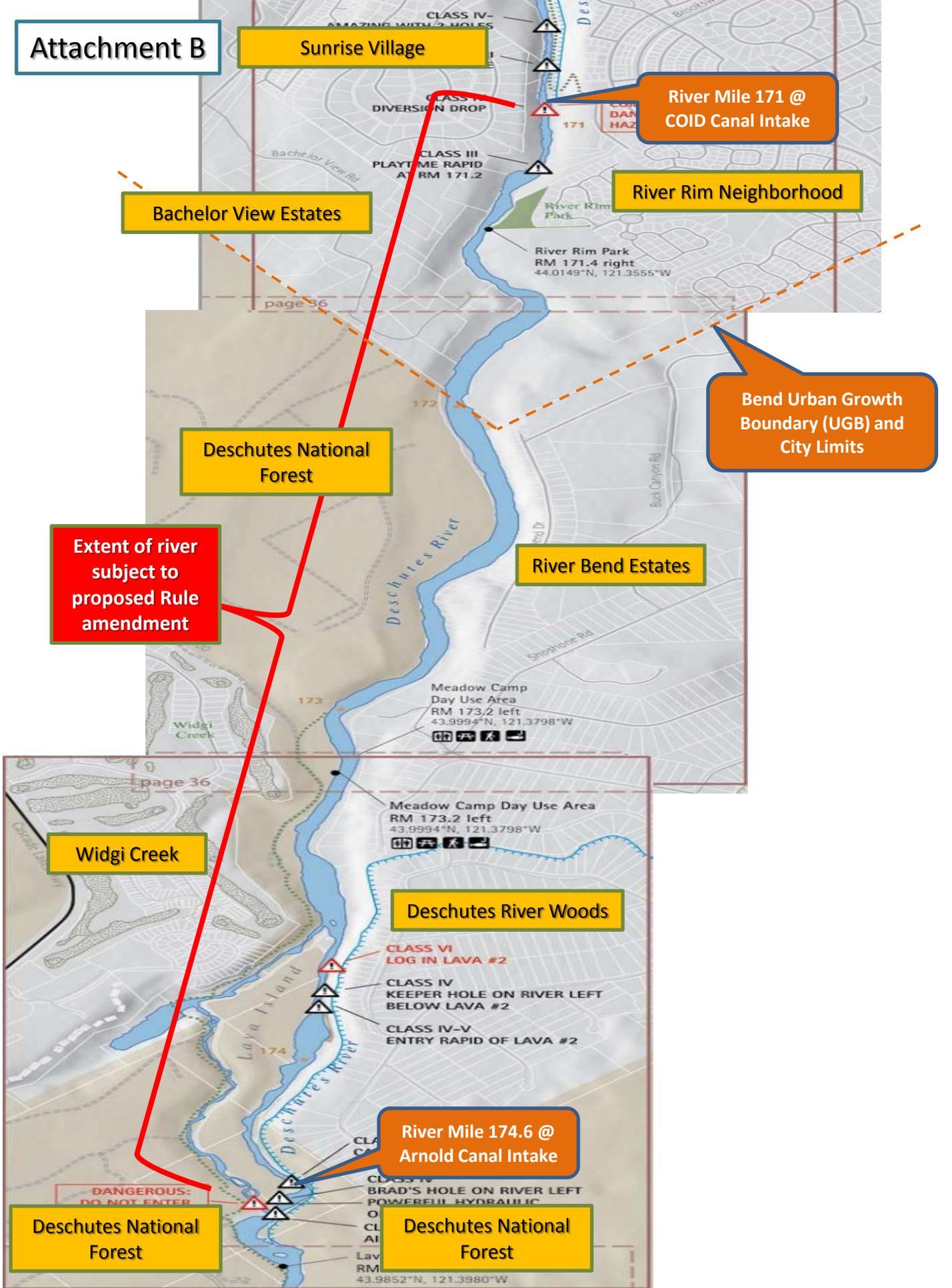
Widgi Creek

Deschutes River Woods

River Mile 174.6 @
Arnold Canal Intake

Deschutes National
Forest

Deschutes National
Forest





Oregon Parks and Recreation Department

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5. Bend Park and Recreation District Presentation

DRAFT



Oregon State Parks Rulemaking Public Hearing

October 28, 2015

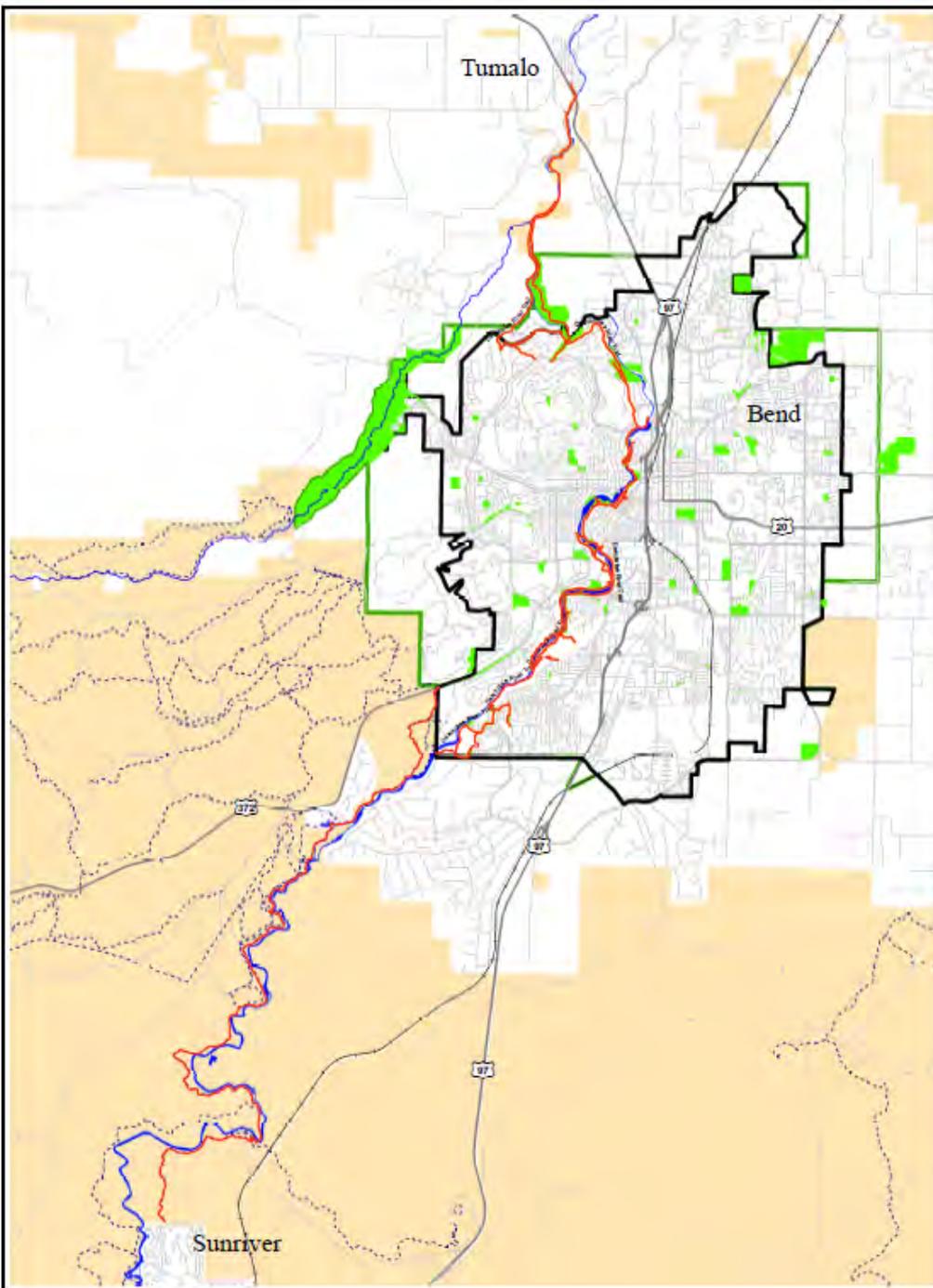
Bend Park and Recreation District
Presentation

Deschutes River Trail

The Deschutes River Trail (DRT) extends about 33 miles south from the Tumalo community to Sunriver.

23 miles lie within the Bend Park and Recreation District where those segments connect 17 separate park sites and natural areas along the Deschutes River.

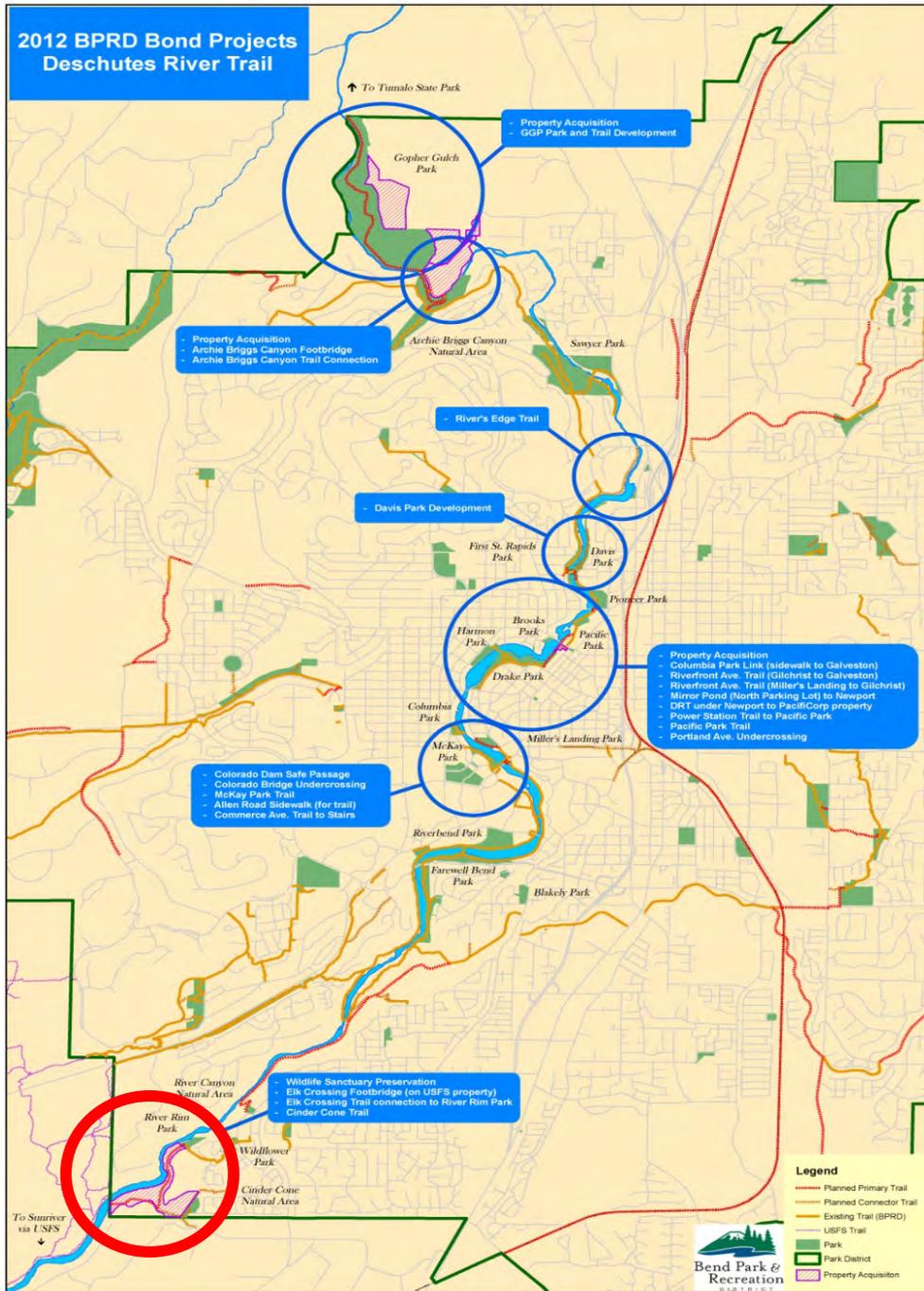
The District is focused on filling gaps and improving the remaining segments within the District, and also working with Oregon State Parks and USFS partners on those segments both north and south of the District boundary.



Trail Planning History

- 1995 - The "Bend Urban Trails Plan" identified the "Deschutes River Trail" (DRT) running through most of Bend.
- 1999 - The "The Bend Riverway, A Community Vision" was a joint planning effort between the city of Bend and BPRD to develop a specific plan and identify development of the entire DRT through the Bend UGB.
- 2002 - The "Deschutes River Trail Action Plan" consolidated these two previous documents and identified a total of six sections of the DRT referred to individually as "reaches" with corresponding project lists and action items.
- 2006 - The city adopted a "Bicycle and Pedestrian Transportation System Plan" ("Accessway Plan") that delineated the multiple trail and path opportunities around the city both within and outside of public rights-of-way. All of the proposed trails in the 1995 Bend Urban Trails Plan were included in the adopted Accessway Plan.
- 2008 - BPRD adopted its "Parks, Recreation and Green Spaces Trails Master Plan" that identified a slightly refined DRT route and connecting trail network.

2012 BPRD Bond Projects
Deschutes River Trail



2012 BPRD Bond

The Deschutes River Trail portion of the 2012 Bond (Measure 9-87):

“Acquire and develop approximately 4 miles of the Deschutes River Trail, improving segments and adding two new footbridges through downtown and connecting to the greater trail stretching from Sunriver to Tumalo State Park.”

For the South UGB Bridge and Trail segment, BPRD needs to be able to apply for a State Scenic Waterway Permit for a new bike/ped. bridge to fill the trail gap between the Bend urban area and recreational lands in the Deschutes National Forest.



Oregon Administrative Rule 736-040 State Scenic Waterways

This Rule was originally created to protect several of Oregon's scenic rivers. Over time, various other rivers have been added, including the Upper Deschutes in 1992.

Oregon State Scenic Waterways that Allow New Bridges

- Nestucca River
- Walker Creek
- Upper McKenzie River
- Rogue and Upper Rogue Rivers
- North Umpqua River
- Grande Ronde River
- Willowa River
- Upper Clackamas River
- Illinois River
- Elk River
- Klamath River
- Owyhee River
- Minam River
- North, Middle, and South Fork John Day River
- Lower and Middle Deschutes River
- Sandy River
- Clackamas River
- North Fork of the Middle Fork of the Willamette River

Oregon State Scenic Waterways that Prohibit New Bridges

- Metolius River (*one section only*)
- Upper Deschutes River

At that time, a blanket prohibition against any new river crossings and any new bridges was included in the Rule language:

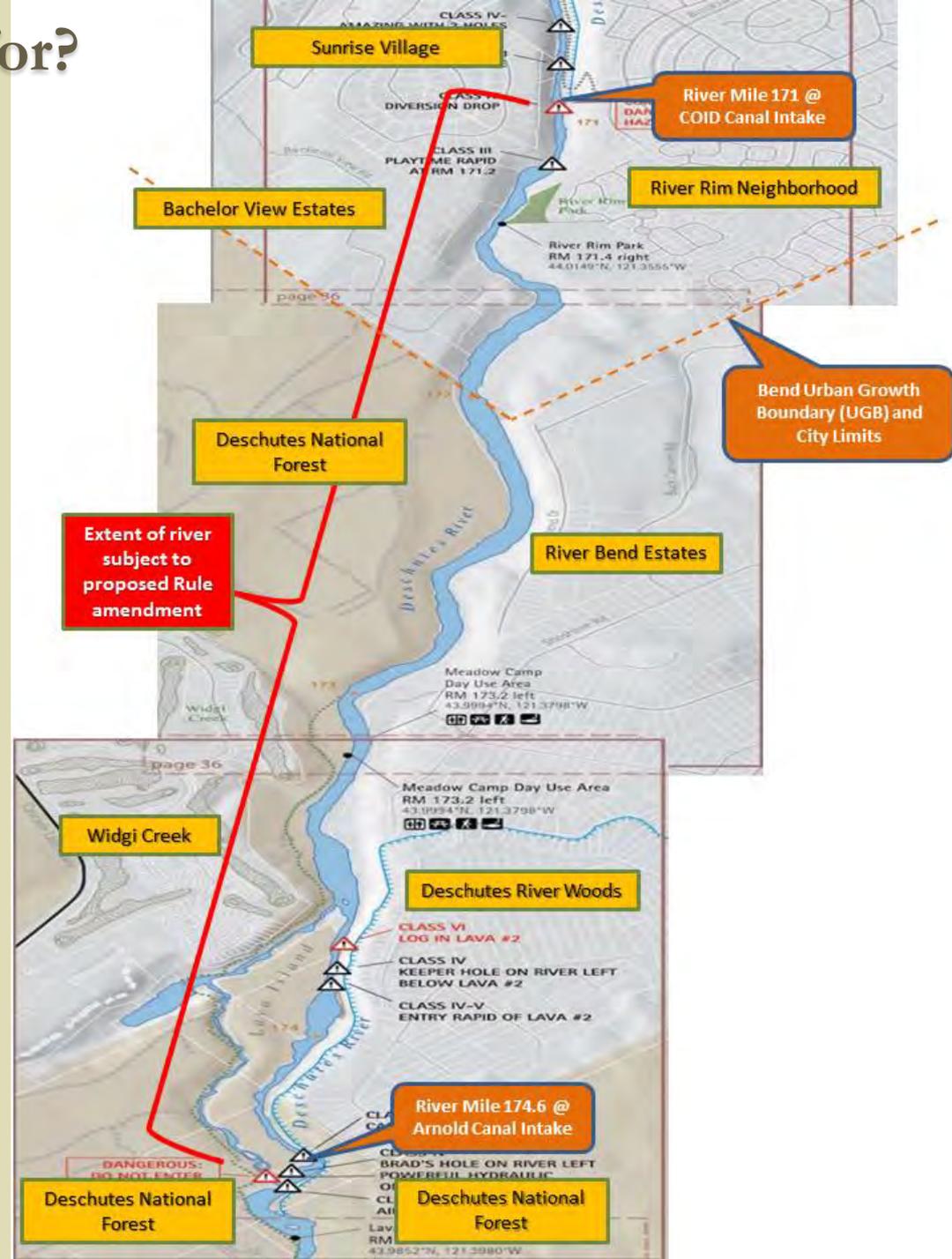
“New bridges will not be permitted. Maintenance, repair and replacement of existing bridges shall be consistent with OAR 736-040-0035(6) and (7), Deschutes County and City of Bend land use and development regulations, and Oregon Department of State Lands regulations”;

Statewide, no other river (other than a portion of the Metolius River) has this bridge prohibition.

What is BPRD asking for?

BPRD has asked the Oregon Parks Commission to amend the current Rule (OAR 736-040-0073) that applies to the Upper Deschutes River. The suggested text amendment would allow someone to apply to Oregon State Parks for a Scenic Waterway Permit specifically for a new bicycle/pedestrian bridge. The text change would only apply to:

- The “River Community Area” of the Upper Deschutes River from River Mile 171 at the COID Canal Intake to the Bend UGB, and
- That portion of “Scenic River Area” of the Upper Deschutes from the Bend UGB to the south end of the urbanized area (Deschutes River Woods) at the Arnold Irrigation District intake at approximately River Mile 174.6.



Why Change the Rule Now?

- **Trail Connectivity**
- **Rule Consistency/Equity**
- **Original Intent of the Rulemaking**
- **Community Growth Since 1990**
- **Sustainable Transportation**



Oregon State Parks Rulemaking
Public Hearing

October 28, 2015

Thank You



Oregon Parks and Recreation Department

Public hearing on proposal to amend Oregon Administrative Rule 736-040-0073

799 SW Columbia Street, Bend, OR

6-8 p.m., October 28, 2015

6. Comment sheet

