



Mailing Date:
Thursday, January 03, 2019

10030303

COMMUNITY DEVELOPMENT

NOTICE OF DECISION

The Deschutes County Board of County Commissioners has approved the land use applications described below:

- FILE NUMBERS:** 247-18-000105-CU, 247-18-000164-SP, 247-18-000745-A
- LOCATION:** The subject property is located at 21690 Neff Road, Bend; Tax Map 17-12-25 as Tax Lot 200
- APPELLANT/
APPLICANT:** Bend Metro Park & Recreation District (BPRD)
- SUBJECT:** Appeal of Hearings Officer Decision on a Conditional Use and Site Plan review to expand Big Sky Park in the Exclusive Farm Use Zone.
- STAFF CONTACT:** Cynthia Smidt, Associate Planner, Cynthia.Smidt@deschutes.org, (541) 317-3150
- DOCUMENTS:** Can be viewed and downloaded from <http://dial.deschutes.org> and www.buildingpermits.oregon.gov.
- APPLICABLE CRITERIA:** The Board of County Commissioners reviewed this application for compliance against criteria contained in Chapters 18.16, 18.80, 18.116, 18.124, and 18.128 in Title 18 of the Deschutes County Code (DCC), the Deschutes County Zoning Ordinance, as well as against the procedural requirements of Title 22 of the DCC and Oregon Revised Statutes and Oregon Administrative Rules.

DECISION: Based on the findings of fact and conclusions of law set out in Document 2019-043, the Board of County Commissioners, by a 2-1 vote (Commissioner Henderson opposed) hereby APPROVES the applicant's proposed conditional use permit and site plan review, for an expansion of Big Sky Park, as conditioned below

CONDITIONS OF APPROVAL:

- A. Approval is based upon the submitted application materials, as modified by the Board above.

- B.** No building or structure, including the starting tower, shall be erected or enlarged to exceed 30 feet in height.
- C.** All lighting on the subject property shall be required to comply with Chapter 15.10 of the Deschutes County Code, the Outdoor Lighting Control Ordinance. All exterior lights shall be sited and shielded so that no direct light projects off-site. All lighting shall be designed to minimize generation of ambient light and shall be shielded or otherwise designed and installed so that light does not trespass onto adjacent properties and shall be "dark sky" compliant. Bike Park West, including the start tower, the R/C Track area, and Bike Park East shall not include lighting except to the extent required, if any, to comply with adopted building, fire, life or safety codes.
- D. Prior to initiation of use,** the applicant shall install landscaping along the north and west property boundaries, as identified in Exhibit 20 of the applicant's November 5, 2018 post hearing testimony.
- E. Prior to initiation of use,** the applicant shall install landscaping throughout the park and along Neff Road, as identified on the applicant's Landscape Plans dated January 23, 2018 (Sheets L100, L101, and L102 of the application materials).
- F.** Immature and mature trees, shrubs, and other native and introduced groundcover shall be retained on site in all areas where they serve to screen the proposed park trails and amenities except as necessary for construction of access roads, trails, amenities, septic drainfields, parking areas, and other approved improvements. (This condition does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act or agricultural use of the land.)
- G. Prior to commencing construction,** the applicant shall obtain driveway access permits for any new or existing unpermitted driveway accesses to Neff Road or Hamby Road pursuant to DCC 12.28.050, 17.48.210(A) and 18.124.060(K).
- H. Prior to initiation of use,** the existing access to Hamby Road, located approximately 70 feet north of the intersection with Neff Road, and the existing westerly access to Neff Road, located approximately 150 feet east of the intersection shall be severed and removed from the public right of way.
- I.** The existing access to Neff Road located approximately 375 feet east of the intersection with Hamby Road may be used as a service access road only. **Prior to initiation of use,** the applicant shall post signs at the access indicating that the access is service only and not a public access. Further, applicant shall ensure that park visitor traffic on interior roads is restricted from using the access for egress by means of a gate, landscaping, or other physical barriers.



- J. Prior to commencing construction**, the applicant shall dedicate to the public additional right of way along the subject property frontages on Neff and Hamby Roads to provide the minimum standard arterial right-of-way width of 40 feet from centerline. The applicant shall submit documentation to the Planning Division from the County Road Department verifying this condition has been satisfied.
- K. Prior to initiation of use**, the applicant shall install and maintain signs demarcating the northern park boundary along Eastmont Estates and directing that private property not be entered. The signs shall be a minimum of every 100 feet and shall comply with any applicable Code requirements.
- L.** No event headquarters, spectators at organized events, or amplified sound devices will be permitted within 500 feet of the northern or western property lines.
- M.** No more than 25 medium-sized (those with 50-300 attendees) event days (days on which the event actually occurs and exclusive of set-up/take-down days) shall occur in total per year between Bike Park West, Bike Park East, and the R/C Track. No more than 8 large-sized (those with more than 300 attendees) event days shall occur in total per year between Bike Park West, Bike Park East, and the R/C Track. BPRD shall not schedule a large event at Bike Park West, Bike Park East, or the R/C Track at the same time that a large event is scheduled at other facilities within the park.
- N.** Medium and large events shall be advertised in advance in a readily accessible location such as BPRD's website.
- O.** All organized events, including, but not limited to, team practices and competitions shall end by 9:30 p.m.
- P.** No amplified sound shall be used at small events (those with less than 50 attendees).
- Q.** All amplified sound shall comply with applicable residential DEQ and County standards as measured at the property lines of adjacent residential properties.
- R.** All required landscaping shall be maintained continuously and kept alive and attractive.
- S.** The proposed development and parking area must meet any applicable provisions of the Americans with Disabilities Act (ADA). At least the minimum number of ADA parking spaces shall be provided based on review by the County Building Safety Division (estimated at 10).
- T.** All walkways that cross driveways and parking areas shall be clearly identifiable using striping or similar method.
- U.** Required parking spaces shall not be used for storage of vehicles or materials or for parking trucks used in conducting park operations.

- V. No vehicles with combustion engines or on-board audio (speakers) shall be operated on the R/C Track.
- W. All trails shall be surfaced and maintained in a manner that mitigates dust impacts on neighboring properties.

This decision becomes final when mailed. Parties may appeal this decision to the Land Use Board of Appeals within 21 days of the date on which this decision is final.

Copies of the decision, application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

