



## Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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### MEMORANDUM

**TO:** Deschutes Board of County Commissioners

**FROM:** Will Groves, Senior Planner

**DATE:** February 18, 2015

**RE:** A *de novo* public hearing on a conditional permit (247-14-000 228-CU and 229-SP) to establish a private park on an EFU-zoned parcel east of Sisters for the purpose of hosting weddings, wedding receptions, special events, and recreational activities.

#### Summary

On February 3, 2015 staff issued an administrative approval of a conditional permit (247-14-000 228-CU and 229-SP) to establish a private park on an EFU-zoned parcel east of Sisters for the purpose of hosting weddings, wedding receptions, special events, and recreational activities.

By Order 2015-011, dated February 4, 2015, the Board initiated review of this application under DCC 22.28.050 through a *de novo* hearing.

The present application is similar in many ways to a 2013 application on the subject property for a private park (CU-13-13) that was denied by the Hearings Officer. Denial was based on several issues, including that the application did not include a site plan review application. While the present application does include a site plan application, staff believes many of the contentious issues from the 2013 decision will be revisited in the Board's hearing on the present application. Issue areas include:

**Is the proposed use a “private park”:** The threshold question presented by this application is whether the applicant’s proposal constitutes a “private park.” In her decision in CU-13-13/MA-13-3, the Hearings Officer provided extensive analysis of this topic for a similar, prior application for a private park on the subject property. Following that analysis, staff concluded that with the exception of weddings, the term “park” clearly includes the types of recreational activities that the applicant proposes for the private park, including:

- Outdoor eating with family and friends
- Public speaking using a sound system
- Listening to amplified music
- Singing, including karaoke
- Dancing in the pavilion (gazebo)

- Lawn games such as volleyball and badminton in the volleyball court, croquet on the lawn, catch, bocce ball, corn hole and ring toss.

Staff concluded that a private park designed and operated for outdoor recreation can host weddings and similar ceremonies so long as they are incidental and subordinate to the recreational activities – i.e., minor and secondary activities relative to the recreational activities.

**Farm Management Plan (FMP):** The existing farm-related dwelling on the property was approved in conjunction with a Farm Management Plan (FMP). The prior approval (MA-01-9/CU-00-65), granted to the applicant's predecessor, required that the property be "...currently employed in farm use, as evidenced by a farm management plan...". In the administrative approval of present park application, staff found that there is nothing in the dwelling approval that requires the applicant to continue the prior owner's agricultural operations or to complete the future activities described in the 2001 FMP. Applicable criteria requires that the proposed development relate harmoniously to existing development. Staff concluded that the park would not preclude or significantly interfere with any existing farm use, prior farming practices, or the applicant-proposed future farm use.

**Wildlife Management Plan (WMP):** The 2001 Wildlife Management Plan (WMP) approved under (MA-01-9/CU-00-65) includes required actions on the part of the land owner as part of the dwelling location approval. To the extent that the proposed park use could somehow preclude or significantly interfere with the land owner's ability to complete those required actions, the private park proposal would not relate harmoniously with the residential use of the subject property. A proposed modification of the Wildlife Management Plan (247-14-000401-MC) is under appeal and has not received final local approval. Staff concluded that the 2001 WMP does not presently impose any required actions that could result in incompatibilities with the proposed private park. Should the modification of the Wildlife Management Plan receive final approval in the future, Staff is uncertain if the final conditions of that approval will include any incompatibilities with the proposed private park. Staff notes, however, that the modified WMP, to date, has focused on deer forage enhancement outside of the developed private park site. For this reason, Staff concluded that it is unlikely that the modified WMP, if approved, will include any incompatibilities with the proposed private park.

**Metolius Deer Winter Range:** The Hearings Officer found in CU-13-13/MA-13-3, "The subject property is located within a WA Zone and the Metolius Deer Winter Range, signifying it has natural resource value as wildlife habitat." No changes to the existing scrub juniper woodland habitat are required or proposed for operation of the private park. Proposed use of the private park would occur between late May and early October, outside the period when deer would be using the mapped Metolius Winter Deer Range on the subject property. For these reasons, staff concluded that the proposed private park use would be compatible with the natural resource values of the subject property.

**Road and Parking Surface:** The applicant proposed a cinder surface for the driveway from Holmes Road and the parking area. However, based on the comment by the Deschutes County Transportation Planner, Staff concluded that cinder is not a required "all-weather surface". As a condition of approval, staff required that areas used for standing and maneuvering of vehicles shall be paved or gravel, but not cinder, surfaces adequately maintained for all weather use and maintained in a manner which will not create dust problems for neighboring properties.

**Scheduling**

This hearing is scheduled for the Board's morning meeting on March 2, 2015. A work session is scheduled for February 25, 2015.

Thank you for your consideration of this matter.

**ATTACHMENTS:**

1. Administrative approval of 247-14-000 228-CU and 229-SP