



**Crook County Community Development
Planning Department**
300 NE 3rd Street, Room 12, Prineville, OR 97754
(541)447-3211
plan@crookcountyor.gov

STAFF REPORT 217-23-001215-PLNG

February 7, 2024

OWNER: Gregory A. and Karen S. Huston
PO Box 18134
Coffman Cove, AK 99918

AGENT: D. Adam Smith
Schwabe, Williamson & Wyatt
360 SW Bond St., Suite 500
Bend, OR 97702

REQUEST: Approval for eighteen (18) commercial events during the calendar year.

BACKGROUND: The subject property received approval in 1992 for a “private park for catered barbecues”, as a conditional use, in conjunction with the Crooked River Dinner Train. The Applicant has provided a brief history from that approval in their Narrative. A snapshot of that history is that the property has changed hands and there has been activity of some sort involving the private park with exception of certainty from 2001 to 2009, although the presumption is that the use continued in some aspect. The current property owners purchased the property in 2009.

In Fall of 2021, the County received concerns regarding the use occurring on the property. The concerns led to a compliance process, with multiple parties involved. In February 2023 the parties entered into an Agreement to Abate and within the timeline provided the Huston’s have filed for a new land use permit through the current application for 18 commercial events through Crook County code Chapter 18.16.055.

SUMMATION: The property’s background presents a distinguishing history that has led to the current proposal, and it does play a role in the current proceedings, albeit a background role and sets the stage so to speak for the event site and prior use. The Planning Commission (PC) must decide if the Applicant has satisfied the standards set forth in the Crook County Code 18.16.055. Case law has set guidelines for incidental and subordinate as well as necessary to support. How could something be incidental, yet also be necessary to support? The PC must find that both can exist and are not mutually exclusive, based on the evidence in the record. The PC must also find that there is or is not farm use occurring on neighboring parcels and that the proposed events would or would not force a significant change in accepted farm practices on surrounding lands devoted to farm use or significantly increase the cost of accepted farm practices on surrounding lands devoted to farm use.

PROJECT LOCATION: The proposed use is located on approximately 2.4 acres of tax lot 1415200000600; other tax lots included in the property tract are:

Tax lot	Acreage
1415200000600	227.14
1415190000100	187.39
1415000000600	273.80
1414240000100	37.38
1414240000200	80
1415200000601	11.51
1415000000603	7.50
Total	~ 824

I. APPLICABLE CRITERIA

Crook County Code

Title 18, Zoning

Chapter 18.08 Definitions

18.08.030 C definitions.

Chapter 18.16 Exclusive Farm Use Zones, EFU-3 (Powell Butte Area)

18.16.010 Use Table.

18.16.055 Agri-tourism and other commercial events.

II. FINDINGS

Crook County Code

Title 18, Zoning

Chapter 18.08 Definitions

18.08.030 C definitions.

“Commercial event or activity” means any meeting, celebratory gathering, wedding, party, or similar use consisting of any assembly of persons and the sale of goods or services. It does not include agritourism. In CCC 18.16.055, a commercial event or activity shall be related to and supportive of agriculture.

PROPOSED FINDING: The Planning Commission finds that the "Proposed Schedule of Events for Calendar Year 2024", included in the staff report, lists celebratory gatherings, weddings, and similar use consisting of any assembly of persons, thus meeting the definition of a commercial event or activity. The following staff report addresses the standards set forth in CCC 18.16.055.

Chapter 18.16 Exclusive Farm Use Zones, EFU-2 (Prineville Valley – Lone Pine Area)

18.16.010 Use table.

3.5	<i>Agri-tourism and other commercial events or activities that are related to and supportive of agriculture.</i>	STS	<i>Notice and Opportunity for Hearing</i>	<u>18.16.055</u>
-----	--	-----	---	------------------

PROPOSED FINDING: The proposal is subject to standards as listed in the use table. The Applicant submitted application and materials on June 8, 2023, the application was deemed incomplete on June 27, 2023. Applicant response to the incomplete letter is dated August 30, 2023. Staff was able to review the additional material and deemed the application complete on September 9, 2023. The Transportation Analysis Letter was received on October 3, 2023. The newspaper notice for the public hearing was published on October 17, 2023, notice to neighbors was mailed on October 19, 2023. The Applicant asked for a continuance (Exhibit 4) from the November 8, 2023, hearing to a date and time certain December 13, 2023. The PC decided during the December 13, 2023, hearing, to leave the record open for the 7-7-7 opportunity for all parties to submit additional testimony. Beginning on January 3, 2024, additional testimony was accepted for seven days, on January 11, 2024, the record was open for rebuttal testimony, and on January 18, 2024, the Applicant’s final argument, until January 24, 2024. The continued hearing for deliberations only was set during the December 13, 2023, hearing for February 14, 2024, at 4pm. All exhibits received within the timeframe were made available on the Planning Commission website, Oregon ePermitting, and by request from the Community Development office.

The application is subject to standards as set out in CCC 18.16.055, which are addressed below.

18.16.055 Agri-tourism and other commercial events.

The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established:

(***)

(4) In addition to subsections (1) to (3) of this section, the county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with subsections (1) to (3) of this section if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

(a) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

SUMMATION: The PC must find that the proposed events are incidental and subordinate to the existing commercial farm use of the tract and necessary to support the commercial farm uses or agricultural enterprises in the area. The determination can be based on the nature of the use, the frequency of the proposed events as it relates to the existing farm use, including the economic impact from the proposed events. Evidence in the record is needed to support the PC’s decision. The same analysis will be required to address both aspects of the standard; incidental and subordinate and necessary to support.

The Applicant submitted Exhibit U, a letter from Gerald Hoots, CPA, P.C., providing a profit loss statement from 2018 through 2022 showing farm and event income, expenses and net profit (loss).

Opponents have challenged the proposed commercial events as not being incidental and subordinate to the existing commercial farm use of the tract. The assertion is related to the financial ambiguity in the record.

Ms. MacLeod, testified at the December 13, 2023, hearing,

“It also needs to be, um, necessary to support the farm use and um, you know, again, I would look closely and ask for some additional information about the financial support. [...] So it just doesn’t seem that that makes any sense particularly when you then go and you look at the contract which is Exhibit T to the burden of proof that shows that that three day event they were charged rent for \$3,500 for that one event. Well if you just extrapolate out and say \$3,500 over thirteen events, now granted, I don’t know how much they’re going to charge for the individual events. This is the only information in the burden of proof. But that’s \$45,500. Just in the rental income. But yet, what’s been reported is significantly under that. And um, but it does you know somewhat support um Mr. Huston’s statement that you know he would anticipate the pavilion to be able to generate \$30,000 to \$50,000 of income. Again if you look at his reports that he testified to about some years a loss of twenty to thirty and some years a profit of thirty to forty. Well, then that thirty to fifty certainly also seems to be a heck of a lot more than incidental and subordinate.” (Exhibit 16, pg. 6 of transcripts).

Exhibit 12, entered into the record by Ms. Macbeth, with Central Oregon Landwatch, states,

“The assertions and summary statements provided by the applicants do not provide the factual basis needed to support a decision about the income derived from commercial farm uses on the subject property that is required to determine whether the income from commercial nonfarm events at the level requested of 18 events per year will exceed the income from the farm itself.” (pg. 3).

Mr. Orr asked for clarification regarding Exhibit U, “Does the financial information contained in Exhibit U represent the combined operation of all of your farming properties in both Crook County and Deschutes County?” (Exhibit 14, pg. 2).

Exhibit 15, entered into the record from the Orrs purport the summation of their objections specifically address the economic benefit as,

“The farming income numbers are not factually supported. Outside persons farming activities are not mentioned or reported.” And “Event income reported is not factually shown, A large portion of the income has gone to others not the farm. This is a major weakness in making sure that the money benefits solely the farm – not employees, wedding planners, or other non farm interests.” (pg. 16)

Ms. MacBeth asks for clarification and further documentation of financial information in Exhibit 17.

“The summary financial information provided in Exhibit U is not certified. The assertions listed are not facts, they are summaries of facts. The applicants provide no factual support for the assertions in Exhibit U in the form of receipts of farm sales linked to the subject tract. The application lacks the factual evidence to determine whether the income from the requested commercial events at the rate of 18 events per year will swamp income from commercial farm uses.” (pg. 3)

“The application states that the applicants harvest "approximately 1200 tons of hay" in a typical year from 300 irrigated acres (i.e. 4 tons per acre). This yield is twice as high as the USDA National Agricultural Statistics Service figures for Oregon, which state the yield for hay in Oregon in 2023 is 2.1 tons per acre and in 2022 was 2.3 tons per acre, not the 4 tons per acre claimed by the applicants. Ex. 5.

The USDA figures estimate one half the yield of 4 tons per acre claimed by the applicants. But if the yield was only 2 tons per acre instead of the 4 tons per acre claimed by the applicants, then the estimated hay income would drop from the claimed range of \$250,000 to \$300,000, to a range of \$125,000 to \$150,000. With a farm use income in that range, the estimated minimum of \$63,000 for events would not be even close to incidental and subordinate to existing farm use on the tract. If the actual price obtained for the hay crop is actually \$125,000 based on USDA statistics for Oregon, then the events income is not incidental and subordinate to that farm use but instead would account for about 50% of total income.” (pg.4)

In Exhibit 16, the Applicant’s additional testimony submittal includes information regarding the economic question.

“We charge between \$3,000 to \$3,500 for events such as weddings. Our pricing is typically adjusted throughout the season based on demand and seasonality. For special events that we sponsor, we either donate the entire rate or charge a small amount, typically \$500. If the event is a smaller event, such as a one-day anniversary party, we charge \$500. We provide portable toilets, water, tables, chairs, and many decorations so our clients do not need to bring these things to the event site.” (Exhibit Z, pg. 2 of 2, Tonya Parsons)

The transcripts of the hearing provided by the Applicant in Exhibit 16, Mr. Huston, at the December 13, 2023, hearing testified.

“We’ve got two properties. We own that property and another 138 acres, over North of (inaudible) Falls- it’s kind of where our headquarters, hence, our house is. We’ve got two more pivots over there, and we use both properties to move cattle, and- and grow hay. Uh, currently we’re growing about uh, 12-15,000 tons of hay a year. We run between 50 and 100 head of cows, depending on circumstances like last year with the drought, and everything, we sold off a bunch, I think we’re down to 30 pair right now. But, we’ve always had cattle, we’ve always grown crops, we’ve grown carrot seed, grass seed, wheat, uh, right now, most of it is hay. So, basically, like I said, 15,000 tons of hay and 30-50 head of cattle a year is what we- what we do. Um, over the years, we’ve found that the more income streams you can have, the better- more likely you are to break even, or make a little money at the end of the year. Um, typically, financially, um, we average- just on average – between \$30-\$40,000 a year, in a good year – we’ll make. And in a not so good year, we’d lose \$20-\$30,000 dollars.” [...] “Um, having the pavilion- the pavilion’s center out there, and utilizing that, has the potential to generate \$30-\$50,000 a year income, and that really fills that gap for us.” (pg. 27)

Ms. MacLeod restates from the Orr’s their concern regarding the submitted income and economic documentation submitted. Summation of their concerns include who is receiving the income from the commercial events, if the farm income from Exhibit U reflects both farming tracts or specifically Crook County, and the uncertainty of income generation from previously held events and proposed events. (Exhibit 18, summation from items 2 & 3 on pgs. 3 & 4).

Also noted is the lack of clarity or comment from the applicant regarding the frequency of use in the truncated timeframe “(March – mid October)” as mentioned on page 4 and 5 of Exhibit 18.

Ms. MacBeth rebuttal testimony, Exhibit 20, asks for clarification regarding financials and specifically more information regarding the existing hay production calculations.

In Exhibit 22, the Applicant's rebuttal testimony submittal includes a letter addressing some of the questions from Opponents regarding Exhibit U from Mr. Huston.

"[...] The financial statement from our CPA, dated June 7, 2023, includes income and expenses from both our Crook County property and our Deschutes County property. Our CPA's financial statement included both properties because we move hay and cattle between the properties, share farming equipment, and operate our properties as one larger ranch operation. [...]"

Our Deschutes County property is smaller than our Crook County property. We primarily use that property for raising hay, and it produces less income and generates less expenses than our Crook County property. In a typical year, we generate \$50,000-\$60,000 from the sale of hay crops on our Deschutes County property and the expenses of our Deschutes County property are \$30,000-\$40,000." (pg. 37 & 38, Exhibit MM 1 and 2 of 7)

Applicant's final legal argument states:

"As described in detail throughout the application, and below, the Applicant is primarily interested in supplementing the Ponderosa Ranch's income to ensure its economic viability into the future. As with any ranching operation, there are good and bad years. The Applicant raises approximately 1,200 tons of hay crops each year, which it sells for a yearly gross revenue of approximately \$250,000 to \$300,000. The Applicant also runs approximately 80 to 200 head of cattle (depending on the year and the cattle and hay market) and sells cattle each year for a yearly gross revenue of approximately \$40,000 to \$160,000. In comparison, the Applicant expects to hold up to 18 events each year under the current commercial event permit application for yearly gross revenue of approximately \$35,000 to \$63,000." (pg. 2)

The Applicant then addresses "Concerns Regarding the Applicant's Farm Operations" which they include the response to financial questions and the amount of hay raised.

"Public comments questioned whether the subject property generates enough money from farm use each year. Under CCC 18.16.055(4)(a), all the Applicant is required to show is that the proposed commercial events "[a]re incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area." To meet its burden, the Applicant provided: 1) a statement from its CPA (Exhibit U to the application), 2) testimony by the Applicant during the public hearing, and 3) additional financial information confirming the veracity of the CPA's testimony (Exhibit MM in the rebuttal period). Nothing more is required, and opponents do not point to any contrary evidence in the record. Therefore, substantial evidence in the record shows that the application complies with CCC 18.16.055(4)(a)." (pg. 9)

The Applicant asserts that they have met the burden of proof with what has been submitted and thus showing that the farming operations gross \$250,000 to \$300,000 per year and the projected income from the proposed events will be approximately \$35,000 to \$63,000. Staff has calculated the additional income somewhere around 35% of the gross farm income from the higher range of numbers for more profitable years.

The Planning Commission must now make a determination citing materials in the record that support their findings, regarding the economic benefit, nature of use and frequency for an approval of meeting the criteria of incidental and subordinate, along with necessary to support.

PROPOSED FINDING: A wholistic analysis of the submitted materials including the economic value, nature of the proposed use, and frequency of the proposed events, the existing commercial farm use on the tract and the area has been reviewed.

Economic (1): The Planning Commission finds that the financial information in the record meets the burden of proof showing that the proposed event income is incidental and subordinate to the existing commercial farm use on the tract, benefitting the commercial farm use to the extent that it is necessary to support in years of fluctuation, by allowing the farm to have an additional revenue stream providing stability.

Economic (2): Based on the material in the record the Planning Commission finds that the financial information does not meet the burden of proof that the proposed event income is incidental and subordinate to the existing commercial farm use on the tract.

Nature of use: The existing ranching operation consists of a tract approximately 824 acres in irrigated and non-irrigated ground. The operation has approximately 300 irrigated acres distributed by pivots, hand, and wheel lines for multiple crops (hay, grass seed, carrot seed etc.) along with running anywhere from 30 to 50 head of cattle. Farming and ranching are year round occupations and the commercial operation employees include the owner/operator and ranch manager, as well as specialty contractors, as needed. The employees coordinate and run the farm operation year round. As testified, the additional revenue stream will benefit the ongoing profitability of the farm use occurring on the property.

The proposed commercial event site is less than one percent of the irrigated acreage at 2.4 acres. The site consists of a 2,800 square feet existing building, approved as a part of the 1992 private park. It is described as a pole building and utilized off season for storage in support of the farming operation. Other existing structures on the site include a restroom, arena, and barn. The Applicant provided a revised site plan, which is included in this report.

The Applicant and Opponents have furnished information from the website for the proposed events as previous events have taken place. Where the Opponents have provided the information as examples of past events, the Applicant has provided it to show the support advertised for local businesses, grass fed beef from the ranch, and promoting a ranch experience.

Nature of use (1): The Planning Commission finds that the Applicant has met the burden of proof showing that the nature of the use (e.g. proposed events) is incidental and subordinate to the existing commercial farm use on the tract and are a benefit to the area commercial agriculture.

Nature of use (2): The Planning Commission finds that the Applicant has not met the burden of proof showing that the nature of the use (e.g. proposed events) is incidental and subordinate to the existing commercial farm use on the tract and are a benefit to the area commercial agriculture.

Frequency: Analysis of the frequency includes looking at both the nature of the events and nature of the existing commercial farm use. The record includes information that the farming operation is a 365 day

operation with varied scheduled work time. As it is a commercial farm the Applicant has provided evidence to the harvesting of farm product, during active event season with no impacts. There are also letters of support in the record which speak to the frequency of events and farming operations. The proposed events are to take place during an event season from March to mid – October (approximately 30 weeks) and compare the frequency at 13 events to 30 weeks at 24 hours per event.

Frequency (1): The Planning Commission finds that the Applicant has met the burden of proof showing that the proposed events based on the frequency of those events are incidental and subordinate to the existing commercial farm use on the tract and are a benefit to the area commercial agriculture.

Frequency (2): The Planning Commission finds that the Applicant has not met the burden of proof showing that the proposed events based on the frequency of those events are incidental and subordinate to the existing commercial farm use on the tract and are a benefit to the area commercial agriculture.

(b) Comply with the requirements of subsections (3)(c), (d), (e), and (f) of this section;

(3) In the alternative to subsections (1) and (2) of this section, the county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

*(***)*

May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

PROPOSED FINDING: The proposal does not include any new structure/s to be built, used, or occupied in connection with the events. The Applicant has provided an email exchange from the Assistant Building Official regarding the existing structure. The Applicant shall apply and receive approval from the Crook County Building Department for any changes in use, additions, or alteration for any structural, mechanical, and electrical permits. See Conditions of Approval 1 and 8.

(c) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;

SUMMATION:

The Planning Commission must find that the proposed commercial events will not force a significant change in accepted farm practices on surrounding lands devoted to farm use; and will not significantly increase the cost of accepted farm practices on surrounding lands devoted to farm use.

There are multiple questions to answer for the Commission, first identifying the farm uses on surrounding lands. Then determining if the proposed events will or will not significantly increase the practices or cost of accepted practices.

The record includes a tax lot by tax lot analysis prepared and presented for the December 13, 2023, public hearing, the area study table is below:

Area Study Table

Map Tax Lot	Name	Acres	Irrigated	Zone	Use
141500000403	Wesley & Sarah Kuenzi	105.77	Yes	EFU2	Hay farming, Livestock operation, Single family dwelling
141500000602	Richard Morton	289.49	Yes	EFU2	Hay farming, Livestock operation, Single family dwelling
141500000401	John Fahlstrom	7.50	No	EFU2	No farm use, Single family dwelling
141500000402	John Fahlstrom	7.51	No	EFU2	No farm use
1415160000400	Quail Valley Ranch III LLC	471.78	Yes	EFU2	Hay farming, Livestock operation, Single family dwelling
1415210000101	Quail Valley Ranch III LLC	364.46	Yes	EFU2	Hay farming, Livestock operation, Single family dwelling
1415200000400	William Sigman	134.50	Yes	EFU2	Hay farming, Livestock operation, Single family dwelling
1415200000401	William Sigman	88.09	Yes	EFU2	Hay farming, Livestock operation
1415200000300	David Orr	6.86	Yes	EFU2	No farm use, Single family dwelling
141500000400	John Fahlstrom	265.89	No	EFU2	No farm use

Opponent testimony refuting classification as no farm use was heard from Ms. Dixon on behalf of the Fahlstroms, Mr. Fahlstrom, Ms. MacLeod on behalf of the Orrs, Mr. Orr, and Ms. MacBeth.

Additional testimony was submitted refuting the assertion of no active farm use by Ms. MacLeod on behalf of the Orrs and the Orrs themselves.

The Applicant submitted additional analysis, Exhibit NN, from Rand Campbell detailing the Orr and Fahlstrom properties, furthering the finding of no active farm use.

The Orrs and Ms. MacLeod submitted additional testimony in reference to the impact of farm use on their property. In doing so, the Orr's submitted previous years payments from the Parsons for hay, those payments stopped in 2021, when the Parsons were no longer employed to cut the Orr's field. The Orrs assert that the proposed events (and previous events) have significantly increased the cost of cutting their field. There is nothing in the record from the Orrs or their representative that supports that claim, (e.g. quotes, estimates or denials for putting up the field).

Testimony received from Rick Morton, (Exhibit 13) lists, "[...] As one of the farm operations on the road, the events and/or traffic have never had an impact on my farming operations. The road is wide enough that farm equipment and trucks can pass without issues."

Wes Kuenzi, a neighboring farmer provided a letter of support, which was included in Exhibit 16, pg. 9,

"I use Campbell Ranch Road every day and I have never had any conflicts with traffic going to or leaving the events held on the Huston's property. I use the road to move equipment and cattle to and from my property. My farming and ranching activities have not been impacted by the commercial events or traffic generated from the events."

PROPOSED FINDING: The record includes a review and analysis of surrounding properties and has found that no significant changes to accepted farming practices or a significant increase in cost to those farm uses are from the proposed commercial events.

The Planning Commission agrees with the Applicant's potential impacts from the proposed commercial events as, "visual (outdoor lighting), auditory (outdoor sound/music), traffic and/or dust (from additional vehicles), complaints regarding farm and forest practices, and/or trespass (from additional people)." See Conditions of Approval 6, 7 and 8.

(d) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

PROPOSED FINDING: The Planning Commission has defined and reviewed an area surrounding the subject property for other authorized agri-tourism or other commercial events or activities. Based on the topography, type, and distance it is found that the proposed commercial events will not materially alter the stability of the land use pattern in the area.

(e) Must comply with:

(i) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

PROPOSED FINDING: The Schedule of Events included with this report is a list of the proposed commercial events requesting authorization during each calendar year. The list includes the number of proposed events, the duration of the events, the anticipated daily attendance, and the hours of operation on the day of the events.

The record indicates that the events will take place on a single day, with set up allowed the day before and clean up the day after. The total time shall not exceed 40 hours of use and three consecutive days, which was outlined in the lease agreement submitted as part of the record.

Any changes to the proposed list of events shall be provided to the Community Development Department and the Orrs at least 72 hours prior to the approved dates. See Condition of Approval 5.

(ii) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

PROPOSED FINDING: The Site Plan included with this report shows locations of existing structures, parking flow and location of temporary structures, including areas for food carts, vendors, or other mobile services.

(iii) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;

SUMMATION: There are no specific concerns raised regarding the location of the access and egress for the proposed events. There are concerns regarding the classification of NW Campbell Ranch Rd., raised by Ms. MacLeod in Exhibit 21, however there is not a clear link to an applicable standard and no request is made for how to interpret the maintenance agreement or if the access.

PROPOSED FINDING: No concerns from the County Road Department or Crook County Fire and Rescue were received. The Planning Commission has reviewed the location of access and egress and parking facilities to be used in connection with the proposed commercial events. See Condition of Approval 6.

(iv) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

SUMMATION: The Applicant submitted a Transportation Assessment Letter (TAL), from Christopher Clemow, Clemow Associates LLC. The assumption for anticipated daily trips is based on doubling the number of attendees per event.

The summary of the TAL states:

- Access is directly from NW Campbell Ranch Rd via NW Elliott Ln
- Average of 300 daily trips on event days (with assumptions)
- Weekends and evenings are typically low volume
- Due to low volume, not anticipated to significantly impact the transportation system
- Adequate site distance for access location

Exhibit 10, submitted on December 13, 2023, calls into question the TAL and the assumptions used for the analysis, by Ms. Dixon.

The Applicant thus provided an additional letter from Mr. Clemow regarding the functional classification of the roadway, inclusion of additional properties, and evaluation for the maximum trip generation. "In this case, the proposed conditional use events will result in increased traffic volumes on event days, and potentially on the days with set-up and break-down operations, but it will not cause transportation system operations to be significantly affected as measured by adopted Crook County evaluation criteria." (Exhibit JJ of Exhibit 22 pg. 6)

PROPOSED FINDING: The Planning Commission has reviewed traffic management, including the projected number of vehicles and any anticipated use of public roads and finds that there shall be event signs and no backing onto or parking outside of the 2.4 acres identified on the site plan as the venue. See Conditions of Approval 3 and 4.

(v) Sanitation and solid waste.

PROPOSED FINDING: The Applicant will work with Crook County Environmental Health Department for all sanitation and solid waste facilities which will be used in connection with all commercial events. See Condition of Approval 2.

(a) Comply with the requirements of subsections (3)(c), (d), (e), and (f) of this section;

PROPOSED FINDING: See previous findings regarding compliance with subsections 3(c), (d), (e), and (f).

(b) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

PROPOSED FINDING: The parcel where the 2.4 acre site is located is 227.14 acres, meeting the minimum parcel size which is 80 acres in the EFU-2 (Prineville Valley – Lone Pine Area).

(c) Do not exceed 18 events or activities in a calendar year.

PROPOSED FINDING: The proposal does not exceed 18 events.

(5) A holder of a permit authorized by the county under subsection (4) of this section must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:

(a) Provide public notice and an opportunity for public comment as part of the review process; and

(b) Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by subsection (4) of this section.

PROPOSED FINDING: The Applicant shall request review of the permit every four years (from the date of decision), pursuant to CCC 18.16.055(5). See Condition of Approval 9.

(6) Temporary structures established in connection with agri-tourism or other commercial events or activities may be permitted. The temporary structures must be removed at the end of the agri-tourism or other event or activity. Alteration to the land in connection with an agri-tourism or other commercial event or activity including, but not limited to, grading, filling or paving, are not permitted.

PROPOSED FINDING: The proposal does not include any temporary structures or alterations to the land in connection with the proposed Commercial events. The Narrative does state that mobile vendors will be utilized on site and a revised site plan is requested to show where those temporary structures/vendors may be located. See Condition of Approval 1.

(7) The authorizations provided by this section are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015(10)(d), do not include agri-tourism or other commercial events and activities.

PROPOSED FINDING: The Applicant is not proposing any “outdoor mass gathering” and/or “other gathering,” with this application. The criterion does not apply.

III. PROPOSED CONDITIONS OF APPROVAL:

1. The Applicant shall apply and receive approval from the Crook County Building Department for any changes in use, additions, or alteration for any structural, mechanical, and electrical permits.
2. The Applicant will work with Crook County Environmental Health Department for all sanitation and solid waste facilities which will be used in connection with the commercial events.
3. The Applicant shall work with the Crook County Road Department for event signs.
4. There will be no backing onto or parking outside of the 2.4 acres identified on the site plan as the venue.
5. The applicant shall submit an amended list to the Community Development Department and the Orrs at least 72 hours prior to any change in the date of approved dates.
6. The Applicant shall provide proof to the Planning Department that the main entrance is identified and signed.
7. No Commercial Event or activity may begin before 8 a.m. or end after 11 p.m.
8. All lighting shall be shielded and directed downward, and where available motion detected or on timers.
9. The Applicant shall request review of the permit every four years (April 26, 2025), pursuant to CCC 18.16.055(5).

Respectfully Submitted,

Katie McDonald, Sr. Planner

Ponderosa Events

Proposed Schedule of Events for Calendar Year 2024

Event No.	Event Name	Date	Hours	Estimated Attendance
1	Wedding Event	3/9/2024	3:00pm to 11:00pm	100-150
2	Birthday Party Event	3/23/2024	3:00pm to 11:00pm	30-50
3	Wedding Event	4/6/2024	3:00pm to 11:00pm	100-150
4	Reception Event	4/20/2024	3:00pm to 11:00pm	40-80
5	Oregon Cattleman's Association Event	5/4/2024	3:00pm to 11:00pm	100-150
6	Wedding Event	5/18/2024	3:00pm to 11:00pm	100-150
7	Anniversary Party Event	6/1/2024	3:00pm to 11:00pm	30-50
8	Birthday Party Event	6/15/2024	3:00pm to 11:00pm	30-50
9	Wedding Event	6/29/2024	3:00pm to 11:00pm	100-150
10	Company Banquet Event	7/13/2024	3:00pm to 11:00pm	30-70
11	Wedding Event	7/27/2024	3:00pm to 11:00pm	100-200
12	Wildfire Relief Fundraiser	8/10/2024	3:00pm to 11:00pm	100-150
13	Wedding Event	8/24/2024	3:00pm to 11:00pm	100-150
14	Wedding Event	9/7/2024	3:00pm to 11:00pm	100-200
15	Reception Event	9/16/2024	3:00pm to 11:00pm	40-80
16	Anniversary Party Event	9/21/2024	3:00pm to 11:00pm	30-50
17	Company Banquet Event	10/5/2024	3:00pm to 11:00pm	30-70
18	Wedding Event	10/19/2024	3:00pm to 11:00pm	100-150

Revised Site Plan



Existing Buildings and Structures