



January 10, 2024

TO: Crook County Planning Commissioners

FROM: David Orr

RE: Comments Regarding Hearing of December 13, 2023 and the King 1992 CUP
Comments Regarding the "As To" Approval of 1992 CUP

The Hearing of December 13 2024:

As I noted in my testimony at the Hearing I have spent time both as an Applicant and member of a county wide Agricultural Advisory Committee concerning CUP approval/denial and review of county wide agricultural policy.

I listened with interest to three well qualified land use attorneys as they testified as to the lack of hard facts needed to meet the Applicants burden. I then carefully reviewed Mr. Smith's comments within the Application you are reviewing. On P2, 2nd Paragraph (beginning "In 2001"). The first sentence represents a fact; it is also the last fact the in the entire paragraph. What I found to be even more concerning are his comments in a portion of the final sentence: "Similar to the Shanafelts' events, the only difference with the events currently hosted by the Applicants is that the Prineville train is no longer an option for guests to be transported to the train stop adjacent to the property, with all guests, employees vendors, etc. arriving via automobile." The Shanafelts knew they had no permit, and never represented that they did.

I am sure each member of the Planning Commission, each employee of the Planning Department and I understand the solution was to apply for a modification of the 1992 CUP. It appears Mr. Campbell used a more novel approach, which was to simply approve his own modification to the permit. If this action was ever implemented that is the most likely date of the abandonment.

I also reviewed Mr Campbell's actions regarding 1992 permit and the brochure in which he apparently granted himself permission to violate the 1992 King permit in several areas, to include extending the season by one month, offering company picnics, weddings, family reunions hiking groups the hours from 90 minutes to 150 minutes, and also offered road access for large groups for numbers of vehicles. Each of these actions, if he ever implemented them, would be the most likely date of the abandonment. Please see below for an analysis of the the mandatory conditions of the 1992 Permit.

The 1992 King CUP was granted on an "As Requested" basis by a unanimous vote, subject to the following mandatory conditions

1. Designed as a rest stop for the Crooked River Dinner Train.
2. Site to be utilized every Friday.
3. Season restricted to June through August.
4. Passengers will walk or take a wagon to the site.
5. The visitors will have ninety minutes before reboarding the train.
6. There will be no traffic impact since the visitors will be arriving by train.
7. Meals will be catered and cooked off site.

I was present at the December 13, 2023 hearing and paid careful attention to the testimony of Mr. Huston as he spoke three times. In the final portion of his testimony he "knew" he had

received the King 1992 CUP in the purchase of the property. He also testified he began to use permit in 2020. There was no permit that existed at the time of his purchase, and had one existed Mr. Houston would have abandoned it over period of nine years himself.

In reviewing the Application it appears to be one large game of "hide the ball" and presents no facts sufficient to even understand any portion of the information regarding the financials. How did the 2022 gross income of of the venue amount to \$9480, while incurring total expenses of only \$485 for the season, which amounts to \$37.31 per event. Were you even paying Mrs Parsons for her labor; that seems quite a stretch for \$37.31 per event. Why was the gross income for 2021 for four or five events higher than the gross income for the thirteen events held in 2022? 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? If so it is useless for this purpose.

Thank You for Reviewing This Matter.

A handwritten signature in cursive script that reads "David Orr".

however, King's intent was that guests would depart the train at a stop adjacent to the Property and then have the choice of "walking or taking a horse or tractor driven wagon" from the train stop to the pavilion utilizing what is now Campbell Ranch Road. Employees and other vendors were expected to use vehicles to drive to the pavilion. Accordingly, the original 1992 CUP contemplated that access to the pavilion for all guests, employees, vendors, etc. would be provided by way of Campbell Ranch Road adjacent to what is now Tax Lot 14152000-00300-552 owned by David and Joanne Orr (the "Orr Property") discussed at length below. See **Exhibit D**.

In 1998, Peter King sold the subject property to Donald and Theora Campbell who subsequently changed the name of the pavilion event center from "King Ranch Private Park," to the "Campbell Ranch." See **Exhibit E**. The Campbells continued hosting events at the pavilion under the 1992 CUP, including "company picnics," "weddings," "family reunions," "hiking groups," "youth groups," and a "Summer Hoe Down featuring the Crooked River Rail Road Co" which included a "live western show" and dancing.

In 2001, the Campbells sold the Property to Raymond and Sandra Shanafelt. The extent of the Shanafelts' use of the pavilion is unknown. However, the Applicants' understanding is that the Shanafelts continued to use the pavilion at least to some degree for weddings, company events, etc. Notably, all of the tables, chairs, and other equipment utilized for said events were stored in the pavilion in good working order when the Applicants purchased the Property in 2009. Although not likely utilizing the train to transport guests to the train stop adjacent to the Property, the Applicants' understanding is that all of the Shanafelts' events required guests, employees, vendors, etc. to utilize Elliott Lane to drive to the Property, further accessing the pavilion via Campbell Ranch Road adjacent to the Orr Property. Accordingly, the Applicants again changed the name of the pavilion to The Ponderosa Ranch after purchasing the Property and continued to host events pursuant to the 1992 CUP. Similar to the Shanafelts' events, the only difference with the events currently hosted by the Applicants is that the Prineville train is no longer an option for guests to be transported to the train stop adjacent to the Property, with all guests, employees, vendors, etc. arriving via automobile.

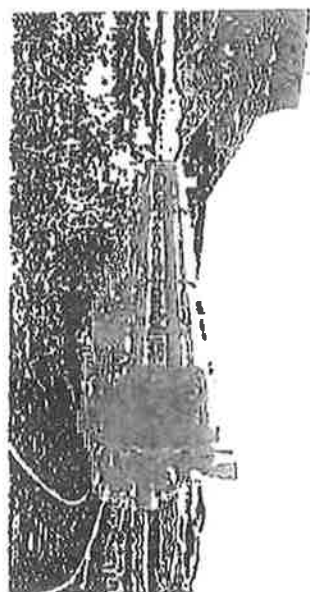
According to the County's code enforcement records (**Exhibit F**), Crook County first received an informal complaint from a "crook county resident" (sic) in the Fall of 2021 concerning the Applicants' events on the Property. Although that Crook County resident elected not to file a formal complaint, County code enforcement staff elected to "open a compliance case" against the Applicants, resulting in a January 18, 2022 letter directing the Applicants "to apply for land use approval" to continue hosting events at the pavilion. See **Exhibit G**. Notably, the initial January 2022 letter did not cite or otherwise address the 1992 CUP's applicability.

In the Spring of 2022 and presumably in an attempt to preserve the anonymity of the original, unnamed complaining party, Central Oregon LandWatch ("COLW") stepped-in and began sending correspondences urging the County to require the Applicants to apply for new land use permits. See **Exhibit H**. When informed that the matter would be resolved via a code enforcement hearing, COLW further threatened to appeal the matter to the Oregon Land Use Board of Appeals if the County proceeded with code enforcement proceedings rather than a land use hearing. Although providing no legal support for its position, COLW's correspondences asserted that "[t]he landowner appears to have abandoned a nonconforming use, such that the landowner

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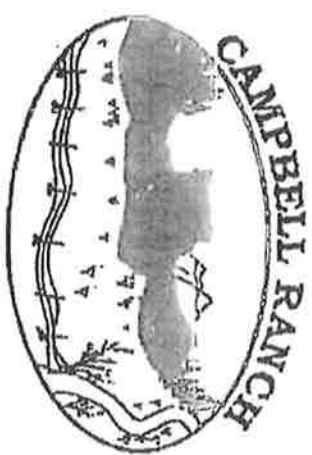
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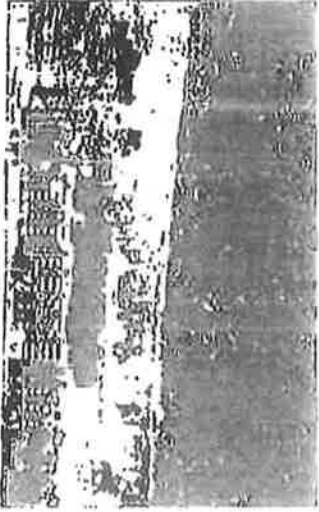
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