

OBJECTIONS TO ENTIRE APPLICATION AS SUBMITTED:



1: THE STUDY DOES NOT INCLUDE SPRING CREEK PROPERTIES. THEY USE THE PRIVATE GRAVEL ROAD IMPACTED BY EVENT TRAFFIC. THEY WERE NOT NOTIFIED BY COUNTY OF THIS APPLICATION.



2. ALL REFERENCES TO THE 1992 CUP SHOULD BE REMOVED FROM THE APPLICATION. OUR COMPLAINT TO THE COUNTY (EXHIBIT I) HAS NOT BEEN RESOLVED. THEY ARE UNABLE TO PROVE IT HAS BEEN USED CONTINUOUSLY AS APPROVED IN 1992. APPROVAL OF THIS APPLICATION AS SUBMITTED MAY GIVE RISE AS TO THE APPLICANTS SPECULATION OF THE 1992 CUP. APPROVAL MAY THEN IMPEDE OUR REQUEST FOR A HEARING ON OUR COMPLAINT (EXHIBIT I).

22-079



Preliminary Compliance Report

Crook County Building Department
 300 NE 3rd Street - Rm 12, Prineville, OR 97754
 (541) 447-3211 Fax (541) 416-2139

www.co.crook.or.us

FOR OFFICE USE ONLY

Crook County

JUN 13 2022

Community Development

CASEFILE #

This report is to be used to provide information about possible violations of the Crook County Code. In order for your report to be accepted, you must fill in all questions completely and to the best of your knowledge. It is important that you supply as much detail as possible. Please be sure to print legibly throughout the entire form.

ALLEGED VIOLATOR / PROPERTY OWNER INFORMATION

If property does not have a legal address, you must submit a detailed map and directions to the site in order for this report to be accepted.

Property Owner Name:
 Gregory and Karen Huston

Is this a rental property? Yes No If yes, please list renter's name (if you know):
 Ranch Managers are Tanya and Blair Parsons

Address of Violation:
 8804 NW Campbell Ranch Road, Prineville, OR (flyers list address as 6790 NW Campbell Ranch Road - flyer attached)

Tax Map #:
 14150000-00800-15821

Subdivision: Lot:

Directions to the site: NW Campbell Ranch Road is accessed from Elliott Road (which is accessed from Highway 26)

ALLEGED VIOLATOR

Last Name: Huston First Name: Gregory and Karen Middle Name: (or Ponderosa Ranch Events - www.ponderosaranchevents.com)

Address:
 627 NW Elm Avenue Suite 3

City: Redmond State: OR ZIP: 97768 Phone:

DESCRIPTION OF ALLEGED VIOLATION

Code	Type
	(check all that apply)
Crook County Code Title 15 Chapter 15.04	<input checked="" type="checkbox"/> No Permit <input checked="" type="checkbox"/> New Construction <input checked="" type="checkbox"/> Remodel <input checked="" type="checkbox"/> Roof failure <input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Plumbing <input checked="" type="checkbox"/> Mechanical <input checked="" type="checkbox"/> Electrical <input checked="" type="checkbox"/> Fire, Life, Safety issues with Residence <input checked="" type="checkbox"/> Foundation failure <input checked="" type="checkbox"/> Discharge of sewage on top of ground <input checked="" type="checkbox"/> Faulty electrical wiring
Crook County Code Title 08 Chapter 8.08	<input checked="" type="checkbox"/> Accumulation of useless or discarded materials <input checked="" type="checkbox"/> Unlicensed, in-operable, wrecked, dismantled or partially dismantled vehicles stored on property <input checked="" type="checkbox"/> Discharge of sewage on top of ground
Crook County Code Title 18	<input checked="" type="checkbox"/> Person or persons residing in RV <input checked="" type="checkbox"/> Failure to remove Medical Hardship or Temporary Use Residence <input checked="" type="checkbox"/> Operating a Business in Residential Zone without Conditional Use Permit <input checked="" type="checkbox"/> Residence on property without planning approval. <input checked="" type="checkbox"/> Violation of Conditional Use Permit <input checked="" type="checkbox"/> Two (2) or more dwellings on property. Any rights under 1992 CUP no longer exist due to non-use; there is no land use approval for this particular use.
Other	Enter authority by statute or rule number and description of violation. <input checked="" type="checkbox"/> This property does not have a land use permit for an event venue, including weddings and fundraisers <input checked="" type="checkbox"/> The uses occurring are commercial <input checked="" type="checkbox"/> The uses are not consistent with the County's definition of a "private park" (18.08.100 "P")

VIOLATIONS INFORMATION

It is essential that this report be as complete as possible in order for the Code Enforcement Officer to proceed with an investigation. Whenever possible, the report should include a detailed description of the complaint, complete names of individuals who made the alleged violation, and photos or other related information that can be used as evidence of this violation. Attach additional pages if necessary.

Details of complaint: (be specific)

The property owners and/or operators of Ponderosa Ranch Events began operating a large scale wedding and event venue on the property the Summer of 2021. Beginning in early May 2022 (see attached flyer and Facebook post), weddings and events resumed and the Ors believe events are scheduled for nearly every weekend this summer. Events are attended by hundreds of people, continue for days including set up and break down, and events continue until well after midnight. All attendees arrive by car travel on NW Campbell Ranch Road and food might be being prepared on site as well (this option is advertised on the website, copies of pages are attached). The Ors believe events largely occur in the "pavilion" and it is unknown if the pavilion has been permitted, inspected or approved (and there is concern regarding the use of hay bales near places with candles/fires). Attached are printouts from the website from which this venue is advertised. There is no land use permit for these activities. The 1992 conditional use permit no longer applies to this property due to non-use. Unable to locate any business registry for "Ponderosa Ranch Events" so it may not be authorized to do business in Oregon and does it have insurance.

What direct impact does this complaint (violation) have on you, your property and/or your neighborhood?

Traffic, noise, uses unrelated to farm use or farm products, the Ors personal property (fence) has been hit and damaged by an event attendee, dust and concern about fire hazard. The Ors have multiple photographs taken from their property both when events are occurring and when they are not (to show comparison on items such as traffic). This is believed to be a commercial activity unrelated to farm use or farm products.

ARE THERE ANY KNOWN OR SUSPECTED HAZARDS AT THIS LOCATION?

IF: Dangerous or unstable residents, dogs, criminal activity, etc.

Yes No Unknown If Yes, please identify hazard in detail:

★ Can the violation be seen from the road? Yes No Particularly traffic

★ To the best of your knowledge, are there any "No Trespass" signs posted at/on property site? Yes No

★ Is the violation property a neighboring property? Yes No

★ The complainant hereby gives the Code Enforcement Officer permission to use their property for viewing the alleged violation:

Yes No If not, why?:

★ Will you the complainant, testify in court should the need arise? Yes No The Ors can provide additional documentation of violation

"CROOK COUNTY ATTEMPTS TO PROTECT THE IDENTITY OF COMPLAINANTS IF DENIED BY COMPLAINANT. (DENIED - INTL. ...). UNDER OREGON LAW, DISCLOSURE OF PUBLIC RECORDS MAY BE REQUIRED AND THERE IS NO GUARANTEE THAT DISCLOSURE WILL NOT OCCUR. COMPLAINANT UNDERSTANDS AND ACKNOWLEDGES THIS POSSIBILITY AND BY SIGNATURE BELOW ACKNOWLEDGES THAT DISCLOSURE OF IDENTITY MAY OCCUR."

"THE COUNTY WILL ACCEPT ANONYMOUS COMPLAINTS; PROVIDED, HOWEVER, THAT DUE TO THE COUNTY'S BELIEF THAT SUCH COMPLAINTS ARE NOT AS RELIABLE AS THOSE FROM INDIVIDUALS WILLING TO IDENTIFY THEMSELVES, THE INVESTIGATION OF ANONYMOUS COMPLAINTS WILL HAVE LOWER PRIORITY THAN OTHER COMPLAINTS."

COMPLAINANT INFORMATION

Last Name: Orr		First Name: David and Joanne (David and Joanne Orr Trust)		Middle Initial:
Title (if agency) c/o Tami MacLeod, Lynch, Murphy McLane LLP; (tmacleod@lynchmurphy.com)				
Address: (a) 8892 NW Campbell Ranch Road (Ors) (b) 1000 SW Disk Drive (Ms. MacLeod)				
City: (a) Prineville (b) Bend		State: OR	ZIP: (a) 97754 (b) 97702	
Signature: Tami MacLeod, Attorney for Ors <i>auth</i>				Phone: (a) 541-418-2445 (b) 541-383-6857
				Date Signed: 6/13/2022

If you DO NOT live in Crook County, you must list the address or Tax Map # of your Real Property located within Crook County.

3. THE APPLICATION AS ACCEPTED BY COUNTY INCLUDES WRONGFUL STATEMENTS BY APPLICANTS. THEY SUBMIT NO FACTS TO SUPPORT THEIR STATEMENTS: ON PAGE 18 OF APPLICATION THEY CLAIM THE ACCESS IS A LOCAL COUNTY ROAD. WE SUBMIT FACTS THAT IT IS A PRIVATE ROAD (ORR EXHIBIT A PAGES 1-9).

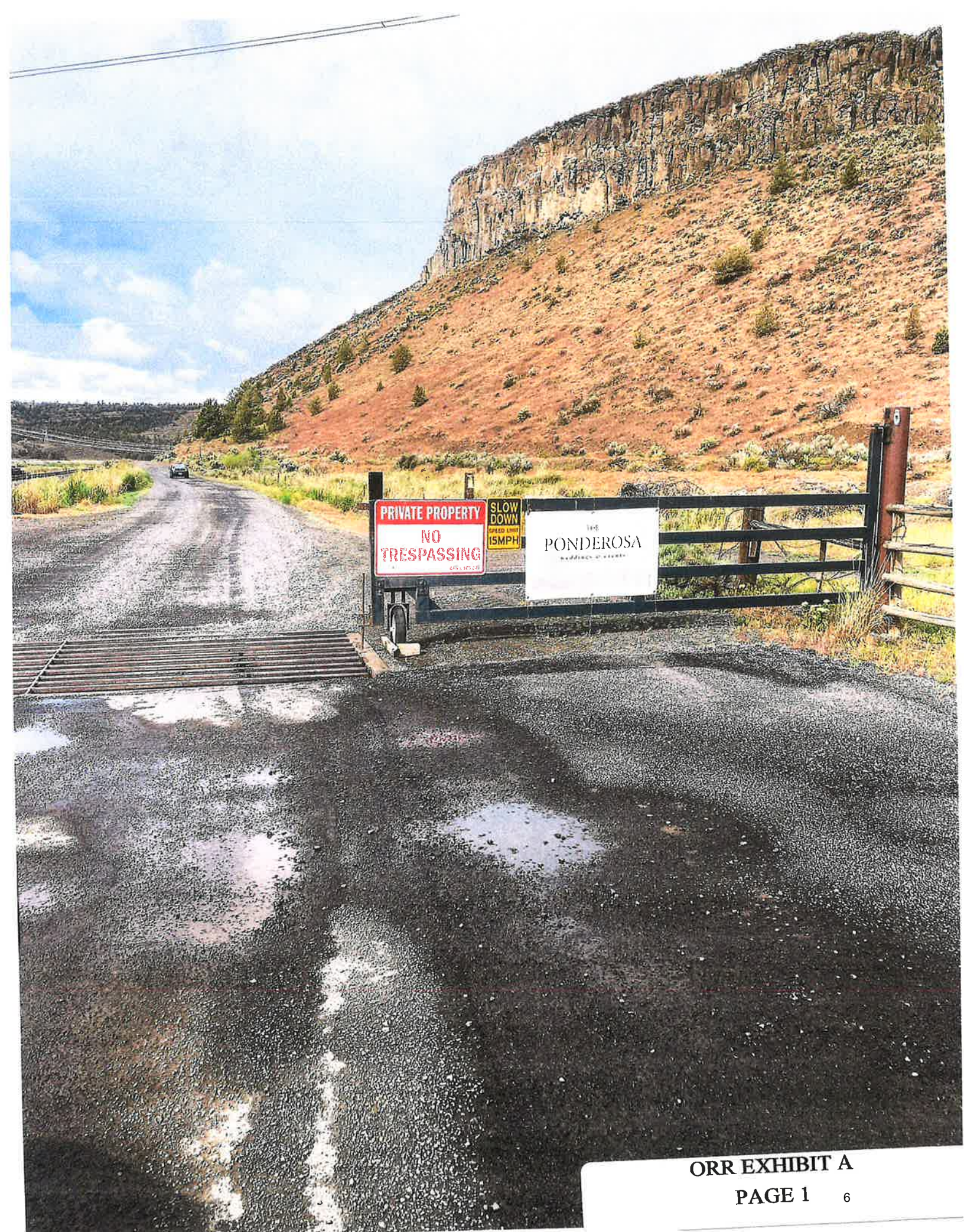
RESPONSE: Again, Patrons will access the commercial event site via Campbell Ranch Road, which is a local county road. Exhibit R. Additionally, to effectively manage traffic on event days, the Applicants will post signs informing drivers where to turn off of Campbell Ranch Road to access the commercial event site. Therefore this criterion is met.

(v) Sanitation and solid waste.

RESPONSE: Portable restrooms are used at the commercial events site to accommodate event patrons. The use of portable restrooms ensures that waste created by the commercial events will not negatively impact surrounding farm properties or practices.

IV. CONCLUSION

For the foregoing reasons, the Applicants respectfully request that the County approve a commercial event permit.



EASEMENT

For good and valuable consideration, receipt of which is hereby acknowledged, Donald E. Campbell and Theora G. Campbell, husband and wife, as Grantor, convey to Jack L. Yeager and Wilma J. Yeager, their heirs, successors and assigns, as Grantee, a perpetual non-exclusive Easement to use an existing road located across the following property of Grantor:

In Section 20, Township 14S, Range 15E of the Willamette Meridian: that portion of Parcel 2 of Partition Plat 1994-03 being located in the NE quarter of Section 20 lying northerly of the City of Prineville Railway and that portion of the Northwest quarter, Northwest quarter in Section 21 lying northerly of the City of Prineville Railway. The approximate location of said Easement is shown on the map attached hereto as Exhibit "A" and by this reference made a part hereof.

The terms of this Easement are as follows:

1. Grantee, their agents, independent contractors and invitees shall use the Easement for road purposes only for access to the property described in Section 4 below.
2. Grantor reserves the right to use said road. Grantor may grant use rights for access to third parties. The parties shall cooperate during periods of joint use so that each parties' use shall cause a minimum of interference to others.
3. Grantee agrees to indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantee's use of the Easement. Grantee assumes all risk arising out of their use of the Easement and Grantor shall have no liability to Grantee or others for any condition existing thereon.
4. This Easement is appurtenant to the real property owned by Grantee and described at Exhibit "B" attached hereto and by this reference made a part hereof. However, in the event of any subdivision or sale of any portion of this property, this Easement shall remain appurtenant only to the largest remaining parcel and owners of the other parcels into which the property described at Exhibit "B" may be divided shall have no right to use the Easement.
5. This Easement shall be perpetual; however in the event that it

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AMERILLE

is not used by Grantee for a period of three years or otherwise abandoned by Grantee, the Easement shall automatically expire and Grantee shall, upon request, execute a recordable document evidencing such expiration.

6. This Easement is granted subject to all prior easements or encumbrances of record.

Donald E. Campbell
DONALD E. CAMPBELL

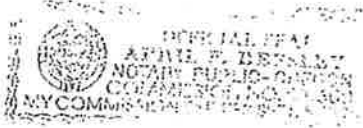
Theora G. Campbell
THEORA G. CAMPBELL

Jack L. Yeager
JACK L. YEAGER

Wilma J. Yeager
WILMA J. YEAGER

STATE OF OREGON)
) ss.
County of Crook)

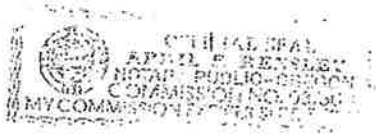
Personally appeared the above-named Donald E. Campbell and Theora G. Campbell and acknowledged the foregoing instrument to be their voluntary act and deed, before me this 16 day of January, 1998.



April J. Hinkle
Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Crook)

Personally appeared the above-named Jack L. Yeager and Wilma J. Yeager and acknowledged the foregoing instrument to be their voluntary act and deed, before me this 16 day of January, 1998.



April J. Hinkle
Notary Public for Oregon
My Commission Expires: _____

(10/17/92)
ALTA Owner's Policy

O 264950



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company of Oregon

200 S.W. Market St. • Portland, Oregon 97201 • (503) 222-3651

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, a Oregon corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

Countersigned

Authorized Officer

Title Insurance Company of Oregon

dba FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON

BY

PRESIDENT

ATTEST

SECRETARY



ORR EXHIBIT A

... of this policy shall continue in force as

ALLA Owner's Policy
(6-1-87)
Schedule A

SCHEDULE A

Policy No. O-264950
0063346

Amount of Insurance	\$282,500.00	Premium	\$912.50
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Date of Policy: NOVEMBER 15, 2002 AT 12:15 A.M.

1. Name of Insured:

DAVID A. ORR and JOANNE ORR, husband and wife

2. The estate or interest in the land which is covered by this policy is:

Estate in fee simple

3. Title to the estate or interest in the land is vested in:

DAVID A. ORR and JOANNE ORR, husband and wife

4. The land referred to in this policy is described as follows:

Located in CROOK COUNTY, OREGON:

See Exhibit "A" attached hereto and made apart hereof

EXHIBIT "A"

Located in CROOK COUNTY, OREGON:

A tract of land located in the North half of Section 20, Township 14 South, Range 15 East of the Willamette Meridian, more particularly described as follows: Beginning at the quarter corner common to Sections 17 and 20, thence North $23^{\circ}35'14''$ West a distance of 255.10 feet to the Northwest corner of Parcel No. 1 of that land deeded to Robert T. Lister by Peter B. King et al by deed recorded in Book 90 of Deeds at page 368, Records of Crook County, Oregon, thence South $0^{\circ}00'51''$ East along the West line of said Parcel No. 1 a distance of 855.45 feet, thence South $7^{\circ}55'54''$ East along the West line of said Parcel No. 1 a distance of 45.42 feet to the True Point of Beginning of this description; thence South $89^{\circ}48'07''$ West a distance of 7.86 feet, thence South $1^{\circ}00'14''$ East a distance of 250.87 feet, thence South $0^{\circ}06'56''$ West a distance of 672 feet, more or less, to the centerline of the Crooked River, thence along said centerline of the Crooked River approximately along the following courses: South $57^{\circ}26'41''$ East 131.00 feet, South $36^{\circ}52'12''$ East 100.00 feet, South $12^{\circ}05'41''$ East 71.59 feet, South $23^{\circ}40'03''$ East 132.07 feet to the intersection with the Northerly right-of-way line of the City of Prineville Railway, as located and constructed and described in Book 40 of Deeds at page 33, Records of Crook County, Oregon, thence North $40^{\circ}39'48''$ East along said Northerly line a distance of 20 feet, more or less, thence along said Northerly line around a 75.00 foot offset spiral curve to the right a distance of 106.54 feet (chord bears North $42^{\circ}22'57''$ East 106.50 feet) thence along said Northerly line around a 647.96 foot radius curve right a distance of 215.46 feet, (long chord bears North $55^{\circ}11'22''$ East 214.47 feet) thence leaving said Northerly line, North $63^{\circ}18'42''$ West a distance of 108.09 feet, thence North $37^{\circ}21'53''$ West a distance of 160.22 feet, thence North $15^{\circ}13'47''$ West a distance of 238.85 feet, thence North $5^{\circ}10'21''$ West a distance of 402.91 feet, thence North $81^{\circ}09'19''$ East a distance of 20.41 feet, thence North $8^{\circ}25'26''$ East a distance of 123.94 feet, thence North $6^{\circ}27'39''$ West a distance of 116.19 feet, thence South $89^{\circ}48'07''$ West a distance of 226.90 feet to the True Point of Beginning.

CROOK COUNTY

BEFORE THE PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION
FOR PARTITIONING AND TWO
CONDITIONAL USE APPROVALS IN AN
EXCLUSIVE FARM USE ZONE EFU-2

NO. C-LP-555-06 NF
C-CU-2296-06 NF
C-CU-2297-06 NF

FINAL DECISION

SUMMARY:

APPLICANT: John and Connie Fahlstrom
8899 NW Campbell Ranch Road
Prineville OR 97754

AGENT: Craig Kilpatrick
13790 NW O'Neil Highway
Redmond OR 97756

PROPOSAL: A partitioning to divide a 386.67 acre farm parcel to create a 372.67 acre farm parcel (Parcel 1), and two 7.0 acre nonfarm parcels (Parcels 2 and 3); and conditional use approval for a nonfarm residence on each nonfarm parcel in an Exclusive Farm Use EFU-3.

FINAL DECISION: Approved 7-0

DATE OF FINAL DECISION: March 28, 2007

DEADLINE FOR SUBMISSION OF APPEAL: April 9, 2007

THE ABOVE ENTITLED MATTER came before the Crook County Planning Commission at its regular meetings of March 8, 2006, March 22, 2006, May 10, 2006, October 25, 2006, and March 14, 2007.

LEGAL CRITERIA

CROOK COUNTY CODE: The property is zoned Exclusive Farm Use EFU-2. Chapter 18.20.020(14) of the Crook County Code permits dwellings not in conjunction with farm use in the EFU-2 zone, subject to CCC 18.20.080.

Under CCC 18.20.070 the following requirements apply:

- (1) Farm Parcels: Division of land for farm parcels shall be appropriate for the continuation of the existing

ORR EXHIBIT A

<u>CATEGORY</u>	<u>POTENTIAL NONFARM DWELLINGS</u>
Vacant Nonfarm Parcels <40 acres	12
Nonfarm Parcels 40-80 acres with one residence	3
Divisible Farm Parcels >80 Acres	38
Total	53

ACCESS: The existing residence on Proposed Parcel 1 is accessed by an existing graveled private road which constitutes an extension of Campbell Ranch Road, a paved public road.

Campbell Ranch Road borders the property on the south, and connects to Elliott Lane, a county road, about one-half mile to the east of the property. Elliott Lane connects to the O'Neil Highway, a state highway, about one mile to the south.

Access to proposed Parcels 2 and 3 is provided by Spring Creek Road, a private road which connects to the extension of Campbell Ranch Road on the south, and skirts the eastern edge of the property. Spring Creek Road is a dirt road on a 60 foot right-of-way. It follows a winding path up a steep grade to reach the hillside bench on which the proposed parcels are located. The road descends another steep grade to the north of the proposed parcels, to serve three residences in other ownership. There is presently a road maintenance agreement under which the owners of those residences share the cost of maintaining the road.

Spring Creek Road is adjacent to the eastern boundary of proposed Parcel 3, but passes to the east of proposed Parcel 2.

An existing PGE access road, which is little more than a trail, connects to Spring Creek Road on the northern part of Parcel 3, and provides access to a PGE electrical transmission tower to the south of Parcel 3.

The applicants propose a single access to both proposed nonfarm parcels, to connect to Spring Creek Road on the southern edge of Parcel 3. The access road is to connect to the existing PGE road, which is to provide access to the proposed residence to be located near the center of Parcel 3. The portion of the PGE road

4. THE APPLICATION SUBMITS NO FACTS AS TO ACCURATE OR ACTUAL INCOME. THEY MAKE A WEAK ATTEMPT WITH (EXHIBIT U). WE HAVE OBSERVED FARMING ON THE FIELD NEXT TO OUR PROPERTY AND HOUSE THAT IS DONE BY OTHERS-NOT HUSTONS. THE OTHER FARMING HAS BEEN DONE BY JIM HART, MARICLE LAND AND LIVESTOCK, AND THE BLUE GRASS SEED FARMING. THIS IS NOT STATED BY EXHIBIT U OR BLAIR PARSONS ON HIS (EXHIBIT N). THIS SHOULD HAVE BEEN SHOWN BY APPLICANTS. WE SUBMIT (ORR EXHIBIT B PAGES 1-4) SUPPORTING OUR CLAIM OF FARMING THE PROPERTY BY OTHERS. EVENT GROSS INCOME CAN'T BE ACCURATE BASED ON THE NUMBERS OF EVENTS EACH YEAR.

GERALD HOOTS, CPA, P.C.

A PROFESSIONAL CORPORATION
Certified Public Accountant

Gerald E. Hoots, CPA

June 7, 2023

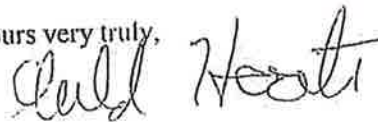
Greg and Karen Huston
PO Box 18134
Coffman Cove, AK 99918

Per your request we have outlined the information below showing the farm income, expenses and net profit (loss) for the past 5 years. We have also included the venue revenue and expenses for each year.

<u>Farm:</u>			<u>Venue:</u>		
2022	Gross Income	\$525,984	Gross Income	\$9,480	13 EVENTS
	Total Expenses	(677,605)	Total Expenses	(485)	
	Net Income	(151,621)	Net Income	8,995	
2021	Gross Income	\$263,157	Gross Income	\$9,750	4 or 5 EVENTS
	Total Expense	(442,585)	Total Expenses	(4,750)	
	Net Income	(179,428)	Net Income	5,000	
2020	Gross Income	\$343,676	Gross Income	\$1,000	
	Total Expense	(536,530)	Total Expenses	(0)	
	Net Income	(192,854)	Net Income	1,000	
2019	Gross Income	\$220,567	Gross Income	0	
	Total Expenses	(346,075)	Total Expenses	(0)	
	Net Income	(125,508)	Net Income	0	
2018	Gross Income	\$276,048	Gross Income	0	
	Total Expenses	(344,434)	Total Expenses	(0)	
	Net Income	(68,386)	Net Income	0	

The venue income is used to offset the losses the farm incurs.

Yours very truly,



Gerald Hoots

2001 Front Street N.E., Suite 120 ■ Salem, Oregon 97301
P.O. Box 7356 ■ Salem, Oregon 97303 ■ (503) 585-1782 ■ Fax (503) 585-1818 ■ www.yoursalemcpa.com

"Helping our clients since 1956"

Exhibit U

June 7, 2023

Crook County Planning Commission
300 NE 3rd St, Rm. 12
Prineville, OR 97754

Re: Huston Commercial Event Permit Application

Dear Commissioners,

My comments are submitted in regard to the farming and ranching operations that occur on the subject property. I have lived in Crook County for 21 years and have farmed and ranched my entire life. Prior to working for Huston's I worked and managed another local ranch for 10 years.

I have been the ranch manager at the Huston's ranch for 10 years. During this time, I have managed the farming and ranching operations that take place on the subject property. I'm the main operator of the ranch and we typically hire one seasonal farm worker to help irrigate the hay fields and harvest the hay crops.

The subject property is a total of 824 acres. The entire property is used for our farming and ranching operation. Approximately half of the property contains irrigated hay fields. The other half of the property is primarily rangeland that is used for cattle grazing. The property is both a hay farm and cattle ranch, but the majority of the operation is focused on raising hay crops.

Currently we have approximately 300 acres under irrigation. We raise a variety of crops such as orchard grass, alfalfa, and grain. The fields are irrigated with three pivots, seven wheel lines, and multiple handline systems. Our irrigation water is provided by Ochoco Irrigation District. We typically get three cuttings of hay off our hay fields each year.

Our farming operation includes farming practices that are common in Crook County such as irrigating fields, growing hay and seed crops, fertilizing fields, applying herbicides and pesticides to fields, harvesting crops, repairing and maintaining our farm equipment and machinery, as well as moving hay to our hay barns for storage, and loading and shipping hay and crops after harvest.

In a typical year, we harvest approximately 1200 tons of hay. We bale large square bales which are sold for livestock feed or used on the ranch to feed our own livestock. We sell the majority of our hay to other livestock producers, but also keep approximately 100 tons to feed our own cattle through the winter. Our annual gross revenue from the sale of our hay crops is approximately \$250,000 to \$300,000.

In addition to our farming operation, we also have an extensive livestock operation. We raise black angus cattle in our cow-calf operation. In a typical year we raise around 40-100 pairs of cow and calf pairs. Our annual gross revenue from the sale of our cattle is approximately \$40,000 to \$160,000.

We typically keep approximately 10 calves as replacement heifers each year. Depending on the year and the cattle and hay market, we keep around 10 yearlings which we raise for an additional year before they are sold. We also buy bulls every other year to replace old bulls and improve the genetics in our herd.

7/31/22



7/23/23



7/23/23



7/25/23



7/26/23



5. THE APPLICANTS CLAIM THAT WE ARE NOT FARMING (PAGE 12 AND 13 OF APPLICATION) IS WEAK AND UNSUPPORTED. THIS IS AN ATTEMPT TO DAMAGE US (AN ADJOINING SMALL FARM) EVEN FURTHER IN AN EFFORT TO FINANCIALLY ENRICH THEIR FARM INCOME. IT IS AN ATTEMPT TO REMOVE THIS FARM FROM THE EFU TAXABLE ZONING. THEY HAVE GONE SO FAR AS TO INTIMIDATE OR THREATEN TO PURSUE THE NON FARMING CLAIM IN THEIR SETTLEMENT REQUEST OF DECEMBER 29, 2023 (WHICH THEY PLAN TO PLACE IN THE RECORD). IT IS (ORR EXHIBIT C PAGE 1). APPLICANTS EXHIBIT N (BLAIR PARSONS COMMENTS) WE HIGHLIGHTED, HOLD TRUE FOR OUR FARM AS WELL.. WE HAVE NOT HARVESTED THE LAST 2 YEARS DUE TO THIS PERMIT DISAGREEMENT WITH HUSTONS AND BLAIR PARSONS. BLAIR HAS HARVESTED OUR HAY FOR MANY YEARS. THAT IS NO LONGER POSSIBLE. WE PLAN TO CONTINUE HARVESTING WITH AN ACCEPTABLE HARVESTER WHEN THE TRAFFIC IS SAFER TO ALLOW FARM EQUIPMENT TRAVELING ON THE ROAD AND WE CAN SCHEDULE IT ACCORDING TO THE HARVESTERS SCHEDULING NOT EVENT SCHEDULING. OF COURSE THIS HAS FINANCIALLY DAMAGED US. TO KEEP THE HAY HEALTHY (SAME GRASS THAT BLAIR HAS BEEN HARVESTING) WE HAVE INCURRED AN ADDITIONAL EXPENSE IN MOWING THE GRASS. THIS WAS A DECISION WE MADE TO ALSO KEEP OUR WATER RIGHTS. IT IS UPSETTING TO HAVE BLAIR PARSONS DEGRADE OUR FARM SINCE HE HAS SHARED IN ANY INCOME FROM OUR HAY. THE REASONS FOR LACK OF HARVEST WAS NOT A DECISION TO BE MADE BY BLAIR PARSONS OR RAND CAMPBELL (APPLICANTS AGENT). AS TO APPLICANTS REFERENCES AND COMMENTS ABOUT OUR FARM EQUIPMENT (APPLICATION PAGE 12, ORR PROPERTY) IS NOT TRUTHFUL BUT VERY DEROGATORY. WE ARE SUBMITTING INTO THE RECORD (ORR EXHIBIT C PAGES 7-14). THESE EXHIBITS SUPPORT OUR COMMENTS MENTIONED ABOVE AND SHOW OUR EQUIPMENT, AND IT'S FINANCIAL FEASIBILITY FOR USE ON A SMALL FARM.

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and/or force a significant increase in cost of that accepted farm practice.

(1) **Analyzing Potential Farm and Forest Impacts of the Agri-tourism and Commercial Events**

Potential impacts of the proposed commercial events could be 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).

(2) **Methodology for Identifying Farm Uses and Practices**

To perform the Farm Impacts Test, all tax lots within one-half of a mile from the commercial event site were queried from county GIS data yielding 10 tax lots. Most of the tax lots within the study area are large and similar to the Property, as they are hay and livestock operations that are developed with single-family dwellings. Three small tax lots are also within the study area, two of which are not in farm use and the other is primarily a residential property that also contains a small hay field.

The following analysis: (1) describes the farm and forest practices on surrounding lands devoted to farm use; (2) explains why the proposed commercial events will not force a significant change in those practices; and (3) explains why the proposed commercial events will not significantly increase the cost of those practices.

To describe farm practices occurring within the study area, a combination of methods was employed. First, tax lots were surveyed using satellite images available on the County's Property Assessment and Taxation Search ("PATS") system and Google Earth to visually establish whether a particular property was engaged in any farm use. Second, information was gathered from the Applicants, its ranch manager, and its part-time employee responsible for operating the commercial events to help determine those farm uses occurring on surrounding properties. Additionally, the Applicants' agent, Rand Campbell, visited the Property and observed farm uses and practices occurring on the surrounding properties.

(3) **Analysis of Farm Impacts**

The Property and all surrounding properties are zoned EFU-2. No forest practices are known to be occurring on surrounding properties. Accepted farm practices, such as hay farming and livestock grazing, occur on the Property and most of the surrounding properties. *See Exhibit Q.* As noted above, the potential impacts to the surrounding properties from the commercial events are 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).

(a) **Orr Property**

The nearest property to the commercial event site, the Orr Property, is located south of the commercial event site. The Property surrounds the north, east, and west sides of the Orr Property. The Orr Property is approximately 6.86 acres in size, containing a single-family dwelling and a small irrigated pasture (approximately 4.5 acres). The small pasture is mowed with a lawn mower and is used like a lawn. The Orr Property is not used for hay production, livestock grazing, or any

other farm use. The Orr's simply mow their irrigated pasture like a lawn and they do not graze any livestock on their pasture, raise any livestock on their property, or harvest any of the grass that grows in their pasture. Accordingly, no accepted farming practices are occurring on the Orr Property and the Orr Property is not devoted to farm use. Therefore, there are no potential impacts that the commercial events could have on accepted farming practices on the Orr Property.

(b) Kuenzi Property

The adjacent parcel to the north, the Kuenzi property, is approximately 105.77 acres in size. It contains an irrigated hay field, pastures for livestock, and rangeland used for cattle grazing. The property contains livestock corrals located north of the dwelling, in roughly the center of the property. The Kuenzi property is a small-scale livestock operation. The Kuenzies use all the hay produced on their property to feed their own cattle. The Kuenzies have their own haying equipment and do not sell their hay. Therefore, they do not move haying equipment to and from their property or ship hay out of their property.

The commercial event site is approximately 1,400 feet (approximately ¼ mile) from the southern boundary of the Kuenzi property. Undulating topography, trees, pastures, hay fields, livestock corrals, barns, and a single-family dwelling are located between the commercial event site and the Kuenzi property. The large buffer space and existing farm related buildings and uses on the Property will ensure that the commercial events do no force a significant change in the farm practices occurring on the Kuenzi property.

Visual and auditory impacts, such as outdoor lighting, sounds, and music, will not force a significant change in the hay farming practices or the cattle production practices occurring on the Kuenzi property because of the large buffer space between the commercial event site and the Kuenzi property. Cattle will not be bothered by sounds and outdoor lighting that are over ¼ mile away. Likewise, dust will not travel ¼ mile to the Kuenzi property. The potential impact of trespass is mitigated by the fact that the Property surrounds the event site. In order for commercial event patrons to trespass on the Kuenzi property, they would need to walk a distance of over a ¼ mile, cross multiple fences, and walk around the Property's ranch headquarters. The only other potential trespass impact to the Kuenzi property would be from drivers who missed the turn from Campbell Ranch Road to the commercial event site. The Applicants will mitigate this impact by posting a sign that informs drivers where to turn to reach the commercial event site. The potential traffic impact to the Kuenzi property is addressed below.

Since the commercial events will not impact the farm practices occurring on the Kuenzi property, as explained above, the commercial events will also not significantly increase the cost of farm practices occurring on the Kuenzi property.

(c) Morton Property

North of the Kuenzi property is another private parcel, the Morton property, which is approximately 289.49 acres. It contains irrigated hay fields, pastures for livestock, and rangeland used for cattle grazing. Like the Kuenzi property, the Morton property is a small-scale livestock operation and the Mortons use all the hay produced on their property to feed their own cattle. The Mortons have their own haying equipment and do not sell their hay. Therefore, they do not move

From: Tami MacLeod tmacleod@lynchmurphy.com
Subject: FW: Huston - 217-23-001215-PLNG [IWOV-PDX.FID4923157]
Date: Dec 29, 2023 at 2:05:23 PM
To: David Orr davidjoanneorr@gmail.com

Just received this afternoon. I have not had a chance to review but did notice a response deadline of Wednesday.

Tami

From: Smith, Adam <asmith@schwabe.com>
Sent: Friday, December 29, 2023 12:55 PM
To: Tami MacLeod <tmacleod@lynchmurphy.com>; Elizabeth A. Dickson <eadickson@dicksonhatfield.com>
Subject: Huston - 217-23-001215-PLNG [IWOV-PDX.FID4923157]
Importance: High

Tami and Liz,

My client and I spent some time over the holidays evaluating options for the proposed event venue with an aim towards proposing what we believe are reasonable conditions of approval. Going through this effort ourselves is meant to demonstrate our commitment to ending the neighborhood animosity that was perpetuated by all parties during the December 13 hearing. We specifically are looking to resolve the dispute without needing to continue challenging your client's claims regarding actual farm activities currently occurring on their properties. Regardless of what happens with this permit or the proposed event center, our clients will continue to be neighbors for the foreseeable future. And my client very much hopes to repair relationships with his neighbors while finding a way to secure additional income for his ranch to thereby prevent continued parcelization of the area. We hope that you and your clients feel the same way and share those goals.

With those goals in mind, my client is willing to agree to the following conditions of approval:

- Reduce the number of events to 10 per year.
- Install reasonable privacy fencing or landscaping directly across from the entrance to the pavilion to reduce headlights and glare shining into the Orrs' home (we will need to negotiate specifics ASAP to be included in the condition – i.e. landscaping vs fence, height and width of the fence, materials, etc).
- Adding signage at the gate directing the public to watch for farm traffic and (if possible) reducing the speed limit to 15 mph.
- Adding those conditions of approval directly impacting events as an addendum to the Huston's event agreement.

ORR EXHIBIT C

PAGE 1

25

June 7, 2023

Crook County Planning Commission
300 NE 3rd St, Rm. 12
Prineville, OR 97754

Re: Huston Commercial Event Permit Application

Dear Commissioners,

My comments are submitted in regard to the farming and ranching operations that occur on the subject property. I have lived in Crook County for 21 years and have farmed and ranched my entire life. Prior to working for Huston's I worked and managed another local ranch for 10 years.

I have been the ranch manager at the Huston's ranch for 10 years. During this time, I have managed the farming and ranching operations that take place on the subject property. I'm the main operator of the ranch and we typically hire one seasonal farm worker to help irrigate the hay fields and harvest the hay crops.

The subject property is a total of 824 acres. The entire property is used for our farming and ranching operation. Approximately half of the property contains irrigated hay fields. The other half of the property is primarily rangeland that is used for cattle grazing. The property is both a hay farm and cattle ranch, but the majority of the operation is focused on raising hay crops.

Currently we have approximately 300 acres under irrigation. We raise a variety of crops such as orchard grass, alfalfa, and grain. The fields are irrigated with three pivots, seven wheel lines, and multiple handline systems. Our irrigation water is provided by Ochoco Irrigation District. We typically get three cuttings of hay off our hay fields each year.

Our farming operation includes farming practices that are common in Crook County such as irrigating fields, growing hay and seed crops, fertilizing fields, applying herbicides and pesticides to fields, harvesting crops, repairing and maintaining our farm equipment and machinery, as well as moving hay to our hay barns for storage, and loading and shipping hay and crops after harvest.

In a typical year, we harvest approximately 1200 tons of hay. We bale large square bales which are sold for livestock feed or used on the ranch to feed our own livestock. We sell the majority of our hay to other livestock producers, but also keep approximately 100 tons to feed our own cattle through the winter. Our annual gross revenue from the sale of our hay crops is approximately \$250,000 to \$300,000.

In addition to our farming operation, we also have an extensive livestock operation. We raise black angus cattle in our cow-calf operation. In a typical year we raise around 40-100 pairs of cow and calf pairs. Our annual gross revenue from the sale of our cattle is approximately \$40,000 to \$160,000.

We typically keep approximately 10 calves as replacement heifers each year. Depending on the year and the cattle and hay market, we keep around 10 yearlings which we raise for an additional year before they are sold. We also buy bulls every other year to replace old bulls and improve the genetics in our herd.

DEPOSIT TICKET

LIST CHECKS SINGLY OR ATTACH LIST

9/7/21

NO OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT. DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

CURRENCY ▶

93-168/929

COIN ▶



USE OTHER SIDE FOR ADDITIONAL LISTING. BE SURE EACH ITEM IS PROPERLY ENDORSED.

TOTAL ITEMS
1

C 3236
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K
S

875.00

JOANNE ORR AND DAVID A ORR
DAVID AND JOANNE ORR TRUST
8892 NW CAMPBELL RANCH RD
PRINEVILLE, OR 97754

OR TOTAL FROM OTHER SIDE

\$

875.00



9

USE ROUTING NUMBER FROM YOUR CHECKS FOR AUTOMATIC PAYMENTS. || CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE AND ANY APPLICABLE COLLECTION AGREEMENT.

Blair Parsons
Tanya Parsons
8790 NW Campbell Ranch Rd
Prineville, OR 97754

41 Bales Less 2 apply for 104
9-4 2021

16-7570f3220

Pay to the Order of Dave Orr \$ 875.00

Eight hundred seventy five and 10/100 Dollars

Oregonians Federal Credit Union

For Hay Tanya Rae Parsons MP

TICKET

LIST CHECKS SINGLY OR ATTACH LIST

1/30/20

ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE U.S. FEDERAL COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT. DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

CURRENCY ▶

93-168/929

COIN ▶



USE OTHER SIDE FOR ADDITIONAL LISTING. BE SURE EACH ITEM IS PROPERLY ENDORSED.

TOTAL ITEMS:

[Empty box for total items]

C 259
H
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K
S

1380.—

JOANNE ORR AND DAVID A ORR
DAVID AND JOANNE ORR TRUST
8892 NW CAMPBELL RANCH RD
PRINEVILLE, OR 97754

OR TOTAL FROM OTHER SIDE

\$

1380.—

USE ROUTING NUMBER FROM YOUR CHECKS FOR AUTOMATIC PAYMENTS. CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE U.S. FEDERAL COMMERCIAL CODE AND ANY APPLICABLE COLLECTION AGREEMENT.

Checks Unlimited 1-800-210-0468 www.checksunlimited.com

24-7570/3230

259

SHOW ME your WAYS.
O LORD

BLAIR PARSONS
TANYA RAE PARSONS
8790 NW CAMPBELL RANCH RD
PRINEVILLE, OR 97754

10-23 2020

PAY Dave Orr \$1380.00

to the order of One thousand three hundred eighty and no/100 DOLLARS

OREGONIANS FEDERAL CREDIT UNION
WWW.OFCU.COM

for Hay - 44 bales

Tanya Rae Parsons NP

DEPOSIT TICKET

11/20/19

LIST CHECKS SINGLY OR ATTACH LIST

OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT. DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

CURRENCY ▶

93-168/929

COIN ▶



USE OTHER SIDE FOR ADDITIONAL LISTING. BE SURE EACH ITEM IS PROPERLY ENDORSED.

TOTAL ITEMS

CHECKS 280

1000

JOANNE ORR AND DAVID A ORR
DAVID AND JOANNE ORR TRUST
8892 NW CAMPBELL RANCH RD
PRINEVILLE, OR 97754

OR TOTAL FROM OTHER SIDE

\$

1000

USE ROUTING NUMBER FROM YOUR CHECKS FOR AUTOMATIC PAYMENTS. CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE AND ANY APPLICABLE COLLECTION AGREEMENT.

Checks Unlimited 1-800-210-0168 www.checksunlimited.com

CONSIDER GOD'S WONDERS

BLAIR PARSONS
TANYA RAE PARSONS
8790 NW CAMPBELL RANCH RD
PRINEVILLE, OR 97754

24-7570/3230

280

11-13 2019

SCRIPTURE

PAY TO the order of Dave & Joann Orr \$1,000.00
One thousand dollars and 00/100 DOLLARS

OREGONIANS FEDERAL CREDIT UNION
WWW.OFCU.COM

for Hay - 11

Tanya Rae Parsons

9/26/18 = \$800

CK# 1037

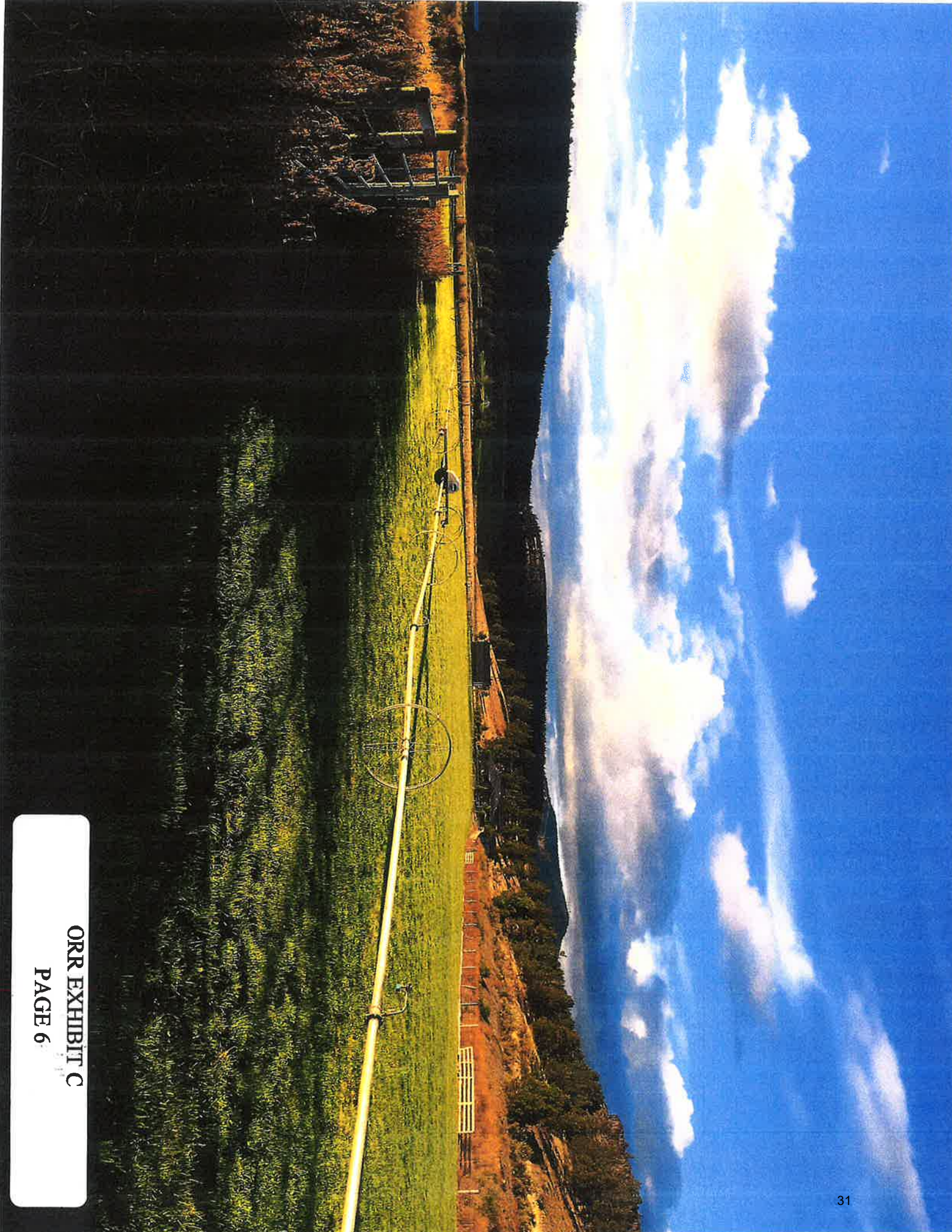
9/19/17 = 1050

CK# 1027

11/10/16 = 400

CK# 4400 Rick Morton ck





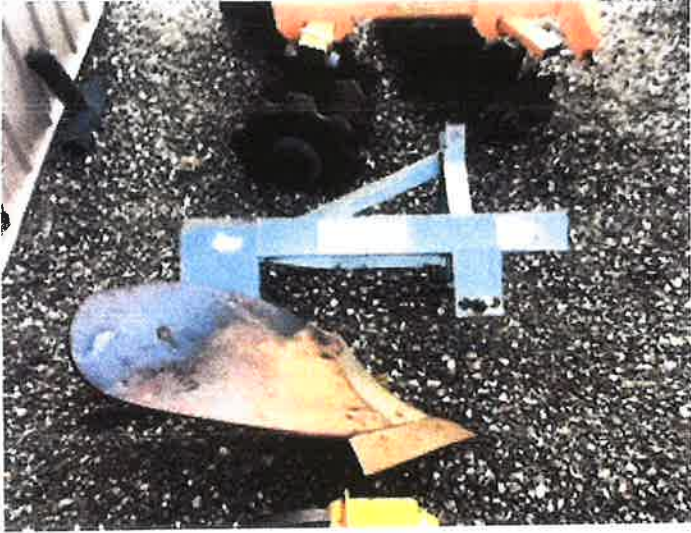


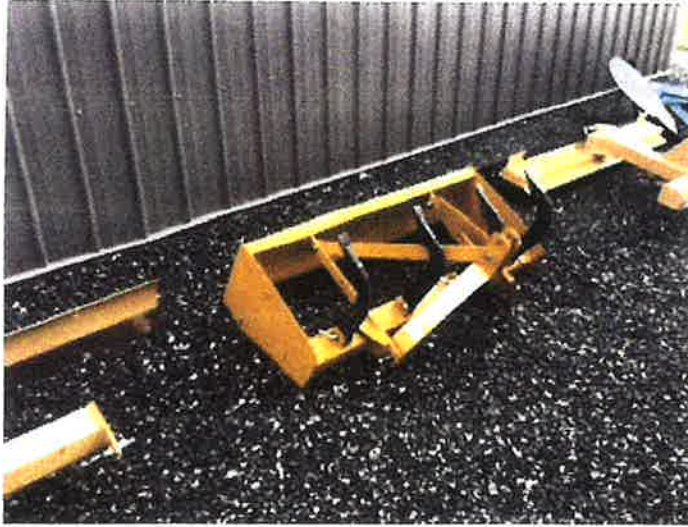
← AB WELL ONLY!















6. THIS IS A HISTORY OF EVENTS LEADING TO OUR COMPLAINT (EXHIBIT I). IN 2020 HUSTONS BEGAN HOSTING COMMERCIAL EVENTS. IN THE FALL OF 2021 WE TALKED WITH THE COUNTY AND WE LEARNED HUSTONS WERE TRYING TO USE THE 1992 CUP. HUSTONS WERE INFORMED THAT THEIR USE DIDN'T COMPLY WITH THAT PERMIT (EXHIBIT G). THEY IMMEDIATELY SIGNED ANOTHER VENUE AGREEMENT (EXHIBIT T). THEY THEN PROCEEDED TO HOLD 13 EVENTS FROM MAY 2022 THRU OCTOBER 2022 KNOWING THEY HELD NO PERMITS AS INFORMED BY THE COUNTY. WE SUBMITTED A FORMAL COMPLAINT (EXHIBIT I) IN JUNE OF 2022. THE COUNTY ISSUED A NOTICE OF VIOLATION (NO APPLICATION EXHIBIT) BUT WE SUBMIT IT AS (ORR EXHIBIT D.) HUSTONS CONTINUED TO HOLD 5 MORE EVENTS —AGAIN KNOWING THEY WERE IN VIOLATION OF THE COUNTY NOV! NEXT THE COUNTY AND HUSTONS (UNBEKNOWNST TO US OR OTHERS) CREATED THE AGREEMENT TO ABATE (EXHIBIT J). NEXT THE HUSTONS HOSTED A WEDDING RECEPTION ON MAY 20, 2023 IN VIOLATION OF THEIR AGREEMENT WITH THE COUNTY. ORR PHOTOS (ORR EXHIBIT D PAGES 2-8) SHOW THEY VIOLATED PAGE 2 OF THE AGREEMENT #4 (B) AND (C). THE PHOTOS INDICATE WHEN THE RVS ARRIVED AND WHEN THEY LEFT. A CLEAR VIOLATION. THE LAST PHOTO SHOWS THAT THE FOOD WAS A BBQ ON SITE.

*

22-079



Preliminary Compliance Report

Crook County Building Department
 300 NE 3rd Street - Rm 12, Prineville, OR 97754
 (541) 447-3211 Fax (541) 416-2139

www.co.crook.or.us

FOR OFFICE USE ONLY

Crook County

JUN 13 2022

Community Development

CASEFILE #

This report is to be used to provide information about possible violations of the Crook County Code. In order for your report to be accepted, you must fill in all questions completely and to the best of your knowledge. It is important that you supply as much detail as possible. Please be sure to print legibly throughout the entire form.

ALLEGED VIOLATOR / PROPERTY OWNER INFORMATION

If property does not have a legal address, you must submit a detailed map and directions to the site in order for this report to be accepted.

Property Owner Name:
 Gregory and Karen Huston
 Is this a rental property? Yes No If yes, please list renter's name (if you know):
 Ranch Managers are Tanya and Blair Parsons
 Address of Violation:
 8804 NW Campbell Ranch Road; Prineville, OR (flyers list address as 8780 NW Campbell Ranch Road - flyer attached)
 Tax Map #: 14150000-00800-15621
 Directions to the site: NW Campbell Ranch Road is accessed from Elliott Road (which is accessed from Highway 26)

ALLEGED VIOLATOR

Last Name: Huston First Name: Gregory and Karen Middle Name: (or Ponderosa Ranch Events - www.ponderosaranchevents.com)
 Address: 527 NW Elm Avenue Suite 3
 City: Redmond State: OR ZIP: 97756 Phone:

DESCRIPTION OF ALLEGED VIOLATION

Code	Type
	(check all that apply)
Crook County Code Title 15 Chapter 15.04	<input checked="" type="checkbox"/> No Permit
	<input checked="" type="checkbox"/> Building
	<input checked="" type="checkbox"/> Fire, Life, Safety issues with Residence
	<input checked="" type="checkbox"/> Discharge of sewage on top of ground
Crook County Code Title 08 Chapter 8.08	<input checked="" type="checkbox"/> Accumulation of useless or discarded materials
	<input checked="" type="checkbox"/> Discharge of sewage on top of ground
Crook County Code Title 18	<input checked="" type="checkbox"/> Person or persons residing in RV
	<input checked="" type="checkbox"/> Operating a Business in Residential Zone without Conditional Use Permit
Other	<input checked="" type="checkbox"/> Violation of Conditional Use Permit Any rights under 1992 CUP no longer exist due to non-use; there is no land use approval for this particular use
	<input checked="" type="checkbox"/> Enter authority by statute or rule number and description of violation.
	<input checked="" type="checkbox"/> This property does not have a land use permit for an event venue, including weddings and fundraisers
	<input checked="" type="checkbox"/> Two (2) or more dwellings on property.
	<input checked="" type="checkbox"/> Remodel
	<input checked="" type="checkbox"/> Mechanical
	<input checked="" type="checkbox"/> Foundation failure
	<input checked="" type="checkbox"/> Faulty electrical wiring
	<input checked="" type="checkbox"/> Roof failure
	<input checked="" type="checkbox"/> Electrical
	<input checked="" type="checkbox"/> Unlicensed, in-operable, wrecked, dismantled or partially dismantled vehicles stored on property
	<input checked="" type="checkbox"/> Failure to remove Medical Hardship or Temporary Use Residence
	<input checked="" type="checkbox"/> Residence on property without planning approval.
	<input checked="" type="checkbox"/> The uses occurring are commercial
	<input checked="" type="checkbox"/> The uses are not consistent with the County's definition of a "private park" (18.08.160 "P")

VIOLATION INFORMATION

It is essential that this report be as complete as possible in order for the Code Enforcement Officer to proceed with an investigation. Whenever possible, the report should include a detailed description of the complaint, complete names of individuals who made the alleged violation, and photos or other related information that can be used as evidence of this violation. Attach additional pages if necessary.

Details of complaint: *(be specific)*

The property owners and/or operators of Ponderosa Ranch Events began operating a large scale wedding and event venue on the property the Summer of 2021. Beginning in early May 2022 (see attached flyer and Facebook post), weddings and events resumed and the Orrs believe events are scheduled for nearly every weekend this summer. Events are attended by hundreds of people, continue for days including set up and break down, and events continue until well after midnight. All attendees arrive by car travel on NW Campbell Ranch Road and food might be being prepared on site as well (this option is advertised on the website, copies of pages are attached). The Orrs believe events largely occur in the "pavilion" and it is unknown if the pavilion has been permitted, inspected or approved (and there is concern regarding the use of hay bales near places with candles/fires). Attached are printouts from the website from which this venue is advertised. There is no land use permit for these activities. The 1992 conditional use permit no longer applies to this property due to non-use. Unable to locate any business registry for "Ponderosa Ranch Events" so it may not be authorized to do business in Oregon and does it have insurance.

What direct impact does this complaint (violation) have on you, your property and/or your neighborhood?

Traffic, noise, uses unrelated to farm use or farm products, the Orrs personal property (fence) has been hit and damaged by an event attendee, dust and concern about fire hazard. The Orrs have multiple photographs taken from their property both when events are occurring and when they are not (to show comparison on items such as traffic). This is believed to be a commercial activity unrelated to farm use or farm products.

ARE THERE ANY KNOWN OR SUSPECTED HAZARDS AT THIS LOCATION?

IE: Dangerous or unstable residents, dogs, criminal activity, etc.

Yes No Unknown If Yes, please identify hazard in detail:

☆ Can the violation be seen from the road? Yes No Particularly traffic

☆ To the best of your knowledge, are there any "No Trespass" signs posted at/on property site? Yes No

☆ Is the violation property a neighboring property? Yes No

☆ The complainant hereby gives the Code Enforcement Officer permission to use their property for viewing the alleged violation: Yes No If not, why?:

☆ Will you the complainant, testify in court should the need arise? Yes No The Orrs can provide additional documentation of violation

"CROOK COUNTY ATTEMPTS TO PROTECT THE IDENTITY OF COMPLAINANTS IF DESIRED BY COMPLAINANT. (DESIRED - INITIAL) UNDER OREGON LAW, DISCLOSURE OF PUBLIC RECORDS MAY BE REQUIRED AND THERE IS NO GUARANTEE THAT DISCLOSURE WILL NOT OCCUR. COMPLAINANT UNDERSTANDS AND ACKNOWLEDGES THIS POSSIBILITY AND BY SIGNATURE BELOW ACKNOWLEDGES THAT DISCLOSURE OF IDENTITY MAY OCCUR."

"THE COUNTY WILL ACCEPT ANONYMOUS COMPLAINTS; PROVIDED, HOWEVER, THAT DUE TO THE COUNTY'S BELIEF THAT SUCH COMPLAINTS ARE NOT AS RELIABLE AS THOSE FROM INDIVIDUALS WILLING TO IDENTIFY THEMSELVES, THE INVESTIGATION OF ANONYMOUS COMPLAINTS WILL HAVE LOWER PRIORITY THAN OTHER COMPLAINTS."

COMPLAINANT INFORMATION

Last Name: Orr		First Name: David and Joanne (David and Joanne Orr Trust)		Middle Initial:
Title (if agency): c/o Tami MacLeod, Lynch, Murphy McLane LLP; (tmacleod@lynchmurphy.com)		Jurisdiction:		
Address: (a) 8892 NW Campbell Ranch Road (Orrs)		(b) 1000 SW Disk Drive (Ms. MacLeod)		
City: (a) Prineville (b) Bend	State: OR	ZIP: (a) 97734 (b) 97702	Phone: (a) 541-418-2445 (b) 541-383-6867	
Signature: Tami MacLeod, Attorney for Orrs <i>auth attached</i>			Date Signed: 6/13/2022	
If you DO NOT live in Crook County, you must list the address or Tax Map # of your Real Property located within Crook County.				



CODE ENFORCEMENT

300 NE 3rd Street, RM. 12

Prineville, OR 97754

(541) 447-3211

January 18, 2022

Gregory & Karen Huston
527 NW Elm Avenue, Suite 3
Redmond, OR 97756

RE: The Ponderosa Weddings & Events Venue Located on the following Map and Tax Lot in
Crook County; 14-15-20-00-00600

Gregory & Karen,

This past fall we noticed that you were having a farm to table dinner and auction at this location. Following up on that event I became aware that you have been and continue to promote the property as a venue for weddings and events.

Should you wish to continue the wedding venue and event platform that you are now promoting, it will be necessary to apply for land use approval to do so.

As you may have events scheduled for early spring of 2022, keep in mind that the application process can take upwards of 120 days. Our planning staff would be happy to meet with you to discuss the application process and provide any clarification you may need as you decide on how you wish to proceed.

Sincerely,

Louis Seals

Compliance Officer
louis.seals@co.crook.or.us
Cell: 541-903-2081

CROOK COUNTY COMMUNITY DEVELOPMENT

Exhibit G

THE
PONDEROSA
weddings & events

VENUE AGREEMENT

Date: 1-30-2022

PONDEROSA LAND AND LIVESTOCK, LLC
8790 NW Campbell Ranch Road
Prineville OR 97744

("Ponderosa")

(collectively "Tenant")

Agreement

Tenant desires to rent and Ponderosa agrees to lease to Tenant the venue located at 8790 NW Campbell Ranch Road, Prineville, Oregon, (the "Premises") for the purposes of hosting weddings and/or other events (collectively, "Event").

Section 1. Event.

1.1. Date/Time of the Event.

1.1.1. **Date.** The Premises shall be leased to Tenant from 5-20-23 8 A.M. / P.M. (circle one) to 11:00 A.M. / P.M. (circle one) ("Event Date"). Tenant (including Tenant's family, guests, invitees, agents, volunteers and/or employees) must vacate the Premises by 11:00 A.M. / P.M.

1.1.2. **Day Before Event.** Tenant shall have access to the Premises from 8:00 A.M. / P.M. (circle one) to 7:00 ~~A.M.~~ / P.M. (circle one) the day before the Event for setup and rehearsal.

1.1.3. **Day After Event:** Tenant shall have access to the Premises from 8:00 A.M. / P.M. (circle one) to 5:00 A.M. / P.M. (circle one) the day after the Event for clean-up.

1.2. **Rate.** Tenant agrees to pay a total of \$ 3500.00 ("Rental Fee") for the use of the Premises, with the full payment due on or before one (1) month prior to the Event Date. A fifty percent (50%) deposit of \$ 1750.00 ("Rental Deposit") is required to confirm the rental of the Premises and reserve the Event Date. The Rental Deposit shall be applied to the Rental Fee. The Rental Fee and Rental Deposit shall be paid via check or cash.

A refundable damage/cleaning deposit ("Cleaning Deposit") of \$ 500.00 is required on or before one (1) month prior to the Event Date. The Cleaning Deposit must be paid via check and will only be cashed in the event of damage occurring to the Premises or if additional clean-up is required as a result of the Event. If the Premises is returned in the same condition it was received, the Cleaning Deposit will be returned to Tenant within 30 (thirty) days of the Event. If damage to the Premises exceeds the amount of the Cleaning Deposit, Tenant will be responsible for paying the additional costs.

A thirty (\$30.00) charge will be assessed on each and every returned check.

1.3. **Cancellation and Refunds.** If Tenant chooses to cancel the Event less than 60 days before the Event, then Ponderosa shall refund all payments made by Tenant, less a fee of \$ 500.00 ("Cancellation Fee"). However, Tenant will not be required to pay the Cancellation Fee if another Tenant leases the Premises for the same date. Ponderosa will refund all payments previously made by Tenant within one (1) week after the Event has occurred. Any cancellation must be made to Ponderosa in writing.

There are no refunds due to circumstances out of Ponderosa or Tenant's control (i.e. inclement weather, natural disasters, pandemic, etc.).

Section 2. Use of Premises.

2.1. **Permitted Use.** The Premises shall be used as a venue for weddings, receptions or other events (i.e. birthday parties, social gatherings, etc.). Tenant shall be responsible for all cleaning of the Premises and returning the Premises in the same manner in which it was received.

2.2. **Alcohol and Entertainment.** Self-service of alcohol is prohibited. Tenant must retain a properly licensed caterer to provide any and all alcohol serve or Tenant must hire a licensed bartender. Non-alcoholic beverages and food must be served at all times that alcohol is being consumed or served to Tenants or Tenants guests, invitees, agents, or employees. No underage drinking is allowed on the Premises. Tenant (including Tenant's guests, invitees, agents and employees) may not bring alcohol onto the Premises.

Alcohol service shall end 30 minutes prior to the scheduled end time of the Event or five (5) hours after the beginning of the alcohol service, whichever comes first.

Music (including live music and/or D.J.) and any other entertainment shall end 15 minutes prior to the scheduled end time of the Event.



CODE ENFORCEMENT

**300 NE 3rd Street, RM. 12
Prineville, OR 97754
(541) 447-3211**

AGREEMENT TO ABATE

THIS AGREEMENT TO ABATE (Agreement), made and entered into by and between Crook County, a political subdivision of the State of Oregon (County) and Gregory and Karen Huston (Hustons), owners of taxlot 14152000-00600-15820 (the "Property") concerning a use of their Property in alleged violation of CUP C-CU-648-92 (the "CUP"), specifically, advertising and hosting commercial wedding events. County and Hustons shall each be known as a "Party" and collectively "Parties." Hustons are currently scheduled to appear at a hearing for Crook County Code Enforcement Case No. 22-079 (the "NOV").

1. The NOV stems from a disagreement between Hustons and their neighbors concerning the scope of uses allowed on Hustons' property pursuant to the CUP. The County encourages voluntary code compliance, and the Parties agree that rather than a code enforcement proceeding, a more efficient process to resolve the aforementioned disagreement will be effectuated by Hustons voluntarily submitting an application to modify the CUP or an application for a new land use permit (collectively, "Land Use Application"), with the option between the two to be decided by Hustons in their sole discretion.
2. County and Hustons agree that the following use shall be abated and not re-occur pending the outcome of all land use proceedings and appeals concerning the Land Use Application: commercial weddings. For the purpose of this Agreement, "commercial" shall mean provided in exchange for financial compensation.
3. Hustons have four months from the effective date of this Agreement to submit the Land Use Application. If Hustons are not in breach of the terms of this Agreement during said four months, County hereby agrees to withdraw the NOV and cease any enforcement efforts concerning the allowed uses described in this Agreement. Upon the submission of the Land Use Application, this Agreement shall be extended automatically until the resolution of Huston's Land Use Application process, including any appeals. This Agreement shall terminate at the conclusion of the Huston's Land Use Application process, including any appeals.

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CROOK COUNTY COMMUNITY DEVELOPMENT

4. To mitigate concerns raised by their neighbors, the Hustons voluntarily agree that any uses allowed under the CUP while this Agreement is in force are subject to the following restrictions:
 - a. Uses will be limited to one event per week.
 - b. Events will conclude with all patrons off the Property by no later than 11 p.m.
 - c. Food will be catered by vendors and/or food trucks.
 - d. All parking shall take place on irrigated ground or gravel areas.
 - e. Fire suppression equipment and procedures shall be in place and available for review by the County upon request.
5. County retains the right to monitor the use of the Property for continued compliance with the CUP and this Agreement.
6. If the County determines that Hustons violated or failed to fulfill the requirements of this Agreement, County will provide written notice, via email, to Hustons and/or Hustons' attorney of record, with the grounds for which County believes Hustons are in breach. Hustons thereafter have five business days to respond with either (1) why the Hustons believe they are not in breach of this Agreement, with supporting documentation; (2) how the breach has been cured, with supporting documentation; (3) how the breach will be cured within 30 days; or (4) why the breach cannot be cured in 30 days with a plan to cure said breach in the most commercially reasonable expeditious manner. If, following either Hustons failure to respond or receipt of Hustons written response, County determines Hustons' breach was intentional or flagrant—i.e., hosting commercial weddings—or that the breach cannot be cured, the County reserves all rights to re-institute enforcement proceedings.
7. This Agreement is neither a modification of the CUP nor a land use decision. By entering into this Agreement, neither Party waives any rights under the CUP or arguments concerning the scope of uses allowed on Property pursuant to the CUP.
8. This Agreement contains the entire agreement between the parties. Any prior written or oral agreements between the parties, which are different from the terms, conditions, and provision of this Agreement shall be of no effect and shall not be binding on either Party.
9. If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.
10. No amendment to or modification of this Agreement shall be valid, and no extensions of this Agreement will be permitted, unless such amendment or modification is reduced to writing and signed by the parties to this Agreement.

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DROOK COUNTY COMMUNITY DEVELOPMENT

11/15/2020 10:00 AM

5/19/23

05-19 8:00:38 AM M 1/1



5/19/23







5/21/23



5/21/23





7. OUR COMMENTS NOW ARE CONCERNING THE PARKING FOR THE PAST AND PROPOSED EVENTS. THE PARKING AREA IS COMPLETELY WITHIN AN OREGON DEPARTMENT OF FISH AND WILDLIFE DESIGNATION FOR GOLDEN EAGLE NESTS (ORR EXHIBIT E). HEADLIGHTS WILL RAKE ACROSS THE NESTING SITE DURING THE NESTING SEASON. ALSO THE PARKING HAS OVERFLOWED THE PARKING AREA AS SHOWN ON PAGE 6 OF THE APPLICATION. OUR PHOTOS (ORR EXHIBIT E PAGES 1-4) SHOW MANY CARS AND RVS BEYOND THEIR DESIGNATED SITE.

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2/14/06

Fahlstrom

C-LP-555-06(NF); C-CU-2296-06(NF); C-CU-2297-06(NF)

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Published soils data for proposed Parcels 2 and 3
(Staff Exhibit 10):

(1) Lookout very stony loam, Class 7s-1 if non-irrigated.

IRRIGATION: Proposed Parcel 1 has 31.8 acres of irrigation water located on the central lobe of the property. The remainder of Parcel 1 is dry. Parcels 2 and 3 are not irrigated and have no water rights.

TOPOGRAPHY: The proposed farm parcel consists of some level land in the southeastern part of the central lobe of the parcel, where the irrigated land and the existing residence are located. The rest of the farm parcel consists of hilly dryland with some steep slopes, and rimrocks.

Both proposed nonfarm parcels are located on a hillside bench which slopes upward from east to west, in the northeastern corner of the eastern lobe of the property. Steep rimrocks border the bench a short distance to the south, west, and north of the proposed nonfarm parcels, and severely limit access from the nonfarm parcels to the rest of the eastern lobe of the property.

A steep hillside borders the bench and the nonfarm parcels on adjacent properties to the east of the eastern lobe. The hillside descends to level farmlands which stretch away to the east, north, and south.

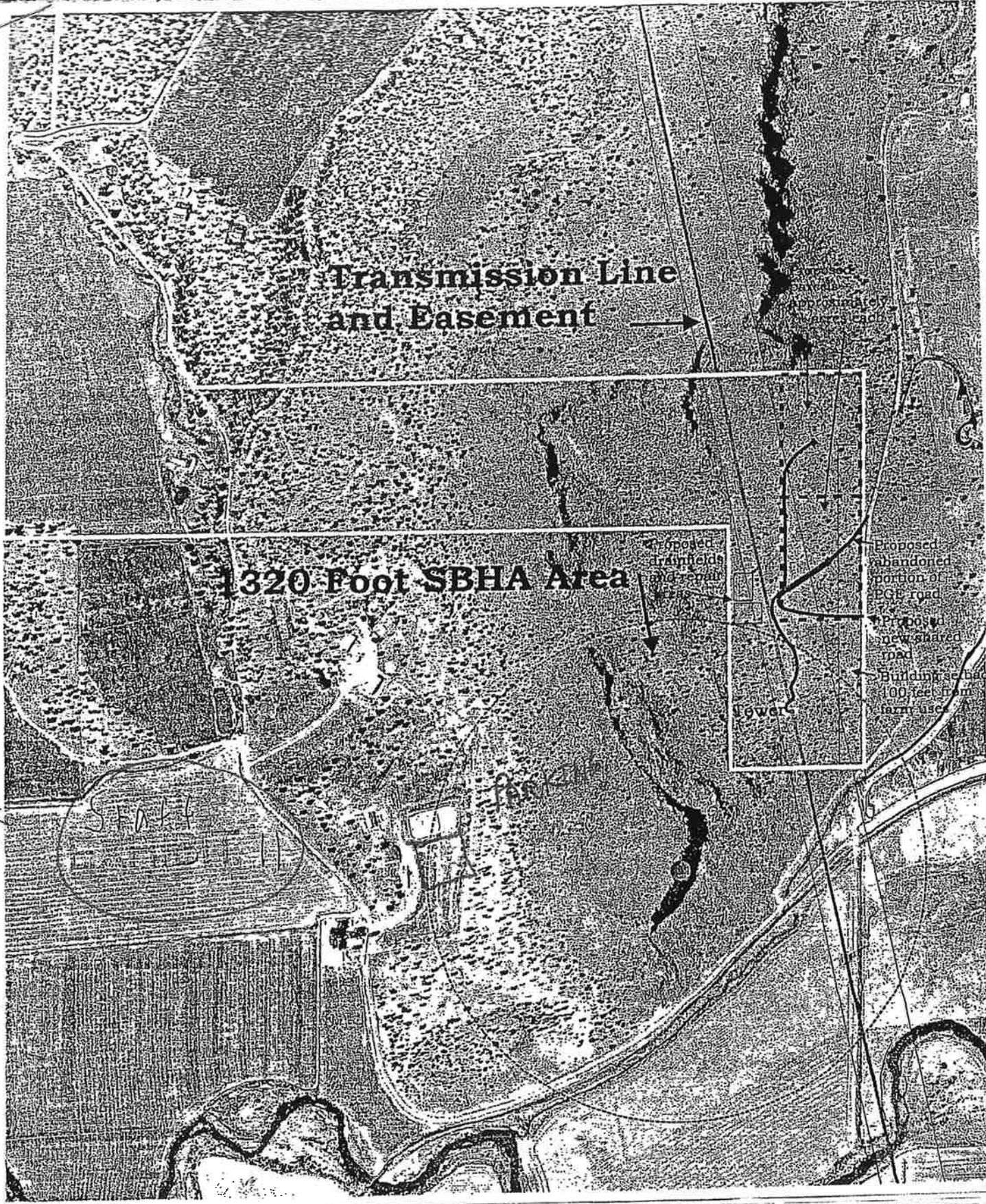
FLOOD ZONE: The proposed homesites are in Flood Zone X, outside the 500 year flood zone.

WETLAND: The proposed homesites are not in a designated wetland area.

WILDLIFE: The Oregon Department of Fish and Wildlife indicates that the proposed farm parcel (Parcel 1) is within 0.25 mile of three golden eagle nests. However, the proposed nonfarm parcels (Parcels 2 and 3) and nonfarm residences are outside the 0.25 mile radius of the nests. ODFW indicates that the applicants have followed the agency's recommendations for mitigating adverse impact on the nests, and that the agency has no objection to the proposal. (Staff Exhibit 11)

Planning staff observed several golden eagles on and near the property.

3/14/06 Staff Report



After having signed off on wildlife



The pavilion building is approximately 2,800 square feet in size. It is an open-air pavilion structure, made of metal frame construction, with a concrete floor. In essence, it is a pole barn similar to other barns that are integral to farm uses on the Property, and other farm and ranch properties in the area. The pavilion is multi-use, as it will be used for commercial events from March through October and used for farm uses such as storing hay and equipment in the off-season. The parking area is also multi-use, as it is an irrigated pasture that is primarily used for livestock grazing, but also used as a parking area when events take place at the commercial event site.

The commercial events are incidental and subordinate to the above-described primary farm use occurring on the Property. The Oregon Court of Appeals, in *Friends of Yamhill County v. Yamhill County*, 301 Or App 726, 739 458 P3d 1130 (Or App 2020) found that the phrase "incidental and subordinate to the existing commercial farm use of the tract" involves considering the nature, intensity, and economic value of the respective uses:

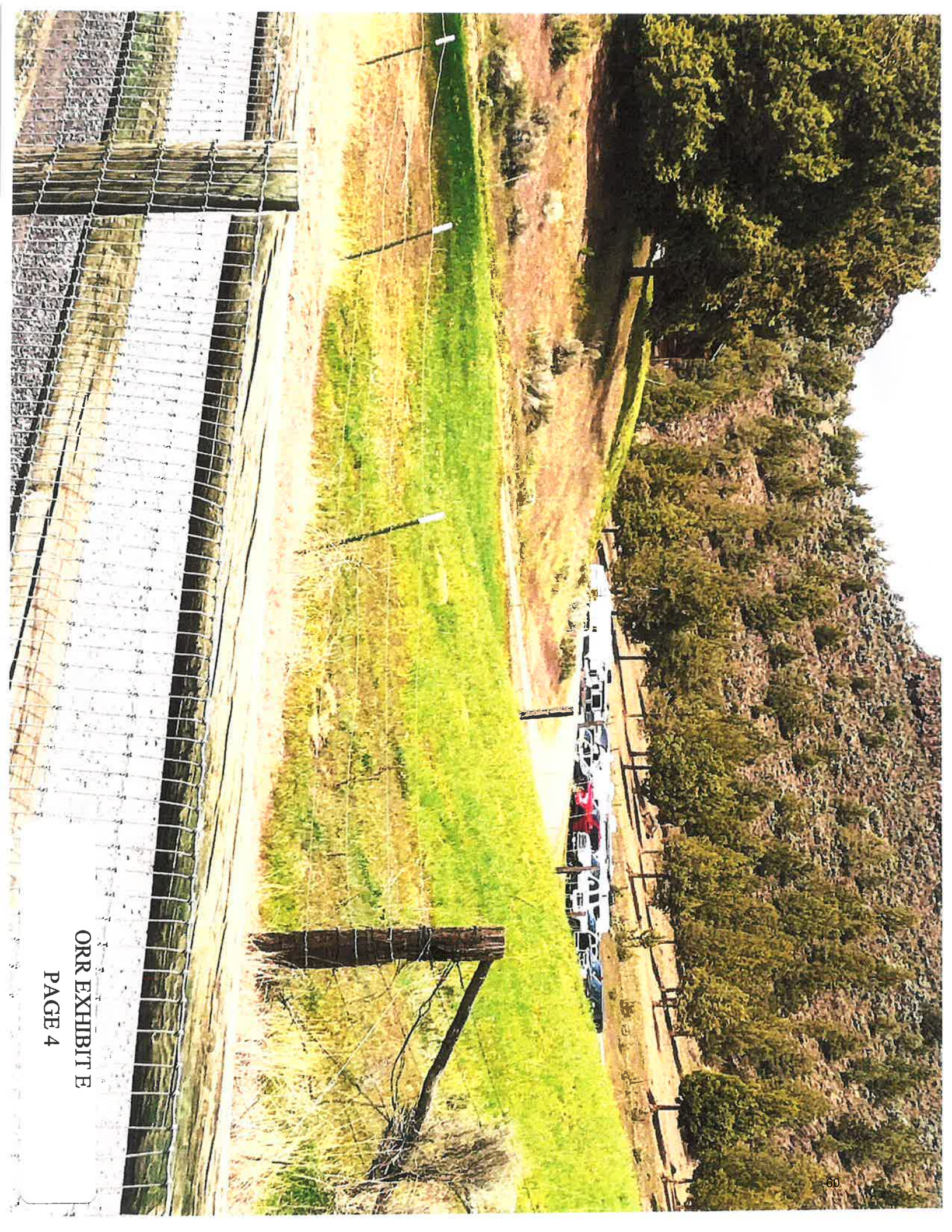
Their parking overflows designated parking area

phrase 'incidental and subordinate to existing' to carry its established, technical meaning in the laws. The inquiry involves a consideration of any of the nature, intensity, and economic value of the whether the existing commercial farm use remains the

the Property, as described in detail above, are the primary whereas the commercial event use is accessory to, and set forth in *Friends of Yamhill County v. Yamhill County*, the relevant inquiry involves consideration of the nature, intensity, and economic value of the primary commercial farm use in comparison to the secondary commercial event use. Each of these three factors is discussed below.

(a) The Nature of Respective Uses

The nature and inherent character of the Property is a hay farm and cattle ranch. See Exhibit N. The commercial hay and cattle operation, by nature, requires a large area of land that can support enough cattle and hay production to make the farm operation profitable. The entire



8. IN SUMMING UP OUR OBJECTIONS:

1. THE APPLICATION PRESENTS NO FACTS AS TO THE .7 MILE GRAVEL ROAD BEING A PUBLIC ROAD.

2. THE APPLICANTS ADMIT THEY DON'T KNOW THE USE OF THE 1992 CUP. THEY MAKE ASSUMPTIONS (NOT FACTS) WHICH ARE INACCURATE.

3. THE FARMING INCOME NUMBERS ARE NOT FACTUALLY SUPPORTED. OUTSIDE PERSONS FARMING ACTIVITIES ARE NOT MENTIONED OR REPORTED.

4. EVENT INCOME REPORTED IS NOT FACTUALLY SHOWN. A LARGE PORTION OF THAT 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.

5. THE APPLICANTS WRONGFUL CLAIMS ABOUT OUR FARM ARE DAMNING AND DAMAGING. THIS DOES NOT MEET ANY STANDARD THEY MUST MEET IN OBTAINING THE REQUESTED PERMIT.

6. MOST OF THE PROPOSED EVENTS DO NOT MEET THE CCC 18.08.0030 CRITERIA. WEDDINGS, RECEPTIONS, ANNIVERSARIES, BIRTHDAY PARTIES, OR COMPANY BANQUETS(?), ARE NOT INTENDED TO PROMOTE FARMING. THE PERMIT SHOULD BE DENIED ON THOSE TYPES OF EVENTS!

7. THE INTENSITY OF EVENT TRAFFIC FAR EXCEEDS NORMAL FARM AND DAILEY TRAFFIC. EVENTS HAVE A STARTING TIME AND TRAFFIC BUNCHES UP AND THIS BECOMES A MAJOR CONCERN.

BASED ON THE PAST EVENTS IN 2022 THE INCREASE IN TRAFFIC WAS OVER 3,000 VEHICLES.

8. NO CONDITIONS OF OVERNIGHT CAMPING OR COOKING HAVE BEEN SET BY STAFF. OUR CONCERN IS FIRE AND THIS HAS NOT BEEN ADEQUATELY ADDRESSED. THEY MUST HAVE FIRE SUPPRESSION EQUIPMENT ON SITE. A WATER TRUCK MUST CONTINUE TO SUPPRESS DUST ON THE ROAD DURING THE ENTIRE LEASED PERIOD NOT JUST DURING THE MAIN EVENT.

