



**Crook County**  
**Community Development**  
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**STAFF REPORT - CONDITIONAL USE – HUNTING PRESERVE**  
**July 15, 2020**

**APPLICATION:** 217-20-000550-PLNG

**PROPERTY OWNER:** Young's Blue Mountain Ranch  
Sarah Teskey  
P.O. Box 14  
Paulina, Oregon 97751

**APPLICANT/AGENT:** Marcus Rossi  
15602 SE Puett Road  
Paulina, Oregon 97751

**PROPERTIES:** T16 S, R24 E, tax lot 1200  
T16 S, R23 E, tax lots 100 and 700

**PROPOSAL:** Mr. Rossi, the Applicant, is requesting conditional use approval for a hunting preserve on property owned by Young's Blue Mountain Ranch. No structures are proposed as part of this request.

**APPLICABLE CRITERIA:**

**Crook County Code** Title 18 Zoning

**Chapter 18.08** Definitions

**Chapter 18.16** EXCLUSIVE FARM USE ZONES, EFU-1 (POST-PAULINA AREA), EFU-2 (PRINEVILLE VALLEY-LONE PINE AREAS), AND EFU-3 (POWELL BUTTE AREA)

18.16.015 Use Standards

18.16.020 Limitations on Conditional Uses

18.16.040(5) Wildlife policy applicability

**Chapter 18.160** Conditional Uses

**Crook County-Prineville Area Comprehensive Plan**, Chapter III, Land Use, Agriculture, Pages 40-47, Policies for Agricultural Areas of Crook County. Wildlife Policy #2

**Oregon Revised Statutes 215.283(2)(c)**

**ORS 215.296**

**Oregon Administrative Rules (OAR) 660-033-130(2), (5) and (19)**

**BACKGROUND:**

The Applicant is proposing to offer guided upland game bird hunting on a reservation basis. Birds would be pen-raised, off site. He has worked with the property owner to identify areas on the ranch where his hunting service could be offered. He proposes meeting hunters in Paulina and then driving to the day's hunting area. The area to be used on any given day will depend on weather and other factors, including choosing areas to minimize potential conflicts with on-going agricultural and ranching operations.

**2019. This code language mirrors the language of Oregon Revised Statutes and Oregon Administrative Rules for uses in exclusive farm use zones.**

**18.16.010** allows private parks, playgrounds, hunting and fishing preserves and campgrounds as conditional uses in Exclusive Farm Use Zones. Crook County Code language is the same as Oregon Revised Statute (ORS) 215.283 (2)(c) and OAR 660-33-130(2), (5) and (9). While there are specific standards for private campgrounds (Crook County Code 18.16.015(23)), limits on structures with a design capacity greater than 100 people (18.16.015(24)), and provisions for expansions of existing facilities (18.16.015(26)), these do not apply to the proposed use. There are no specific standards for hunting preserves in EFU zones under Crook County Code, Oregon Revised Statutes or Oregon Administrative Rules.<sup>1</sup>

**18.16.020 Conditional use review criteria.** (Crook County Code language mirrors that of Oregon Revised Statute (ORS) 215.296 (1) and Oregon Administrative Rules (OAR) 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses)

An applicant for a use permitted as a conditional use "C" in Table 1 must demonstrate compliance with the following criteria and specific requirements for conditional uses in Chapter 18.160 CCC:

(1) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

(2) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

**Finding: Private parks, including hunting preserves are allowed as conditional uses in exclusive farm use zones under ORS 215.283(2)(c). The proposed use of the land to hunt upland game birds (pheasants), is a temporary use that will not require any structures on the properties. According to the Applicant, the number of hunters will be limited to five at any time and hunting times will be restricted to 9 a.m. to 3 p.m. (see proposed condition 1). The Applicant has stated that he will work with the property owners to ensure that the hunting activities will not conflict with ranching and farming operations, The limited hunting activities will not force a significant change in accepted farm practices nor significantly increase the cost of accepted farm practices on surrounding lands devoted to farm use.**

(3) The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this title and the following general criteria:

(a) The use is consistent with those goals and policies of the comprehensive plan which apply to the proposed use;

**Finding: The proposed use is allowed as a conditional use in the County's EFU zones. The guided hunting service will provide supplemental income to those in the ranching community and will help sustain agricultural activities in the area.**

(b) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;

**Finding: Hunting will occur on areas owned by a large ranching operation. The location of hunting opportunities will be determined to avoid conflicts with existing farming and ranching operations. The properties offer diverse topography and vegetation, making them well suited for the activity.**

(c) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;

**Finding: The proposed use is limited, and no structures will be built. According to the Applicant, a small number of hunters (five or fewer) will be on the property at a given time. The activity will be disbursed**

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<sup>1</sup> Jon Jinings, Oregon Department of Land Conservation and Development confirmed by 5/27/20 email that the administrative rules provide little or no guidelines on what constitutes a hunting preserve. He did state that dwellings or other structural overnight lodging facilities are not allowed as part of a hunting preserve operation.

**and will not impair or prevent the ranching uses of surrounding properties. As stated, the Applicant will work with the property owner to ensure that hunting does not conflict with ranching operations.**

(d) The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and

**Finding: No new infrastructure or public facilities are needed to support this proposed use.**

(e) The use is or can be made compatible with existing uses and other allowable uses in the area.

**Finding: The Applicant states that hunting will occur only from 9 a.m. to 3 p.m. and that he will adjust his operations and the location of hunts to not conflict with on-going ranching and farming operations. Hunts are allowed per ODFW requirements for guided hunts from August 1<sup>st</sup> through March 31. Areas within 2 miles of known sage grouse leks will not be hunted in March. (See condition 3).**

#### **CCC 18.160.020 Conditional Uses - General criteria.**

In judging whether or not a conditional use proposal shall be approved or denied, the planning director or planning commission shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

(1) The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies and regulations of the county.

**The proposed use is allowed under state law and Crook County Code as a conditional use in the County's EFU zones. Crook County's Comprehensive Plan includes findings in the "Agriculture" section including Agriculture Finding #10:**

**"The provisions of ORS 215 also recognize and set forth certain non-farm uses which may be conditionally carried out with little or no conflict with area agricultural uses. Such uses may be established separately or in conjunction with farm use, are primarily commercially, industrially, or recreationally oriented, and in many cases may provide a means for secondary economic benefits to an agricultural enterprise."**

**In this case, the proposed recreational use provides a means for secondary benefit to agricultural operations through the use of ranch property and secondary income to the Applicant.**

(2) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.

**Finding: The proposed hunting preserve will have minimal impacts and will not require any new structures or permanent changes to the landscape. Hunting will be done on acreage managed as part of Blue Mountain Holding's cattle ranch. Abutting properties are generally owned by the ranch, the U.S. government, and other large ranching operations. Uses permitted outright in the County's EFU-1 zone often include permanent structures and activities that are more impactful than the proposed use.**

(3) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant.

**Not applicable. No new structures are proposed.**

(4) The proposal will preserve assets of particular interest to the county.

**This proposal is unlikely to directly affect specific assets of interest to the county. The proposed use will supplement ranching income in this part of the County.**

(5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

***The Applicant raises pheasants and has entered into an agreement with the property owner to guide hunters on a reservation basis on the ranch property.***

**18.160.030 General conditions.**

In addition to the standards and conditions set forth in a specific zone, this chapter, and other applicable regulations, in permitting a new conditional use or the alteration of an existing conditional use, the planning director or planning commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the county as a whole. These conditions may include the following:

(1) Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

***The Applicant will be conducting hunts from 9 a.m. to 3 p.m. from August through March each year. ODFW recommends limiting hunting after March 15<sup>th</sup> to avoid a mapped sage grouse lek.***

(2) Establishing a special yard or other open space or lot area or dimension.

***Not applicable. The Applicant will use existing road pull-offs for parking.***

(3) Limiting the height, size or location of a building or other structure.

***Not applicable. No structures are proposed.***

(4) Designating the size, number, location and nature of vehicle access points.

***No new accesses points will be required.***

(5) Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.

***Finding: Not Applicable***

(6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.

***Not applicable.***

(7) Limiting or otherwise designating the number, size, location, height and lighting of signs.

***Not applicable. No signs are being proposed with this application***

(8) Limiting the location and intensity of outdoor lighting and requiring its shielding.

***Not applicable. No lighting is proposed.***

(9) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

***Not applicable. No structures or permanent uses are proposed.***

(10) Designating the size, height, location and materials for a fence.

***Not applicable. No fencing is being proposed as a part of this application.***

(11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

***The property is in an area of mapped critical deer winter ranch. The northern portion of T16 R23, tax lot 100 is in elk winter range, There is a known sage grouse lek within 2 miles of one of the hunting areas. The Applicant will meet all requirements of the Oregon Department of Fish and Wildlife regarding wildlife habitat and will not avoid hunting after March 15<sup>th</sup> or near the lek during March. (see condition 3).***

(12) Other conditions necessary to permit the development of the county in conformity with the intent and purpose of this title and the policies of the comprehensive plan.

***No other conditions are recommended at this time.***

#### **COMMENTS**

The Planning Department reached out to Oregon Department of Land Conservation and Development to determine if there were specific standards governing "hunting preserves" and received confirmation that there are no specific standards. No dwellings or overnight lodgings are allowed in conjunction with hunting preserves. Oregon Department of Fish and Wildlife provided comments on the application and requested that the Applicant not hunt in the area of a known sage grouse lek in the month of March and limit hunting after March 15.

#### **CONCLUSIONS**

Based on the information provided by the Applicant and other information in the record, and on a review of the applicable state and county requirements, the Planning Commission may find that the proposed hunting preserve meets the requirements for a conditional use approval and is consistent with the Crook County Comprehensive Plan. The Planning Commission would need to find the following:

***The proposed use will not seriously interfere with or force a significant change in accepted farm and forest uses and will not increase the costs of accepted farm or forest practices on nearby land devoted to farm use. (The Applicant has stated that he will adjust his operations and the location of hunts to ensure that he is not conflicting with on-going ranching and farming operations).***

***The following conditions of approval are recommended:***

- 1. Hunting will be by reservation only and will occur from 9 a.m. to 3 p.m. Hunts will be limited to five hunters at one time.***
- 2. The Applicant will receive a Private hunting preserve license from the Oregon Department of Fish and Wildlife as required by Oregon Revised Statute 497.248.***
- 3. Hunts may be conducted from August 1<sup>st</sup> to March 15 each year. March hunting shall avoid areas within 2 miles of identified sage grouse leks per comments from the Oregon Department of Fish and Wildlife.***
- 4. No parking shall be allowed on any public roads.***

Respectfully submitted:



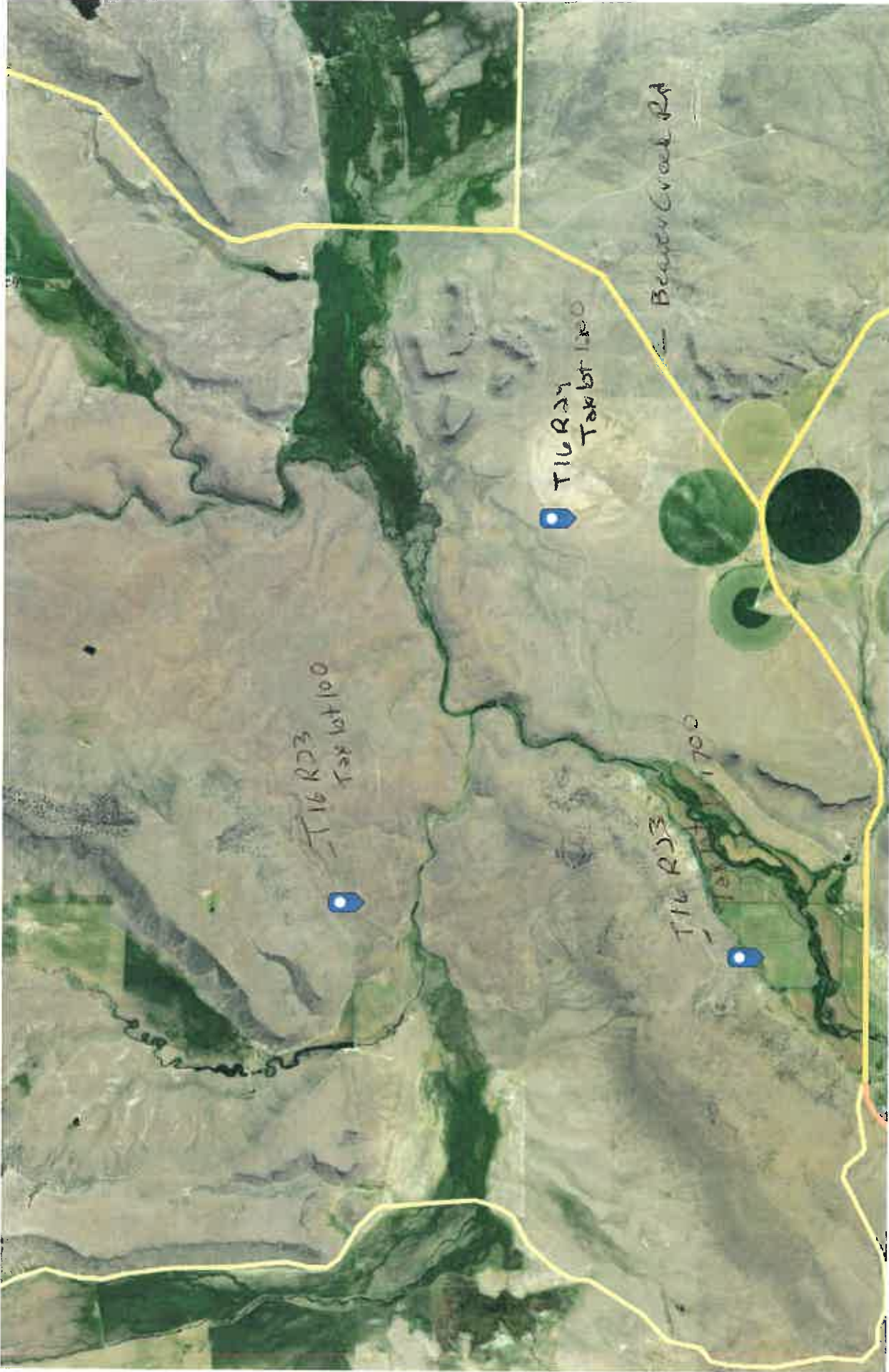
Ann Beier, Planner

Crook County Planning Department

CC: County Departments  
Oregon Department of Fish and Wildlife  
Oregon Department of Land Conservation and Development

Attachment A – Vicinity Map

Attachment B – Site Plan



Attachment A - Vicinity map

Paulina-Spke 217-20-000550-PLNG  
Hwy

Attachment B

217-20-000550-PLNG

Amended map  
per 6/30/20  
email

Proposed hunting  
area

