



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

STAFF REPORT 217-23-001215-PLNG

November 1, 2023

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

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

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

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

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

I. BASIC FINDINGS

PROJECT LOCATION: The proposed use is located on approximately 2.4 acres of tax lot 1415200000600; other tax lots included in the property tract are: 1415190000100; 1415000000600; 1414240000100; 1414240000200; 1415200000601; 1415000000603; total acreage 824.

II. APPLICABLE CRITERIA

Crook County Code

***Title 18, Zoning
Chapter 18.08 Definitions***

18.08.030 C definitions.

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

18.16.010 Use Table.

18.16.055 Agri-tourism and other commercial events.

III. FINDINGS

Crook County Code

Title 18, Zoning

Chapter 18.08 Definitions

18.08.030 C definitions.

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

PROPOSED FINDING: The Applicant has provided a "Proposed Schedule of Events for Calendar Year 2024". This event list shows celebratory gatherings, weddings, and similar use consisting of any assembly of persons. The following staff report addresses CCC 18.16.055.

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

18.16.010 Use table.

3.5	<i>Agri-tourism and other commercial events or activities that are related to and supportive of agriculture.</i>	STS	<i>Notice and Opportunity for Hearing</i>	18.16.055
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PROPOSED FINDING: The Applicant submitted application and materials, on June 8, 2023, the application was deemed incomplete on June 27, 2023. Applicant response to the incomplete letter is dated August 30, 2023. Staff was able to review the additional material and deemed the application complete on September 9, 2023. The Transportation Analysis Letter was received on October 3, 2023. The newspaper notice for the public hearing was published on October 17, 2023, notice to neighbors was mailed on October 19, 2023. The application is subject to standards as set out in CCC 18.16.055, which are addressed below.

18.16.055 Agri-tourism and other commercial events.

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

(***)

(4) In addition to subsections (1) to (3) of this section, the county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do

not otherwise comply with subsections (1) to (3) of this section if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

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

PROPOSED FINDING: Staff reviewed the application and supporting material to address if the proposed commercial events are incidental and subordinate to existing commercial farm use of the tract. A holistic approach was used to consider if the commercial events as weighted to the predominant use of the tract for the existing commercial farm use is supported due to the nature (comparison of existing farm use to proposed use), intensity of use to include frequency, and economic value.

Nature of use: The existing ranching operation consists of a tract approximately 824 acres in irrigated and non-irrigated ground. The operation has approximately 300 irrigated acres distributed by pivots, hand, and wheel lines for hay crops. The Ranch Manager states in Exhibit N of the application that, "In a typical year, we harvest approximately 1200 tons of hay." and "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." He goes on to say that " In a typical year we raise 40-100 pairs of cow and calf pairs."

The proposed commercial event site is less than one percent of the irrigated acreage at 2.4 acres. The site consists of a 2,800 square feet existing structure (pavilion), approved as a part of the 1992 private park. It is described as a pole building and utilized off season for storage. Other existing structures on the site include a restroom, arena and barn. The site plan is Attachment B of this report.

Frequency: The Applicant proposes limited time for the events, per the event schedule; 1500 to 2300 (8hrs) on the day of the event. The sample lease (provided in the application material) includes additional times of 800 to 2300 (15rs) on the day of, 800 to 1900 (11hrs) the day before, and 800 to 1700 (9hrs) the day after. Total time allotted per a three day event (setup, event, and clean up) could run up to 35 hours.

The farm operation is a 365 day operation with varied scheduled work time and is more than 35 to 70 hours per month, during the proposed 8 month event window.

Economic: There is a two prong approach to reviewing the economics of the proposed commercial events. First, is the proposed commercial use incidental and subordinate to the existing commercial farm use, to avoid a wag the dog situation. Second, is the commercial event necessary to support the commercial farm use. The analysis of the economic benefit from the commercial event venue is shown in Exhibit U of the application material. The event venue is shown to provide additional revenue for the farm operation in 2020, 2021, and 2022. In particular the net income from the venue was \$8,995, while the farm revenue shows a loss. The Narrative provides an explanation of that economic support, "In years when hay and cattle sales are lower than average, the supplemental revenue is essential for the farm operation to reach a break-even point. In years when revenue is above break-even and the commercial farm operation is projectable, the supplemental revenue allows the Applicants to cover the cost of repairs and upgrades to its farm equipment and facilities."

Due to the nature of the uses, frequency at which they occur and the economic impact the commercial event use is found to be incidental and subordinate to the ongoing day to day farm use on the tract. In addition, the commercial events can be concluded to be necessary to support the commercial agricultural operation in that the added revenue goes back into the commercial farm operations.

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

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

*(***)*

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

PROPOSED FINDING: The proposal does not include any new structure/s to be built, used, or occupied in connection with the events.

Staff recommends adding a Condition of Approval 1 and 8.

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

PROPOSED FINDING: The Application includes a review and analysis of surrounding properties shown in the table below.

Area Study Table

Map Tax Lot	Name	Acres	Irrigated	Zone	Use
1415000000403	Wesley & Sarah Kuenzi	105.77	Yes	EFU2	Hay farming, Livestock operation, Single family dwelling
1415000000602	Richard Morton	289.49	Yes	EFU2	Hay farming, Livestock operation, Single family dwelling
1415000000401	John Fahlstrom	7.50	No	EFU2	No farm use, Single family dwelling
1415000000402	John Fahlstrom	7.51	No	EFU2	No farm use
1415160000400	Quail Valley Ranch III LLC	471.78	Yes	EFU2	Hay farming, Livestock operation, Single family dwelling
1415210000101	Quail Valley Ranch III LLC	364.46	Yes	EFU2	Hay farming, Livestock operation, Single family dwelling
1415200000400	William Sigman	134.50	Yes	EFU2	Hay farming, Livestock operation, Single family dwelling
1415200000401	William Sigman	88.09	Yes	EFU2	Hay farming, Livestock operation
1415200000300	David Orr	6.86	Yes	EFU2	No farm use, Single family dwelling
1415000000400	John Fahlstrom	265.89	No	EFU2	No farm use

The Applicant identifies potential impacts from the proposed commercial events as, “visual (outdoor lighting), auditory (outdoor sound/music), traffic and/or dust (from additional vehicles), complaints regarding farm and forest practices, and/or trespass (from additional people).” As a part of the area analysis, the Applicant then detailed each parcel and how there would not be a significant increase in cost or significant change in practice as a result of the proposed commercial event.

The Narrative found no significant impact or increase to existing farm use based on the distance from event site to active farming practices (lighting, noise and traffic), posting a sign at the site entrance (trespass), and topography (lighting, noise and traffic).

Staff recommendation is to add Condition of Approval 6, 7 and 8.

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

PROPOSED FINDING: The Applicant has defined and reviewed an area surrounding the subject property for other authorized agri-tourism or other commercial events or activities, of which there are none. Based on the analysis they provided they state that the proposal will not materially alter the stability of the land use pattern in the area. Attachment D is a map of approved agri-tourism sites as well as the proposed commercial event site.

(e) Must comply with:

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

PROPOSED FINDING: The Ponderosa Events (Attachment A) provides a list of proposed commercial events requesting authorization during each calendar year. The list includes the number of proposed events, the duration of the events, the anticipated daily attendance, and the hours of operation on the day of the event. As demonstrated earlier in the staff report, the Applicant provided a sample lease which allows for access to the site with longer hours and additional days. The discrepancy of days and times for events can be clarified by the Applicant. The Applicant has proposed to submit an amended list for any change to the proposed list of events to the Community Development Department and the Orrs at least 72 hours prior to any change in the approved dates.

Staff recommendation is to add Condition of Approval 5.

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

PROPOSED FINDING: The Applicant provided a Site Plan (Attachment B) showing the proposed commercial venue with existing facilities. Attachment C is a series of additional aerial imagery that shows the location of structures from different angles of the site. The Applicant will need to provide a revised site plan that shows the location of temporary structures, including areas for food carts, vendors, or other mobile services.

Staff recommendation is to add Condition of Approval 10.

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

PROPOSED FINDING: Access to the venue is located from Campbell Ranch Road, a designated local road that is County Maintained up to approximately .7 miles before the entrance to the venue. All parking will be located within the proposed 2.4 acre site as proposed in the Applicant’s Narrative. The County Road Superintendent and the Crook County Fire and Rescue District provided comments, see Attachment E.
[Staff recommendation is to add Condition of Approval 4 and 6.](#)

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

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

The summary of the TAL states:

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

[Staff recommendation is to add Condition of Approval 3 and 4.](#)

(v) Sanitation and solid waste.

PROPOSED FINDING: The Narrative states, “Portable restrooms are used at the commercial events site to accommodate event patrons.” The Applicant will work with Crook County Environmental Health Department for all sanitation and solid waste facilities which will be used in connection with all commercial events.
[Staff recommendation is to add Condition of Approval 2.](#)

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

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

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

PROPOSED FINDING: The tax lot which encompasses the 2.4 acre site is listed as 227.14 acres and the tract approximately 824 acres, thus meeting the minimum parcel size which is 80 acres in the EFU-2 (Prineville Valley – Lone Pine Area).

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

PROPOSED FINDING: The proposal does not exceed 18 events.

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

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

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

PROPOSED FINDING: The Applicant shall request review of the permit every four years (April 26, 2025), pursuant to CCC 18.16.055(5).

Staff recommendation is to add Condition of Approval 9.

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

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

Staff recommendation is to add Condition of Approval 1 and 10.

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

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

IV. PROPOSED CONDITIONS OF APPROVAL:

1. The Applicant shall apply and receive approval from the Crook County Building Department for all structural, mechanical, and electrical permits, that may be required.
2. The Applicant will work with Crook County Environmental Health Department for all sanitation and solid waste facilities which will be used in connection with the commercial events.
3. The Applicant shall work with the Crook County Road Department for event signs.
4. There will be no backing onto or parking outside of the 2.4 acres identified on the site plan as the venue.
5. The applicant shall submit an amended list to the Community Development Department and the Orrs at least 72 hours prior to any change in the date of approved dates.
6. The Applicant shall provide proof to the Planning Department that the main entrance is identified and signed.
7. No Commercial Event or activity may begin before 6 a.m. or end after 10 p.m.

8. All lighting shall be shielded and directed downward, and where available motion detected or on timers.
9. The Applicant shall request review of the permit every four years (Date to Be Determined), pursuant to CCC 18.16.055(5).
10. The Applicant will provide a revised site plan that shows location of temporary structures, including areas for food carts, vendors, or other mobile services.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Katie McDonald". The signature is fluid and cursive, written in a professional style.

Katie McDonald, Sr. Planner

- Attachment A Proposed Schedule of Events
- Attachment B Site Plan
- Attachment C Aerial Imagery
- Attachment D Map of approved agri-tourism sites
- Attachment E Crook County Fire and Rescue and Road Department Comments

Ponderosa Events

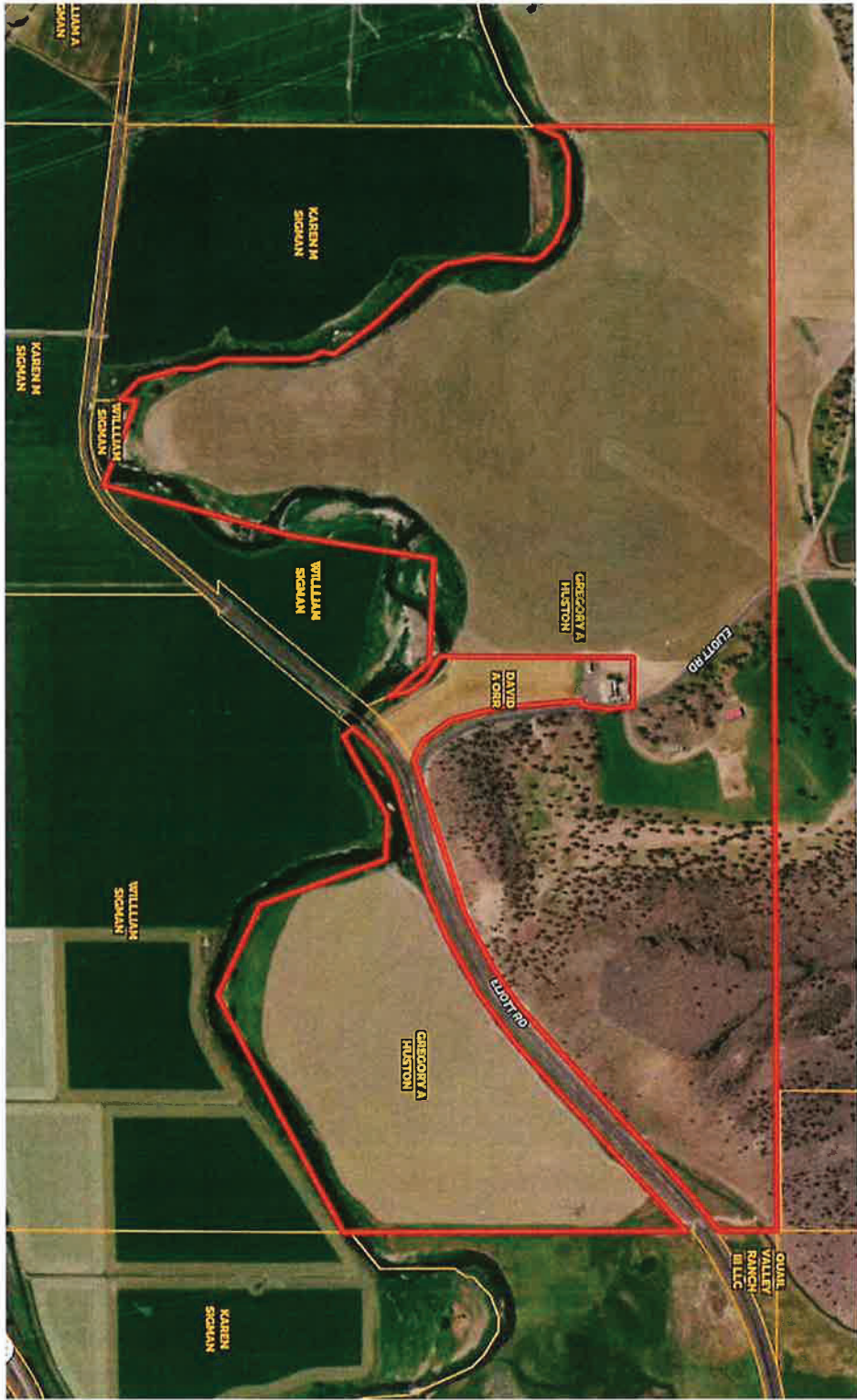
Proposed Schedule of Events for Calendar Year 2024

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

Aerial Photos and Site Plan



Entirety of the Property



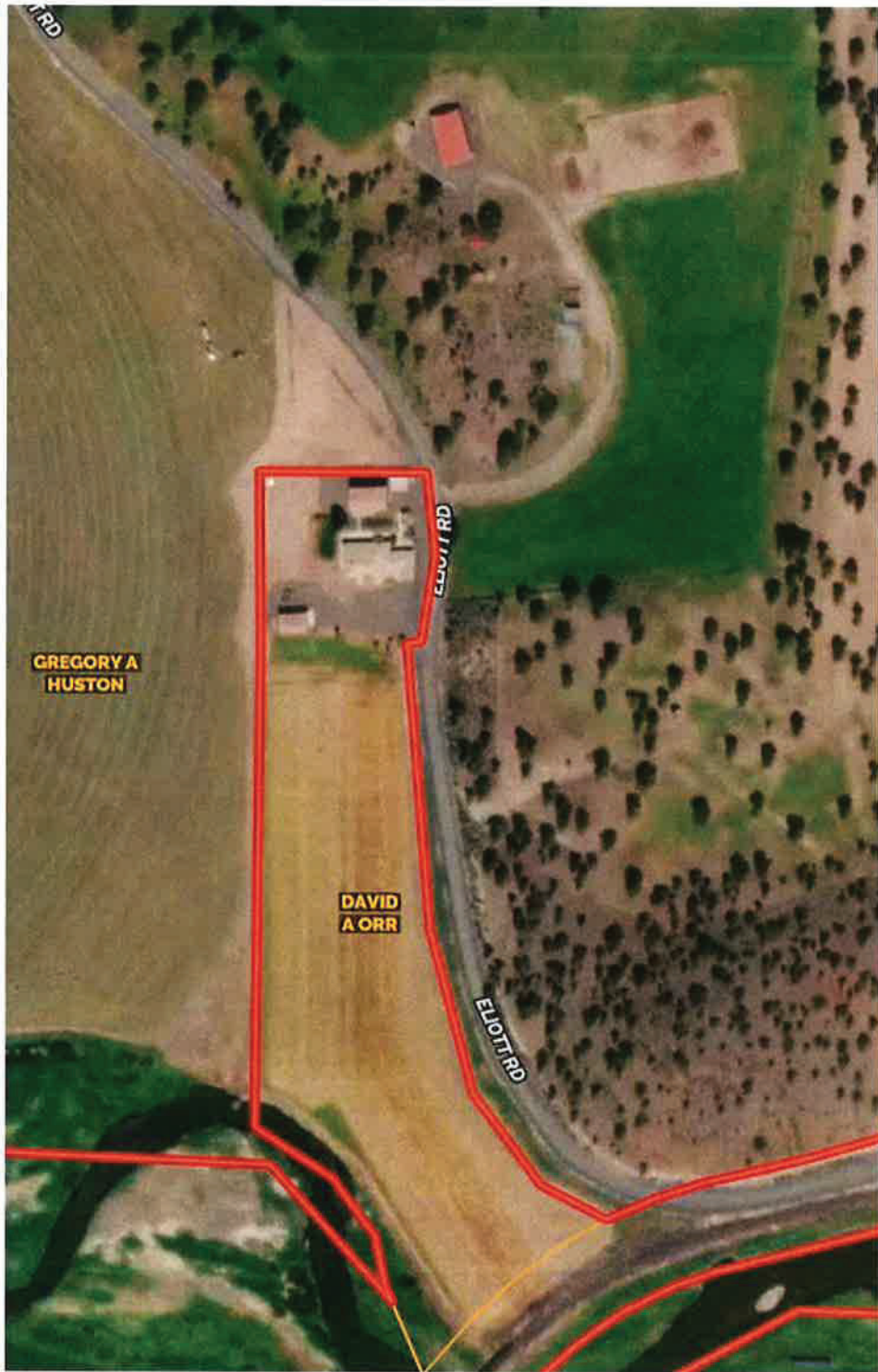
Tax Lot 14152000-00600-15820



Tax Lot 14152000-00600-15820 Showing Existing Structures & Access Road



Existing Buildings and Structures

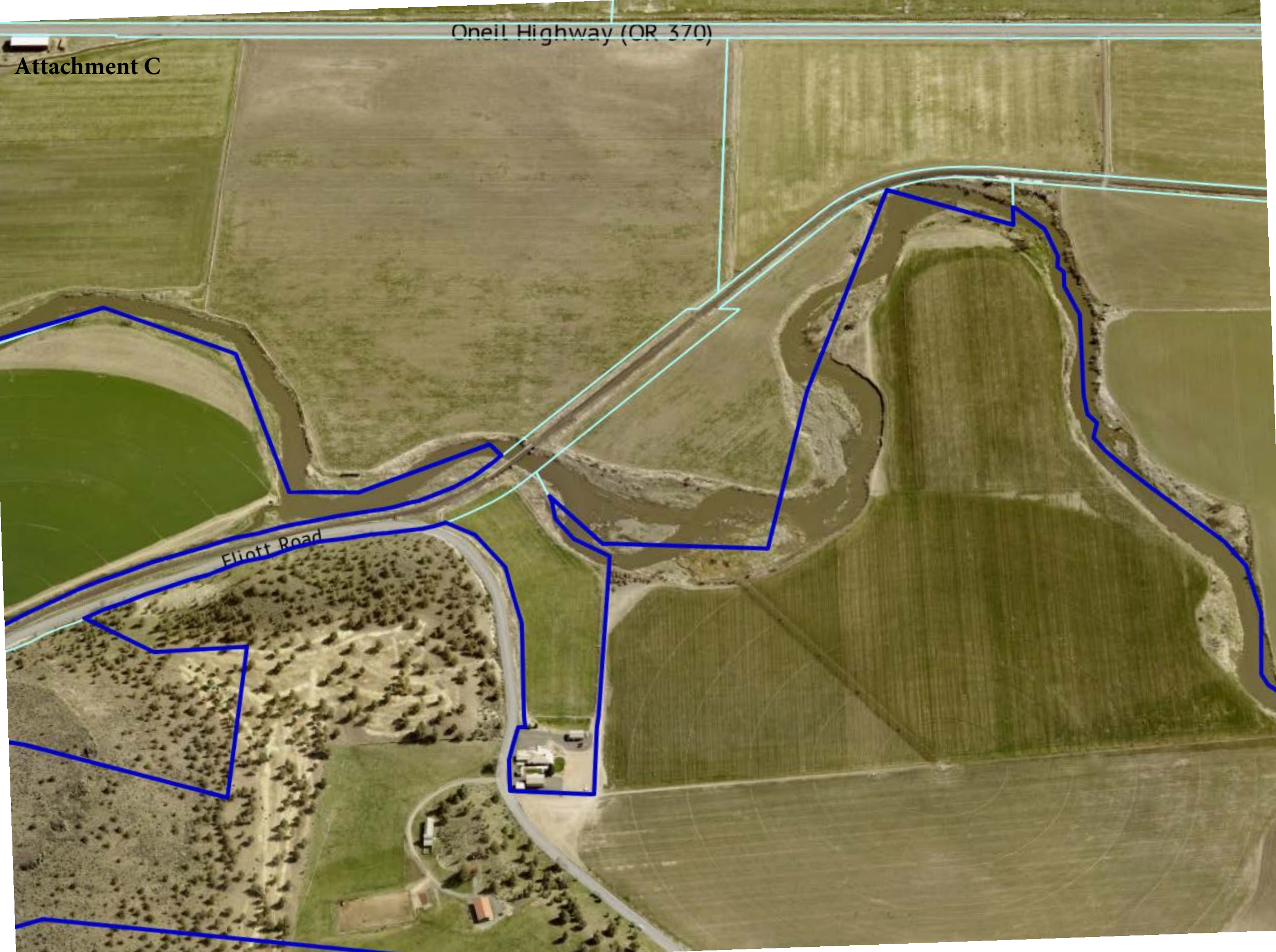


Tax Lot 14152000-00600-15820 with Full View of Access Road

Oneil Highway (OR 370)

Attachment C

Elliott Road





AUTO



Elliott Road

50 ft

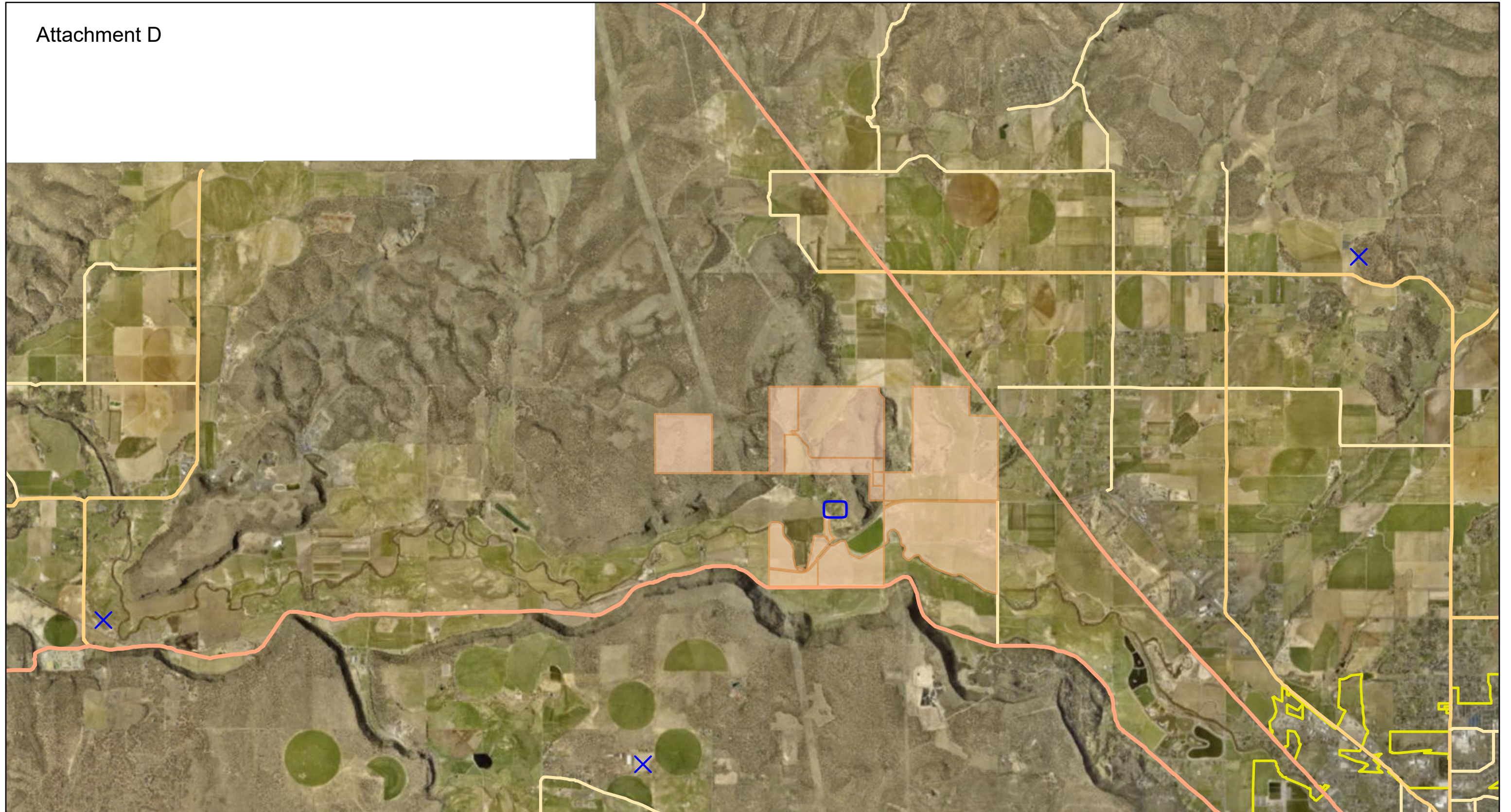




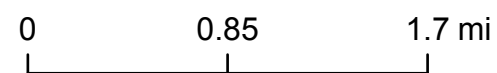
Elliott Road

Crook County, Oregon

Attachment D



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Attachment E

From: [James Staniford](#)
To: [Russ Deboodt](#); [Katie McDonald](#)
Cc: [Will VanVactor](#)
Subject: RE: Comments on proposed Commercial Event Venue
Date: Thursday, October 19, 2023 2:47:24 PM
Attachments: [image001.png](#)

I don't have any concerns. Thanks James

From: Russ Deboodt <rdeboodt@ccf-r.com>
Sent: Thursday, October 19, 2023 1:23 PM
To: Katie McDonald <Katie.McDonald@crookcountyor.gov>; James Staniford <James.Staniford@crookcountyor.gov>
Cc: Will VanVactor <Will.VanVactor@crookcountyor.gov>
Subject: RE: Comments on proposed Commercial Event Venue

Thank you Katie,

My only comments would be to confirm addressing and access continue to remain appropriate for commercial use (fire trucks and ambulances). The building, in my opinion, is fine in its current form. If the owners wish to enclose it with walls I would request a change of use and recommend it be brought to a full commercial building code/fire code compliance.

Regards

Russell Deboodt
Division Chief - Fire and Life Safety
W-541-447-5011
C-541-280-0911
F-541-447-2705
rdeboodt@ccf-r.com

From: Katie McDonald <Katie.McDonald@crookcountyor.gov>
Sent: Thursday, October 19, 2023 11:56 AM
To: Russ Deboodt <rdeboodt@ccf-r.com>; James Staniford <James.Staniford@crookcountyor.gov>
Cc: Will VanVactor <Will.VanVactor@crookcountyor.gov>
Subject: Comments on proposed Commercial Event Venue

Hi there,

Please provide comment on the proposed commercial event venue. Comments received by October 27, will be included in the staff report.

I will be out of the office from 10/19 (13:30) – thru 10/26. If you have questions, feel free to reach out to Will.

Thank you,
Katie



Katie McDonald

Katie McDonald

Sr. Planner, Community Development

300 NE 3rd Street Prineville, Crook County, OR 97754

My hours: Monday - Friday 8:00am - 4:00pm

Office: (541) 447-3211 Ext. 1 Planning

E-mail: Katie.McDonald@crookcountyor.gov / plan@crookcountyor.gov

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