

Hannah Elliott

From: Carol Macbeth <carol@colw.org>
Sent: Wednesday, January 17, 2024 1:12 PM
To: Plan
Subject: LandWatch rebuttal 217-21-001215-PLNG
Attachments: LandWatch rebuttal 217-21-001215-PLNG Jan 17.pdf

**Received by Crook
County Planning
1/17/2024**

Attached please find LandWatch's comments in rebuttal in the above matter. Please acknowledge receipt.

Best regards,
Carol Macbeth

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Carol Macbeth (she/her)
Staff Attorney
Central Oregon LandWatch
*On the ceded homelands of the Wasq'u (Wasco)
and Tana'nma (Warm Springs) people*

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Jan. 17, 2024

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

via email

re: Crook County 217-21-001215-PLNG, rebuttal comments

Dear Planning Commission,

On behalf of Central Oregon LandWatch thank you for the opportunity to provide rebuttal comments on the above application. We urge you to deny the application because the subject property does not meet the rigorous approval criteria to hold 18 commercial events per year in the County's EFU zone. Our specific comments are below.

1. *Applicable standard is "lands devoted to farm use."*

The applicants misconstrue the applicable law in arguing that the Fahlstrom and Orr properties are not in "farm use" pursuant to ORS 215.203(2)(a). The relevant standard from CCC 18.16.020 is:

- (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

There is no question that the Fahlstrom and Orr properties are zoned for Exclusive Farm Use, and are thus "devoted to farm use" by Crook County's acknowledged comprehensive plan.

The Planning Commissioners should reject the applicants' implication that anyone knows more about the farming taking place on these properties than the Fahlstroms or the Orrs themselves; or that anyone else knows more about how their farms are affected by



commercial events that are not necessary to support the commercial agricultural enterprises in the area.

2. *Applicant's testimony is that a wholly different amount of hay is produced.*

As shown in the transcript submitted by the Applicant, he stated at the December 13, 2023 hearing that the subject property is growing "12-15,000 tons of hay a year," and "so, basically, like I said, 15,000 tons of hay." Att. 1.

This description is in direct conflict with the application which stated that the applicants grow 1200 tons of hay a year. Application Ex. N. Which is it?

The applicants cannot say within an order of magnitude how much hay they produce in a year, though hay is a key source of the commercial farm use income on the property.

The Planning Commission cannot decide whether the income from the proposed commercial events will be incidental and subordinate to the commercial farm use income if the Planning Commission does not have factual evidence about how much the income from each will be.

Thank you for your attention to these views.

Sincerely,

/s/ Carol Macbeth

Staff Attorney
Central Oregon LandWatch



Transcript of Greg Huston testimony during
December 13, 2023 Public Hearing

Mr. Huston: Good evening, commissioners, I'm Greg Huston, can you hear me okay, or?

[Inaudible]

Mr. Huston: I'm Greg Huston, my wife and I are the land owners. Uh, we bought the ranch in uh- fifteen years ago – 2009, I think. Uh, we've been farming and ranching it ever since. We've got two properties. We own that property and another 138 acres, over North of (inaudible) Falls- it's kind of where our headquarters, hence, our house is. We've got two more pivots over there, and we use both properties to move cattle, and- and grow hay. Uh, currently we're growing about uh, 12-15,000 tons of hay a year. We run between 50 and 100 head of cows, depending on circumstances like last year with the drought, and everything, we sold off a bunch, I think we're down to 30 pair right now. But, we've always had cattle, we've always grown crops, we've grown carrot seed, grass seed, wheat, uh, right now, most of it is hay. So, basically, like I said, 15,000 tons of hay and 30-50 head of cattle a year is what we- what we do. Um, over the years, we've found that the more income streams you can have, the better- more likely you are to break even, or make a little money at the end of the year. Um, typically, financially, um, we average- just on average – between \$30-\$40,000 a year, in a good year – we'll make. And in a not so good year, we'd lose \$20-\$30,000 dollars. So, if you had to average over the last 15 years, we probably haven't made a lot of money out there – and that's taken all the capital improvements – that's just the cost of the ranching operation. Um, about breaking even: you get depreciation of the land, and the joy of being out there, but not a lot of money to be had. Um, that's why the additional income stream is really nice for us, and that's why we do the different things: we do the cattle, we do dabble in horses a little bit. Um, having the pavilion- the pavilion's center out there, and utilizing that, has the potential to generate \$30-\$50,000 a year income, and that really fills that gap for us. That- if we have that additional income that, typically- typically, what we've seen over the last 15 years, we would never lose money. We would at least be even- a little bit better than even. So, that's really why we're here today, is- is just basic economics. The pavilion's there, it was built- it was permitted in '92. We're just trying to utilize the things that we have on our property. Um, the history of the advance out there, uh, I think everybody's aware that's lived here for a while that the Crooked River Dinner Train was there, um, there were different things that happened with different owners. You know, I still run into people in town that say they went to Les Schwab company picnics out there. My kids got married out there. And uh, you know, we've always, when we bought the property, we knew it had that conditional use on it, and we utilized it through the years as well. My family's gotten married out there, Blair, his family's been married out there, um, we've had birthday parties, all kinds of things throughout the years. Um, I guess what's different is, a few years ago, we decided that this could be a real income stream for us, and help us bridge those gaps. So, we took it a little bit more seriously, and tried to hold about 10 events a year. And uh, you know, I want to be really clear here. We're not a promoter. We have no interest in creating an events center out there, it's- we're trying to utilize the resources we have. That's what ranchers do. That's what people do that take care of their properties. We're just trying to utilize what we have. If we held