



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

STAFF REPORT

FILE NUMBER: 247-15-000001-LUP

APPLICANT: Paul Cooper and Hana Cooper
P.O. Box 365
Monument, OR 97864

OWNER: Paul and Loreen Cooper

REQUEST: The applicant is requesting a Type 2 Limited Use Permit for a commercial events/activities facility on a 54-acre property in the Exclusive Farm Use Zone.

STAFF CONTACT: Paul Blikstad, Senior Planner

I. APPLICABLE CRITERIA:

Title 18, Deschutes County Zoning Ordinance
Chapter 18.16, Exclusive Farm Use Zone
Title 22, Deschutes County Development Procedures Ordinance

Oregon Revised Statutes 215.296

II. BASIC FINDINGS:

- A. LOCATION:** The subject property consists of two tax lots: tax lot 314 has an assigned address of 64655 Old Bend-Redmond Highway, and tax lot 301 has an assigned address of 64800 Simon Road.
- B. LOT OF RECORD:** Tax lots 314 and 301 are both legal lots of record pursuant to being Parcels 1 and 2 of Plat No. MP-87-18, respectively.
- C. ZONING:** The subject property is zoned Exclusive Farm Use – Tumalo/Redmond/Bend subzone (EFU-TRB). The property is also located within the Conventional Housing (CHC) Combining Zone. A very small portion of the property is located within the Airport

Safety (AS) Combining Zone¹. The property is designated Agriculture on the Deschutes County Comprehensive Plan.

- D. SITE DESCRIPTION:** The two tax lots combined constitute approximately 54 acres. Tax lot 314 is 34.14 acres and includes an existing dwelling, and several agricultural or storage buildings. The Assessor's records indicate it has 8 acres of water rights. Tax lot 301 is 19.67 acres and has an existing dwelling and two agricultural structures. The Assessor's records indicate it has 17 acres of water rights. The farm use on tax lot 314 consists of hay production and horses. The farm use on tax lot 301 is hay production. The undisturbed portions of the property have a vegetative cover of juniper trees and scrub brush. Both tax lots have irrigated fields with wheel lines. Tax lot 314 is accessed from an existing driveway off of the Old Bend-Redmond Highway. Tax lot 301 is accessed from Simon Road. The topography of the site is level to rolling, with some level areas, such as the hayfields, and higher rock outcrop. The tax lots are served by existing domestic wells, and on-site septic systems.
- E. SURROUNDING LAND USES:** The properties surrounding the subject property consist of residences with some farming occurring, which are zoned both EFU-TRB, and also Multiple Use Agricultural (MUA-10). To the west/northwest across Simon Road is the Winston Ranch subdivision zoned MUA-10. To the north, south and east is land zoned EFU-TRB, some of which is in farm use. There is also much dry land.
- F. PROPOSAL:** The applicant proposes to establish a commercial events or activities facility on the subject property, with up to six commercial events/weddings each year.
- G. PUBLIC AGENCY COMMENTS:** The Planning Division mailed notice to several agencies and received the following comments:

Deschutes County Transportation Planner: I have reviewed the transmittal materials for 247-15-000001-LUP to develop Type 2 commercial events on approximately 35 acres in the Exclusive Farm Use (EFU) zone at 64655 Old Bend-Redmond Highway, aka 16-12-32, Tax Lot 314.

Deschutes County Code (DCC) 18.16.310(C)(3)(a) states no traffic analysis is required for any use that will generate less than 50 new weekday trips. The applicant states the proposed use will only occur six times between May and September and most likely on weekends; therefore the use does not meet the minimum trip threshold and no further traffic analysis is needed.

Board Resolution 2013-020 sets Transportation System Development charges (SDC) for the County; the Type 2 commercial events are not a use subject to the County's SDC.

Deschutes County Road Department:

- This property is accessed off of Old Bend-Redmond Highway which is a County Road (urban arterial classification with an ADT of 2621). Paved width is 32 feet. There will be no right-of-way dedications or road improvements required on this application.

¹ The subject property is approximately 10 miles from the Redmond Airport.

- The applicant's approach onto Old Bend-Redmond Highway is gravel and a paved apron extending 25 feet from the edge of Old Bend-Redmond Highway is recommended to allow the event participants to access the road without tearing up the edge of pavement or the surface of the gravel driveway.
- An access permit for this parcel onto Old Bend-Redmond Highway was granted per Permit No. A-87133 in 1987. The site (sic) distance at the driveway is minimal in both directions so the applicant will want to have a traffic control plan in place for traffic entering and exiting an event.

Deschutes County Building Division: The Deschutes County Building Safety Division's code required access, egress, setbacks, fire and life safety, firefighting water supplies, etc. will be specifically addressed during the plan review process for any proposed structures and occupancies. All Building Code required items will be addressed when a specific structure, occupancy, and type of construction is proposed and submitted for plan review.

Swalley Irrigation District: Tax lot 314 has 18 acres of Swalley water right. Water right that will be built on will need to be transferred off. Require landowner to transfer off water right being built upon.

Bend Fire Department:

FIRE APPARATUS ACCESS ROADS:

- Approved fire apparatus access roads shall be provided for every facility, building or portion of building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. 2014 OFC 503.1.1
- Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where a fire hydrant is located on a fire apparatus road, the minimum width shall be 26 feet, exclusive of shoulders. Traffic calming along a fire apparatus road shall be approved by the fire code official. Approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus roads to prohibit parking on both sides of fire lanes 20 to 26 feet wide and on one side of fire lanes more than 26 feet to 32 feet wide. 2014 OFC 503.2.1, D103.1, 503.4.1, 503.3
- Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (60,000 pounds GVW) and shall be surfaced (asphalt, concrete or other approved driving surface) as to provide all weather driving capabilities. Inside and outside turning radius shall be approved by the fire department. All dead-end turnarounds shall be of an approved design. Bridges and elevated surfaces shall be constructed in accordance with AASHTO HB-17. The maximum fire grade of fire apparatus access roads shall not exceed 10 percent. Fire apparatus access road gates with electric gate operators shall be listed in

accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. A Knox Key Switch shall be installed at all electronic gates. 2014 OFC D102.1, 503.2.4

FIRE PROTECTION WATER SUPPLIES:

- An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

OTHER FIRE SERVICE FEATURES:

- New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be visible under low light conditions and evening hours. Provide illumination to address numbers to provide visibility under all conditions. Address signs are available through the Deschutes Rural Fire Protection District #2. An address sign application can be obtained from the City of Bend Fire Department website or by calling 541-388-6309 during normal business hours.
- Tents and Other Membrane Structures shall comply with Chapter 31 of the 2014 Oregon Fire Code. Approval is required for tents in excess of 400 square feet. Tents shall not be erected for a period of more than 180 days within a 12-month period on a single premises. Provide a site plan to the Bend Fire Department illustrating the location of all tents, structures and facilities for the special event(s). Contact the Bend Fire Department at 541-322-309 to schedule an inspection prior to the event opening to the public.

Deschutes County Environmental Health Department:

Regarding this proposal for commercial events at 64655 Old Bend-Redmond Highway, Deschutes County EH requires the following:

- 1) If food service is provided at events, applicant must provide our dept with a detailed narrative of who is making the food, where it will be prepared, where is the food from, menu, etc. A Deschutes County EH Licensed Foodservice operator must provide the food or the property owners must have a Deschutes County EH licensed facility on-site.
- 2) If property is served by a private water well, the owners shall be required to have the well tested and inspected per Oregon Drinking Water Program requirements.
- 3) If the events are very large and for a long duration, an Outdoor Mass Gathering permit may be required.

The following agencies did not respond to the notice: Deschutes County Environmental Soils, Central Electric Cooperative, Pacific Power and Light, Centurylink, Deschutes County Assessor.

H. PUBLIC COMMENTS: The Planning Division sent notice of this proposal to all property owners within 750 feet of the subject property. Several letters expressed opposition to the application, and two letters in support. The concerns expressed in the letters of opposition deal with the following:

- Noise emanating from the wedding receptions to be held at the site.
- Increased traffic on the Old Bend-Redmond Highway and the possibility of event attendees having alcohol impairment.
- The use of Simon Road for any portion of the events facility, and it being a private road maintained by the Winston Ranch homeowners.
- The possibility of the use setting a precedent for more events facilities in Tumalo.
- Fire danger from hay being used for seats/tables (i.e. cigarette smoking and candles).
- The ranch being available for other activities (not just weddings).
- The stated hay sales figures (gross farm income) include the applicant's farm outside of Deschutes County.

I. NOTICE REQUIREMENTS: The applicant complied with the posted notice requirements of Section 22.24.030(B) of Deschutes County Code (DCC) Title 22. The applicant submitted a Land Use Action Sign Affidavit, dated January 5, 2015, indicating the applicant posted notice of the land use action on that same date.

J. REVIEW PERIOD: This application was submitted on January 5, 2015. The Planning Division sent the applicant an incomplete application letter dated January 29, 2015, indicating that a Hearings Officer Deposit fee is required for the review process. The applicant submitted the deposit fee on February 18, 2015. Therefore the application was deemed complete and accepted for review on February 18, 2015. The 150th day upon which the decision on this application is July 18, 2015.

K. LAND USE HISTORY: The subject property includes the following prior land use applications:

MP-87-18, Partition to divide a 53.81-acre (net acres) parcel into two parcels in the EFU zone. The partition was filed with the County Clerk in December of 1987.

CU-06-107/SP-07-21, Conditional Use Permit and Site Plan approval for a commercial activity in conjunction with farm use. The proposal was for a retail nursery to sell nursery stock produced off-site. The conditional use permit received final approval on February 1, 2007. The site plan received final approval on April 16, 2007. It does not appear that this use is currently occurring on the property.

L. ADJACENT PARCELS: The EFU-zoned properties in the area that are adjacent to the subject property are as follows:

| Tax Lot No. | Owner | Size (Acres) | Dwelling | Farm Use | Tax Deferred |
|----------------|-----------|--------------|----------|------------|--------------|
| 16-12-29, 1103 | Leshaw | 19.72 | 1998 | Pasture | Yes |
| 16-12-29, 1202 | Francis | 6.1 | No | Pasture | Yes |
| 16-12-32, 302 | Lynch | 13.27 | 1996 | Pasture | Yes |
| 16-12-32, 400 | Farmer | 17.39 | 1964 | None | No |
| 16-12-32, 201 | Sale | 6.75 | 1993 | Pasture | Yes |
| 16-12-32, 306 | Alcala | 5.4 | 1980 | None | No |
| 16-12-32, 308 | Schilling | 8.45 | 1980 | None | No |
| 16-12-32, 300 | Palen | 7.16 | 1979 | None | No |
| 16-12-32, 313 | Foster | 1.97 | No | None | No |
| 16-12-32, 310 | Foster | 17.78 | No | Dry ground | Yes |
| 16-12-32, 309 | Foster | 5 | 1975 | Dry ground | Yes |
| 16-12-32, 305 | Hollis | 5 | No | Dry ground | Yes |
| 16-12-32, 316 | Kuhn | 10.02 | No | Pasture | Yes |

III. CONCLUSIONARY FINDINGS:

Title 18, Deschutes County Zoning Ordinance.

A. CHAPTER 18.16. EXCLUSIVE FARM ZONE

1. Section 18.16.025. Uses Permitted Subject to the Special Provisions Under DCC Section 18.16.038 or DCC Section 18.16.042 and a Review Under DCC Chapter 18.124 where applicable.

- K. ***Agri-tourism and other commercial events and activities subject to DCC 18.16.042.***

FINDING: Deschutes County Code 18.04.030 defines commercial event or activity as follows:

“Commercial event or activity means any meeting, celebratory gathering, wedding, party, or similar uses consisting of any assembly of persons and the sale of goods or services. It does not include agri-tourism. In DCC 18.16.042, a commercial event or activity shall be related and supportive of agriculture.”

The applicant is proposing a commercial events and activities facility. The criteria under DCC 18.16.042 are addressed below. There are no criteria under DCC 18.16.038 for the proposed use, and it is not subject to site plan review under DCC Chapter 18.124.

2. Section 18.16.042 Agri-Tourism and other Commercial Events or Activities Limited Use Permit

- A. ***Agri-tourism and other commercial events or activities related to and supportive of agriculture may be approved in an area zoned for exclusive farm use only if the standards and criteria in this section are met.***

FINDING: The applicant is proposing a commercial events or activities facility in the Exclusive Farm Use Zone, which will consist of conducting weddings or other events at the site. The standards under DCC 18.16.042(C) are addressed below.

- B. Application. The application shall include the following.**
- 1. The General Provisions information required in DCC 22.08.010.**

FINDING: County Assessor's records indicate the applicant, Paul Cooper, is an owner of the subject property². The applicant has submitted the Limited Use Permit application form, a burden of proof statement addressing the criteria in DCC 18.16.042, the correct filing fee, and has submitted the affidavit attesting to the fact that the land use action sign was posted on the property on January 5, 2015.

2. A written description of:

a. The proposal.

FINDING: The applicant stated the following on pages 2-3 of the burden of proof statement, as follows:

"We are proposing to have six (6) commercial events/weddings on the property per year, from May thru September, on the non-farming portion of the property. The events will allow a maximum of 250 people in attendance and most events will take place on Saturdays. The time frame for these events will be from 8:00 a.m. to 10:00 p.m. All music during such events will be monitored by a meter required for this purpose and music will be terminated by 9:30 p.m. and all people/participants/attendants will vacate the site by 10:00 p.m."

b. The types of agri-tourism and other commercial events or activities that are proposed to be conducted, including the number and duration of the agri-tourism and other commercial events and activities, the anticipated maximum daily attendance and the hours of operation, and how the agri-tourism and other commercial events or activities will be related to and supportive of agriculture and incidental and subordinate to the existing farm use on the tract.

FINDING: The applicant addressed 2(b) above with the following statements in the burden of proof:

We would like to provide access to quiet farm/agricultural land as a secluded setting for weddings. Most of the weddings would be scheduled on weekends, and most often on Saturday to accommodate the guests. We would allow a maximum of 250 people, but the average would be between 100 to 150 guests. It is anticipated that the wedding party will set up for the wedding and have a rehearsal on Friday night. Most weddings will occur on Saturday, with cleanup thereafter on Sunday. The events will be related to and supportive of agriculture and incidental and subordinate to the existing farm use of the track (sic) based upon the income differential between the farming activity and the events, the length of time devoted to farming versus the events, and the gross income differential when comparing the farm use income and the event income.

² Loreen Cooper is also shown as an owner of the property.

People choose to have their weddings at the Cooper Ranch because of the secluded and beautiful setting, and an outdoor experience, including horses in the fields, sprinklers in the hay fields, lush green fields and lawns with a mountain view.

A majority of the groups prefer to have their weddings catered and either in open areas or possibly under tents. Because the events/weddings will be conducted from June through September, we don't anticipate weather requiring the use of tents, but tent usage is a possibility. The hay can be used as seats and tables for guest and as portrait backdrops. We harvest approximately 1000 tons of hay and it is all for sale. Any use of the property for such events presents a marketing tool for the sale of hay. The sale of hay is an important part of the family farming operation."

Senate Bill (SB) 960, approved by the State Legislature in 2011, is the legal basis for DCC 18.16.042. SB 960 establishes the "related to and supportive of agriculture" standard, as well as the "incidental and subordinate to a farm use" standard. The law, however, does not define these terms or phrases. Staff has not found the "related to and supportive of agriculture" standard defined elsewhere in state law or Land Use Board of Appeals (LUBA) decisions. Several LUBA decisions address the "incidental and subordinate to a farm use" standard, but each case appears to be applicable to the particular circumstances of the subject application, property, and local regulations.

Therefore, to better understand and apply the meaning and intent of these terms and phrases, staff looks to the following sources:

1. The Oregon Department of Land Conservation and Development's "Guide to Wineries and Events in EFU Zones" dated, March 1, 2012;
2. The Webster's New World Dictionary; and
3. The Association of Oregon Counties (AOC) Farmland Activities Task Force Final Report and Recommendations, dated December 13, 2010. This report was the basis for SB 960 and is included in the State Legislative record for SB 960 and Deschutes County's record for the ordinance adopting DCC 18.16.042.

Staff summarizes each of these sources in order.

1. DLCD's "Guide to Wineries and Events in EFU Zones" states:

"Q: What does 'related to' and 'supportive of' agriculture mean in SB 960? What about 'incidental and subordinate?'

A: We interpret 'related to' and 'supportive of' to mean that the proposed agri-tourism or other commercial event or activity is physically and/or economically logically connected to, and supports, an existing on-site farm operation. For example, 'related to' could mean that the proposed event involves a product that is produced on site that has a meaningful and significant relationship to the proposed event. 'Supportive of' could involve the generation of supplemental income to support a farm. 'Incidental and subordinate' means that the event or activity is strictly

secondary and ancillary to on-site farming in terms of income generated, area occupied, and off-site impacts.”

2. Webster's New World Dictionary defines:

Related: *“connected or associated, as by origin or kind”*

Supportive: *“that gives support, help or approval”*

Incidental: *“happening as a result of in connection with something more important; secondary or minor”*

Subordinate: *“inferior to or placed below another in rank, power, importance, etc.; secondary”*

3. AOC Farmland Activities Task Force Final Report and Recommendations

Page 4. “The Task Force realizes these recommendations may not provide an opportunity to conduct activities and events on farmland which do not promote farm use. However, we believe it is a good basis for providing balance between the conservation of farmland and the need of farmers to use their land in beneficial yet non-traditional ways.”

Page 6. “The Farmland Activities Task Force developed a set of principles with the assistance of state agencies and other interested parties to guide its work. A list of issues was also compiled based upon the responses to the statewide survey referenced above and the comments and discussion of the Task Force.

“Principles

The FATF developed and approved the following principles:

1. *Give preference to ‘farm use’ as defined in ORS 215.203(2) (a) on farmland.*
2. *Support economic activities that compliment farm use.*
3. *Seek opportunities for better communication between those wishing to establish nontraditional farm uses and those who may be impacted by such activities.*
4. *Ensure compliance with public health, environmental health and safety requirement when establishing other uses on farm land.*
5. *Ensure activities associated with ‘farm use’ (i.e. efficient operation of equipment and transport of products to market in a timely manner) are not impaired.*
6. *Assist counties with establishment of clear, transparent, and to the extent possible, consistent processes for consideration of traditional and nontraditional farm activities.*
7. *Identify ‘best practices’ in the public process for consideration of nonfarm issues on farm land.”*

Staff believes the key components of this criterion for which findings must be made are:

1. Is there a farm use, as defined in ORS 215.203(2), on the property?
2. How is the commercial event related to and supportive of agriculture?

3. How is the commercial event incidental and subordinate to the farm use?

Staff addresses each component of this criterion in order.

1. Is there a farm use, as defined in ORS 215.203(2), on the property?

Oregon Revised Statute (ORS) defines a farm use under ORS 215.203(2) as:

“(2)(a) As used in this section, “farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. “Farm use” does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267(3) or 321.824(3).

Staff finds this element of the criterion may be met if the primary use of the property is to seek a profit in money by the sale of hay.³ The applicant states that trees grown on the property are also available for sale on the property, including at weddings. The applicant has also indicated that they intend to grow annual and perennial flowers and decorative plants on the property for use in flower baskets and arrangements which will be incorporated into the weddings on the property, and be advertised for sale to wedding guests on site.

If the primary income from the property is not from farm use, but is instead renting the property out for other activities, it would not be for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. The applicant needs to address the other “uses” at the site, as it appears the property is rented out for purposes other than farm use.

ORS chapter 321 deals with timberland and forest taxation, and is not applicable to the applicant’s property.

³ Staff takes note of the letter and attachments submitted by Ralph and Linda Moskowitz indicating that the subject property (tax lot 314), including the existing dwelling, appears to be available for renting out for other activities, such as a corporate retreat or family reunion. The applicant needs to address this at the hearing. If the property is rented out for these kinds of activities, the primary use of the property may be “vacation” rental.

The applicant has stated that the sale of hay from the property (both tax lots) is 1,000 tons, and that the income from the hay and trees grown on the site is between \$40,000 and \$45,000 per year. The applicant submitted an IRS schedule F form from the year 2013. The applicant needs to submit further evidence of the farm income on tax lots 314 and 301, as it is not clear from the submitted schedule F which property this income is derived. The amount of gross income listed on the schedule F is \$154,400, which is more than three times the income listed by the applicant.

2. How is the commercial event related to and supportive of agriculture?

DLCD's interpretation of "related to" and "supportive of" mean that the commercial event or activity is "physically and/or economically logically connected to, and supports, an existing on-site farm operation." The agency's Guide states, "related to' could mean that the proposed event involves a product that is produced on site that has a meaningful and significant relationship to the proposed event. 'Supportive of' could involve the generation of supplemental income to support a farm."

Staff poses a series of questions and answers/findings to address this issue.

Do commercial events include commercial weddings?

Staff finds the answer to this question is "yes," commercial events include commercial weddings. The text amendment to adopt SB 960 into Deschutes County Code (DCC) also included a new definition of "commercial event or activity," which is defined above.

In addition, while weddings have historically occurred on farms throughout Central Oregon and across the state and nation, they are not considered a traditional farm activity. In public testimony on Deschutes County Ordinance 2012-004, adopting SB 960 and new definitions into Deschutes County Code from several sources, including Associate of Oregon Counties (AOC), Oregonians In Action, the Oregon Farm Bureau, and others, weddings were clearly contemplated as an allowed use as a commercial event or activity under SB 960 for properties with an existing farm use. The AOC Task Force Final Report and Recommendations supports this testimony in its principles (listed above), which call for "economic activities that support farm use," "activities associated with 'farm use,'" and "consideration of traditional and nontraditional farm activities." Weddings are an economic activity that support a farm use, a nontraditional farm activity, and an activity associated with a farm use.

In comments to Deschutes County during consideration of Ordinance 2012-004, DLCD Policy Analyst Michael Morrissey and Farm/Forest Specialist Katherine Daniels, wrote:

"We aren't sure a wedding meets a definition of agri-tourism, but it isn't hard to see it as an 'other commercial event.' The department believes that 'related to and supportive of agriculture' (together with 'incidental and subordinate') is specific to the site. That means there needs to be on-site farming taking place, and that any wedding activities must either provide supplementary income to a farm operation that earns a larger income, so that they financially 'support' the onsite farming. It could also mean that wedding activities must use products grown on the farm as part of the wedding activities (e.g., flowers from a flower farm, etc.). However, as an example, a free standing 15-acre 'wedding mill,' on an EFU zoned site, with a dwelling and a personal backyard vegetable garden would not meet the standards, in our opinion."

Staff finds that weddings are commercial events contemplated by SB 960.

Are weddings and other events physically and/or economically logically connected to a farm use, and specifically to the existing operation?

The applicant's burden of proof statement on pages 5-6 states the following:

"As noted above, these events are directly related to and support the ranch. The people that want and choose to have their wedding on the Cooper Ranch want to be exposed to and be among wildlife, the horses, the hay fields and hay, farming and ponds and irrigation fields. The simple beauty of this farm together with its fully functioning hay farm and mountain views make for a perfect blend with marriage.

The weddings on the Cooper Ranch and the agricultural practices conducted on the property are connected, insubordinate (sic) and incidental to the farm. People who choose this venue have chosen it over other traditional options such as hotels, resorts, golf courses, churches because they like to feel a part of a working ranch. The environment on this property includes all the beauty, sites, sounds, and smells you can't get at a church. Trees are grown/raised on the property, and the farm has a fully functioning hay growing business.

The time invested for the weddings will be 6 days (excluding set up and take down) out of the approximately 225 days spent conducting the farm use on the property (less than 5% of the overall time for farm use activities).

The area occupied for the weddings is approximately 4 acres of non-farm use land. The ground used for hay and nursery farming is approximately 38 acres. Approximately 36 acres is hay field and tree growing areas. The wedding use area occupies none of the irrigated productive farm ground.

The gross income from the farm use (grass hay and trees) is between \$40,000 and \$45,000 per year and the applicant's charge for each event (\$3,000) times the 6 events (\$24,000)⁴ is less than 50% of the overall gross farm income.

The weddings on the ranch are a part of the marketing for the hay and tree sales business. The hay that is grown and harvested on the property is sometimes sold to attendees of these events, but at a minimum all attendants take away with them the knowledge of where to buy hay and trees. The farm operation doesn't consist of just a hay business, but the growing of trees on the property and caring for the animals is a year round job. These events expose people to farming in a ranch setting, with lots of hay, horses, mountain views, and the serenity of acres and acres of quiet land.

My daughter and I have a custom farming and hay business. Most weddings parties want to use our hay in their weddings as tables and/or chairs, props and even as background for photos. Having the weddings on the farm exposes 100 to 250 people per wedding weekend to our farming and hay business. Further, attendees have purchased hay from our business. Some folks who have purchased hay include Keith Marchington (541-760-0152), Mark Houser (541-419-0267), Roger Hiskey (541-390-4475), Duane Hirstenow (541-390-8867), Aaron Cricket (541-410-8286), Jeff Moore (541-419-7419), and Sally Curey (503-807-1171).

⁴ Six events times \$3,000 per event is \$18,000.

These proposed events are related to and support the primary business on the property which is the selling of hay and trees, and the raising of horses. A portion of the proceeds comes from sales to attendees at these events. The weddings expose hundreds of people from all around the country to the business and farm life and the weddings help generate supplemental income to help support the ranch.”

Staff finds that there is a hay farming operation on the site. There are also trees grown in pots on the property, as observed on a staff site visit⁵. The applicant needs to further address the actual farm income from the subject property, as the \$40-45,000 income does not match the schedule F submitted by the applicant. The proposed flower growing farm use has not been initiated, and if the approval requires inclusion of the flower growing, it will need to be commenced and be operational prior to the events being held at the site. The commercial events may be considered physically and economically connected to the existing farm use, if the applicant can substantiate the actual farm income from the property. There also remains the question of renting out the property for other uses, and if that income is more than received from farming, staff believes that the primary use of the property is not farm use.

How are commercial weddings and other events economically connected to this farm use?

These events bring people to the property who otherwise would not or do not know about the farm use on the property, and allow for the sale of farm products grown on the site, including hay, trees and what will become a flower growing farm use. The commercial events will allow a supplemental income for the farming operation. However, as stated in a foregoing finding, the applicant needs to thoroughly address the actual farm income on the property.

3. How is the commercial event incidental and subordinate to the farm use?

Staff identifies two components to this question:

1. There must be farm use, as defined in DCC 18.04.030, occurring on the property.
2. The commercial event must be lower in rank or importance, or secondary and ancillary, to the farm use. It also means that the intensity, scope, duration, etc. of the commercial event must be judged proportionate to the scale of the farm use.

The first component is addressed above. A farm use exists on the subject property, which includes hay production and sales, and some tree growing on the property.

The second and primary question is whether the commercial weddings and other events are incidental and subordinate to the farm use.

Economic Analysis

The County Hearings Officer, in the decision on Application No. CU-14-7, a commercial activity in conjunction with farm use, determined that the sales of items not directly tied to the farm use on the property (in this case the alpaca boutique items) could not exceed 40 percent of the overall farm income on the property. That threshold was based on the Board of County Commissioners' decision on the Downs Limited Use Permit (LUP-12) in which the Board found

⁵ At least one neighbor questioned the validity of the tree sales on the property.

that the income from the commercial activities (i.e. weddings) would be less than 50% of the overall farm income. The Board's decision on Downs states the following:

"In addition to Staff's findings, the applicant has included in the record the dollar amount of sales of hay from the subject property for the years 2009, 2010 and 2011 (\$19,858, \$22,516 and \$20,205), respectively. The applicant states in the August 28th affidavit that they expect to gross between \$18,000 and \$22,500 in hay sales from the farm use on the site, and that they will not charge more than \$2,000 for a wedding or commercial event or activity on the site. With the combined total income that would potentially range from \$30,000 to \$34,500 (hay sales plus event charge), the gross income for the events will be less than 50 percent of the overall gross income of hay sales and event charge. It would range from 35 to 40 percent of the overall income. A condition of approval requires that the applicant submit to the Planning Division, at the time of Limited Use Permit renewal, an affidavit from their accountant stating the applicant's gross income from the hay sales and commercial event fees, demonstrating that the commercial fees (income) is less than 50% of the overall income from the site for each year one or more commercial events and/or activities are held.

The Board finds that the wedding events will be incidental and subordinate to the farm use, based on:

- Time invested for weddings is 6 days out of the approximately 183 days spent conducting farm use on the property (less than 5% of the overall time for farm use activities).*
- The area occupied for the weddings is approximately 3 acres, and the total area designated for farm use is 34 acres. The wedding use occupies less than 10% of the overall farm use area.*
- The gross income of the farm use (grass hay) is 18,000 to 22,500 per year and the applicant's charge for each event (\$2,000) times the 6 events (\$12,000) is less than 50% (35 to 40%) of the overall gross farm income.*

In sum, the Board finds a qualifying farm use on the subject property, and that the commercial weddings are related to and supportive of agriculture and incidental and subordinate to the existing farm use. The Board finds this criterion is met.

Based on the Board's findings, an amount less than 50 percent of the overall farm income could be derived from the proposed commercial events.

As indicated in a foregoing finding, the applicant needs to thoroughly address the farm income from the subject property to demonstrate how the \$40-45,000 income is broken down. If that amount of farm income is substantiated, and the supplemental income from the commercial events is less than the farm income, the proposed use is monetarily lower in importance than the farm use. The renting out of the property for uses other than farming needs to be addressed and may change the primary purpose of the property from farming to a vacation rental.

Temporal and Spatial Analysis

The use demonstrates compliance with this standard based on the amount of time and land used for the weddings compared to that of the farm use. Specifically, the applicant is applying for six (6) days each year to conduct weddings or other events. A few hours the day before and a few hours the day after the six (6) days would be used for set-up and take down. The

applicant indicates that the farm use on the property is conducted approximately 225 days. The total amount of time for the wedding or other events, including the day before and after for set up and take down, is 8 percent (18 days divided by 225) of the overall total amount of time for farm production each year.

The area occupied by the wedding events is approximately four acres, including the parking areas. The applicant has stated to staff that the farm has 36 acres of irrigation water rights, and all of that is taken up by the farming on the site. The number of acres slated for the weddings and events is therefore approximately 11% of that used for farming.

Staff finds that the wedding and other event time periods and land area from a temporal and spatial standpoint are incidental and subordinate to the farm use on the property.

- c. *The types and locations of all permanent and temporary structures, access and egress, parking facilities, and sanitation and solid waste to be used in connection with the agri-tourism or other commercial events or activities.***

FINDING: The applicant addressed c above, on page 3 of the burden of proof as follows:

“All wedding activities and events will take place in open areas, and around the pond, and lawn areas surrounding the house, in approximately a 4 acre space. The driveway is ¼ of a mile of gravel and the egress is off the Old Bend Redmond Highway directly onto the ranch property. The driveway comes through the center of the property and not near any of the neighbor’s homes and none of the parking is visible from the highway. All weddings are required to provide two chemical toilets per 150 people and 1 hand wash station.

Staff finds that the applicant needs to indicate where any tent(s) might be placed on the site. The County Road Department has indicated that the applicant will need a traffic control plan due to sight distance at the driveway entrance from the Old Bend-Redmond Highway. Any solid waste would be disposed of at the County landfill.

3. *A traffic management plan that:*

- a. *Identifies the projected number of vehicles and any anticipated use of public roads;***
- b. *Provides an assurance that one traffic control person shall be provided for each 250 persons expected or reasonably expected to be in attendance at any time during the agri-tourism and other commercial event or activity. The traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.***

FINDING: The applicant addressed these criteria on page 3 of the burden of proof as follows:

“The proposed wedding events under this limited use permit will generate approximately 50 to 120 vehicle usage for all participants/guests at an average sized wedding or event. Vehicles will enter the subject property from the North and South on Old Bend Redmond Highway with good visibility from both directions. When we have an event with 25 or

more vehicles we will post signs that say an event is in progress. We will have a licensed traffic control person on sight (sic) at all times.

Staff finds that the applicant has adequately described the anticipated number of vehicles for the event site. The anticipated number of guests (up to 500) will require that at least two traffic control persons must be on-site during the wedding or other event. Attendance under 250 will require one traffic control person.

Staff finds this criterion can be met with the requirement under “b” above, as well as posting “event in progress” sign at the entrance to the site, as a recommended condition of approval.

- c. *Demonstrates that the parcel, lot or tract has direct access such that the lot, parcel or tract on which commercial events will occur:***
 - i. *Fronts on a public road; or***
 - ii. *Is accessed by an access easement or private road, and all underlying property owners and property owners taking access between the subject property and the public road consent in writing to the use of the road for agri-tourism and other commercial events or activities at the time of initial application.***

FINDING: The subject property has direct frontage on the Old Bend-Redmond Highway. Staff finds this criterion is met because the property has frontage and direct access to this road.

- 4. *Inspection of Event Premises Authorization. The applicant shall provide in writing a consent to allow law enforcement, public health, and fire control officers and code enforcement staff to come upon the premises for which the Limited Use Permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and DCC Chapter 18.16 Exclusive Farm Use Zone and DCC Chapter 8.08 Noise Control, and any other applicable laws or ordinances.***

FINDING: The applicant states the following to address this criterion:

“We hereby give the County consent to enter the property during all events for the above stated purposes. Further, if required, the applicants are willing to sign any County consent document for the limited use permit.”

C. *Approval Criteria.*

- 2. *Type 2. Up to six (6) agri-tourism and other commercial events or activities in a calendar year on a tract may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferred with, a conveyance of the tract, if in compliance with:***
 - a. *Minimum lot or parcel size: 10 acres.***

FINDING: The applicant is proposing up to six commercial events or activities in a calendar year on a tract (tax lots 314/301 form a tract). Any approval granted is personal to the applicant is not transferred by, or transferred with, any sale of the property.

As indicated in foregoing findings, the subject property is approximately 54 acres. Staff finds this criterion is met.

- b. Agri-tourism event may not, individually, exceed a duration of 72 consecutive hours, excluding set-up and take down of all temporary structures and facilities. The limitation on the hours of operations is included within the duration of 72 consecutive hours.***

FINDING: This criterion does not apply, as the applicant has applied for commercial events, rather than agri-tourism events.

- c. Commercial events or activities may not, individually, exceed a duration of 30 consecutive hours, excluding set-up and take down of all temporary structures and facilities. The limitation on the hours of operations is included within the duration of 30 consecutive hours.***

FINDING: The applicant states in the burden of proof that: “No event will exceed 30 consecutive hours, excluding set up and take down.” Staff finds that this criterion can be met with a condition of approval.

- d. Must be incidental and subordinate to existing farm use of the tract, and shall be related to and supportive of agriculture.***

FINDING: The findings for this criterion are addressed above. The applicant needs to further address the actual farm income from the subject property, as the \$40-45,000 income does not match the schedule F submitted by the applicant. The proposed flower growing farm use has not been initiated, and if the approval requires inclusion of the flower growing, it will need to be commenced and be operational prior to the events being held at the site. The commercial events may be considered physically and economically connected to the existing farm use, if the applicant can substantiate the actual farm income from the property. There also remains the question of renting out the property for other uses (such as corporate retreats or family reunions), and if that income is more than received from farming, then the primary use of the property is not farm use.

- e. Set-up and take down of all temporary structures and facilities shall occur up to one business day prior to the agri-tourism and other commercial events or activities and one business day after the agri-tourism and other commercial events between 7:00 a.m. and 10:00 p.m.***

FINDING: The applicant states in the burden of proof that: “Set up and take down for the events will occur one day before and one day after the weddings within the required time restrictions.” Staff finds this criterion can be met with a condition of approval.

- f. 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.**

FINDING: The applicant is not proposing any new permanent structures and the Planning Division is not requiring that any new permanent structure be built, used or occupied in connection with the commercial events. Staff finds this criterion is met.

- g. 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 of the area.**

FINDING: There are no other authorized agri-tourism or commercial events or activities proposed or occurring in the area. The proposed event site is for up to six events or weddings conducted over the calendar year. The wedding events will be temporary in nature and practice. The existing land use pattern of the area is single-family dwellings with some farm use occurring, as well as some dry land. Staff finds that the temporary nature of the events/weddings will have no impact on the land use pattern of the area. The farm use in the area will continue as currently conducted, which is mainly grass hay and livestock raising and grazing (pasture).

- h. Must comply with ORS 215.296.**

FINDING: Oregon Revised Statutes 215.296, Standards for approval of certain uses in exclusive farm use zones, has two criteria which apply to the proposed use. They are:

- (1) A use allowed under ORS 215.213(2) or 215.283(2) may be approved only where the local governing body or its designee finds that the use will not:**
 - b. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use: or**
 - c. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

FINDING: None of the properties in the area surrounding the subject property are in forest use. There are several properties in farm use, including properties adjacent to the subject property to the north and west. The properties to the west are smaller acreage hobby farms. The property to the south has a small irrigated area. The main farm use in the surrounding area appears to be grass hay, with livestock raising and grazing occurring on lands devoted to pasture. Staff finds that conducting up to six (6) events/weddings on six (6) calendar days for up to 12 hours per event on the applicant's property in a year will not force a significant change in these farm practices, or significantly increase the cost of accepted farm practices. Staff believes that existing farm uses will not be impacted by the events/wedding and that the events will not have any adverse impact on the hay operations, livestock or grazing activities.

Staff finds this criterion is met.

- i. Limited Use Permits approved under this section expire two years from the date of approval.**
- j. Limited Permits may be renewed for an additional two years subject to:**
 - i. An application for renewal; and**

- ii. Demonstration of compliance with conditions that apply to the limited use permit and applicable provisions in this section, DCC Chapter 18.16.042.*

FINDING: The approval for this Limited Use Permit would be valid for two years from the date of approval. The date of approval would be after the review process is completed, including all appeals. The possibility for renewal exists, based on submittal of an application, and findings made demonstrating compliance with the conditions of approval as well as the then-current Deschutes County Code and State law.

- 4. The area in which the agri-tourism or other commercial events or activities are located shall be set back at least 100 feet from the property line.*

FINDING: The applicant has submitted an aerial photo map showing the activity and parking areas on the property. Staff notes that the area shown adjacent to the hay barn for parking **does not** appear to meet the 100-foot setback required above. The applicant will need to address parking at the hearing, and demonstrate that there is adequate parking on the site that meets the minimum 100-foot setback.

Staff finds that based on the setback standard, this criterion has not been demonstrated to meet the above standard, specifically for the parking adjacent to the hay barn.

- 5. Notification of agri-tourism and other commercial events or activities.*
 - a. The property owner shall submit in writing the list of calendar days scheduled for all agri-tourism and other commercial events or activities by April 1 of the subject calendar year or within 30 days of new or renewed limited use permits, if after April 1, to Deschutes County's Community Development Department and Sheriff's Office, and all property owners within 500 feet of the subject property.*
 - b. The list of calendar dates for all agri-tourism, commercial events activities may be amended by submitting the amended list to the same entities at least 72 hours prior to any date change.*
 - c. If such notice is not provided, the property owner shall provide notice by Registered Mail to the same list above at least 10 days prior to each agri-tourism and other commercial event or activity.*
 - d. The notification shall include a contact person or persons for each agri-tourism and other commercial event or activity who shall easily be accessible and who shall remain on site at all times, including the person(s) contact information.*

FINDING: Staff recommends that these criteria be included as conditions of approval.

- 6. Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.*

FINDING: The applicant is proposing to utilize temporary portable restroom facilities for the property, with two restrooms and one hand washing station per 150 people. The applicant will also be required to provide stand-alone washing stations as listed above. Staff finds this criterion is met with the condition of approval stating that such facilities be maintained for the approved use and be subject to inspection upgrading if required by the Environmental Soils Division.

7. ***Hours of Operation. No agri-tourism and other commercial event or activity may begin before 7:00 a.m. or end after 10:00 p.m.***

FINDING: The applicant states that all events will occur and end within the specified hours. Staff finds this criterion can be met with a condition of approval requiring compliance.

8. ***Overnight camping is not allowed.***

FINDING: The approval will need to include a condition that no overnight camping will be allowed. Staff finds this criterion can be met with that condition.

9. ***Noise Control***
 - a. ***All noise, including the use of a sound producing device such as but not limited to, loud speakers and public address systems, musical instruments that are amplified or unamplified, shall be in compliance with applicable state regulations.***
 - b. ***A standard sound level meter or equivalent, in good condition, that provides a weighted sound pressure level measured by the use of a metering characteristic with an "A" frequency weighting network and reported as dBA shall be available on-site at all times during agri-tourism and other commercial events or activities.***

FINDING: The applicant states that all noise and sound associated with these events will be monitored with a required meter and music turned off by 9:00 p.m. Staff believes that given the concern with noise emanating from the site, the 9:00 p.m. cut off for music is a reasonable compromise for alleviating noise concerns. This restriction can be included as a condition of approval.

10. ***Transportation Management.***
 - a. ***Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.***
 - b. ***Driveways extending from paved roads shall have a paved apron, requiring review and approval by the County Road Department.***
 - c. ***The parcel, lot or tract has direct access as defined in DCC Chapter 18.16.042(B)(3)(c).***
 - d. ***Adequate traffic control must be provided by the property owner to address the following:***
 - i. ***There shall be one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time.***

- ii. **All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.**

FINDING: The subject property has direct access to the Old Bend-Redmond Highway, which is a paved County road. This will require a paved driveway apron under “b” above. The driveway into the site is a gravel surface, and the parking area near the hay barn and storage building is also gravel.⁶ The gravel surfaces will prevent dust from becoming a problem. Any approval granted will be subject to the requirements for adequate traffic control under d(i and ii) above.

11. Health and Safety Compliance

- e. **All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the Deschutes County Building Safety Division and the Environmental Soils Division and any other applicable federal, state and local laws.**
- f. **Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.**

FINDING: The structures on the site, including any proposed tent(s), if used for the anticipated events, must meet all fire, health and life safety requirements.

Staff finds this criterion can be met with a condition of approval that all permanent and temporary structures and facilities comply with all State of Oregon adopted building code requirements and all Environmental Soils Division requirements, as well as any Bend Fire Department standards.

12. The maximum number of people shall not exceed 500 per calendar day.

FINDING: The applicant states that the maximum number of people in attendance is 250, with a goal to be 150 people. Staff finds this criterion can be met with a condition of approval that specifies no more than 250 people for all parts of any particular event or wedding, including any catering service, is permitted.

13. Agri-Tourism and other Commercial Events or Activities shall not be allowed:

- g. **Within the County adopted big game winter ranges during the months of December through March.**
- h. **Within the County adopted big game migration corridors during the month of April and during the months of October and November.**
- i. **Within the County adopted sensitive bird and mammal habitat areas as defined in DCC 18.90.020, unless a site has had no nesting attempt or the nest has failed, as determined by a professional wildlife biologist in May of the calendar year in which the application is approved, unless a site has had no**

⁶ The parking near the hay barn does not appear to meet the 100-foot setback standard under DCC 18.16.042(C)(4).

nesting attempt or the nest has failed which could be determined in May by a professional wildlife biologist.

FINDING: The subject property is not located within any big game winter range, big game migration corridor, or sensitive bird and mammal habitat area. Staff finds this criterion is met.

3. Section 18.16.043, Single Permit

- A. ***The maximum number of agri-tourism and other commercial events or activities on a lot, parcel or tract may not exceed the total number of commercial events allowed by any individual land use approval, including a winery authorized under DCC 18.16.038(B), and events, outdoor mass gatherings or extended outdoor mass gatherings authorized under DCC Chapter 8.16.***

- B. ***The following permits may not be combined:***
 - 1. ***Agri-tourism and other commercial events or activities under DCC 18.16.042.***
 - 2. ***Winery under DCC 18.16.038(B),***
 - 3. ***Events, outdoor mass gatherings, extended outdoor mass gatherings, parades or funeral processions authorized under DCC Chapter 8.16,***
 - 4. ***Home occupation for commercial events or activities.***

FINDING: The applicant is proposing up to 6 events/weddings on the site. Although the renting out of the property for other uses beyond weddings does not fall under DCC 18.16.043 above, the applicant needs to address the concern about the property being rented out for other activities, such as corporate retreats or family reunions.

4. Section 18.16.060. Dimensional Standards.

- E. ***Building height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.***

FINDING: The applicant is not proposing any new structures, or any additions to existing structures. Therefore, this standard is not applicable to the limited use permit.

5. Section 18.16.070. Yards.

- A. ***The front yard shall be a minimum of: 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector street, and 100 feet from a property line fronting on an arterial street.***

- B. ***Each side yard shall be a minimum of 25 feet, except that for a nonfarm dwelling proposed on property with side yards adjacent to property currently employed in farm use, and receiving special assessment for farm use, the side yard shall be a minimum of 100 feet.***

- C. *Rear yards shall be a minimum of 25 feet, except that for a nonfarm dwelling proposed on property with a rear yard adjacent to property currently employed in farm use, and receiving special assessment for farm use, the rear yard shall be a minimum of 100 feet.***
- D. *In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.***

FINDING: The applicant is not proposing any new structures or additions to existing structures. These setbacks are not applicable to the limited use permit.

IV. CONCLUSION:

Staff believes that the applicant needs to address the following issues for any approval of the site for a wedding or commercial events facility:

- The use of the property (rented out) for something other than farm use and wedding events (i.e corporate retreats and family reunions), and whether the income from these uses overshadows the actual farm use income.
- Substantiate the farm income from the property (discrepancy between the schedule F amount and the stated farm income from this property).
- If tents are used on the property, confirm their location.
- The parking area adjacent to the hay barn does not meet the 100-foot setback standard under DCC 18.042(C)(4).

If the applicant can demonstrate compliance with all of the applicable criteria to the satisfaction of the Hearings Officer, staff recommends that the following conditions be part of the decision:

1. This approval is based upon the application, specifications, and supporting documentation submitted by the applicant. Any substantial change in this Limited Use Permit will require review through a new Limited Use Permit application. No more than six (6) commercial events shall be conducted each year beginning on the date of this approval.
2. The six (6) commercial events shall be limited to six (6) calendar days each year, excluding set-up and take down. No activity for a commercial event shall be conducted before 7:00 a.m. or after 10:00 p.m., and shall be limited to a maximum of 30 consecutive hours.
3. **Prior to initiation of use**, the applicant shall:
 - a. Provide in writing a consent to allow law enforcement, public health, fire control officers and code enforcement staff to come upon the premises for which the Limited Use Permit has been granted for the purpose of inspection and enforcement of the terms and conditions of the Permit, and Chapter 8.08 of the County Code, noise control.
 - b. Provide notification of the events/weddings as prescribed under DCC 18.16.042(C)(5).

- c. The sanitation facilities shall be reviewed and approved by the Environmental Soils Division prior to the first event, and shall include at a minimum portable restroom facilities and stand-alone hand washing stations. The Environmental Soils Division may require additional sanitation facilities if the number of expected attendees exceeds the maximum capacity of the permanent, existing on-site facility.
 - d. Install a paved apron from the Old Bend-Redmond Highway for the driveway entrance.
4. The noise emanating from the site shall at all times meet applicable state regulations. A standard sound level meter or equivalent, in good condition, that provides a weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA shall be available on-site at all times during the events/weddings.
5. All lighting on the subject property shall be required to comply with Chapter 15.10 of the Deschutes County Code, the Outdoor Lighting Control Ordinance. All exterior lights shall be sited and shielded so that no direct light projects off-site.
6. Solid waste shall be disposed of at an approved landfill.
7. One traffic control person, certified by the State of Oregon, shall be required for up to the first 250 persons in attendance at the site, including any persons involved in conducting the wedding. A second traffic control person shall be required if more than 250 persons are reasonably expected to be in attendance at the site, including any persons involved in conducting the wedding.
8. No more than 500 people shall be in attendance for any event/wedding at the site, including persons involved in conducting the event/wedding and caterers.
9. No overnight camping shall be allowed.
10. Catering is subject to licensure and inspection at the caterer's base of operations only, including transportation vehicles and equipment per Oregon Administrative Rules Chapter 333, Division 150. Food prepared on site requires a Public Health plan review through Deschutes County Environmental Health, and obtain a Foodservice License.
11. All permanent and temporary structures shall comply with the State of Oregon's adopted building code and the Deschutes County Building Safety Division's fire, health, life safety, accessibility, and occupancy requirements at all times, as well as the Bend Fire Department.
12. Agriculturally exempt structures are prohibited from occupancy by the public.
13. Water served to the public/guests must be from an approved water system that meets the Oregon Public Water Drinking Program requirements.

Dated this 18th day of March, 2015

Mailed this 18th day of March, 2015