



Deschutes County Board of Commissioners  
1300 NW Wall St., Suite 200, Bend, OR 97701-1960  
(541) 388-6570 - Fax (541) 385-3202 - [www.deschutes.org](http://www.deschutes.org)

---

## **AGENDA REQUEST & STAFF REPORT**

### **For Board Business Meeting of December 7, 2015**

---

*Please see directions for completing this document on the next page.*

**DATE:** December 2, 2015

**FROM:** Paul Blikstad                      Department CDD                      Phone # 6554

**TITLE OF AGENDA ITEM:**

Consideration and possible signature of the Board's decision on File No. 247-15-000001-LUP (247-15-000298-A), a Limited Use Permit for a commercial events (wedding) facility in the Exclusive Farm Use Zone.

**PUBLIC HEARING ON THIS DATE?** No

**BACKGROUND AND POLICY IMPLICATIONS:**

The Hearings Officer denied the applicant's request for a Type 2 Limited Use Permit to allow up to 6 events (weddings) on a 54-acre property in the EFU Zone. The applicants appealed the Hearings Officer's decision to the Board. The Board agreed to hear the appeal and a public hearing was held on October 26, 2015. The Board deliberated and rendered an oral decision on the request on Monday, November 30, 2015, upholding the Hearings Officer's denial of the application.

**FISCAL IMPLICATIONS:**

None

**RECOMMENDATION & ACTION REQUESTED:**

Board review and signature of the written decision.

**ATTENDANCE:** Peter Gutowsky, Paul Blikstad

**DISTRIBUTION OF DOCUMENTS:**

Planning Division staff will distribute the Board's written decision on the applications.

REVIEWED  

---

LEGAL COUNSEL

For Recording Stamp Only

**DECISION OF THE BOARD OF COUNTY COMMISSIONERS  
FOR DESCHUTES COUNTY**

**FILE NUMBERS:** 247-15-000001-LUP/247-15-000298-A

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

**APPLICATION:** Type 2 Limited Use Permit for a commercial events/ activities facility on a 54-acre property in the Exclusive Farm Use Zone.

**OWNERS:** Paul and Loreen Cooper

**PROPERTY:** County Assessor’s Map 16-12-32, Tax Lots 314/301

**I. APPLICABLE STANDARDS AND CRITERIA**

**A. Title 18, Deschutes County Code**

- 1. Chapter 18.04, Title, Purpose and Definitions**
  - **Section 18.04.030, Definitions**
  
- 2. Chapter 18.16, Exclusive Farm Use Zones**
  - **Section 18.16.025, Uses Permitted Subject to the Special Provisions Under DCC Section 18.16.038**
  - **Section 18.16.042, Agri-Tourism and other Commercial Events or Activities Limited Use Permit**
  - **Section 18.16.043, Single Permit**
  - **Section 18.16.060, Dimensional Standards**
  - **Section 18.16.070, Yards**
  
- 3. Chapter 18.80, Airport Safety Combining (AS) Zone**
  - **Section 18.80.020, Application of Provisions**
  - **Section 18.80.028, Height Limitations**
  - **Section 18.80.044, Land Use Compatibility Requirements**
  - **Section 18.80.054, Conditional Uses**

## II. FINDINGS OF FACT

**FINDING:** The Board of County Commissioners (hereinafter referred to as “Board”) adopts the findings of fact on pages 2-6 of the Hearings Officer’s Decision on this application. The Board notes that the applicant agreed to two different record extensions for this application<sup>1</sup>. The Hearings Officer found that the original 150-day review period ended on July 18, 2015<sup>2</sup>. The applicant tolled the 150-day review period for an additional 120 days via email to staff on June 11, 2015, which extended the review period to November 16, 2015. At the public hearing in front of the Board, the applicant stated verbally an agreement to an additional 30-day extension through December 16, 2015.

## III. CONCLUSIONS OF LAW

The Board adopts the Hearings Officer’s Conclusions of Law listed on pages 6-41 of the decision. The Board finds that the applicant has failed to adequately demonstrate that the primary use of the property for at least the last three years is/has been farm use; additionally, on the record before it, the Board finds that the property has been utilized repeatedly for weddings and overnight accommodations within the existing dwelling located on tax lot 314.

## IV. DECISION:

Based on the Hearings Officer’s findings of fact and conclusions of law as supplemented herein, the Board concludes that the applicant has not demonstrated that all applicable approval criteria have been met. The Board upholds the Hearings Officer’s denial of the Limited Use Permit application.

DATED this \_\_\_\_ day of December, 2015.

MAILED this \_\_\_\_ day of December, 2015.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, CHAIR

\_\_\_\_\_  
ALAN UNGER, VICE CHAIR

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
TAMMY BANEY, COMMISSIONER

THIS DECISION BECOMES FINAL UPON MAILING. PARTIES MAY APPEAL THIS DECISION TO THE LAND USE BOARD OF APPEALS WITHIN 21 DAYS OF THE DATE ON WHICH THIS DECISION IS FINAL.

<sup>1</sup> The applicant did not object to the written record being extended from March 31, 2015 (public hearing date) to April 28, 2015. This may have extended the record an additional 28 days (DCC 22.24.030) to August 15, 2015.

<sup>2</sup> The Board notes that July 18, 2105 was a Saturday.