

Letter of opposition

CUP #2024-08-023

This letter is to outline opposition to findings made in the staff report for Planning Department File #2024-08-023.

The proposed activity to operate an outdoor entertainment destination is erroneously defined as a "home business".

Malheur County Code 6-6-8-6 (C)(2) defines the scale of a home business, and it states: "must fit within the dwelling and must be incidental to the use of the dwelling as a residence. If there is no existing accessory building, one may be built, provided the side walls are no higher than ten feet from the elevation of the floor and the building covers no more than two thousand five hundred square feet in area." While the bookkeeping, and office-related activities will occur within the existing dwelling, the scope of the business itself will occur outside, and as described in the application, on page 8: "AdventureLand Ranch will be an outdoor entertainment venue with activities conducted mostly on portion of our land that have never been farmed". Malheur County Code 6-6-8-6 (C)(2) criterion is not met.

Malheur County Code 6-6-8-6 (C)(3) defines the participants in the business as "family members living on the property and a combination of no more than ten full time employees are the only persons that may be employed in a home business". The application states on page 9 that there will be "approximately 20 employees". Malheur County Code 6-6-8-6 (C)(3) criterion is not met. Furthermore, ORS 215.488 defines standards for home occupations in an exclusive farm use zone and it reads that "it shall employ on the site no more than five full-time or part-time persons", "it shall be operated substantially in (A) the dwelling or (B) other buildings normally associated with uses permitted in the zone in which the property is located and it shall not unreasonably interfere with other uses permitted in the zone in which the property is located". The proposal described in the application violates the described sections above, as outlined in State Statute.

Malheur County Code 6-6-8-6 (C)(6) states that "there shall be no display of products visible from outside the allowed dwelling or accessory structures of the home business". The proposal is to operate all their activities and customer offered entertainment exclusively outside the dwelling, as described in the application, on page 4: "we will offer zip lines, slides, jump pads, swings, tree houses, kayaking, and petting zoo". This criterion is not met.

Malheur County Code 6-6-8-6 (C)(7) states that "a home business must comply with Chapter 7" of the Malheur County Code sign design standards. Malheur County Chapter 7, section C,

defines that for properties within the EFU zones shall only be permitted signs that meet the standards of Type 1, 2, 3 or 4. The application describes on page 9, that the intention is to “build a decorative arch gate with” a logo on it. That type of sign does not meet the standards of the signs of type 1, 2, 3 or 4. This criterion is not met.

Malheur County Code 6-6-8-6 (C)(8) states that “customer, client and/or business traffic shall not exceed fifteen trips per day. Business delivery vehicles shall not exceed gross vehicle weight of eleven thousand pounds.” A detailed traffic plan was not submitted accounting for daily traffic, nor describing the vehicles and equipment used to set up the entertainment area even before opening to the public. The application describes on page 10 that “traffic will be heavy only during fall period on weekends from 10-11 am. Traffic will not be as heavy in the afternoon because people leave at different times”. Again, this explanation fails to offer a daily or even averaged traffic count for daily trips. This criterion is not met.

Malheur County Code 6-6-8-6 (C)(10)(a) outlines noise level standards. The applicants describe their proposed operation’s noise levels, on page 10, as “should not be louder than the rock crusher”. That is not an appropriate or prescribed noise standard and the application lacks clear noise mitigation and control.

Some of the aspects of the proposal may qualify as an agricultural tourism activity, but as such, would be limited to all the standards imposed by ORS 215.283(4), which have not been addressed. In no context shall the current application be approved without a traffic management plan or a comprehensive impact analysis on accepted farm or ranch practices within the impact area.

This application addresses the incorrect standards due to the proposal being erroneously categorized as a home business and processing of this application as presented would not only be a great disservice to the community, but it would blatantly disregard all protections that have been granted by State Land Use law to our resource lands.

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