

June 19, 2013

Joint Ways and Means Sub-Committee Natural Resources Hearing

HB 3098A Oppose

Dear Chair Edwards and Chair Unger and Committee Members,

I was opposed before 3098 was amended and I am even in more opposition to this bill now. Before HB 3098 was a specialized bill for the Washington Family Ranch (Rajneeshpuram or the Big Muddy to us locals) to site a camp and not go through the exception process. Now this amended bill will allow more than one camp, and who knows how many camps to be sited on farm/ranch ground, but only in Eastern Oregon.

If this bill is such "good land use policy" than let's open it up to all of Oregon. I have heard that Eastern Oregon needs this for economic reasons...the same talking points were used for SB 928. So the question is that other parts of Oregon agriculture that could qualify shouldn't be allowed the same opportunity?

Let's look at the history of bills of this type like the guest ranch bill SB 928. I have attached the 2010 report to the Senate Environment and Natural Resources Committee and the House Committee on Agriculture, Natural Resources and Rural Communities from the Department of Land Conservation and Development, Department of Agriculture and Travel Oregon (www.oregon.gov/LCD/docs/publications/guest_ranches_in....) At the very least this bill should be amended to follow a format as SB 928 with all of the side bars and that SB 928 had and make the bill for the "frontier counties" and not just Eastern Oregon.

I have concerns about wild-land fires and inter-phase which we know has been a huge problem in the exact areas that this bill would allow for campgrounds. This is a major concern every fire season in our region.

This bill would allow the Washington Family Ranch and Cherry Creek Ranch a great and unique opportunity if the Cathedral Rock area becomes a wilderness area which many of the locals are opposed to that neighbor both of those ranches (see an attached article and links to other articles from the local people that live here). You need to look at the bigger picture here.

Remember that the exception process in land use is for uses like this. I am not opposed to camps but this bill is not needed a workable process exists.

Sincerely,

Mickey Killingsworth
Jefferson County Resident
798 SE Dover Lane
Madras, Oregon

Report to the 2010 Interim Oregon Legislative Assembly

Guest Ranches in Eastern Oregon

Implementation of Senate Bill 928

A Joint Report of the Department of Land Conservation and Development, Department of Agriculture, and Travel Oregon

Submitted to the Senate Environment and Natural Resources

Committee and the House Committee on Agriculture, Natural

Resources and Rural Communities

February 2010

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Introduction

In 1997, the Oregon Legislature authorized the establishment of guest ranches in Exclusive Farm Use zones (Chapter 728, Or Laws 1997) as a way to both provide the public an opportunity for a ranch stay experience and allow ranchers to generate a supplementary means of income. The 2001

Oregon Legislature revised this authorization with the passage of SB 928 (Chapter 467) to specifically allow the establishment of a guest ranch in conjunction with an existing and continuing

livestock operation that is using accepted livestock practices and qualifies as a farm use under ORS

215.203 in any area zoned for exclusive farm use in eastern Oregon.

This provision was initially to sunset at the end of 2001, however, Senate Bill 928 extended the sunset date to December 31, 2005 to provide more time to review and assess how the law was working. The Department of Land Conservation and Development (DLCD), the Department of Agriculture (ODA), and the Oregon Economic and Community Development Department (OECD) prepared a joint report providing a review and assessment of guest ranch implementation

in January of 2005, and submitted it to the Senate Environment and Land Use Committee and the House Land Use Committee.

In 2005, the Oregon Legislature further refined guest ranch legislation with the passage of SB 538

(Chapter 258), which also extended the sunset date to January 2, 2010 and required the submission

by DLCD, ODA and OECD of a report to it on guest ranches in 2007 and 2009. Travel Oregon has since been created and now serves the co-reporting function. The requested reports were not prepared in 2007 and 2009. Instead, this 2010 report on guest ranches in eastern Oregon has been prepared to update the 2005 report and will be submitted to the 2010 interim Legislative Assembly.

Summary of Guest Ranch Legislation

The guest ranch legislation, as amended by SB 928 and SB 258, permits the establishment of a guest ranch in an exclusive farm use zone in eastern Oregon provided it is in conjunction with an existing and continuing livestock operation, and provided it meets the following conditions:

“(a) Except as provided in (c) of this subsection, the guest lodging units cumulatively shall:

(A) Include not less than four nor more than 10 overnight guest lodging units; and

(B) Not exceed a total of 12,000 square feet in floor area, not counting against the limit of 12,000 square feet of floor area of a guest lodging unit in a lodge that is dedicated to kitchen area, rest rooms, storage or other shared indoor space.

(b) The guest ranch shall be located on a lawfully created parcel:

(A) That is at least 160 acres;

(B) That is the parcel containing the dwelling of the person conducting the livestock operation; and

(C) That is not classified as high-value farmland as defined in ORS 215.710.

(c) For each doubling of the initial 160 acres required under paragraph (b) of this subsection, up to

five additional overnight guest lodging units not exceeding a total of 6,000 square feet of floor

area may be added to the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of floor area.

(e) A guest ranch may provide recreational activities that can be provided in conjunction with the livestock operation’s natural setting, including but not limited to hunting, fishing, hiking, biking, horseback riding, camping or swimming. Intensively developed recreational facilities, such as golf courses as identified in ORS 215.283, shall not be allowed. A campground as described in ORS 215.283 (2)(c) shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course under ORS 215.283 (2)(e) or with an existing campground under ORS 215.283 (2)(c).

(f) Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch, individuals accompanying the guests and individuals attending a special event at the guest ranch. The cost of meals, if any, provided to guests of the guest ranch, individuals accompanying the guests and individuals attending a special event at the guest ranch may be included in the fee to visit or stay at the guest ranch. A guest ranch may not sell individual meals to an individual who is not a guest of the guest ranch, an individual accompanying a guest or an individual attending a special event at the guest ranch.

(g) Approval of a guest ranch shall be subject to the provisions of ORS 215.296 (1) and (2) and other approval or siting standards of the county.”

The Oregon Legislative Assembly approached SB 928 as a pilot program, limiting the size and

geographic scope for implementing the provision for guest ranches. Specifically, the legislature adopted the following definitions:

(a) "Eastern Oregon" shall have the meaning provided in ORS 321.405.

(b) "Guest lodging unit" means guests rooms in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for a permanent residence.

(c) "Guest ranch" means a facility for overnight guest lodging units, including passive recreational activities and food services, as set forth in subsections (2) to (4) of this section, that are incidental and accessory to an existing livestock operation that qualifies as a farm use under ORS 215.203.

(c) "Livestock" means cattle, sheep, horses and bison."

Implementation of the Guest Ranch Legislation

Between 1998 and 2007, 11 guest ranches were approved under the provisions of this law; the figures for 2008 and 2009 are not yet available. The smallest guest ranch was approved on a 155-acre ranch and the largest on over 10,000 acres of ranch. Excluding the smallest and largest acreages, the average approved guest ranch size is 2,206 acres. The following table details the eleven guest ranches approved under the provisions of the guest ranch law.

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Year County Applicant Acreage Rooms/Cottages

1998 Baker Phillips* 160 8-10

1998 Baker Racey 1,650 5

1999 Lake Haas 1,759 4-25

1999 Deschutes Bloomfeldt 540 5

2001 Gilliam Macnab 2,790 7

2001 Gilliam Mikkalo* 2,181 2

2001 Harney GI Ranch 9,203 8

2001 Baker Hoffman* 10,000 + 8

2002 Deschutes Herman* 160 10

2005 Crook Fildes 1,311+ 4

2006 Deschutes Jackson 257 4

As the table shows, the guest ranch approvals are in six counties, with a combined total of 65 to 88 lodging units approved. The guest ranches noted above with an asterisk * are no longer in operation or have been converted to bed-and-breakfast establishments.

DLCD is not aware of any pattern of problems or violations concerning the approved guest ranches, such as the provision of restaurants or intensively-developed recreational facilities.

However, a few guest ranches have RV parking sites, which are not permitted.

Litigation under the Guest Ranch Legislation

One guest ranch was the subject of an appeal to LUBA. *Durdan v. Deschutes County*, 43 Or LUBA

248 (2002) established that:

1) Evidence that a livestock operation is conducted on a parcel for part of the year as part of livestock rotation is sufficient to establish that the property contains an existing livestock operation;

2) Nothing in the statute prohibits a livestock operation from being part of a larger operation on non-contiguous properties;

3) The statute does not require that the dwelling of the livestock operator exist on the date of application for the guest ranch so long as it is completed prior to construction of the guest

ranch; and

4) The statute does not allow provision of food services to visitors who are not overnight guests (*However, the passage of SB 538 in 2005 effectively modifies this finding by amending the guest ranch statute to now allow the provision of meals for individuals accompanying guests and individuals attending special events*).

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Conclusion

The implementation of the Guest Ranch law has resulted in the approval of eleven guest ranches in six counties, involving an average of 2,206 acres per guest ranch. Approvals were given for 65 to 88 lodging units as part of these guest ranches. At least four approved guest ranches are no longer in operation.

Since compliance with the statute has been generally good, DLCD, ODA and Travel Oregon recommend that the Legislature hear from any interested parties with respect to the Guest Ranch statute and, if appropriate, reauthorize its use and continue to monitor its implementation.

Additional information about the guest ranch approvals described in this report is available from the Department of Land Conservation and Development. Please direct any questions to:

Katherine Daniels, Farm and Forest Lands Specialist, DLCD, 503-373-0050 x 329 or

katherine.daniels@state.or.us

By [The Oregonian Editorial Board](#)

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on April 18, 2013 at 4:01 PM, updated April 18, 2013 at 4:41 PM



[View full size](#) The Cathedral Rock

Wilderness would abut the John Day River. *Photo courtesy of Greg Burke*

Oregonians who believe the public shouldn't be excluded needlessly from public land should be grateful to [Jefferson County's commissioners](#), led by Mike Ahern, who've pointed out how absurd it would be to create a wilderness area next to an existing road and [allow access only by river](#). Their persistence is producing results.

Legislation sponsored by Sens. Ron Wyden and Jeff Merkley would create a pair of wildernesses in rural eastern Oregon by swapping relatively small pieces of federal land for private land, notably that owned by Cherry Creek Ranch and Young Life's Washington Family Ranch. The arrangement would allow federal and private owners to consolidate their holdings, creating in the process the Cathedral Rock Wilderness and nearby Horse Heaven Wilderness.

Horse Heaven would offer ample road access. Cathedral Rock, as currently conceived, would offer access via the John Day River, even though Muddy Creek Road runs right up the opposite side of the proposed wilderness.

Following complaints from Jefferson County and elsewhere, Wyden and Merkley sent [a letter](#) to Cherry Creek and Young Life representatives this year saying, in effect, the swap isn't going to happen without a solution to the road problem.

The property owners [have responded](#) with [a proposal](#) that is both reasonable and nearly free of red flags. Land access, it's true, would be guaranteed for only eight months every year, with some exceptions. But the four-month period without road access (December through March) isn't likely to see a high volume of use, says Cherry Creek

Ranch general manager Matt Smith. During that period, Muddy Creek Road often lives up to its name.

Visitors would drive to the Cathedral Rock trailhead [from either the south or north](#), depending upon the time of year. During the spring and summer, access would be open from the south, through Cherry Creek Ranch. Access through the Young Life property would be closed at this time to protect those attending Young Life's summer camps, which accommodate more than 1,000 kids per week, says Craig Kilpatrick, a Young Life land use consultant. The road goes through the camp.

During hunting season, when the youth camps aren't operating, Cathedral Rock visitors would drive through Young Life's property. And during cold and mud season, access would be prohibited, though county officials could grant access on a case-by-case basis.

River access, naturally, would be possible all year.

Disagreement continues nonetheless. County residents have offered overwhelming testimony opposing any road closure, says Ahern, who points out that the land owners' proposal resembles one discussed and discarded years ago. The private property owners say the new proposal contains some significant changes, including a reduction in the proposed winter closure period.

The proposal isn't perfect, it's true. It doesn't provide full-time access, which would better serve the public. But it does provide adequate access during what are likely to be the months of greatest public interest in visiting the Cathedral Rock Wilderness, and it respects the needs of private property owners who, remember, can always scrap the proposal entirely.

"Young Life is an organization focused on kids," says Kilpatrick. "If it comes down to a decision between kids and wilderness, you know who's going to win."

Should the swap fall apart, the public will enjoy unrestrained access to a road that doesn't lead to a wilderness area. Should it continue, the public will get two new wilderness areas and road access – albeit unequal – to both.

The proposal does contain one troubling element, however. The private property owners would provide road access as described above on a five-year trial basis. Kilpatrick says it's conceivable, but unlikely, that the public could be left at the end of that period with a wilderness area and no road access. That's worrisome. Wyden, Merkley and Jefferson County should insist upon permanent road access to Cathedral Rock, though it should be provided in a manner that respects the needs of Young Life and Cherry Creek Ranch.

Surely, that's possible.

1. [Wilderness act needs road access - Pamplin Media Group](#)

portlandtribune.com/msp/130-opinion/130595-wilderness... [Cached](#)

Cathedral Rock and Horse Heaven **Wilderness Area** is back in the news ... Access to the **Cathedral Rock area** would make an incredible river ... **Madras**. Mostly Cloudy.

2. [antelopeoregon.net - "THE NEW ANTELOPE HERALD"](#)

antelopeoregon.net/news [Cached](#)

Cathedral Rock Wilderness Updates: Jefferson Co. Commission tours proposed **wilderness area**. **Madras pioneer** 22 May ... 9-21-11 **Madras Pioneer** Reports: **Wilderness** ...

3. [Commission tours proposed wilderness area](#)

portlandtribune.com/msp/129-news/...proposed-wilderness-area [Cached](#)

Madras: Newberg: Woodburn: News. ... referring to the proposal for the 8,322-acre **Cathedral Rock Wilderness area**, which has been introduced in the U.S. Senate, ...

4. [Commission drafts scathing letter - Pamplin Media Group](#)

pamplinmedia.com/msp/129-news/150984-commission-drafts... [Cached](#)

Madras: Newberg: Woodburn: ... who have introduced legislation that will create the **Cathedral Rock Wilderness**. ... which angered many **area** residents.

5. [Pamplin Media Group](#)

pamplinmedia.com/madras-pioneer-news//archives/Story... [Cached](#)

Cathedral Rock proposal ... In response to landowner suggestions In their ongoing effort to ensure land access to a proposed **wilderness**, ... by The **Madras Pioneer**.

6. [antelopeoregon.net - HOUSE BILL 3098:Young life 4000 acre ...](#)

antelopeoregon.net/house_bill_3098_young_life_4000_acre... [Cached](#)

Commission tours proposed **wilderness area**. **Madras pioneer** 22 May 2013 ... near the entrance to the proposed **Cathedral Rock Wilderness**, ...