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## MARION COUNTY PUBLIC WORKS

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To: Marion County Hearings Officer  
From: Marion County Planning Division/Speckman  
Date: November 14, 2024  
Subject: Conditional Use 24-039/Whitewind Woodland LLC

The Marion County Planning Division has reviewed the above-named case and offers the following comments:

**FACTS:**

1. The subject property consists of tax lot 900 on the south side of Cascade Highway, north side of Evans Valley Loop NE, with Valley View LN NE to the east, just outside of the City of Silverton. The parcel is approximately 80.55 acres in size. The properties are designated Primary Agriculture in the Marion County Comprehensive Plan and zoned EFU (Exclusive Farm Use).
2. The property is largely undeveloped except for a single-family dwelling, and accessory structures. The majority of the parcel is in either farm or forest use, with the structures clustered to the front (northern) portion of the parcel. There are no river, streams, wetlands, floodplains or other natural hazards on the parcel or within the immediate vicinity.
3. Surrounding properties are zoned EFU and in various types of farm use. Property to the northeast of the parcel, approximately 600 feet, is zoned AR (Acreage Residential) and developed with residences. Property to the east of the parcel, approximately ¼ mile, are zoned AR and developed with residences. All of these parcels in the vicinity were on the notification list for the proposal.
4. The applicant has applied for a conditional use permit in conjunction with a mass gathering because Marion County Code (MCC) requires a conditional use permit be approved before, or considered in conjunction with, a permit for a large gathering (MCC 9.25.070 (C)). MCC 9.25.030(A) defines a large gathering as an assembly of persons of more than 3,000 at any time. In this case, the applicant is proposing 3,000 – 3,500 persons, over three weekends, during the last three weeks of July. The dates proposed would be July 17<sup>nd</sup>-18<sup>rd</sup>, July 24<sup>th</sup>-25<sup>th</sup> and 29<sup>th</sup>-30<sup>th</sup>. The Canterbury Renaissance Fair has previously operated on two weekends, this application is for approval of an additional weekend.
5. Notice of the conditional use permit request was provided to various agencies. Their comments are summarized below:

Marion County Building Inspection commented: No Building Inspection concerns.

Marion County Septic commented: The owner must provide adequate nonwater-carried systems for the number of attendees in accordance with all provisions of OAR 340-071-0330. No connection to the existing onsite wastewater treatment system is permitted without an authorization notice approval per OAR 340-071-0205(1).

Oregon Department of Transportation commented: ODOT has no objections to the Large Mass Gathering permit. Overall ODOT agrees with the applicant's assessment that the impacts to highway operations and safety will be minimal, but attendance at these types of events are difficult to predict. If during the event there are concerns or issues, ODOT may require traffic mitigation such as signage, flaggers, or future limitations on capacity.

*All other agencies either had no comment or no response.*

### **STAFF FINDINGS AND ANALYSIS:**

6. MCC 9.25.070 (C) states that for a gathering, "the applicant must obtain a conditional use permit for a temporary use in accordance with Chapters 17.119 and 17.126 MCC." Therefore, the criteria in Chapters 17.119 and 17.126 MCC will be considered in conjunction with this conditional use application. Uses in MCC 17.126 are permitted generally across all zones subject, in part, to the criteria contained in that chapter, as well as other pertinent criteria. Also, the EFU zone contains specific criteria which apply to a conditional use in the EFU zone, MCC 17.136.060(A). [In addition, a large mass gathering that is anticipated not to last more than 120 hours which would not materially alter the stability of the overall land use pattern of the area, meeting the criteria in Oregon Revised Statutes 433.763(1)(c)(B).] This event, subtracting the 48 hours exempted by county code for set up and 48 hours exempted for take down, is expected to last approximately 100 hours.
7. The applicant states that the Canterbury Renaissance Faire was operating annually for the first 13 years, under a small mass gathering permit. The Faire took a two-year hiatus in 2020 and 2021 due to the pandemic. In 2022 the applicant applied for a conditional use to expand from a small mass gathering to a large mass gathering (CU22-045) and subsequently a large mass gathering permit (MG23-001). Both were approved, as well as the mass gathering permit for 2024 (MG24-001). The applicant anticipates between 4,000-5,000 people attending and wishes to apply to maintain compliance with MCC Mass Gathering criteria. This application is seeking to expand the Mass Gathering to three weekends (six days) per year, up from two weekends (four days) per year.
8. Regarding the criteria, the applicant provides the following:
  - That in the 16 years the event has been hosted in Marion County, the event did not cause a change in farm practices on surrounding properties.
  - That they have worked on a traffic and parking plan to ensure traffic will not impact local farming practices.
  - Noise from the event will follow Marion County Noise Ordinance and the limited hours of operation will also assist in mitigation.
  - The only structures on the property will be temporary and not cause watershed issues or impact fire or wildlife.

- That wildlife was not impacted by their event, Canterbury Renaissance Faire.
- Garbage, grey water, etc. will all be contained on site and removed from the property.
- That the event will not permit cruising or ATVs in order to minimize vehicle traffic.
- That attendees in previous events have not caused impact to neighboring properties.

9. The general conditional use criteria are found in MCC 17.119.070. Before granting a conditional use, the director, planning commission or hearings officer shall determine:

1. *That it has the power to grant the conditional use;*

The application will be heard in front of the Hearings Officer for a decision. Once the decision is made, and if approved, the applicant will apply for a Large Mass Gathering permit which will be heard in front of the Board of Commissioners. This criterion is met.

2. *That such conditional use, as described by the applicant, will be in harmony with the purpose and intent of the zone;*

According to MCC 17.136.010, the purpose of the EFU zone is to provide areas for continued practice of commercial agriculture. The purpose of the zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water, and land resources of the county. In order to determine that the proposed conditional use for a mass gathering is in harmony with the purpose and intent of the zone, the proposal will be evaluated with the specific criteria for a conditional use in the EFU zone below in #11 of this document.

3. *That any condition imposed is necessary for the public health, safety or welfare, or to protect the health or safety of persons working or residing in the area, or for the protection of property or improvements in the neighborhood.*

This criterion can be met by ensuring that any condition imposed is necessary for the public health, safety or welfare, or to protect the health or safety of persons working or residing in the area, or for the protection of property or improvements in the neighborhood. Also, in this instance complying with the requirements for a mass gathering, including providing plans related to fire protection, health safety, medical service, public safety, and parking and traffic control will ensure the public health, safety and welfare of persons working or residing in the area, and the protection of property and improvements in the neighborhood. This criterion can be met through the application of the mass gathering code.

10. The criteria for a temporary use are found in MCC 17.126.030(E)

1. *The temporary use is compatible with the purpose of the zone and adjacent land uses.*

The proposal will be evaluated with the specific criteria for a conditional use in the zone below in #11 of this document to ensure the use is compatible with the purpose of the zone and will minimize any impact on adjacent land uses.

2. *The temporary use will have adequate public services to maintain the public health and safety.*

The applicant describes that there are adequate public services to the property for the event while maintaining public health and safety. The applicant works with the Scotts Mills Firefighters Association for emergency medical services, coordinates with the Silverton Fire Department to ensure fire safety, hires security, rents the amount of portable toilets required by Marion County Health, rents dumpsters from Republic Services for trash collection, and brings trucks in potable water. In addition, complying with the requirements for a mass gathering, including providing plans related to fire protection, health safety, medical service, public safety, and parking and traffic control, will provide a means to review the event to ensure there are adequate public services available to the property and the event to maintain the public health and safety. This criterion can be met through the application of the mass gathering code.

3. *The operator of the temporary use has signed an agreement with the planning division regarding termination of the use consistent with the time limitations established in the conditions of approval.*

As part of the mass gathering approval, the event will be granted specific times of operation. Penalties can be assessed for exceeding those operating times. This criterion can be met through the application of the mass gathering code.

11. The criteria for a conditional use in the EFU zone are found in MCC 17.136.060(A):

1. *The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary.*

Agriculture is a significant economic asset for Marion County and the EFU zone recognizes the importance of agriculture and the need to protect farming practices from potential conflicts. The applicant attests that the event will not impact either their own or their neighbors farming activities. The grass seed and/or hay harvest on the subject parcel will be completed prior to the event. Therefore, the temporary use will have no impact on the farming activity on the subject parcel. The neighboring farms have not previously expressed issues or complaints regarding impacts on their farm operations. Staff recognizes that it is critical that any event of such a large scale on farmland not impact farming practices on the subject parcel or other lands in the area. Based on testimony by applicant, and the past 16 of these events hosted by the applicant, Planning finds no reason to suspect that this criterion cannot continue to be met with an additional weekend of the Canterbury Renaissance Faire.

The applicant attests that the primary potential source of conflict with farms in the area would be traffic caused by the event. This was apparently an issue in 2023, as the result of an unexpected volume of taxi/uber drop offs on Cascade Highway. Mitigation was implemented that prevented a repeat of that traffic in 2024. Significant effort has been put forth to avoid an increase in traffic

that may affect surround farms harvesting grass seed during the weekends the proposed event would be hosted. Two different shuttle parking lots in Silverton allow Faire-goers to park in town and ride a shuttle out to the subject parking lot. The shuttle parking is free, while parking on site is subject to a fee, to incentivize Faire-goers to ride the shuttle. For attendees that chose to utilize taxis/ubers, a specific area of the parking lot has been designated as the drop off area to avoid drop-offs occurring on the roadway and slowing traffic flow. The traffic plan that will be provided as a component of the mass gathering permit will ensure that this criterion can be met.

2. *Adequate fire protection and other rural services are, or will be, available when the use is established.*

The Silverton Fire District did not make comments regarding this specific permit but have worked with the applicant in previous years and there is no indication that any issues would arise from this new proposal. At the time this staff report was written, the traffic, health and safety (water, sewage disposal, garbage, etc.) plans have not been updated since the last mass gathering permit. These will need to be provided by the applicant for the new mass gathering permit to demonstrate there are adequate rural services available to the property for the proposed event. Marion County Land Development and Engineering Department had no comment on the proposed use. The Oregon Department of Transportation responded to say that they had no comment, and that the applicant has been good about communicating with them. This criterion can be met through the mass gathering permit process.

3. *The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.*

As part of the mass gathering permit, the applicant will have to have an approved health safety (sanitation) plan in place and collect and remove garbage, black and grey water, etc. Also, the applicant intends to abate dust in parking areas. The applicant attests that they will continue to ensure sufficient potable water supply, portable toilets, adequate waste disposal (garbage) and traffic/parking lot attendants for the events. Under previous health and safety plans, this event has not had a significant adverse impact on watersheds, groundwater, soil and slope stability, and air and water quality. A new health safety plan will be required to be approved through the mass gathering process, at which time this criterion can be met.

4. *Any noise associated with the use will not have a significant adverse impact on nearby land uses.*

The applicant attests that the primary noise production is only during the joust show which occurs twice per day and utilizes amplified sound for the announcer. The applicant is familiar with the noise ordinance in Marion County and ensuring that no amplified sounds will be produced between 10:00pm and 8:00am. The proposal meets the criterion.

5. *The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites.*

There do not appear to be any potential water impoundments, such as ponds, that would be impacted by the proposal. There are no areas of the parcel in any natural hazard areas. The proposal is not within a Sensitive Groundwater Overlay and would not impact the ground water. There also are no significant mineral and aggregate sites in the area that would be impacted by the proposal. This criterion is met.

12. The county must also make findings for a large gathering related to Oregon Revised Statute 433.763(1)(c)(B):

*The proposed gathering:*

- (i) *Is compatible with existing land uses; and*

The predominate use of the land on the subject properties and surrounding lands is farm use. If the applicant can demonstrate the event will not impact the farming practices on those properties, as described in #12 above, then this event can be demonstrated to be compatible with existing farm uses. Provision of the health safety, medical service, public safety, and parking and traffic control required by the mass gathering permit should ensure the event is compatible with other land uses, such as residential use of land near the event. Based on the past 16 Canterbury Renaissance Faires, the applicant has shown the ability to run this event without being disruptive to existing surround land uses. This criterion is met.

- (ii) *Does not materially alter the stability of the overall land use pattern of the area.*

No permanent changes to the land are proposed. If the applicant meets the requirements for a mass gathering, the event will be temporary in nature and minimize the impact to the subject properties and neighboring properties, thus ensuring that the event does not alter the overall land use pattern of the area. Demonstrating that the event will not cause farming practices to change during the event will ensure that farming in the area will be able to continue, again maintaining the stability of the overall land use pattern of the area. Subject to providing the evidence described in #12(i) above, this criterion is met.

13. If approved, Planning suggests the following conditions of approval be applied:

1. The applicant shall obtain an approved Mass Gathering Permit, including approved plans for health safety, medical service, public safety, and parking and traffic control.
2. The applicant shall obtain any building and septic permits required for the event.
3. The applicant shall identify likely farm practices in the area that could take place during the event and incorporate into their event plan measures to minimize the impact of the event on farming practices without farmers having to appreciably change farming practices during the event.
4. The applicant shall submit evidence of compliance with all required agencies to planning staff no later than 90 days prior to the event.

5. For wells used in conjunction with the event, provide evidence of obtaining any permits required by the Oregon Department of Water Resources.