

**BEFORE THE LAND USE HEARINGS OFFICER
OF CLACKAMAS COUNTY, OREGON**

Regarding an application by Cristian Strava for approval)	<u>FINAL ORDER</u>
of a conditional use permit to operate a home occupation)	
to host weddings and events on a 37-acre parcel at 22322)	Case No. Z0067-24
S. Central Point Road in Clackamas County, Oregon)	(Strava)

I. SUMMARY

1. The applicant, Cristian Strava, requests approval of a Conditional Use Permit (“CUP”) to operate a home occupation to host weddings and other events on a 37-acre parcel located at 22322 S. Central Point Road; also known as tax lots 31E25 00300 and 00305, in Clackamas County (the “site”).

a. The site and all surrounding properties are zoned EFU (Exclusive Farm Use). The site is a relatively flat property with frontage along S. Central Point Road. There are no significant mapped or identified natural features on the property such as steep slopes, wetlands, floodplain or areas of significant mature trees.

b. An existing residence and several accessory agricultural buildings are located in close proximity to S. Central Point Road, near the northwest corner of the site, on tax lot 300. The applicant proposed to construct a 5,630 square foot tasting room building and a 104 space parking area in the southwest corner of the site, on tax lot 305.¹ With the exception of wedding ceremonies and similar proceedings, all events will occur inside the proposed tasting room building. The applicant proposed to conduct up to three events per week, one event per day, with a maximum 300 guests per event. The applicant’s site plan also shows that there are 11.0+ acres of planted wine grapes associated with the property with plans for planting of additional grapes on the site.

2. Clackamas County Hearings Officer Joe Turner (the "hearings officer") held a public hearing about this application. County staff recommended the hearings officer deny the application. See the Staff Report to the Hearings Officer dated January 23, 2025 (the “Staff Report”). The applicant/property owners and their attorney testified in support of the application. One persons testified orally and in opposition to the application. Other persons testified in writing. The principal contested issues in the case include the following:

a. Whether the proposed use is listed as a conditional use in the EFU zone, ZDO 1203.03(A);

¹ The applicant modified the original application to shift the building and parking area further east, away from S. Central Point Road and properties to the west. (Exhibit 19, Attachment 2). The applicant submitted a revised narrative with nine “exhibits.” The hearings officer refers to the applicant’s “exhibits” as “attachments” to Exhibit 19 in order to avoid confusion with the County’s exhibit numbers.

b. Whether the characteristics of the site are suitable for the proposed use, ZDO 1203.03(B);

c. Whether the transportation system is safe and adequate to serve the proposed development (ZDO 1203.01(C) and 1007);

d. Whether operation of the proposed use will “[a]lter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the underlying zoning district,” ZDO 1203.01(D), specifically due to the following impacts:

i. Noise

ii. Stormwater runoff;

iii. Increased traffic and potentially intoxicated drivers on area roads;

iv. On-site lighting;

v. Soil and water contamination; and

vi. Impacts to property values;

e. Whether the proposed use complies with applicable requirements of ZDO 1000. ZDO 806.02(F), specifically:

i. Whether the proposed “tasting room” structure is a building normally associated with uses permitted in the EFU zoning district. ZDO 806.01(C);

ii. Whether the applicant demonstrated that it is feasible to operate the facility in compliance with the lighting requirements of ZDO 806.02(I); and

iii. Whether the applicant demonstrated that it is feasible to operate the facility in compliance with the noise level limits of ZDO 806.02(J).

3. Based on the findings and discussion provided or incorporated herein, the hearings officer concludes that the applicant sustained the burden of proof that the proposed use does or can comply with the relevant approval standards of the Clackamas County Zoning and Development Ordinance (the “ZDO”), provided the applicant complies with conditions of approval recommended by County staff or warranted by the facts and law to ensure the proposed use complies in fact with those standards. Therefore the hearings officer approves the application subject to the conditions at the end of this final order, based on the findings and conclusions in this final order.

II. HEARING AND RECORD HIGHLIGHTS

1. The Hearings Officer received testimony at a public hearing about this application on March 24, 2025. All exhibits and records of testimony are filed at Clackamas County Department of Transportation and Development. At the beginning of the hearing, the Hearings Officer made the declaration required by ORS 197.763. The Hearings Officer disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the hearings officer of selected testimony at the public hearing.

2. County planner Melissa Lord summarized the Staff Report (Exhibit 1) and her PowerPoint presentation(Exhibit 24).

a. She noted that the applicant proposes to operate an event facility on the site utilizing a proposed building to be located near the southwest corner of the site. The applicant revised the application to limit the use to a maximum three events per week for up to 300 guests per event.

i. Any wine tasting or similar winery related events and activities are separate from the proposed event facility, which requires a conditional use permit subject to Type III review. Winery related uses may be approved through a Type II review.

b. Staff recommended denial of the application, as the applicant failed to fully address the following criteria:

i. “The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.” ZDO 1203.03(B);

ii. The proposed use complies with Subsection 1007.07, and safety of the transportation system is adequate to serve the proposed use. ZDO 1203.03(C);

iii. “The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.” ZDO 1203.03(D); and

iv. Similar criteria in ZDO 806.

c. The applicant submitted additional exhibits responding to those concerns (Exhibit 19).

i. The applicant submitted a traffic impact analysis demonstrating that adequate sight distance is available or can be provided at the entrance to the site from the shared driveway and at the intersection of the shared driveway and S. Central Point Road. There is no evidence of crash trends on this section of S. Central Point Road and turn lanes are not warranted at the driveway intersection with S. Central Point Road, based on the maximum projected traffic volumes.

ii. The applicant reduced the number of events on the site from seven days a week to a maximum three events per week. The applicant also submitted a noise analysis demonstrating that it is feasible to comply with the noise standards of the Code, a lighting plan showing that all outdoor light fixtures will be aimed downwards and shielded to prevent offsite glare, and a landscape plan showing a hedge along the east, west, and south boundaries of the event facility and parking area.

iii. The applicant submitted an analysis of existing and potential farm practices and residential uses in the surrounding area and asserting that the use will not impact those uses.

3. Attorney Tyler Smith appeared on behalf of the applicant and summarized the proposal. He noted that the Staff Report was prepared for a hearing in January, based on the initial application prepared by the applicant without representation. The applicant has since submitted much additional information (Exhibit 19) addressing the applicable approval criteria and the concerns raised in the Staff Report.

a. He noted that vineyards and wineries are permitted uses in the EFU zone. The applicant's winery will not be open to the public on a daily basis. It will be a members only facility and for special events.

b. The applicant submitted a traffic analysis (Exhibit 19, Attachment 1) demonstrating that traffic from the proposed use will not exceed the capacity of area streets or create a hazard. The entrance to the site from the shared driveway will be located 200 feet east of S. Central Point Road to allow adequate space for vehicle queuing on the driveway. The applicant will widen the section of the shared driveway between S. Central Point Road and the site entrance in order to accommodate two-way traffic. The applicant will install a gate east of the site to prevent guests from inadvertently entering neighbor's properties. The applicant will pave the parking lot and the section of driveway serving the use in order to control dust and noise.

c. The applicant revised the site plan to shift the proposed building and parking lot to the east and north, away from abutting properties. The parking lot will provide more than 100 parking spaces to serve the maximum capacity of 300 guests, which is consistent with accepted engineering standards for parking. (Exhibit 19, Attachment 2).

d. Wedding ceremonies and similar activities will take place outdoors, weather permitting. However, receptions, dancing, and similar activities will take place within the tasting room building. The applicant submitted a noise study (Exhibit 19, Attachment 3) demonstrating that noise from these events will not exceed the standards of the Code. The applicant will install pendant speakers that aim sound downwards within the site and control the maximum noise levels to ensure compliance with applicable noise regulations. Outdoor ceremonies will occur on the north side of the proposed building to shield and buffer adjacent properties. The applicant proposes to hold a maximum three events per week on the site.

e. As shown in the applicant's lighting plan (Exhibit 19, Attachment 4) outdoor lighting on the site will be aimed downward and shielded to prevent offsite glare. The applicant will turn off the sound system and event lighting at 10:00 p.m. Lights in the parking area will remain on until all guests have left the site, but they will be shielded to prevent offsite glare.

f. The applicant submitted an analysis from Pacific Hydro-Geology confirming that the site is not located in a water sensitive area and opining that a groundwater well on the site can be approved to serve the water needs of the proposed use. (Exhibit 19, Attachment 5)

g. The applicant obtained County septic approval for the proposed facility. (Exhibit 19, Attachment 6).

h. The applicant submitted a letter from Waste Management demonstrating that trash service can be provided to the site. (Exhibit 19, Attachment 7).

i. The applicant's consultant conducted an analysis of all existing farm operations within a 500 meter radius of the site. There are no existing commercial farm or forest activities in the study area, only hobby farms that do not generate significant income from farming, and no farm uses take access from the shared driveway serving the site. (Attachment 8 of Exhibit 19).

j. Shifting the tasting room building to the northern portion of the site as suggested by Ms. Bennett would locate the facility closer to Ms. Bennett's residence.

4. Nancy Bennett noted that she submitted three written comment letters (Exhibits 16, 21, and 23).

a. She argued that the applicants should have proposed to locate the facility in the northern portion of the site, closer to the existing residence and other structures on the site and away from surrounding homes.

b. S. Central Point road carries significant volumes of traffic and many drivers exceed the posted speed limit, resulting in frequent "near misses" with oncoming traffic, including a near collision between a speeding northbound vehicle and a southbound farm vehicle. In another recent episode a speeding vehicle attempted to pass another northbound vehicle when a southbound vehicle was approaching. The southbound vehicle was forced to pull off of the road to avoid a collision.

c. Conducting three events per week on the site will significantly impact the surrounding neighborhood, allowing a commercial use and parking lot in the rural area. Other wineries in the area are not located near the road and do not impact neighboring residents.

5. At the end of the public hearing, the hearings officer closed the record and took the matter under advisement.

III. DISCUSSION

1. **Subsection 1203.03** of the Zoning and Development Ordinance lists six criteria that must be satisfied in order to approve this Conditional Use.

A. **Subsection 1203.03(A)**: *The use is listed as a conditional use in the zoning district in which the subject property is located.*

Finding: Section 401, Exclusive Farm Use (EFU) : The subject property is zoned EFU. Section 401 of the ZDO controls land uses in the underlying EFU Zoning District. Table 401-1 lists the conditional uses which are allowed. The following is identified within Table 401-1 “*Home occupation to host events, subject to Section 806.*” This proposal involves a home occupation to host events. Compliance with Section 806 is discussed below. The proposed event facility is allowed independently from the winery. Therefore, the fact that only a portion of the site is planted in grapes and the planned winery use is not fully operational is irrelevant.

Some neighbors argued that this type of event facility should not be allowed in the EFU zone. However, Section 401 expressly allows such this type of use in the EFU zone, provided the use complies with all of applicable approval criteria. State law expressly authorizes the county to allow such uses in the EFU zone. *See* ORS 215.448. The decision to allow this type of use in the EFU zone was a policy choice by the Board of County Commissioners, which the hearings officer has no authority to review or reconsider in this proceeding.

The fact that the applicant also proposes to develop and operate a winery on the site does not alter the proposed use. Wineries are also an allowed use in the EFU zone

Assertions that the proposed use is not “needed” are not relevant, as “need” is not an applicable approval criteria.

This criterion is met.

B. **Section 1203.03(B)**: *The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.*

Finding:

1. **Size:** The subject property is approximately 37-acres in size. The submitted site plan demonstrates the property is of sufficient size to accommodate the proposed event area, along with parking and circulation area, landscaping, etc. The site plan demonstrates that when developed for events, that approximately 15-20 acres of the property will still be available for farming, specifically viticulture.

2. Shape: The shape of the subject property is rectangular. This shape does not present any particular limitation to the proposed use of the site based on the submitted site plan.
3. Topography: The subject property is relatively flat and thus topography does not appear to be a limiting factor.
4. Location, area: The site is located on S. Central Point road, a minor arterial. Land use here is mixed, but the zoning is relatively ubiquitous Exclusive Farm Use on acreage properties. There is no evidence of any general location issues that would adversely affect the use, although there is a concern of traffic on S. Central Point road as mentioned in neighbor comments, which are addressed below.
5. Improvements: The subject property is currently developed with a single-family residence and associated accessory structures. There are no improvement issues identified.
6. Natural Features: The property was reviewed for the following:
 - a. Floodplain: none of the subject property is shown as being within a regulatory floodplain.
 - b. Geologic Hazards: nothing of note shows up on the Geologic Hazard maps, regarding this property.
 - c. Habitat Conservation Areas and Wetlands: There are none of these identified features present on the property.

Summary: The shape, topographic and location characteristics of the property are suitable to accommodate the proposed use and limits future use of the property for farm use. The size of the site is adequate to accommodate the proposed event facility with a primary home.

This criterion is met as conditioned.

- C. **Section 1203.03(C)**: *The proposed use shall be consistent with Subsection 1007.07, concurrency, and safety of the transportation system is adequate to serve the proposed use.*

1. Subsection 1007.07: Transportation Facilities Concurrency
 - a. Subsection 1007.07(A): *“Shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.”*

- b. Subsection 1007.07(B): *Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:*

2 Safety:

- a. Subsection 1007.02(D): *“Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:*
 - i. *No planting, signing, or fencing shall be permitted which restricts motorists’ vision; and*
 - ii. *Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.”*

Finding: The Conditional Use criteria under ZDO Section 1203.03(c) require a finding that there is adequate transportation capacity, per ZDO Section 1007.09, and that the safety of the transportation system is adequate to serve the proposed event hosting use. However, ZDO Section 1007.07(B)(5) exempts conditional uses to host events from the concurrency requirements.

The hearings officer that the safety of the transportation system is adequate to serve the proposed use, based on the expert testimony of the applicant’s traffic engineer. (Exhibit 19, Attachment 1). This use will increase the volume of traffic on roads in the area. However, based on the expert testimony of the applicant’s traffic engineer, that additional traffic will not exceed the capacity of area roads or create, or exacerbate existing, hazards. The total increase in traffic volume generated by this use represents a small proportion of the existing traffic volumes on this road. Event traffic will be concentrated into limited time periods, before and after events. But there is no evidence that such higher concentrations of traffic during these times will create a hazard. Most events are likely to occur in the evenings and weekends, when background traffic volumes are lower and school buses are not operating. Adequate sight distance is available or can be provided at the intersection of the shared driveway and S. Central Point Road. The applicant will widen the section of the shared driveway serving the site to accommodate two-way traffic.

Any increase in traffic will pose an increased risk for drivers, cyclists and pedestrians in the area. Higher vehicular traffic volume creates a marginally higher risk for pedestrians and bicyclists. It may well warrant a heightened degree of attentiveness to traffic when driving, cycling or walking in the neighborhood. But it will not substantially limit, impair or preclude the use of surrounding properties for permitted uses. The crash history for the past five years does not indicate any crash trends indicating design deficiencies.

Opponents testified about careless driving and speeding traffic on area roads under existing conditions. However, there is no evidence that the development proposed in this application will contribute a disproportionate share of imprudent drivers. Reasonably prudent drivers will observe the posted speed limit and other applicable traffic regulations.

The applicants can regulate alcohol use on the site. Some attendees may bring their own alcohol or otherwise consume excessive amounts, which could create a hazard, especially if those attendees attempt to drive home. However, the applicants will have a strong interest in monitoring and enforcing limits on alcohol consumption and stopping intoxicated patrons from driving, in order to avoid legal liability. There is no evidence that this use will generate a significantly higher risk of drunk drivers than any other business that serves alcohol.

This criterion is met.

- D. **Section 1203.03(D):** *“The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.”*

Finding:

The site is in the Exclusive Farm Use (EFU) district and is surrounded by other properties zoned EFU. Land use patterns in the area can be described as mixed rural/resource use on acreage properties of various sizes. The primary uses allowed in the EFU zoning district are listed in Table 401-1 and these listed uses are generally farm and forest activities. However, pursuant to ZDO 806.02(E), this analysis must also consider impacts on dwellings even though dwellings are not primary uses in the EFU zone.

This criterion does not require that the use have no impacts at all. Any new use or development will alter the character of the area to some extent by modifying existing views, generating additional traffic, installing new light sources, increasing noise, etc. The Code only prohibits impacts that *substantially* limit, impair or preclude the use of surrounding properties for the allowed primary uses, e.g. farm and forest activities. (Emphasis added). The Code does not define the word “substantially.” Therefore, the hearings officer must look to the plain and ordinary meaning of that term. *Sarti v. City of Lake Oswego*, 106 Or. App. 594, 597, 809 P.2d 701 (1991). Random House Unabridged Dictionary defines “substantial” as “*by an ample or considerable amount; quite a lot.*” “Substantial.” In Dictionary.com, Retrieved March 12, 2023, from <https://www.dictionary.com/browse/substantially>.

Noise

The hearings officer finds that noise generated by the proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties. The board adopted standards limiting noise

from this type of use, prohibiting average peak sound pressure levels in excess of 60 dBA measured off the subject property, ZDO 806.02.J. Although noise in compliance with this standard may be detectable on adjacent properties, the hearings officer finds that compliance with those adopted standards will ensure that the impacts will not substantially limit, impair or preclude the use of surrounding properties for permitted uses.

The hearings officer finds that it is feasible to comply with the noise limits in ZDO 806.02.J, based on the applicants' noise analysis (Exhibit 19, Attachment 3) and the findings below. The proposed events will take place primarily within the proposed tasting room building, which is located roughly 400 feet east of S. Central Point Road, approximately 210 feet from the south boundary of the site, and substantially further from the east and north boundaries. The proposed building will be roughly 500 feet from the nearest residences. The applicant proposed to plant a hedge of eight-foot tall Leland Cypress trees on the south and west boundaries of the site and east of the parking area to screen the use from surrounding properties. (Exhibit 19, Attachments 2 and 9). The hearings officer finds that the size of the site (roughly 37 acres), the location of proposed events (primarily inside a building located some distance from adjacent properties), combined with proposed landscaping will inhibit sounds traveling to adjoining properties making it feasible to comply with applicable noise standards.

Stormwater

The proposed use will not increase the rate or volume of stormwater runoff onto adjacent properties. The applicants will be required to collect stormwater runoff from all new impervious areas on the site, treat it as necessary, and discharge it at a rate and location that is consistent with existing conditions. The County will review stormwater runoff through its development permit review process to ensure compliance with the Code.

Soil and water contamination

Compliance with the County's septic and stormwater regulations will ensure that the use will not result in soil or groundwater contamination. The County's Onsite Wastewater Program recently approved a Site Evaluation for a septic system to serve the proposed event facility. (Exhibit 19, Attachment 6). Determination of the size of the facility and number of fixtures needed to serve the proposed use is within the jurisdiction of the County sanitarian.

Traffic

The hearings officer finds that traffic generated by the proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties. As discussed above, adequate sight distance can be provided at the site access onto S. Central Point Road and traffic generated by the proposed use will not create a hazard. The proposed use will generate traffic immediately before and after events on the site. However, that additional traffic will not exceed the capacity of area roads or create or exacerbate existing hazards. In addition, most event traffic is likely to occur during off-peak hours, when background traffic volumes and congestion are lower and school buses are not operating.

Lighting

It is feasible to design and install outdoor lighting on the site to comply with ZDO 806.02(K) and ZDO 1005.04(A). The applicant proposed to aim all outdoor lighting downwards and install shields to prevent offsite glare. (Exhibit 19, Attachment 4). The applicant proposed to plant a landscaped hedge around the perimeter of the parking area to shield adjacent properties from the headlights of vehicles parking and maneuvering on the site. (Exhibit 19, Attachments 2 and 9).

Property values

Alleged property value impacts of the facility are not relevant to the applicable approval criteria. The Land Use Board of Appeals (“LUBA”) held that “[p]otential loss of property value does not affect the use of surrounding properties for residential and other primary uses within the meaning of ZDO 1203.01(D)...” *Tylka v. Clackamas County*, 34 Or LUBA 14 (1998). The hearings officer agrees with and adopts that conclusion.

This criterion is met as conditioned.

- E. **Section 1203.03(E):** *“The proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use.”*

Finding: The site is designated Agriculture on the Comprehensive Plan map. The Exclusive Farm Use (EFU) zoning district implements the goals and policies of the Agriculture plan designation. Chapter 4, Land Use: Agriculture Policies – 4.NN of the Comprehensive Plan is applicable. The goals include encouraging agricultural uses and agriculturally related industries (Policy 1.NN.2) and prohibiting land uses that conflict with agricultural uses (Policy 1.NN.3).

The applicant appears to be in the process of establishing a vineyard and associated wine tasting space, both of which are farm uses, on the site, having planted 11-acres of the 37-acre site in wine grapes with plans for additional plantings in the near future. Events will take place in the tasting room building proposed in the southwest corner of the site along with the proposed parking area. The existing residence, barns, and outbuildings are clustered in the northwest corner of the site, leaving the remainder of the site available for farming.

As discussed below, the proposed use will not conflict with farm operations in the surrounding area, based on the applicant’s farming analysis (Exhibit 19, Attachment 8).

This criterion is met as conditioned.

- F. **Section 1203.03(F):** *The proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the subject property is located, Section 800, and Section 1000.*

Sections: 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1015, and 1021 were reviewed.

1. Section 1002, Protection of natural Features:

Subsection 1002.03(B), Trees and wooded areas to be retained shall be protected during site preparation and construction according to County design and specifications by:

- a. *Avoiding disturbance of the roots by grading and filling activity;*
- b. *Providing for water and air filtration to the roots of trees which will be covered with impermeable surfaces;*
- c. *Pruning or topping of trees which will be in parking areas or near buildings, as necessary, to maintain proper balance between top growth and roots, reduce windfall potential, and provide adequate vision clearances for safe vehicular circulation; and*
- d. *Requiring, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection of specified wooded areas or specimen trees, as recommended by the arborist or horticulturist.*

Finding: There are trees around the existing residence and barns, located in the northwest corner of the site, and along the northern boundary of the site. However, no development is proposed in those areas.

These criteria are not applicable.

2. Section 1005.03, Site and Building Design:

Section 1005 of the ZDO sets forth the standards, requirements and considerations that pertain to additional techniques to meet sustainability goals.

Finding: Commercial development is subject to this section although its extent is limited in an EFU district. Regardless, the applicant's proposal as it relates to the construction of the new structure and the associated site design meets the applicable standards of this section.

a. Subsection 1005.04, Outdoor Lighting:

1. Subsection 1005.04(A), Outdoor lighting devices:

A. *Outdoor lighting devices:*

1. *Shall be architecturally integrated with the character of the associated structures, site design, and landscape.*
2. *Shall not direct light skyward.*
3. *Shall direct downward and shield light; or direct light specifically toward walls, landscape elements, or other similar features, so that light is directed within the boundaries of the subject property;*
4. *Shall be suitable for the use they serve (e.g. bollard lights along walkways, pole mounted lights for parking lots);*
5. *Shall be compatible with the scale and intensity of uses they are serving. The height of pole-mounted fixtures shall not exceed 25 feet or the height of the tallest structure onsite, whichever is less; and*
6. *At entrances, shall be glare-free. Entrance lighting may not exceed a height of 12 feet and must be directed downward.*

Finding: The applicant submitted examples of proposed outdoor lighting and states “Any lighting proposed with the events shall comply with Section 1005.04(A).”

The standards of Section 1005 can be satisfied as conditioned.

3. Section 1006, UTILITIES, STREET LIGHTS, WATER SUPPLY, SEWAGE DISPOSAL, SURFACE WATER MANAGEMENT, AND EROSION CONTROL:

Section 1006 of the ZDO sets forth the standards, requirements and considerations that pertain to utility lines and facilities.

1006.01A. The location, design, installation, and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site consistent with the rules and regulations of the surface water management regulatory authority

Finding: In this location the surface water management regulatory entity is the Clackamas County Transportation and Engineering Division. Staff for that division issued a preliminary statement of feasibility dated February 27, 2024, indicating that adequate surface water management is possible at this site. (Exhibit 2b at 2).

This criterion is met.

Subsection 1006.03 – Water Supply:

- E. The following standards apply outside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village:

1. *Applicants shall specify a lawful water source for the proposed development, such as a public or community water system, certificated water right, or exempt-use well.*

Finding: The site is not within the Portland Metropolitan Urban Growth Boundary and is served by an existing on-site well. The applicant indicates the existing well will not be used for the events; the applicant proposes to install a new exempt-use well to serve the facility. The applicant provided a letter from a certified water resources examiner (Exhibit 19, Attachment 5) stating that an exempt well can be approved to serve the proposed use and noting that other exempt wells have recently been approved in the area. The hearings officer finds that it is feasible to apply for approval of an exempt well for this use or provide an alternative water source for the use, such as a contract for water delivery.

This criterion is met as conditioned.

2. *If use of an exempt-use well is proposed, subdivisions—as well as the following types of development in a sensitive groundwater area: partitions, Type II replats, and industrial, commercial, or institutional development— must affirmatively demonstrate that:*
...

Finding: The applicant is not proposing a subdivision and the site is not within a groundwater limited area.

This criterion is inapplicable.

3. *Except for land divisions in which all proposed lots are already developed with the maximum number of dwelling units that would be allowable following the land division (excluding potential temporary dwellings for care), and except for industrial, commercial, and institutional development demonstrated to have no statistical increase in water usage, an applicant for any proposed development subject to Subsection 1006.03(E)(2)...*

Finding: The proposed development is not subject to Subsection 1006.03(E)(2).

This criterion is inapplicable.

Section 1006.04 Sanitary Sewer Service And 1006.05 Onsite Wastewater Treatment

All development proposing subsurface sewage disposal shall receive approval for the system from the Clackamas County Septic & Onsite Wastewater System Programs prior to submittal of a land use application to the County for development.

Finding: The subject property is not located in a public sanitary sewer district. The site is served by an existing on-site septic system and the applicant indicates it will not be used for the events. The applicant has received approval from the Clackamas County Soils department for a new septic system to serve the proposed use. (Exhibit 19, Attachment 6). The applicant will be required to meet all septic installation requirements as a condition of approval.

This criterion is met as conditioned.

Subsection 1006.06 - Surface Water Management Standards:

The following surface water management and erosion control standards apply:

- A. *Positive drainage and adequate conveyance of surface water shall be provided from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point.*
- B. *The requirements of the surface water management regulatory authority apply. If the County is the surface water management regulatory authority, the surface water management requirements of the Clackamas County Roadway Standards apply.*
- C. *Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.*
 - 1. *The surface water management regulatory authority may require a preliminary surface water management plan and report, natural resource assessment, and buffer analysis prior to signing the preliminary statement of feasibility.*

2. *The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.*

Finding: DTD Engineering is the surface water authority in the area and signed off on the Statement of Feasibility, indicating it is feasible to accommodate surface water runoff from the proposed development.

This criterion is met as conditioned.

4. Section 1007, Roads and Connectivity:
Subsection 1007.01 – General Provisions:

- A. *The location, alignment, design, grade, width, and capacity of all roads shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.*
- B. *Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, detached single-family dwellings, and commercial, industrial, and institutional uses, consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.*

Finding: Pursuant to ZDO Section 1007.07(B)(5), conditional uses to host events are exempt from concurrency requirements. The applicant cannot be required to dedicate additional right-of-way or construct frontage improvements on S. Central Point Road, as there is no evidence that the cost of such improvements would be roughly proportional to the impact of the proposed development.

- C. *New developments shall have access points connecting with existing roads.*

Finding: The proposed use will access an existing shared driveway on the south boundary of the site which connects to S. Central Point Road.

This criterion is met.

Subsection 1007.02 PUBLIC AND PRIVATE ROADWAYS

Finding: No new public or private roads are proposed with this development.

This criterion is inapplicable.

4. Section 1010 Standards, Signs:

Finding: The applicant states temporary signage for the use will meet this section.

The standards of Section 1010 are met as conditioned.

5. Section 1015, Parking and Loading

1015.01(B). Outside the UGB, areas used for parking, loading, and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage

Finding: ZDO Section 1015 requires adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the site. DTD Transportation and Engineering regulates surface water management as well as the Roadway Standards.

Parking requirements are as required through this Section, and modified through Section 806 of the ZDO. These are essentially dimensional standards, objective and able to be conditioned. That said, the minimum parking space requirement for the home occupation shall be in addition to the parking required for other permitted uses on the subject property. The minimum parking requirement shall be one space per three guests based on the maximum number of guests permitted for any single event; in this case with a maximum of 300 guests a minimum of 100-spaces shall be provided for guests. An additional space is required for each employee. No more than five employees are allowed as part of the Home Occupation to Host Events. Therefore, a minimum 105 parking spaces are required. The applicant is showing 128 parking spaces, exceeding the requirements of the Code.

Parking spaces shall meet minimum ZDO Section 1015 and Roadway Standards Drawing P100/P200 requirements. Parking spaces shall be adequately delineated. For paved surfaces, parking spaces shall be striped. For a gravel surface, tire stops or a similar physical feature shall be provided to delineate each gravel parking space. Mr. Smith testified that the portion of the shared driveway serving the site and all parking and maneuvering areas will be paved to control dust. A condition of approval is warranted to that effect.

The applicant shall provide a dimensioned site plan indicating each parking space and drive aisles.

This criterion is met as conditioned.

6. Section 1021 Standards, Refuse and Recycling Standards for Commercial, Industrial, and Multifamily Developments: outlines the standards for refuse and recycling for commercial developments. The following requirements and standards of Section 1021 are applicable to this proposal.

Finding: The applicant provided an email from Kahut Waste Services/Waste Connections, the solid waste management company for the area, stating that they can provide waste and recycling service to the site. (Exhibit 19, Attachment 7). The applicant proposed to enclose the waste collection area with a six-foot tall masonry wall or sight-obscuring fence. (Exhibit 19 at 2). The applicant should be required to obtain County approval of the trash enclosure.

This criterion is met as conditioned.

Summary: As conditioned, The applicant can comply with the applicable portions of ZDO Section 1000 a.

PART 3. OTHER DEVELOPMENT STANDARDS

1. **Other Applicable Sections of the ZDO:** Other applicable standards and Sections of the ZDO applicable to this application are addressed below.
 - A. Section 401– EFU, Exclusive Farm Use Zone. Table 407-1 lists “*Home Occupation to Host Events, subject to Section 806*”. The application is also subject to 401.05(A)(1). The applicant is proposing to host events on site.

The minimum yard depths in the EFU zone are a minimum of:

30 feet from the front property line

10 feet from the side property lines

30 feet from the rear property line for accessory structures

This criterion is met as shown.

B. 401.05 APPROVAL CRITERIA FOR SPECIFIC USES

The following criteria apply to some of the uses listed in Table 401-1, Permitted Uses in the EFU District. The applicability of a specific criterion to a listed use is established by Table 401-1.

A. General Criteria

1. Uses may be approved only where such uses:

- a. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- b. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use

Finding: The applicant submitted an analysis of existing and potential farm operations, identifying the type of farm and the generally accepted farming practices on properties around the site. (Exhibit 19, Attachment 7). Based on this analysis, the hearings officer finds that the use will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands.

This criterion is met.

C. Section 806, Home Occupations to Host Events

A home occupation to host events shall comply with the standards in this section. *These standards relate to dimensional and numeric limitations on use, and other specific issues.*

Applicable portions of Section 806:

- A. Operator: *The operator shall reside full-time in a lawfully established dwelling unit on the tract on which the home occupation is located.*

Finding: The subject contains a lawfully established dwelling. Applicant states they will be full-time residents in the dwelling.

This criterion is met as conditioned.

- B. Employees: *The home occupation shall have no more than five employees.*

ZDO 806.02(A) defines “Employee” as:

Any on-site person, whether they work full-time or part-time in the home occupation business, including, but not limited to, the operator, partners, assistants, and any other persons or family members participating in the operation of the business. Except in the EFU, TBR, and AG/F Districts, this definition does not apply to persons employed by contract to provide services for a single event, such as caterers, photographers, and florists.

Finding: The applicant proposed to limit the use to a maximum five employees. (Exhibit 19 at 2).

This criterion is met as conditioned.

- C. *Type of Buildings: [I]n the ...EFU...District, the home occupation shall be operated substantially in the operator's dwelling or other buildings normally associated with uses permitted in the applicable zoning district.*

Finding: Tax Lot 300 and 305 appear to be one legal lot of record and not separate legal lots despite being separate tax lots. This has implications for allowed accessory structures – which makes it acceptable to place an accessory structure on tax lot 305 because that is combined with tax lot 300 which has a primary established dwelling.

The applicant proposed to operate the event facility inside the proposed tasting room building. Customary and acceptable buildings allowed in the EFU zoning district typically include dwellings, shops, agricultural buildings and similar structures. It is reasonable to conclude that a tasting room associated with a vineyard is normally associated with permitted uses in the EFU district. State law has increasingly allowed for cider facilities, breweries, wine tasting, or a farming associated structure with farming products to be permitted on EFU land. The size and design of the tasting room building appear to be consistent with other wineries in the area.

This criterion is met.

- D. *Tents: Temporary tents are allowed as follows:*

...

Finding: No tents are proposed.

This criterion is inapplicable.

- E. *Impacts on Dwellings: In theEFU... District, the evaluation of compliance with Subsection 1203.03(D) shall include consideration of impacts on dwellings even though dwellings are not primary uses in these zoning districts.*

Finding: The site is within the EFU district. The evaluation of compliance with Subsection 1203.03(D) is provided earlier in this Final Order.

For the reasons provided above, this criterion is met.

This criterion is met.

- F. *Hours of Operation: During the months of November through March, no event shall take place outside the hours of 9:00 a.m. to 10:00 p.m. During the months of April through October, no event shall take place outside the hours of 8:00 a.m. to 10:00*

p.m. These time restrictions do not apply to persons involved in the set-up or clean-up of the facilities.

Finding: The application as proposed meets these limitations.

This criterion is met as conditioned.

- G. *Frequency of Events: A maximum of two events shall be allowed per day, and no more than one event shall occur at any one time. During the months of November through March, no more than five events shall be allowed per week. During the months of April through October, no more than seven events shall be allowed per week.*

Finding: Applicant proposes one event a day with a maximum of 300 guests and up to three events per week.

This criterion is met as conditioned.

- H. *Guests: The maximum number of guests for any single event is 300. However, to the extent necessary to comply with Subsection 1203.03, a lower limit may be imposed based on site capacity constraints.*

Finding: The applicant proposes to allow a maximum 300 guests per event and the applicant proposed a maximum 300 guests per event.

This criterion is met.

- I. *Lighting: All lighting used during events shall comply with Subsection 1005.04(A). All lighting used during events shall be arranged and shielded so as not to shine onto adjacent properties or rights-of-way.*

Finding: Lighting is addressed above.

This criterion is met as conditioned.

- J. *Noise: Noise shall be regulated as follows:*
1. *From 7:00 a.m. until 10:00 p.m. on Friday and Saturday and until 9:00 p.m. on all other days of the week, the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the average peak sound pressure level, when measured off the subject property, of noise created by the home*

occupation shall not exceed the greater of 50 dB(A) or the ambient noise level.

- a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 806.02(J)(1).*
- b. Subsection 806.02(J)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way*

Finding: The hearings officer finds that it is feasible to comply with this standard based on the applicant's noise study (Exhibit 19, Attachment 3).

This criterion is met as conditioned.

- K. Parking: The home occupation shall comply with Section 1015, Parking and Loading, except as modified by Subsection 806.02(K).*

- 1. On-street parking shall be prohibited on the day of an event.*

Finding: The applicant proposed to provide sufficient on-site parking to accommodate the largest events proposed (maximum 300 guests and five employees). There is no need for guests or employees to park on the street. A condition of approval is warranted to ensure compliance with this criterion.

This criterion is met as conditioned.

- 2. An alternative to the parking area surface required pursuant to Subsection 1015.01(B) may be approved based on the following criteria:*

Finding: The applicant proposed to pave all parking areas. No alternative to the parking area surface requirements is proposed.

This criterion is inapplicable.

- L. Portable Restrooms: Portable restroom facilities shall:*
...

Finding: No portable restrooms are proposed. As mentioned above, the applicant has preliminary approval for a new septic system to serve the proposed use under County File SE035224. The applicant will be required to install this system to county standards.

This criterion is met as conditioned.

- L. Signs: One temporary sign shall be allowed in addition to signs permitted pursuant to Section 1010. The sign shall not exceed eight square feet in area; shall be placed on private property on the day*

of the event; shall be removed no more than 24 hours after the event; and shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign.

Finding: The applicant states they will comply with these requirements.

As conditioned this criterion is met.

N. *Storage: Equipment, furniture, goods, and other amenities used for events shall be stored indoors on non-event days.*

Finding: The applicant states that all equipment and goods will be stored inside the building on non-event days.

This criterion can be met with a condition of approval.

O. *Appearance: On non-event days, the use shall not take an outward appearance nor manifest any characteristics of a business or operation of a service commercial nature, except for those characteristics normally associated with or allowed for a primary use in the subject zoning district, or, in the AG/F, EFU, and TBR Districts, for a use identified as “allowed” by Table 407-1, Permitted Uses in the AG/F District, 401-1, Permitted Uses in the EFU District, or 406-1, Permitted Uses in the TBR District, respectively.*

Finding: The site is located in the EFU district. The applicant states that they will comply with this criterion. The application materials provide evidence that there is adequate storage space within the proposed tasting room building that they will use to store event-related supplies (furniture, equipment, goods, etc.) which will eliminate any outward appearances of a business operation on site.

This criterion can be met with a condition of approval.

V. CONCLUSION

Based on the findings and discussion provided or incorporated herein, the hearings officer approves the application, Case No. Z0067-24 (Strava), subject to conditions of approval.

VI. DECISION

Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby approves Case No. Z0067-24 (Strava) subject to the following conditions:

I. General Conditions:

1. This land use permit is based on the submitted written narrative and plan(s) dated March 21, 2024, as modified by Exhibit 19. The application was deemed complete on August 19, 2024. The applicant submitted additional information including the narrative and site plan submitted on August 19, 2024 and December 12, 2024, and Exhibit 19. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitation of approval described herein.
2. The applicant is advised to take part in a Post Land Use Transition meeting. County staff would like to offer you an opportunity to meet and discuss this decision and the conditions of approval necessary to finalize the project. The purpose of the meeting is to ensure you understand all the conditions and to identify other permits necessary to complete the project. If you would like to take advantage of this meeting please contact Wendi Coryell at (503) 742-4710 or at wendicor@co.clackamas.or.us
3. **Prior to the issuance of building permits**, the applicant shall submit a statement of use to Wendi Coryell in the Clackamas County Engineering Division. Wendi may be contacted at 503-742-4657, or wendicor@co.clackamas.or.us The statement of use is used to calculate the Transportation System Development charge. A Transportation System Development Charge (TSDC) is included in the final calculation of the building permit fees for new instructional projects; this includes additions and tenant improvements that increase the number of daily trips to the site.
4. The conditional use approval is valid for four years from the date of the final written decision. If the County's final written decision is appealed and subsequently approved, the approval period shall commence on the date of the final appellate decision. During this four year period, the approval shall be implemented, or the approval will become void. "Implemented" means all major development permits shall be obtained and maintained for the approved conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, "implemented" means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A "major development permit" is:
 - a. A building permit for a new primary structure, or a change of use for the structure that was part of the conditional use approval; or
 - b. A permit issued by the County Engineering Division for parking lot or road improvements required by the conditional use approval.

5. This Conditional Use approval is granted subject to the above and below stated conditions. Failure to comply with any of the conditions of approval constitutes a violation of this permit and may be cause for revocation of this approval.

II. Planning and Zoning Conditions: Erik Forsell, eforsell@clackamas.us

1. Development of the subject property is subject to the provisions of ZDO Sec.1203 and those other relevant codes and ordinances adopted by the Board of County Commissioners pursuant to subsection 1001.03 of the ZDO, including, but not limited to, the County Roadway Standards, County Excavation and Grading Ordinance, and Oregon Structural Specialty Code, etc.
2. Any outdoor lighting [ZDO 1005.04(A) and (B)] and 806.03(I) shall be located and designed so that it does not shine onto adjacent properties, upwards or rights-of-way. The applicant will submit an outdoor lighting system design plan prior to installation of the outdoor lighting system for review and approval by Planning and Zoning Division.
3. All signs shall comply with ZDO Section 1010.07, 1010.11, and 1010.13. One temporary sign shall be allowed in addition to signs permitted pursuant to Section 1010. The sign shall not exceed eight square feet in area; shall be placed on private property on the day of the event; shall be removed no more than 24 hours after the event; and shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign.
4. An operations and management plan for the business shall be submitted to the County for review. The plan shall detail how the owner/operator plans to address noise, lighting, and traffic concerns. The document should describe how the business will operate, including typical hours of operation, a plan for parking management and traffic for maximum capacity events should be detailed. The plan shall include contact information for the operator so that disputes or concerns can be made directly to the owner.
5. A landscaping plan shall be submitted to address ZDO 1009 as applicable and include specific treatments designed to reduce sound and light trespass to adjoining neighbors consistent with Exhibit 19, Attachment 2.
6. The applicant shall record a deed restriction preventing the owner and successor's in interest for suing adjoining properties for acceptable farm and forest management operations as protected by Oregon Revised Statute.
7. The applicant shall provide a copy of the recorded private access easement providing access to the subject site. The easement shall affirmatively

demonstrate that access is allowed to Tax Lot 305 and if maintenance responsibilities are states how the applicant plans to address those.

8. **Prior to final occupancy permit issuance:** the applicant shall submit a plan showing satisfaction of requirements from Section 1021 of the Zoning and Development Ordinance, regarding trash/recycling. Applicant shall work with County's Sustainability and Solid Waste staff to finalize plans that comply with design standards and a copy of those plans shall be provided to the Planning and Zoning Division for the Z0367-23 file. Detailed information, including ZDO 1021, is available on the county web site www.co.clackamas.or.us under "Garbage & Recycling."
9. The operator of the home occupation, Christian Strava, shall be a resident of the property on which the home occupation is located.
10. The home occupation shall have no more than five full-time or part-time employees on site.
11. During the months of November through March, no event shall take place outside the hours of 9:00 a.m. to 10:00 p.m. During the months of April through October, no event shall take place outside the hours of 8:00 a.m. to 10:00 p.m. These time restrictions do not apply to persons involved in the set-up or clean-up of the facilities.
12. No more than seven events shall be allowed per week as proposed in the application.
13. A maximum of 365 events annually shall be allowed (based information submitted by applicant.)
14. The maximum number of guests shall not exceed 300.
15. **Prior to final occupancy permit issuance:** The applicant shall:
 - a. Obtain all County Health Department Licenses and comply with County Health Department regulations.
 - b. Obtain any applicable OLCC Licenses and comply with OLCC regulations.
 - c. Provide documentation from the Clackamas County Water Master that the exempt well can be used for the commercial purposes of hosting events pursuant to Subsection 1006.05. Alternatively, the applicant can provide evidence, such as a contract for an alternative water source.
 - d. Submit a plan showing satisfaction of requirements from Section 1021 of the Zoning and Development Ordinance, regarding trash/recycling. Applicant shall work with County's Sustainability and Solid Waste staff to

finalize plans that comply with design standards. Detailed information, including ZDO 1021, is available on the county web site www.co.clackamas.or.us under “Garbage & Recycling.”

- e. Install minimum eight-foot tall Leland Cypress hedge as shown in Exhibit 19, Attachment 2).
- f. Pave all vehicle parking and maneuvering areas, including the section of the shared driveway between the site access and S. Central Point Road.

III. Engineering Division Conditions: Ken Kent, (503) 742-4673
kenken@clackamas.us

The following items are project requirements from the Department of Transportation and Development’s Development Engineering Division. These conditions of approval are not intended to include every engineering requirement necessary for the successful completion of this project, but are provided to illustrate to the applicant specific details regarding the required improvements that may prove helpful in determining the cost and scope of the project. These conditions are based upon the requirements detailed in the County’s Comprehensive Plan (Comp Plan), the County’s Zoning and Development Ordinance (ZDO) and the County’s Site Development and Roadway Construction Standards (Roadway Standards). Additional requirements beyond those stated in the conditions of approval may be required. The applicant may discuss the requirements of the project with staff at any time.

The requirements specifically required by the Comp Plan and the ZDO cannot be modified by the Development Engineering Division. However, the requirements detailed in these conditions of approval, derived from the Roadway Standards, are based upon nationally accepted standards and engineering judgment and may be modified pursuant to Section 170 of the Roadway Standards. The applicant is required to provide sufficient justification to staff in the request. Staff shall determine if a modification is warranted.

Development Engineering recommended conditions of approval:

- 1. All frontage improvements in, or adjacent to Clackamas County right-of-way, and all on-site access improvements, shall be in compliance with *Clackamas County Roadway Standards*.
- 2. The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project. The required access and parking improvements shall be completed prior to initiation of event hosting.
- 3. The driveway approach on S Central Point Road serving the event site shall be paved to a minimum width of 20 feet and length of 20 feet, per Standard Drawing D500.

4. Minimum intersection sight distance of 610 feet shall be provided at the proposed driveway serving the event site on S Central Point Road. Intersection sight distance shall be measured 14.5 feet back from the edge of pavement at a height of 3.5 feet to an object height of 3.5 feet in the center of the oncoming travel lane.
5. The applicant shall provide adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the site, as follows:
 - a. Parking spaces and drive aisles shall meet that standards of *ZDO* Section 1015 and Roadway Standards Drawings P100/P200. Each parking space will be required to meet minimum width and length of 8.5 feet by 16 feet, with a 24 foot drive aisle width.
 - b. The main access road providing access the event facility site shall be paved and no less than 20 feet in width. Access drives and parking areas shall be constructed per Standard Drawing R100.
 - c. Parking spaces shall be adequately delineated with striping. The applicant shall provide a dimensioned site plan indicating each parking space and drive aisles.
 - d. Handicapped (ADA) parking spaces and adjacent accessible areas shall be paved with asphalt concrete or an equivalent approved by Clackamas County Engineering staff, as required by the Building Department.
 - e. Drainage facilities shall be designed and constructed in conformance with *Clackamas County Roadway Standards* Chapter 4, providing water quality treatment and conveyance to a suitable outfall.
6. Prior to the issuance of a building permit and/or site development, the applicant shall submit to Clackamas County Engineering Office:
 - a. Written approval from the Clackamas Fire District #1 for the planned access, circulation, fire lanes and water source supply. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
 - b. Written approval from the Clackamas County Engineering for surface water management facilities and erosion control measures.
 - c. A set of street and site improvement construction plans, in conformance with *Clackamas County Roadway Standards* Section 140, to Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.
 - i. The permit will be for driveway, drainage, parking and maneuvering areas, and other site improvements.
 - ii. The minimum fee deposit is required upon submission of plans for the Development Permit. The fee will be calculated based on 8.83% of the

public improvements and 5% of the onsite transportation improvements, according to the current fee schedule.

- iii. The applicant shall have an Engineer, registered in the state of Oregon, design and stamp construction plans for all required improvements, or provide alternative plans acceptable to the Engineering Division.

DATED this 13th day of May 2025.

A handwritten signature in dark ink, appearing to read 'Joe Turner', with a long horizontal flourish extending to the right.

Joe Turner, Esq., AICP
Clackamas County Land Use Hearings Officer

APPEAL RIGHTS

ZDO 1307.14(D)(6) provides that, with the exception of an application for an Interpretation, the Land Use Hearings Officer's decision constitutes the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules promulgated by LUBA prescribe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that any appeal to LUBA "shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final." This decision will be "final" for purposes of a LUBA appeal as of the date of mailing (which date appears on the last page herein).