

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

Regarding an application by Daniel Campean for approval of a conditional use permit to operate a home occupation to host weddings and events on an 80-acre parcel at 10510 SE Bull Run Road in Clackamas County, Oregon) **FINAL ORDER**
)
) **Case No. Z0324-25**
) **(Campean)**

I. SUMMARY

1. The applicant, Daniel Campean, requests approval of a Conditional Use Permit (“CUP”) to operate a home occupation to host weddings and other events on an 80-acre parcel located at 10510 SE Bull Run Road; also known as tax lot 100, Section 32, Township 1 South, Range 5 East, of the Willamette Meridian, in Clackamas County (the “site”).

a. The site and surrounding properties to the east, west, and south are zoned TBR (Timber). Properties to the north, across SE Bull Run Road, are zoned FF-10 (Farm Forest, ten-acre minimum lot size). The site is currently developed with an existing residence and detached garage, barn, detached restroom building, and several other accessory residential and agricultural buildings located in the northwest corner of the site, near SE Bull Run Road. Deer Creek located on the site to the south of these structure, bisects the site from east to west. Deer Creek is a Type F stream, for which ZDO 704.03(C) requires a 70-foot River and Stream Conservation Area (RSCA) buffer. The remainder of the site is currently used for agriculture and timber. There are three existing driveways providing access to the site from SE Bull Run Road.

b. The applicant proposes to conduct up to 24 events per year with a maximum 150 guests per event. The primary activities of all hosted events, including receptions, dining, music, dancing, and gathering, will take place in the existing barn that was built in the 1920s. A portion of the existing dwelling will also be used to support the event use for activities including wedding party getting ready areas, photography, and quiet family moments before or after the wedding ceremony. A grass and gravel parking area is proposed to include parking spaces for up to 55 vehicles. The applicant proposed to utilize the existing driveway near the center of the site for all event related access.

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 November 6, 2025 (the “Staff Report”). The applicant testified in support of the application. One person testified orally in support and four persons in opposition to the application. Other persons testified in writing, in support and in opposition. The principal contested issues in the case include the following:

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

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

i. The Bull Run Bridge that provides access to the site from the south is subject to access restrictions and periodic closures;

ii. Assertions that the existing barn cannot be converted to a non-farm use;

iii. The location of Deer Creek on the site; and

iv. The rural location of the site and proximity of surrounding residences;

v. The presence of wildlife in the area and the location of the site in the mapped deer and elk winter range;

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. Increased traffic and potentially intoxicated drivers on area roads;

iii. Increased fire hazard;

iv. On-site lighting;

v. Risk of trespass;

vi. Impacts to property values;

vii. Waste management; and

viii. Alleged prior violations.

e. Whether the proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use. (ZDO 1203.03(E));

f. Whether the use will force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands. (ZDO 406.05(A)(1)(a);

g. Whether the use will significantly increase fire hazards, fire suppression costs, or risks to fire suppression personnel (ZDO 406.05(A)(1)(b);

h. Whether the proposed use complies with applicable requirements of ZDO 806.02, specifically:

i. Whether the applicant, the operator of the proposed event facility, resides on the site. ZDO 806.01(A);

ii. Whether the applicant can operate the facility with no more than five employees. ZDO 806.01(B);

iii. Whether a decommissioned residence and the existing freestanding restroom are “buildings normally associated with uses permitted” in the TBR zoning district. ZDO 806.01(C);

iv. Whether the maximum capacity of the use can be limited in order to protect area residents ZDO 806.02(H);

v. Whether it is feasible to operate the facility in compliance with the lighting requirements of ZDO 806.02(I);

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

vii. Whether grass surfaced parking can be allowed on the site. ZDO 806.02(K)(2);

viii. Whether it is feasible to comply with the sign regulations of ZDO 1010 and 806.02(M); and

ix. Whether the County can ensure compliance with the conditions of approval.

3. Based on the findings and discussion provided or incorporated herein, the hearings officer finds that the applicant failed to bear the burden of proof that the proposed use can comply with the applicable approval criteria of the Clackamas County Zoning and Development Ordinance (the “ZDO”). Therefore, the hearings officer must deny the application, Case No. Z0324-25 (Campean).

II. HEARING AND RECORD HIGHLIGHTS

1. The Hearings Officer received testimony at a public hearing about this application on November 13, 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 31).

a. She noted that the roughly 80-acre site is zoned TBR. There is an existing residence, barn, and other accessory structures in the northeast portion of the site, near Bull Run Road. The applicant proposes to operate an event facility on the site utilizing the existing barn and residence. No new structures are proposed with this application. The applicant proposed to conduct a maximum 24 events per year for up to 150 guests per event. The applicant will provide a mix of grass and gravel surfaced parking with space for up to 55 vehicles. Deer Creek, located to the south of the existing barn, bisects the site from east to west. The Code requires a 70-foot riparian buffer for this stream. No development or other impacts are proposed within the stream buffer.

b. Neighboring residents raised concerns regarding whether the dwelling is occupied by the applicant; water resource protection; suitability of the use; wildlife; and safety of the road.

c. The County has approved a replacement dwelling on the site. The applicant intends to reside in the new residence and decommission the existing residential structure, retaining it for storage and other non-residential uses, including event related uses such as: wedding party getting ready areas, photography areas, and quiet family moments before or after the wedding ceremony.

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

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

(1) There are two ways to access the site, from the north through the unincorporated community of Corbett, or from the south through the City of Sandy. The southern route requires that drivers cross the Bull Run Bridge over the Bull Run River. The bridge is nearing the end of its useful life. The bridge is subject to a 12-ton weight limit, with an exception for emergency vehicles, and limited to a single lane, which requires drivers to wait for oncoming traffic to clear the bridge before proceeding.

(2) Neighbors testified that wildlife, including deer and elk, breed, mate, and graze in the area and on the site. This property is also within the deer and elk winter range below 3,000 feet in elevation, as identified on Comprehensive Plan Map III-2, Scenic and Distinctive Resource Areas. The event venue will generate more noise, light and traffic which may threaten the wildlife activity in the area.

ii. “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).

(1) No new structures are proposed with this application. Therefore, with the exception of increased vehicle parking during events, the proposed use will not alter the existing visual character of the area.

(2) “Noise from events on the site may impact surrounding properties and residents. The applicant provided a noise study asserting that event noise will not exceed the standards of the Code. However, event guests must enter and exit the building to access the restrooms which are located in a separate structure to the northeast of the barn. Noise escaping from the barn when the doors are open may exceed County standards.

(3) The applicant proposes to use existing lighting for the event venue, which he states is down-facing and compliant with night-sky regulations. However, there is no evidence in the record to support this assertion.

(4) There is insufficient evidence in the record regarding management of trash and recycling for the event facility.

(5) The applicant proposed to provide a mix of gravel and grass surfaced parking areas for event related traffic. However, the applicant’s parking plan does not clearly indicate which areas will be gravel vs. grass and whether the grass areas can accommodate parking in the wet winter months.

iii. “[T]he home occupation shall be operated substantially in the operator’s dwelling or other buildings normally associated with uses permitted in the applicable zoning district.” ZDO 806.02.(C). The application currently complies with this criterion. However, the applicant intends to construct a replacement dwelling on the site and use the existing residence as part of the proposed event facility. There is no evidence that decommissioned residential structures are buildings normally associated with uses permitted in the TBR zone.

e. 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). Conditional uses for home occupations to host events are exempt from the

concurrency requirements. County engineering staff determined that the safety of the transportation system is adequate to serve the use. The applicant proposed to use the existing driveway located near the center of the site's frontage on SE Bull Run Road for all event related access. Adequate sight distance can be provided at the intersection of this driveway with SE Bull Run Road by clearing vegetation along the site's frontage. The driveway is paved and 20 feet wide, which is sufficient to accommodate two-way traffic, allowing guests to enter and leave the facility at the same time. She requested the hearings officer add a condition of approval requiring that event related traffic utilize the center driveway.

f. The applicant will need to obtain approval from the County Building Code section to utilize the existing detached restroom building for events.

g. She noted that the applicant submitted additional evidence addressing the issues raised in the Staff Report. (Exhibit 24).

3. The applicant, Daniel Campean, summarized the proposal and responded to the Staff Report and neighbors' concerns.

a. Event related uses and activities will be limited to the developed area in the northeast corner of the site. This portion of the site is mostly flat and is located away from areas of the site that provide habitat for wildlife. The creek is more than 100 feet south of the barn. The remainder of the site is used for timber, roughly 40 acres, and livestock. He has only seen deer and coyotes on the site. He has never seen elk during the ten years he has owned the site.

b. He argued that the use can comply with the noise limits of the Code. He is an engineer with a masters degree and he conducted the noise study. As noted on page 2 of the sound study, the doors on the north and west walls and windows on the west and south walls of the barn were open during the sound analysis. There is a berm on the north and west sides of the outdoor "courtyard" area located to the west and south of the barn, which will limit noise from ceremonies and other activities occurring outdoors on the site. The noise study simulated noise levels of 75-80 dB in the courtyard and noise levels dropped below Code limits well before reaching the boundaries of the site. Any noise from people gathering on the balcony on the south end of the barn will be screened by the barn to the north and the large trees to the south. There is an existing approximately 12-foot tall evergreen hedge on the north boundary of the site, abutting SE Bull Run Road. He will trim the hedge as necessary to avoid impacts to the overhead powerlines. Traffic on the road also generates noise, which will limit noise impacts from events occurring near the road. Ambient noise levels are roughly 40 dB without traffic and rise to 70 dB when vehicles are traveling on the road.

c. He can create a gravel surfaced parking area for the first 26 parking spaces northwest of the barn and three of the parking spaces east of the restroom building. The ADA spaces will be paved. The remaining parking spaces will be grass. The first

50 feet of the middle driveway is currently paved and 20 to 35 feet wide to accommodate two-way traffic. The remainder of the driveway is gravel surfaced.

d. The County has approved construction of a new residence on the site. Once that residence is completed he intends to decommission the existing residence and convert it to non-residential uses as required by the County. He will use the existing residential structure as an office that will support his farming operation as well as the proposed event facility. Former residential structures are commonly used for storage, offices, and other non-residential purposes in this area.

e. He testified that DEQ inspected his property in response to neighbor's complaints and dropped all charges against him. The County approved the stream crossing he constructed.

f. He did not intend to operate a commercial event facility when he purchased the property. He held his son's wedding on the site as a private event, not a commercial use. The proposed facility will provide a maximum of 24 events per year, serving a maximum of 150 guests per event, however the actual operation will likely provide fewer smaller events. All events will be alcohol free.

g. He spent three years restoring the barn on the site. He hired an engineer to prepare the permits, which were all approved by the County.

4. Stuart Bennett testified in support of the application. He owns property located one parcel east of the site.

a. He argued that the proposed use will not impact wildlife. Camp Howard, a Christian camp located further east, operates a number of events and activities including cross-country events for local high schools, various types of retreats, etc. These activities currently generate noise, activity, and traffic in the area, yet deer and other wildlife continue to use that property. He has only seen elk twice during the 12 years he has lived in the area. He has seen elk in very populated areas elsewhere, including in Cannon Beach, which demonstrates they are not significantly impacted by human activity.

b. Traffic from Camp Howard currently uses the Bull Run Bridge without causing any issues.

c. The applicant has restored the site in keeping with the agricultural character of the area, renovating the barn and planting landscaping on the site.

5. Amy Cowles summarized her written testimony, Exhibit 30. She owns the property abutting the east boundary of the site.

a. She argued that the proposed use will have a significant impact on the character of the area, significantly increasing the number of people in what is

currently a very low density area, with an average of 22 people per square mile. This use will bring an additional 150 people and 55 cars to the site 24 weekends a year.

b. Traffic generated by this use will create a hazard. Roads in the area have blind corners, minimal width, and are frequently used by cyclists and horseback riders who must travel in the roadway due to the lack of shoulders. The Bull Run Bridge is restricted to a single traffic lane and is closed annually for inspections. It is also shut down periodically due to accidents or other issues. When the bridge is closed residents must undertake a 60 minute detour to reach their destinations. According to County engineers, the bridge will be deemed unsafe for use within the next five to ten years. Although the bridge is scheduled for replacement, no funding has been secured at this point. According to the County's website, emergency vehicles are permitted to cross the bridge, but large fire trucks are not. Additional traffic generated by this use will further reduce the remaining lifespan of the bridge. The use will also increase the need for emergency services, which will further impact the bridge.

c. The use will increase the fire risk in this forested rural area. In 2023 a fire in the Bull Run watershed burned 2,000 acres of forest.

d. The applicant has ignored applicable regulations in the past. DEQ fined the applicant for unpermitted grading within Deer Creek. He obtained permits to restore the barn on the site by stating that the building would not be used for commercial purposes. He told her he had no plans to conduct events on the site when he requested an easement on her property that would allow him to access the rear of the site.

e. The proposed use is inconsistent with the TBR zoning that applies to the site.

f. Noise and activity generated by large numbers of people on the site will displace wildlife. She sees wildlife in the area on a near daily basis. Noise levels between 40 and 60 dB causes avoidance behavior in wildlife. Noise will also impact her existing alpaca farm, as noise affects their health and behavior. Camp Howard operates on a secluded roughly 300 acre property at the end of a dead-end road. In addition, Camp Howard serves the general public.

6. Mark Pattee summarized his written testimony, Exhibit 33. He resides in the FF-10 zone west of the site where he raises chickens and turkeys for meat and eggs. He produces half of his families food on the site and sells eggs and meat. His neighbor to the west also raises poultry. Noise from events on the site will impact their flocks, reducing egg production and body growth. The site is located in a topographic bowl, so sound generated on the site will travel uphill and impact surrounding properties at higher elevations. The trees on the north boundary of the site are only eight feet tall and provide little noise mitigation. He questioned the accuracy of the applicant's sound study, as it was conducted with a low-cost sound meter that cannot detect "fast attack" and decay sounds, like bass rhythms. Traffic generated by the use will also generate increased noise in the area.

7. Bonnie Percy summarized her written testimony, Exhibit 20. She noted that the applicant's plans for the barn remodel were not prepared by an engineer and the structure was not approved for commercial use. The outdoor balcony deck on the barn was not included in the applicant's plans. She questioned whether such a deck is permitted and whether event guests will be allowed to use that area.

a. This area is primarily managed for forest resource protection, wildlife habitat, and fire risk reduction. The proposed event venue will increase traffic and wear on area roads that are only minimally maintained by the County, riddled with potholes, narrow and lacking fog lines.

b. The use will increase noise and light pollution in the area. The sheriff's office has frequently responded to noise complaints on the site

c. The applicants have been responsible for many past violations including illegal weddings in the barn, shooting after dark, failure to properly dispose of farm animals, and burning during fire restrictions. DEQ fined the applicant for clearing and grading within the on-site stream buffer.

d. The applicant previously claimed that the restroom building on the site was only for storage. The County's code enforcement hearings officer told the applicant that the detached restroom building was not allowed, as the site is not a campground. The County later approved the plumbing and electrical in the building in order to bring the property up to code. The restroom building was not approved for commercial use; the applicant told the County that the restrooms were only for use by family and friends.

e. She argued that the applicant's noise study is unrealistic and should be confirmed by a professional sound engineer. The applicant's readings overstate traffic noise.

f. The applicant's plans fail to show the entire site or structures on adjacent properties as required by the application submittal requirements. Her property abuts the west boundary of the site.

g. The applicant and his wife have never lived on the site as required by ZDO 806.02(A). They currently reside in the City of Portland.

h. 150 guests with only five employees will create a much higher risk of accidents. The five employee limit should include caterers, photographers, and other persons employed to conduct weddings and other events on the site.

i. She requested the hearings officer impose conditions of approval limiting the use to a maximum six events per year, one event per month. The surrounding

community does not benefit from the use, and should not be burdened, for the profit of a single land owner.

j. The applicant should be required to use at least two driveways for entry and exit in order to limit conflicts between entering and exiting vehicles.

k. The barn and deck should be reviewed by a structural engineer to ensure these structures can safely accommodate commercial use by the public. Fire alarms and emergency exits should be required.

8. Cindy Carlson summarized her written testimony, Exhibit 16. She testified that her home is located 307 feet north of the site, across SE Bull Run Road. Her driveway aligns with the applicant's center driveway, the proposed event access. She testified that the applicant does not live on the site. During the nine years the applicant has owned the site he has committed numerous violations and ignored the impacts of that his activities have on the neighborhood. Commercial uses should not be allowed in this area.

9. At the conclusion of the hearing the public hearing, the hearings officer held the record open for three weeks, subject to the following schedule:

a. For one week, until 4:00 p.m. on November 24, 2025, for all parties to submit additional testimony and evidence;

b. For a second week, until 4:00 p.m. on December 1, 2025, for all parties to respond to the whatever was submitted during the first weeks;¹ and

c. For a third week, until 4:00 p.m. on December 8, 2025, for the applicant to submit a final argument.

10. Exhibits 34 through 39 were submitted during the open record period.

III. DISCUSSION

Approval Criteria:

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 site is located.*

Finding: Section 406, Timber (TBR) : The site is zoned TBR. Section 406 of the ZDO controls land uses in the underlying TBR Zoning District. Table 406-1 lists the

¹ The second open record period was slightly more than seven days due to the Thanksgiving holiday.

conditional uses which are allowed including “*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.

Some neighbors argued that this type of event facility should not be allowed in the TBR zone, arguing that it conflicts with the purpose of the zone. However, Section 406 expressly allows such this type of use in the TBR zone, provided the use complies with all of applicable approval criteria. State law expressly authorizes the county to allow such uses in the TBR zone. *See* ORS 215.448. The decision to allow this type of use in the TBR 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.

This criterion is met.

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

Finding:

Size: The site is approximately 80 acres in size. The back (south) 30 acres is predominantly treed and the remaining acreage is a mix of farm land and additional trees. All existing structures, except for one hay building, are located in the northeastern corner of the property within 270 feet of SE Bull Run Road. 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.

Shape: The shape of the site is rectangular. This shape does not present any particular limitation to the proposed use of the site based on the submitted site plan.

Topography: The northern portion of the site where the majority of event related activities are proposed to occur is relatively flat and thus topography does not appear to be a limiting factor.

Location, area: The site is located on SE Bull Run road, a minor arterial. Traffic generated by the proposed use will increase wear and tear on the roadway. In addition, much of the trip related traffic will cross the Bull Run Bridge over the Sandy River, which is subject to weight limits and restricted to a single vehicle travel lane. The bridge is also subject to period closures for inspection and repair. However, there is no evidence that the additional traffic generated by the proposed use will impact the safety, or significantly reduce the remaining useful life, of the bridge or road.

1. Weddings and similar events generate a larger number of vehicles on days when an event occurs than are typically on the roadway. Public comments

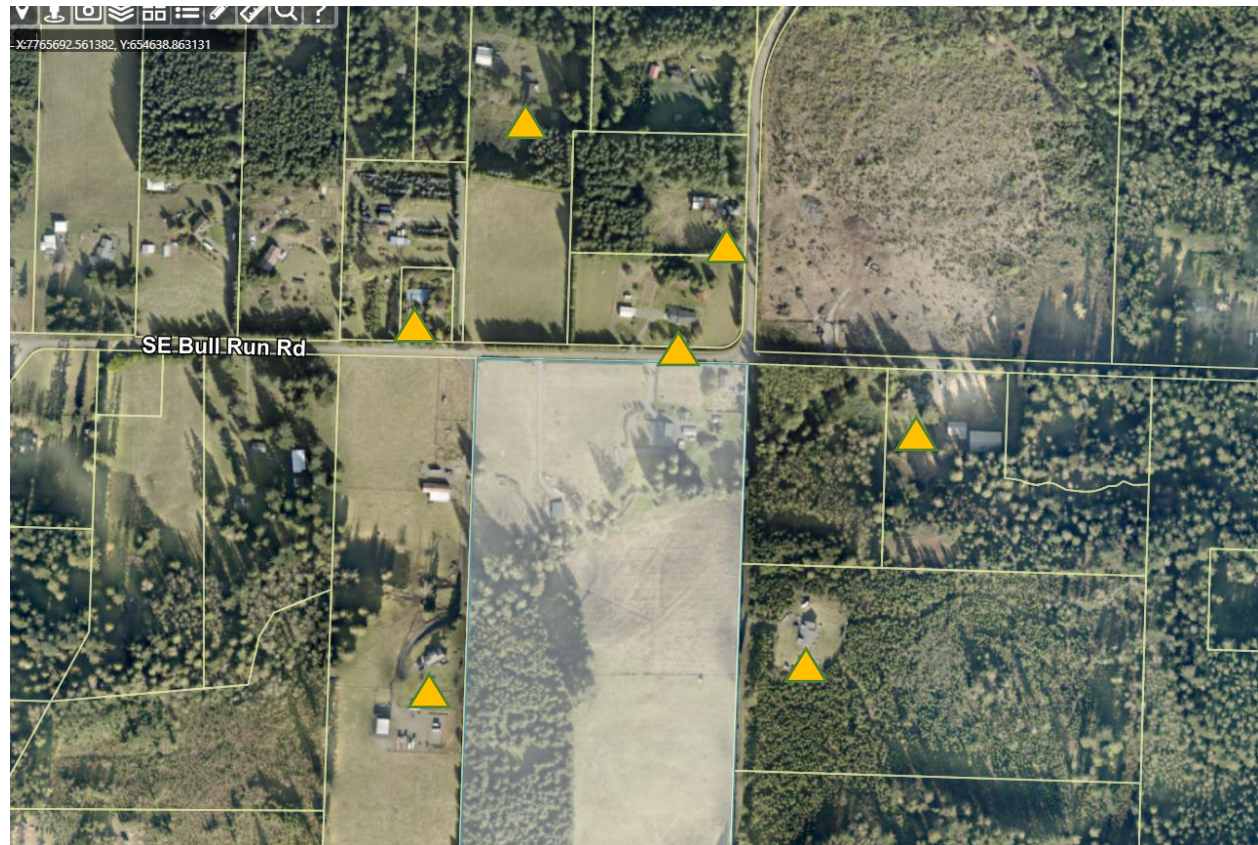
raise the concern about traffic getting backed-up on event days at the bridge, due to the single-lane configuration. Moreover, there is concern that event attendees who are unfamiliar with the roads will not safely navigate the single-lane configuration. However, as noted at the hearing, Camp Howard currently hosts cross country track meets and other events that are likely to generate similar traffic volumes, including drivers that are unfamiliar with area roads, including the bridge. However, there is no evidence in the record that traffic from such events created any hazards.

2. Although the proposed use will generate higher traffic volumes on event days, the use will not substantially increase the overall volume of traffic in the area. Based on the following calculation, event traffic over the course of the entire year will average 7.2 vehicle trips per day, less traffic than one single-family residence.
 - a. The applicant proposed to provide parking for 55 vehicles on the site. With each vehicle traveling to and from the site for an event, a single event will generate 110 vehicle trips (one inbound and one outbound). The applicant proposed to conduct a maximum 24 events per year. $110 \text{ trips per event} \times 24 \text{ events per year} = 2,640 \text{ event related trips per year}$, or 7.2 trips per day.² Based on the *Institute of Transportation Engineers Trip Generation Manual* (the “ITE Manual”), single family residences generate an average of ten vehicle trips per day, or 3,650 vehicle trips per year.
3. Presumably bridge closures for inspection and repair are scheduled and announced ahead of time, allowing the applicant to advise event participants of any closures that might impact travel to the site. In addition, event guests who are unfamiliar with the area are likely to utilize mapping apps that will send them to alternate routes in the event the bridge is closed.
4. There is no evidence that events on the site will generate a significant increase in emergency vehicle traffic.
5. The County’s Development Engineering division reviewed this proposal and determined that the bridge is expected to be able to accommodate the anticipated traffic volumes. (Exhibit 15a). Neighbors’ unsupported concerns are not sufficient to overcome the expert testimony of the County’s engineers.

Improvements and natural features: The site is currently developed with a single-family residence, a barn, and associated accessory structures.

² $2,640 \text{ trips per year} / 365 \text{ days per year} = 7.2 \text{ trips per day}$.

1. Several persons argued that the applicant is prohibited from converting the agricultural barn to another use, citing *Kupillas v. Clackamas County*, LUBA No 2024-015 (July 19, 2024) (*Kupillas I*). However, LUBA's decision in *Kupillas I* is inapplicable in this case, because there is no evidence that the existing barn on the site, constructed in the 1920s before building permits were required, was ever approved as an agricultural building pursuant to ORS 215.760. In addition, the Oregon Court of Appeals reversed LUBA's decision in *Kupillas I*, holding that ORS 215.760 exempts agricultural buildings from the building permit approval process but it does not preclude property owners from obtaining building permits to convert an approved agricultural building to another use. *Kupillas v. Sage and Social LLC*, 337 Or App 67, 77-78, 563 P3d 394 (2024), rev den, 373 Or 444 (2025) (*Kupillas II*).
2. Deer Creek crosses the site from east to west, south of the barn. The creek is identified on the applicant's submitted site plan which clearly demonstrates that no clearing or development will be occurring near the creek or within the 70-foot RSCA buffer. Event guests may choose to enter the RSCA in order to view the stream or for photos. However, the Code does not prohibit such impacts. The RSCA is not a "no touch" zone. It only prohibits development within the RSCA. The property does have some topography, but the northeastern portion of the property where the events will take place is relatively flat. Significant grading will not be required to accommodate the parking and drive aisles for the event venue.
3. The surrounding area is predominantly made up of rural residential properties. The nearest house to the event venue is directly across the street, 10331 SE Bull Run Road, and is approximately 180 feet away from the Farm House and 315 feet from the event barn. All other dwellings on the surrounding properties are roughly 500 feet or more from any building associated with the proposed events. The dwellings closest to the site are identified with an orange triangle on the map below. The hearings officer finds that the location of existing residences does not make the site unsuitable for the proposed use, given the distance between the event activities and adjacent homes and the applicant's noise study demonstrating that it is feasible to meet the noise limits of ZDO 806.02(J) at the boundaries of the site.



▲ DWELLING

Numerous public comments were received related to wildlife, including deer and elk, that breed, mate, and graze in the area and on the site. The site is also located within the mapped deer and elk winter range below 3,000 feet in elevation, as identified on Comprehensive Plan Map III-2, Scenic and Distinctive Resource Areas. The event venue will generate more noise, light and traffic in the area, which could impact wildlife. However, events will occur in and around the developed areas in the northeast portion of the property, leaving the majority of the site south of the creek undisturbed. Noise from events will largely be confined inside the barn and will not exceed 60 dB at the boundaries of the site. Therefore, it is unlikely to impact wildlife in the southern portion of the site or the surrounding area. Camp Howard, located east of the site, hosts similar events with large groups of people without significantly impacting wildlife. In addition, larger events on the site are likely to take place during the summer months, with fewer, smaller events likely during the winter when deer and elk are more likely to utilize this lower elevation winter range area. As discussed above, the proposed facility will not substantially increase traffic volumes on area roads or the risks to wildlife.

Summary: The hearings officer finds that the characteristics of the property are suitable to accommodate the proposed use.

This is met.

- 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 Shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses."*
- 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:*
- ...
5. *Home occupations to host events, which are approved pursuant to Section 806;*
- ...

2. Subsection 1007.02: Public and Private Roadways:

- ...
- 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 (adequate transportation capacity) requirements.

The hearings officer that the safety of the transportation system is adequate to serve the proposed use, based on the expert testimony of County engineering staff. (Exhibit

15). This use will increase the volume of traffic on roads in the area. However, as noted above, 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 central driveway and SE Bull Run Road. The applicant testified existing driveway has a 20-foot wide by 50-foot deep paved section, with the remainder gravel surfaced. (Exhibit 2 at 14). However, neighbors submitted photos that appear to show the actual pavement is narrower and does not meet the width requirements of the Code. (Exhibit 35a). The applicant will be required to demonstrate compliance with this requirement through the final engineering process. If necessary, the applicant can widen the driveway to comply with the Code and accommodate two-way traffic. The required 20-foot wide driveway width will allow two-way traffic during events, which will limit the potential for traffic backups on Bull Run Road, while drivers wait to enter the site.

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.

Opponents testified about careless driving and speeding traffic on area roads under existing conditions. Roads in the area are narrow, steep, and windy. But those conditions are obvious and reasonably prudent drivers will observe the posted speed limit and other applicable traffic regulations. Unfortunately, not all drivers are prudent. However, there is no evidence that the development proposed in this application will contribute a disproportionate share of imprudent drivers.

The applicant 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 applicant 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 use.

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:

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 and dwellings. (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>.

Location

The site is in the Timber (TBR) zoning district and is surrounded by other properties in TBR and Farm Forest 10-Acre (FF-10) districts. Permitted uses of the TBR and FF-10 districts are included in ZDO Section 406 and 316, respectively. Dwellings are not a primary use allowed in the TBR zoning district. However, pursuant to ZDO 806.02(E), this analysis must also consider impacts on dwellings even though dwellings are not primary uses in the TBR zone. Both the applicant and various public comments submitted to the record describe the area as being rural, scenic, and agricultural. In addition, neighbors describe it as quiet and rich in wildlife.

The proposed wedding venue will take place in existing buildings on the site. No new buildings are proposed, so the visual character of the area will remain predominantly the same. The applicant will provide parking for 55 vehicles on the site, which will be at least partially visible from offsite. There are no existing dwellings or other structures directly across SE Bull Run Road from the proposed western parking area that may be impacted by headlights. The eastern parking area is setback a considerable distance from the road. All parking and activity areas on the site are screened by existing landscaping on the north boundary. Only 24 events are being requested, per year, so the parking lot will be used relatively infrequently. Due to the size of the property, the location of the event venue within the property, the use of existing buildings, and the existing vegetation, the hearings officer finds that the location of the event venue will not substantially limit, impair or precludes the use of surrounding properties.

Noise

The hearings officer finds that noise in compliance with adopted standards for this 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 dB(A) measured off the site, ZDO 806.02.J. Although

noise in compliance with this standard may be detectable on adjacent properties, it 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 applicant's noise analysis (Exhibit 2 at 26) and the findings below. The proposed events will take place primarily within the existing barn, which, according to the applicant, is located roughly 200 feet south of SE Bull Run Road, approximately 250 feet from the east boundary of the site, and 600 feet or more from the west and south boundaries. (Exhibit 2 at 29). According to staff, the nearest residences are located more than 300 feet from the barn. (Exhibit 1 at 7). The hearings officer finds that the size of the site (roughly 80 acres) and the location of proposed events (primarily inside a building located some distance from adjacent properties) will inhibit sounds traveling to adjoining properties making it feasible to comply with applicable noise standards.

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 SE Bull Run Road and traffic generated by the proposed use will not create a hazard. 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.

Fire Hazard

The hearings officer finds that events on the site will not substantially increase the risk of fire in the area. Most activities will take place within the barn and outdoor patio, or in the parking lot. Neighbors argued that vehicles parked on the site and guests smoking may ignite a fire. However, there is no evidence that this use poses a greater risk of fire than any other use in the area, including vehicles and equipment used by in timber management and agricultural operations and passenger vehicles operated by area residents. Smoking may increase the risk of fire due to the potential for improperly discarded cigarettes and matches. However, this risk already exists, as residents of this site and surrounding properties may choose to smoke. Although the proposed use will increase the number of potential smokers it will not otherwise substantially increase the risk of fire. In addition, it is in the applicant's best interest to prohibit smoking outside of designated areas on the site in order to prevent damage to the site. A condition of approval would be warranted prohibiting the use of fireworks, torches, lanterns, and other sources of open flame if this application is approved.

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 2 at 13).

Trespass

The proposed facility will attract additional people to the area, which will increase the risk of trespass and similar impacts. However, there is no evidence that this will substantially impact the area. Existing perimeter landscaping clearly identify the boundaries of the site and limits guests ability to access adjacent properties. The owners of abutting properties have adequate legal (civil) recourse to address any trespass problems that may arise. The fact that event guests on the site may look into adjacent properties will not preclude the use of those properties for residential or other primary uses.

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.

Waste Management

As noted in the Staff Report, “Trash and recycling produced by the event venue could have a significant impact on the surrounding properties if not handled appropriately.” (Exhibit 1 at 11). The applicant states that waste management will be handled by a licensed franchisee and guests will be required to follow site-specific protocols, although the referenced protocols were not submitted with the land use application. The applicant also states that no on-site cooking will occur, and all food service will be handled externally. With adequate waste hauling service and screening of the trash/recycling receptacles the impact that solid waste will have on the surrounding properties would not be significant. The applicant can be required to provide a site specific plan showing the size, location, and screening of waste collection and storage areas on the site.

Prior violations

Allegations of past violations by the applicant (conducting unpermitted events, racing vehicles on Bull Run Road, firing guns on the site, grading and remodeling without permits, etc.) are not relevant to the applicable approval criteria for this application. The applicant’s past behavior does not show that he cannot or will not operate the use in a manner that complies with the ZDO. If the applicant sustains the burden of proof that the application complies with the approval standards, or if it can comply provided certain conditions are imposed, the hearings officer must as a matter of law approve the application subject to those conditions, ORS 197.522(4).

If the application is approved, the hearings officer would impose conditions of approval requiring ongoing compliance with all applicable approval criteria. It would be in the applicant’s best interest to comply with those conditions, as failure to do so can be a basis for enforcement, including modification or revocation of the CUP. The County will monitor and enforce the permit. The County’s Community Environment

Section exists for the purpose of identifying, responding to, and remedying alleged violations of County land use decisions and codes. Neighboring residents can assist in the enforcement process by reporting any violations they observe. If the applicant fails to comply with the conditions of approval, i.e., by exceeding the hours of operation, guest limits, maximum noise levels, or otherwise expanding or changing the use, the planning director may initiate proceedings to revoke the permit. But the hearings officer cannot assume that the applicant will not comply and deny the application on that basis.

The fact that neighbors can assist in monitoring the use does not shift the responsibility to them to do so. The County continues to bear the responsibility for enforcing its laws. However neighbors may be in a better position to monitor the use on a continuing basis because of their proximity, and it may be in their interests to do so given the complaint-driven nature of the enforcement process.

This criterion can be met with conditions.

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

Finding: Finding: The applicant specifically addresses the Comprehensive Plan, in their submitted narrative. (Exhibit 2 at 9). The subject property is designated Forest on the Comprehensive Plan map. The Timber (TBR) zoning district implements the goals and policies of the Agriculture plan designation.

Chapter 4, Land Use: Forest Policies – 4.OO of the Comprehensive Plan is applicable. The goals include preserving forest use of agricultural lands and maintaining agricultural economies and land.

Chapter 5, Transportation – Access Standard Policies: 5.Q.5. access management standards onto public roads are adopted.

The subject property is 80 acres in size and is developed with a lawfully established dwelling and accessory structures. The property is currently in farm and forest use. The applicant does not propose to construct any new buildings to support the event venue, thereby retaining lands that could support agricultural or forestry uses. The event parking lot will be located near the street and within close proximity to the structures to be used for the events. By clustering these event-related structures and facilities, the applicant has maximized the use of the site and minimized the amount of disturbance.

Opponents argued that event facilities in general conflict with the comprehensive plan, specifically policies 4.OO.3 (Prohibit land uses that conflict with forest uses) and 4.OO.5 (Prohibit commercial and industrial development in Forest areas). However, as discussed above, the zoning code and state law expressly allow event facilities in in the TBR zone as a home occupation, subject to limitations listed in

ORS 215.448(1)(a)-(c) and ZDO 806.02. Therefore, the hearings officer finds that the Board conclusively determined that this type of facility is consistent with the comprehensive plan.

This criterion can be met with a condition.

- 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 site is located, Section 800, and Section 1000.*

Not all subsections in ZDO Section 1000 are applicable. Below is an evaluation of the criteria that are applicable to the proposed conditional use.

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:

...

Finding: No tree removal is proposed with this application. All event related activities will take place in and around the existing developed areas in the northeast corner of the site. New development is limited to the creation of gravel and grass surfaced parking in areas of the site where there are no trees.

These criteria are not applicable.

2. Section 1002.04 River and Stream Corridors

The following standards shall apply to land that is outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary

- A. *Developments shall be planned, designed, constructed, and maintained so that:*
1. *River and stream corridors are preserved to the maximum extent feasible and water quality is protected through adequate drainage and erosion control practices; and*
 2. *Buffers or filter strips of natural vegetation are retained along all river and stream banks.*

Finding: As noted above, new development is limited to the creation of gravel and grass surfaced parking in the northern portion of the site. No new development is proposed between the existing barn and Deer Creek.

- B. *Except in the case of a river or stream subject to Section 704, River and Stream Conservation Area, or 705, Willamette River Greenway...*

Finding: Deer Creek is a Type F stream subject to the setback requirements of *Section 704, River and Stream Conservation Area*. Therefore, this criterion is inapplicable. ZDO 704 is addressed below.

These criteria are met, to the extent applicable.

3. Section 1002.05 Deer and Elk Winter Range
Development in deer and elk winter range below 3,000 feet in elevation, as identified on Comprehensive Plan Map III-2, Scenic and Distinctive Resource Areas, shall be designed to minimize adverse wildlife impacts.

Finding: As noted above, new development is limited to the creation of gravel and grass surfaced parking in the northern portion of the site, near SE Bull Run Road and near the previously developed areas of the site. Event related activities will be concentrated in the previously cleared and developed areas in the northeast corner of the site. The remainder of the site will remain undeveloped and available for wildlife use.

This criterion is met.

4. Section 1005.04 Outdoor Lighting
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 proposes to use existing lighting for the event venue. He states that the lighting is down-facing and compliant with night-sky regulations,

which suggests that subsection standards 1005.04(A)(2)³ and 1005.04(A)(3)⁴ are being met. Outdoor lighting must be suitable for the uses they serve (e.g. bollard lighting for walkways or pole-mounted lighting for parking lots) and must be compatible with the scale and intensity of uses they are serving. The property is in a rural setting, and the applicant is seeking to have events no more than 24 times per year; therefore, the lighting should be low intensity and should not spill onto adjacent properties. At entrances, outdoor lighting shall be glare-free. Entrance lighting may not exceed a height of 12 feet and must be directed downward (ref. subsection 1005.04(A)(6)).

As noted in the Staff Report, the objective lighting criteria can be addressed with a condition of approval (i.e. 12-foot mounting height, and shielded lights to not direct light upwards). However, determining the “suitability” and “compatibility” of the outdoor lighting is subjective and should be reviewed during this land use application process. Although this issue was clearly raised in the Staff Report, the applicant did not submit any specific information about the existing lighting to the record for review; there are no plans or photos showing the location, design, scale, and intensity of the existing lighting on the site. Therefore, the hearings officer cannot determine whether the existing lighting is suitable for and compatible with the scale and intensity of the proposed use.

This criterion is not met.

5. Section 1006.03(E) 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 applicant provided a copy of an email exchange between himself and Amy Landvoigt of the Oregon Water Resources Department, District 20 Water Master, who confirmed that the applicant can use the exempt well on site for the event venue. The domestic well can be used “for up to 5,000 gallons per day of a non-irrigation commercial use” (Exhibit 2 at 25).

This criterion is met.

5. Section 1006.05 Onsite Wastewater Treatment.

³ 1005.04(A)(2) state that outdoor lighting devices “Shall not direct light skyward.”

⁴ 1005.04(A)(3) state that outdoor lighting devices “Shall direct downward...”

- A. *All development proposing onsite wastewater treatment shall receive approval for the system from the County prior to submittal of a land use application for development. Said systems shall be installed pursuant to Oregon Revised Statutes 454.605 through 454.745 and Chapters 171, 523, and 828; Oregon Administrative Rules Chapter 340, Divisions 71 and 73; and the policies of the County.*

Finding: The subject property is not located in a public sanitary sewer district. Sewage disposal for the existing development on site is accommodated by an on-site septic system. The applicant proposes that the events will take place within the barn and dwelling. Planning staff communicated with the County Onsite Wastewater (septic) program and they stated that the current system is not suitable for the event venue use, but that it was very feasible. (Exhibit 2 at 18). This criterion can be met with a condition of approval requiring the applicant to obtain the either a Site Evaluation or Authorization Notice from the County's Onsite Wastewater (septic) division and all associated permits.

This criterion can be met with conditions.

6. Section 1006.06 Surface Water Management and Erosion Control.
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 storm water management plan, storm drainage 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: Clackamas County is the surface water management authority for the area including the subject site. The applicant has submitted a Preliminary Statement of Feasibility signed by Development Engineering indicating that adequate surface water management, treatment, and conveyance is available to service the development or can be made available through improvements completed by the development or the system owner. (Exhibit 2 at 17).

This criterion can be met with conditions.

7. Section 1007 Roads and Connectivity.

1007.01 General Requirements

- A. *The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and 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, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.*

Section 1007.02 Roads and Connectivity.

...

- D. *Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards.*

Section 1007.07 Transportation Facilities Concurrency.

- A. *Subsection 1007.07 Shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses."*
- 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:

...

5. *Home occupations to host events, which are approved pursuant to Section 806;*

...

Finding: As noted above, the proposed use is exempt from concurrency requirements pursuant to ZDO 1007.07(B)(5). The Clackamas County Development Engineering division reviewed the application materials and provided the following comments:

Based on vehicular trips to the project site as well as on-site parking and circulation, engineering staff finds that the application is subject to the provisions of ZDO Section 1007 pertaining to roads and connectivity, ZDO Section 1015 pertaining to parking and loading, and Chapter 4 of the Roadway Standards pertaining to surface water management. As specified under ZDO Section 1007, development applications are required to provide adequate access to current county standards, which may include right-of-way dedication, frontage improvements, on-site access and parking.

SE Bull Run Rd is classified as a minor arterial roadway. It is recognized that events, such as weddings, generate a larger number of vehicles on days when an event occurs than are typically on the roadway. However, when considering the average number of vehicle trips over the course of the entire year, the annual number of vehicle trips would be equivalent to vehicle trips associated with approximately one to two single-family homes. Based on the limited number of annual trips generated by the event use, the existing right-of-way and roadway are adequate to support the proposed event use.

Access to the proposed event site is taken directly from SE Bull Run Rd by an existing driveway that was recently upgraded and paved with permit number EP011525. If not already completed, the driveway approach on SE Bull Run Road serving the event site shall be paved to a minimum width of 20 feet and length of 20 feet, per Standard Drawing D500. The location and number of driveways is limited on arterial roadways, per Roadway Standards Section 220.4(a). The existing driveway access for the proposed Conditional Use is slightly off-set from an existing driveway on the north side of SE Bull Run Road. County Engineering has reviewed the alignment and determined that based on low vehicle trips from a residential driveway, and it being offset in a direction that reduces left turn conflicts into each driveway, the proposed access location is adequate.

The existing driveway serving the site will be required to provide minimum intersection sight distance, per Section 240 of the Clackamas County Roadway Standards. The access driveway serving the event site shall meet minimum intersection sight distance standards. Sight distance shall be measured at the center of the driveway, at a point 14.5 feet back from the edge of pavement/fog line, to a point in the oncoming travel lane at a height of 3.5 feet.

The existing driveway serving the site will be required to provide minimum intersection sight distance, per Section 240 of the Clackamas County Roadway Standards. SE Bull Run Road does not have a posted speed and is subject to the “basic rule” speed of 55 MPH. Intersection sight distance to the west based on 55 MPH requires 610 feet of visibility. With vegetation clearing adjacent to the driveway, minimum sight distance can be met to the west. There is an existing horizontal curve in SE Bull Rd approximately 300-feet east of the exiting access to the proposed facility with a posted advisory curve speed of 15 MPH. Based on a speed 10 MPH over the advisory curve speed, per Roadway Standards Section 250.1.2(c)(4), a minimum of 280-feet of sight distance is required to the east. With vegetation clearing adjacent to the driveway, minimum sight distance can be met to the east.

(Exhibit 15)

These criteria can be met with conditions.

8. Section 1010 Signs.

...

1010.07 Signs in Natural Resource Districts.

A. *Commercial signs:*

1. *Shall not exceed 32 square feet. Signs may be two sided.*
2. *Freestanding commercial signs:*
 - a. *Maximum top-of-sign height: Eight feet above finished ground elevation (not including berms or mounds specifically created for the sign).*
 - b. *Maximum number: The maximum number of signs shall be four.*
 - c. *Setback: Behind front property line.*
 - d. *May include portable signs when anchored in accordance with Subsection 1010.13(A)(5).*
 - e. *May be illuminated by internal or external lighting, subject to Subsection 1010.02(I).*
3. *Building commercial signs:*
 - a. *Maximum number: One*

- b. May be illuminated by internal or external lighting, subject to Subsection 1010.02(I).*

Finding: The site is located in the Timber zoning district, which is a natural resource district regulated by Section 400 of the ZDO. As such, Subsection 1010.07 applies. The applicant proposes “Two permanent entry signs (2’ x 4’ each) on posts in compliance with size, height, and location standards” and “One temporary, removable sign on the day of an event, ≤8 sq ft, removed within 24 hours. All signage remains on private property and is securely installed to prevent movement or wind displacement.” (Exhibit 24 at 3). The applicant did not specify the height of the proposed signs, but the maximum height allowed is eight feet above finished ground elevation (not including berms or mounds specifically created for the sign) and so this standard can be met with a condition of approval, if the application is approved.

These criteria can be met with conditions.

9. Section 1015 Parking and Loading.

Outside the Urban Growth Boundary (UGB), areas used for parking, loading, and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage [1015.01(B)]. However, Subsection 806.02(K) allows for an alternative parking area surface. Off-street parking areas are governed by Subsection 1015.02(A) and minimum automobile parking space requirements for a Home Occupation to Host Events is provided in Table 1015-1: 1 space per 3 guests based on the maximum number of guests permitted for any single event. An additional space shall be provided for each employee.

Finding: A minimum of one vehicle parking space is required for every three guests, and one additional space is required per employee. The applicant is requesting approval for events up to 150 guests and will have up to five employees on site at any given time. Therefore, a minimum of 55 parking spaces are required. The applicant is proposing to provide 55 parking spaces, which meets the minimum parking standard.

Each parking space is required to be at least 8.5 feet by 16 feet in size. For 90-degree parking stalls, a minimum of 24 feet is required for backing/maneuvering distance. Based on the preliminary site plan, it appears that adequate circulation and parking can be provided on site.

ZDO 1015.01(B) requires that areas used for parking, loading, and maneuvering of vehicles on lands outside the UGB be surfaced with screened gravel or better, and provide suitable drainage; however, Subsection 806.02(K) allows for an alternative parking area surface, subject to the standards of that section. The applicant proposed an alternative surface (grass) for a portion of the parking spaces. The proposed parking plan does not clearly indicate which part of the parking area will be grass and which will be gravel. But the applicant testified at the hearing that two of the 55

parking spaces will be concrete to comply with the Americans with Disabilities Act (ADA) and 29 remaining parking spaces will be gravel surfaced. The applicant remaining 24 parking spaces will be grass surfaced. Grasses may be appropriate surfacing for a parking lot when we consider seasonality, duration, and intensity of the proposed use. The frequency and size of events (i.e. 24 events per year with up to 150 people per event) suggests that the use is relatively low intensity. Based on the intensity of the use, grass is appropriate during dry weather months. The application suggests that the events will be seasonal, however the applicant did not make a specific request to be authorized to operate fewer events, requiring fewer parking spaces, in the winter versus the summer. Additional information from the applicant regarding the “seasonal” events would be necessary to determine if grass surfaced parking is suitable for this proposal.

These criteria can be met with conditions.

10. Section 1021 Solid Waste and Recyclable Material Collection.

This section requires the applicant to provide solid waste and recycling containers of sufficient size to accommodate the volume of waste and recyclables generated by the use, that such containers be located on a concrete pad in an area accessible by the local collection service franchisee and meet certain design requirements.

Finding: No specific size, location, or design for solid waste and recycling collection facilities were proposed with the application. However, there is adequate area on the site to provide solid waste and recycling facilities consistent with the Code.

This criterion can be met with a condition.

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

PART 3. OTHER DEVELOPMENT STANDARDS

Other Applicable Sections of the ZDO: Other applicable standards and Sections of the ZDO applicable to this application are addressed below.

1. ZDO Section 406 Timber district (TBR)
 - a. 406.04 Uses Permitted. Table 406-1 lists “*Home Occupation to Host Events, subject to Section 806*”.

Finding: As established in Table 406-1, a Home Occupation to Host Events is a Conditional Use and is subject to Subsection 406.05(A)(1), (2), (5) & (E)(1). The applicant has submitted a complete application for a Conditional Use permit

This criterion is met.

b. 406.05(A)(1): *The use may be allowed provided that:*

(a) *The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;*

Finding: This section implements ORS 215.296(1). The applicant bears the burden of proving that this standards has been met. *Guay et al v. Clackamas County*, LUBA No 2024-050 (December 12, 2024), citing *Stop the Dump Coalition v. Yamhill County*, 364 Or 432, 458, 435 P3d 698 (2019). The applicant must identify "the surrounding lands, the farms on those lands, the accepted farm practices on each farm, and the impacts of the proposed nonfarm use on each farm practice[.]" *Stop the Dump*, 364 Or at 444.

Neighboring residents raised a number of ways the proposed use may impact farm and forest operations on surrounding properties, some of which are occurring on forest lands. However, the applicant did not address this criteria beyond stating that "Event operations are limited, seasonal, and do not interfere with continuing agricultural or forestry activities." (Exhibit 39 at 3). The applicant provided no evidence identifying surrounding farm and forest lands and practices nor how the proposed use may impact the identified farm and forest practices. The impacts on farming and forestry practices have not been addressed.

This criterion is not met.

(b) *The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*

The property is served by Sandy Fire District #72. This land use application was sent to Clackamas Fire District #1 because they are the point of contact for Sandy Fire. Mike Boumann of the Clackamas Fire District approved the applicant's fire access plan. However, at the time this report was written, Clackamas Fire has not provided comments in response to the proposal. The applicant states that "The property follows established fire-wise practices consistent with TBR management expectations." (Exhibit 39 at 3). But he failed to identify what those practices are and how they would be enforced to ensure that event activities, including actions by event guests, will not significantly increase fire hazards or fire suppression costs.

This criterion is not met.

c. 406.05(A)(2): *A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the land owner that recognizes the rights of the adjacent*

and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and Rules.

Finding: This standard can be met with a condition of approval if the application is approved. The county will provide the applicant with a copy of the document that must be signed if the land use application is approved.

This criterion can be met with a condition.

- d. 406.05(A)(5): *If road access to the use is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management (BLM), or the United States Forest Service (USFS), then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*

Finding: The property is accessed by Bull Run Road, a county-owned public arterial road.

This standard is not applicable.

- e. 406.05(E)(1): *The home occupation shall not unreasonably interfere with other uses permitted in the zoning district in which the subject property is located and shall not be used as justification for a zone change.*

Finding: The property is in the Timber zoning district. There are no zone change applications in review at this time that are using the home occupation as a justification for a zone change. Future zone change applications must consider this standard, but this is not applicable to the subject application.

This criterion, “[n]ot unreasonably interfere with other uses permitted in the zoning district...” provides a different standard than 406.05(A)(1) “[n]ot force a significant change in, or significantly increase the cost of, accepted farming or forest practices...” Whereas ZDO 406.05(E)(1) is limited to permitted uses, which are listed in the Code, ZDO 406.05(A)(1) requires that applicants submit evidence about existing farm and forest operations on surrounding lands. The applicant did not specifically address how the proposal will not unreasonably interfere with other uses permitted in the TBR zoning district; however, some of the information submitted in the project narrative can be used to address this criteria. The proposed venue is not expected to interfere with farming, forestry or other uses permitted in the TBR zoning district in an unreasonable way. Additionally, if approved, a condition of approval would be imposed to ensure that the applicant that recognizes the rights of the

adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and Rules.

This criterion can be met with a condition.

- f. 406.07 Dimensional Standards: New structures, including temporary structures, are subject to the following setback standards:

Minimum Front Setback: 30 feet.

Minimum Side Setback: 10 feet.

Minimum Rear Setback: 30 feet; however, accessory buildings shall have a minimum rear yard setback of 10 feet.

Finding: The applicant does not propose to construct any new buildings or utilize tents or other temporary structures. (Exhibit 2 at 3 and Exhibit 39 at 3). If tents are proposed in the future they must meet minimum setbacks as described above. If approved, a condition of approval is recommended to ensure compliance with the minimum setbacks are met.

This criterion can be met with a condition.

2. ZDO Section 704 – River and Stream Conservation Area (RSCA)
704.03 Area of Application.

...

- C. *Section 704 also applies to land that is located within 70 feet of the mean high water line of medium Type F streams, identified on the WPRC Maps. The location of these streams may vary from these maps if more specific information is provided. Classified as SCAs, these medium streams are designated in the Comprehensive Plan as those that generally have annual average flows of greater than two cubic feet per second and less than 10 cubic feet per second.*

...

Finding: Deer Creek runs through the property, approximately 145 feet south of the event barn. Deer Creek is a “medium” stream.

704.04 River and Stream Setbacks. The following minimum setbacks shall apply to structures exceeding 120 square feet or 10 feet in height.

...

- C. Structures shall be located a minimum of 70 feet from the mean high water line of a medium stream.

...

Finding: No vegetation clearing and or permanent or temporary structures are proposed with this land use application and there are no existing structures within 70

feet of Deer Creek. The applicant shows the creek and the 70-foot buffer on the submitted site plan.

This criterion is met.

C. Section 806, Home Occupations to Host Events
806.02 Standards

- 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 applicant states that “the owner/operator resides on-site” (Exhibit 2 at 10) and “In the meantime, we are residing full-time in the existing farm-house and will continue to do so during the construction of the new house.” (Exhibit 8 at 1). The County received multiple public comments suggesting that Daniel Campean does not live on the property and provided an address of another property which the applicant and his wife own in Multnomah County. Staff requested additional information from the applicant to demonstrate that he lives on the property. In response, the applicant provided information submitted to the record as Exhibit 8, including the following statement “I now live full-time at 10510 SE Bull Run Road, Corbett as my primary residence. Previously, my son lived in the house for a period of time, but he has since moved out, and I have taken full occupancy of the property. Attached are copies of my driver’s license, utility bills (Electric & Waste Management) and car bank statement showing this address as evidence of residency. (Dollar amounts have been redacted for privacy.)” The driver’s license, utility bills (Electric & Waste Management) and car bank statement submitted show Daniel Campean associated with the 10510 SE Bull Run Road.

Determining whether the applicant resides full-time on this property is challenging. Bills are not compelling because Mr. Campean could be a landlord with bills coming to him rather than the tenant. However, the hearings officer finds that the driver’s license provided offers convincing evidence, coupled with the explanation that until recently Daniel Campean did not live here, which helps to explain why neighbors do not believe that he lives on site.

The dwelling was constructed on the subject property in 1925, as demonstrated by County Department of Assessment and Taxation appraisal records. The subject property was initially zoned Transitional Timber District on December 5, 1978. The dwelling existed prior to the establishment of restrictive zoning; therefore, the dwelling was lawfully established. The applicant received land use approval to replace this dwelling with a new one (land use permit Z0330-24) but building permits for the replacement dwelling have not yet been submitted to the County for review.

The hearings officer finds that there is sufficient evidence to determine that this criterion is met and, if approved, a condition of approval is warranted to ensure the applicant/operator continues to reside on the site.

This criterion can be met with a condition.

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

Finding: ZDO 806.01(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.”

The applicant proposes to have no more than five (5) employees on site at any time during events, which is within the permissible number of employees allowed for a home occupation in the TBR district. Within the TBR zoning district, people employed by contract to provide services for an event are considered “employees”, including caterers, photographers, and florists. As proposed, this criterion is met. If approved, staff recommends a condition of approval that limits the total number of employees to five (5).

Neighbors argued that it is not feasible to operate a facility of this size with only five employees. However, they failed to provide any support for this assertion. The Code allows events for up to 300 people subject to the five employee limit, so the Board presumably determined that it is feasible to do so. All similar event facilities in the County are subject to the same limitation.

Employees working on the site will be subject to applicable OSHA regulations and protections. However, those regulations are not applicable approval criteria for this use.

These criterion can be met with a condition.

C. *Notwithstanding the definition of home occupation in Section 202, Definitions, in the AG/F, EFU, and TBR Districts, 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: Although vehicle parking, wedding ceremonies, and other accessory uses and activities may occur outdoors, the majority of event related activities will take

place within the existing barn on the site. The hearings officer finds that the barn is a “building[] normally associated with uses permitted in the [TBR] zoning district. This specific barn was built on the property in the 1920s, according to County Department of Assessment and Taxation appraisal records. The barn was recently upgraded from an unpermitted structure (there were no building permits in the 1920’s when the barn was originally built) to a permitted structure (building permit number B0340623). Assertions that the barn will no longer be used for farm or forestry operations, are irrelevant. The Code requires that “the home occupation shall be operated substantially in ... other buildings normally associated with uses permitted in the applicable zoning district.” It does not require that such buildings continue to be used for “[u]ses permitted in the applicable zoning district.” Modifications to the barn were permitted for “[f]arm and residential accessory uses.” (Exhibit 2 at 35). The applicant will be required to obtain a change of occupancy permit prior to using the barn for commercial purposes. The County building division will consider and address occupancy limits, ADA compliance, emergency exits and alarms, and similar building related issues through the change of occupancy process.

The applicant also proposed to utilize the existing “farm house” building “[i]n a limited, accessory capacity to support events. Specifically, the house may offer private preparation spaces for the bride, groom, and wedding parties, including changing rooms, light refreshments, photography areas, administrative office facilities, and quiet family moments before or after the ceremony” (Exhibit 2 at 12) and “[i]t will serve in a limited, accessory capacity to the main barn event space — mainly for bridal preparation, photos, or administrative tasks.” (Exhibit 8 at 1). This use of the farm house is allowed, so long as the farm house continues to function as the operator’s dwelling.

However, as noted above, the applicant has received approval to replace this dwelling with a new dwelling. The applicant intends to retain the existing dwelling (the “farm house”), converting it to “[a]n allowed non-residential accessory use...” as permitted by ZDO 406.05(D)(1)(c). This will likely require the permanent removal of the kitchen and all cooking appliances, including hot plates, microwave, stove and oven, from the building once the replacement dwelling receives final occupancy approval. Overnight occupancy would be prohibited. This process requires the applicant to obtain a change of use permit with the County Building department. Once a new residence has approved and the farm house structure has been decommissioned the applicant intends to use this structure for storage of tools, supplies, and feeds used in the farm and forestry operations on the site and as “Administrative workspace for coordinating forestry, pasture, and farm operations.” (Exhibit 39 at 2-3) as well as continuing the event related uses noted above.

In the hearings officer’s experience, residential dwelling structures that have been replaced and converted to non-residential uses pursuant to ZDO 406.05(D)(1)(c) are not uncommon in the rural areas of the County. However the hearings officer’s experience is not evidence. The applicant failed to provide any evidence that decommissioned residential structures are “[b]uildings normally associated with uses

permitted in the applicable zoning district.” Therefore, the hearings officer cannot find that the farm house can continue to be used for event related activities once it is no longer occupied as the operator’s residence.

The applicant also proposed to use the freestanding restroom building located northeast of the barn as part of the event facility. However, there is no evidence in the record that freestanding restroom buildings are “[b]uildings normally associated with uses permitted in the applicable zoning district.” LUBA and the Court of Appeals have reversed prior decisions approving freestanding restroom buildings for event facility use on similar grounds. (*1000 Friends of Or. v. Clackamas Cty.*, 309 Ore. App. 499, 513, 483 P.3d 706 (2021), *rev. den.* *1000 Friends of Or. v. Clackamas Cty.*, 368 Or. 347 (2021) and *Kupillas v. Clackamas County*, LUBA No 2024-015 (July 19, 2024) (*Kupillas I*), reversed on other grounds, *Kupillas v. Sage and Social LLC*, 337 Or App 67, 77-78, 563 P3d 394 (2024), *rev den*, 373 Or 444 (2025) (*Kupillas II*).

Staff testified that the applicant “recently received plumbing, mechanical, and electrical permits to permit the structure. The building was intended to serve farm workers and be used as an accessory need to the dwelling. At the time of the permits, the County determined that this use was customarily accessory to the dwelling and farm use.” However, neighbors testified that the County’s code enforcement hearings officer determined that the detached restroom building could only be used for family, visiting friends and farm use. (Exhibits 16 at 3, 20 at 2, and 37 at 4). Neither staff nor opposing neighbors provided any evidence (permits, hearing transcripts, or decisions) supporting their testimony on this issue. Therefore, the hearings officer cannot find that the existing freestanding restroom building is a “building[] normally associated with uses allowed in the [TBR] zoning district.”

This criterion is not met.

D. Temporary tents are allowed as follows:

...

Finding: No tents are proposed.

This criterion is inapplicable.

E. In the AG/F, EFU and TBR Districts, 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 subject property is within the TBR district. The evaluation of compliance with Subsection 1203.03(D) is provided earlier in this Final Order. The evaluation of compliance with 1203.03(D) included the consideration of impacts on dwellings.

This criterion is met.

- F. *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 materials state that the hours of operation for events are limited to 7:00 A.M. to 10:00 P.M. Friday through Saturday and until 9:00 P.M. on other days. (Exhibit 2 at 13). However, 7:00 A.M. is earlier than this subsection of the ZDO allows. In their final argument the applicant amended the hours of operation to be consistent with the Code. (Exhibit 29 at 3).

This criterion can be met with a condition.

- G. *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: The applicant is requesting approval to operate up to 24 events per year, but does not specifically address the number of events per day or week. This standard can be met through a condition of approval.

Neighbors argued that there is no limitation as to the number of days per event, so a single “event” could continue for a week or more. (Exhibit 27 at 2). However, as noted above, ZDO 806.02(F) prohibits events outside of specified hours. Therefore, any event occurring on the site must end at the specified time and all event guests must leave the site. Any event occurring on the following day, even if it is a resumption of a prior event, would count as a new event subject to this limitation.

This criterion can be met with a condition.

- H. *A 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 is proposing to host events with a maximum of 150 guests, per event, which is less than the maximum number of guests allowed by this subsection. The potential impacts of the events were evaluated based on a maximum of 150 guests per event, and the number of parking spaces required is based upon the maximum number of event attendees at any given time. This criterion is met. If the application is approved, a condition of approval is recommended limiting the maximum number of event attendees to 150.

Neighbors argued that the number and size of events should be reduced in order to protect area residents. However, There is no evidence of any capacity constraints that would require a lower number of attendees. Compliance with the conditions of approval are adequate to protect the public.

This criterion can be met with a condition.

- I. *All lighting used during events shall comply with Subsection 1005.04(A).*

Finding: The lighting standards of Subsection 1005.04(A) are addressed earlier in this Final Order. The submitted application materials state that existing lighting will be used, but it is not clear what type of lights those are and where they are located. As explained in the findings section for subsection 1005.04(A), the applicant has not demonstrated compliance with this standard.

This criterion is not met.

- J. *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 site, 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 site, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level.*
 - a. *Noise generated by vehicles entering or exiting the site, 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*
 2. *A noise study may be required to demonstrate compliance with Subsection 806.02(J)(1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.*

Finding: The hearings officer finds that a noise study is warranted in this case, given neighbor's testimony regarding the topography of the area and noise impacts from prior events on the site. The applicant submitted a noise study. (Exhibit 2 at 26). The hearings officer finds that the applicant, a professional engineer, has sufficient training to perform the sound study. However, there is no evidence that the equipment used in the study complied with ZDO 806.02(J)(2), as there is no evidence that the sound level meter meets "[t]he requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971."

However, if the applicant's sound level meter meets ANSI Standard 1.4-1971, the applicant's study is sufficient to demonstrate the feasibility of compliance with the noise limits of ZDO 806.02(J)(1), as the measured sound levels at the boundaries of the site are well below the 60 dB maximum allowed by the Code. Neighbors disputed the applicant's ambient noise level measurements. However, they failed to provide their own sound measurements or other evidence to support their assertions. In addition, the Code limits noise to "[t]he greater of 60 dB(A) or the ambient noise level." There is no evidence in the record that noise generated by events on the site will exceed 60 dB. Assertions that noise is audible on adjacent properties is not evidence that noise levels will exceed 60 dB. The Code does not prohibit noise that is audible from offsite.

As noted in the Staff Report, guests must open the doors in order to exit the barn to access the exterior restrooms. Doors and windows may also be opened for ventilation. Amplified music and voices from within the barn will most certainly spill outside any open doors and windows. The applicant testified that four doors (two in the west wall and two in the south wall) and eight windows (four in the west wall and four in the south wall) were open during the noise study to simulate actual event scenarios. (Exhibit 38 at 3). The applicant also analyzed noise generated by guests gathering on the outdoor deck on the south side of the barn. (*Id.* at 2).

This criterion is not met.

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 proposes to provide 55 parking spaces on the site, which is sufficient to accommodate the largest events proposed (maximum 150 guests and five employees). Each parking space is required to be at least 8.5 feet by 16 feet in size. For 90-degree parking stalls, a minimum of 24 feet is required for backing/maneuvering distance. Based on the preliminary site plan, it appears that adequate circulation and parking can be provided on site. There is no need for guests or employees to park on the street.

This criterion can be met with a condition.

2. *An alternative to the parking area surface required pursuant to Subsection 1015.01(B) may be approved based on the following criteria:*
 - a. *It is appropriate considering season, duration, and intensity of use.*
 - b. *It shall be surfaced with hardy grasses, wood chips, or other similar organic materials sufficient to adequately stabilize the ground surface for parking.*
 - c. *In order to minimize tracking of soil onto the roadway, a driveway surfaced with screened gravel or better must extend a minimum of 200 feet in length from the interior edge of the roadway that provides access to the subject property. A traffic management plan must direct all vehicular traffic along the required driveway prior to such traffic entering the roadway.*

This criterion can be met with a condition.

Finding:

The applicant proposed an alternative parking area surface (grass) for 24 of the proposed 55 parking spaces. The two ADA spaces will be paved and the 29 remaining parking spaces will be gravel surfaced. (Applicant testimony). While grass may be appropriate surfacing for a parking lot during the dry summer months, it may be inappropriate in the winter. The application suggests that their events will be seasonal, but did not make a specific request to be authorized to have fewer and/or smaller events operating in the winter versus the summer. Additional information from the applicant regarding the “seasonal” events would be necessary to determine if the grass is suitable for this proposal. However, this application could be approved subject to a condition requiring that all parking areas be surfaced with gravel or better.

This criterion can be met with a condition.

- L. Portable Restrooms: *Portable restroom facilities shall:*
 1. *Include hand-sanitizing or hand-washing facilities;*
 2. *Comply with the standards of the service provider and the applicable regulations of the Oregon Department of Environmental Quality;*
 3. *Be screened from adjacent lots and rights-of-way by sight-obscuring fences or plantings; and*
 4. *Be located a minimum of 50 feet from all lot lines.*

Finding: In addition to the permanent restroom in the barn and, if allowed, the free-standing restroom building, the applicant will use portable restroom facilities on an

as-needed basis for event guests. (Exhibit 2 at 12). The location of the portable restroom facilities was not provided on the submitted site plan, but the applicant asserts that they will be located a minimum of 50 feet from all property lines. (*Id.*). Given the size of the property, it is feasible for this standard to be met.

Portable restrooms must be screened from adjacent lots and rights-of-way by sight-obscuring fences or plantings. There is an existing hedgerow/evergreen planting along the front property line which provides adequate screening into most of the site, although there are gaps in the existing screening at the driveway entrance, in front of the “Farm House” and where young vegetation has not completely filled in. Additional information from the applicant is necessary to determine if the proposed location of the portable restroom facilities will be screened from the adjacent lots and rights-of-way or if additional screening is necessary, but it is feasible to provide required screening of portable restrooms.

This criterion can be met with a condition.

M. 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: As discussed above under ZDO 1010, the applicant proposes “Two permanent entry signs (2’ x 4’ each) on posts in compliance with size, height, and location standards” and “One temporary, removable sign on the day of an event, ≤8 sq ft, removed within 24 hours. All signage remains on private property and is securely installed to prevent movement or wind displacement.” (Exhibit 24 at 3). The applicant did not specify the height of the proposed sign, but the maximum height allowed is eight feet above finished ground elevation (not including berms or mounds specifically created for the sign) and so this standard can be met with a condition of approval, if the application is approved.

This criterion can be met with a condition.

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

Finding: The applicant does not address this standard in their submitted application materials. Nevertheless, the standard is advisory in nature and would warrant a condition of approval if the application were approved.

This criterion can be met with a condition.

- 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 property is located within the TBR district. Based on the application materials, there is adequate storage space within existing structures on site to store event-related supplies (furniture, equipment, goods, etc.) which will eliminate any outward appearances of a business operation on site. Temporary signage, tents and portable restrooms will be required to be removed from the property or put away during non-event days, as outlined in the relevant approval criteria. This criterion can be met.

This criterion can be met with a condition.

V. CONCLUSION

Based on the findings and discussion provided or incorporated herein, the hearings officer finds that the applicant failed to bear the burden of proof that the proposed use can comply with the applicable approval criteria. Therefore, the hearings officer must deny the application, Case No. Z0324-25 (Campean).

VI. DECISION

Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby denies Case No.. Z0324-25 (Campean).

DATED this 24th day of December 2025.



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).