



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

NOTICE OF HEARING

July 10, 2025

Curtis Safley
15780 SE 329th Ave
Boring, OR 97009

Curtis Safley
15780 SE 329th Ave
Sandy, OR 97055

RE:: County of Clackamas v. Curtis Safley
File: V0027223

Hearing Date: August 26, 2025

Time: **This hearing will begin at 10:30 am** however it may begin later depending on the length of preceding items.

Location: Hearing will be held by virtual Zoom meeting. Please see attached information regarding the process for the Zoom meeting.

Enclosed you will find the following:

1. Notice of Rights
2. Copy of Complaint and Request for Hearing

You **must** appear at the time set forth in this Notice of Hearing or the relief requested in the **Complaint** may be **granted against you by default**.

You can access the complete hearing packet at <https://www.clackamas.us/codeenforcement/hearings>

You may contact Shane Potter, Code Compliance Specialist for Clackamas County at (503) 742-4465, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

1. Prior to the Hearing. You have the right to make the following requests:

- (A) You can request the opportunity to review public records and talk to County Staff about the violations or request a subpoena for that purpose if the County does not allow you to do so.
- (B) You can request that the Hearings Officer postpone the hearing for good cause by writing the Hearings Officer at least 7 calendar days prior to the scheduled hearing date.
- (C) You can request that the Hearings Officer decide the matter based exclusively on written materials from the parties or conduct the hearing by phone.

2. Procedure. The hearing will be governed by general rules of procedure designed to allow you to hear and confront the evidence against you, and for you to present evidence favorable to you. You are not required to present any evidence; the burden is on the County to establish by a preponderance of evidence that a violation exists or existed. Either party may, at their own expense, obtain an attorney, to represent that at the hearing. If you wish to be represented by an attorney, they need only notify the County and the Hearings Officer in writing of their intent to appear on your behalf. The County will present evidence first, and then you may question that evidence. You may then present your own evidence, if you wish, and the County may question your evidence. Testimony by witnesses is evidence. The Hearings Officer may inquire into any facts that are relevant to the hearing and may question parties or witnesses about the case. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.

3. Record of Proceedings. An audio record will be made of the proceedings when a hearing is conducted. The audio record is available through the Clackamas County Code Enforcement Section and is available to you upon request.

4. Hearings Officer. The Hearings Officer is an independent contractor paid by the County to conduct hearings and render decisions. He/she is not a County employee. His/her function is to preside over the hearing, make a record of proceedings, consider admissible evidence and interpret and apply the law. After the hearing is closed, the Hearings Officer will enter written findings of fact, conclusions of law and any Order deemed proper. If a violation is proven, then the Order may include civil penalties, fines, administrative fees, or may require the respondent to take certain actions, or refrain from certain actions. An Order issued by the Hearings Officer may be a final order or a continuing order. The Hearings Officer Order is the final decision of the County, and may be appealed pursuant to Oregon Law. The Hearings Officer for Clackamas County is:

**Carl Cox
Attorney at Law
14725 NE 20th Street, #D-5
Bellevue, WA 98007**

5. Right to Recess. If, during the course of the hearing, the Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceedings be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.

6. Right to Appeal. The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearing Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, the appellant is responsible for all costs of appeal including preparation of transcript.



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You must have access to the internet or to a telephone line to use the Zoom platform. The zoom information has been provided below. Once you have joined the meeting, please allow the moderator to promote you to a panelist. **Closed captioning is available for the zoom platform upon request.**

If you would like to present evidence at the Hearing please email or mail your evidence to Code Enforcement Attn Shane Potter at 150 Beavercreek Rd, Oregon City, Oregon 97045, **no later than 4 working days prior to the hearing.** Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

If you are unable to participate in a hearing through the Zoom platform please contact Shane Potter at 503-742-4465 **within 3 calendar days of receipt of the Notice of Hearing.**

If you do not know how to use Zoom, please Google “how to use Zoom” and there are many interactive guides on the internet. **When joining the webinar please accept the request to join as a panelist.**

If you experience difficulties connecting to the Zoom hearing before your scheduled start time, please call 503-830-9960 for assistance.

Zoom invite

Topic: Code Enforcement Hearing - Curtis Safley - V0027223 - Aug 26 - 10:30 am

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/85027520865?pwd=s8BoccHIEJ6OfR81LH1KqLEbfAn1ww.1>

Passcode:074115

Phone one-tap:

+12532050468,,85027520865#,,,,*074115# US

+12532158782,,85027520865#,,,,*074115# US (Tacoma)

Join via audio:

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

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150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 719 359 4580 US
+1 689 278 1000 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 646 876 9923 US (New York)
+1 646 931 3860 US

Webinar ID: 850 2752 0865

Passcode: 074115

International numbers available: <https://clackamascounty.zoom.us/j/85027520865>

Join from an H.323/SIP room system:

H.323:

144.195.19.161 (US West)
206.247.11.121 (US East)
115.114.131.7 (India Mumbai)
115.114.115.7 (India Hyderabad)
159.124.15.191 (Amsterdam Netherlands)
159.124.47.249 (Germany)
159.124.104.213 (Australia Sydney)
159.124.74.212 (Australia Melbourne)
170.114.180.219 (Singapore)
64.211.144.160 (Brazil)
159.124.132.243 (Mexico)
159.124.168.213 (Canada Toronto)
159.124.196.25 (Canada Vancouver)
170.114.194.163 (Japan Tokyo)
147.124.100.25 (Japan Osaka)

Meeting ID: 850 2752 0865

Passcode: 074115

SIP: 85027520865@zoomcrc.com

Passcode: 074115

Department of Transportation and Development

Nondiscrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information go to: www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us or call (503) 742-4452.

¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination, envíe un correo electrónico a JKauppi@clackamas.us o llame al 503-742-4452.

ДОБРО ПОЖАЛОВАТЬ! Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination, отправьте письмо на адрес эл. почты JKauppi@clackamas.us или позвоните по телефону 503-742-4452.

欢迎! Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问 www.clackamas.us/transportation/nondiscrimination，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.

BEFORE THE COMPLIANCE HEARINGS OFFICER
FOR THE COUNTY OF CLACKAMAS

CLACKAMAS COUNTY,

Petitioner,

v.

CURTIS SAFLEY,

Respondent.

FILE NO(S): V0027223

COMPLAINT AND REQUEST FOR HEARING

I Shane Potter, Code Enforcement Specialist for Clackamas County, allege the following:

1.

The Respondents' mailing address is: 15780 SE 329th Ave., Boring, OR 97009.

2.

The Respondent owns or occupies the address or location of the violation(s) of law alleged in this complaint 35520 SE Gunderson Rd., Sandy, OR 97055, also known as T2S, R4E, Section 22, Tax Lot 01400, the property is zoned EFU (Exclusive Farm Use) and is the location of violation(s) asserted by the County.

3.

On or about the 25th day of November, 2024, and on or about the 10th day of February, 2025, the Respondent violated the following laws, in the following ways:

Title 12 of the Clackamas County Zoning and Development Ordinance (ZDO) Code Sections 401.04 and 1307.15. The property is zoned EFU (Exclusive Farm Use). This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.

4.

The Department initiating this procedure is the Code Enforcement Section of the of the Department of Transportation and Development.

5.

Notice of the violation was given to Respondent in the following manner:
Notice of Violation dated November 25, 2024 and Citation and Complaint #2300272-1 on February 10, 2025. A copy of the notice documents are attached to this Complaint as Exhibits J and L, and incorporated by this reference.

6.

Based on these allegations, petitioner requests that a hearing be set in this matter. Petitioner seeks an Order from the Hearings Officer granting the following relief:

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondent from violating these laws in the future;

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondent for each violation, within the range established by the Board of County Commissions. Said range for a Priority 2 for a Zoning Ordinance violation being \$500.00 to \$2,500.00 per occurrence as provided by Appendix B to the Clackamas County Code;

3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code; and

4. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondent to reimburse the County for any expense the County may incur in collection of any penalties, fines or fees that may be imposed.

5. Ordering any other relief deemed reasonably necessary to correct the violations.

DATED THIS 7th day of July, 2025

A handwritten signature in black ink, reading "Shane Potter". The signature is written in a cursive style with a large, looping "S" and a distinct "P".

Shane Potter
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

CLACKAMAS COUNTY,

Petitioner,

v.

CURTIS SAFLEY,

Respondent.

File No.: V0027223

STATEMENT OF PROOF

History of Events and Exhibits:

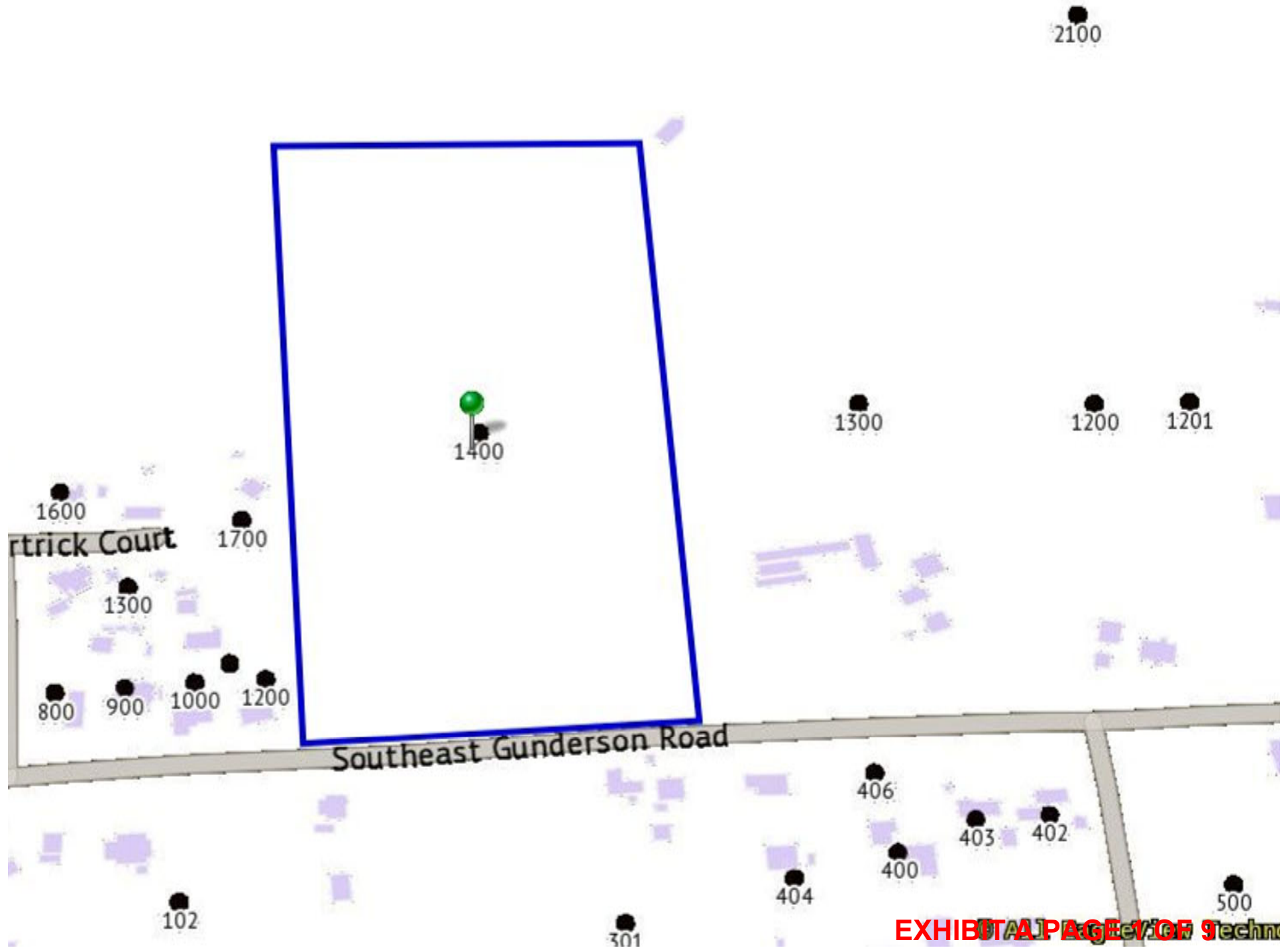
- Exhibit A** The Respondents' mailing address is 15780 SE 329th Ave., Boring, OR 97009. Respondents owns and/or resides on property located at 35520 SE Gunderson Rd., Sandy, OR 97055, also known as T2S, R4E, Section 22, Tax Lot 01400, located within Clackamas County. The parcel is zoned EFU (Exclusive Farm Use). Exhibit A Page 1 is a 2025 overview of the site; page 2 is a 2018 aerial, while page 3 is a 2025 aerial showing a closeup of the two buildings, and page 4 is a marking of each of the buildings.
- Exhibit B** Includes Land Use decision Z0343-22-M including the acoustic and odor study and the state land use compatibility approval. There are four documents in this exhibit. Exhibit B page 1 through 2 is the State Land Use Compatibility Statement. Exhibit B page 3 through 13 is the land use decision for marijuana use (Z0343-22-MJ). Exhibit B page 14 through 15 is the approved noise study and Exhibit B pages 16 through 26 is the approved odor study.
- September 5, 2023** Clackamas County received complaints regarding odor from marijuana grow (conditions of approval for odor study).
- October 4, 2023** Clackamas County prepared a letter of allegation addressing possible concerns with violating conditions of approval. The letter was mailed first class mail, and the mail was not returned.
- November 2, 2023** Code Enforcement Specialist (CES) Shane Potter conducted a site visit and identified doors were not open. Also did not see any ventilation on the buildings.

November 13, 2023 Exhibit E	CES Potter and Planner Lizbeth Dance exchanged emails regarding the odor study, which Planning and Zoning stated they have not received an approved odor study. Planning and Zoning noted this is why they have not signed off on the ag exempt building permits as well.
November 28, 2023 Exhibit F	CES Potter prepared a Notice of Violation for failure to comply with a series of conditions of approval. The notice provided a deadline of December 28, 2023, to address the violation. The notice was mailed first class mail, and the mail was not returned.
April 4, 2024 Exhibit G	CES Potter conducted a site visit and no doors were open. There was a heavy odor of marijuana.
April 8, 2024	CES Potter spoke with Senior Planner Eric Forsell who stated the Respondent did submit their odor study and it was complete. I then reviewed the documents, and it shows a series of mechanical fans that have not been installed and/or permitted.
April 9, 2024 Exhibit H	Prepared a Notice of Violation to specifically address the failure to obtain building permits for the mechanical fans. Provided a deadline of May 4, 2024 to address this issue. The notice was mailed first class mail the mail was not returned.
June 7, 2024	CES Potter spoke with Steve by phone who stated that they do not need the mechanical permits as they contain the smell within the building.
June 17, 2024 Exhibit I	Email between CES Potter and Planner Lizbeth Dance who stated that indoor marijuana production requires full engineered odor control assessment and the one they have is required to be implemented as it states and was approved.
July 10, 2024	CES Potter spoke to Steve by phone and explained that they have an approved odor study and they are required to follow that. Steve stated they the odor comes from a neighboring property. I explained there system still must comply with the approved plans they have approval of through the land use process.
November 25, 2024 Exhibit J	CES Potter prepared an updated Notice of Violation to address the conditions of approval for the odor study and the requirement for mechanical permits for the fan installation. The notice required abatement by January 6, 2025. The notice was mailed first class mail, and the mail was not returned.

February 10, 2025 Exhibit K	CES Potter reviewed the permitting system and still do not show any permits for the fan system.
February 10, 2025 Exhibit L	CES Potter issued citation #2300272-1 for failure to comply with conditions of approval in land use file Z0343-22-MJ. The citation was mailed first class mail, the mail was not returned, and the citation remains unpaid.
June 26, 2025	CES Potter reviewed the file and there still is no permit activity to address the conditions of approval.
June 30, 2025	Clackamas County referred this matter to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of the Zoning Ordinance exists on the subject property, the County would request a Final Order be issued requiring the Respondent:

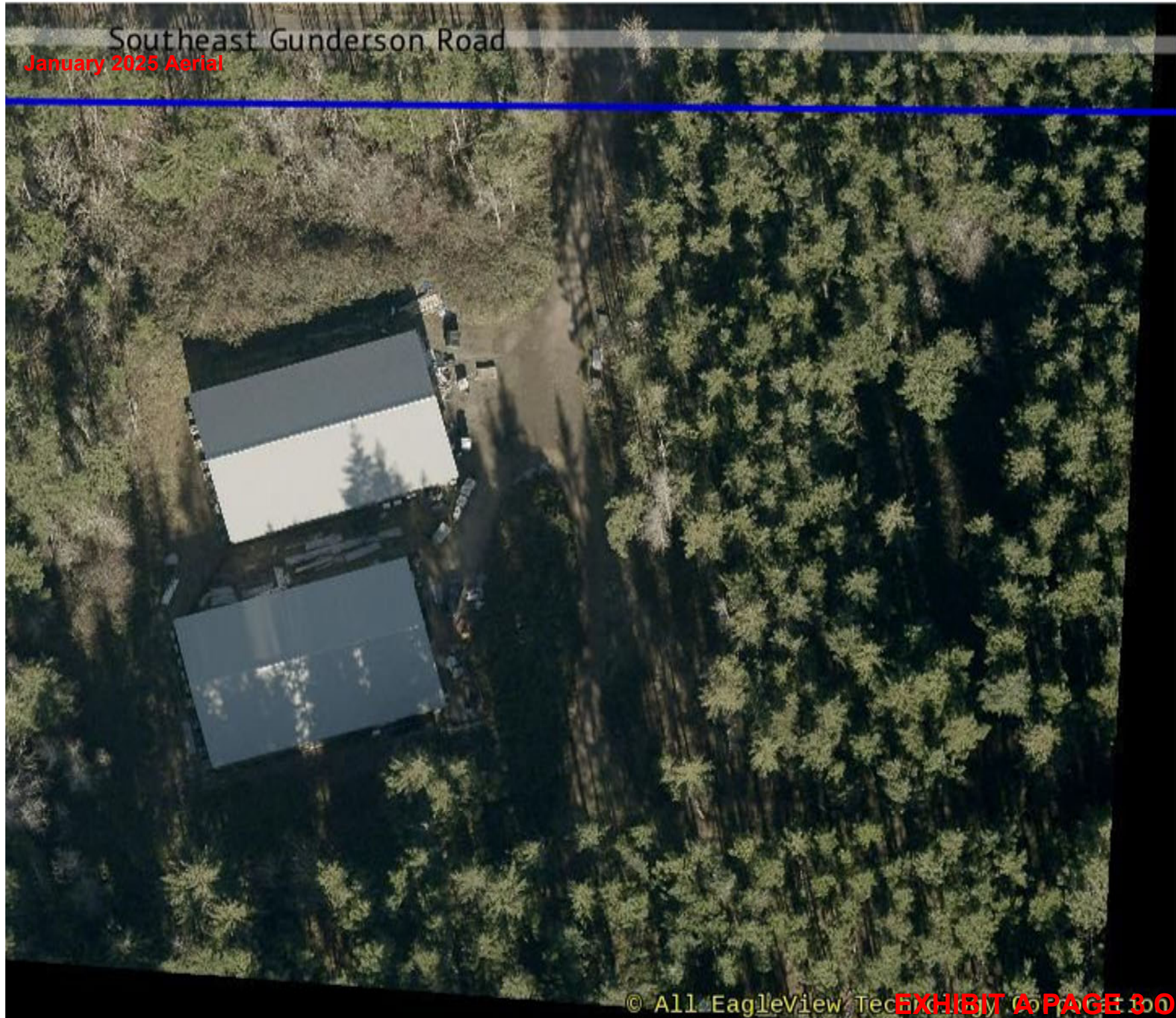
- Payment of Citation #2300272-1 for \$400.00.
- Imposition of civil penalties of up to \$2,500.00 for the Priority 2 Zoning Ordinance violation.
- The administrative compliance fee to be imposed from November 28, 2023. As of the date of this report, that fee is \$1,425.00. The County is requesting a reduction of \$525.00. This leaves a request for an administrative compliance fee of \$900.00.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.
- The County would also ask that reimbursement be ordered for any expense the County incurs in collection of these monies.





Southeast Gunderson Road

January 2025 Aerial



January 2025 Aerial

Building B

Building A

Southeast Gunderson Road

Property Account Summary



00675246

Account Number	00675246	Property Address	35520 SE GUNDERSON RD , SANDY, OR 97055
General Information			
Alternate Property #	24E22 01400		
Property Description	Section 22 Township 2S Range 4E TAX LOT 01400		
Property Category	Land &/or Buildings		
Status	Active, Locally Assessed, Use Assessed		
Tax Code Area	046-004		
Remarks			
Tax Rate			
Description	Rate		
Total Rate	13.3836		
Property Characteristics			
Property Tax Deferral	Potential Additional Tax Liability		
Neighborhood	16004: Boring to Sandy all other		
Land Class Category	641: Forestland improved		
Acreage	19.7		
Fire patrol acres	19.70		
Change property ratio	6XX		
Related Properties			
No Related Properties Found			
Parties			
Role	Percent	Name	Address
Taxpayer	100	SAFLEY CURTIS	15780 SE 329TH AVE, BORING, OR 97009

Owner		100	SAFLEY CURTIS	15780 SE 329TH AVE, BORING, OR 97009	
Property Values					
Value Type	Tax Year 2024	Tax Year 2023	Tax Year 2022	Tax Year 2021	Tax Year 2020
AVR Total	\$371,095	\$360,293	\$349,795	\$149,437	\$56,861
Exempt					
TVR Total	\$371,095	\$360,293	\$349,795	\$149,437	\$56,861
Real Mkt Land	\$521,438	\$510,975	\$495,279	\$413,314	\$369,715
Real Mkt Bldg	\$575,240	\$569,780	\$560,230	\$175,550	\$31,690
Real Mkt Total	\$1,096,678	\$1,080,755	\$1,055,509	\$588,864	\$401,405
M5 Mkt Land	\$76,735	\$75,196	\$72,886	\$60,824	\$54,408
M5 Mkt Bldg	\$575,240	\$569,780	\$560,230	\$175,550	\$31,690
M5 SAV	\$20,708	\$19,389	\$16,683	\$16,116	\$15,949
SAVL (MAV Use Portion)	\$11,089	\$10,772	\$10,454	\$10,137	\$9,836
MAV (Market Portion)	\$360,006	\$349,521	\$339,341	\$139,300	\$47,025
Mkt Exception			\$352,270	\$140,440	\$31,690
AV Exception			\$195,862	\$90,865	\$22,151
Active Exemptions					
No Exemptions Found					
Events					
Effective Date	Entry Date- Time	Type	Remarks		
07/06/2020	07/14/2020 08:50:00	Recording Processed	Property Transfer Filing No.: 373331, Warranty Deed, Recording No.: 2020- 052011 07/06/2020 by ACOUGHLIN		
07/06/2020	07/14/2020 08:50:00	Taxpayer Changed	Property Transfer Filing No.: 373331 07/06/2020 by ACOUGHLIN		
07/06/2020	07/13/2020 08:53:00	Recording Processed	Property Transfer Filing No.: 373255, Paid Up Contract, Recording No.: 2020-052010 07/06/2020 by ACOUGHLIN		
07/06/2020	07/13/2020 08:53:00	Taxpayer Changed	Property Transfer Filing No.: 373255 07/06/2020 by ACOUGHLIN		
03/07/2019	03/07/2019 10:44:00	The situs address has changed	by LESLIESOS		
05/14/2018	05/14/2018 08:45:00	The situs address has changed	by DROME		

RECORDING REQUESTED BY:



1433 SW 6th Avenue
Portland, OR 97201

AFTER RECORDING RETURN TO:

Order No.: 162001163-LW
Curtis Safley
33520 SE Gunderson Road
Sandy, OR 97055

SEND TAX STATEMENTS TO:

Curtis Safley
33520 SE Gunderson Road
Sandy, OR 97055

APN: 00675246

Clackamas County Official Records
Sherry Hall, County Clerk

2020-052011

07/06/2020 01:53:02 PM

D-D Cnt=1 Stn=75 TIFFANY
\$15.00 \$16.00 \$10.00 \$62.00

\$103.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Robert Grigoryan, Grantor, conveys and warrants to **Curtis Safley**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

The East Half of the Southwest Quarter of the Northeast Quarter of Section 22 in Township 2 South, Range 4 East of the Willamette Meridian, in the County of Clackamas and State of Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FOUR HUNDRED TWENTY THOUSAND AND NO/100 DOLLARS (**\$420,000.00**). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 7/1/2020

[Signature]
Robert Grigoryan

State of Oregon
County of Clatsop

This instrument was acknowledged before me on July 1, 2020 by Robert Grigoryan.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 9-19-2022

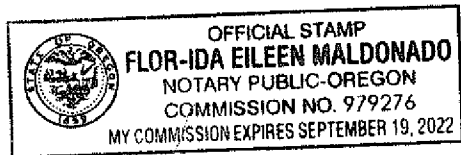


EXHIBIT "A"

Exceptions

Subject to:

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020-2021.

The Land has been classified as Forestland, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Rights of the public to any portion of the Land lying within the area commonly known as

Streets, roads and highways.

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020-2021.

The Land has been classified as Forestland, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.



OREGON LIQUOR & CANNABIS COMMISSION REQUEST Land Use Compatibility Statement

CITY/COUNTY USE ONLY

Date delivered by license applicant:

7/19/2022

Received by (print):

L. Dance

Initial:

What is a land use compatibility statement (LUCS)? The LUCS is a form used by a state agency and local government to determine whether a land use proposal is consistent with local government's comprehensive plan and land use regulations.

Why is a LUCS required? OLCC and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and to have a process for determining consistency. Section 34(4)(a) of 2015 Oregon Laws, Chapter 614, requires OLCC to request and obtain the LUCS and have a positive LUCS prior to issuing a license.

When is a LUCS required? A LUCS is required for all proposed marijuana facilities before an OLCC license can be obtained.

How to complete a LUCS:

- Step 1: Applicant** completes Section 1 of this form and submits it to the appropriate city or county planning office. Applicant verifies with local jurisdiction whether additional forms, applications, or permits are required.
- Step 2: Local jurisdiction** completes Section 2 of this form indicating whether the proposed use is compatible with the acknowledged comprehensive plan and land use regulations and returns signed and dated form to the applicant.
 - Applicant completes payment to local jurisdiction for processing application.
 - Local jurisdictions are **NOT required** to begin processing LUCS forms until **January 4, 2016 at 8:30 AM**.
- Step 3: Applicant** submits this date-stamped form and any supporting information provided by the city or county to the OLCC with the license application. This form may be submitted while Section 2 is in process with the local governing body.

Section 1 – To be Completed by Applicant

**Sections marked with an asterisk should be verified with the local planning department prior to submitting this form.*

Applicant Name:	Mogowi, LLC	Phone:	503-550-2235
Mailing Address:	P.O. Box 672	Rm/Ste:	
City:	Carlton	State:	OR
		ZIP:	97111

☒ Site plan of the subject property and proposed development attached? (required)

Proposed Premises Address:	35520 SE Gunderson Rd.	Rm/Ste:	
City:	Sandy	County:	Clackamas
		ZIP:	97055
Tax Lot #*:	24E220400 01400	Range/Section*:	4E22 4E 22
		Latitude:	45.385113
Township*:	T2S	Map*:	46-04- 24E22 01400
		Longitude:	-122.298151

Proposed use/permit type sought (A separate LUCS may be necessary for each proposed use even if it is on the same property):

☒ Producer ☐ Wholesaler ☐ Processor ☐ Retailer ☐ Laboratory ☐ Research Certificate
Note indoor or outdoor below List endorsements below

Details of proposed use (note any attachments):
Indoor

Section 2 – To be Completed by Local Jurisdiction

Site Location:

Inside city limits

Inside UGB

Outside UGB

Name of Jurisdiction:

Property Zoning of
Proposed Premises:

The proposed land use has been reviewed and **is prohibited.**

The proposed land use has been reviewed and **is not prohibited.**

If the proposed land use is allowable only as a conditional use, permits are required as noted below.

Comments:

Name of Reviewing Local Official (print):

Title:

Date:

Email:

Phone:

Signature:

Check this box if there are attachments to this form:

**REMINDER: Local jurisdictions are NOT required to begin processing
LUCS forms until January 4, 2016 at 8:30 AM**



**Clackamas County Planning and Zoning
Division
Department of Transportation and
Development**

Development Services Building
150 Beaver Creek Road, Oregon City, OR 97045

NOTICE OF DECISION ON A TYPE I LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Marijuana Production in AGF/EFU/TBR

File No. Z0343-22-MJ

Decision Date: September 22, 2022

Issued By: Lizbeth Dance, Planner II, Ldance@clackamas.us, (503) 742-4524.

Assessors Map & Tax Lot(s): T2S, R4E, Section 22 Tax Lot 01400

Site Address: 35520 SE Gunderson Rd.

Owner: Curtis Safley

Applicant: Terence McLaughlin, Mogowi, LLC

Zoning: Exclusive Farm Use District (EFU) District—approximately 19.7 Acres

Proposal: The applicant proposes to establish indoor marijuana production in 2, 60' x 100' single story buildings for a total of 12,000 sq ft within a fenced in area on the property. There is no water right for this property. Water will be trucked in and stored on site.

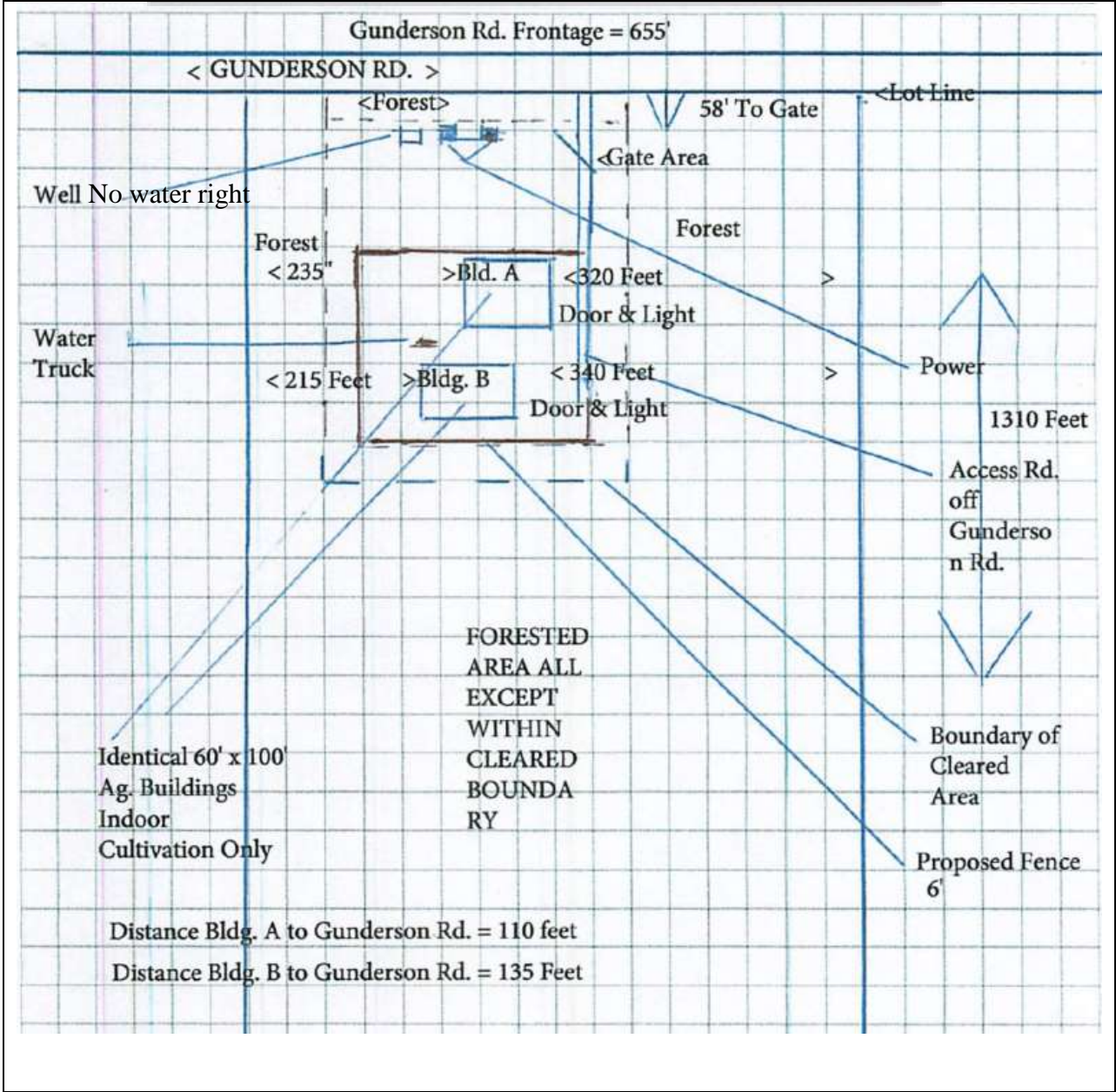
APPLICABLE APPROVAL CRITERIA: This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 401, 841 and 1307.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод? 翻译或口译 ? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역

Location Map





SECTION I: DECISION

It is the decision of the Planning & Zoning Division to **APPROVE** this application for Marijuana Production, subject to the Conditions of Approval outlined below:

This decision represents conditioned approval from Clackamas County Planning and Zoning stating that the proposed marijuana production is allowed in this zone in accordance with the Clackamas County Zoning and Development Ordinance chapter 841.02. This Clackamas County conditional approval does not in any way verify compliance with the OLCC/ODA or approve marijuana production in the site without OLCC, ODA approval.

SECTION II: CONDITIONS OF APPROVAL

I) General Conditions: *Failure to comply with the below outlined conditions may result in code enforcement action.*

1. Approval of this Marijuana Production application is based on the submitted materials dated July 19, 2022, August 3, 2022, August 15, 2022 and September 9, 2022. No work shall occur under this permit beyond that specified in this decision. It shall be the responsibility of the property owner(s) to comply with this decision and the limitations of approval described herein.
2. As adopted March 1, 2019. Marijuana production shall be subject to the following standards and criteria: A. Maximum Number of Licensed Premises/Registered Sites: In the AG/F, EFU, and TBR Districts, only one premises licensed for marijuana production by the Oregon Liquor Control Commission or one medical marijuana grow site registered by the Oregon Health Authority may be located on a tract.
3. For new structures and modification of existing structures used for marijuana production:

No development permits (building permits, plumbing permits, electrical permits, “AG exempt” permits, etc.) shall be issued until the stamped odor filtration system required under Subsection 841.02(I)(1-7) and/or the noise study required under Subsection 841.02(J) are submitted and approved by the Planning and Zoning Division.

4. **Approval Period:** Approval of this Marijuana Production application under Subsection 841.02 is valid for **four years** from the date of the final decision. If the County’s final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void.
 - A) Implemented means all major development permits shall be obtained and maintained for the approved Marijuana Production, or if no major development permits are required to complete the development contemplated by the approved Marijuana Production, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:
 - i. A building permit for a new primary structure that was part of the approved development; or
 - ii. A permit issued by the County for parking lot or road improvements required by the approved development.

II) Indoor Production Setback Conditions:

Structures used for indoor production shall comply with the setback standards of the subject zoning district- EFU setbacks are 30 feet from Front/N and 10 feet from Rear and Sides S, E & W.

III) Access Conditions:

If the subject tract takes access via a private road or access drive that also serves other properties, evidence shall be provided, in the form of a petition that, all other property owners who have access rights to the private road or access drive agree to allow the specific marijuana production described in the application. Such evidence shall include any conditions stipulated in the agreement.

IV) Lighting Conditions:

1. Light cast by light fixtures inside any building used for Marijuana Production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
2. Marijuana grow lights located outside a building shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject tract.

V) Building Odor / Filtration Conditions: *An odor control plan shall be provided to the Planning Department for review and approval prior to establishing development associated with marijuana production on the property.*

For any building that is used for Marijuana Production (i.e., Indoor Production), where “building” means the building, or portion thereof, that is used for Marijuana Production:

1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
4. Negative air pressure shall be maintained inside the building.
5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

6. The filtration system shall be designed by an engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.02(I).

7. An alternative odor control system is permitted if the applicant submits a report by an engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

VI) Noise Conditions: *A noise assessment shall be provided to the Planning Department for review and approval assessing the cumulative noise of the entire property associated with indoor production prior to establishing marijuana production on the property.*

The applicant shall submit a noise study by an engineer licensed in the State of Oregon. The study shall demonstrate that generators used in association with marijuana production, as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control in association with marijuana production, will not cumulatively produce sound that, when measured at any lot line of the subject tract, exceeds 50 dB(A). Only generators used in association with marijuana production and mechanical equipment used in association with marijuana production are subject to this standard.

The applicant must submit a certified noise study that assess the cumulative effects of noise generated each time upgrades, or replacement noise generating equipment occurs. The applicant must conduct an annual test of the entire site with all equipment up and running to ensure compliance. The test results/acoustical engineer's evaluation must be submitted to, reviewed and approved by Clackamas County Planning staff prior to additional building permit issuance or production activity on the site.

VII) Security Camera Conditions:

If used, security cameras shall be directed to record only the subject tract and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the OLCC or registration requirements of the OHA.

VIII) Water Conditions: *Water to be supplied from City of Estacada Bulk Water and delivered to the property. If at any time this situation changes verification of the revised water availability shall be submitted to the County.*

The applicant shall submit proof of a legal source of water as evidenced by:

1. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resources Department (OWRD);
2. A statement from a public or private water provider that water is supplied by that water provider. The statement shall include the name and contact information of the water provider; or
3. Proof from the OWRD that the water to be used for marijuana production is from a source that does not require a water right.

IX) Waste Management Conditions:

Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.

X) Fencing Conditions:

The maximum height of any fencing on the subject tract shall be 10 feet. Fences, walls, or other barriers shall not be electrified, or use barbed wire, razor wire, concertina coils, anti-climb spikes or any other similar security feature designed to discourage ingress through the potential of causing bodily harm. **Fences over 8 feet will required a building permit.**

XI) Processing Conditions:

This land use approval does not authorize marijuana processing on the subject tract, even if such processing would be permitted under conditions of an OLCC or OHA marijuana production permit.

SECTION III: FINDINGS

I. Project Overview:

This is a 19.7 acre property in the EFU zone, surrounding properties are also zoned similarly. There is no record of a residence established on this property. There is record of one 60' x 98' agricultural building established on the property in 2018 for farming. The majority of the property is forested with a small clearing where the production buildings are proposed.

The applicant proposes to establish indoor only marijuana production with support facilities in a total of 2 building a total of 12,000 sq. ft.

There is no water right for this property. Water to support the farming activities will be provide by the City of Estacada Bulk Water, delivered to the site and stored on site.

II. ZDO Section 841:

Section 841 of the ZDO — “Marijuana Production, Processing & Retailing” — sets forth the process, standards and requirements for reviewing the production, processing and retailing of marijuana. The proposed Marijuana Production is subject to the criteria and standards of Section 841 that are outlined below:

841.01 PROCEDURE

Marijuana production and marijuana retailing require review as Type I applications pursuant to Section 1307, *Procedures*. Marijuana processing requires review as a Type II application pursuant to Section 1307.

Finding: The applicant is proposing Marijuana Production, which is being reviewed as a Type I application, subject to Section 1307.

841.02 MARIJUANA PRODUCTION

Marijuana production shall be subject to the following standards and criteria:

- A. Maximum Number of Licensed Premises/Registered Sites: In the AG/F, EFU, and TBR Districts, only one premises licensed for marijuana production by the Oregon Liquor Control Commission¹ or one medical marijuana grow site registered by the Oregon Health Authority² may be located on a tract.

Finding: The applicant has submitted an application for a marijuana production facility on the property. The applicant has stated that they will be the one licensed Marijuana Producer on this property. No additional OLCC or ODA LUCS forms adding additional producer on the tract will be completed by Clackamas County. This criterion is met.

- B. Minimum Tract Size. A minimum lot size standard shall apply as follows:

2. In the AG/F, EFU, and TBR Districts, the subject tract shall be a minimum of two acres, except that if outdoor production is proposed, the subject tract shall be a minimum of five acres.

Finding: The 19.7 acre subject property is located in the EFU District. Indoor production is proposed. Therefore, the subject property meets the 2-acre minimum lot size. This criterion is met.

- C. Minimum Setback/Distance from Lot Lines.

In the AG/F, EFU and TBR Districts, indoor and outdoor production, as defined in Subsection 841.02(D)(2)

- a. Outdoor production shall be a minimum of 100 feet from all lot lines.
- b. Structures used for indoor production shall comply with the setback standards of the subject zoning district

Finding: The subject property is zoned EFU, Indoor production is proposed; therefore, 841.02(D)(2)(b) applies for

- indoor production in the EFU zone all production must meet minimum setbacks of the zone – Front/E- 30', Rear/W – 10' and Sides/N,S -10'

As proposed the setbacks of this Subsection as outlined above as Conditions of Approval are met. This criterion is met.

- D. Access. If subject tract takes access via a private road or access drive that also serves other properties, evidence shall be provided, in the form of a petition that all other property owners who have access rights to the private road or access drive agree to allow the specific marijuana production described in the application. Such evidence shall include any conditions stipulated in the agreement.

Finding: The subject tract takes direct access from SE Gunderson Rd. This criterion is met.

E. Lighting. Lighting shall be regulated pursuant to Subsection 841.02 (H):

1. Light cast by light fixtures inside any building used for Marijuana Production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
2. Marijuana grow lights located outside a building shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day...
3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject property.

*Finding: The applicable standards of this Subsection are outlined above as Conditions of Approval. Applicant states that no light will be on between 7pm and 7am ensuring no light will be visible from the outside of the building. If lights are used black out curtains or similar light dampening measures will be used. Applicant also states that all exterior lights will be directed inward and downward so that all lighting remains within property boundaries. As **conditioned these criteria can be met.***

F. Odor. As used in Subsection 841.02(I), building means the building, or portion thereof, used for marijuana production or marijuana processing. However, Subsection 841.02(I) does not apply to a building approved as part of outdoor production pursuant to Subsection 841.02(B)(1)(b).

1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
4. Negative air pressure shall be maintained inside the building.
5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
6. The filtration system shall be designed by an engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.02(I).
7. An alternative odor control system is permitted if the applicant submits a report by an engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

Finding:** The applicant shall provide an odor filtration system, for the proposed indoor – production areas including all areas that will have odorous marijuana in them – buildings, Drying Room, Lab and Traits, designed by engineer licensed in the State of Oregon. This system as designed shall be reviewed and approved by planning staff. The odor control system shall be installed as designed prior planning approval of development permits and establishment of expanded indoor production activity on the site. The applicable standards of this Subsection are outlined above as Conditions of Approval. **As conditioned this criteria can be met.

- G. Noise. The applicant shall submit a noise study by an engineer licensed in the State of Oregon. The study shall demonstrate that generators used in association with marijuana production, as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control in association with marijuana production, will not cumulatively produce sound that, when measured at any lot line of the subject tract, exceeds 50 dB(A). Only generators used in association with marijuana production and mechanical equipment used in association with marijuana production are subject to this standard.

Finding:** The applicable standards of this Subsection are outlined above as Conditions of Approval. The following condition has been adopted to ensure ongoing compliance with noise limiting requirements. The applicant shall provide a noise study prepared by designed by engineer licensed in the State of Oregon. This system as designed shall be reviewed and approved by planning staff. **As conditioned this criterion can be met.

- H. Security Cameras. If used, security cameras shall be directed to record only the subject property and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the OLCC or registration requirements of the OHA.

Finding:** The applicable standards of this Subsection are outlined above as Conditions of Approval. Applicant states that all security cameras will be directed inward and downward so that all filming remains inside property boundaries. **This criterion can be met.

- I. Water. The applicant shall submit proof of a legal source of water as evidenced
1. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resources Department (OWRD);
 2. A statement from a public or private water provider that water is supplied by that water provider. The statement shall include the name and contact information of the water provider; or
 3. Proof from the OWRD that the water to be used for marijuana production is from a source that does not require a water right.

***Finding:** A current contract with a water service provider Estacada Bulk Water with delivery contract has been provided. If the water source changes the new water method shall be provided to the county.*

As conditioned his criterion can be met.

J. Waste Management. Marijuana shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.

*Finding: The applicable standards of this Subsection are outlined above as Conditions of Approval. Applicant states that all marijuana waste will be stored in secured areas designated and disposed of per OLCC guidelines. **This criterion can be met.***

K. Fencing. The maximum height of any fencing on the subject tract shall be 10 feet. Fences, walls, or other barriers shall not be electrified, or use barbed wire, razor wire, concertina coils, anti-climb spikes or any other similar security feature designed to discourage ingress through the potential of causing bodily harm.

*Finding: As outlined in the submitted application the fence as established and installed shall meet the standards of this Subsection as outlined above. **As conditioned this criterion can be met.***

Failure to comply with the above outlined findings and conditions of approval may result in code enforcement action.



AACOUSTICS
9324 SW CAMILLE TER.
PORTLAND, OR. 97223 - 7043
(503) 977 - 2690
elki@aacoustics.com
www.acousticalengineering.net

September 6, 2022

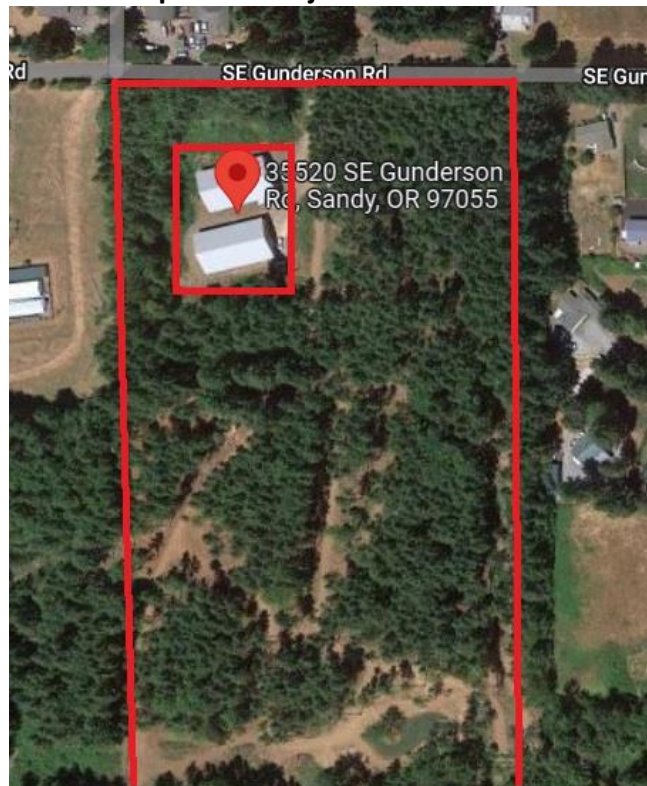
Steven Salmon
Mogowi, LLC
35520 SE Gunderson Road
Sandy, OR 97055
stevensalmonmx501@gmail.com
tsm123@comcast.net
[503-853-3887](tel:503-853-3887)

Introduction

At the request of Steven Salmon, AAcoustics visited the proposed Mogowi, LLC indoor grow facility in an existing two buildings on 35520 SE Gunderson Road, Sandy Oregon 97055. On 1:00 PM September 02, 2022, we record the existing sound pressure level along the property lines to verify compliance with the Clackamas county zoning and development ordinance #841. 02, for marijuana production and marijuana processing section "J" for Noise.

Figure 1

The Proposed Marijuana Production Farm



Regulations

Clackamas County Zoning and Development Ordinance #841 Marijuana Production, Processing, And Retailing. Subsection (J) of Section 841.02 "Marijuana Production ", addresses the noise requirement. Section 841.02 (j) states:

Noise: The applicant shall submit a noise study by an engineer licensed in the State of Oregon. The study shall demonstrate that generators used in association with marijuana production, as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control in association with marijuana production, will not cumulatively produce sound that, when measured at any lot line of the subject tract, exceeds 50 dB(A). Only generators used in association with marijuana production and mechanical equipment used in association with marijuana production are subject to this standard.

Sound Pressure Level Recording

The data were gathered using a General Radio Precision Sound Level Meter (SLM) and analyzer (Type, I) Model 1982 Serial #0657982. The unit was calibrated on the site just prior to use. During data collection, the weather was sunny and warm without rain or perceptible wind and the air temperature was 80° F. The microphone of the sound level Meter is omni directional, so it pick-up the sound from all the directions.

The recorded Sound Pressure Level on the property line, was between 40 dBA and 48 dBA.

Findings

The sound sources on the site are exhaust fans with filters inside the two buildings. The recorded combined sound pressure level of all the equipment along the property lines did not exceed 50 dBA. This Project on 35520 SE Gunderson Road, Sandy Oregon 97055 is following the Clackamas county zoning and development ordinance #841. 02, for marijuana production and marijuana processing section "J" for Noise.

Please call me if you have any question.

Sincerely,

A ACOUSTICS



Elki M. Lahav P.E.



Wells Engineering

Wells Engineering
36151 Yamaview Lane
Boring, Oregon 97009-7382

Telephone: (971)-219-9693

E-mail: wellsengr.pe@gmail.com

Monday, November 14, 2022

MOGOWI LLC

35520 SE Gunderson Road

Sandy, Oregon 97055

stevensalmonmx501@gmail.com

To Whom it May Concern,

The purpose of this letter is to certify that Wells Engineering has performed the necessary 841.02(I) calculations for the buildings located at 35520 SE Gunderson Road, Sandy, Oregon 97055.

The CFM Calculations pages that follow on pages 10 and 11 of this report shows that this odor control plan meets and exceeds the requirements of Clackamas County 841.02(I).

Should any questions arise while reviewing this report, or if there is a need for clarification, please do not hesitate to call.

Sincerely,



Phil Wells, P.E.
Wells Engineering

State of Oregon Registered Professional Engineer
License # 15049

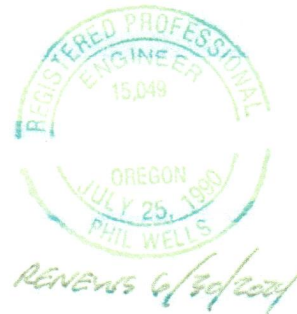
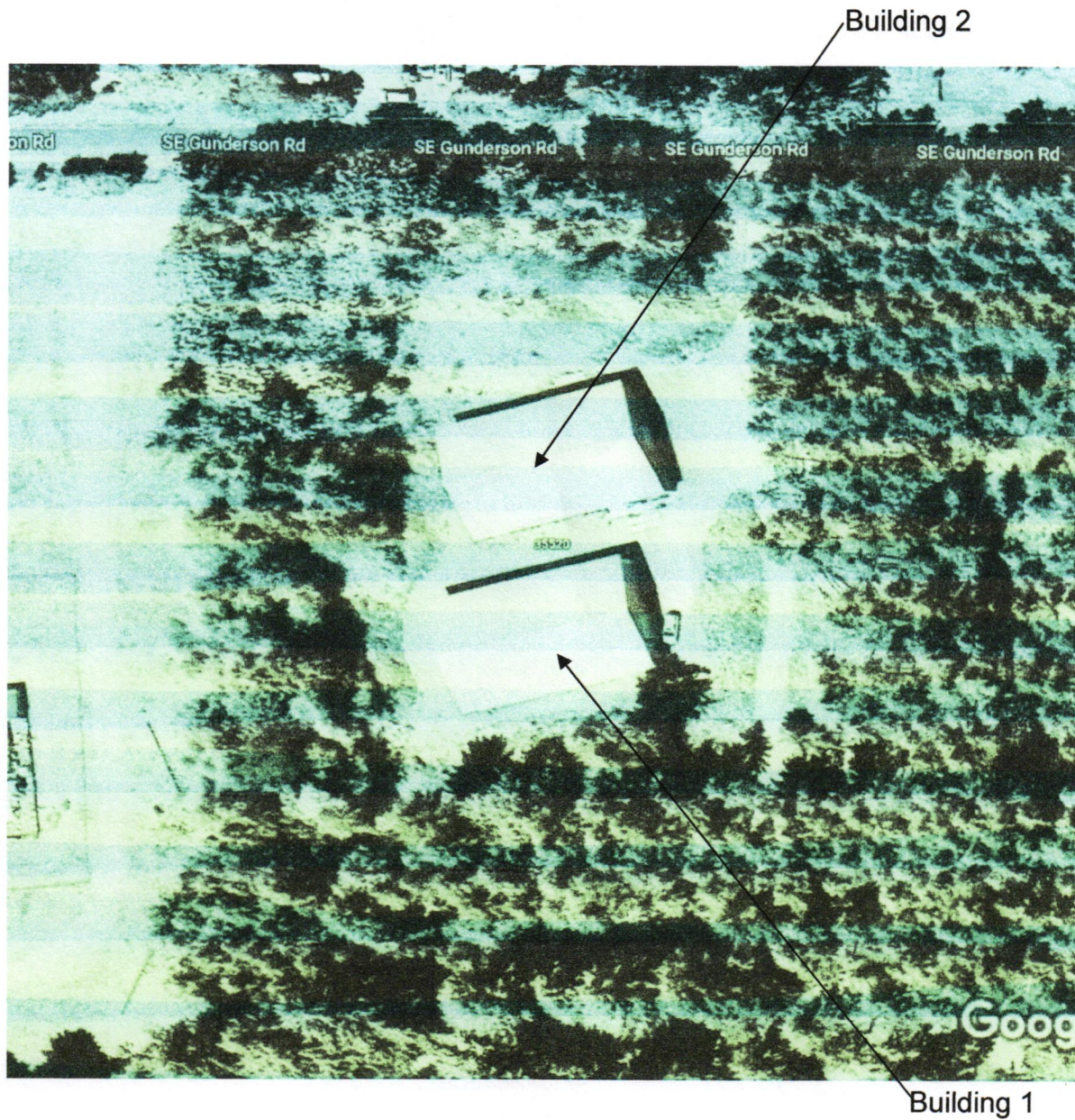


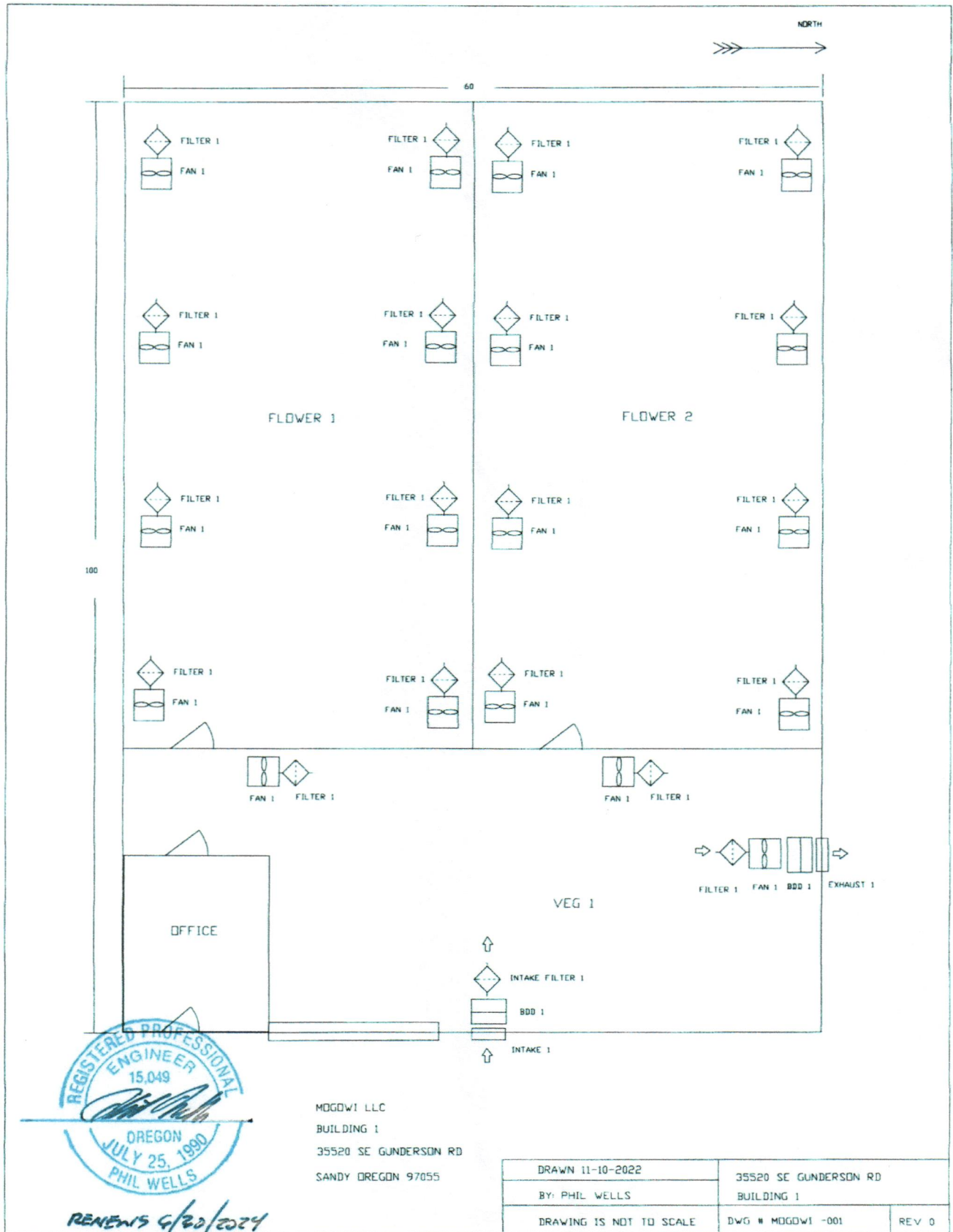
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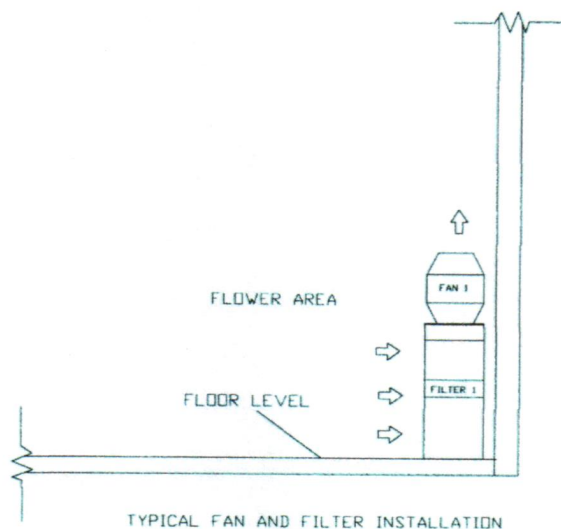
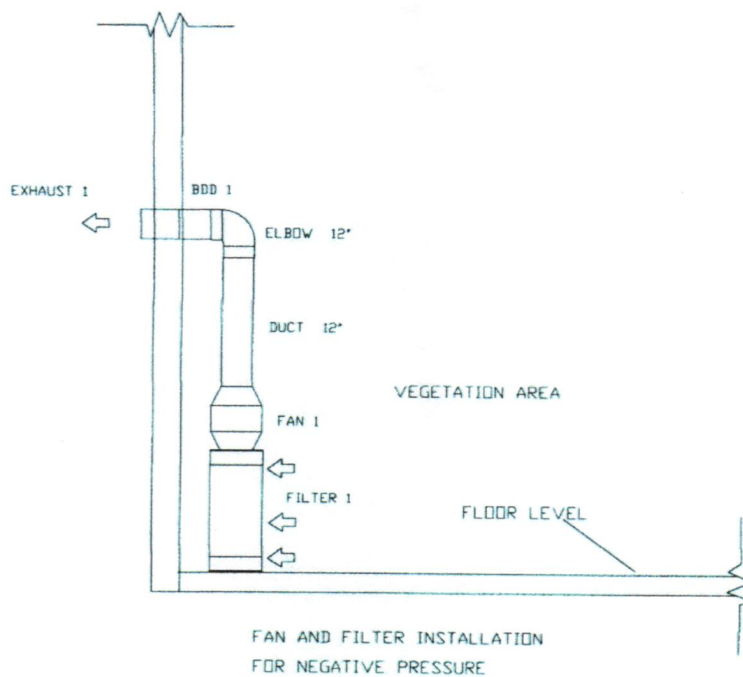
Item	Page
Plot Plan	3
Building 1 Odor Control Plan	4-5
Building 2 Odor Control Plan	6-7
Bill of Material Building 1	8
Bill of Material Building 2	9
841.02(I) CFM Calculations Building 1	10
841.02(I) CFM Calculations Building 2	11

Plot Plan



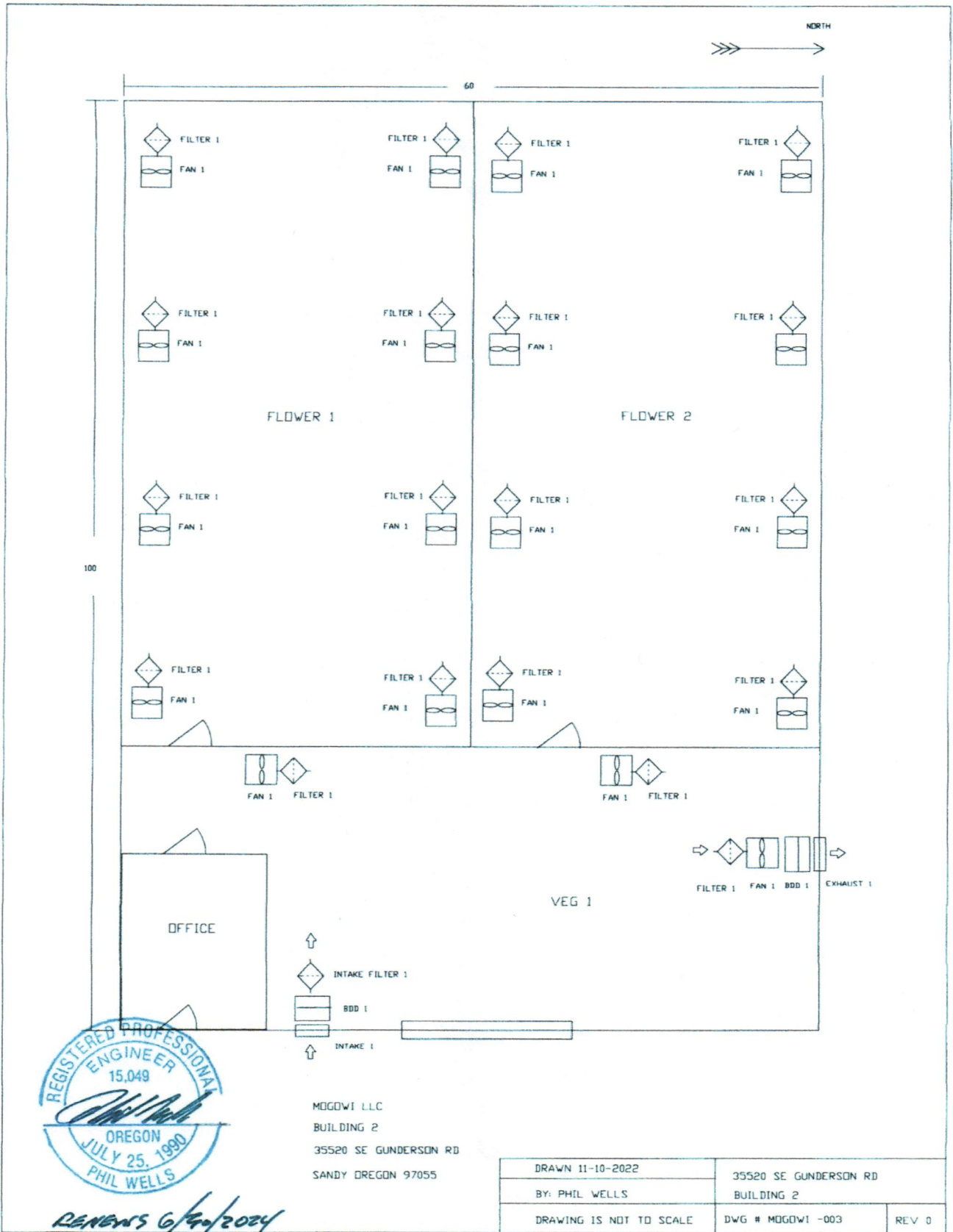
MOGOWI LLC
35520 SE Gunderson Road
Sandy, Oregon 97009

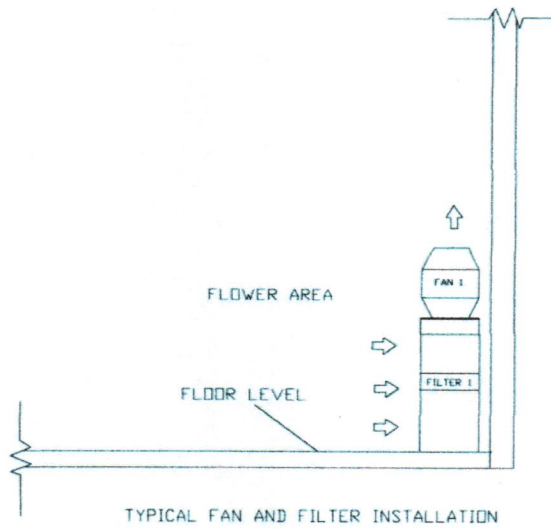
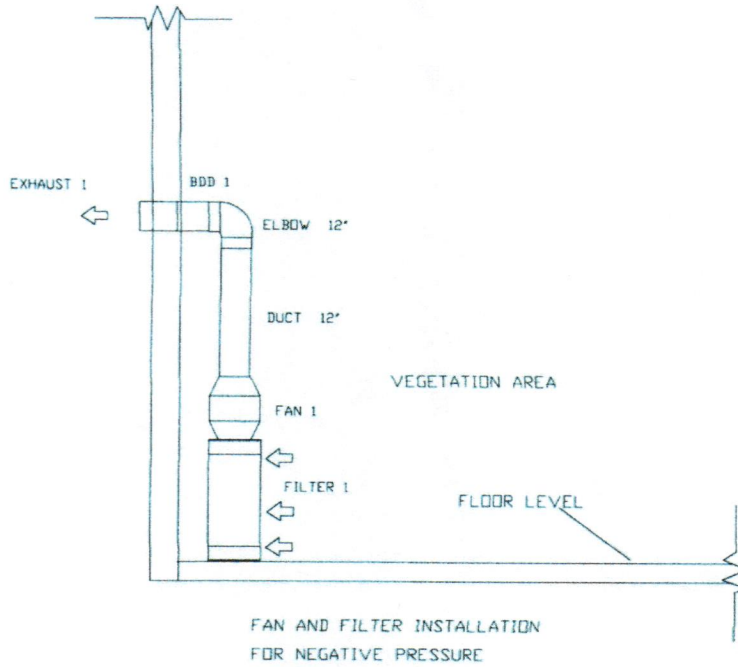




RENEWED 6/30/2024

DRAWN 11-10-2022	35520 SE GUNDERSON RD
BY: PHIL WELLS	BUILDING 1 INSTALLATION DETAILS
DRAWING IS NOT TO SCALE	DWG # MOGOWI -002
	REV 0





RENEWED 6/30/2024

DRAWN 11-10-2022	35520 SE GUNDERSON RD	
BY: PHIL WELLS	BUILDING 2 INSTALLATION DETAILS	
DRAWING IS NOT TO SCALE	DWG # MOGOWI -004	REV 0

Building 1

Name	Description	Vendor	Quantity
FAN 1	Can-Fan Max-Fan 12" 1708 CFM	canfilters.com	19
FILTER 1	Can-Lite 12" 1800 CFM	canfilters.com	19
ELBOW 12"	90 Degree Elbow, 12 in Duct Dia, Galvanized Steel, 26 GA, 15 in W	amazon.com	1
BDD1	Vent Systems - 12 Inch Backdraft Damper - One-Way Airflow - Inline Fan Vent Deflector	amazon.com	2
DUCT 1	AC Infinity Flexible 12-Inch Aluminum Ducting, Heavy-Duty Four-Layer Protection, 8-Feet Long for Heating Cooling Ventilation and Exhaust	amazon.com	1
INTAKE 1	Delisheng Duct Connector Flange Metal Straight Pipe Flange for Heating Cooling Ventilation System 12 Inch	amazon.com	1
INTAKE FILTER 1	HORTI CONTROL 12" DUST SHROOM 700985	amazon.com	1
EXHAUST 1	Delisheng Duct Connector Flange Metal Straight Pipe Flange for Heating Cooling Ventilation System 12 Inch	amazon.com	1

MOGOWI LLC 841.02 (I) Bill of Material
Reference Drawing # MOGOWI -003 REV 0

Building 2

Name	Description	Vendor	Quantity
FAN 1	Can-Fan Max-Fan 12" 1708 CFM	canfilters.com	19
FILTER 1	Can-Lite 12" 1800 CFM	canfilters.com	19
ELBOW 12"	90 Degree Elbow, 12 in Duct Dia, Galvanized Steel, 26 GA, 15 in W	amazon.com	1
BDD1	Vent Systems - 12 Inch Backdraft Damper - One-Way Airflow - Inline Fan Vent Deflector	amazon.com	2
DUCT 1	AC Infinity Flexible 12-Inch Aluminum Ducting, Heavy-Duty Four-Layer Protection, 8-Feet Long for Heating Cooling Ventilation and Exhaust	amazon.com	1
INTAKE 1	Delisheng Duct Connector Flange Metal Straight Pipe Flange for Heating Cooling Ventilation System 12 Inch	amazon.com	1
INTAKE FILTER 1	HORTI CONTROL 12" DUST SHROOM 700985	amazon.com	1
EXHAUST 1	Delisheng Duct Connector Flange Metal Straight Pipe Flange for Heating Cooling Ventilation System 12 Inch	amazon.com	1

MOGOWI LLC 841.02 (I) CFM Calculations
Reference Drawing # MOGOWI-001 REV 0

Building 1

Total Cubic Feet for Building 1				
<u>Rectangular Section:</u>				
Length	Width	Height	Total = LxWxH	
100	60	16	96,000 Cubic Feet	
Total Cubic Feet for Building 1 =		96,000 Cubic Feet		
841.02(I)Requirement=Total Cubic Feet Building 1/3 =		32,000 CFM		
Fans provided per drawing # MOGOWI -001 REV 0				
Fan	CFM Rating	CFM Filter Rating	Quantity	CFM Total
Can-Fan Max-Fan 12"	1708	1800	19	32,452 CFM
Fans Provided CFM Total=				32,452 CFM
Fans Provided CFM Total - 841.02(I) Requirement = 32,452 – 32,000 =				<u>452 CFM</u>
Design Exceeds 841.02(I) Requirement by <u>452 CFM</u>				

MOGOWI LLC 841.02 (I) CFM Calculations
Reference Drawing # MOGOWI-003 REV 0

Building 2

Total Cubic Feet for Building 2				
<u>Rectangular Section:</u>				
Length	Width	Height	Total = LxWxH	
100	60	16	96,000 Cubic Feet	
Total Cubic Feet for Building 1 =		96,000 Cubic Feet		
841.02(I)Requirement=Total Cubic Feet Building 2/3 =		32,000 CFM		
Fans provided per drawing # MOGOWI -003 REV 0				
Fan	CFM Rating	CFM Filter Rating	Quantity	CFM Total
Can-Fan Max-Fan 12"	1708	1800	19	32,452 CFM
Fans Provided CFM Total=				32,452 CFM
Fans Provided CFM Total - 841.02(I) Requirement = 32,452 – 32,000 =				<u>452 CFM</u>
Design Exceeds 841.02(I) Requirement by <u>452 CFM</u>				



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

October 4, 2023

Curtis Safley
15780 SE 329th Ave
Boring, OR 97009

**Subject: Alleged Violations of the Zoning and Development Ordinance,
Title 12, Section 401 of the Clackamas County Code**

Site Address: 35520 SE Gunderson Rd Sandy, OR 97055
Legal Description: T2S, R4E, Section 22, Tax Lot 01400

It has come to the attention of Clackamas County Code Enforcement that the above mentioned property may be keeping the roll up doors open for extended periods of time to facilitate venting which is in violation of the Conditions of Approval as stated in the Clackamas County Planning Decision, Z0343-22.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 401 of the Clackamas County Code.

Please contact Shane Potter, Code Enforcement Specialist, within ten (10) days of the date of this letter in order to discuss this matter.

E-mail address is SPotter@clackamas.us

Telephone number is 503-742-4465

**Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that a \$75.00 monthly Administrative Compliance Fee will be assessed if a violation has been determined and has not been abated. When a property owner works cooperatively with the County to resolve a confirmed code violation, the County may waive all or part of that fee.*

Department of Transportation and Development

Nondiscrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information go to: www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us or call (503) 742-4452.

¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination, envíe un correo electrónico a JKauppi@clackamas.us o llame al 503-742-4452.

ДОБРО ПОЖАЛОВАТЬ! Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination, отправьте письмо на адрес эл. почты JKauppi@clackamas.us или позвоните по телефону 503-742-4452.

欢迎! Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问 www.clackamas.us/transportation/nondiscrimination，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.





From: [ZoningInfo](#)
To: [Potter, Shane](#)
Subject: RE: V0027223 - 35520 SE Gunderson Rd Z0
Date: Tuesday, November 14, 2023 9:06:12 AM
Attachments: [ACOUSTICAL STUDY DOCUMENTS.pdf V1.pdf](#)
[image001.jpg](#)

Hi Shane – The 2 AGM 03822 and 03922 permits have not been approved by planning waiting for Odor Control – noise assessment provided.

All other conditions met as outlined in the decision – water from Estacada water to be stored on site. The conditions are to be established and maintained on sight throughout production.

If when conditions are met planning will complete review of the applied for permits.

Lizbeth Dance, Planner II
Clackamas County Transportation & Development
Planning & Zoning / Long Range Planning
150 Beaver Creek Road
Oregon City, Oregon 97045
503-742-4524
My office hours are M-Th 6:30 am – 5:00pm

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Potter, Shane <SPotter@clackamas.us>
Sent: Monday, November 13, 2023 3:00 PM
To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: V0027223 - 35520 SE Gunderson Rd

Hi there,

I am reviewing a violation on conditions for a MJ approval (Z0343-22-MJ). Below are the conditions and I am checking to see if they have provided this information to you:

General Conditions

2 - As adopted March 1, 2019. Marijuana production shall be subject to the following standards and criteria: A. Maximum Number of Licensed Premises/Registered Sites: In the AG/F, EFU, and TBR Districts, only one premises licensed for marijuana production by the Oregon Liquor Control Commission or one medical marijuana grow site registered by the Oregon Health Authority may be located on a tract.

V) Building Odor / Filtration Conditions: An odor control plan shall be provided to the Planning Department for review and approval prior to establishing development associated with marijuana production on the property. For any building that is used for Marijuana Production (i.e., Indoor Production), where "building" means the building, or portion thereof, that is used for Marijuana Production:

- 1 - The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
- 3 - The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
- 4 - Negative air pressure shall be maintained inside the building.
- 5 - Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
- 6 - The filtration system shall be designed by an engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.02(I).
- 7 - An alternative odor control system is permitted if the applicant submits a report by an engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

VI) Noise Conditions: A noise assessment shall be provided to the Planning Department for review and approval assessing the cumulative noise of the entire property associated with indoor production prior to establishing marijuana production on the property. The applicant shall submit a noise study by an engineer licensed in the State of Oregon. The study shall demonstrate that generators used in association with marijuana production, as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control in association with marijuana production, will not cumulatively produce sound that, when measured at any lot line of the subject tract, exceeds 50 dB(A). Only generators used in association with marijuana production and mechanical equipment used in association with marijuana production are subject to this standard. The applicant must submit a certified noise study that assess the cumulative effects of noise generated each time upgrades, or replacement noise generating equipment occurs. The applicant must conduct an annual test of the entire site with all equipment up and running to ensure compliance. The test results/acoustical engineer's evaluation must be submitted to, reviewed and approved by Clackamas County Planning staff prior to additional building permit issuance or production activity on the site.

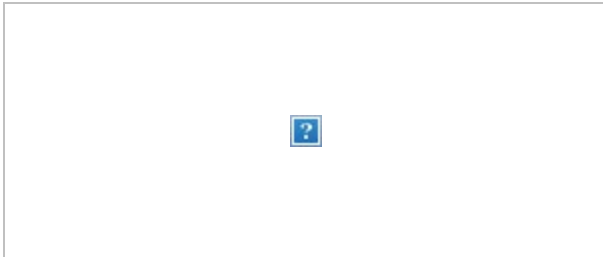
VII) Security Camera Conditions: If used, security cameras shall be directed to record only the subject tract and may be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the OLCC or registration requirements of the OHA.

VIII) Water Conditions: Water to be supplied from City of Estacada Bulk Water and delivered to the property. If at any time this situation changes verification of the revised water availability shall be submitted to the County. The applicant shall submit proof of a legal source of water as evidenced by:

- 1 - A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resources Department (OWRD);
- 2 - A statement from a public or private water provider that water is supplied by that water provider. The statement shall include the name and contact information of the water provider; or
- 3 - Proof from the OWRD that the water to be used for marijuana production is from a source that does not require a water right.

Sincerely,

Shane Potter
Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development
150 Beaver Creek Rd., Oregon City, OR 97045
Primary Phone: 503-742-4465
spotter@clackamas.us
www.clackamas.us
Hours: M-F from 7:30 am until 4:00 pm (Lobby closed to the public on Fridays)



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DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

November 28, 2023

Violation No.:V0027223

Curtis Safley
15780 SE 329th Ave.
Boring, OR 97009

RE: CLACKAMAS COUNTY CODE SECTIONS ADDRESSED IN VIOLATION: No.: V0027223

1. CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE TITLE 12 – SECTION 400: NATURAL RESOURCE DISTRICTS – SECTION 401: EXCLUSIVE FARM USE (EFU) – SECTION 12.401.04: USES PERMITTED
2. CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE TITLE 12 – SECTION 800: SPECIAL USE REQUIREMENTS – SECTION 841: MARIJUANA PRODUCTION, PROCESSING, AND RETAILING – SECTION 12.841.02: MARIJUANA PRODUCTION
3. CLACKAMAS COUNTY ZONING AND DEVELOPMENT LAND USE DECISION Z0343-22
4. CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE TITLE 12 – SECTION 1300: ADMINISTRATIVE ACTION REVIEW PROCESS – SECTION 1307: PROCEDURES – SECTION 1307.15: CONDITIONS OF APPROVAL

SITE ADDRESS: 35520 SE Gunderson Rd., Sandy, OR 97055
LEGAL DESCRIPTION T2S, R4E, SECTION 22, TAX LOT 01400

Dear Curtis Safley,

This violation letter is in addition to an already existing violation on the property (file V0001422) a violation addressing multiple building code violations. This violation is addressing violations of the Conditions of Approval to Land Use Decision Z0343-22 for a Marijuana Production Facility. To abate these violations you must complete the following **NO LATER THAN: December 28, 2023**

Conditions of Approval

There are numerous Conditions of Approval that are in violation of the Land Use Decision file Z0343-22. The Conditions of Approval will be listed below and how to resolve will follow each Condition of Approval. The Conditions of Approval listed below use the same numbering system identified in the Land Use Decision. If you have questions about the Land Use Approval we encourage you to contact the Clackamas County Planning and Zoning Division at 503-742-4500 or by email at zoninginfo@clackamas.us

1. Condition I – General Conditions #1 states: Approval of this Marijuana Production application is based on the submitted materials dated July 19, 202, August 3, 2022, August 15, 2022 and September 9, 2022. No work shall occur under this permit beyond that specified in this decision. It shall be the responsibility of the property owner(s) to comply with this decision and the limitations of approval described herein

- a. There are several Conditions of Approval that have not been implemented and/or completed and must be addressed by the date listed above. These conditions will be detailed more in depth throughout the remainder of this report.
2. Condition I – General Conditions #3 states: For new structures and modifications of existing structures used for marijuana production: No development permits (building permits, plumbing permits, electrical permits, “AG exempt” permits, etc) shall be issued until the stamped odor filtration system required under Subsection 841.02(I)(1-7) and/or the noise study required under Subsection 841.02(J) are submitted and approved by the Planning and Zoning Division.
 - a. The odor control plan and the noise study have not been submitted to the Planning and Zoning Division for review and approval. This must be completed by the date listed above.
3. Condition II – Indoor Production Setback Conditions states: Structures used for indoor production shall comply with the setback standards of the subject zoning district. EFU setbacks are 30 feet from Front/N and 10 feet from Rear and Sides S, E & W.
 - a. While it appears this has been met there are two buildings that have not been reviewed by Planning and Zoning since no they have not reviewed the structures due to non-compliance of the odor control plan and noise study. A formal review ill need to be completed by the Planning and Zoning Division to formally review this condition. Permits will be required to be obtained within 30 days of receiving a final approval of the odor control plan and noise study from the Planning and Zoning Division.
4. Condition IV – Lighting Conditions states: 1) Light cast by light fixtures inside any building used for Marijuana Production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day. 2) Marijuana grow lights located outside a building shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day. 3) Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not be directed skyward and shall be directed within the boundaries of the subject tract.
 - a. There have been several reports that lights are visible during the times identified in these conditions along with the doors being left open for long periods of time also violating these conditions. All lighting will need to be in compliance with the Conditions as stated by the deadline listed above.
5. Condition V – Building Odor / Filtration Conditions states: An odor control plan shall be provided to the Planning Department for review and approval prior to establishing development associated with marijuana production on the property. For any building that is used for Marijuana Production (i.e., Indoor Production), where “building” means the building, or portion thereof, that is used for Marijuana Production: 1) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter. 2) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM. 3) The filtration system shall be

maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days. 4) Negative air pressure shall be maintained inside the building. 5) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building. 6) The filtration system shall be designed by an engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.02(I). 7) An alternative odor control system is permitted if the applicant submits a report by an engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

a. An odor control plan has not been submitted for review and therefore has not been approved for this location. This plan must be submitted by the deadline listed in this letter.

6. Condition VI – Noise Conditions states: A noise assessment shall be provided to the Planning Department for review and approval assessing the cumulative noise of the entire property associated with indoor production prior to establishing the marijuana production on the property. The applicant shall submit a noise study by an engineer licensed in the State of Oregon. The study shall demonstrate that generators used in association with marijuana production, as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control in association with marijuana production, will not cumulatively produce sound that, when measured at any lot line of the subject tract, exceeds 50 dB(A). Only generators used in association with marijuana production and mechanical equipment used in association with marijuana production are subject to this standard. The applicant must submit a certified noise study that assess the cumulative effects of noise generated each time upgrades, or replacement noise generating equipment occurs. The applicant must conduct an annual test of the entire site with all equipment up and running to ensure compliance. The test results/acoustical engineer's evaluation must be submitted to, reviewed and approved by Clackamas County Planning staff prior to additional building permit issuance or production activity on the site.

a. The site is being used for production currently and has not obtained the noise study. A noise study must be submitted by the deadline listed above.

7. Condition VIII – Water Conditions states: Water to be supplied from City of Estacada Bulk Water and delivered to the property. If at any time this situation changes verification of the revised water availability shall be submitted to the County. The applicant shall submit proof of a legal source of water as evidenced by: 1) A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resources Department (OWRD); 2) A statement from a public or private water provider that water is supplied by that water provider. The statement shall include the name and contact information of the water provider; or 3) Proof from the OWRD that the water to be used for marijuana production is from a source that does not require a water right.

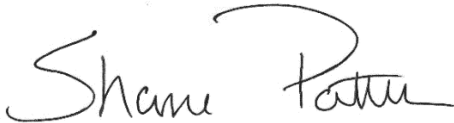
a. Proof of obtaining water from the approved source will need to be provided to show that this condition is being met.

8. XI – Processing Conditions states: This land use approval does not authorize marijuana processing on the subject tract, even if such processing would be permitted under conditions of an OLCC or OHA marijuana production permit.
 - a. This is just a reminder of the allowed activities that occur on site and what is not allowed even if allowed under the OLCC or OHA marijuana production permit.
9. Any activity above that requires submission for approval shall be submitted by the deadline listed in this letter. If the Planning and Zoning Division determine that the information is incomplete, complete information/documentation shall be provided to the Planning and Zoning Division within 30 days of being notified of such incompleteness.
10. This list of conditions that are in violation should not be determined to be all violations that exist on site and only addresses those issues known at this time.

If you have questions concerning permit requirements, online submittal process, or land use process, please contact the department listed above at the phone number or email listed, or stop by the offices located at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. The offices are closed on Fridays

ITEMS INCLUDED IN THIS PACKET

- Violation Letter
- Required Notice of Fines and Penalties



Shane Potter
Code Enforcement Specialist
Clackamas County Code Enforcement
Phone: 503-742-4465
spotter@clackamas.us

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beavercreek Rd., Oregon City, OR 97045, or at codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.











DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

April 9, 2024

Violation No.: V0027223
V0001422

Curtis Safely
15780 SE 329th Ave.
Boring, OR 97009

RE: CLACKAMAS COUNTY CODE SECTIONS ADDRESSED IN VIOLATION: No.: V0027223 and V0001422

1. CLACKAMAS COUNTY CODE TITLE 9: BUILDINGS – CHAPTER 9.02: APPLICATION AND ENFORCEMENT OF THE CLACKAMAS COUNTY BUILDING CODE – CHAPTER 9.02.040(A, B, C, D, & E): CLACKAMAS COUNTY BUILDING CODE

SITE ADDRESS: 35520 SE Gunderson Rd., Sandy, OR 97055
LEGAL DESCRIPTION T2S, R4E, SECTION 22, TAX LOT 01400

Dear Curtis Safely,

There were two violations that are open regarding this property. As we have discussed in the past you submitted proof of an odor and noise study. I have reviewed those documents and now the remaining building issues exist on the site. These effect both violations as they are part of the original violation file V0001422 and conditions require all permits to be obtained as well as incorporating the conditions such as the odor control which requires mechanical fans and a system that requires permits. To date I do not show permits have been obtained for those. To abate these violations you must complete the following **NO LATER THAN: May 9, 2024**

Mechanical Permits for Odor Control, Complete Agricultural Exemption Permits, obtain all necessary Electrical and Plumbing Permits

1. There are two buildings on site that have not obtained mechanical permits for the odor control system nor have they completed the agricultural exemption process for these two buildings. There is also electrical installed that has not been permitted.
2. Submit the required documents for the agriculturally exempt buildings; and,
3. Submit, or have your professional submit, building permit application(s), appropriate fee(s) and all construction documents of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Building code and relevant laws. We encourage you to reach out to discuss the permitting process by calling 503-742-4240 or by email at bldservice@clackamas.us:
 - a. Respond to requests for clarification or additional information from permitting staff within 15 days of receiving such request.
 - b. The permit(s) must have the fee(s) paid in full within 10 days of being notified by Building Codes in order to prevent delay of the issuance of permits.

- c. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>

If you have questions concerning permit requirements, online submittal process, or land use process, please contact the department listed above at the phone number or email listed, or stop by the offices located at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. The offices are closed on Fridays

ITEMS INCLUDED IN THIS PACKET

- Violation Letter
- Required Notice of Fines and Penalties

A handwritten signature in black ink that reads "Shane Potter". The signature is written in a cursive style with a large, looping "S" and a distinct "P".

Shane Potter
Code Enforcement Specialist
Clackamas County Code Enforcement
Phone: 503-742-4465
spotter@clackamas.us

Important Notices

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5. **Voluntary Compliance:** Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may in its discretion waive all or part of the \$75 per month administrative fee.
6. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

From: [Dance, Lizbeth](#)
To: [Potter, Shane](#)
Subject: RE: V0027223 - 35520 SE Gunderson Rd
Date: Monday, June 17, 2024 3:08:40 PM
Attachments: [image001.jpg](#)

Indoor marijuana Production requires full engineered Odor Control and Nose assessment as assessed and completed by an Engineer Licensed in the State of Oregon- for each as outlined in the Land Use decision there is not a way to avoid this requirement – see ZDO 841

Lizbeth Dance, Planner II
Clackamas County Transportation & Development
Planning & Zoning / Long Range Planning
150 Beaver Creek Road
Oregon City, Oregon 97045
503-742-4524
My office hours are M-Th 7:00 am – 5:30pm

Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable regulations in effect on the date the research was conducted. Any opinion or advice provided herein may be revised, particularly where new or contrary information becomes available, or in response to changes to state law or administrative rule, future legislative amendments of the Zoning and Development Ordinance, decisions of courts or administrative tribunals, or quasi-judicial land use decisions.

This is not a land use decision as defined by Oregon Revised Statutes 197.015(10).

From: Potter, Shane <SPotter@clackamas.us>
Sent: Friday, June 14, 2024 10:24 AM
To: Dance, Lizbeth <LDance@clackamas.us>
Subject: FW: V0027223 - 35520 SE Gunderson Rd

Hi Lizbeth,

Can you see email below please.

Sincerely,

Shane Potter
Code Enforcement Specialist
Code Enforcement
Department of Transportation and Development

150 Beaver Creek Rd., Oregon City, OR 97045

Primary Phone: 503-742-4465

spotter@clackamas.us

www.clackamas.us

Hours: M-F from 7:30 am until 4:00 pm (Lobby closed to the public on Fridays)



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From: Potter, Shane

Sent: Friday, June 7, 2024 1:20 PM

To: Dance, Lizbeth <L.Dance@clackamas.us>

Subject: V0027223 - 35520 SE Gunderson Rd

Hi Lizbeth,

I have been working with the owner on the compliance with this property. They are currently trying to complete some permits for the site. However when I brought up the fact they need a mechanical permit for the site they told me they do not have fans the smell is contained by being contained in a building. I did not know this was an option. I am not familiar enough with understanding the noise and odor study they did. Can you tell me if a self-contained facility is consistent with their odor approval?

Sincerely,

Shane Potter

Code Enforcement Specialist

Code Enforcement

Department of Transportation and Development

150 Beaver Creek Rd., Oregon City, OR 97045

Primary Phone: 503-742-4465

spotter@clackamas.us

www.clackamas.us

Hours: M-F from 7:30 am until 4:00 pm (Lobby closed to the public on Fridays)



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

November 25, 2024

Violation No.: V0027223

Curtis Safley
15780 SE 329th Ave.
Boring, OR 97009

RE: CLACKAMAS COUNTY NO. V0027223

CLACKAMAS COUNTY CODE SECTIONS VIOLATED:

1. CLACKAMAS COUNTY CODE TITLE 12: ZONING AND DEVELOPMENT ORDINANCE – SECTION 401.04: USES PERMITTED
2. CLACKAMAS COUNTY CODE TITLE 12: ZONING AND DEVELOPMENT ORDINANCE – SECTION 1307.15: CONDITIONS OF APPROVAL
3. CLACKAMAS COUNTY CODE TITLE 9 BUILDINGS – SECTION 9.02.040 (A, B, & E)

ZONING: EFU (Exclusive Farm Use)
SITE ADDRESS: 35520 SE Gunderson Rd., Sandy, OR 97009
LEGAL DESCRIPTION T2S, R4E, SECTION 22, TAX LOT 01400

Dear Curtis Safley,

A previous violation letter was mailed regarding the zoning code violation and then a building code violation followed that one. However, to make things clean and understandable I am sending this violation letter to address the zoning and building code violations. Failure to comply by the deadline mentioned in this letter may result in further enforcement action. To abate the violation, you must complete the following **NO LATER THAN: January 6, 2025**

VIOLATIONS OF CONDITIONS OF APPROVAL NOTABLY FAILURE TO COMPLY WITH ODOR STUDY

You received an approved odor study. However, you have not implemented that odor study by installing the appropriate exhaust fans. This failure to comply with the conditions of approval constitutes a violation of the Zoning code. You will need to complete the following steps in this letter no later than the deadline listed in this letter.

1. Discontinue the use;
 2. Move the use to an approved parcel and building; or
 3. Obtain the appropriate building permits as outlined in the next section of this letter;
- or,

4. If you wish to perform a new odor study with a different approved system you will need to contact Planning and Zoning to determine those steps. We encourage you to reach out to Planning and Zoning to address any questions you have by calling 503-742-4500 or by email at zoninginfo@clackamas.us.
 - a. If you pause the use and begin the land use process, we will pause the enforcement of this file. If the use continues on the property before you obtain land use approval, we will continue with the enforcement of this file.
 - b. If you obtain land use approval, staff will ensure that any conditions of approval relevant to the violation have been implemented before closing this file. A Final inspection may be required to confirm that all conditions of approval have been met.

INSTALL AND OBTAIN PERMITS FOR MECHANICAL FAN SYSTEM

As stated above the approved conditions of approval state there will be multiple fans installed in the building. If you have questions and concerns about how to obtain permits for those fans you must contact Building Codes at 503-742-4240 or by email at bldservice@clackamas.us.

1. Submit, or have your professional submit, building permit application(s), appropriate fee(s) and all construction documents of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the building code and relevant laws. We encourage you to reach out to permitting at the contact information listed in this letter.
 - a. Respond to requests for clarification or additional information from permitting staff within 15 days of receiving such request.
 - b. The permit(s) must have the fee(s) paid in full within 10 days of being notified by Building Codes in order to prevent delay of the issuance of permits.
 - c. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your approved permit(s).

Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>

If you have questions concerning permit requirements, the online submittal process, or the land use process, please contact the department listed below at the phone number or email listed, or stop by the offices located at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. The offices are closed on Fridays

ITEMS INCLUDED IN THIS PACKET

Building Codes (Permitting) 503-742-4240
Planning and Zoning 503-742-4500
Code Enforcement – Shane Potter - 503-742-4465

bldservices@clackamas.us
zoninginfo@clackamas.us
spotter@clackamas.us

ITEMS INCLUDED IN THIS PACKET

- Violation Letter
- Required Notice of Fines and Penalties

A handwritten signature in black ink that reads "Shane Potter". The signature is fluid and cursive, with the first name "Shane" and last name "Potter" clearly distinguishable.

Shane Potter
Code Enforcement Specialist
Clackamas County Code Enforcement
Phone: 503-742-4465
spotter@clackamas.us

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Compliance Hearings Officer.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement, 150 Beavercreek Rd., Oregon City, OR 97045, or to codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Voluntary Compliance:** Clackamas County encourages parties to voluntarily come into compliance with the code to support a safe and healthy community for all. Please note that, when a property owner works cooperatively with the County to resolve a confirmed code violation, the County may, in its discretion, waive all or part of the \$75 per month administrative compliance fee.
6. **Non-compliance may result in a lien upon your property:** Fines, penalties, and fees are payable upon the effective date of the final order imposing them. Such fines, penalties, and fees are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other. If fines, penalties, and fee are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
7. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's order may result in the matter being referred to County Counsel for legal action in Circuit Court, which may result in additional penalties or other sanctions.
8. **Recurrences will result in additional citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

Status	Opened	Number	Dir	Street Name	Suffix	Parcel #	TLNO	Record Typ
ig	09/18/2023	35520	SE	GUNDERSON	RD	00675246	24E22 01400	Code Enfo
d	03/28/2023	35520	SE	GUNDERSON	RD	00675246	24E22 01400	Soils - Sep
red	11/23/2022	35520	SE	GUNDERSON	RD	00675246	24E22 01400	Soils - Con
iew	09/26/2022	35520	SE	GUNDERSON	RD	00675246	24E22 01400	Building - M
iew	09/26/2022	35520	SE	GUNDERSON	RD	00675246	24E22 01400	Building - M
red	07/19/2022	35520	SE	GUNDERSON	RD	00675246	24E22 01400	Planning -
eted	07/19/2022	35520	SE	GUNDERSON	RD	00675246	24E22 01400	Planning -
ig	01/14/2022	35520	SE	GUNDERSON	RD	00675246	24E22 01400	Code Enfo
	12/07/2020	35520	SE	GUNDERSON	RD	00675246	24E22 01400	Code Enfo
	10/12/2020	35520		GUNDERSON	RD	00675246	24E22 01400	Building - F



ADMINISTRATIVE CITATION

Date Issued: February 10, 2025

Citation No.: 2300272-1

Violation No.: V0027223

Name and Address of Person(s) Cited:

Name: Curtis Safley
Mailing Address: 15780 SE 329th Ave.
City, State, Zip: Boring, OR 97009

Date Violation(s) Confirmed: February 10, 2025, the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 35520 SE Gunderson Rd., Boring, OR 97009

Legal Description: T2S, R4E SECTION 22, Tax Lot 01400

Law(s) Violated

- ☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 12.401.04
- ☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 12.1307.15

Description of the violation(s):

- 1) Failure to comply with conditions of approval regarding the odor study and installing the proper ventilation system.

Maximum Civil Penalty \$2,500.00

Fine \$400.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$400.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75.00 monthly administrative fee is being assessed.

I hereby certify under penalties provided by ORS 153.990 that I have reasonable grounds to and do believe that the above person(s) committed or allowed to be committed the violation(s) described on this form.

Citation Issued by: Shane Potter
Telephone No.: 503-742-4465

Date: February 10, 2025
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

You have been cited for the violation(s) of law stated on the front of this form. You MUST exercise ONE of the following options within fifteen calendar days of the date of this citation.

If you fail to exercise one of these options within fifteen calendar days of the citation date, the County may request a hearing before the Code Enforcement Hearings Officer following which you may be ordered to pay the maximum civil penalty and abate the violation.

Options:

1. Abate the violation and pay the fine. Sign the statement of Understanding below and deliver or mail this form, together with a check or money order payable to Clackamas County in the amount of the fine to:
Clackamas County Code Enforcement Section
150 Beavercreek Rd.
Oregon City, OR 97045
2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to codeenforcement@clackamas.us.

A request for hearing must contain all of the following information:

- a. Your name and address;
- b. A copy of the citation or the Citation No. and Case No.; and,
- c. The description of the relief you are requesting.

At the hearing, an administrative fee may be assessed by the Hearings Officer in addition to civil penalty(ies) if the Hearings Officer concludes you are responsible for the violation. If a civil penalty is imposed the amount will likely exceed the fine amount on this citation.

STATEMENT OF UNDERSTANDING

I, the undersigned, do hereby acknowledge that I understand the following:

1. By paying the fine I admit the existence of the violation(s) alleged on this citation and my responsibility for it.
2. Paying the fine does not relieve me of my responsibility to correct the violation and to comply with all applicable laws.
3. Additional citations may be issued to me if I fail to correct the violation or violate other applicable laws.

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____