



## Notice of a Public Hearing on a Land Use Proposal in Your Area

**Date of Mailing of this Notice:** July 23, 2025

**Notice Sent To:** Agencies, Community Planning Organization(s) and property owners within 2,640 feet of the subject property.

**HEARING DATE:** August 14, 2025

**HEARING TIME:** This hearing will not begin before 9:30 a.m.. However, it may begin later depending on the length of any preceding items.

**HEARING LOCATION:** The public hearing will be conducted virtually using the Zoom platform. One week prior to the hearing, a Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available on our website: [www.clackamas.us/meetings/planning/hearingsofficer](http://www.clackamas.us/meetings/planning/hearingsofficer)

**File Number:** Z0123-23

**Applicant:** Devyn Petersen and Staci Dalton

**Property Owner:** Staci Dalton and Phil Dalton

**Proposal:** This notice pertains to a remanded decision regarding a Conditional Use Permit (CUP) for the establishment of an event venue.

On March 4, 2024 the Clackamas County Hearings Officer approved the applications subject to conditions of approval. Neighboring residents appealed the county's decision to the Land Use Board of Appeals (LUBA). On July 10, 2024 LUBA remanded the hearings officer's decision on two issues: ORS 215.760(2) prohibits a barn previously authorized by ORS 215.760(1) from being converted to an event facility, and there was "insufficient evidence in the record that the proposed dressing building containing two bathrooms with showers, a kitchen, and changing rooms is a "[b]uilding[]" normally associated with uses permitted in the [AG/F] zone..." (ORS 215.448(1)(a)(B) and ZDO 806.02(C). The applicants appealed LUBA's decision to the Oregon Court of Appeals, which reversed LUBA's decision regarding ORS 215.760(2) and remanded the decision to LUBA. *Kupillas v. Sage & Soc.*, 337 Or.App. 67, 563 P.3d 394 (2024). The Court of Appeals did not address the dressing building issue. The appellants filed a petition for review with the Supreme Court, which denied review on April 10, 2025. On June 26, 2025, LUBA remanded the decision to the County solely to address the dressing building issue. *Kupillas v. Clackamas County*, LUBA No. 2024-015 (2024) (*Kupillas II*).

LUBA remanded this CUP decision for the sole issue of determining whether there is substantial evidence that the proposed dressing building containing two bathrooms with showers, a kitchen, and changing rooms is a "[b]uilding[]" normally associated with uses permitted in the [AG/F] zone..." (ORS 215.448(1)(a)(B) and ZDO 806.02(C). The applicant proposed to withdraw the dressing building as a component of the proposal. **Therefore, the scope of the remand is limited to determining whether that modification, the withdrawal of the dressing building, affects the application's compliance with any approval criteria. The hearings officer will not accept or consider testimony or evidence regarding other issues that were affirmed by LUBA or were not raised in the prior proceeding.**

**Applicable Criteria:** Sections 202, 406, 407, 806, including ZDO 806.02(C), 1000-series, 1203, and 1307 of the Clackamas County Zoning and Development Ordinance (ZDO) and Oregon Revised Statutes (ORS) 215.296(1).

The ZDO criteria may be viewed online at <http://www.clackamas.us/planning/zdo.html>

**Site Address and/or Location:** 29335 S Beavercreek Rd., Mulino, OR 97042

**Assessor's Map:** T4S, R3E, Section 31, Tax Lot 608, W.M.

**Property Size:** 19.63 acres

**Zoning:** Ag/Forest (AG/F)

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.**

**HOW TO OBTAIN ADDITIONAL INFORMATION**

**Staff Contact:** Melissa Lord; 503-742-4504 or [MLord@clackamas.us](mailto:MLord@clackamas.us)

A copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost. Copies may be purchased at the rate of \$2.00 per page for 8 1/2" x 11" or 11" x 14" documents, \$2.50 per page for 11" x 17" documents, \$3.50 per page for 18" x 24" documents and \$0.75 per sq ft with a \$5.00 minimum for large format documents, or you may view these materials:

1. By emailing or calling the staff contact; or
2. Online at <https://aca-prod.accela.com/clackamas>. After selecting the "Planning" tab, enter the File Number to search. Select Record Info and then select "Attachments" from the dropdown list, where you will find the submitted application.

**Community Planning Organization for Your Area:** The following recognized Community Planning Organization (CPO) has been notified of this application and may develop a recommendation. You are welcome to contact the CPO and attend their meeting on this matter, if one is planned. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact Clackamas County Community Engagement at [communityinvolvement@clackamas.us](mailto:communityinvolvement@clackamas.us). **CPO:** Clarkes-Highland **Contact:** Craig Loughridge, [clarkeshighland@gmail.com](mailto:clarkeshighland@gmail.com)

**HOW TO SUBMIT TESTIMONY ON THIS APPLICATION**

- All interested parties are invited to "attend" the hearing remotely online or by telephone and will be provided with an opportunity to testify orally, if they so choose. One week prior to the hearing, specific instructions will be available online at [www.clackamas.us/meetings/planning/hearingsofficer](http://www.clackamas.us/meetings/planning/hearingsofficer)
- Written testimony received by **August 7, 2025**, will be provided to the Hearings Officer prior to the hearing. However, written testimony will continue to be accepted until the record closes, which will be August 21, 2025 for anyone to submit additional testimony and evidence regarding whether the proposed use complies with ZDO 401.05(A)(1) and ORS 215.296(1), August 28, 2025 for anyone to respond to the testimony and evidence submitted during the first week of the open record. No new issues may be raised during the second week of the open record, and September 4, 2025 for the applicant to submit a final argument.
- Written testimony may be submitted by email, fax, or regular mail. Please include the permit number on all correspondence and address written testimony to the staff contact who is handling this matter.
- Testimony, argument, and evidence must be directed toward the issue explained in the "Proposal" above. Failure to raise an issue in person at the hearing or by letter prior to the close of the record, or failure to provide statements or evidence sufficient to afford the Hearings Officer an opportunity to respond to the issue, precludes an appeal to the Oregon Land Use Board of Appeals based on that issue.
- Written notice of the Hearing Officer's decision will be mailed to you if you submit oral or written testimony or make written request for notice of decision **and provide a valid mailing address**.

**PROCEDURE FOR THE CONDUCT OF THE HEARING**

The hearing will be conducted by one of the Land Use Hearings Officers, who are appointed by the Board of County Commissioners to conduct public hearings and issue decisions on certain land use permit applications. The following procedural rules have been established to allow an orderly hearing:

1. The length of time given to individuals speaking for or against an item will be determined by the Hearings Officer prior to the item being considered.
2. A spokesperson representing each side of an issue is encouraged.

*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](mailto: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?