

To request translation or disability-related accommodations, please contact us at DTDcompliance@clackamas.us | 503-742-4400.

Si quiere solicitar servicios de traducción o adaptaciones para la discapacidad, contáctenos en/al DTDcompliance@clackamas.us | 503-742-4400.

Чтобы запросить перевод или приспособления, связанные с инвалидностью, пожалуйста, свяжитесь с нами по:
DTDcompliance@clackamas.us | 503-742-4400.

Щоб попросити переклад або спеціальні послуги для осіб з особливими потребами, зверніться до нас, скориставшись такими контактними даними:
DTDcompliance@clackamas.us | 503-742-4400.

如需翻译服务或残障相关的协助，请与我们联系：
DTDcompliance@clackamas.us | 503-742-4400。

Để yêu cầu dịch vụ dịch thuật hoặc điều chỉnh liên quan đến tình trạng khuyết tật, vui lòng liên hệ với chúng tôi qua DTDcompliance@clackamas.us | 503-742-4400.



Clackamas County
www.clackamas.us



NOTICE OF HEARING

October 8, 2026

RP Holdings LLC
104 Gentle Pond Ct.
Winston Salem, NC 27107

RE: County of Clackamas v. RP Holdings LLC
File: V0011126

Hearing Date: November 12, 2026

Time: This item will not begin before 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 Jennifer Kauppi, Code Compliance Specialist for Clackamas County at (503) 742-4759, 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.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or telephone to use the Zoom platform. A Zoom invite has been emailed to RONPICARDIJR@GMAIL.COM and RICH@SODOPEFARMS.COM. The link is provided on the next page. Once you have joined the meeting, you will be prompted to **JOIN AS PANELIST**. Please accept the request to **JOIN AS PANELIST**.

If you would like to present evidence at the hearing, please email Jennifer Kauppi at JKauppi@clackamas.us or mail your evidence, **no later than 4 working days prior to the hearing** to:

Jennifer Kauppi
150 Beavercreek Rd.
Oregon City, OR 97045

Staff will process your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for your reference.

If you are unable to participate in the hearing through the Zoom platform, please contact Jennifer Kauppi at 503-742-4759 **within 3 calendar days of the receipt of the Notice of Hearing**.

If you are unfamiliar with using the Zoom platform, please perform an internet search "How to use Zoom" prior to the hearing date. There are many interactive guides available.

If you experience difficulties connecting to the Zoom hearing prior to your scheduled start time, please call 971-930-6134, for assistance.

Zoom Information:

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/81553339167?pwd=y5Wr1rvQrswbcX8b2KD0bZMSPlcdhg.1>

Passcode: 984282

+19712471195,,81553339167# US (Portland) 16699006833,,81553339167# US +(San Jose)

Join via Audio:

+1 971 247 1195 US (Portland)	+1 301 715 8592 US (Washington DC)
+1 669 900 6833 US (San Jose)	+1 305 224 1968 US
+1 719 359 4580 US	+1 309 205 3325 US
+1 720 928 9299 US (Denver)	+1 312 626 6799 US (Chicago)
+1 206 337 9723 US (Seattle)	+1 360 209 5623 US
+1 213 338 8477 US (Los Angeles)	+1 386 347 5053 US
+1 253 205 0468 US	+1 470 250 9358 US (Atlanta)
+1 253 215 8782 US (Tacoma)	+1 470 381 2552 US (Atlanta)
+1 346 248 7799 US (Houston)	+1 507 473 4847 US
+1 408 638 0968 US (San Jose)	+1 564 217 2000 US
+1 602 753 0140 US (Phoenix)	+1 646 518 9805 US (New York)
+1 669 219 2599 US (San Jose)	+1 646 876 9923 US (New York)
+1 669 444 9171 US	+1 646 931 3860 US
+1 689 278 1000 US	+1 651 372 8299 US (Minnesota)
+1 786 635 1003 US (Miami)	
+1 267 831 0333 US (Philadelphia)	Webinar ID: 815 5333 9167

International number available: <https://clackamascounty.zoom.us/j/kc3yFCxeuY>

Department of Transportation and Development

Non-Discrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information, please visit: www.clackamas.us/transportation/nondiscrimination

¡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

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

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

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

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination

BEFORE THE COMPLIANCE HEARINGS OFFICER
for
COUNTY OF CLACKAMAS

COUNTY OF CLACKAMAS,

Petitioner,

v.

RP HOLDINGS LLC,

Respondent.

File No: V0011126

COMPLAINT AND REQUEST FOR HEARING

I, Jennifer Kauppi, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondent's mailing address is: 104 Gentle Pond Ct, Winston Salem, NC 27107.

2.

The Respondent(s) own/owns or occupies the address or location of the violation(s) of law alleged in this Complaint is 18845 S Kimball Rd, Oregon City, OR 97045 also known as T3S, R3E, Section 05, Tax Lot 03102, and is located in Clackamas County, Oregon. The property is zoned Exclusive Farm Use (EFU) and is the location of violation(s) asserted by the County.

3.

On or about the 1st day of April 2026 and on the 30th day of July 2026 the Respondent violated the following laws, in the following ways:

- a. Respondent violated the Clackamas County Building Code, Chapter 9.02.040 for accessory structures with electrical, mechanical and plumbing built without approved permits and approved final inspections. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

On or about the 1st day of April 2026 and on the 30th day of July 2026 the Respondent violated the following laws in the following ways:

- b. Respondent violated the Clackamas County Zoning and Development Ordinance by not meeting the conditions of approval for the land use decision Z0201-16-MJ and Z0332-26. 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 Department of Transportation and Development.

5.

Notice of the violations was given to Respondent in the following manner: Violation Notice April 1st 2026 and Citation and Complaint 2600111 in the amount of \$1,478.00 was mailed via first class mail on July 30, 2026. A copy of the notice document is attached to this Complaint as Exhibits D and F, 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 Commissioners. Said range for a Building Code Priority 1 violation being \$750.00 to \$1,000.00 per occurrence and said range for a Zoning and Development Ordinance Priority 2 violation being \$771.00 to \$2,572.00 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;
 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:
- and
5. Ordering any other relief deemed reasonably necessary to correct the violations.

DATED THIS 7th day of October, 2026.



Jennifer Kauppi
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

RP HOLDINGS LLC,

Respondent.

File No.: V0011126

STATEMENT OF PROOF

History of Events and Exhibits:

March 16, 2026	Clackamas County received a complaint regarding the conditions of approval not met for an indoor marijuana grow. In addition, a tiny home had been moved onto the property and was being occupied without land use approval or permits.
March 19, 2026 Exhibit A	Correspondence was mailed to the Respondent regarding the alleged violation.
March 30, 2026 Exhibit B	I conducted a site inspection. I found a tiny home on the property. I also noted that mechanical equipment had been installed at the larger building and the cargo container structure. I also photographed rain drains installed on a smaller accessory structure at the front of the property.
March 30, 2026 Exhibit C	In 2016 land use decision Z0201-16 was approved for an indoor marijuana grow for a single building on the property. Permit AGM01021 was approved for the use of the indoor grow. Electrical permit E0278821 was issued for this structure. I found the electrical permit expired without approved final inspections and there were no approved mechanical permits issued. Aerial images show that between 2023 and 2025 two cargo containers were placed and a roof structure was built over the containers. My site inspection photos show that mechanical equipment had also been installed for the cargo containers. The tiny home was placed sometime in 2025. The accessory structure with the rain drains was permitted under AG011923, however, no approved plumbing permit for the rain drains were issued.
April 1, 2026 Exhibit D	A Notice of Violation was mailed to the Respondent with a copy sent to the Registered Agent providing a deadline date of May 1, 2026, to abate the violations.

June 1, 2026
Exhibit E

I conducted a site inspection and met with Rich and their contractor onsite. The tiny home had been removed from the property. There was an electrical outlet and water source installed for the tiny home which was done without approved permits. The smaller shed structure was being used as storage and a place for workers to change. The cargo container structure was being used for additional indoor marijuana growing rooms. I explained that new land use approval would be required for the additional structures on site. Once approved agricultural exemptions, mechanical, electrical and plumbing permits would be required to be submitted for review. They were not going to permit the rain drains on the smaller accessory structure and instead they would be removed that day.

July 30, 2026
Exhibit F

I reviewed the County permitting system. No new land use applications, building and trade permits had been submitted to the County for review. Citation 2600111 in the amount of \$1,478.00 for the Priority 1 Building Code violations and the Priority 2 Zoning violation was issued. The citation was sent by first class mail and was not returned to the County. The citation remains unpaid.

August 20, 2026
Exhibit G

Land use Z0332-26 was submitted. This decision was approved on September 23, 2026.

October 5, 2026

I reviewed County records. Electrical permit E0278821 was completed on June 18, 2026. No additional permits had been submitted for the buildings, mechanical equipment, additional electrical equipment and plumbing.

October 7, 2026

This matter was referred to the Hearings Officer.

If the Compliance Hearings Officer affirms the County's position that a violation of the Building Code, Title 9.02.040 (B)(C)(D)(E) and Zoning and Development Ordinance, Title 12, Section 401.04(A) and 841.02 exists, the County is requesting a Final Order in this matter. The County makes this request as the Respondent have not taken all necessary steps to abate the violation by the deadline date provided.

- The imposition of civil penalties for the Building Code violation between \$750.00 and \$1,000.00 for date cited July 30, 2026, for a total amount due of between \$1,500.00 and \$2,000.00.
- The imposition of civil penalties for the Zoning and Development Ordinance violation Title 12, Section 401.04 (A) and 841.02 between \$771.00 and \$2,572.00 for date cited July 30, 2026.
- Payment for Citation No. 2600111 issued on July 30, 2026, in the amount of \$1,478.00.
- The Administrative Compliance fee to be imposed from April 2026 until June 2026 at \$100.00 per month for a total of \$300.00.
- The Administrative Compliance Fee to be imposed from July 2026 until November 2026 at \$102.00 per month for a total of \$510.00. Total Administrative Compliance fee due is \$810.00.
- The County requests the Hearings Officer to permanently prohibit the Respondent from violating these laws in the future.
- The County is also requesting the Hearings Officer to authorize the County further enforcement action including proceeding to Circuit Court.

OR

- Should mitigating factors be presented in the hearing, which the Hearings Officer determines to warrant a Continuing Order, the County would recommend the following:
- Within 30 days of the date of the order submit complete applications for all required building, electrical, mechanical and plumbing permits for the unpermitted work. Respond to plan review comments within 10 days of being notified by permitting staff. All permits shall be paid within 10 days of being notified of request for payment. Receive approved final inspections within 60 days of permits being issued.
- Complete all Conditions of Approval for land use decision Z0332-26 within 30 days of the date of the order.

- Code Enforcement to confirm compliance of the above item and the County will submit a Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondent.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

March 19, 2026

RP Holdings LLC
104 Gentle Pond Ct.
Winston Salem, NC 27107

Michael Jerome Zaccaria Jr.
3525 Riverknoll Way
West Linn, OR 97068

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

Site Address: 18845 S Kimball Rd. Oregon City, OR 97045
Legal Description: T3S, R3E, Section 05, Tax Lot 3102

It has come to the attention of Clackamas County Code Enforcement that a violation of conditions of land use may exist on above referenced property. There may also be an unauthorized occupied tiny home and camping in tents on the above referenced property.

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

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

E-mail address is jkauppi@clackamas.us

Telephone number is 503-742-4759.

Please note that a \$100.00 monthly Administrative Compliance Fee will be assessed if a violation has been determined and has not been abated.

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.

¡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.

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.

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.

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.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination.









MIKE McCALLISTER
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

NOTICE OF TYPE I LAND USE ACTION

This document represents the Findings and Conditions of Approval of a Type I Land Use Permit. It contains four parts: 1) Summary; 2) Decision; 3) Conditions of Approval; and 4) Findings.

SECTION I: SUMMARY

Date: May 6, 2016

File No. Z0201-16-MJ

Staff Contact: Ben Blessing 503-742-4521 bblessing@clackamas.us

Map & Taxlot: T3S R3E Section 05 Tax Lot 03102 & 3109

Site Address: 18845 S Kimball Road, Oregon City, OR 97045

Applicant: Clyde Kersting

Owner of Property: Clyde Kersting

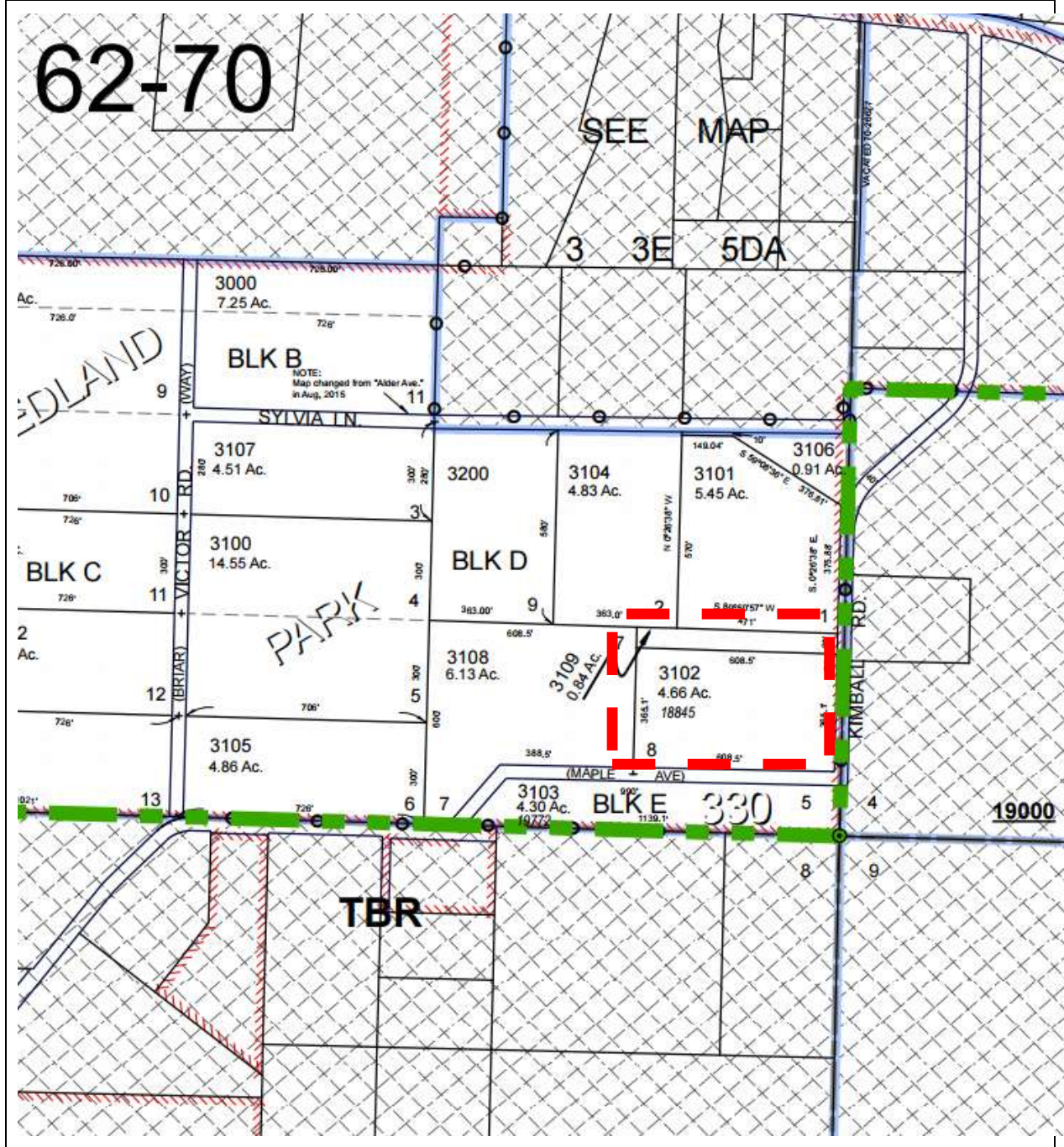
Total Area Involved: Approximately 5.50 Acres

Zoning: Exclusive Farm Use District (EFU)

Proposal: Indoor marijuana production in an existing shop and a proposed shop addition.

Applicable Approval Criteria & Review Procedure: This application is subject to the standards and criteria of Clackamas County Zoning and Development Ordinance (ZDO) Section 841 and 401. This application is being processed as a Type I Permit, pursuant to Section 1307. A Type I Permit is ministerial in nature and involves a land use action governed by non-discretionary standards and clear and objective approval criteria.

Location Map 33E05 03102 & 3109



SECTION II: DECISION

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

SECTION III: CONDITIONS OF APPROVAL

I) General Conditions:

1. Approval of this Marijuana Production application is based on the submitted materials dated April 1, 2016. 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. This application is subject to the applicable standards of the underlying EFU Zoning District.
3. For new structures used for indoor marijuana production:

No new development permits (building, plumbing, electrical, ag exempt) shall be issued until the stamped odor filtration system required under Subsection 841.03(G)(1-7) and the noise study required under Subsection 841.03(H) are submitted and approved by the Planning and Zoning Department

4. Approval Period: Approval of this Marijuana Production application under Subsection 841.03 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) Access Conditions:

1. Access to grow site shall be from S Kimball Road

III) 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. Outdoor marijuana grow lights 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.

IV) Building Odor / Filtration Conditions:

1. 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:
 - A) 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.
 - B) 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.
 - C) 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.
 - D) Negative air pressure shall be maintained inside the building.
 - E) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - F) The filtration system shall be designed by a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.03(G).
 - G) An alternative odor control system is permitted if the applicant submits a report by a mechanical 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.

V) Noise Conditions:

1. If generators; mechanical equipment used for heating, ventilating, air conditioning, or odor control; or other machinery is proposed in conjunction with the Marijuana Production, the applicant shall submit a noise study by an acoustic engineer licensed in

the State of Oregon, demonstrating that said equipment will not produce sound that, when measured at any lot line of the subject property, exceeds 50 dB(A).

VI) Security Camera Conditions:

1. 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 Oregon Liquor Control Commission (OLCC).

VII) Waste Management Conditions:

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

SECTION IV: FINDINGS

I. Project Overview:

*The 5.50-acre subject property, zoned EFU, fronts on and has direct access to S. Kimball Road. The recreational marijuana production activities proposed for the subject property are the following: Indoor marijuana production in a proposed **19,200 square foot** (75' by 256') shop. Applicant has already applied for and began construction on a 40' by 60' shop to the east of the proposed grow facility. This existing portion will be connected with the larger, proposed portion as indicated on the floorplan and site plan.*

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 APPLICABILITY

Section 841 applies to:

A. Marijuana production in the AG/F, EFU, FF-10, RRFF-5, and TBR Districts;

Finding: The applicant is proposing Marijuana Production in the EFU District. Therefore, Section 841 applies.

B. Marijuana processing in the AG/F and EFU Districts; and

Finding: Marijuana Processing is not being proposed or evaluated through this application.

C. Marijuana retailing in the C-2, C-3, CC, NC, OC, PMU, RC, RCC, RCO, RTC, RTL, and SCMU Districts.

Finding: Marijuana Retailing is not being proposed or evaluated through this application.

841.02 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.

841.03 MARIJUANA PRODUCTION AND MARIJUANA PROCESSING

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

A. Minimum Lot Size. A minimum lot size standard shall apply as follows:

2. In the AG/F, EFU, and TBR Districts, the subject property shall be a minimum of two acres, except that if outdoor production is proposed, the subject property shall be a minimum of five acres. Outdoor production means producing marijuana:
 - a. In an expanse of open or cleared ground; or
 - b. In a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources. A mature marijuana plant is a marijuana plant that is flowering.

Finding: The 5.50-acre subject property is located in the EFU District. Outdoor Production is not proposed. Therefore, the subject property meets the 2-acre minimum lot size. This criterion is met.

B. Minimum Yard Depth/Distance from Lot Lines.

In the AG/F, EFU and TBR Districts, outdoor production, as defined in Subsection 841.03(A)(2), shall be sited a minimum of 100 feet from all lot lines.

Finding: This criterion is not applicable, indoor production only. Standard setbacks of ZDO Section 401 shall apply.

- E. Access. The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. However, this standard will be waived if the property takes access via a private road or easement which also serves other properties and evidence is provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.

Finding: The subject property has frontage on, and direct access from, Kimball Road, which is a constructed county road. This criterion is met.

F. Lighting. Lighting shall be regulated pursuant to Subsection 841.03(F):

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. Outdoor marijuana grow lights 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: Applicant states that there will be no exterior windows in grow areas. Applicant also states that any exterior lighting will be installed properly. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criterion can be met.

G. Odor. As used in Subsection 841.03(G), building means the building, or portion thereof, used for marijuana production or marijuana processing. However, Subsection 841.03(G) does not apply to a building approved as part of outdoor production pursuant to Subsection 841.03(A)(2)(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 a mechanical engineer licensed in the State of Oregon. The engineer shall stamp the design and certify that it complies with Subsection 841.03(G).
7. An alternative odor control system is permitted if the applicant submits a report by a mechanical 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: Applicant states that odor filtration will be designed by a mechanical engineer licensed in the State of Oregon. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criterion can be met.

H. Noise. The applicant shall submit a noise study by an acoustic engineer licensed in the State of Oregon. The study shall demonstrate that generators as well as mechanical equipment used for heating, ventilating, air conditioning, or odor control will not produce sound that, when measures at any lot line of the subject property, exceeds 50 dB(A).

Finding: Applicant states that a noise study will be submitted by an acoustical engineer licensed in Oregon. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criterion can be met.

- I. 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 Oregon Liquor Control Commission (OLCC).

Finding: Applicant has states that cameras will be checked properly to ensure the directed in the appropriate direction. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criterion can be met.

- J. Water. The applicant shall submit:

1. A water right permit or certificate number for the proposed marijuana production or marijuana processing;

Finding: This criterion is not applicable.

2. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or

Finding: The applicant has submitted a statement from MRP LLC, including the name and contact information for lmaurice, verifying that the above standard is met.

3. Proof from the Oregon Water Resources Department that the water to be used for marijuana production or marijuana processing is from a source that does not require a water right.

Finding: This criterion is not applicable.

- K. Waste Management. Marijuana shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee.

Finding: Applicant states that waste receptacles will be designated and secured. The applicable standards of this Subsection are outlined above as Conditions of Approval. This criterion can be met.



KIMBALL RD







UPDATED - NOTICE OF VIOLATION

April 1, 2026

RP Holdings LLC
104 Gentle Pond Ct
Winston Salem, NC 27107

Michael Zaccaria JR – Registered Agent
3525 Riverknoll Way
West Linn, OR 97068

Richard D Picardi
Ronald Picardi
21 Fir Circle
Eagle Point, OR 97524

SUBJECT: Violation of the Clackamas County Building Code, Title 9.02.040 (A)(B)(C)(D)(E), Zoning and Development Ordinance, Title 12, Section 401.04 (A) and 841.02

VIOLATION: V0011126

SITE ADDRESS: 18845 S Kimball Rd., Oregon City, OR 97045

LEGAL DESCRIPTION: T3S, R3E, Section 05, Tax Lot 03102

This letter serves as notice of a violation of the Clackamas County Code. The violations include:

- Conditions of Approval not met for land use decision Z0201-16.
- Electrical permit E0278821 expired without approved final inspection for AGM01021.
- Mechanical equipment is installed without approved permits for AGM01021.
- Accessory structure was built between 2024-2025 without an approved permit or exemption.
- Rain drains installed on detached accessory structure AG011923 without approved permits.
- Occupied tiny home without approved permits

Priority 1 Building Code Violations

Priority 2 Zoning and Development Ordinance Violations

VIOLATIONS & HOW TO RESOLVE

After receiving a complaint regarding odor from the licensed marijuana grow and an occupied tiny home placed on the subject property I conducted a site inspection on March 30, 2026.

The site inspection photos taken do confirm several violations exist on the subject property. In order to abate the violation(s), you must complete the following **no later than May 1, 2026**:

Condition of Approval not met – Z0201-16

Mechanical equipment installed on AGM01021 without approved permits
Renew permit E0278821 and obtain a final approved inspection

Page 5 of land use decision Z0201-16, Section IV – Building and Odor/Filtration required the applicant to submit a stamped odor filtration system plan and submit the required mechanical permits for the installation of that equipment before operations began. I researched the County records before the inspection. An odor filtration system plan was submitted; however no mechanical permits were applied for. The site inspection confirmed mechanical equipment has been installed on the building without approved permits. **Please do one of the following until the conditions of approval are met.**

1. Discontinue the use;
2. Move the use to an approved parcel or
3. Pause the use and implement all conditions of approval. If the use continues on the property before you implement all conditions of approval, we will continue with the enforcement of this file.

Mechanical permit for AGM01021

- Please submit, or have your professional submit, the commercial mechanical permit application and appropriate fee(s) for AGM01021. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>
 - All requests for additional information to complete plan review must be responded to within ten days of being notified.
 - The permit must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - 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).

Renew E0278821

Electrical permit E0278821 only received an approved rough/in cover inspection. Please contact the building department to determine what paperwork is required to renew this permit and pay for the renewal fees.

Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of receipt of your renewed permit.

Accessory structure built between 2024-2025

The accessory cover that is next to AGM01021 was constructed between 2024-2025. I reviewed the County permitting system and found no approved permit or exemption for this structure.

- Please submit, or have your professional submit, the building permit application(s) or agricultural exempt application for this structure. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>
 - All requests for additional information to complete plan review must be responded to within ten days of being notified.
 - The permit(s) and any required trade permits must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - 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).

Rain Drains on AG011923 without approved permits

Agricultural exempt buildings are not required to install rain drains, however, if rain drains are installed a plumbing permit must be obtained and the rain drain system inspected.

The approved agricultural building AG011923 has installed rain drains on the structure. Please complete one of the following:

- Please submit, or have your professional submit, the plumbing permit for the rain drain. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>
 - All requests for additional information to complete the application review must be responded to within ten days of being notified.
 - The permits must have the fee(s) paid in full within ten days of your being notified by Building Codes.
 - 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).

OR

You can remove the rain drains from this structure and call me to schedule a site inspection to confirm the removal.

Occupied Tiny Home

The occupied tiny home on the property appears to have been placed between 2024-2025 without land use approval or building permits for any of the utility connections. As the property is zoned exclusive farm use and did not have a legally established dwelling onsite at the time land use was approved for the marijuana grow, I emailed the planning department to determine if this tiny home has a possibility of becoming a legal dwelling. The answer from the planning department is as follows:

“Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See ORS 475C.489 – (2)(a)”

It does not appear that there is a pathway to legalize the tiny home on the subject property. I encourage you to speak with the planning department to determine if any other pathway exists.

The tiny home needs to be removed from the subject property to an authorized location. You will be required to pull permits to decommission any electrical or plumbing connections that were installed.

CONTACT INFORMATION

Planning – If you have questions concerning land use requirements and to obtain an application for land use, please contact the building department at 503-742-4500 or on-line at zoninginfo@clackamas.us.

Building – If you have questions concerning permitting requirements please contact the building department at 503-742-4240 or on-line at bldservice@clackamas.us.

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beaver Creek Road, Oregon City. The lobby is open between the hours of 8:00 a.m. to 4:00 p.m. Monday through Thursday. Our office is closed to the public on Fridays.

If you have any questions my direct telephone number is 503-742-4759 and my email is jkauppi@clackamas.us.



Code Enforcement Permit Specialist
Clackamas County Code Enforcement

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 \$100 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, and (3) a lien being placed against the subject property for the amount due from citations and fees which will accrue interest.
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 Beaver Creek 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 \$514 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. **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.
6. **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.
7. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.



AGM01021

Accessory structure 2024-2025

AG011923

Tiny Home

KIMBALL RD



After recording return to:
RP Holdings LLC
1481 NW 13th Ave
Portland, OR 97209

Until a change is requested all tax
statements shall be sent to the
following address:
RP Holdings LLC
1481 NW 13th Ave
Portland, OR 97209

File No.: 7072-3257067 (rf)
Date: September 03, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2019-057010

09/19/2019 09:36:00 AM

D-D Cnt=1 Stn=76 CONNIE
\$15.00 \$16.00 \$10.00 \$62.00

\$103.00

STATUTORY WARRANTY DEED

Clyde A. Kersting and Helen Faye Kersting, as tenants by the entirety, Grantor, conveys and warrants to **RP Holdings LLC**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The **2019-2020** Taxes, a lien not yet payable.

The true consideration for this conveyance is **\$100,000.00**. (Here comply with requirements of ORS 93.030)

325-7067-SS

FIRST AMERICAN

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.

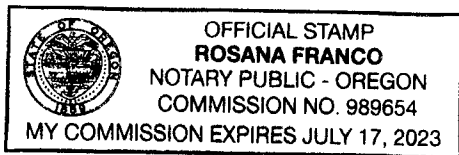
Dated this 18 day of September, 20 19.

Clyde A. Kersting
Clyde A. Kersting

Helen Faye Kersting
Helen Faye Kersting

STATE OF Oregon)
County of Clackamas) ss.
)

This instrument was acknowledged before me on this 18 day of September, 2019
by **Clyde A. Kersting and Helen Faye Kersting.**



Rosana Franco
Notary Public for Oregon
My commission expires: 7/17/2023

APN: 01412037

Statutory Warranty Deed
- continued

File No.: 7072-3257067 (rf)

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

33E05 03102

01412037

PARCEL 1: LOT 8, BLOCK D, REDLAND PARK, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON. EXCEPTING THEREFROM A STRIP OF LAND, 60 FEET IN WIDTH RUNNING ALONG THE NORTHERN BOUNDARY OF SAID LOT 8.

33E05 03109

05012066

PARCEL 2: THE NORTH 60 FEET OF LOT 8, BLOCK D, REDLAND PARK, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.













Citation No. 2600111

Case No. V0011126

ADMINISTRATIVE CITATION

Date Issued: July 30, 2026

Name and Address of Person(s) Cited:

Name: RP Holdings LLC
Mailing Address: 104 Gentle Pond Ct
City, State, Zip: Winston Salem, NC 27107

Date Violation(s) Confirmed: On the 30th day of July, 2026 the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 18845 S Kimball Rd., Oregon City, OR 97045

Legal Description: T3S, R3E Section 05, Tax Lot(s) 03102

Law(s) Violated:

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040(A)(B)(D)(E)
- ☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 401.04(A) and 841.02

Description of the violation(s):

- 1) Mechanical equipment was installed in accessory structure without approved permits.

Minimum Civil Penalty \$750.00 - Maximum Civil Penalty \$1,000.00 Fine \$528.00

- 2) Accessory structure including mechanical and electrical built without approved permits.

Minimum Civil Penalty \$750.00 - Maximum Civil Penalty \$1,000.00 Fine \$528.00

- 3) Conditions of approval not met for land use decision Z0201-16.

Minimum Civil Penalty \$771.00 – Maximum Civil Penalty \$2,572.00 Fine \$422.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$1,478.00. 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 \$102.00 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: Jennifer Kauppi
Telephone No.: 503-742-4759

Date: July 30, 2026
Department Initiating Enforcement Action: Code Enforcement
EXHIBIT F _ PAGE 1 OF 2

PLEASE READ CAREFULLY!

You have been cited for the violation(s) of law stated on the front of this form. If you fail to exercise one of the following options within fifteen calendar days of the citation date, the County may request a Default Order from the Compliance Hearings Officer finding you in violation and assessing fines and monthly administrative fees, or the County may request a hearing before the Compliance 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 including the administrative compliance fees that have accrued.
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 Beaver Creek 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 number and Case number; 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. Until the violation is abated a monthly administrative compliance fee is being assessed.
4. 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: _____



NOTICE OF DECISION ON A TYPE I LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Marijuana Production in AGF/EFU/TBR

File No. Z0332-26

Proposal: The applicant is proposing to establish indoor marijuana production within existing structures

Decision Date: September 23, 2026

Issued By: Roman Sierra, Planner I, RSierra@clackamas.us

Assessor's Map & Tax Lot(s): T3S, R3E, Section 05 Tax Lot(s) 03102/03109

Site Address: 18845 S KIMBALL RD

Applicant: Ronald Picardi & Richard Picardi

Owner of Property: RP Holdings LLC

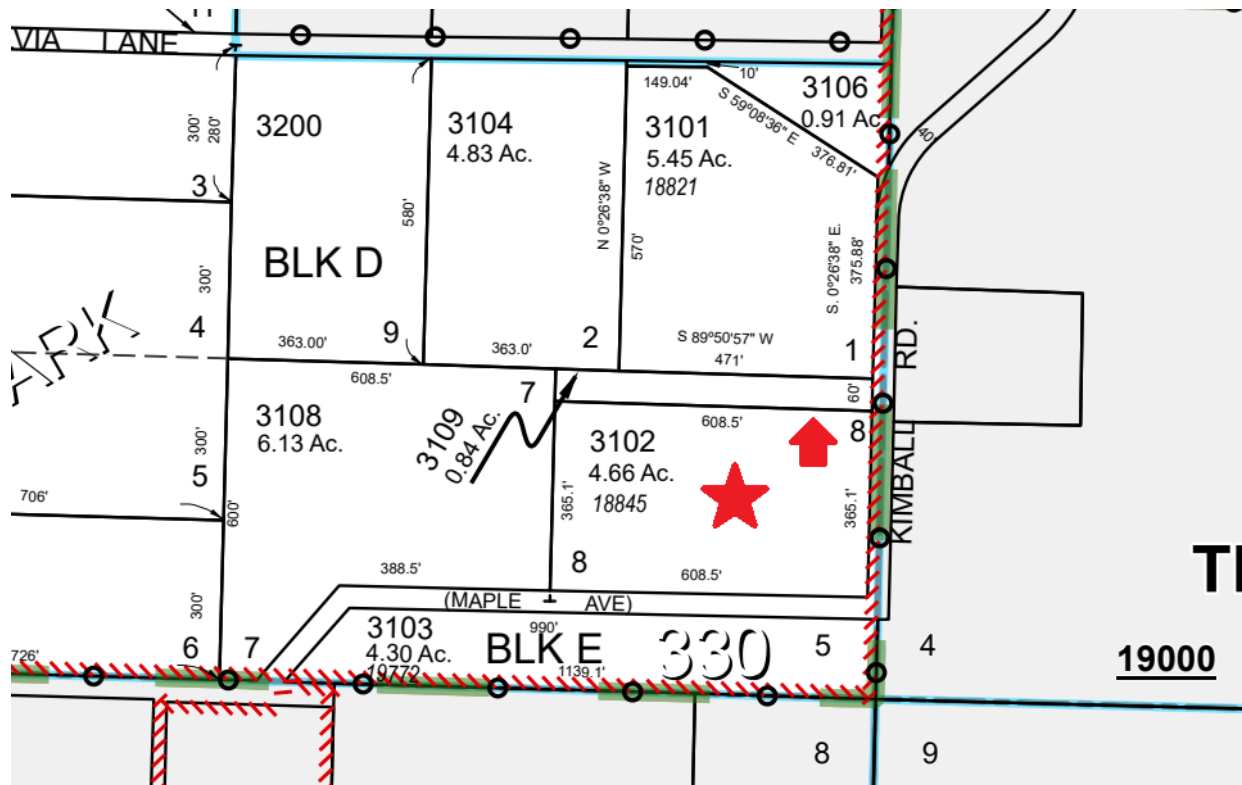
Zoning: Exclusive Farm Use (EFU)

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

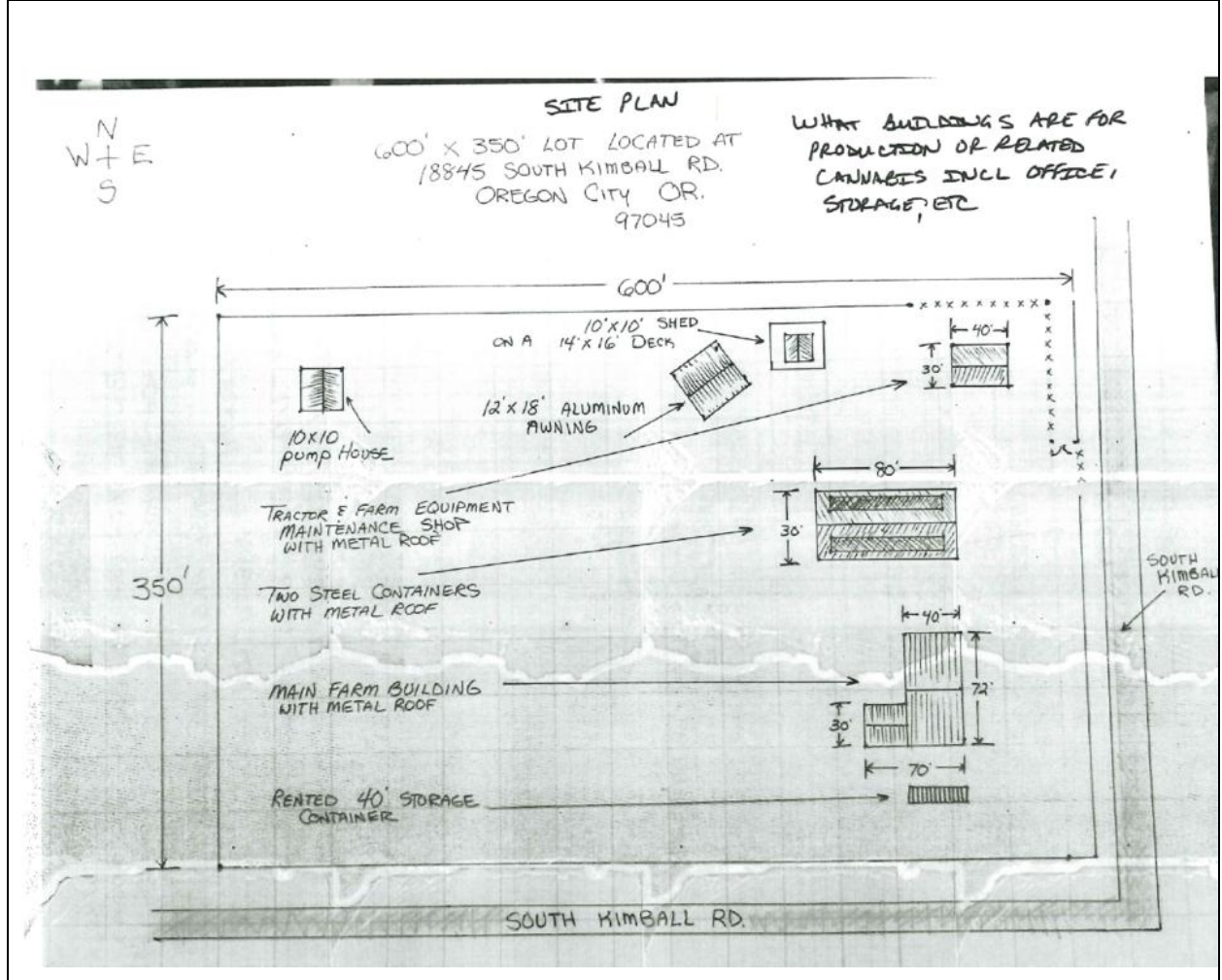
Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

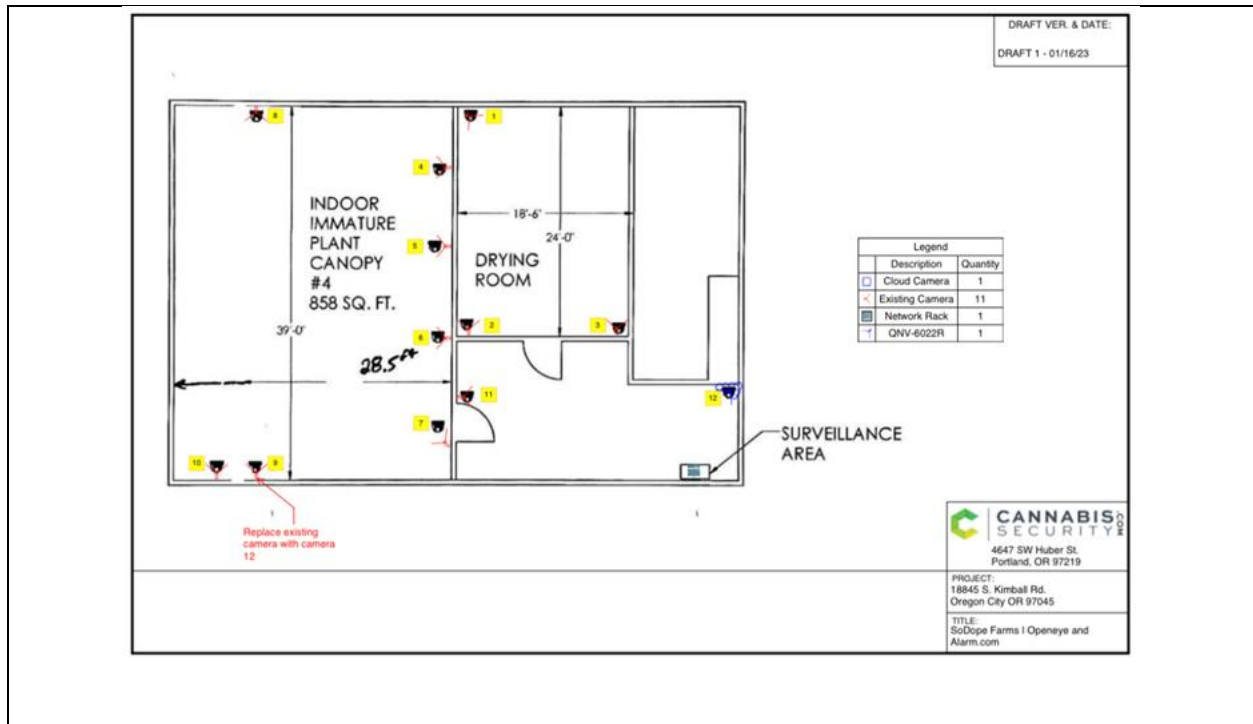
503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод? 翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

Location Map



Site Plan





PERMIT EXPIRATION

Pursuant to ZDO Subsection 841.05, approval of this Marijuana Production application is valid for four years from the date of the final decision. Unless an appeal is filed, the date of the final decision is the "decision date" listed above. During this approval period, the approval shall be implemented, or the approval will become void.

This is the only notice you will receive of this permit expiration date.

CONDITIONS OF APPROVAL

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parentheses. At all times, the use shall be sited and conducted in compliance with these conditions of approval. Noncompliance may result in code enforcement action or revocation of this permit.

1. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on and additional materials provided on 08/19/2026 and additional materials sent on 8/28/2026. No work shall occur under this permit other than which is specified within these documents, unless otherwise required

or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitation of any approval resulting from the decision described herein.

2. 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(ZDO 841.02 (A)).
3. No development permits (building permits, plumbing permits, electrical permits, “AG exempt” permits, etc.) for new structures or modifications to existing structures shall be issued until the stamped odor filtration system required under Subsection 841.02(I)(1-7) and the noise study required under Subsection 841.02(J) are submitted and approved by the Planning and Zoning Division.
4. Structures used for indoor production shall comply with the setback standards of the subject zoning district- EFU setbacks are 30 feet front and 10 feet sides and rear for accessory buildings.
5. The subject tract takes direct access off from S Kimball Rd. and shall maintain this access (ZDO 841.05).
6. Lighting used for the marijuana production operation shall comply with ZDO 841.02 (H) as follows:
 - a. 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.
 - b. Marijuana grow lights located outside a building shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
 - c. 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.
7. An odor control plan shall be provided for any building used for marijuana production to the Planning Department for review and approval prior to establishing marijuana production on the property. The plan shall demonstrate compliance with the following standards of ZDO 841.02(I):
 - a. 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.
 - b. 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.

- c. 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.
 - d. Negative air pressure shall be maintained inside the building.
 - e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - f. 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).
 - g. 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.
8. 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. (ZDO 841.02 (J))
9. Each time upgrades, or replacement noise generating equipment occurs, the applicant must submit a certified noise study that assess the cumulative effects of noise generated. 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.
10. 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.
11. A water right Permit G-18218 and G-17725 has been provided by the applicant demonstrating water rights for this property. Water will be pumped from nearby water well and as demonstrated from the applicant's site plan. If the water

source changes an updated water plan that complies with standards of ZDO 841.02(L) shall be provided to planning staff and added to the record.

12. 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 (ZDO 841.02(M)).
13. 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 (ZDO 841.02 (M)).
14. 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. Additional Land Use review is required for farm crop, concentrate only, and processing associated with production.

FINDINGS

The findings below identify the standards and criteria that are relevant to this decision, state the facts relied upon in rendering the decision, and explain the justification for the decision.

1. PROJECT OVERVIEW:

The applicant is proposing indoor Marijuana Production within existing structures. The subject property is zoned EFU developed with accessory structures located on Map and Tax Lot 33E05 03102 and 03109. This property contains two tax lots under the same ownership for an estimated 5.52 acres.

If approval is granted, the subject property will have a gravel driveway, with gravel parking area to an 80'x30' grow support building, and a 70'x 72' L-shape grow support building.

2. ZDO Section 841 Marijuana Production, Processing, and Retailing

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:

841.0 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. **This criterion is met.**

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. In order to ensure compliance with this standard a condition of approval has been adopted limiting the property to one licensed marijuana producer. **As conditioned, this criterion is met.**

- B. Outdoor Production:

1. *Outdoor production means producing marijuana:*

- a. *In an expanse of open or cleared ground; or*
- b. *In a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources. A mature marijuana plant is a marijuana plant that is flowering.*

2. *Outdoor production is prohibited in the FF-10 and RRFF-5 Districts but is permitted in the AG/F, EFU, and TBR Districts. Where permitted, outdoor production is subject to the same standards and criteria as indoor production, except where specifically noted.*

Finding: Outdoor production is not proposed. **This criteria is not applicable**

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

- 1. *In the FF-10 and RRFF-5 Districts, the subject tract shall be a minimum of five acres, except that if the majority of abutting lots of record are equal to or greater than two acres, the subject tract shall be a minimum of two acres. Abutting lots of record include lots of record that are*

contiguous to the subject tract, as well as lots of record directly across any access drive, or private, public, or county road, provided the functional classification of the road is below that of a collector.

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: ZDO 202 defines Tract as: “One or more contiguous lots of record under the same ownership.”

A review of County Department of Assessment and Taxation ownership records for all tax lots contiguous to the subject property confirms that none are under the same ownership as the subject property. The subject property is the only property in the tract and consists of 5.52 acres. **These criteria are met.**

D. Minimum Setback/Distance from Lot Lines.

1. *In the FF-10 and RRFF-5 Districts, the minimum front, rear, and side setbacks for any structure used for marijuana production shall be 50 feet.*
 - a. *Pursuant to Oregon Revised Statutes (ORS) 475B.340(2)(b), these setback standards do not apply to an agricultural building used to produce marijuana located on a premises for which a license has been issued under ORS 475B.070 if the agricultural building:*
 - i. *Was constructed on or before July 1, 2015, in compliance with all applicable land use and building code requirements at the time of construction;*
 - ii. *Is located at an address where a marijuana grow site first registered with the OHA under ORS 475B.420 on or before January 1, 2015;*
 - iii. *Was used to produce marijuana pursuant to the provisions of ORS 475B.400 to 475B.525 on or before January 1, 2015; and*
 - iv. *Has four opaque walls and a roof.*
2. *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: : As shown on the site plan submitted by the applicant in application materials, the proposed buildings will comply with the setback standards of the underlying EFU zoning district. The use of existing buildings are proposed for indoor marijuana production and no outdoor production is proposed.

These criteria are met

- E. ***Enclosed Buildings:** In the FF-10 and RRFF-5 Districts, marijuana production shall be located entirely within one or more completely enclosed buildings.*

Finding: The subject property is not zoned FF-10 or RRFF-5. **This criterion is not applicable**

- F. ***Maximum Building Floor Space:** The following standards apply in the FF-10 and RRFF-5 Districts:*

1. *A maximum of 5,000 square feet of building floor space may be used for marijuana production and all activities associated with marijuana production (hereinafter referred to as marijuana production space) on the subject tract.*
2. *If only a portion of a building is authorized as marijuana production space, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the marijuana production space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the marijuana production space and the remainder of the building.*

Finding: The subject property is not zoned FF-10 or RRFF-5. **This criterion is not applicable**

- G. ***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: Access to this subject parcel is from S Kimball Rd, which is a public road. **This criteria is not applicable.**

- H. ***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 applicant indicated on the application that there will be no grow lights located outside of a building and the light fixtures inside the buildings used for marijuana production, will not be visible outside the building during these hours. On the application the applicant also indicated that the light from the exterior fixtures will not be directed skyward and will be directed within the boundaries of the subject tract. **In order to ensure compliance with this standard a condition of approval has been adopted for the lighting. As conditioned, this criterion is met.**

- I. ***Odor.** As used in Subsection 841.02(I), building means the building, or portion thereof, used for marijuana production. 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 indicated on the application that “designs of the odor filtration system stamped by an engineer licensed in the State of Oregon and certifying compliance with ZDO Subsection 841.02(I) will be submitted prior to permitting of, or production in, any building, or portion thereof, where an odor

filtration system is required by Subsection 841.02(I).” **In order to ensure compliance with this standard a condition of approval has been adopted to require that the odor filtration system meets all of the specifications in Subsection 841.02(I). As conditioned, this criterion is met.**

- J. 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 applicant indicated that generators will not be used. A noise study is not required. **This condition is not applicable.**

- K. 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 applicant states that the security cameras will be directed to record only on the subject tract except as required to comply with licensing requirements of the OLCC or registration requirements of the OHA. The location of the security cameras are identified on the site plan submitted with the application. In order to ensure compliance with this standard a condition of approval has been adopted to ensure the applicant will meet the security camera requirements. **As conditioned this criterion is met.**

- L. 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: The applicant provided a copy of water right permit G17725 and G-18218 from Oregon Water Resources Department. **This criterion is met.**

- M. 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 applicant stated that all marijuana waste will be stored in a secured waste receptacle in the possession of and under the control of the

OLCC licensee or OHA registrant. In order to ensure compliance with this standard a condition of approval has been adopted. **As conditioned, this criterion is met.**

N. Residency: *In the FF-10 and RRFF-5 Districts, a minimum of one of the following shall reside in a dwelling unit on the subject tract:*

1. *An owner of the subject tract;*
2. *A holder of an OLCC license for marijuana production, provided that the license applies to the subject tract; or*
3. *A person registered with the OHA as a person designated to produce marijuana by a registry identification cardholder, provided that the registration applies to the subject tract.*

Finding: The subject property is not zoned FF-10 or RRFF-5. **This criterion is not applicable.**

O. 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: The applicant indicated that a fence will not be constructed. However, OLCC rules may require fencing to be installed in order to qualify for licensure. In order to ensure compliance with this standard a condition of approval has been adopted. An advisory note is included related to the OLCC rules. **This criterion is met.**

841.05 APPROVAL PERIOD

A. *Approval of a permit under Subsection 841.02 or 841.03 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.*

1. Implemented means all major development permits shall be obtained and maintained for the approved marijuana production or marijuana processing, or if no major development permits are required to complete the development contemplated by the approved marijuana production or marijuana processing, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:

- a. A building permit for a new primary structure that was part of the approved development; or*

b. A permit issued by the County for parking lot or road improvements required by the approved development.

Finding: These provisions are informational only.

ADVISORY NOTES

Advisory notes are not a part of the decision on this land use permit. The items listed below are not conditions of land use approval and are not subject to appeal. They are advisory and informational only but may represent requirements of other agencies/departments. As such, they may be required by these other agencies/departments in order to complete your proposed development.

1. Use of a building for marijuana purposes may require a change of occupancy permit, and the construction of a new building will require a marijuana building permit. Contact County Building Codes at bldservice@clackamas.us or 503-742-4240 for permitting requirements.
2. Portable toilets are prohibited under Oregon Administrative Rules (OAR) 340-071-0330 for businesses that operate throughout the year. In these cases, another approvable restroom with handwashing facilities must be identified. This may require construction of restroom facilities and a new septic system if another approvable alternative cannot be identified. Contact the Clackamas County Septic Program at 503-742-4740 or septicinfo@clackamas.us for information on options and the necessary permits.
3. The OLCC requires fencing please contact them at for more information.