



NOTICE OF RESET HEARING

May 14, 2024

Ana Campean
Adrian Petras
3673 SW Homesteader Rd.
West Linn, OR 97068

RE:: County of Clackamas v. Ana Campean & Adrian Petras
File: V0034820

Hearing Date: June 25, 2024

Time: This item will not begin before 9:30am 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 Andrea Hall, Senior Code Compliance Specialist for Clackamas County at (503) 742-4467, 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 to 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 the evidence that a violation exists, or existed. Either party may, at their own expense, obtain an attorney to represent them 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 the 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 Continuing Order. The Hearings Officer's 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, 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 proceeding 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 Hearings Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, appellant is responsible for all costs of appeal including preparation of transcript.



You must have access to the internet or to a telephone line to use the Zoom platform. A Zoom invite has been sent to Ana Campean alliance.ana@gmail.com a copy of the link is provided below.

If you would like to present evidence at the Hearing please email or mail your evidence to Andrea Hall at 150 Beaver Creek 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 Andrea Hall at 503-742-4467 **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.

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

Zoom invite

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://clackamascounty.zoom.us/j/88631460543?pwd=aHZZaGdaYnlUQ2psT0R4K09kcE83QT09>

Passcode: 842688

Or One tap mobile:

+16694449171,,88631460543# US

+16699006833,,88631460543# US (San Jose)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 408 638 0968 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 876 9923 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592

Webinar ID: 886 3146 0543

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
CLACKAMAS COUNTY BOARD OF COMMISSIONERS

COUNTY OF CLACKAMAS,

Petitioner,

v.

ANA CAMPEAN, and
ADRIAN PETRAS,

Respondents.

File No: V0034820

COMPLAINT AND REQUEST FOR HEARING

I, Andrea Hall, Senior Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondents Ana Campean & Adrian Petras mailing address is: 3673 SW

Homesteader Rd., West Linn, OR 97068.

2.

The address or location of the violation(s) of law alleged in this Complaint is:

3673 SW Homesteader Rd., West Linn, OR 97068, also known as T3S, R1E, Section 5D, Tax Lot 101, and is located in Clackamas County, Oregon.

3.

On or about the 14th day of January 2021 and on or about the 20th day of October, 2023 the Respondents violated the following laws, in the following ways:

- a. Chapter 9.02(A) of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code for failing to obtain a building permit and approved final inspections for the conversion of an agricultural building to an event center.

This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

- b. Section 1203 of the Clackamas County Zoning and Development Ordinance for failing to meet conditions of approval for Conditional Use Z0043-21. This 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 violation was given to Respondents in the following manner: Violation notice dated January 14, 2021 and Citation and Complaint #2000348. A copy of the notice document is attached to this Complaint as Exhibits C and N, 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 Respondents to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondents from violating these laws in the future;
2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondents for each violation, within the range established by the Board of County Commissioners.

Said range for the Priority 1 violation being \$750.00 to \$1000.00 per occurrence as provided by Appendix B to the Clackamas County Code. Said range for Priority 2 violation being \$500.00 to \$2500.00 per occurrence;

3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents 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 Respondents 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 26th day of February, 2024.



Andrea Hall
Senior Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

ANA CAMPEAN, and
ADRIAN PETRAS,

Respondents.

File No.: V0034820

STATEMENT OF PROOF

History of Events and Exhibits:

September 16, 2020 Exhibit A	In response to a complaint, a letter was sent to the Respondents alleging a violation of the Zoning and Development Ordinance and Building Code for operating an event center from an agriculturally exempt building.
September 22-29, 2020 Exhibit B	In a string of email messages between the County and Respondent Ana Campean, it is determined that she has held hundreds of events on the property over the years, several times with over 150 attendees. The barn on the property has been emptied so it can be used for gatherings. Ms. Campean did indicate she was aware that a Conditional Use would be required for an event center and that she intends to submit an application.
January 14, 2021 Exhibit C	After a review of County records revealed that a Conditional Use permit application had not been received, a violation notice was mailed to the Respondents with a deadline of February 15, 2021 to submit the land use application and if approval was granted, 30 additional days to submit building permit applications.
February 4, 2011 Exhibit D	Respondent Ana Campean submitted a Conditional Use application to the County's Planning Department.
June 14, 2021 Exhibit E	Conditional Use permit Z0043-21-C was approved with conditions.
July 12, 2021 Exhibit F	Respondent Ana Campean submitted a Notice of Intent to Appeal to the Land Use Board of Appeals (LUBA).
November 4, 2021 Exhibit G	Per Nate Boderman from Clackamas County Counsel, Ms. Campean's appeal was dismissed at LUBA so the County Hearings Officer's Order stands.

November 17, 2021 Exhibit H	A violation notice was mailed with a deadline of December 22, 2021 to submit an application for a Development Permit from Engineering and the required building permits to convert the agricultural building on the property to an event center.
December 22, 2021 Exhibit I	An application for the conversion of an agriculture building to an event center was received on B0749321, however, the application was submitted as a residential permit and not a commercial permit. An email was sent to Ana Campean advising her that she will need to resubmit the information as a commercial permit while she waits for an engineer to create the drawings.
February 10, 2022	The County spoke with Kevin Goldsmith, the engineer helping the Respondents with the plans. He indicated that he needed two to three more weeks to complete the drawings.
April 26, 2022 Exhibit J	An email from Ana Campean stated that she has hired a new engineer who is actively working on the plans.
June 21, 2022	The County spoke with Ana Campean who stated she is working her way through the conditions of approval for her Conditional Use permit. She will be applying for a Development Permit from Engineering and understands that the additional electrical circuits in the building must also be permitted. There is no plumbing in the building, no health department or OLCC approval is necessary as they do not prepare food or serve alcohol.
July 13, 2022 Exhibit K	Building permit B0749321 has not been issued as the Plans Examiner does not have enough information to continue his review.
February 7, 2023 Exhibit L	The Respondent submitted a Development Permit application to the Engineering department, SC004122, but has not submitted enough information in order for the permit to be issued.
February 7, 2023 Exhibit M	A violation notice was mailed to the Respondents with a deadline of March 7, 2023 to submit the required information so that plan review can continue for Development Permit SC004122 and Building Permit B0749321. All inspections including a final inspection must be obtained within 45 days of the date the permits are issued.
October 23, 2023 Exhibit N	After a review of the County's permit system revealed that neither the building permit nor the development permit had been issued, citation number 2000348 was issued for failing to meet conditions of approval for Z0043-21 and failing to obtain building permits for the conversion of the agricultural building to an event center. The citation was sent first class mail and was not returned to the County, the citation remains unpaid.

October 30, 2023 Exhibit O	In response to a voicemail message from Ana Campean indicating she thought all the permits were taken care of, the County sent an email with information regarding the building and development permits.
November 8, 2023 Exhibit P	Respondent Ana Campean requested a meeting with Plans Examiner Travis Wright and her architect to discuss the outstanding issues with the building permit. The County attempted to set up a meeting on November 28, 2023 and included the plan review topics to be discussed during the meeting but that did not work for the architect who suggested a date the following week would be better. A meeting did not take place.
December 19, 2023 Exhibit Q	Email from the Engineering Department indicating the Development Permit will expire on December 24, 2023, they have not heard back from the applicant as whether or not they want to pay for an extension.
December 28, 2023 Exhibit R	Email to Respondent Ana Campean explaining what her options are with regard as to how to abate the violations.
January 2, 2024	A review of County records revealed that a one year extension for Development Permit SC004122 was issued. The permit is still missing required information to continue plan review.
February 26, 2024	The matter was referred to the Clackamas County Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County’s position that a violation of the Clackamas County Building Code and Zoning and Development Ordinance exist for failing to meet conditions of approval for Z0043-12 and for using an agricultural building as an event center, the County would request a Continuing Order be issued requiring the Respondents to obtain all required building and development permits for the conversion of the agricultural building to an event center within forty-five (45) days of the date of the Order and obtain final approvals within thirty (30) days of the date the permits are issued.

The County will submit a timely Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondents. The report may include the following recommendations:

- Payment of Citation number 2000348 in the amount of \$900.00.
- The imposition of civil penalties of up to \$1000.00 for the Building Code violation and \$2500.00 for the Zoning and Development Ordinance violation.

- The administrative compliance fee to be imposed from January 14, 2021 of \$1125.00*
- 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 Administrative Compliance Fee calculated at \$75 per month from January 2021 totals \$2850.00 However, the County is requesting a reduced Administrative Compliance Fee of \$1125.00 as a reasonable estimate of the cost of this enforcement matter.*



September 16, 2020

Ana Campean and Adrian Petras
3673 SW Homesteader Rd
West Linn, OR 97068

**Subject: Alleged Violations of the Zoning and Development Ordinance,
Title 12, Section 316 and the Building Code, Chapter 9.02.040
of the Clackamas County Code**

Site Address: 3673 SW Homesteader Rd, West Linn OR 97068
Legal Description: T3S, R1E, Section 05D, Tax Lot 00101

It has come to the attention of Clackamas County Code Enforcement that a wedding event venue may be operating from the above referenced property without land use approval. In addition, an agricultural exempt building may have been converted to an event space without the benefit of permits.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 316 and the Building Code, Chapter 9.02.040 of the Clackamas County Code.

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

E-mail address is Andreahal@clackamas.us

Telephone number is 503-742-4467

**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.*

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ДОБРО ПОЖАЛОВАТЬ! Russian

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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

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From: [Ana Campean - Petras](#)
To: [Hall, Andrea](#)
Subject: Re: Following up on an alleged violation
Date: Tuesday, September 29, 2020 10:32:28 AM

Hi Andrea.

I have a message out to Clay regarding the pursue of the conditional use permit.

I finally reviewed all the requirements last night so I can familiarize myself with everything. I will also contact Robert to ask about permitting the barn. I don't have a bathroom in it.

Thank you,

Ana

On Tue, Sep 29, 2020 at 10:08 AM Hall, Andrea <Andreahal@clackamas.us> wrote:

Robert would be a good source of information with regard to what you will need to do to convert the AG building to a commercial building for events. Do you have information with

regard to what other departments were going to require of you? Is there a bathroom in the barn?

From: Ana Campean - Petras <alliance.ana@gmail.com>

Sent: Friday, September 25, 2020 11:35 AM

To: Hall, Andrea <Andreahal@clackamas.us>

Subject: Re: Following up on an alleged violation

Ohhh.... I'm still not familiar with all the lingo of everything.

Yes. I would like to move forward with a conditional use permit, but i still have a lot of questions. I think I may contact Robert Morris from the building codes division or one of the people that were at the pre-application conference

in December of last year.

Is that a good starting point?

Thank you.

Ana

On Fri, Sep 25, 2020 at 10:33 AM Hall, Andrea <Andreahal@clackamas.us> wrote:

You mentioned you may move forward with a Conditional Use, that is a land use application.

From: Ana Campean - Petras <alliance.ana@gmail.com>

Sent: Friday, September 25, 2020 10:30 AM

To: Hall, Andrea <Andreahal@clackamas.us>

Subject: Re: Following up on an alleged violation

I will contact the building code division to see what the best way to go about permitting the Barn.

What is the land use application? Are you referring to the farm deferral?

Thank you for your help

Ana Petras

503-750-0113

On Fri, Sep 25, 2020 at 9:57 AM Hall, Andrea <Andreahal@clackamas.us> wrote:

Hi Ana,

The barn is NOT permitted, it was exempt from the structural building code as agricultural use only, not for anything

else. To find out what you will need to permit the structure as an accessory building, please contact the Building Codes Division at 503-742-4240 or

blgservice@clackamas.us but I would hold off on submitting anything until you decide what you want to do. If you move forward with a commercial business, the building code standards will be different

that if you just permit the building for personal use.

Are you going to move forward with a land use application?

Thank you,

Andrea

From: Ana Campean - Petras <alliance.ana@gmail.com>

Sent: Wednesday, September 23, 2020 1:47 PM

To: Hall, Andrea <Andreaahal@clackamas.us>

Subject: Re: Following up on an alleged violation

The timing of this e mail :-). I literally just left you a voice mail. I did find plans for the barn in the home that are stamped with "pre-approved plans" but looking at the stamp

closer just now it says "Thurston County" so it may have been that they used plans from someone else just to be able to have a guide to build the barn. According to your message, I'm assuming you checked the records and the barn is NOT permitted correct?

Sounds like they built it under agricultural exemption because they had horses. Ok. I will be submitting an application to start the process to permit this existing barn so i can use it for future gatherings. Do you have the link to the application for

that?

The nature of the gatherings so far this year have been various: graduation party for my daughter and niece, family reunions, celebration of life for my bff who died of cancer,

bridal showers and small weddings for my friends' son and a couple of my youth choir members from the church. I attend a large Romanian church and I am the youth choir director there and like I said in the previous message, I've always hosted gatherings

at my house, so the first person the youth call when they need a place is me. I am not doing it commercially. I don't advertise and it is not a business. Since things started opening up a bit this summer, I did 3 gatherings in June, nothing much in July

that i can think of, 2 gatherings in August, but I think what triggered the neighbors is the month of September I pretty much had something going on every weekend. One of my friend's wedding was canceled from one day to the next and I allowed them to come

gather on my property, but it was during the smoke and fire alerts so I'm sure that was another part of the concern for the neighbors is what if we had to evacuate... BUT my husband and I were very aware and alert of the situation. The fires were far across

the river in Molalla area and we had sprinklers running hours on end and our home has a sprinkler system and we were equipped with several fire extinguishers... I understand the neighbors concerns and I want to be a good neighbor and whatever permits i need

to get to continue to have gatherings i am willing to do so. I understand that if i want to do this as a business and turn it into an event property than i have to submit a conditional use permit, but I wasn't ready for that yet, but i'll do what ever it

takes. I want to be in compliance. I have 2 more gatherings in October sometimes. I'd like to get the youth choir together since we haven't been able to have church and practices and of course Thanksgiving and Christmas for sure i'll have various gatherings.

PS: NOT ALL the gatherings happen in the barn. I have 6.5 acres and a 4500 sq ft house.

Please advise on what I need to do next. I've gathered some information and educated myself further on the conditional use permit application. I have had a pre-app conference

with the planning and zoning division on 12/10/19 ZPAC0141-19. At the time of the conference, I just wanted to get the information, but now that everything is shut down

with this pandemic, looks like I need to pursue and fill out the conditional use permit for home occupation to host events.

Please let me know if you have any other advice.

Thank you,

Ana Petras

[3673 SW Homesteader Rd.](#)

[West Linn, OR 97068](#)

503-750-0113

On Wed, Sep 23, 2020 at 1:05 PM Hall, Andrea <Andreahal@clackamas.us> wrote:

Hi Ana,

Thank you for much for your message and explanation of what is taking place on your property.

How many events have you held on your property so far? How many more events do you have planned?

As for the barn on the property, you are correct, the building is not permitted and at this time you are not able to use

it for family events. If you would like to permit the structure as something other than agricultural uses, you will need to contact the Building Codes Division to find out how to do that. Staff can be reached at 503-742-4240 or by email at

bldservice@clackamas.us You can also ask them if you qualify for an agricultural exemption for the new barn you would like to build.

I have an email into the Planning Department to find out what your options are for family gatherings, I will let you know

as soon as I hear back from them.

Thank you,

Andrea

From: Ana Campean - Petras <alliance.ana@gmail.com>

Sent: Tuesday, September 22, 2020 7:14 PM

To: Hall, Andrea <Andreahal@clackamas.us>

Subject: Following up on an alleged violation

Warning: External email. Be cautious opening attachments and links.

Hello Adrea,

My name is Ana Petras and my husband is Adrian Petras. We received a letter stating that we have been operating a wedding event venue on our property without land use approval

and in addition an agricultural exempt building may have been converted to an event space without the benefit of permits.

I'd like to inform Clackamas County that we have not been operating a wedding event venue on our property. We have been hosting multiple family and friends gatherings. We come

from a large Romanian/Russian community and in my community I am well known to host lots of events at my home. I've lived in West Linn, OR since 2002 and at our previous address at [19674 Wildwood Dr. West Linn OR](#) where we lived from Aug. 2005 until March

of 2020, we've had hundreds of events/gatherings over the years with cars parked all over the streets, music and singing and multiple times we had over 150 people at our home (my family alone counts 65 people) and we've never had any complains.

When purchasing this property, I was not aware that we need a permit to host family and friends gatherings. I am aware that if I want to turn this into a commercial wedding venue

there is a conditional use permit that I will have to apply for when i get ready to actually run a business venue.

Regarding the agricultural exempt building: There is a big barn on the property that the previous owner had horses in, but we've emptied it out so that our family and friends can

gather. I just got off the phone with the original owner who build this home and barn in 2005 and he doesn't remember how the barn was permitted. Again, I assumed that the barn was permitted when it was built. I was not aware that there are different types

of permits.

That being said, I'm happy to apply for whatever permit I need to be able to continue to host family and friends events at this time in the barn that we have on the property.

Please let me know what I need to do.

On a separate note: We would like to build another barn on the property for the animals that we have. We have 2 cows, 3 sheep, 2 goats, and 5 pigs and we need a shelter for them

before winter comes. If you have information on what type of permit I need so that we can build a 24X20 barn I would really appreciate your help.

Thank you so much for your help and guidance Andrea.

Best Regards,

Ana Petras

3673 SW Homesteader Rd.

West Linn, OR 97068

503-750-0113



January 14, 2021

Ana Campean & Adrian Petras
3673 SW Homesteader Rd.
West Linn, OR 97068

Subject: Violation of the Clackamas County Code V0034820

Site Address: 3673 SW Homesteader Rd., West Linn, OR 97068
Legal Description: T3S, R1E, Section 5D, Tax Lot 101

As you know, it has come to the attention of the Clackamas County Code Enforcement Section that you are hosting events on the above referenced property without land use approval and are using an agricultural exempt structure for the activities. This is a violation of Section 316.03 of the Clackamas County Zoning and Development Ordinance and Chapter 9.02.040(A) as it pertains to the Application and Enforcement of the Clackamas County Building Code.

In order to abate this violation, please submit an application for either a Conditional Use or Home Occupation to Host Events to the Clackamas County Planning Department or cease the events no later than **February 15, 2021**. Permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/planning>

If you receive land use approval for the activities, you will need to submit the required building permit applications to the Clackamas County Building Codes Division within thirty (30) days of the land use approval. The permits must be picked up within ten (10) days of being notified. Please schedule all inspections so that final inspections may be obtained not later than thirty (30) days of the date of the permits being issued.

If you have any questions concerning the land use permit requirements, please contact the Planning Division at 503-742-4500, via email at zoninginfo@clackamas.us or, you may stop by our offices at 150 Beaver Creek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 9:00 a.m. and 3:00 p.m.

If you have any questions concerning the building permit requirements please contact the Building Codes Division at 503-742-4240, via email at bldservice@clackamas.us or, you may stop by our offices at 150 Beaver Creek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 9:00 a.m. and 3:00 p.m.

Please feel free to contact me if you have any questions. My direct telephone number is 503-742-4467 or email andreaahal@clackamas.us .

Thank you for your prompt attention to this matter.



Andrea Hall
Clackamas County
Code Enforcement Section

Required Notice of Fines and Penalties

It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, (2) assessment of a \$75 per month administrative compliance fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer.

The Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties 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 Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

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.

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.

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.

Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.



CLACKAMAS COUNTY PLANNING AND ZONING DIVISION
 DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
 DEVELOPMENT SERVICES BUILDING
 150 BEAVERCREEK ROAD | OREGON CITY, OR 97045
 503-742-4500 | ZONINGINFO@CLACKAMAS.US

Land Use Application

For Staff Use Only	
Date received:	Staff initials:
Application type:	File number:
Zone:	Fee:
Violation #:	CPO/Hamlet:

Applicant Information:

What is proposed? To be able to host gatherings, small family style, cultural events and celebrations. No alcohol. No dancing.

Name of applicant: Ana Petras

Mailing address: 3673 SW Homesteader Rd.

City West Lion State OR Zip 97068

Applicant is (select one): Property owner Contract purchaser Agent of the property owner or contract purchaser

Name of contact person (if other than applicant): _____

Mailing address of contact person: _____

Applicant #s: _____ Wk: _____ Cell: 503-750-0113 Email: alliance.aus@gmail.com

Contact person #s: _____ Wk: _____ Cell: _____ Email: _____

Other persons (if any) to be mailed notices regarding this application: _____

Name	Address	Zip	Relationship
Name	Address	Zip	Relationship
SITE ADDRESS:	<u>3673 SW Homesteader Rd.</u>	<u>West Lion, OR</u>	<u>97068</u>
TAX LOT #:	T _____ R _____	Section _____	Tax Lot(s) _____
Adjacent properties under same ownership:	T _____ R _____	Section _____	Total land area: _____
T _____	R _____	Section _____	Tax lot(s) _____
T _____	R _____	Section _____	Tax lot(s) _____

I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.

Property owner or contract purchaser's name (print) Ana Petras Date 2-2-21 Owner or contract purchaser's signature Ana Petras

Applicant's name (print) Ana Petras Date 2-2-21 Applicant's signature Ana Petras

CLACKAMAS COUNTY TRANSPORTATION & DEVELOPMENT – PERMIT APPLICATION
CREDIT CARD AUTHORIZATION SHEET



Building Codes Division

Electrical, Mechanical & Plumbing permits
<https://www.clackamas.us/building>

blbservice@clackamas.us

Phone: 503.742.4240

Fax: 503.742.4741

From: Ana Petras

Date: 01-22-21

Phone: 503-750-0113

Fax: 503-389-7422

Number of Pages (Including Cover): _____

PLEASE TYPE OR PRINT LEGIBLY.

NAME AS IT APPEARS ON CARD: (We accept Visa, MasterCard, or Discover)

Ana Petras

CONTACT PHONE #: 503-750-0113

CONTACT EMAIL: alliance.ana@gmail.com

CREDIT CARD NUMBER*: [REDACTED]

CARD EXPIRATION DATE: [REDACTED]

3-DIGIT SECURITY CODE* (CVVS | CVC2 | CID | CIP | CVC3 | CVC4 | CVC5 | CVC6 | CVC7 | CVC8 | CVC9 | CVC10 | CVC11 | CVC12 | CVC13 | CVC14 | CVC15 | CVC16 | CVC17 | CVC18 | CVC19 | CVC20 | CVC21 | CVC22 | CVC23 | CVC24 | CVC25 | CVC26 | CVC27 | CVC28 | CVC29 | CVC30 | CVC31 | CVC32 | CVC33 | CVC34 | CVC35 | CVC36 | CVC37 | CVC38 | CVC39 | CVC40 | CVC41 | CVC42 | CVC43 | CVC44 | CVC45 | CVC46 | CVC47 | CVC48 | CVC49 | CVC50 | CVC51 | CVC52 | CVC53 | CVC54 | CVC55 | CVC56 | CVC57 | CVC58 | CVC59 | CVC60 | CVC61 | CVC62 | CVC63 | CVC64 | CVC65 | CVC66 | CVC67 | CVC68 | CVC69 | CVC70 | CVC71 | CVC72 | CVC73 | CVC74 | CVC75 | CVC76 | CVC77 | CVC78 | CVC79 | CVC80 | CVC81 | CVC82 | CVC83 | CVC84 | CVC85 | CVC86 | CVC87 | CVC88 | CVC89 | CVC90 | CVC91 | CVC92 | CVC93 | CVC94 | CVC95 | CVC96 | CVC97 | CVC98 | CVC99 | CVC100): [REDACTED]

BILLING ADDRESS*: 3673 SW Homesteader Rd West Linn, OR

STATE: OREGON ZIP CODE*: 97068

AUTHORIZED SIGNATURE: [Signature] DATE: 01-22-21

I authorize Clackamas County to charge the credit card indicated above for the permits I am applying for. I certify that I am an authorized user of this credit card and that I will not dispute the payment with my credit card company, so long as the transaction corresponds to the terms indicated on my request. I understand that Clackamas County's vendor charges a service fee for the use of a credit/debit card and authorize the additional charge to my account.

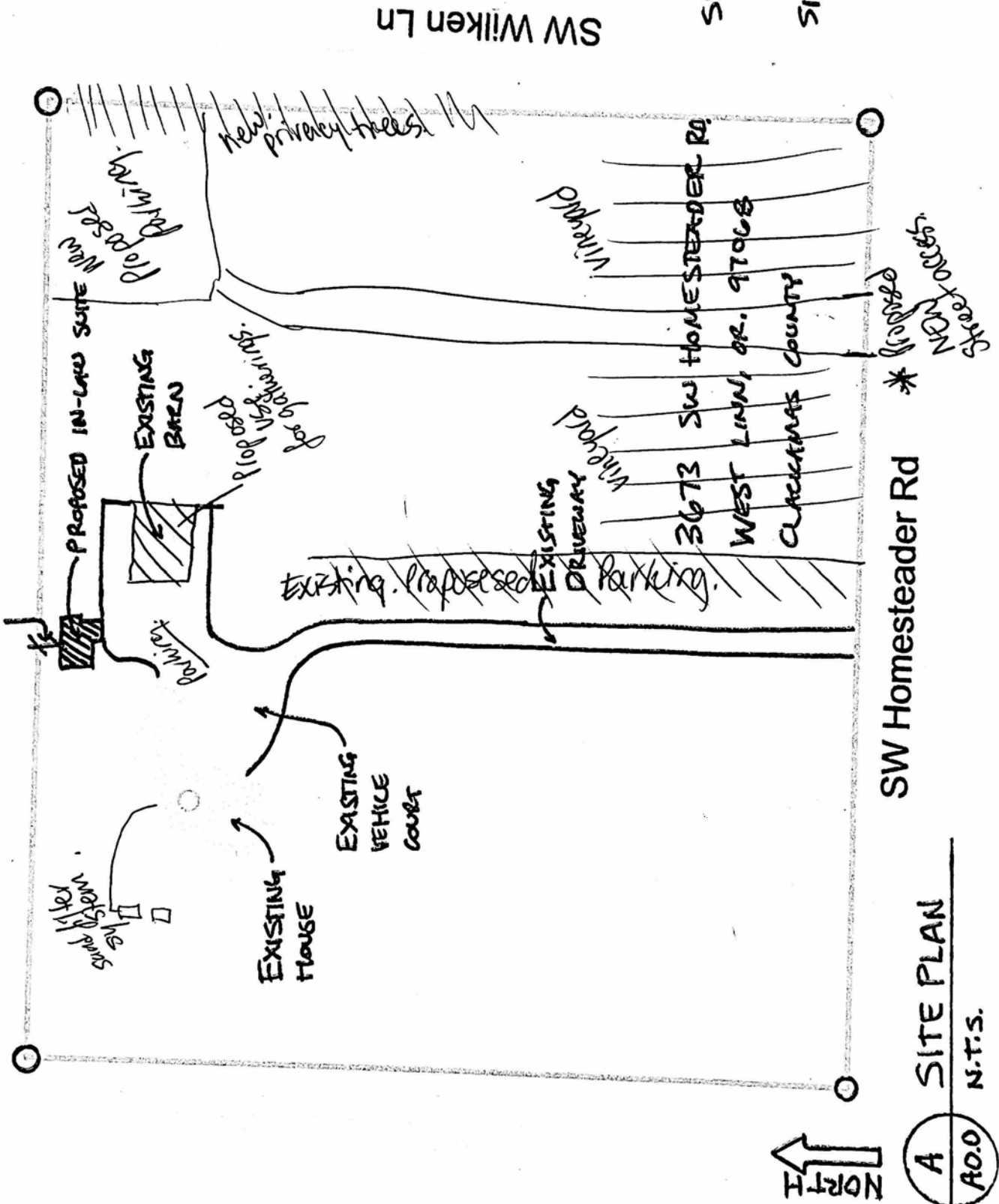
ADDRESS OF WORK PERMITTED: 3673 SW Homesteader Rd. West Linn

STATE: OR ZIP CODE: 97068

AFTER REMOVING SECURE DATA*, DOCUMENT WILL BE STORED FOR 60-DAYS AFTER PROCESSING CARD.

Credit/debit card transactions are subject to a vendor fee of approximately 2.5%.

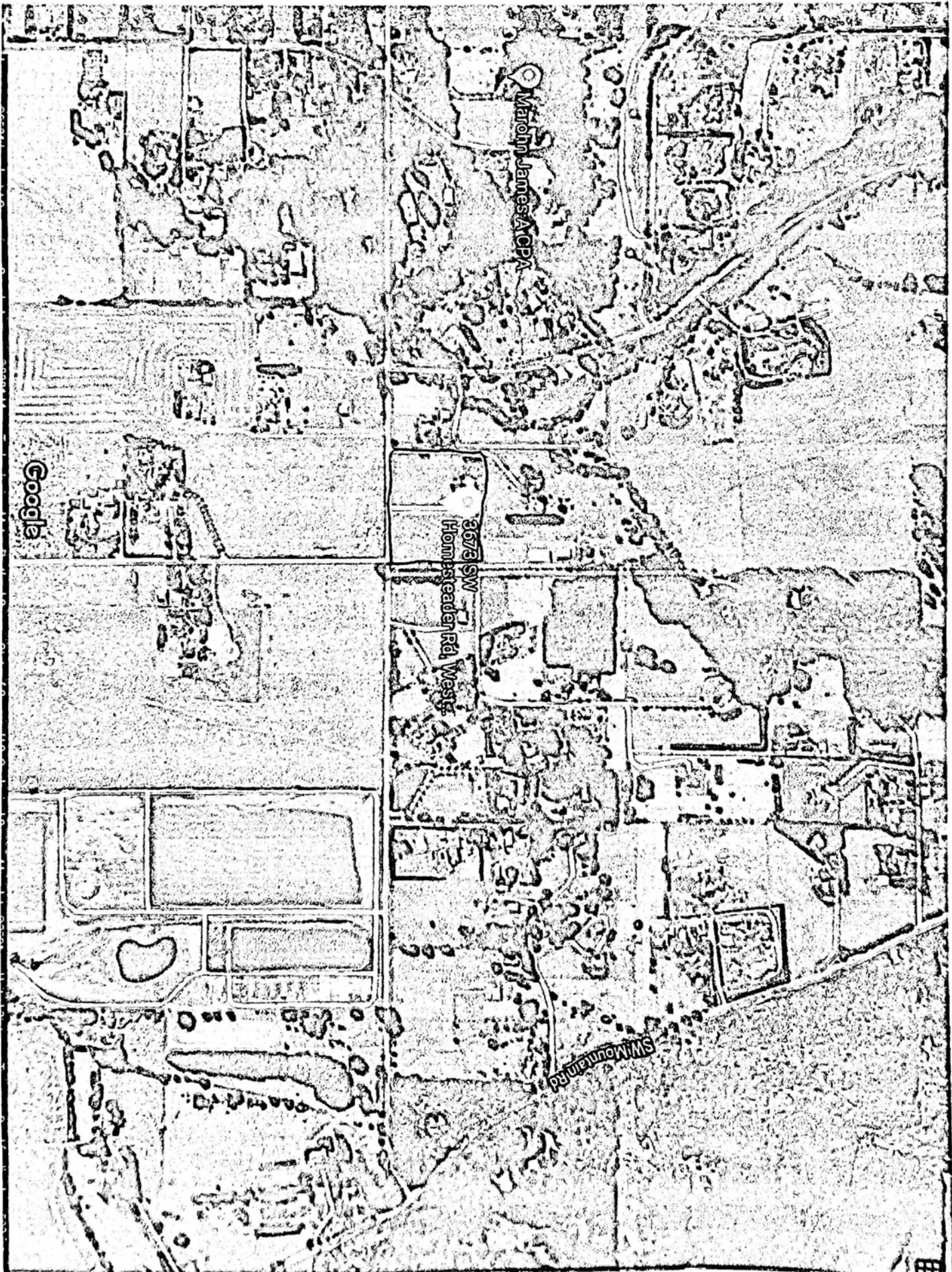
10' MIN REAR SETBACK PER TABLE 316-2 FOOTNOTE 12.



SITE AREA:
6.33 ACRES

SITE ZONING:
RRFFS

A SITE PLAN
A.O.D. N.T.S.



Visimly map.



Planning and Zoning
Department of Transportation and Development
 Development Services Building
 150 Beaver Creek Road | Oregon City, OR 97045
 503-742-4500 | zoninginfo@clackamas.us
 www.clackamas.us/planning

STAFF USE ONLY	
Staff Initials:	File Number:

Land use application for:

CONDITIONAL USE

Application Fee: \$3,945, unless for mining, then \$11,450
 (+ \$120 if an expanded notification area is required by ZDO Section 1307,
 + \$3,230 if Hydrogeologic Review is required)

APPLICANT INFORMATION			
Applicant name: <i>Ana Petras</i>	Applicant email: <i>alliance.ana@gmail.com</i>	Applicant phone: <i>503-750-0113</i>	
Applicant mailing address: <i>3673 SW Homesteader Rd</i>	City: <i>West Linn</i>	State: <i>OR</i>	ZIP: <i>97068</i>
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL	
Brief description of proposal: <i>To host gatherings, small family style, cultural gatherings & celebrations at our home and our existing barn. We would not allow alcohol and no loud music/dancing outdoors.</i>	Pre-application conference file number: <i>ZPAC0141-19</i>

SITE INFORMATION		
Site address: <i>3673 SW Homesteader Rd West Linn, OR 97068</i>	Comprehensive Plan designation:	Zoning district:
Map and tax lot #: Township: <i>3</i> Range: <i>1E</i> Section: <i>05D</i> Tax Lot: <i>00101</i> Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____	Land area:	
Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners: <i>Ana Petras</i> <i>Adrian Petras</i>	Signatures of all property owners: <i>Ana Petras</i> <i>Adrian Petras</i>	Date(s): <i>2-2-21</i> <i>2-2-21</i>
I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.		Date: <i>2-2-21</i>
Applicant signature: <i>Ana Petras</i>		

✓ **A. Complete a pre-application conference:**

You must attend a pre-application conference with Planning and Zoning staff before filing this application. Information about the pre-application conference process and a request form are available from the Planning and Zoning website.

B. Review applicable land use rules:

This application is subject to the provisions of Section 1203, Conditional Uses of the Clackamas County Zoning and Development Ordinance (ZDO).

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

C. Turn in all of the following:



Complete application form: Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.



Application fee: The cost of this application is \$3,945, unless it is for mining, in which case the cost is \$11,450. A \$120 notification surcharge also applies if an expanded notification area is required by ZDO Section 1307. If Hydrogeologic Review is required, there is an additional \$3,230 fee. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the Credit Card Authorization Form available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted Fee Schedule for refund policies.



Vicinity map: Provide a map of the area around the property, drawn to scale, that shows the uses and location of improvements on adjacent properties and properties across any road.



Site plan: Provide a site plan (also called a plot plan). A Site Plan Sample is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):

- Lot lines, lot/parcel numbers, and acreage/square footage of lots;
- Contiguous properties under the same ownership;
- All existing and proposed structures, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
- Setbacks of all structures from lot lines and easements;
- Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
- Location of utilities, wells, septic drain fields, and replacement drain field areas.



Service Feasibility Determinations: Request that the property's water provider, sanitary sewer provider, and surface water management authority, as applicable, each complete a Preliminary Statement of Feasibility and include those completed statements with your application. If the proposed development will be served by an onsite wastewater treatment system (e.g., a septic system), include an approved Site Evaluation or Authorization Notice from the Septic & Onsite Wastewater Program attesting to the feasibility of your proposal.

* We have a well. We are not on ~~septic~~ city water
* we are not adding plumbing.

- Building elevation diagrams:** Attach drawings of all proposed new and remodeled structures. The drawings must be to-scale and must show each side of the building and any windows, doors, or other appurtenances. Include all measurements (height, length, width, and area). *We have an existing AG form. If the county I will hire an engineer to have it re-drafted and submit plans & engineering once app is approved.*
- Hydrogeologic review report:** You must include a hydrogeologic review report if new industrial, commercial, or institutional development using exempt-use well or wells is proposed within a sensitive groundwater area outside of the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village. The report must address applicable requirements of ZDO Subsection 1006.03(E). Additional guidance on completing the report is available from the Planning and Zoning website. Your report will be peer-reviewed by qualified professionals contracted by the County. Evaluation of any required hydrogeologic review report costs an additional \$3,230.

N/A

- Any additional information or documents, such as a traffic impact study, advised of during the pre-application conference** *I included the traffic impact calculator from pre-app meeting.*
*NOTE * please update to 15 events & 120 max # of guests. yr.*

D. Respond in a narrative:

Your application submittal must include a narrative that fully responds to the following. Due to the technical nature of these requirements, guidance on how best to respond will be provided during the required pre-application conference.

1. How is the use listed as a conditional use in the Zoning and Development Ordinance (ZDO) section for the zoning district in which the subject property is located?
2. How are the characteristics of the subject property suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features?
3. How does the proposed use comply with ZDO Subsection 1007.07, Transportation Facilities Concurrency?
4. How is safety of the transportation system adequate to serve the proposed use.
5. Explain how the proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.
6. How is the proposed use consistent with the applicable goals and policies of the Comprehensive Plan?
7. Explain how the proposed use complies with any applicable requirements of the zoning district and any overlay zoning district(s) in which the subject property is located, ZDO Section 800, Special Use Requirements, and Section 1000, Development Standards.

BEFORE THE LAND USE HEARINGS OFFICER
CLACKAMAS COUNTY, OREGON

Regarding an Application for a Conditional Use
Permit for a Home Occupation to Host Events.

Case File No: Z0043-21-C
(Petras Event Hosting)

A. SUMMARY

1. The applicant is Ana Petras. The subject property is an approximately 6.5-acre parcel owned by Ana Petras and Adrian Petras. The property is improved with a single-family residence and outbuildings, including an existing barn that the applicant proposes to use to host 12 to 15 events per year, with up to 100 guests.¹
2. The subject property is located at 3673 SW Homesteader Road, on the north side of Homesteader Road, between SW Newland Road and SW Wilken Lane, zoned RRFF – 5, Rural Residential Farm Forest 5 acres, with a Comprehensive Plan Designation of Residential.
3. On April 29, 2021, the Hearings Officer conducted a public hearing to receive testimony and evidence about the applicant’s proposal for a conditional use permit for a home occupation to host events on the property. The Hearings Officer left the record open for three weeks following the close of the public hearing, as follows: one week for the submission of new evidence, testimony, and argument; one week for responses to the new evidence, testimony, and argument; and, one additional week for the applicant’s final legal argument.
4. The main contested issue in this conditional use application concerns whether the proposed use, with conditions of approval, can fall within the requirements of Clackamas County Zoning and Development Ordinance (ZDO) Section 1203.01(D): “*The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.*”

B. HEARING AND RECORD HIGHLIGHTS

1. The Hearings Officer received testimony and evidence at the April 29, 2021 public hearing about this application. All exhibits and records of testimony are filed with the Planning Division, Clackamas County Department of Transportation and Development. The public hearing was conducted virtually over the Zoom platform due to the coronavirus. At the beginning of the hearing, the Hearings Officer made the declaration required by ORS 197.763. The Hearings Officer disclaimed any *ex parte* contacts, bias, or conflicts of interest. The Hearings Officer stated that the only relevant criteria were those identified in the County’s staff report, that participants should direct their comments to those criteria, and failure to raise all arguments may result in waiver of arguments at subsequent appeal forums.
2. At the hearing, County Planner Clay Glasgow discussed the staff report and related exhibits. Mr. Glasgow provided relevant background information concerning the effect of noise and code violations associated with a nearby property referred to as the Polo Fields that was operating without a conditional use permit. Mr. Glasgow also provided discussion of some of

¹ These numbers were clarified by Ms. Petras at the public hearing.

the many statements from neighbors submitted in response to notice of this application regarding negative impacts associated with the applicant's use of her property as an event hosting venue, also without a conditional use permit, and particularly noise and traffic associated with the use. Mr. Glasgow reported that this history of past code violations associated with the event hosting by the applicant on her property prior to submitting this application led staff to find that: "...the proposed (existing) use will (has) alter(ed) the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located, e.g. rural residential use in a rural residential zone." Therefore, County staff concluded this criterion was not met and recommended denial of the application.

3. Mr. Glasgow asserted that a similar event hosting venue located in a more downtown area would be less disruptive to the surrounding area, with the "hubbub" of the community essentially masking the additional noise and vehicles and lessening the impacts to the surrounding area. By contrast, Mr. Glasgow contended that the applicant's proposal, even though events were largely indoors in her barn, would still seem "bigger, louder, brighter" in the surrounding area: a rural country residential community, where even the headlights from vehicles seem magnified.
4. Mr. Glasgow also referenced, however, a nearby property located at the intersection of SW Homesteader Road and SW Wilken Lane (almost across the street from the Petras' property) that received approval for a conditional use permit in July 2020. This property also has a single-family dwelling (often referred to as the Castle, or the site as the Thompson property), and outbuildings that include a garage/shop where many of the activities take place. The Thompson property, by contrast, is located in the Exclusive Farm Use (EFU) zone and is over 68 acres in size.
5. Ana Petras, Eddie Radulescu, and a number of neighbors testified in support of the application.
6. A number of neighbors testified in opposition to the application.
7. The Hearings Officer invited participation in the hearing by submitting written commentary to the address provided by Mr. Glasgow, closed the public hearing, and left the record open for three weeks as stated.

C. FACTS

1. The subject property is an approximately 6.5-acre parcel zoned Rural Residential Farm Forest 5-Acre (RRFF-5), with a comprehensive plan designation of Residential. The subject property is located at 3673 SW Homesteader Road, a location within Clackamas County, on the north side of Homesteader Road, between SW Newland Road and SW Wilken Lane, city of West Linn, also known as T3S, R1E, Section 05D, Tax Lot 00101 W.M. This location is within the Far West Community Planning Organization, and is not located inside an urban growth boundary.
2. The north side of SW Homesteader Road is an area of rural residential home sites on acreage properties in the RRFF-5 Zone, similar to the applicant's property. The south side of SW Homesteader Road is in the EFU Zone and is comprised of larger properties, some of which are in farm use.

3. The subject property is in rural residential use, developed with a single-family residence and associated outbuildings, including a large barn that the applicant proposes to use for a home occupation of hosting events, along with a small portion of the existing home. The site is roughly rectangular and relatively level, with no identified natural features of note.
4. The applicant describes the events as small, family style, cultural events and celebrations, with no alcohol or dancing, proposing up to 15 events per year with a maximum guest count of 100 (clarified at the hearing). The applicant further clarified at the hearing that she is actually proposing 12-15 events per year with no more than 100 maximum guests, that she typically travels for a month each summer, and generally would not hold more than two events in a given month, proposing a general schedule of two events in summer months and one in other months, totaling twelve per year. The applicant provided the following written discussion with her submitted proposal:

“small family-style, cultural events and celebrations. Use existing barn for events, along with portion of existing home. Proposal involves up to 15-events per year with maximum guest count per event of 120. No outdoor music or dancing, no alcohol served on property. This will ensure a nice quiet event with safe driving from the site. The flat nature of the site, and long driveway, lend themselves to plenty of off-street parking. Approximately 15-events per year with 100-people per event, along with parking for the vehicles can easily be accommodated on this site and in the existing barn.”
5. The application includes a completed land use application for a conditional use permit, originally submitted February 4, 2021, later updated by the applicant and deemed complete by the County on March 17, 2021, with related fee, vicinity map, site plan, preliminary statement of service feasibility, and traffic impact statement.
6. The County requested responses from a number of agencies and service providers, and from property owners within 2,640 feet, receiving a number of responses and comments:
 - a. Neighbor Chelsea Ausland submitted a statement in opposition to the application asserting that the entire neighborhood was being affected by the noise and traffic, and that the applicant’s use of her property to hold frequent parties of this size is not a primary use in zone RRFF-5. Ms. Ausland provided several photographs and a written narrative/timeline of her observations of the events, with some photographs hazy from smoke, but most showing a line of cars parked along the applicant’s driveway and near the barn area, sometimes double-parked. Ms. Ausland describes the events as including large outside weddings of 50-100+ people, with the reception being in the barn, reporting that: “We can hear the music and every word the MC says from our house.” Ms. Ausland provided several descriptions, noting that: “Most events start in late afternoon and finish up by 9pm.” Ms. Ausland provided the following timeline of these events, stating there were two more events not included here:
 - 6/14/2020 about 75 cars for an outdoor picnic
 - 7/17/2020 about 40 cars for a garden party
 - 8/15/2020 about 50 cars for a wedding, with music to her house
 - 8/16/2020 about 40 cars for a wedding
 - 8/22/2020 about 40 for a wedding with outdoor music to her house

- 9/04/2020 about 50 cars for a wedding with outdoor music to her house
 - 9/05/2020 about 100 cars double-parked up the driveway and 2 lines of cars in the pasture for a church service or wedding, with amplified sound
 - 9/08/2020 – Ms. Ausland notes this date their road was moved to a level 1 evacuation zone for the Riverside Fire
 - 9/10/2020 – Ms. Ausland notes that this date the level 2 evacuation zone moved closer to their area
 - 9/12/2020 about 50 cars, with music all afternoon
 - 9/13/2020 about 75 cars, with music all afternoon. Ms. Ausland notes that on this day the area was downgraded out of a level 1 evacuation zone.
 - 9/16/2020 over 100 cars for a wedding party, describing very loud music until after 9pm, with Ms. Ausland also noting this was a Wednesday and a school night.
 - 9/20/2020 about 50 cars for a wedding, with music to her house
 - 10/03/2020 about 30-40 cars for an indoor and outdoor event, with a speaker using a sound system outside they could hear from their house
 - 12/19/2020 about 20-30 cars for an indoor event
 - 3/13/2021 about 45 cars for a wedding
 - 3/20/2021 a wedding event. Ms. Ausland reported that the wedding party arrived in a stretch Hummer that had difficulty turning into the driveway, and blocked the westbound lane of SW Homesteader Rd. for more than 20 minutes.
 - 3/27/21 an indoor/outdoor community event during the day, with a bonfire after dark. Ms. Ausland reports that this was a non-burn day, yet sparks could be seen above the tree line at the edge of the property, and the Fire Department was called.
 - 3/28/21 about 30 cars for an indoor event.
- b. Neighbors Ken and Janice Becker submitted written commentary concerning the applicant’s proposal, referring to many of the anecdotal issues described by Ms. Ausland and to the County’s goal for the RRF-5 area: “To conserve the natural scenic beauty of the County.” The Beckers point out that the area has already contended with impacts from the polo fields and the castle, noting additionally that the applicant’s property is situated in a bowl at the lowest point of the neighborhood, with many neighbors sharing lot lines and most looking directly toward the applicant’s property. The Beckers report that any noise from people, cars, or music is an issue because it carries through the area. While not asserting that the applicant should have no permitted events, the Beckers contend that there should be fewer events (perhaps limited to 6 indoor events) and more restrictions, such as fewer people, ending events by 8:00pm, restricting parking, and restrictions against loud music or any PA system.
- c. Neighbor Shae Marquez submitted written commentary in support of the application, describing the Petras-Campean family (applicant’s family) as very kind and respectful of others and the community. Ms. Marquez states that she strongly believes the applicant will continue to be considerate of her neighbors while she opens her home to host these events for people from outside the neighborhood.
- d. Neighbor Katherine Lemke submitted a written commentary in opposition to the application, providing additional detail concerning the 3:00am Christmas morning fireworks that have been described by neighbors as a particularly disruptive evening, with a line of cars at the applicant’s property. Ms. Lemke further described noticing a small outdoor wedding in March 2021 on the south side of applicant’s barn, and that it was

- actually a small, pleasant affair. Ms. Lemke reports, however, that over the following months the applicant hosted indoor and outdoor weddings and parties, with dozens of cars parked along their driveway and behind their barn, with no social distancing or masks for attendees, and use of a loud outdoor PA system. Ms. Lemke asserts these past events show disregard for public safety, as the events occurred during the coronavirus pandemic. Ms. Lemke also referred to hosting events during the evacuation status for the area, blocking the main public road with cars, parking on dry grass along their driveway and in pasture areas despite the fire hazard, hosting of a bonfire on a non-burn day, and allowing double-parking of cars, impeding emergency vehicle access to the property.
- e. Neighbor Gayle Meyer submitted written commentary in favor of the application, describing the applicant and her family as “great and friendly neighbors.” Ms. Meyer provided anecdotal descriptions of the applicant’s family clearing the road after a February ice storm, clearing the branches and trees and helping their neighbors. Ms. Meyer noted the applicant’s desire to host small family-style cultural events and celebrations without causing disruption or disturbance to the neighbors, stating that she has never heard excess noise from the applicant’s property.
 - f. Neighbors Delores Rae Wilson and William George Wilson submitted a written statement in opposition to the application, stating they purchased their property on November 15, 2020. The Wilson’s property is adjacent to and west of the applicant’s property, with a common boundary close in proximity to the applicant’s barn. The Wilsons assert that their home is sited approximately 300 feet from the applicant’s home and barn, and not 500 feet as referenced in the application. They oppose the application for many reasons, including number and intensity of events, lack of detail in the application, and concerns with parking, noise, and safety concerns with up to 120 guests and up to 60-100 cars arriving and departing at the same time from the applicant’s driveway onto SW Homesteader Road. The Wilsons describe SW Homesteader Road as a moderately busy county road with limited visibility and a rapid downhill approach to the applicant’s property. The Wilsons assert that: “The noise, traffic, and strangers looking about our property does create anxiety and limits our use and enjoyment of most of our home and deck which overlooks applicant’s property. Looking into a field of cars, in addition to excessive noise limits our ability to use our property for its intended purpose if the conditional use permit is granted.” The Wilsons assert that the proposal is not appropriate for the area, fails to advance the County’s goal to “conserve the natural scenic beauty” and should be denied. The Wilson’s written statement repeats anecdotal reports by other neighbors concerning the applicant’s use of their property before the Wilsons moved to the area, expressing concern regarding the effect such continued noise would have on their horses and animals, and themselves.
 - g. Neighbors Chelsea Ausland and Kevin Carroll submitted written commentary opposing the application, particularly asserting that a conditional use permit to hold large gatherings multiple times per year would greatly affect the neighboring properties with noise and traffic. They also assert that the noise/high sound levels can negatively impact wildlife and farm animals in the area. Ms. Ausland and Mr. Carroll report three incidents over the past 18 months involving illegal fireworks associated with events at the applicant’s property, including one that awoke her children crying at 2:00am on Christmas Eve, and none on the 4th of July “where something like that might make sense.” Their letter describes other events involving loudspeakers blasting music until late at night, creating an atmosphere akin to a nightclub. They describe concerns with the traffic, including both

the volume of vehicles and the associated behavior of drivers speeding up and down SW Homesteader Rd. Ms. Ausland and Mr. Carroll contend that the noise, lighting and traffic all decrease the natural scenic beauty of the area.

- h. Neighbors Brian and Mavis Smith submitted written commentary opposing the application, reporting they have lived in this valley for 47 years and are committed to maintaining the lovely rural setting. The Smiths assert that the hosting of major events such as proposed by the applicant does not belong in their neighborhood, citing traffic and noise problems and the impacts to property values and quality of life. The Smiths report that, although their home is in the middle of their 50-acre property, noise travels through the valley such that they do hear the sounds and voices of their neighbors. The Smiths also express concerns regarding traffic impacts, reporting that the roads do not have bike lanes or shoulders, and the number of cars and travel speed has greatly increased, adding to the likelihood of a major accident and causing problems for emergency vehicles.
- i. Kathy Luiten is the neighborhood representative for the Far West CC CPO. She submitted written commentary reporting having heard concerns from many neighbors regarding the conditional use application submitted by Ms. Petras. Ms. Luiten notes that events and weddings have already been happening frequently on the applicant's property, describing them as "often very noisy from people, music and loudspeakers." She reports that the events were held often last summer even during the restrictions for large gatherings due to the pandemic, asserting it was in blatant disregard of state guidelines. Ms. Luiten references neighbors dealing with late-night fireworks, escaped animals from Ms. Petras' property, bonfires on non-burn days and reports damage to a neighboring driveway, asserting that the applicant demonstrates a pattern of disregard for community rules, regulations and neighbor concerns. Ms. Luiten asserts that although people (including Ms. Petras) can use their property for parties and family gatherings, the gatherings on Ms. Petras' property are commercial events often associated with her church. Ms. Luiten contends that this is a rural area with farms, horses, and residential homes that has never been designated as an event center. Further, Ms. Luiten states that noise travels very easily through the unique topography of the area, with neighbors heavily impacted by noise and stress from these gatherings. Ms. Luiten notes that traffic is also a concern as SW Homesteader Rd. is a country road with no shoulders. She contends that the proposal "is not in keeping with conserving the natural quiet and scenic beauty of the area." Ms. Luiten contends further that an event setting does not fit in with the character of the area and jeopardizes the existing way of life for residents close to the site.
- j. The County's Traffic Engineering and Development Review staff reviewed the application, noting that certain zoning and related code provisions may require improvements to the site, such as meeting access standards, frontage improvements, on-site access and parking. Of particular note, their comments concerning SW Homesteader Rd. stated that the existing right-of-way and roadway are adequate to support the proposed event use and sight distance appears feasible at the existing driveway. The staff review concluded, however, that the applicant's proposed second driveway would not meet minimum spacing standards and therefore access to the property would be limited to a single driveway on SW Homesteader Rd. The staff also noted that the access road would require a 20-foot wide travel surface of gravel or paving, with parking and maneuvering areas also of screened gravel or better, together with other requirements, such as that parking must be at least 200 feet from SW Homesteader Rd. The staff review concluded

that, with certain conditions of approval, adequate circulation and parking could be provided.

- k. Neighbor Martha Epley submitted a written commentary opposing the applicant's proposal. She particularly contends that there is already "first hand evidence of the nature and magnitude of the impacts that will be caused by the proposed use, if allowed" due to the Petras' unpermitted use of their property as a wedding/event center. Ms. Epley notes, first, that the Petras' use "injected disruptive, amplified sounds into a rural residential area" where the sound carries and intrudes upon residential uses of neighbors such as her. Ms. Epley states that her own property is approximately 600 yards from the property described as the Polo Fields, which she describes as posing a substantial noise disruption that significantly impacted her use and enjoyment of her own property, with outside speakers, MCs, broadcast music, and parties nearly every weekend from spring to fall. Ms. Epley's express concern is that the Petras property will similarly disrupt the area. Secondly, Ms. Epley asserts the Petras' use of their property has created traffic hazards, citing an incident with a stretch limo blocking SW Homesteader Rd. for about 20 minutes, and the excessive rate of speed of drivers coming down the hill. Ms. Epley requests that, should the application be approved, required conditions of approval include certain representations made by the applicant concerning restrictions at these events, such as: no alcohol, no outdoor music or amplified sound or speakers for any purpose, and no outdoor dancing.
- l. Tammy Stevens submitted written comments on behalf of the nearby Hamlet of Beaver Creek Board, expressing concerns with respect to any precedent set by this application on the use of RRFF-5 properties in their area. Ms. Stevens particularly asserted that, if a second driveway was being considered on the Petras' property, that all permits be acquired and setbacks adhered to. Ms. Stevens also expressed concerns with the amount of parking on the Petras' property, asserting that it didn't seem adequate.
- m. Neighbors Grant and Megan Bilby submitted written comments opposing the application. Their property is also directly adjacent to the Petras' property, and they assert that the application conflicts with the requirements of section 1203.03(D), that: "*The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.*" The Bilbys note that the applicant has already hosted many non-permitted events, asserting these events have caused considerable nuisance to the surrounding neighbors. They cite incidents of amplified sound systems operating past sundown, and the impact the additional traffic has on immediate neighbors. Particularly, the Bilbys cite safety concerns with large gatherings held during the pandemic, large events hosted during fire evacuation warnings and while air quality indexes were such that "EPA recommendations were against any form of outdoor activity." They also cite large burn piles on non-sanctioned burn days. The Bilbys reference the reported incident of a large wedding party vehicle blocking traffic. Mainly, the Bilbys express concern that the applicant has not followed county and state guidelines in holding these events, and do not believe that the applicant would adhere to the requirements of a conditional use permit. In the alternative that the application were approved, the Bilbys request is that no events be allowed while the Covid-19 restrictions for such gatherings are in effect, and further that the events be limited to six with a maximum of 40 attendees, no outdoor sound amplification or lighting, prior notice of events to neighbors, and parking only on paved or graveled surfaces.

- n. Neighbors Grant and Megan Bilby submitted a written timeline of events, with a number of photographs, substantially identical to the timeline and photographs submitted by Ms. Ausland, adding a 4/10/2021 large indoor event with about 50 cars.
 - o. Neighbor Megan Bilby also forwarded an email sent by the applicant to the area neighborhood, providing them with additional descriptions of her proposal to host events. In this email, Ms. Petras describes the event hosting as a hobby, intending to hold no more than two events per week and no more than one per day. In her email, Ms. Petras apologizes for certain events, including a gathering with a PA system that led to dancing outside that was without her permission (Ms. Petras asserts this happened one time), and also the fireworks that happened when carolers came to her house (Ms. Petras asserts this also happened one time). Ms. Petras' email further states that she will not allow a PA system outside for dances, or a DJ, nor allow a dance floor inside or outside. In the email, Ms. Petras offers to address neighbor concerns, describing how she has a large family (seven brothers and sisters, all living locally, with many children), directs the youth choir at her church, and how her extended family is involved in her local church. (Ms. Petras describes her extended family as about 80 people, but asserts they are "in the immediate family.") In the email, Ms. Petras states that the teenagers growing up in her choir look to her for bridal showers, birthdays, baby showers, marriage proposals and small weddings, asserting they have had nowhere else to go since things were shut down (due to the coronavirus), and this is how she got started hosting these events. Ms. Petras' email states she is seeking to be in compliance to gather inside the barn.
 - p. Neighbor Megan Bilby forwarded an email from Ms. Petras that is apparently her part of an email exchange. Essentially, Ms. Petras is disputing statements concerning the number of cars on her property, asserting it was no more than 40 and not the 200 claimed. Ms. Petras is apologizing for a noisy event, stating it was shut down by 8:00pm, while noting that she is part of a big Romanian community and has generally had weekly gatherings at her house with singing and music for many years, and she intends to continue to host these types of family celebrations and events at her new property.
7. Several individuals provided public testimony in support of the application.
- a. The applicant Ana Petras described her proposal as event hosting involving bridal showers, weddings, and events related to her Romanian church activities, such as the youth choir she directs. Ms. Petras stated her family was excited about the property and made mistakes, but have learned to address the noise issue by not allowing outdoor speakers, dancing, or music. Ms. Petras describes her property as well suited for the use, with a long driveway that is easy to pull into, so there aren't traffic problems, and plenty of off-street parking. Ms. Petras states she intends to use primarily her barn, but also her house to host events, and is not adding any lighting.
 - b. Applicant's consultant Eddie Radulescu noted the primary concern with the proposal relates to Section 1203.03(D), and its requirement that the proposal not substantially limit, impair or preclude primary uses on surrounding properties. Mr. Radulescu points out that the property is over 6 acres, located in an area of large properties, and has a long 2-lane driveway that requires no staging from the road. Mr. Radulescu describes the proposal as 12-15 events of up to 100 people, with the events related to church, family, community, and friends. Mr. Radulescu states that the applicant is interested in entering into good neighbor agreements. With respect to the home occupation application, Mr. Radulescu

- notes that the operator (Ms. Petras) is on-site, with her husband, running the events (sometimes assisted by caterers), and seeking to mitigate and lessen any impacts.
- c. Ruthie Zimmerman is a neighbor living in the EFU zone, on property almost directly across the street from the Petras' property. Ms. Zimmerman asserts that the neighborhood's experiences with the nearby Polo Fields have negatively colored the view of event spaces. Ms. Zimmerman testified that many of the Petras' large family gatherings look like events, but describes the Petras family as active property owners who take feedback and are receptive, removing outdoor speakers, and expressing interest in entering into good neighborhood agreements.
 - d. Tracy Sitton is a neighbor who lives 3-4 properties from the Petras property, who has observed the events Ms. Petras has hosted for family and friends as joyful gatherings and celebrations, and sees no adverse impact on the neighborhood from these activities. Ms. Sitton describes Ms. Petras as gracious and polite, willing to accept feedback and accommodate others, and her family helpful to neighbors.
 - e. John Alexy is another neighbor supporting the application. Mr. Alexy lives on property almost adjacent to the Petras' property, with only a narrow strip for a flag lot between them. Mr. Alexy provided testimony that he was outside working on his deck all summer, about 400 feet away from Ms. Petras' events, and did not find the events disruptive or noisy, nor did he observe any traffic issues. Mr. Alexy describes the Petras family as "fine neighbors."
 - f. Jessica Hansen is a neighbor living on SW Homesteader Rd. who also supports the application. Ms. Hansen notes that her property is situated far enough away from the polo field property that she wasn't impacted by those events. Ms. Hansen describes the neighborhood as very communicative, with many long-time residents, and finds Ms. Petras also very communicative. Ms. Hansen states that she is impressed with Ms. Petras and supportive of the proposed use, that Ms. Petras addresses neighbor concerns, and the events are an appropriate use of her property.
 - g. Kathy Luiten also lives on SW Homesteader Rd. and is the representative for the Far West Clackamas County Neighborhood association. She supports the application, but expressed some reservations. Ms. Luiten notes the area's experience with the polo fields, and how they were expanded and had a big effect on the area. Ms. Luiten hopes there can be a compromise, such as requiring notification of events, further noting that many people moved to the area for the "country life" and noise in the area is not generally a good thing.
8. Several individuals provided public testimony in opposition to the application.
- a. Grant Bilby is a neighbor living in close proximity to the Petras' property. Mr. Bilby reports observing 19 events occurring on the Petras between June 2020 and April 2021, with the majority occurring either outside the barn and house, or a combination of outside and inside, noting that such large events are discouraged during the coronavirus. Mr. Bilby also referenced burns on the Petras' property during level 1 fire/smoke/evacuation concerns, but notes other property owners were also engaged (inappropriately) in burns.
 - b. Chelsea Ausland is a neighbor also living in close proximity to the Petras' property who also opposes the application. Ms. Ausland describes the events on the Petras' property as very loud and negatively impacting her own property, and the quiet that is the reason people move there. Ms. Ausland described a Christmas Eve fireworks incident that awoke her child, crying, and that it was blamed by the applicant on teenagers at her

- property. Ms. Ausland states that the Petras property is the low point for the area, and asserts that the sound carries.
- c. William Wilson and Delores Wilson live on property adjacent to the Petras' property, that they purchased in November 2019. The Wilsons state that they purchased their own 6 acre property within a residential farm setting, suitable for animals, arguing that the Petras' proposed use would substantially limit the uses of surrounding properties, including theirs. The Wilsons contend that events and parties of up to 120 people would disrupt the ambience of the area and create dangerous traffic. The Wilsons assert that there is a history of disruptive events held on the Petras property conducted without a permit.
9. Several individuals provided public testimony generally neutral concerning the application.
- a. Martha Epley lives in the neighborhood and provided testimony generally expressing concerns that the noise from the polo fields had significantly impacted the area, with the noise travelling through the valley. Ms. Epley sought some clarification concerning what constitutes an "event" and noted that 15 yearly events could cover most weekends of the summer.
 - b. Bob Blessing and Lynn Blessing live on SW Homesteader Rd. on property immediately west of the Petras' property, on the adjacent flag lot. The Blessings expressed concerns with the proposal showing a pasture becoming a parking lot, which seems to them unnecessary for events of 100 people or less, as there is already adequate parking on the Petras' property. The Blessings expressed general concerns with the proposed frequency of events, but agree that 15 family events like those they've already observed, spread throughout a year, does not seem like much impact.
10. Several individuals submitted written comments subsequent to the hearing, with the applicant providing written responses to several, and a final written argument in support of her proposal.
- a. Neighbor Dan Thompson submitted written comments subsequent to the hearing in support of Ms. Petras' application for a conditional use permit and proposed use of her property to host events. Mr. Thompson asserts that the traffic and noise generated from the applicant's events is not comparable to the traffic and noise generated by the activities at the nearby Polo Fields, with events that included thousands of attendees and exceptional high volume levels of music. Mr. Thompson "does not feel having events at the Petras property will have an adverse impact on the neighborhood."
 - b. Neighbor Chelsea Ausland submitted an additional written statement following the hearing, to reiterate her point that while Ms. Petras is a nice person with good intentions, it remains her view that Ms. Petras has been unable to control the people at the events she has held in the past. Ms. Ausland referred to examples of 2 events with fireworks around 2/3:00am, vehicles exceeding the speed limit to and from the Petras' property, and the difficulty of controlling large groups. Ms. Ausland contends that holding church events is much different than hosting large family events, noting that no permit is required for hosting family event activities. Lastly, Ms. Ausland asserts that the testimony and commentary provided by neighbors in close proximity to the Petras' property "should be weighed more heavily as to how much this conditional use permit alters the character of the surrounding area."
 - c. Applicant Ana Petras submitted a written response following the hearing, addressing statements from the hearing and from the subsequently submitted written commentary.

- With respect to comments from the Bilbys, applicant notes that the term “event” is subjective. Ms. Petras states that she, her husband, and their three children have seven cars amongst themselves, so just having her nieces, nephews, immediate friends, or brothers and sisters over for dinner or a picnic brings another 10-20 cars and looks like an “event.” With respect to statements about a larger vehicle blocking the road, Ms. Petras notes that she has had many trucks on and off her property delivering soil and gravel, and her son drives a truck with a trailer and an excavator on it, having no problem coming and going from her driveway. Ms. Petras references a similar situation with a landscaper who couldn’t find her neighbors’ correct driveway, stopping and blocking the middle of SW Homesteader Rd., essentially stating these are things that happen. Ms. Petras again addressed the complaint concerning fireworks, asserting that it was a single isolated event from a teenage caroler. Further, however, Ms. Petras reported that “There’s shooting in this neighborhood all the time and I wonder what’s going on...it sure sounds like fireworks...Have we complained about the shootings?” With respect to the Polo Fields, Ms. Petras responds that she moved to her current property in October 2019 and was not aware of the polo field issues, nor was she aware that the neighbors had a general fear and anxiety and extra sensitivity to noise in the area. Ms. Petras states that she has a better understanding after hearing from several neighbors about the substantial noise levels from the polo field and this is why her proposal states she will not have any loud music outdoors.
- With respect to written commentary from Martha Epley, Ms. Petras again noted how the polo fields impacted the area, with hundreds of people and loud speakers, announcers, and music. Again, Ms. Petras notes that the definition of “events” seems unclear, related to general weddings, family reunions, company picnics, (and similar gatherings). Ms. Petras asserted the need for a clear definition.
- Ms. Petras addressed comments by Chelsea Ausland, asserting that there was only one fireworks incident related to a teen caroler, for which she took responsibility and apologized.
- With respect to the written commentary submitted by Delores and George Wilson, Ms. Petras addressed their concern that they don’t feel comfortable having 100 strangers close by, stating she feels sorry that they consider her friends and family as strangers. Ms. Petras describes herself as a neighbor who checks on her other neighbors to make sure they have everything they need. She also notes that the Wilsons have had lots of moving trucks, workers, and trucks to their property, and this is essentially their business to do so. Ms. Petras responds to the Wilsons’ assertions that they would not have purchased their property had they known of her activities, by stating that she similarly would not have purchased her own property had she known that her neighbors would try to prevent her from gathering with her friends and family. Ms. Petras contends that, rather than trying to impose preferences for lifestyle, there should be reasonable compromise and good neighbor agreements.
- With respect to the comments from Bob Blessing regarding his expressed concerns over the proposed “parking spot” near their driveway, Ms. Petras states that she only drew that out as a possibility, and does not want it being a disruption or an eyesore for the neighbors. Ms. Petras also addressed concerns with the proposed frequency of the “events” by clarifying that she does not want to do more than a

- couple events a month here and there and spread them out, would not concentrate everything in the summer, and she typically travels one month during the summer.
- Ms. Petras addressed comments by Kathy Luiten, who suggested a good neighbor agreement to include immediate neighbors, and notification in advance of planned events. Ms. Petras responds that she “would have no problem notifying the neighbors and having a good neighbor agreement in place.” With respect to comments about church events and a huge family, Ms. Petras responds that she does have seven brothers and sisters, all married and all having children and some having grandchildren, totaling close to 100 family members living within 20-30 minutes drive of one another. Ms. Petras further responds that she plans to continue having her family over to her property for holidays, for celebrations and milestones, and cookouts, etc. Ms. Petras also reiterates her commitment to not play music after 9:00pm. With respect to church activities, Ms. Petras responds describing how she and her entire family are very involved in their church, with many of her family members in leadership positions, Ms. Petras herself director of the youth choir, and her husband director of the men’s choir.
- d. Neighbor Brice Lemke submitted a written statement subsequent to the hearing in opposition to the application, describing his property as located on a nearby hill overlooking the Petras’ property. Mr. Lemke reports his observations of the activities occurring on the Petras’ property as “indistinguishable from a commercial wedding venue. Most of the events appear to be predominately outdoor weddings with densely gathered chairs outside.” Mr. Lemke contends that the applicant has simply been conducting an illegal wedding venue willing to ignore CDC (coronavirus) guidelines. Mr. Lemke states that he also has a large family, with five children of his own. Mr. Lemke essentially makes the argument that the large family gatherings described by Ms. Petras are the family reunions mentioned at the hearing as “events.” Mr. Lemke asserts that the proposed use would change the character of the place the local residents believed was meant for farming and forestry when they chose it for their homes.
- e. Neighbors George and Delores Wilson submitted a written statement subsequent to the hearing, again in opposition to the application. This statement largely reiterates their earlier arguments, adding that they felt the applicant minimized their concerns particularly around coronavirus safety, fire safety, problems with noise, music, and the fireworks. The Wilsons assert that the Petras should hold these events in commercial settings or church halls more suited for the activity.
- f. Applicant Ana Petras submitted a written response following the submission of the written comments after the hearing addressing the additional written commentary, while asserting that she has “had multiple baby showers, bridal showers, graduations parties, family gatherings, church group gatherings and caroling every single year my [previous] house was full on Christmas Eve and Christmas night with cars parked all over the street and never ONCE any complain[t]s from anyone.” Ms. Petras states that after moving to her current home she has “never felt more discriminated against because we have a large family and because we have small church group gatherings.” Ms. Petras states that it is her intention to continue having her family members to her house as often as she wants, asserting that they are all part of her “immediate family,” and having family over that lives within 20 minutes of her home is not a “family reunion.” Ms. Petras states that they bought the property in order to use it and enjoy it with family and friends, respecting their

neighbors, but not being controlled by their neighbors. Ms. Petras describes herself as a good neighbor, willing to enter into a good neighbor agreement.

- Ms. Petras responded to statements made by John Alexy at the hearing, noting he is her close neighbor to the west about 20 feet from her property line. Ms. Petras emphasized Mr. Alexy's statements that he was outside building and working on his deck all of the summer of 2020, and didn't find any of the events on the Petras' property disruptive, or noisy, or causing any traffic issues. Ms. Petras added comment concerning her interactions with Mr. Alexy, reporting that her family relocated their own dog that would bark every night so as not to disrupt their neighbors, and have also been getting rid of their pigs, also essentially for disrupting their neighbors.
- With respect to reports of noise from events on her property, Ms. Petras reported purchasing "a professional grade Audio Decibel Meter to be able to monitor the noise levels so as not to exceed greater than 60 dB(A) as per rule. Ms. Petras further refers to Clackamas County Case File No. Z044-20-C (Thompson), in which the "castle house" across the street was granted a conditional use permit, asserting this sets a precedent for her property as well.
- Ms. Petras addressed the comments submitted by Mr. Thompson, noting that he is across the street from her property and has never been bothered by the activity. Ms. Petras notes that the point Mr. Thompson made is that the noise coming from the polo fields is what most neighbors were referring to and complaining about.
- With respect to the written comments submitted by Chelsea Ausland, Ms. Petras again disputes that there were fireworks at any of her events, with only one isolated incident involving a teen caroler on Christmas Eve 2019. Ms. Petras asserts that she appropriately dealt with the issue, apologizing for the incident and talking to the youth and the youth's pastor. Ms. Petras disagrees with the characterization that she cannot control large groups at her gatherings or events, pointing out that she has directed her church youth choir for many years, and reporting that she has twice taken 120 youth choir members ages 14 – 22 to Romania on mission trips she planned and controlled.
- Ms. Petras responded to comments made at the hearing by Brice Lemke and in his written statement submitted after the hearing, agreeing that during wedding events she typically plans for the approximately half hour ceremony to take place outside, and there will be people taking pictures outside or having private conversations outside, but the other organized activities relating to the wedding, such as reception, speakers, etc. take place inside the barn. Ms. Petras agrees that she has lots of plans for her property, but essentially responds that she plans to continue to improve her property to suit her needs. With respect to comments about the number of church members requiring weddings in a single year, Ms. Petras responds that her family attends the biggest Romanian church in the United States, and they are part of a large Romanian community that is also very close to local Ukrainian and Russian communities as well. Ms. Petras explained that 2020 was an exception (due to the coronavirus), leaving people with nowhere to gather or have a wedding. Ms. Petras reiterates that she plans to host at most 2 weddings per month, and that she travels with her husband at least one month out of each year. With respect to a new parking lot, Ms. Petras asserts she can create parking on her property. Concerning references made to the polo fields area, Ms. Petras notes

first that the polo fields activities were not permitted, and second, notes that the nearby Castle house was granted a permit for a home occupation to host events² in the EFU zone, asserting her understanding that the EFU zoning is actually more restrictive than the RRFF-5 zoning for her property. Ms. Petras contends that the Thompson/Castle permit approval set a precedent for approving her application. Ms. Petras also referenced the data that was presented by AKS engineering regarding traffic and noise and other complaints by area neighbors, contending that this same report should also be applied to her application given that she is across the street and requesting to host the same amount of similar events. Regarding neighbors' complaints being ignored, Ms. Petras responded that she had not heard this before, pointing to other reports by neighbors describing her as open to conversation, very communicative, and immediately addressing issues. Ms. Petras disputes the statement that "some bad behavior at their events was done by guests outside of their control..." conjecturing that it must be another reference to the fireworks incident. Ms. Petras points out that the broad statements asserted concerning "loud events" are not actually facts concerning noise levels. With respect to family reunions, Ms. Petras again contends essentially that her family members living in the vicinity are her immediate family and having them gather at her house is not a family reunion. Similarly, Ms. Petras disputes the characterization of other uses of her property, such as photographers taking pictures, as "events." Ms. Petras disputes the characterization of "willfully and disruptively ignoring existing ordinances" by asserting she submitted the application as soon as she understood the requirements. Ms. Petras states that, like many others, her family also moved to this area to enjoy the peaceful relief from busy and commercial activities, but that she also likes to enjoy her property with family and friends.

- Ms. Petras responded to the additional written statement submitted by George and Delores Wilson subsequent to the hearing, again essentially contending that it is not her intention to run the event hosting as another commercial venture, noting that she will not be advertising as a "commercial wedding venue" or opening her private property to strangers. Ms. Petras contends that the Wilsons' statement does not provide specific examples of "events" that they have actually observed since moving to their property in about October 2020. With respect to fireworks, Ms. Petras points out that the Wilsons moved to their property after that incident. With respect to blocking traffic, Ms. Petras again disputes ever having a "wedding limo" on her property for any reason, but describes several incidents of the Wilsons' contractors and landscapers causing traffic problems by not finding the Wilsons' driveway. Ms. Petras also disputes minimizing neighbor concerns, again asserting that she has addressed every concern. Ms. Petras agrees that there is music on her property, with her family all playing instruments and singing, but asserts that the sound level is under controlled levels. Lastly, Ms. Petras disputes the assertion that her gatherings drastically change the community.
- Ms. Petras provided videos, photographs, and descriptions of audio measurements using the Audio Decibel Meter she purchased. These videos and photographs

² See Thompson, Z044-20-C, July 16, 2020 (public hearing May 21, 2020), resulting in approval of a conditional use permit to host up to 15 events per year with up to 100 guests.

show that, with speakers inside the barn set purposefully high by the sound technician at over 80 dB(A), the sound at each corner of her property boundaries is well under 60 dB(A) and is actually about or under 50 dB(A), with some locations closer to 40 dB(A).

11. The applicant has reviewed and agrees with the recommended conditions of approval submitted by County staff.

D. DISCUSSION

The evidence presented is reliable, probative and substantial evidence upon which to base a determination in these matters. This application is subject to the standards and criteria of Clackamas County Zoning and Development Ordinance (ZDO) Section 1203. This application is being processed as a Type III Permit, pursuant to Section 1307. A Type III Permit is quasi-judicial in nature, and involves land use actions governed by standards and approval criteria that require the use of discretion and judgment. The issues associated with the land use action may be complex and the impacts significant, and conditions of approval may be imposed to mitigate the impacts and ensure compliance with this Ordinance and the Comprehensive Plan. The Type III procedure is a quasi-judicial review process where the review authority receives testimony, reviews the application for conformance with the applicable standards and approval criteria, and issues a decision.

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 316, 806, 1002, 1005, 1006, 1007, 1010, 1021, 1203; and the Comprehensive Plan. The Clackamas County Planning and Zoning Staff have reviewed these Sections of the ZDO and Comprehensive Plan in conjunction with this proposal and make the following findings and conclusions, adopted and/or modified by the Hearings Officer.

PART 1. SUBMITTAL REQUIREMENTS – CONDITIONAL USE PERMIT

Subsection 1203.04 of the Zoning and Development Ordinance lists the information that must be included in a complete application for a conditional use permit.

This application includes a completed land use application form, site plan, application fee and completed supplemental application addressing the criteria in Section 1203 of the ZDO. The application also includes a description of the proposed use and vicinity map. One Preliminary Statement of Feasibility (Exhibit 2) was submitted, for surface water management dated 3/17/21. All the submittal requirements under Subsection 1203.04 are included in the application. The application was originally submitted on 2/04/21. After sending incomplete notice the application was deemed (minimally) complete on 3/17/21. The 150-day deadline for processing this application is 9/13/21 (Exhibit 3).

The submittal requirements of Subsection 1203.04 are met.

PART 2. CONDITIONAL USE PERMIT

1. **Subsection 1203.01** of the Zoning and Development Ordinance lists six criteria that must be satisfied in order to approve this Conditional Use.

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A. **Subsection 1203.01(A):** *The use is listed as a conditional use in the zoning district in which the subject property is located.*

1. Section 316, Rural Residential Farm Forest, 5-acre; RRFF-5: The subject property is zoned RRFF-5. Section 316 of the ZDO controls land uses in the underlying RRFF-5 zoning district. Table 316-1, lists the conditional uses which are allowed. Under Table 316-1 “*Home occupation to host events, subject to Section 806.*” This proposal involves a home occupation to host events. Section 806 is discussed further below.

This criterion is satisfied.

A. **Section 1203.01(B):** *The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.*

1. Size: The subject property is approximately 6.5-acres in size. The submitted site plan, though challenging to interpret, demonstrates the property is of sufficient size to accommodate the proposed event area, along with parking and circulation area, landscaping, etc.
2. Shape: The shape of the subject property is roughly square. This shape does not present any particular limitation to the proposed use of the site.
3. Topography: The area proposed for use is mostly level – not a limiting factor.
4. Location: The site is located along the north side SW Homesteader Road is generally in rural residential use on acreage properties. South side of SW Homesteader is zoned for farm use with larger properties. There are no mapped natural features in the immediate vicinity. Staff is unaware of any particular locational issues that would adversely affect the use.
5. Improvements: The subject property is currently developed as a rural residential home-site, with a dwelling and barn in place. A one-bedroom guest house has recently been permitted.
6. Natural Features:
 - a. Floodplain: none of the subject property is shown as being within a regulatory floodplain.
 - b. Geologic Hazards: nothing of note shows up on the Geologic Hazard maps, regarding this property.

Summary: The shape, topographic and locational characteristics of the property are suitable to accommodate the proposed use. There are no mapped natural features near the proposed location of the additional development on site. The size of the site is

adequate to accommodate the existing rural homesite along with the proposed event facility.

This criterion is met.

C. **Section 1203.01(C):** *The proposed use is consistent with Subsection 1007.07, concurrency, and safety of the transportation system is adequate to serve the proposed use.*

1. Subsection 1007.07: Transportation Facilities Concurrency

- a. Subsection 1007.07(A): *“Shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.”*
- b. Subsection 1007.09(B): Under ZDO Section 1007.07(B)(5) conditional uses to host events are exempt from the concurrency requirements

2. Safety:

- a. Subsection 1007.04(D): *“Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:*
 - i. *No planting, signing, or fencing shall be permitted which restricts motorists’ vision; and*
 - ii. *Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.”*

The applicant has proposed a conditional use for hosting events on an approximately 6.5 acre property located on the north side of SW Homesteader Road. Based on vehicular trips to the project site as well as on-site parking and circulation, engineering staff finds that the application is subject to the provisions of *Clackamas County Zoning and Development Ordinance (ZDO)* Section 1007 pertaining to roads and connectivity, ZDO Section 1015 pertaining to parking and loading, and Chapter 4 of the Roadway Standards pertaining to surface water management. As specified under ZDO Section 1007, development applications are required to provide adequate access to current county standards, which may include right-of-way dedication, frontage improvements, on-site access and parking. SW Homesteader Road is a rural collector roadway, located within a 40-foot wide public right-of-way, with an improved width of approximately 23 feet along the project site frontage. It is recognized that events such as weddings generate a larger number of vehicles on the day of an event, but over the course of the entire year, the total number of vehicle trips is approximately equivalent to vehicle trips generated by two single-family homes. Based on this, the existing right-of-way and roadway are adequate to support the proposed events.

The project site is currently served by a paved driveway located at the center of the frontage on SW Homesteader Road. The applicant’s preliminary plans propose construction of a

second driveway to the east to serve a proposed parking area in the northeast corner of the property. Driveway access is limited on collector roadways. Per Roadway Standards Section 220, a single driveway is the standard, with a second driveway access on lower volume road subject to spacing standards. As provided by Roadway Standards Table 2-2, driveway spacing requires 300 feet between driveways on the same side and opposite sides of a roadway. The existing site driveway is located approximately 300 feet from driveways to the east and west and a second driveway would not meet minimum spacing standards. Access to the property will be limited to a single driveway onto SW Homesteader Road. SW Homesteader Road has a posted speed limit of 45 miles per hour, requiring 500 feet of intersection sight distance. Sight distance appears feasible at the existing driveway and will be verified as part of the Development Permit. The applicant will be required to maintain adequate intersection sight distance at the driveway serving the event site.

ZDO section 1007.09 requires that development is served by a transportation system that has adequate capacity to handle any increased vehicle trips generated by new development. As noted above, under ZDO Section 1007.07(B)(5) conditional uses to host events are exempt from the concurrency requirements.

Several opponents of the application raised concerns and provided anecdotal testimony about increased traffic and speeding drivers in the area, particularly along SW Homesteader Road and a downhill approach to the Petras' property, essentially describing the proposed event hosting as adding to the likelihood of a major accident and otherwise creating additional safety hazards. These assertions are credible: people can tell when drivers are speeding, and when conditions are unsafe. Nevertheless, these assertions are not the equivalent of substantial evidence, and cannot substitute for such evidence. Generally, this type of anecdotal testimony does not prevail when it is contradicted by expert evidence such as a traffic impact analysis by a traffic engineer.

Applicant has pointed to the Thompson property (referred to also as the "Castle"), and the fact that a conditional use permit to host up to 15 annual events with up to 100 people (primarily weddings) was approved for that EFU property, located roughly across the street from her own. Ms. Petras asserts that the data that was presented by AKS engineering regarding traffic and noise and other complaints by area neighbors should also be applied to her application, given her location across the street and her similar application. I understand the argument, as the Thompson/AKS engineering findings presumably support Ms. Petras' application, but *those findings are not a part of this record*. The fact is that the record in this matter does not include any of the data/evidence/testimony from the AKS engineering analysis used in the referenced Thompson conditional use permit matter, and the Thompson/AKS engineering analysis will not be considered here. The relevant points to consider are that the Thompson property is similarly located in the area, and the applicant proposes a substantially similar use to the event hosting approved for the Thompson property. However, the properties involved are distinguishable: the Thompson property is located in the EFU zone across SW Homesteader Rd. and is a 68 acre parcel, whereas the Petras property is in the RRFF-5 zone and is situated amongst several rural residential properties, albeit all on fairly large lots of 5 or more acres.

With respect to the adequacy and safety of the roadway system to support the proposed use, the County's engineering staff provided substantial evidence that the existing right-of-way and roadway are adequate to support the proposed events. I do note that opponents point to safety issues such as crowded parking on the Petras' property, and parking on dry grass and pasture, but these points are not directly related to the safety of and adequacy of the right-of-way and roadway. Further, County engineering staff addressed safety concerns such as these in their recommended conditions of approval, including numerous provisions to ensure emergency access, adequate on-site circulation, standards for parking surfaces, etc. The County engineering staff analysis is very persuasive, and I agree with their conclusions and recommendations.

This criterion can be met with conditions of approval.

D. **Section 1203.01(D):** *“The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.”*

1. The site is in the RRFF-5 zoning district north of SW Homesteader Road. This area is in rural residential use on acreage properties. South of the subject is in the EFU, Exclusive Farm Use zone and generally in non-intensive farm use on larger acreage properties. The primary uses allowed in the RRFF-5 zoning district are listed in Table 316-01, and include rural residential along with farm and forest uses. The EFU zone allows farm and forest uses outright.

This criterion does not require that the use have no impacts at all, but instead the impacts must not substantially limit, impair or preclude the use of surrounding properties for the allowed primary uses.

2. The applicant is proposing a use that under the RRFF-5 zoning district is allowed through the conditional use process. Applicant states – *the character of the surrounding area will not be altered in any way. I think our property fits into the characteristic of the neighborhood because we utilize our property for the primary use of farming, and also the way our home and barn are situated is away from the main Homestead Road all the way in the back of the property , therefore when we have gatherings it should not disrupt or alter the surroundings. We also have very strict noise policies and no alcohol policy.*

County Staff provided the following analysis: *The applicant contends impacts, particularly traffic and noise will be mitigated such that the use will peacefully co-exist with rural residential activities in the area. This view is in contrast to many statements submitted in response to notice of this application.*

Typically when considering an application for Conditional Use, the use is still in the proposal stage, e.g. is not an existing activity. This particular application was submitted subsequent to a violation file being opened on the property 9/15/20. It was alleged the business of hosting events had been occurring for some time, causing negative impacts to the surrounding area. In response to notice of this application for conditional use, comments have been received from

many area residents along with the Far West Community Planning Organization (CPO) regarding negative impacts associated with the use, particularly noise and traffic (Exhibits 5-13). Rather than being based on potential impacts, as would typically be the case regarding a proposed use, these comments are based in actual experience with the use. While not all are in opposition, most of the submitted comments are focused on negative impacts to the primary allowed use of rural residential in the RRFF-5 Zone, again, particularly related to noise and increased traffic having deleterious impacts on such use. At least two of the submitted sets of comments question why the applicant has been allowed to hold large events during the pandemic. While agreeing it is a valid question - staff notes Clackamas County Planning has not approved any permit to host events on the property, and it is not our place to enforce pandemic rules, anyway, regardless of how common sense they may be. Another commenter noted a large bonfire associated with an event just last week - in the midst of a highly publicized burn ban/red flag warning and only months after the disastrous fires of 2020. Again, not something over which the Planning Department has jurisdiction, and, frankly, impossible for this planner to make sense of, anyway. Regardless, and based on substantial testimony in the record, staff is unable to make positive findings for the criterion. Instead, and based on comments born of experience with this use at this location, staff must find the proposed (existing) use will (has) alter(ed) the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located, e.g. rural residential use in a rural residential zone.

In making a determination concerning ZDO 1203.03(D), the hearings officer must first make a determination identifying the character of the surrounding area, then conduct an inquiry to determine whether the proposed use would: (1) substantially limit; (2) substantially impair; or (3) substantially preclude, the primary identified uses on properties within the surrounding area, essentially altering the character of the surrounding area.

First, there is no real question of fact presented that the character of the surrounding area is rural residential use on properties generally 5 acres or larger, with properties on the south side of SW Homesteader Road comprised of larger properties in mixed farm and residential use (such as the Thompson property).

Therefore, given that the actual primary uses of the surrounding property are rural residential and farm, the effects of the applicant's proposal on the existing residential and farm use must be considered. Specifically, whether approval of the applicant's proposal will alter the rural residential and farm use character in a manner that substantially limits, impairs, or precludes these primary allowed uses. The fact that a proposed use may cause inconveniences and annoyances is not enough to deny an application.

Opponents raise three categories of arguments asserting impacts from the applicant's proposal: noise, traffic, and farm use. With respect to noise from the proposed event hosting on the Petras' property, opponents assert that sound travels unusually in the surrounding area and interferes with their own right to the peaceful enjoyment of their homes (residential use) and their animals (farm use).

ZDO 806.02(J) provides: "Noise shall be regulated as follows:

“1. From 7:00 a.m. until 10:00 p.m. on Friday and Saturday and until 9:00 p.m. on all other days of the week, the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 50 dB(A) or the ambient noise level.

“a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 806.02(J)(1).

“b. Subsection 806.02(J)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.”

With respect to the noise, opponents of the application raised concerns and provided anecdotal testimony about loud music and sound carrying to their properties from the Petras' property. These neighbors assert that the noise/high sound levels also negatively impact wildlife and farm animals in the area. However, there is no evidence submitted to support this entirely conclusive assertion concerning impacts to wildlife and farm animals.

With respect to testimony concerning impacts to neighbors and residential use, I do agree with the argument that testimony by adjacent neighbors should be given more weight: these neighbors are likely most affected by noise levels from the Petras' property. One nearby neighbor describes being able to hear the music and every word the MC says from her house. Another describes it as akin to living next to a night club. The testimony of these adjacent neighbors, however, is completely mixed: some opponents are bothered by the sound they hear, while applicant's supporters report no disturbance at all. Some neighbors are bothered because they hear music or sound from the Petras property after sundown, or essentially while trying to enjoy a quiet afternoon on their deck, while others find the Petras' use of their property pleasant and enjoyable. One common thread shared by most neighbors with respect to noise: the nearby “Polo Fields” were extremely loud and disruptive, with amplified sounds from loudspeakers essentially echoing through the area, and hundreds of spectators. The impacts were such that neighbors report having been unable to enjoy such simple activities as gardening. The description of the neighborhood impacts from that unapproved use demonstrates the importance of zoning ordinances. These impacts are real and obviously still fresh in the minds of many people. The fact that Ms. Petras initially allowed use of outside loudspeakers for amplified sound and music at her gatherings, also without a permit, draws a certain parallel.

As part of her final argument, Ms. Petras refuted written statements of this anecdotal evidence and testimony by submitting evidence that even with the speakers in her barn set purposefully high by a sound technician at over 80dB(A), the sound at each corner of the Petras' property fell to within the approximately 40-50 dB(A) range. In other words, the actual measured sound levels are well within the limits established by the County's ordinance. This again demonstrates the difficulty with anecdotal testimony as evidence: the applicant submitted evidence that is more persuasive than the somewhat contradictory anecdotal evidence provided by the testimony of opponents and supporters.

I conclude that the sound/music from Ms. Petras' property, alone, does not violate the County's noise ordinance for such events. Thus, the sound/music associated with the applicant's proposed use falls within the category of "annoyance" with respect to the impact from her events on residential uses. I find there is no evidence that the application has any such effect on farming uses.

There were also many comments and complaints concerning the numerous parked vehicles on the Petras' property, and the vehicles arriving to and leaving from the Petras' property. The issue is more than noise: there is visual pollution from the headlights and tail-lights of vehicles, particularly when vehicles are leaving after dark and shining lights upon neighboring properties. There is also the associated noise of multiple vehicles entering and leaving the property, and the general disruption of a parking lot emptying. As Mr. Glasgow described, this is a rural country residential setting, in which everything is "bigger, louder, brighter" and even the headlights from vehicles seem magnified. Ms. Petras understands this, as shown by her efforts to assert that the events on her property have involved the parking of 40-45 vehicles, rather than the 75, or 100, or 200 vehicles her neighbors have reported. I decline to try to count the vehicles visible in the hazy photographs submitted by neighbors to try to prove who is correct. The point is that the more vehicles Ms. Petras parks on her property the greater the impact. Again, infrequent and smaller such occurrences fall within the category of inconvenience, or simply "annoyance," while frequent and larger such occurrences have a bigger impact. As pointed out by Mr. Glasgow, a similar event hosting venue in a downtown area would be masked by the additional "hubbub" (ambient background noise) of the community. Without that "hubbub" these types of activities really stand out.

The question then becomes whether these types of annoyances can, by frequency and intensity, rise to the level of substantially limiting, impairing or precluding the primary identified residential and farming uses on surrounding properties. I distinguish this type of annoying noise/sound/light from the more disruptive amplified sound and music associated with the Polo Field. The noise associated with the Polo Fields is described as a nearly every weekend event with hundreds of spectators and amplified loudspeakers so loud that many area residents are obviously still disturbed. Every comment about the noise generated by the Polo Field activities described the noise generated by those events as not merely annoying, but as extremely intrusive and invasive. The noise from the Polo Field events limited area residential and farm use by driving property owners inside, limited residents from keeping their windows open, or enjoying a quiet weekend at their property. The Polo Field noise also impaired area property owners' ability to engage in normal residential activities, such as gardening, or simply enjoying the quiet natural scenic beauty of the area. While perhaps not rising to the level of precluding residential or farming activities in the surrounding area, the descriptions of the events on the Polo Fields provide examples of uses that both limit and impair residential and farm use.

Ms. Petras proposes to host 12-15 events per year, with up to 100 guests. As noted by some of Ms. Petras' neighbors, this number does not seem an excessive burden to the area. For the most part, *I agree with the assertion that 12-15 events of 100 or fewer guests hosted on a six-plus acre property, spread throughout a year, with no more than two events in a given month*

and no outside music, could be approved. Given sound levels well within the County's noise ordinance, such an event hosting venue creates more of a neighbor annoyance than a burden that would substantially limit rural residential and farm uses, as the Polo Field events did, or impair area property owners' ability to engage in normal residential activities or farm uses, as the Polo Field events also did.

I disagree, however, with the manner in which Ms. Petras counts her events. Specifically, Ms. Petras repeatedly contends that most of her very large extended family is actually her immediate family, also directly stating that she will continue to host her family and friends as she wants. Ms. Petras understands that the definition of an "event" in Section 806.01(A) applies to her and includes: "A wedding, family reunion, class reunion, or similar gathering." Ms. Petras disputes, however, that having gatherings of her extended family members come to her property is a "family reunion" or an "event," largely because so many of these family members live in close proximity. The dictionary definition of immediate family: "a person's parents, brothers and sisters, husband or wife, and children." *Merriam-Webster.com Dictionary*. The dictionary definition of family reunion: "a usually large gathering for family members." *Merriam-Webster.com Dictionary*. Ms. Petras still asserts the need for a clearer definition of these types of "events." Oregon Governor Kate Brown's office recently provided some clarity on the meaning of large gatherings in her actions with respect to the coronavirus. In May 2020, Gov. Brown's office announced that large gatherings were prohibited through the summer. Pertinent to this case, Gov. Brown stated that "local gatherings" of up to 25 people would be allowed during phase one of the state's reopening plan. So, at least in Oregon, groups of up to 25 people are a "local gathering" whereas groups of over 25 people are a "large gathering." Thus, whenever Ms. Petras assembles more than 25 of her family members at her property (including herself and members of her own immediate family as described, together with members of her extended family) she is in fact hosting a "family reunion event." *Whenever Ms. Petras assembles more than 25 people on her property she is hosting a "similar gathering event."* To be clear here, *Ms. Petras does not need a permit to have her family come to her home.* I am saying that her family reunions and large family gatherings are indistinguishable from the events she is seeking a conditional use permit to hold, such as weddings and similar celebrations.

As to past code violations, such examples of noncompliance with various code provisions provide a strong basis to conclude that the applicant will be unable (or unwilling) to comply with conditions of approval for the proposed use. County staff in fact took an approach similar to this in recommending denial of the application.

One clear noise violation: an individual associated with the Petras family created a neighborhood disturbance by setting off fireworks early Christmas Morning 2019, shortly after the Petras family moved to their property. There is disputed testimony concerning whether it happened again. Regardless: this was illegal, disruptive, and potentially dangerous activity in violation of the County's noise ordinance (among other laws/regulations). I have considered this occurrence, the impact particularly to Ms. Ausland and her family, and Ms. Petras' description of the carolers and how she dealt with it, and her apology to her neighbors, and conclude that the fireworks just aren't part of the noise impact contemplated here. The argument concerning the fireworks is similar to assertions concerning bonfires: that Ms. Petras would not comply with conditions of approval were the

permit approved. These actions are concerning from a safety perspective, but aren't directly related to the issues here. Other concerning testimony concerns parking vehicles on pasture areas and among similar grasses: this creates a significant fire hazard and is unacceptable.

Another undisputed fact: the applicant has been using her property to host large gatherings since shortly after moving there, without a conditional use permit. Even with Ms. Petras' testimony that she did not initially understand these permit requirements, the fact is that the events have continued. Ms. Petras' neighbors correctly point out that she has hosted, and continues to host, numerous large gathering events in spite of the coronavirus restrictions, and without the required conditional use permit. The timeline provided by Ms. Petras' neighbors shows that she held six large gatherings on her property last September, with numerous vehicles parked about her property. In March 2021, Ms. Petras held four such large gatherings. The "noise" of the numerous people, the music and sound, the lights and sounds from the many vehicles entering and leaving the Petras property, create an annoyance to area property owners. Given Ms. Petras' stated intentions concerning large gatherings of her family, and not counting these large gatherings as family reunions or events, I find this is a frequency and intensity of annoyance that has risen to the level of a public nuisance, substantially impairing owners of neighboring properties' ability to peacefully enjoy the residential uses of their own property. I don't find that such annoyance was limiting residential uses of property. Rather, this is a frequency and intensity of annoyance that impairs neighboring or area property owners' ability to engage in normal residential activities, such as simply enjoying the quiet natural scenic beauty of the area, keeping windows open, or putting children to bed early on a school night. While not limiting or precluding the primary residential uses of area properties, allowing the proposed use would alter the character of the surrounding area in a manner that would substantially impair the primary residential uses of surrounding properties if 12-15 of these additional events were allowed and the family gatherings not counted. Again, to be clear, I expect that Ms. Petras will continue to have large gatherings of her family. The issue is the frequency and intensity of adding more events to the ones that are already occurring that Ms. Petras does not count as "events." Therefore, I am adding a clarifying statement to the relevant condition of approval, consistent with this discussion and Ms. Petras' statements at the hearing, requiring that Ms. Petras count as "events" every large gathering of more than 25 people on her property towards the annual 12-15 events she holds. This is required for the frequency and intensity of these events to remain within the requirements of Section 1203.01(D).

This criterion can be met with conditions.

E. **Section 1203.01(E):** *"The proposal satisfies the goals and policies of the Comprehensive Plan that apply to the proposed use."*

1. The applicant has briefly addressed the Comprehensive Plan and suggests the proposal will comply.

The subject property is designated Rural on the Comprehensive Plan map. The Rural Land Use Section in Chapter 4 of the Comprehensive Plan implements the Rural Plan Designation.

The applicant states” the goals of the Comprehensive Plan are respected with this application because the site is in compliance with the planning goals and land use standards for this site as set forth in the Clackamas County Zoning Ordinance. This development does not impact any goals of the Comprehensive Plan nor are there any specific requirements in the Comprehensive Plan that speak to limiting an application of this nature to a large home site.” See submitted application for further discussion from applicant.

The subject property falls within the Rural plan designation, from Chapter 4 – Land Use. Relevant policies from Chapter 4 are met with this proposal.

a. Chapter 5, Transportation:

Access Standard Policies include: Access standards shall be implemented through the Zoning and Development Ordinance and the County Roadway Standards. Where access management standards are adopted by the County in Special Transportation Plans, those standards shall apply. Traffic Engineering staff submitted comments on this proposal as discussed throughout this report and as Exhibit #14. As conditioned, this proposal satisfies applicable portions of Chapter 5 of the Plan.

Planning Staff refers to comments submitted from Traffic Engineering, duplicated elsewhere in this report. As noted, this section is satisfied.

This criterion is met with conditions.

F. **Section 1203.01(F):** *The proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the subject property is located, Section 800, and Section 1000.*

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

1. Section 1002, Protection of natural Features:

Subsection 1002.04(B), Trees and wooded areas to be retained shall be protected during site preparation and construction according to County design and specifications by:

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

or specimen trees, as recommended by the arborist or horticulturist.

The applicant does not directly address Section 1002 in the submitted application materials. However, with responses to other criteria this Section is touched on. The property is mostly in pasture at this time. There are no mapped natural features of note. There is no particular vegetation removal planned through this application. No tree-cutting is proposed.

This criterion is met.

2. Section 1005, Sustainable Site and Building Design:

Section 1005 of the ZDO sets forth the standards, requirements and considerations that pertain to additional techniques to meet sustainability goals. This proposal involves use of an existing barn, and part of the house and another building along with outdoor areas for use as well. It is the rural character and charm of the site that applicant hopes will attract users. No new construction is planned at this time.

a. Subsection 1005.05, Outdoor Lighting:

1. Subsection 1005.05(A), Outdoor lighting devices:

A. Outdoor lighting devices:

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

Applicant states events will generally be held indoors, though even for those gatherings to occur outside, no additional outdoor lighting is planned. If additional lighting will be installed, the applicant will submit an outdoor lighting system design plan prior to installation of the outdoor lighting system for review and approval by Planning and Zoning Division.

These standards of Section 1005 can be met.

2. Section 1006, Water Supply, Sanitary Sewer, Surface Water; and Utilities Concurrency:

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

a. Subsection 1006.05 – Water Supply Standards Outside The Portland Metropolitan Urban Growth Boundary And Mount Hood Urban Area.

- i. The provisions of this section apply outside the Portland Metropolitan Urban Growth Boundary and the Mount Hood urban area. Applicants for any development permit shall specify a lawful water source for the proposed development, such as a public or community water system, certificated water right or exempt-use well.

The site is served by an on-site well.

This criterion is met.

b. Subsection 1006.07 - Subsurface Sewage Disposal Standards:

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

The subject property is not located in a public sanitary sewer district. Sewage disposal for existing development on site is accommodated by an on-site septic system, along with use of porta-lets.

Septic Staff was notified of this application. No response received.

This criterion can be met with conditions.

c. Subsection 1006.08 - Surface Water Management Standards:

- i. *“All developments shall provide for positive drainage and adequate conveyance of storm and surface water runoff from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point and shall:*

1. *Comply with the requirements of any special districts with surface water management regulatory jurisdiction; or*
2. *The requirements of Section 1008 and the County Roadway Standards in areas not under the jurisdiction of a surface water management regulatory authority.*

- ii. *Installation of stormwater management and conveyance facilities shall be coordinated with the extension of necessary water and sanitary sewer services.*
- iii. *Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.*
 - 1. *The service provider may require a preliminary storm water management plan, storm drainage report, natural resource assessment and buffer analysis prior to signing the preliminary statement of feasibility.*
 - 2. *In those areas that are not within a surface water management district, the preliminary statement of feasibility shall be signed by the Surface Water Management Agency of Clackamas County (SWMACC).*
 - 3. *The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.*

DTD Engineering signed off on the Statement of Feasibility on 3/17/21 that it is feasible that the proposal can comply with the standards.

The standards of Section 1006 can be met.

- 3. Section 1007, Roads and Connectivity:
 - a. Subsection 1007.03 – General Provisions:
 - i. *The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.*
 - ii. *Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.*

Based on vehicular trips to the project site as well as on-site parking and circulation, engineering staff finds that the application is subject to the provisions of *Clackamas County Zoning and Development Ordinance (ZDO)* Section 1007 pertaining to roads and connectivity, ZDO Section 1015 pertaining to parking and loading, and Chapter 4 of the Roadway Standards pertaining to

surface water management. As specified under ZDO Section 1007, development applications are required to provide adequate access to current county standards, which may include right-of-way dedication, frontage improvements, on-site access and parking.

The applicant has proposed a conditional use for hosting events on a 6.33 acre property located on the north side of SW Homesteader Road. SW Homesteader Road is a rural collector roadway, located within a 40-foot wide public right-of-way, with an improved width of approximately 23 feet along the project site frontage. It is recognized that events such as weddings generate a larger number of vehicles on the day of an event, but over the course of the entire year, the total number of vehicle trips is approximately equivalent to vehicle trips generated by two single family homes. Based on this, the existing right-of-way and roadway are adequate to support the proposed event use. The project site is currently served by a paved driveway located at the center of the frontage on SW Homesteader Road. The applicant's preliminary plans propose construction of a second driveway to the east to serve a proposed parking area in the northeast corner of the property. Driveway access is limited on collector roadways. Per Roadway Standards Section 220, a single driveway is the standard, with a second driveway access on lower volume road subject to spacing standards. As provided by Roadway Standards Table 2-2, driveway spacing requires 300 feet between driveways on the same side and opposite sides of a roadway. The existing site driveway is located approximately 300 feet from driveways to the east and west and a second driveway would not meet minimum spacing standards. Access to the property will be limited to a single driveway on to SW Homesteader Road.

Applicant shall provide and implement a signing and pavement-marking plan for onsite parking and circulation. This plan shall be reviewed and approved by the Engineering section and the local Fire Marshal.

SW Homesteader Road has a posted speed 45 miles per hour, requiring 500 feet of intersection sight distance. Sight distance appears feasible at the existing driveway and will be verified as part of the Development Permit. The applicant will be required to maintain adequate intersection sight distance at the driveway serving the event site.

This criterion can be met with conditions.

4. Section 1010 Standards, Signs:

The applicants state there are no plans to use signage.

The standards of Section 1010 can be met.

5. Section 1015, Parking and Loading

Parking requirements are as required through this Section, and modified through Section 806 of the ZDO. These are essentially dimensional standards, objective and able to be conditioned. That said, the minimum parking space requirement for the home occupation shall be in addition to the parking required for other permitted uses on the subject property. The minimum parking requirement shall be one space per three guests based on the maximum number of guests permitted for any single event, in this case with a

maximum of 120 guests a minimum of 40-spaces shall be provided for guests. An additional space shall be provided for each employee. Parking spaces shall meet minimum ZDO Section 1015 and Roadway Standards Drawing P100/P200 requirements. Parking spaces shall be adequately delineated. For paved surfaces, parking spaces shall be striped. For a gravel surface, tire stops or a similar physical feature shall be provided to delineate each gravel parking space. For parking areas located on hardy grass or wood chips to be used in the dry months shall be located no closer than 200 feet from SW Homesteader Road. The applicant shall provide a dimensioned site plan indicating each parking space and drive aisles. Handicapped (ADA) parking spaces and adjacent accessible areas shall be paved with asphalt concrete or an equivalent approved by Clackamas County Engineering staff, as required by the Building Department

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

The applicant responds here by stating this Section does not apply because the proposal does not involve commercial development. Staff notes that by definition, a Home Occupation has as a goal commercial gain, e.g. is commercial development. If approved, a condition should be added to have operator successfully address applicable portions of Section 1021

With this conditions this criterion can be met.

Summary: **The applicant can comply with all required sections listed under Section 1000.**

PART 3. OTHER DEVELOPMENT STANDARDS

1. **Other Applicable Sections of the ZDO:** Other applicable standards and Sections of the ZDO applicable to this application are addressed below.
 - A. Section 316– RRFF-5 Zone. Table 316-1 lists “*Home Occupation to Host Events, subject to Section 806*”. The applicant is proposing to host events on site.

The minimum yard depths in the RRFF-5 zone are a minimum of:

30 feet from the front property line which runs along S. Homesteader Road

10 feet from the side property lines

10 feet from the rear property line for accessory structures

This criterion is met as shown.

- B. Section 806, Home Occupations to Host Events

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A home occupation to host events shall comply with the standards in this section. *These standards relate to dimensional and numeric limitations on use, and other objective issues. They are either met as shown or can be conditioned.*

Applicable portions of Section 806:

- a. The event operation shall be sited on a lot of record that contains a lawfully established dwelling.

The subject property represents a lot of record, with a residence in place.

- b. The operator of the home occupation shall be a resident of the property on which the home occupation is located.

The applicant is a resident of the property.

- c. The home occupation shall have no more than five full-time or part-time employees on the site.

The definition of "Employee" under Section 806.02(A) is *"Any on-site person, whether they work full-time or part-time in the home occupation business, including, but not limited to, the operator, partners, assistants, and any other persons or family members participating in the operation of the business. Except in the EFU, TBR, and AG/F Districts, this definition does not apply to persons employed by contract to provide services for a single event, such as caterers, photographers, and florists."*

Applicant states there will be a maximum of five employees associated with the home occupation.

- d. Temporary tents are allowed as noted in Section 806 (RRFF-5 zone allows one tent for an event, etc.) If applicant wishes to use a tent they will keep one up no more than 24 hours before the event and must be removed no more than 24 hours after the event.
- e. Applicant proposes up to fifteen (**15**) events annually, with up to **100 guests**.
- f. During the months of November through March, no more than five events shall be allowed per week. During the months of April through October, no more than seven events shall be allowed per week.
- g. A maximum of two events shall be allowed per day, and no more than one event shall occur at any one time.
- h. The maximum number of guests for any single event shall not exceed 300. This criterion is met as proposed through this application.
- i. All lighting used during events shall be arranged and shielded so as not to shine onto adjacent properties or rights-of-way.

The applicant's state that their lighting will not shine on neighboring properties, up or onto adjacent right-of-ways.

- j. Noise shall be regulated as required in Section 806.
- k. The home occupation shall comply with Section 1015, except as modified by Section 806.
 1. The minimum parking requirement shall be one space per three guests based on the maximum number of guests permitted for any single event. An additional space shall be provided for each employee.
 2. The minimum parking space requirement for the home occupation shall be in addition to the parking required for other permitted uses on the subject property.
 3. On-street parking shall be prohibited on the day of an event.
 4. An alternative to the parking area surface required pursuant to Subsection 1015.03(C) may be approved based on the following criteria:
 - i. It is appropriate considering season, duration, and intensity of use.
 - ii. It shall be surfaced with hardy grasses, wood chips, or other similar organic materials sufficient to adequately stabilize the ground surface for parking.
 - iii. In order to minimize tracking of soil onto the roadway, a driveway surfaced with screened gravel or better must extend a minimum of 200 feet in length from the interior edge of the roadway that provides access to the subject property. A traffic management plan must direct all vehicular traffic along the required driveway prior to such traffic entering the roadway.
- l. Restroom facilities shall be regulated as follows:
 1. Portable restroom facilities shall include hand-sanitizing or hand-washing facilities.
 2. Portable restroom facilities shall be subject to the standards of the service provider and the County Septic & Onsite Wastewater System Programs.
 3. Portable restroom facilities shall be screened from adjacent properties and rights-of-way by sight-obscuring fences or plantings and shall be located a minimum of 50 feet from all lot lines.
 4. Use of on-site sewage disposal facilities shall be subject to approval by Septic & Onsite Wastewater System Programs.

The applicants are proposing to use existing restroom facilities. This will require review and approval by the Septic and Wastewater Division (Soils). Also proposed

is use of of port-a-potties, as allowed for this type of use. The units will include hand washing stations. The port-a-potties will be screened.

- m. One temporary sign shall be allowed in addition to signs permitted pursuant to Section 1010. The sign shall not exceed eight square feet in area; shall be placed on private property on the day of the event; shall be removed no more than 24 hours after the event; and shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign.

The applicants state that they will comply with the sign regulations. Temporary signs will be removed within 24 hours of each event. Temporary signs shall be placed on their private property. The applicant materials did not mention to the use of a permanent sign.

- n. Equipment, furniture, goods, and other amenities used for events shall be stored indoors on non-event days. The use shall not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature, except for those characteristics normally associated with or allowed for a primary use in the subject zoning district, on non-event days.

The applicants state that all Equipment, furniture, goods, and other amenities used for events will be stored in the barn or open on non-event days.

- o. The use shall comply with any applicable requirements of the Oregon Liquor Control Commission.

The applicants state that they and their clients will comply with OLCC's regulations. This criterion can be met

Applicable provisions from Section 806 can be met as described or can be conditioned.

All approval criteria are not satisfied.

E. DECISION

Based on the findings, discussion, conclusions, and record in this matter, the Hearings Officer APPROVES application Z0043-21-C for a conditional use permit for a home occupation permit to host events on the subject property, subject to conditions of approval.

F. CONDITIONS OF APPROVAL

I. General Conditions:

- 1) This land use permit is based on the submitted written narrative and plan(s) dated 2/04/21. Following submission of additional information requested through incomplete notice, the application was deemed complete on 3/17/21. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the

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property owner(s) to comply with this document(s) and the limitation of approval described herein.

- 2) The applicant is advised to take part in a Post Land Use Transition meeting. County staff would like to offer you an opportunity to meet and discuss this decision and the conditions of approval necessary to finalize the project. The purpose of the meeting is to ensure you understand all the conditions and to identify other permits necessary to complete the project. If you would like to take advantage of this meeting please contact Deana Mulder, at (503) 742-4710 or at deanam@co.clackamas.or.us.
- 3) **Prior to the issuance of building permits**, the applicant shall submit a statement of use to Wendi Coryell in the Clackamas County Engineering Division. Wendi may be contacted at 503-742-4657, or <mailto:loriphi@co.clackamas.or.us> or uswendicor@co.clackamas.or.us. The statement of use is used to calculate the Transportation System Development charge. A Transportation System Development Charge (TSDC) is included in the final calculation of the building permit fees for new instructional projects; this includes additions and tenant improvements that increase the number of daily trips to the site.
- 4) The conditional use approval is valid for four years from the date of the final written decision. If the County's final written decision is appealed and subsequently approved, the approval period shall commence on the date of the final appellate decision. During this four year period, the approval shall be implemented, or the approval will become void. "Implemented" means all major development permits shall be obtained and maintained for the approved conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, "implemented" means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A "major development permit" is:
 - a) A building permit for a new primary structure that was part of the conditional use approval; or
 - b) A permit issued by the County Engineering Division for parking lot or road improvements required by the conditional use approval.
- 5) This Conditional Use approval is granted subject to the above and below stated conditions. Failure to comply with any of the conditions of approval constitutes a violation of this permit and may be cause for revocation of this approval.
- 6) The approval of the application granted by this decision concerns only the applicable criteria for this decision. The decision does not include any conclusions by the county concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

II. Planning and Zoning Conditions: Clay Glasgow, (503) 742-4520, clayg@clackamas.co

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- 1) Development of the subject property is subject to the provisions of ZDO Sec.1203 and those other relevant codes and ordinances adopted by the Board of County Commissioners pursuant to subsec. 1001.03 of the ZDO, including, but not limited to, the County Roadway Standards, County Excavation and Grading Ordinance, and Oregon Structural Specialty Code, etc.
- 2) Any outdoor lighting [ZDO 1005.05(A) and (B)] and 806.03(M) shall be located and designed so that it does not shine onto adjacent properties, upwards or right-of-ways. If additional lighting will be installed, the applicant will submit an outdoor lighting system design plan prior to installation of the outdoor lighting system for review and approval by Planning and Zoning Division.
- 3) All signs shall be in compliance with ZDO Section 1010.06 and 1010.13. One temporary sign shall be allowed in addition to signs permitted pursuant to Section 1010. The sign shall not exceed eight square feet in area; shall be placed on private property on the day of the event; shall be removed no more than 24 hours after the event; and shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign.
- 4) Use of on-site sewage disposal facilities shall be subject to approval by Septic & Onsite Wastewater System Programs.
- 5) **Prior to final occupancy permit issuance:** the applicant shall submit a plan showing satisfaction of requirements from Section 1021 of the Zoning and Development Ordinance, regarding trash/recycling. Detailed information, including ZDO 1021, is available on the county web site www.co.clackamas.or.us under “Garbage & Recycling.”
- 6) **Prior to final occupancy permit issuance:** The applicant shall obtain all County Health Department Licenses and comply with County Health Department regulations.
- 7) **Prior to final occupancy permit issuance:** The applicant shall obtain any applicable OLCC Licenses and comply with OLCC regulations.
- 8) The operator of the home occupation shall be a resident of the property on which the home occupation is located.
- 9) The home occupation shall have no more than five full-time or part-time employees on site.
- 10) During the months of November through March, no event shall take place outside the hours of 9:00 a.m. to 10:00 p.m. During the months of April through October, no event shall take place outside the hours of 8:00 a.m. to 10:00 p.m. These time restrictions do not apply to persons involved in the set-up or clean-up of the facilities.
- 11) During the months of November through March, no more than five events shall be allowed per week. During the months of April through October, no more than seven events shall be allowed per week.

12) A maximum of 15 events annually shall be allowed. These fifteen annual maximum “events” per year include every large gathering of more than 25 people on the property.

13) The maximum number of guests for any single event shall not exceed 100.

14) Noise shall be regulated as follows:

A. From 7:00 a.m. until 10:00 p.m. on Friday and Saturday and until 9:00 p.m. on all other days of the week, the average peak sound pressure level of the noise shall not exceed the greater of 60 dB(A) or the ambient noise level when measured off the subject property. During all other hours, the average peak sound pressure level of the noise shall not exceed the greater of 50 dB(A) or the ambient noise level when measured off the subject property.

- i. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 806.03(N)(1).
- ii. Subsection 806.03(N)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.

15) Restroom facilities shall be regulated as follows:

- A. Portable restroom facilities shall include hand-sanitizing or hand-washing facilities.
- B. Portable restroom facilities shall be subject to the standards of the service provider and the County Septic & Onsite Wastewater System Programs.
- C. Portable restroom facilities shall be screened from adjacent properties and rights-of-way by sight-obscuring fences or plantings and shall be located a minimum of 50 feet from all lot lines.

III. Building Code Division Conditions: Richard Carlson, (503) 742-4769,
richardcar@co.clackamas.or.us

General Conditions:

- 1) All construction activities, and all changes of use (occupancy type), shall comply with applicable Oregon Specialty Codes and local ordinances. All such codes and ordinances apply to all such activities, even when permits and inspections are not required.
- 2) Compliance with the following conditions is required prior to the commencement of any new use or occupancy:
 - a. All necessary development permits (septic, building, electrical, grading, driveways, etc.) for the property, facility, and associated buildings shall be obtained.
 - b. The plans must meet the minimum structural integrity and life safety requirements of the applicable Oregon Specialty Codes.
 - c. Any additional information required by the Building Codes Division, such as engineering, details, and specifications, must be provided to the Plans Examiner reviewing the project.

- d. All necessary permits and approved plans must be issued and maintained onsite as required.
- e. All required inspections, corrections, and final approval must be obtained.

IV. Engineering Division Conditions: Kaylin Hangartner, (503) 742-4673, kenken@clackamas.us

- 1) All frontage improvements in, or adjacent to Clackamas County right-of-way, or on site, shall be in compliance with *Clackamas County Roadway Standards*.
- 2) The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project.
- 3) Minimum intersection sight distance of 500 feet shall be provided and maintained at the proposed driveway serving the event site. Intersection sight distance can be measured 14.5 feet back from the edge of pavement at a height of 3.5 feet to an object height of 3.5 feet in the center of the oncoming travel lane.
- 4) The applicant shall provide adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use site, as follows:
 - a) Parking spaces shall meet minimum *ZDO* Section 1015 and Roadway Standards Drawing P100/P200 requirements.
 - b) All roads used to access the event facility site shall be surfaced with screened gravel or better and no less than 20 feet in width.
 - c) One driveway approach on SW Homesteader Road is approved for the event site use.
 - d) Roads and parking areas shall be constructed per Standard Drawing R100.
 - e) Parking spaces shall be adequately delineated. For paved surfaces, parking spaces shall be striped. For a gravel surface, tire stops or a similar physical feature shall be provided to delineate each gravel parking space. For parking areas located on hardy grass or wood chips to be used in the dry months shall be located no closer than 200 feet from SW Homesteader Road.
 - f) The applicant shall provide a dimensioned site plan indicating each parking space and drive aisles.
 - g) Handicapped (ADA) parking spaces and adjacent accessible areas shall be paved with asphalt concrete or an equivalent approved by Clackamas County Engineering staff, as required by the Building Department.
 - h) Drainage facilities shall be designed and constructed in conformance with *Clackamas County Roadway Standards* Chapter 4, providing water quality treatment and conveyance to a suitable outfall.
- 5) Prior to the issuance of a building permit and/or site development, the applicant shall submit to Clackamas County Engineering Office:

- a) Written approval from the Tualatin Valley Fire & Rescue for the planned access, circulation, fire lanes and water source supply. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
- b) Written approval from the Clackamas County Engineering for surface water management facilities and erosion control measures.
- c) A set of street and site improvement construction plans, in conformance with *Clackamas County Roadway Standards* Section 140, to Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.
 - i) The permit will be for driveway, drainage, parking and maneuvering areas, and other site improvements.
 - ii) The minimum fee deposit is required upon submission of plans for the Development Permit. The fee will be calculated based on 8.83% of the public improvements and 5% of the onsite transportation improvements, according to the current fee schedule.

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

V. Septic & Onsite Wastewater Systems Programs Conditions: Aaron Dennis, (503) 742-4614, adennis@clackamas.us

No comments received as of this staff report.

- 1) Applicant to satisfy requirements from this Division.

Dated: June 14, 2021



Carl D. Cox
Clackamas County Hearings Officer

APPEAL RIGHTS

ZDO 1307.10(F) provides that, with the exception of an application for an Interpretation, the Land Use Hearings Officer's decision constitutes the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules promulgated by LUBA prescribe the period within which any appeal must be filed and the manner in which such appeal must be commenced. Presently, ORS 197.830(9) requires that any appeal to LUBA "shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final." This decision is "final" for purposes of a LUBA appeal as of the date of the decision appearing by my signature.

*corrected
updated*

EXHIBIT I
(661-010-0015)
BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

RECEIVED

JUL 15 2021

Ana Petras,)
)
Petitioner,)
)
vs.)
)
Clackamas County,)
)
Respondent.)

Clackamas County
Planning & Zoning Division

LUBA No. 2021-069

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that petitioner intends to appeal that land use decision or limited land use decision of respondent entitled PERMIT FOR A HOME OCCUPATION TO HOST EVENTS which became final on JUNE 14, 2021 and which involves SEE ATTACHED APPROVAL – The Conditional Use Permit to host events Case File No: Z0043-21-C was approved on June 14, 2021. I would like to appeal Condition #12 on page page 36 of the hearings officers’ final decision, which states “A maximum of 15 events annually shall be allowed. These fifteen annual maximum “events” per year include every large gathering of more than 25 people on the property.” There needs to be a clarification between what is considered an “event” under the conditional use permit to host events and what is considered a family & friends gathering that is simply visiting our home for which we do not need a permit and are not receiving monitory compensation. A conditional use permit to host events was never meant to deal with personal gatherings... The decision was not made on the definition of Events according to the ZDO type of land use. The decision was expressly made by the number of people present which creates a permanent restriction on the use of the property based on a temporary emergency order enacted by the governor. The hearings officer on page 23 came up with the number 25 as “large gatherings” in reference to Governor Kate Brown’s coronavirus pandemic. The governor’s restriction on the number of people who could gather together in a single location was a temporary restriction in reference to the spread of a virus; this number should not be made permanent in reference to a permit to host an event. In the same paragraph on page 23 the

hearings officer redefined "family reunion" to count as an event every time my family gathers more than 25 people on my personal property. He is saying that it is indistinguishable from conditional use permit to host events on my property. There needs to be a clear distinguishable description of "events". Clackamas county in Section 806.01 defines events as "A wedding, family reunion, class reunion, or similar gathering."

II.

Petitioner, Ana Petras, represents herself: 3673 SW Homesteader Rd. West Linn, OR 97068 503-750-0113. Petitioner, Ana Petras is designated lead petitioner.

III.

Respondent, Clackamas County, has as its mailing address and telephone number: Planning & Zoning Division 150 Beavercreek Rd. Oregon City, OR 97045 contact: Clay Glasgow clayg@clackamas.co phone number: 503-742-4520. and has, as its legal counsel: Clackamas County Legal Council: Stephen L. Madkour ph:503-655-8362 address: 2051 Kaen Rd. #460 Oregon City, OR 97045.

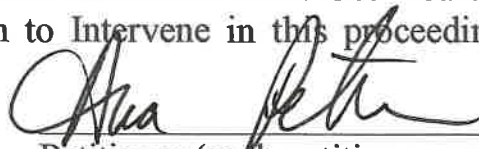
IV.

Applicant, Ana Petras, was represented in the proceeding below by: self
Other persons mailed written notice of the land use decision or limited land use decision by Clackamas County, as indicated by its records in this matter, include:

John Alexy & Marie Vanpatten PO Box 157 Willsonville, OR 97070
Kevin Carroll&Chelsea Ausland 25795 SW Newland Rd West Linn, OR 97070
Grant & Megan Bilby 3355 SW Homesteader Rd West Linn, OR 97068
Robert&Lynn Blessing 3505 SW Homesteader Rd West Linn, OR 97068
Martha Epley Trustee 25620 SW Mountain Rd. West Linn, OR 97068
Kathy Luiten 4220 SW Homesteader Rd. West Linn, OR 97068
Jessica Hansen 4651 SW Homesteader Rd. West Linn, OR 97068
Tracy Sitton 3035 SW Homesteader Rd. West Linn, OR 97068
William & Delores Wilson 3701 SW Homesteader Rd. West Linn, OR 97068
Andrew Smith&Ruth Zimmerman 3720 Homesteader Rd. West Linn OR 97068

NOTICE:

Anyone designated in paragraph IV of this Notice who desires to participate as a party in this case before the Land Use Board of Appeals must file with the Board a Motion to Intervene in this proceeding as required by OAR 661-010-0050.



Petitioner (each petitioner must sign)

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2021, I served a true and correct copy of this Notice of Intent to Appeal on all persons listed in paragraph III (Planning and Zoning Division Clay Glasgow and Clackamas County Legal Council Stephen L. Madkour) and all persons listed in paragraph IV of this Notice pursuant to OAR 661-010-0015(2) by (a) first class mail.

Dated: July 2, 2021
updated 7-12-21


Signature

EXHIBIT I
(661-010-0015)
BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

Ana Petras,)	
)	
Petitioner,)	
)	
vs.)	LUBA No. <u>2021-069</u>
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Clackamas County,)	
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Respondent.)	

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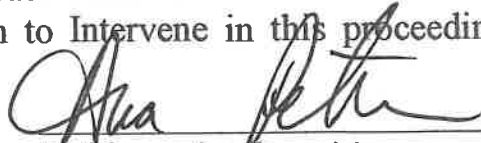
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John Alexy & Marie Vanpatten PO Box 157 Willsonville, OR 97070
Kevin Carroll & Chelsea Ausland 25795 SW Newland Rd West Linn, OR 97070
Grant & Megan Bilby 3355 SW Homesteader Rd West Linn, OR 97068
Robert & Lynn Blessing 3505 SW Homesteader Rd West Linn, OR 97068
Martha Epley Trustee 25620 SW Mountain Rd. West Linn, OR 97068
Kathy Luiten 4220 SW Homesteader Rd. West Linn, OR 97068
Jessica Hansen 4651 SW Homesteader Rd. West Linn, OR 97068
Tracy Sitton 3035 SW Homesteader Rd. West Linn, OR 97068
William & Delores Wilson 3701 SW Homesteader Rd. West Linn, OR 97068
Andrew Smith & Ruth Zimmerman 3720 Homesteader Rd. West Linn OR 97068

NOTICE:

Anyone designated in paragraph IV of this Notice who desires to participate as a party in this case before the Land Use Board of Appeals must file with the Board a Motion to Intervene in this proceeding as required by OAR 661-010-0050.



Petitioner (each petitioner must sign)

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2021, I served a true and correct copy of this Notice of Intent to Appeal on all persons listed in paragraph III (Planning and Zoning Division Clay Glasgow and Clackamas County Legal Council Stephen L. Madkour) and all persons listed in paragraph IV of this Notice pursuant to OAR 661-010-0015(2) by (a) first class mail.

Dated: ~~July 2, 2021~~
updated 7-12-21


Signature

EXHIBIT I
(661-010-0015)
BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

Ana Petras,)	
)	
Petitioner,)	
)	
vs.)	LUBA No. <u>2021-069</u>
)	
Clackamas County,)	
)	
Respondent.)	

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that petitioner intends to appeal that land use decision or limited land use decision of respondent entitled PERMIT FOR A HOME OCCUPATION TO HOST EVENTS which became final on JUNE 14, 2021 and which involves SEE ATTACHED APPROVAL – The Conditional Use Permit to host events Case File No: Z0043-21-C was approved on June 14, 2021. I would like to appeal Condition #12 on page page 36 of the hearings officers’ final decision, which states “A maximum of 15 events annually shall be allowed. These fifteen annual maximum “events” per year include every large gathering of more than 25 people on the property.” There needs to be a clarification between what is considered an “event” under the conditional use permit to host events and what is considered a family & friends gathering that is simply visiting our home for which we do not need a permit and are not receiving monetary compensation. A conditional use permit to host events was never meant to deal with personal gatherings... The decision was not made on the definition of Events according to the ZDO type of land use. The decision was expressly made by the number of people present which creates a permanent restriction on the use of the property based on a temporary emergency order enacted by the governor. The hearings officer on page 23 came up with the number 25 as “large gatherings” in reference to Governor Kate Brown’s coronavirus pandemic. The governor’s restriction on the number of people who could gather together in a single location was a temporary restriction in reference to the spread of a virus; this number should not be made permanent in reference to a permit to host an event. In the same paragraph on page 23 the

hearings officer redefined "family reunion" to count as an event every time my family gathers more than 25 people on my personal property. He is saying that it is indistinguishable from conditional use permit to host events on my property. There needs to be a clear distinguishable description of "events". Clackamas county in Section 806.01 defines events as "A wedding, family reunion, class reunion, or similar gathering."

II.

Petitioner, Ana Petras, represents herself: 3673 SW Homesteader Rd. West Linn, OR 97068 503-750-0113. Petitioner, Ana Petras is designated lead petitioner.

III.

Respondent, Clackamas County, has as its mailing address and telephone number: Planning & Zoning Division 150 Beavercreek Rd. Oregon City, OR 97045 contact: Clay Glasgow clayg@clackamas.co phone number: 503-742-4520. and has, as its legal counsel: Clackamas County Legal Council: Stephen L. Madkour ph:503-655-8362 address: 2051 Kaen Rd. #460 Oregon City, OR 97045.

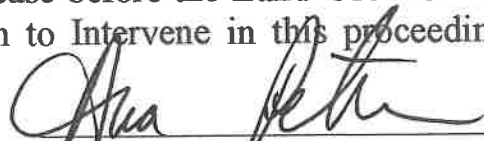
IV.

Applicant, Ana Petras, was represented in the proceeding below by: self
Other persons mailed written notice of the land use decision or limited land use decision by Clackamas County, as indicated by its records in this matter, include:

John Alexy & Marie Vanpatten PO Box 157 Willsonville, OR 97070
Kevin Carroll&Chelsea Ausland 25795 SW Newland Rd West Linn, OR 97070
Grant & Megan Bilby 3355 SW Homesteader Rd West Linn, OR 97068
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Petitioner (each petitioner must sign)

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I hereby certify that on July 2, 2021, I served a true and correct copy of this Notice of Intent to Appeal on all persons listed in paragraph III (Planning and Zoning Division Clay Glasgow and Clackamas County Legal Council Stephen L. Madkour) and all persons listed in paragraph IV of this Notice pursuant to OAR 661-010-0015(2) by (a) first class mail.

Dated: July 2, 2021
updated 7-12-21


Signature

From: [Boderman, Nathan](#)
To: [Hall, Andrea](#)
Subject: RE: Z0043-21
Date: Thursday, November 4, 2021 9:27:09 AM
Attachments: [image001.png](#)

Hi Andrea – Sorry for not connecting on this earlier. The appeal was dismissed at LUBA, so the County Hearings Officer’s order stands. If you have questions about that order, let me know.

Thanks,
~Nate

Nathan Boderman
Assistant County Counsel
2051 Kaen Road, 2nd Floor
Oregon City, Oregon 97045
Cell: (503) 593-9639
Office: (503) 655-8364
nboderman@co.clackamas.or.us

Office hours: 7:00 AM - 6:00 PM, Monday – Thursday

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#)

The Office of the County Counsel is interested in receiving feedback on its performance. Please take a minute to fill out a brief survey by clicking <http://bit.ly/ClackCoCounselSurvey>.

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, you are hereby notified that the sender has not waived any privilege, and that you may not read, disclose, copy, distribute, use or take action based upon this transmission or any accompanying documents. If you have received this transmission in error, please immediately notify this office, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: Hall, Andrea <Andreaahal@clackamas.us>
Sent: Thursday, November 4, 2021 8:55 AM
To: Boderman, Nathan <NBoderman@clackamas.us>
Subject: Z0043-21

Hi Nate,

The neighbors are asking for any updates you may have in the case Z0043-21, Adrian Petras, 3673 SW Homesteader Rd. in West Linn. Any information you have would be greatly appreciated.

Thank you,

Andrea Hall
Clackamas County
Code Enforcement Section

Development Direct is here!! We're excited to launch Development Direct -- our new one-stop digital services hub for Building Codes and Development Engineering. [Click here to learn more.](#)





November 17, 2021

Ana Campean & Adrian Petras
3673 SW Homesteader Rd.
West Linn, OR 97068

Subject: Violation of the Clackamas County Code V0034820

Site Address: 3673 SW Homesteader Rd., West Linn, OR 97068
Legal Description: T3S, R1E, Section 5D, Tax Lot 101

As you know, it has come to the attention of the Clackamas County Code Enforcement Section that you were hosting events on the above referenced property without land use approval and are using an agricultural exempt structure for the activities. This constituted a violation of Section 316.03 of the Clackamas County Zoning and Development Ordinance and Chapter 9.02.040(A) as it pertains to the Application and Enforcement of the Clackamas County Building Code.

On June 14, 2021 Conditional Use permit Z0043-21 was approved by the Clackamas County Hearings Officer and the subsequent appeal was dismissed at LUBA meaning the Hearings Officer's decision is final. Now that land use has been granted for the commercial activity on the property, the next step will be to obtain a Development Permit from the Engineering Division and obtain building permits for the structure(s) used in conjunction with the business.

In order to abate this violation, please submit an application for a Development Permit from the Engineering Division and submit the required building permit applications, technically complete plans and appropriate fees to the Clackamas County Building Codes Division no later than **December 22, 2021**.

Building permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>. The permit must have the fees paid in full within ten days of being notified the permit is ready. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.

If you have any questions concerning these permit requirements or the online submittal process, please contact the Building Codes Division at 503-742-4240, via email at bldservice@clackamas.us or, you may stop by our offices at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Friday 8:00 a.m. to 3:00 p.m.

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

If you have any questions concerning these permit requirements, please contact the Transportation Engineering Department at 503-742-4691, via email at engineering@clackamas.us or, you may stop by our offices at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Friday 8:00 a.m. to 3:00 p.m.

Please feel free to contact me if you have any questions. My direct telephone number is 503-742-4467 or email andreaahal@clackamas.us .

Thank you for your prompt attention to this matter.

A handwritten signature in blue ink, appearing to read 'Andrea Hall', with a stylized flourish at the end.

Andrea Hall
Clackamas County
Code Enforcement Section

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 Beaver Creek 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.

From: [Hall, Andrea](#)
To: ["Ana Campean - Petras"](#)
Cc: [Building Public Service](#)
Subject: RE: FW: Regarding Building Permit for 3673 SW Homesteader Rd. West Linn, OR 97068
Date: Tuesday, December 21, 2021 8:44:00 AM

Hi Ana,

You will need to start the process again for your building permit as the information you submitted was for a residential accessory structure, you are converting the barn to an event center which is a commercial use. When you reapply, choose Commercial then Addition Alteration.

Thank you,

Andrea Hall
Clackamas County
Code Enforcement Section

From: Ana Campean - Petras <alliance.ana@gmail.com>
Sent: Monday, December 20, 2021 2:48 PM
To: Engineering <Engineering@clackamas.us>
Cc: Building Public Service <BldService@clackamas.us>; Hall, Andrea <Andreahal@clackamas.us>
Subject: Re: FW: Regarding Building Permit for 3673 SW Homesteader Rd. West Linn, OR 97068

Warning: External email. Be cautious opening attachments and links.

I did apply for a building permit. The barn is an EXISTING structure that is currently permitted as an agriculture structure. We need to change the status of an agriculture structure to an accessory building or whatever status is required so that we can gather inside the barn.

The building permit application that I have submitted is B0741921. I have drawings and plans that I'm assuming the previous owner used to build the barn structure because it is the same size, but these drawings are not approved drawings... the previous owner just used these drawings as a guide to build the barn structure. I have submitted these drawings to Kevin Goldsmith my engineer to review the drawings and the current structure, but like i said, he is not going to be able to get me engineered drawings until after the holidays. The violation letter says i need to submit complete plans and pay the appropriate fees by December 22nd. I'm happy to pay the application fees an submit to you the drawings I currently have, while we wait for the engineer to be able to draw new drawings and review the structure.

Please advise.

Ana Petras

504-750-0113
3673 SW Homesteader Rd.
West Linn, OR 97068

On Mon, Dec 20, 2021 at 2:35 PM Engineering <Engineering@clackamas.us> wrote:

Hello,

Please see the email below, Ana needs to submit a building permit and has questions/needs assistance. She was advised to apply for a development permit, but it looks like this should be a building permit.

Thank you,

Claudia Pazo
Engineering Division

☎: 503.742.4690 | Direct Line

From: Ana Campean - Petras <alliance.ana@gmail.com>

Sent: Monday, December 20, 2021 2:14 PM

To: Engineering <Engineering@clackamas.us>

Cc: Hall, Andrea <Andreahal@clackamas.us>

Subject: Re: Regarding Building Permit for 3673 SW Homesteader Rd. West Linn, OR 97068

Warning: External email. Be cautious opening attachments and links.

Hello Claudia,

I have created an account and applied for a building permit for the existing Barn Structure. Application # is TEMP-BLDG-3259

It's asking me to upload and submit files and drawings. The engineer said he cannot do the drawings until after the holidays. Andrea Hall told me to go ahead and submit the application anyways so I can be in compliance.

Please help me clarify what else you need from me in order to submit the application fully. It's due by 12/22/21

Thank you for your help.

Ana Petras
3673 SW Homesteader Rd.
West Linn, OR 97068


On Wed, Dec 15, 2021 at 9:29 AM Engineering <Engineering@clackamas.us> wrote:

Hello,

Please see the attached documents showing how to create an account and how to apply for a development permit.

Thank you,

Claudia Razo
Engineering Division

 : 503.742.4690 | Direct Line

From: Ana Campean - Petras <alliance.ana@gmail.com>

Sent: Tuesday, December 14, 2021 7:30 PM

To: Engineering <Engineering@clackamas.us>

Subject: Fwd: Regarding Building Permit for 3673 SW Homesteader Rd. West Linn, OR 97068

Warning: External email. Be cautious opening attachments and links.

Hello again, I sent an e mail yesterday. My deadline to fill out an application is 12/22/21. Can you please help me? Thank you

[Create your own email signature](#)



----- Forwarded message -----

From: Ana Campean - Petras <alliance.ana@gmail.com>

Date: Mon, Dec 13, 2021 at 10:16 AM

Subject: Regarding Building Permit for 3673 SW Homesteader Rd. West Linn, OR 97068

To: <engineering@clackamas.us>

Hello,

I received a letter that I need to apply for a development permit from the engineering division for our existing barn by December 22, 2021. I told Andrea Hall that I contacted an engineer to help me but he is not available until after the holidays, but she said I still need to submit the application for a development permit. I really don't know what I'm suppose to do and what I'm suppose to submit and for what, can you please help me?

I received an approval for a conditional use permit Z0043-21 and now I have to get permits in conjunction with the use of the barn to be able to physically gather inside the

barn. Since the engineer is not available before December 22, 2021, I'm happy to submit an application, but I don't know what I'm supposed to do an what I'm suppose to ask for. Please advise.

Thank you,

Ana Petras
3673 SW Homesteader Rd.
West Linn ,OR 97068
503-750-0113



From: [Ana Campean - Petras](#)
To: [Hall, Andrea](#)
Subject: Re: Follow up on Violation Letter
Date: Tuesday, April 26, 2022 10:50:15 AM

Warning: External email. Be cautious opening attachments and links.

Hi Andrea,

It's been a crazy busy year for our family and other business that we have going on! I can't believe it's April already! I hired a NEW engineer that has actually been working on the plans for the barn, they have everything drawn up and the next step is getting closer so I just wanted to give you a quick update.

Can you please call me? I have a couple of questions for you when you get a chance.

Thank you

Ana Petras
503-750-0113

Create your own [email signature](#)



On Wed, Dec 8, 2021 at 9:23 AM Hall, Andrea <Andreahal@clackamas.us> wrote:

The link to the website is <https://www.clackamas.us/development-engineering> If you need help, staff can be reached at 503-742-4691 or by email at engineering@clackamas.us

Further information about what is required can be found in the Hearing Officer's Order dated June 14, 2021.

From: Ana Campean - Petras <alliance.ana@gmail.com>
Sent: Tuesday, December 7, 2021 6:07 PM
To: Hall, Andrea <Andreahal@clackamas.us>
Subject: Re: Follow up on Violation Letter

From: [Hall, Andrea](#)
To: "Ana Campean - Petras"
Subject: 3673 SW Homesteader Rd
Date: Wednesday, July 13, 2022 8:48:00 AM
Attachments: [22-07-12 attachment 1.pdf](#)
[image002.jpg](#)
[22-07-12 attachment 2.pdf](#)
[22-07-12 attachment 3.pdf](#)

Hi Ana,

I talked with Travis Wright yesterday afternoon, he is one of the Plans Examiners reviewing your permit B0749321. He indicated that the plans the engineer did are missing some fire, life, safety components. He sent me three documents that are checklists of items he needs to see on the plans, I've attached them to this message for you and your engineer.

Once he gets updated plans, he can continue the review process.

Please let me know if you have any questions.

Thank you,

Andrea Hall
Senior Code Enforcement Specialist
Clackamas County – Transportation & Development
Code Enforcement Section
andreahal@clackamas.us
503-742-4467
150 Beaver Creek Rd.
Oregon City, OR 97045



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From: [Hall, Andrea](#)
To: [Gish, Jonny](#)
Subject: RE: SC004122
Date: Tuesday, February 7, 2023 10:02:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Thanks Jonny, I appreciate the information. This came in as a violation for hosting events without land use approval. The owners have since obtained land use approval but have failed to meet the conditions of that approval by obtaining the Dev. Permit and building permits.

From: Gish, Jonny <JGish@clackamas.us>
Sent: Tuesday, February 7, 2023 9:58 AM
To: Hall, Andrea <Andreahal@clackamas.us>
Subject: RE: SC004122
Importance: Low

Hi Andrea,

I submitted comments back to the applicant on 12/5/2022. The applicant has not resubmitted or reached out with questions. I was not aware this was a code enforcement.

Thanks

Jonny Gish | Development Engineering

Clackamas County Department of Transportation and Development
150 Beaver Creek Rd
Oregon City, OR 97045
Hours: M-TH 6am-4:30pm
Cell: 503-804-8271 | jgish@clackamas.us



Note: Most business with our team can be conducted online at <https://www.clackamas.us/development-engineering>. Our lobby is open 8 AM - 4 PM Monday through Thursday and 8 AM – 3 PM Friday.

Please visit **Development Direct** -- our new one-stop digital services hub for Building Codes and Development Engineering. Click [here](#) to apply for a permit. Click [here](#) then on the “Development Engineering” tab to learn how to apply.



From: Hall, Andrea <Andreaahal@clackamas.us>

Sent: Tuesday, February 7, 2023 9:00 AM

To: Gish, Jonny <JGish@clackamas.us>

Subject: SC004122

Hi Jonny,

Just checking in with you regarding SC004122 for 3673 SW Homesteader Rd. What information do you need from the applicant in order to continue the plan check process?

Thank you,

Andrea Hall
Clackamas County
Senior Code Enforcement Specialist
andreaahal@clackamas.us
503-742-4467

PLEASE NOTE: Beginning February 1, 2023, the County lobby will be CLOSED on Wednesdays and Fridays to **in-person** customer service. Staff is still available by phone or email from 8 am – 4 pm.



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February 7, 2023

Ana Campean & Adrian Petras
3673 SW Homesteader Rd.
West Linn, OR 97068

Subject: Violation of the Clackamas County Code V0034820

Site Address: 3673 SW Homesteader Rd., West Linn, OR 97068
Legal Description: T3S, R1E, Section 5D, Tax Lot 101

As you know, it has come to the attention of the Clackamas County Code Enforcement Section that you were hosting events on the above referenced property without land use approval and are using an agricultural exempt structure for the activities. This constituted a violation of Section 316.03 of the Clackamas County Zoning and Development Ordinance and Chapter 9.02.040(A) as it pertains to the Application and Enforcement of the Clackamas County Building Code.

On June 14, 2021 Conditional Use permit Z0043-21 was approved by the Clackamas County Hearings Officer and the subsequent appeal was dismissed at LUBA meaning the Hearings Officer's decision is final. Now that land use has been granted for the commercial activity on the property, the next step will be to obtain a Development Permit from the Engineering Division and obtain building permits for the structure(s) used in conjunction with the business. Failing to meet the conditions of approval of Z0043-21 is a violation of 1203 of the Clackamas County Zoning and Development Ordinance.

In order to abate this violation, please submit all required information for Development Permit SC004122 and Building Permit B0749321 so that the plan review process can continue no later than **March 7, 2023**.

Building permits are accepted online only, for more information on this process please refer to the County's website at <https://www.clackamas.us/building>. The permit must have the fees paid in full within ten days of being notified the permit is ready. Please schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.

If you have any questions concerning these permit requirements or the online submittal process, please contact the Building Codes Division at 503-742-4240, via email at bldservice@clackamas.us or, you may stop by our offices at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Friday 8:00 a.m. to 3:00 p.m.

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If you have any questions concerning these permit requirements, please contact the Transportation Engineering Department at 503-742-4691, via email at engineering@clackamas.us or, you may stop by our offices at 150 Beavercreek Rd., Oregon City, OR 97045, Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and Friday 8:00 a.m. to 3:00 p.m.

Please feel free to contact me if you have any questions. My direct telephone number is 503-742-4467 or email andreaahal@clackamas.us .

Thank you for your prompt attention to this matter.

A handwritten signature in blue ink, appearing to read 'Andrea Hall', with a stylized flourish at the end.

Andrea Hall
Clackamas County
Code Enforcement Section

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.**
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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 at codeenforcement@clackamas.us.
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8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.



Citation No. 2000348

Case No. V0034820

ADMINISTRATIVE CITATION

Date Issued: October 23, 2023

Name and Address of Person(s) Cited:

Name: Ana Campean
Name: Adrian Petras
Mailing Address: 3673 SW Homesteader Rd.
City, State, Zip: West Linn, OR 97068

Date Violation(s) Confirmed: On the 20th day of October, 2023 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): 3673 SW Homesteader Rd., West Linn, OR 97068

Legal Description: T3S, R1E Section 05D, Tax Lot(s) 101

Law(s) Violated:

- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (A)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Section 1203

Description of the violation(s):

- 1) Persons cited failed to obtain a building permit for the conversion of an agricultural building to an event center.

Maximum Civil Penalty \$1000.00 Fine \$500.00

- 2) Persons cited failed to meet the conditions of approval for Z0043-21 that required building permits and a Development Permit from Engineering.

Maximum Civil Penalty \$3500.00 Fine \$400.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$900.00. 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 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: Andrea Hall
Telephone No.: 503-742-4467

Date: October 23, 2023
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 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 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: _____

From: [Ana Campean - Petras](#)
To: [Hall, Andrea](#)
Subject: Re: 3673 SW Homesteader Rd.
Date: Monday, October 30, 2023 12:11:27 PM
Attachments: [image002.jpg](#)

Warning: External email. Be cautious opening attachments and links.

Hi Andrea,

Thank you for your response. I will forward this list to Eddie Radulescu, the architect that has helped me with this because I honestly don't remember seeing this... I was sure we finished all the illuminated things cause we put the occupancy and the the lit exit signs and we added all those things.

In September of 2022 I had a huge inspection on a memory care that i'm running and I was super crazy busy dealing with that and i left Eddie Radulescu in charge of completing the building code stuff and what you guys need so I assumed that was all done. :-).

I also don't know how this builder direct website works... every time I had to upload anything I would come to the county and had someone help me with it... but anyways, let me email eddie and see if he has an update. I literally thought we were done. just waiting on you guys. :-)

Ana Petras
3673 SW Homesteader Rd.
West Linn, OR 97068
503-750-0113

On Mon, Oct 30, 2023 at 11:41 AM Hall, Andrea <Andreahal@clackamas.us> wrote:

Hi Ana,

Neither the building permit nor development permit has been issued or inspected as per the conditions of you land use approval which is why a citation was issued. Attached is list of items that the Plans Examiner, Travis Wright, identified as needing to be addressed for the building permit B0749321. He added these comments on September 29, 2022 and you replied on October 19, 2022 that you were working on the corrections.

The Engineering Department also submitted comments regarding the development permit, SC0041211, on December 5, 2022 but have not had a reply.

Please let me know if you have any questions.

Andrea Hall

Senior Code Enforcement Specialist

Clackamas County Code Enforcement Division

150 Beaver Creek Rd.

Oregon City, OR 97045

503-742-4467

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Lobby hours 8:00 a.m. until 4:00 p.m. Monday, Tuesday and Thursday

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From: [Hall, Andrea](#)
To: ["Ana Campean - Petras"](#)
Subject: RE: 3673 SW Homesteader Rd.
Date: Wednesday, November 8, 2023 12:23:00 PM
Attachments: [image001.jpg](#)

Hi Ana,
Travis' email is twright@clackamas.us
Thank you,
Andrea

From: Ana Campean - Petras <alliance.ana@gmail.com>
Sent: Tuesday, November 7, 2023 3:50 PM
To: Hall, Andrea <Andreahal@clackamas.us>
Subject: Re: 3673 SW Homesteader Rd.

Warning: External email. Be cautious opening attachments and links.

Ofcourse Eddie is gone on vacation again :-(

How can I get a hold of Travis to schedule an appointment with him for when Eddie returns?

Thank you for your help Andrea. I really wanna resolve this once and for all. I wish I knew how to do all of this stuff without help. In my mind it's super simple, the problem is, I think the county is treating this as a new build with all that new building requirements, which that not what this is, so I wish I could just meet with someone face to face from the county that can help me resolve this.

Ana Petras
503-750--0113

On Mon, Oct 30, 2023 at 3:20 PM Hall, Andrea <Andreahal@clackamas.us> wrote:

Eddie will need to work with Travis on that issue.

From: Ana Campean - Petras <alliance.ana@gmail.com>
Sent: Monday, October 30, 2023 3:01 PM
To: Hall, Andrea <Andreahal@clackamas.us>
Subject: Re: 3673 SW Homesteader Rd.

Warning: External email. Be cautious opening attachments and links.

Thank you. I'll forward these comments as well... Eddie just responded and he said that you guys require an ADA bathroom.... We are not making this like a big commercial event. Space I just wanna be Able to gather with my family... Can we use a ADA PORTA PARTY portable bathroom?

On Mon, Oct 30, 2023 at 2:20 PM Hall, Andrea <Andreahal@clackamas.us> wrote:

Thank you for the update Ana. I've attached comments from the Engineering Department for you.

From: Ana Campean - Petras <alliance.ana@gmail.com>

Sent: Monday, October 30, 2023 12:11 PM

To: Hall, Andrea <Andreahal@clackamas.us>

Subject: Re: [3673 SW Homesteader Rd.](#)

Warning: External email. Be cautious opening attachments and links.

Hi Andrea,

Thank you for your response. I will forward this list to Eddie Radulescu, the architect that has helped me with this because I honestly don't remember seeing this... I was sure we finished all the illuminated things cause we put the occupancy and the the lit exit signs and we added all those things.

In September of 2022 I had a huge inspection on a memory care that i'm running and I was super crazy busy dealing with that and i left Eddie Radulescu in charge of completing the building code stuff and what you guys need so I assumed that was all done. :-).

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Ana Petras
[3673 SW Homesteader Rd.](#)
[West Linn, OR 97068](#)
503-750-0113

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Hi Ana,

Neither the building permit nor development permit has been issued or inspected as per the conditions of you land use approval which is why a citation was issued. Attached is list of items that the Plans Examiner, Travis Wright, identified as needing to be addressed for the building permit B0749321. He

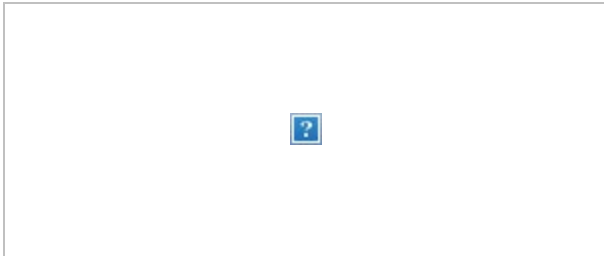
added these comments on September 29, 2022 and you replied on October 19, 2022 that you were working on the corrections.

The Engineering Department also submitted comments regarding the development permit, SC0041211, on December 5, 2022 but have not had a reply.

Please let me know if you have any questions.

Andrea Hall
Senior Code Enforcement Specialist
Clackamas County Code Enforcement Division
[150 Beaver Creek Rd.](#)
[Oregon City, OR 97045](#)
503-742-4467
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From: [Edward Radulescu](#)
To: [Wright, Travis](#); [Ana Campean - Petras](#)
Cc: [DTD - Plans Examiners](#); [Hall, Andrea](#)
Subject: Re: Change AG Exempt to A2/A3 3673 SW Homesteader Rd
Date: Monday, November 27, 2023 12:42:08 PM

Warning: External email. Be cautious opening attachments and links.

I can not do it tomorrow. Next week is best for me as we just got back in town and will not have time by tomorrow. As mentioned before, we can take care of the architectural requirements. My colleague John MacKinnon is registered in Oregon.
Thank you

Edward Radulescu
EPR Design
503-679-2493
eddie@eprdesign.com
8800 SE Sunnyside Rd. Suite 213N
Clackamas, OR. 97015

From: Wright, Travis <TWright@clackamas.us>
Sent: Monday, November 27, 2023 9:30:20 AM
To: Ana Campean - Petras <alliance.ana@gmail.com>
Cc: Edward Radulescu <eddie@eprdesign.com>; DTD - Plans Examiners <DTD-PlansExaminers@clackamas.us>; Hall, Andrea <Andreahal@clackamas.us>
Subject: RE: Change AG Exempt to A2/A3 3673 SW Homesteader Rd

Ana we can do this tomorrow at 10 AM if that will work for you and Mr. Radulescu.

We are requiring that you pre-prepare and provide code sections at the meeting for any item that is being disputed i.e. using the barn doors as exits (2019 OSSC 1010.1.2 & 1010.1.1.2.1), omitting restrooms (2019 OSSC Sections 1209 & 2901), having the only man door swing in (OSSC 1010.1.2.1) (this door also has a ¾" threshold that is not allowed for ADA per 2019 OSSC 1010.1.7), not having a permanent method of required heating and wanting to omit the energy requirements (2019 OSSC 1203.1), etc.

Also, questions asked will be deferred to our list and our code sections that we provided during review, other questions will have comments returned by email.

(Please note that Mr. Radulescu is not an architect and the plans will still have to be stamped with an architect or engineers stamp per ORS 671.030 (c))

Thank you,

Travis Wright, Commercial Plans Examiner
Department of Transportation and Development
Clackamas County Building Codes Division
150 Beaver Creek Rd, Suite 225
Oregon City, OR. 97045
Cell: 503-347-9224
Hours of Operation: Mon – Fri, 7:30 a.m. – 4 p.m.
www.clackamas.us

From: Ana Campean - Petras <alliance.ana@gmail.com>
Sent: Monday, November 27, 2023 7:35 AM
To: Wright, Travis <TWright@clackamas.us>
Cc: Edward Radulescu <eddie@eprdesign.com>
Subject: Re: Change AG Exempt to A2/A3 3673 SW Homesteader Rd

Warning: External email. Be cautious opening attachments and links.

Hello Travis.

Eddie is back in town and he is available next week any day Tuesday-Thursday.

Can we re schedule for next week?

Thank you

Ana Petras

On Thu, Nov 16, 2023 at 9:43 AM Wright, Travis <TWright@clackamas.us> wrote:

Project Name: B0749321

Project Description: Building - Commercial New - 31E05D 00101 - 3673 SW HOMESTEADER WEST LINN - Existing Barn

Review Comments List Date: 11/27/2023

I had my contractor write down an rough estimate:

Plans: 1250\$

Framing, siding, lumber: 37000\$

Electrical: 6700\$

Concrete: 6500\$

Windows: 2100\$

Roofing: 6400\$

Barn doors: 1200\$

Gutters: 1400\$

Total: 62500\$

Hello. Regarding bathrooms we will rent portable bathrooms for each event

We are sorry although this building will require an architect for the fire and life safety design and to be in responsible charge per the Oregon Structural Specialty Code (OSSC) sections 107.1, 107.3.4 & 107.3.5 (Please know that the structural design is different than the fire and life safety design)

Thanks for the update

(Please do not respond to this until you have the documents ready to submit)

Thank you

The fire and life safety design is incomplete and some items mentioned are not correct. OSSC 107.2.1

1. Please provide what the horse stable area is being used for. OSSC 107.2.1
2. Please provide the path from the parking for ADA wheelchair access and what the surface is. OSSC 1106.6

3. Please provide a code summary for the information below. OSSC 107.2.1

- The applicable codes for the building i.e. OSSC 2019, OFC 2019, etc. The 2018 IBC shown on the plans is not correct
- The occupancy classification OSSC 302.1
- The occupant load. OSSC Table 1004.5
- The construction type. OSSC 602.1
- The actual building height and allowable. OSSC 503.1
- The actual area and allowable area. OSSC 503.1
- Fire sprinklers yes or no with the code section 903.2.1.2 and 903.2.1.3 and the exception
- Plumbing Count. OSSC 2902.1
- Energy. OEESC
- Accessibility. OSSC Chapter 11

The plans need to have the following shown on them:

1. Illumination from primary power and emergency power. OSSC 1008.1 & 1008.3.1
2. Code compliant doors (sliding doors have to meet all 8 items of section 1010.1.4.3 including being power operated with emergency power backup)
3. The building is an A2 / A3 (The A2 is more restrictive and must be used for area, height, and F&LS). This is not a B occupancy per section 301.1 as the occupant load that was provided is 50 or more (you provided 86)
4. The occupant load at 15 net is for unconcentrated tables and chairs. OSSC Table 1004.5 (You may designate certain parts of the building for standing or dancing and provide an occupant load for that area)
5. The occupant loading sign location. OSSC 1004.9
6. The occupancy classification of each space as there is a barn and a covered horse stall area. OSSC 107.2.1 & 302.1
7. The proper terminology for a path of travel to an exit is exit access and is not fire escape (please revise). (OSSC section 202)
8. Please show tables, chairs, and aisles on the drawings and the requirements of the section provided. OSSC 1029.9 & 1029.13.1 / 1029.13.1.2
9. The exit access travel distance should be shown from the center of the table area and lead to either a dedicated aisle or to the perimeter of the building that is clear. OSSC 1017.3 / 1029.7
10. Please provide the occupant load at each exit. OSSC 107.2.1 & 1005.2
11. Please provide the floor finish on the plans. OSSC 802.2

12. Please provide the wall finish on the plans. OSSC 803.1

13. Please provide where the required plumbing facilities are located as they are not shown on the drawing. OSSC 1209 & 2902.1

14. Please provide the energy requirements in a Comcheck. OSSC Chapter / 13 OEESC 104.2

15. Please provide how the space is conditioned. OSSC 1203.1

16. This building is required to be ADA accessible although nothing is shown on the drawings. OSSC 1102.1

17. Please provide the parking lot showing the accessible parking spots with dimensions and the total number of non-ADA parking spots. OSSC Table 1106.1 & 1106.7.1 (This shall conform to the Oregon Transportation Commission, Standards for Accessible Parking Spaces)

These are some of the review requirements although more be required to be submitted given the large number and the lack of information on the plans. OSSC 105.4

From: [Lagerwey, Jodi](#)
To: [Hall, Andrea](#); [Gish, Jonny](#)
Cc: [Brown, Bruce](#); [Doherty, Patrick](#)
Subject: RE: SC004122 Campean Hosting Events-----
Date: Tuesday, December 19, 2023 9:58:00 AM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.jpg](#)

FYI, our permit is going to expire this coming weekend (12/24/23) and we have not heard back from the applicant after asking if they want to pay for an extension.

Thank you,

Jodi Lagerwey

Permit Technician/Engineering Division

My hours are Mon-Thurs 7-4:30, Fri 7:30-11:30

From: Hall, Andrea <Andreahal@clackamas.us>
Sent: Monday, December 18, 2023 10:34 AM
To: Gish, Jonny <JGish@clackamas.us>; Lagerwey, Jodi <JLagerwey@clackamas.us>
Subject: RE: SC004122

Hi Jonny,

I would follow whatever your normal procedure is. Whether the extension is offered or not will not affect the Code Enforcement case as it moves to the Hearings Officer. Thank you for checking with me.

Andrea

From: Gish, Jonny <JGish@clackamas.us>
Sent: Monday, December 18, 2023 9:11 AM
To: Hall, Andrea <Andreahal@clackamas.us>; Lagerwey, Jodi <JLagerwey@clackamas.us>
Subject: RE: SC004122

Andrea,

From a Code Enforcement perspective, should County Engineering off a Development Permit Application extension? Or should we just let the application expire?

Looking at the plan review, they are not close to approved plans

Please advise

Jonny Gish, Development Review Coordinator
Clackamas County Department of Transportation and Development
150 Beaver Creek Rd

Oregon City, OR 97045
Cell: 503-804-8271
Hours: M-TH 6am-4:30pm
www.clackamas.us

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From: Hall, Andrea <Andreahal@clackamas.us>
Sent: Friday, December 15, 2023 8:56 AM
To: Gish, Jonny <JGish@clackamas.us>; Lagerwey, Jodi <JLagerwey@clackamas.us>
Subject: RE: SC004122

Hi Jonny,

The property owner is still in violation as they have not supplied the County with enough information to process either the building permit or the development permit for the event center on the property. The owner did reach out to Travis in the Building Department in early November asking to set up a meeting with her design professional to discuss the items that are missing from the plans. Travis replied that he would be happy to meet and asked that they come prepared to discuss the code sections that they are disputing but never heard back from them.

I've issued the owner a citation for the violations, the next step would be to refer the matter to the Hearings Officer.

Please let me know if you have any questions.

Thank you,

Andrea

From: Gish, Jonny <JGish@clackamas.us>
Sent: Wednesday, December 13, 2023 3:02 PM
To: Hall, Andrea <Andreahal@clackamas.us>; Lagerwey, Jodi <JLagerwey@clackamas.us>
Subject: RE: SC004122

Hi Andrea,

I have not received any correspondence from the applicant and the Development Permit is set to expire on December 24, 2023. Today we did send out a letter with this information and an offer to extend the application, but when reviewing the file I remember there was a code violation. Can you

please provide an update on where the status of the violation?

Thank you

Jonny Gish, Development Review Coordinator
Clackamas County Department of Transportation and Development
150 Beaver Creek Rd
Oregon City, OR 97045
Cell: 503-804-8271
Hours: M-TH 6am-4:30pm
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From: Hall, Andrea <Andreahal@clackamas.us>
Sent: Monday, October 30, 2023 2:15 PM
To: Gish, Jonny <JGish@clackamas.us>
Subject: RE: SC004122

Thank you so much, this is very helpful.

From: Gish, Jonny <JGish@clackamas.us>
Sent: Monday, October 30, 2023 1:55 PM
To: Hall, Andrea <Andreahal@clackamas.us>
Subject: RE: SC004122

Hi Andrea,

I have attached all of the comments from the last plan review that I sent to the applicant on 2/28/2023. The applicant received and accepted the task on 3/14/2023. I have not received any correspondence or resubmittals since.

Thanks

Jonny Gish, Development Review Coordinator
Clackamas County Department of Transportation and Development
150 Beaver Creek Rd

Oregon City, OR 97045
Cell: 503-804-8271
Hours: M-TH 6am-4:30pm
www.clackamas.us

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From: Hall, Andrea <Andreahal@clackamas.us>
Sent: Monday, October 30, 2023 11:38 AM
To: Gish, Jonny <JGish@clackamas.us>
Subject: RE: SC004122

Hi Jonny,
What do you need from the applicant in order to continue the process?
Thank you,
Andrea

From: Hall, Andrea
Sent: Tuesday, February 7, 2023 10:03 AM
To: Gish, Jonny <JGish@clackamas.us>
Subject: RE: SC004122

Thanks Jonny, I appreciate the information. This came in as a violation for hosting events without land use approval. The owners have since obtained land use approval but have failed to meet the conditions of that approval by obtaining the Dev. Permit and building permits.

From: Gish, Jonny <JGish@clackamas.us>
Sent: Tuesday, February 7, 2023 9:58 AM
To: Hall, Andrea <Andreahal@clackamas.us>
Subject: RE: SC004122
Importance: Low

Hi Andrea,

I submitted comments back to the applicant on 12/5/2022. The applicant has not resubmitted or reached out with questions. I was not aware this was a code enforcement.

Thanks

Jonny Gish | Development Engineering

Clackamas County Department of Transportation and Development
150 Beaver Creek Rd
Oregon City, OR 97045
Hours: M-TH 6am-4:30pm
Cell: 503-804-8271 | Jgish@clackamas.us



Note: Most business with our team can be conducted online at <https://www.clackamas.us/development-engineering>. Our lobby is open 8 AM - 4 PM Monday through Thursday and 8 AM – 3 PM Friday.

Please visit **Development Direct** -- our new one-stop digital services hub for Building Codes and Development Engineering. Click [here](#) to apply for a permit. Click [here](#) then on the “Development Engineering” tab to learn how to apply.



From: Hall, Andrea <Andreahal@clackamas.us>
Sent: Tuesday, February 7, 2023 9:00 AM
To: Gish, Jonny <JGish@clackamas.us>
Subject: SC004122

Hi Jonny,

Just checking in with you regarding SC004122 for 3673 SW Homesteader Rd. What information do you need from the applicant in order to continue the plan check process?

Thank you,

Andrea Hall
Clackamas County
Senior Code Enforcement Specialist
andreahal@clackamas.us
503-742-4467

PLEASE NOTE: Beginning February 1, 2023, the County lobby will be CLOSED on Wednesdays and Fridays to **in-person** customer service. Staff is still available by phone or email from 8 am – 4 pm.

From: [Hall, Andrea](#)
To: ["Ana Campean - Petras"](#)
Cc: [Wright, Travis](#); [Carlson, Richard](#); ["nwarchitecture@gmail.com"](mailto:nwarchitecture@gmail.com)
Subject: RE: 3673 SW Homesteader Rd.
Date: Thursday, December 28, 2023 10:37:00 AM
Attachments: [image001.jpg](#)

As you know, you are required to install a bathroom in the structure you will be using as your event center. If you choose to no longer hold commercial events and limit gatherings to personal events (no more than 1 every 3 months), you will not be required to install a bathroom as part of the change of use permit.

You can convert the structure from an agricultural building to an accessory building with habitable space such as a gym or game room with the required permits and approved final inspections.

Large gatherings are limited by County policy. If a property owner plans to host more than the amount allowed this would trigger a land use application such as the process you went through.

From: Ana Campean - Petras <alliance.ana@gmail.com>
Sent: Thursday, December 28, 2023 9:25 AM
To: Hall, Andrea <Andreahal@clackamas.us>
Subject: Re: 3673 SW Homesteader Rd.

Warning: External email. Be cautious opening attachments and links.

2. Withdraw your Conditional Use permit, limit family events on the property to one every three months which is the maximum allowed by Planning without land use approval, obtain a building permit for the change of use, no restroom required, and obtain approved final inspections for all required permits.

It's a run on sentence.. if I read from "obtain a building permit for change of use, no restrooms required...."

Please explain that.

Also, if I wanna use the barn as a gym like there's a ton of homes that have accessory buildings that they play in and gather for games... why can't I do that? I've never heard anyone being limited to gathering with family only to every 3 months... where are these rules coming from?

On Wed, Dec 27, 2023 at 11:30 AM Hall, Andrea <Andreahal@clackamas.us> wrote:

|

Which part are you asking about?

From: Ana Campean - Petras <alliance.ana@gmail.com>

Sent: Tuesday, December 26, 2023 3:34 PM

To: Hall, Andrea <Andreahal@clackamas.us>

Cc: Carlson, Richard <richardcar@clackamas.us>; Wright, Travis <TWright@clackamas.us>;
nwarchitecture@gmail.com

Subject: Re: 3673 SW Homesteader Rd.

Warning: External email. Be cautious opening attachments and links.

Can you explain the second part of #2?

On Tue, Dec 26, 2023 at 2:42 PM Hall, Andrea <Andreahal@clackamas.us> wrote:

Hi Ana,

Travis included me in an email from you regarding the use of your property and whether or not a restroom would be required.

Here are your options:

1. Hold events on your property as per the approved Conditional Use permit, obtain a building permit for the change of use, install a restroom and obtain approved final inspections for all required permits.
2. Withdraw your Conditional Use permit, limit family events on the property to one every three months which is the maximum allowed by Planning without land use approval, obtain a building permit for the change of use, no restroom required, and obtain approved final inspections for all required permits.
3. Cease all events on the property, continue to use the building for agricultural uses only.

Please let me know how you would like to proceed.

Thank you,

Andrea Hall
Senior Code Enforcement Specialist
Clackamas County Code Enforcement Division
[150 Beaver Creek Rd.](#)

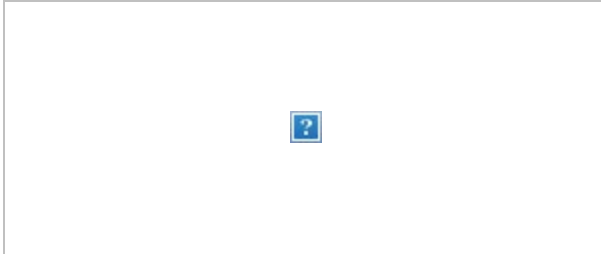
[Oregon City, OR 97045](#)

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