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## **LAND USE RECOMMENDATION**

This document represents the Planning and Zoning Staff findings and recommended conditions of Denial for a Type III Land Use Application for a Conditional Use Permit as cited below. It contains three parts: Section 1 – Summary, Section 2 – Findings, and Section 3 – If Approved, Recommended Conditions of Approval.

### **SECTION 1 – SUMMARY**

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**DATE:** January 23, 2025

**HEARING DATE:** January 30, 2025 9:30 a.m.

**CASE FILE NO.:** Z0067-24

**PROPOSAL:** The applicant is requesting conditional use approval for a wine tasting space and event venue that will accommodate up to 300 people for event related to wine tasting. The proposal is to have a maximum of one event per day, seven days a week in a newly constructed facility.

**STAFF CONTACT(S):** Erik Forsell, (503) 742-4512, [eforsell@clackamas.us](mailto:eforsell@clackamas.us)

**LOCATION:** 22322 S Central Point Road, Oregon City, 97045 / Assessor's Map and Tax Lot 31E25 00300 and 00305

**APPLICANT(S):** Christian Strava

**OWNER(S):** Christian and Miora Strava

**TOTAL AREA:** Approximately 37 acres comprised of the two tax lots

**ZONING:** Exclusive Farm Use, EFU

**COMPREHENSIVE PLAN DESIGNATION:** Agriculture

**COMMUNITY PLANNING ORGANIZATION:** Canby

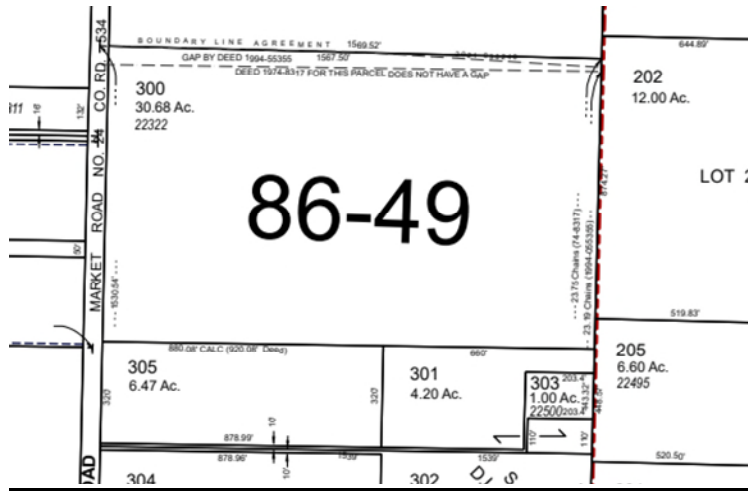
**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:** ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

**OPPORTUNITY TO REVIEW THE RECORD:** A copy of the Planning and Zoning Staff recommendation and all evidence submitted with this application is available for inspection, at no cost, at the Planning and Zoning during normal business hours (Monday – Thursday 8:00 a.m. – 4:00 p.m. and Fridays 8:00a.m. – 3:00 p.m.). Copies of all documents may be purchased at the rate of \$1.00 for the first page and 10 cents for each additional page. The Planning and Zoning recommendation contains the findings and conclusion upon which the recommendation is based along with any recommended conditions of approval.

**APPLICABLE APPROVAL CRITERIA:** 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) Sections(s) 401, 806, 1005, 1006, 1007, 1009, 1010, 1021, 1203; and the Comprehensive Plan.

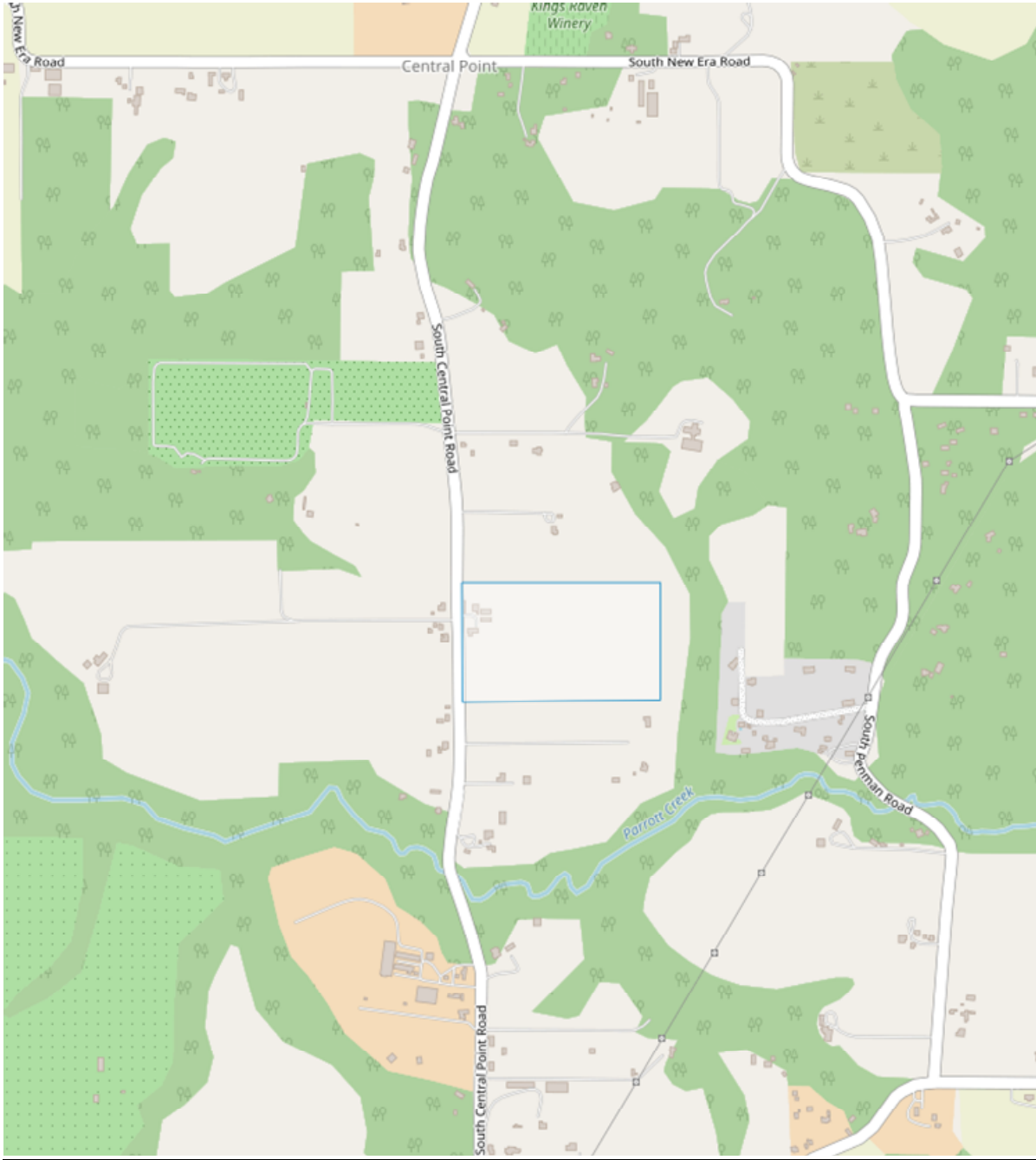
## Tax Map



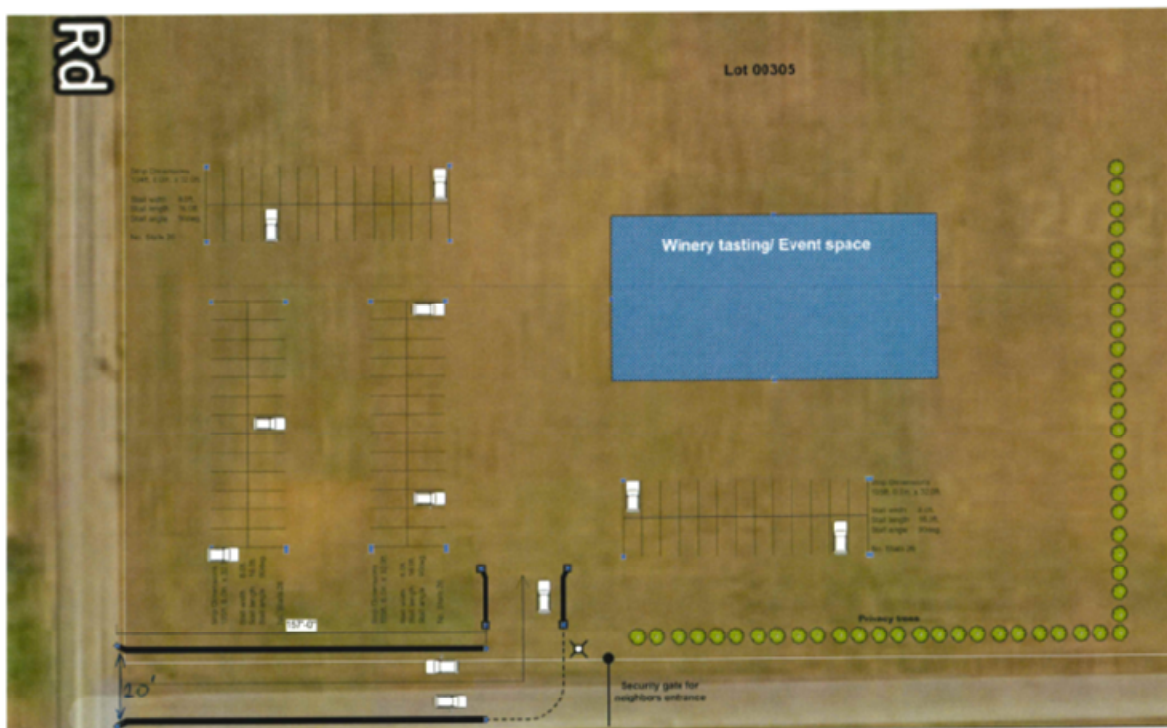
## 2023 Aerial Photograph



## Vicinity Map



## Site Plan



### DISCUSSION:

In response to notice of this application, some public testimony prior to the hearing was submitted to the record – that testimony was predominately in opposition of the proposal. The testimony is largely code adjacent while not explicitly addressing criteria it does speak to potential impacts that will result if this application were to be approved. Based on the need for additional evidence and information, staff are recommending **denial** of this application as discussed below.

**RECOMMENDATION:** The applicant has not provided sufficient objective evidence to demonstrate how the proposed home occupation to host events would mitigate impact from traffic, noise, lights, water, and other applicable criteria. The application materials were not sufficient to support criteria 1203.01(B), (C) and (D) and similar criteria in Section 806 which requires - “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,” as modified by Section 806 and 401 to include impacts on dwellings as well as farm and forest practices. Therefore, staff recommends **Denial** of this application.

## **SECTION 2 – FINDINGS CONDITIONAL USE PERMIT**

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This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 401, 806, 1002, 1005, 1006, 1007, 1010, 1021, 1203, 1307; 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:

### **BACKGROUND INFORMATION, SITE AND AREA DESCRIPTION AND SERVICES**

Background: The applicant originally submitted this application on 2/26/24. On 3/21/24, staff deemed the application incomplete citing a number of deficiencies. The applicant requested to toll the clock several times to acquire the requisite information. On 8/19/24, the applicant contacted staff and 'forced the application complete'.

In total, the applicant tolled the clock for 120 days ending on 12/23/24. On 12/5/24, the applicant submitted additional information and requested the staff begin processing the application. Staff then scheduled a hearing schedule for 1/30/25.

#### Applicant's discussion of their proposal:

"The applicant requests approval of a Conditional Use Permit ("CUP") to operate a home occupation to host weddings and other events." The application describes an event space to be used for wine storage, tasting events, weddings, parties, corporate events with a maximum of 300 guests on site.

The proposed structures is described to include a wine cellar, bathrooms, office space, prep room and ceremony area in addition to the event space.

Site Description: The subject site is a relatively flat property with frontage along S Central Point Road. There are no significant mapped or identified natural features on the property such as steep slopes, wetlands, floodplain or areas of significant mature trees. A residence and several accessory agricultural buildings are located on tax lot 300 – these are within close proximity to S Central Point Road.

The applicant's site plan shows that there are 11.0+ acres of planted wine grapes associated with the property with plans for more. The exact amount of vineyard is hard to discern from the plans but the applicant does indicate that there are more grapes planned for planting.

Surrounding Conditions: This area is approximately a mile northeast of the City of Canby – the area appears to have surrounding active farm uses as well as low intensity residential uses on units of land that are relatively large.

Service Providers:

- A. Surface Water: The subject property is not located in a public surface water district. Surface water is regulated pursuant to Section 1006 of the ZDO and administered by the DTD Engineering Division.
- B. Water: The subject property is served by on site well.
- C. Sewer: The subject property is not located in a public or private sewer district. Sewage disposal is accommodated by an on-site septic system.
- D. Fire Protection: Canby Fire District

Responses Requested:

- A. Department of Transportation and Development (DTD), Traffic Engineering (TE)
- B. Department of Transportation and Development (DTD), Building Division
- C. Septic & Onsite Wastewater Systems Programs
- D. Clackamas Fire District #1
- E. Community Planning Organization
- F. Property Owners within 2,640 feet

Responses received as of the date of this staff report:

- A. Department of Transportation and Development (DTD), Traffic Engineering (TE)
- B. Clackamas County Fire District #1
- C. Three neighbor comments

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**PART 1. SUBMITTAL REQUIREMENTS – CONDITIONAL USE PERMIT**

1. Subsection 1203.02 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 (not to scale), renderings of the proposed structure, application fee and completed application narrative addressing the criteria in Section 806, 401, 1000s, and 1203 of the ZDO. The application also includes a description of the proposed use and vicinity map. One Preliminary Statement of Feasibility (Exhibit 2c) was submitted, for surface water management. All the submittal requirements under Subsection 1203.02 are included in the application. The application was originally submitted on 2/26/24 and was deemed complete on 8/19/24 after the applicant supplied some of the information identified in the incomplete notice and requested that the application be deemed complete. The applicant tolled the clock for 120 days, as a result the 150-day deadline for processing this application is May 16, 2025 (Exhibit 2c).

The basic submittal requirements of Subsection 1203.02 are met. Staff notes that while the submittal requirements are met, the substantive aspect for the applicant's ability to

demonstrate that the approval criteria are objectively met is deficient based on a lack of supporting evidence in the record.

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## **PART 2. CONDITIONAL USE PERMIT**

1. **Subsection 1203.03** of the Zoning and Development Ordinance lists six criteria that must be satisfied in order to approve this Conditional Use.

A. **Subsection 1203.03(A)**: *The use is listed as a conditional use in the zoning district in which the subject property is located.*

**Finding:** Section 401, Exclusive Farm Use (EFU) : The subject property is zoned EFU. Section 401 of the ZDO controls land uses in the underlying EFU Zoning District. Table 401-1, lists the conditional uses which are allowed. The following is identified within Table 401-1 *“Home occupation to host events, subject to Section 806.”* This proposal involves home occupation to host events. Section 806 is discussed further into the staff report.

This criterion is met.

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

**Finding:**

1. **Size:** The subject property is approximately 37-acres in size. The submitted site plan demonstrates the property is of sufficient size to accommodate the proposed event area, along with parking and circulation area, landscaping, etc. The site plan demonstrates that when developed for events, that approximately 15-20 acres of the property will still be available for farming, specifically viticulture.
2. **Shape:** The shape of the subject property is rectangular. This shape does not present any particular limitation to the proposed use of the site based on the submitted site plan.
3. **Topography:** The subject property is relatively flat and thus topography does not appear to be a limiting factor.
4. **Location, area:** The site is located on S Central Point road, a minor arterial. Land use here is mixed, but the zoning is relatively ubiquitous Exclusive Farm Use on acreage properties scattered throughout. Staff has not identified any general location issues that would adversely affect the use, although there is a concern of traffic on S Central Point road as mentioned in neighbor comments.



5. Improvements: The subject property is currently developed with a single-family residence and associated accessory structures. There are no improvement issues identified.
6. Natural Features: The property was reviewed for the following:
  - 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.
  - c. Habitat Conservation Areas and Wetlands: There are none of these identified features present on the property.

Summary: The shape, topographic and location characteristics of the property are suitable to accommodate the proposed use and limits future use of the property for farm use. The size of the site is adequate to accommodate the proposed event facility with a primary home.

This criterion can be met as conditioned.

C. **Section 1203.03(C)**: *The proposed use shall be consistent with Subsection 1007.07, concurrency, and safety of the transportation system is adequate to serve the proposed use.*

1. Subsection 1007.07: Transportation Facilities Concurrency
  - a. Subsection 1007.07(A): *“Shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.”*
  - b. Subsection 1007.07(B): *Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:*

**Finding**: Under ZDO Section 1007.07(B)(5) conditional uses to host events are exempt from the concurrency requirements. This criterion is not applicable.

2 Safety:

- a. Subsection 1007.02(D): *“Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:*
  - i. *No planting, signing, or fencing shall be permitted which restricts motorists’ vision; and*

- ii. *Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.”*

**Finding:** Staff notes that concurrency only applies as used in Subsection 1007.07(B), (and) adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS). That does not speak directly to safety considerations, only an analysis of the amount of vehicle traffic. Ultimately, conditional use applications are an analysis of expected impacts, nuisances, and safety considerations that arise as a result of a new use that is not allowed by right.

Staff notes that there is nothing in the record provided by the applicant that demonstrates how safety which is not a specific concurrency requirement is adequately addressed. There is also no objective information in the record about how the proposed use will handle traffic management, how the use of one small easement road for 300 guests a day will be adequately accommodated, maintained, and utilized. There is also nothing in the record about and the true expected traffic generation only general assumptions not based on International Traffic Engineering standards.

All of this material could be analyzed by a simplified traffic analysis which could provide objective information about how the proposed use may impact the transportation network and what measures could be implemented to reduce impacts. Planning staff believe that a ‘traffic analysis letter’ or similar submittal would allow the Hearings Officer to better objectively analyze the proposed use more fairly.

*The following comments in these findings are from Ken Kent, DTD Engineering related to this proposal.*

The Condition a Use criteria under ZDO Section 1203.03(c) requires that there is adequate transportation capacity, per ZDO Section 1007.09, and that the safety of the transportation system is adequate to serve the proposed event hosting use. Under ZDO Section 1007.07(B)(5), conditional uses to host events are exempt from the concurrency requirements. As conditioned, the driveway serving the event hosting site will meet safety standards, including an adequate driveway approach, and adequate intersection sight distance.

1. 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.
2. S Central Point Road is classified as a minor arterial roadway. Clackamas County has adopted roadway standards that pertain to the structural section, construction

characteristics, minimum required right-of-way widths and access standards for arterial roads. S Central Point Road is located within a 60-foot wide public right-of-way, with an improved width of approximately 20 feet.

3. It is recognized that events such as weddings generate a larger number of vehicles on days when an event occurs than are typically on the roadway. The applicant is proposing a maximum of 300 guests for any event, but does not indicate the number of events. Based on the limited number of annual trips generated by the event use, the existing right-of-way and roadway are adequate to support the proposed event use.
  4. Access is limited on arterial roadways, with access required from the lower functional classification roadway, when available, per Roadway Standards Section 220.4(a). The proposed access for the event site is proposed from S Central Point Road, consistent with access standards. There is a driveway approach that was recently constructed on S Central Point Road at the east flag pole frontage of the property without an Entrance Permit. Based on access standards for collector roadways, the driveway is not permitted on the S Central Point Road frontage and will require closure.
  5. The proposed driveway is located adjacent to the south property line of the site, and is located within an off-site existing shared access easement that currently serves two dwellings. The applicant has provided written notice from the neighbors indicating their intent to grant access to the existing shared access to serve the proposed event site. The applicant will be required to improve the event driveway to current standards, including paving the first 20 feet from the edge of S Central Point Road at a minimum width of 20 feet, per Roadway Standards Drawing D500. Beyond the paved approach, the applicant will be required to provide a minimum 20-foot wide gravel road to the event parking area, consistent with Roadway Standards Drawing R100.
  6. S Central Point Road does not have a posted for speed limit and is therefore governed by the Basic Rule which allows speeds up to 55 miles per hour. Based on Roadway Standards Section 240, a minimum of 610 feet of intersection sight distance is required. Adequate sight distance appears to be feasible at the proposed access point on S Central Point Road with vegetation clearing.
  7. ZDO Section 806.02(K) requires event sites to provide parking in accordance with ZDO Section 1015. Based on this criterion, the applicant will be required to provide adequate on-site circulation for the parking and maneuvering of all vehicles anticipated to use the site. For uses located within the Urban Growth Boundary, parking and maneuvering areas require a paved surface, as specified by ZDO Section 1015.01(A). Based on three passengers per vehicle, a minimum of 105 parking spaces is required. The preliminary parking plan proposes construction of a parking area with 104 parking spaces. Based on the preliminary site plan, it appears that adequate circulation and parking can be provided, with the recommended conditions of approval.
- D. **Section 1203.03(D):** *“The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.”*

**Finding:**

1. The property is located in the EFU zoning district northeast of the City of Canby. Land Use pattern in the area can be described as mixed rural/resource use on acreage properties of various sizes.

The primary uses allowed in the EFU zoning district are listed in Table 401-1 and these listed uses are generally farm and forest activities.

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, e.g. farm and forest activities. Note that this criterion is modified by Section 806 (Home Occupation to Host Events) to require consideration of impacts on residential uses, as well.

2. This proposal involves a use that under the EFU zoning district is allowed through the conditional use process. Applicant indicated that the proposed use will not impact the surrounding properties since the applicant will be complying with requirements and that the use will have a minimal impacts

**VEHICLE TRAFFIC**

Unfortunately, there is minimal discussion identifying what the impacts are from having up to 300 guests visit the property on a daily basis. The applicant also failed to explain how traffic impacts would be mitigated. The applicant indicates that the on-site parking provided will reduce impacts to traffic, noise, water supply, or accepted farm and forest practices. It is clearly evident from visual analysis of the surrounding area, including nearby properties within a mile, that there are active farm uses in the near vicinity. The applicant's letter from the water rights examiner confirms this assertion. Staff does note that the applicant has established a vineyard at the subject site (Tax Lot 300), according to comments in the record, that vineyard is relatively new; regardless, there is a goal to produce grapes and by extension, wine in some capacity on the site which is a farm use.

Staff anticipate that the addition of large amounts of vehicles on that road could preclude the road from being used by the farmers when a wedding, event, tasting or similar situation is convening or letting out, especially if this is a daily occurrence as described by the applicant as a potential. Therefore, it could impact those acreages of farm land by limiting access, the movement of farm products, or the application of pesticides and fertilizers and other acceptable farming uses and management. The applicant does not address the use of S Central Point, or the farms that utilize that road in a material manner.

Neighbors have also expressed concern for using the private access easement located on TL 00305 for the primary access to the wine tasting event space, stating that the amount of new vehicles to access the easement would be problematic at best for users of the easement drive. Staff notes that the applicant has provided a document with signatures of the users of the easement road, staff could not verify the

extent of what the signatures mean in relation to understanding the use of the easement road with the proposed event venue. Staff notes that the applicant has not supplied a copy of easement language. While being a private agreement between multiple parties for access, consideration for maintenance and appropriate access of the road is an important consideration.

There is no indication that vegetative screening or traffic management would be used to reduce impacts to the surrounding properties from the vehicle headlights, the vehicle noise, or the traffic from the vehicles. Vegetative screening is shown on the site plan surrounding the proposed event venue structure but is minimal and no consistent or thorough plan is proposed. For example, on similar scale projects that are required to go through design review (different process but similar impact evaluation) a landscape plan is required which includes screening and buffering – none of that is proposed or shown with this application. The applicant could significantly bolster the application by simply providing a well-conceived landscaping plan that seeks to minimize visual, sound, dust and other impacts from the proposed venue. Staff finds that simply stating that the plan is to plant Leyland cypress in a row around the proposed structure is insufficient.

Therefore, there is no evidence that this use won't impact the neighborhood significantly from the addition of vehicle trips and people to the subject property. There is just a statement stating generally, that the proposed use will not have any significant impacts.

### NOISE

The applicant indicates that “noise associated with the proposed events is not estimated to exceed 50dB and that a noise monitoring system will be installed to let the owner know if noise exceeds that threshold’. There is no management plan associated with this, no indication of the equipment to be used, no specific hours of operation are indicated in the submission beyond stating that it will start to close down around 930PM. There is reference to an automatic light and sound detection system that is set for 10PM other than that there is no specific plans for hours or days of operation for this equipment and no detail about the type of events to be held at the site. There are also no spec sheets or practical information demonstrating how this would work in practice.

A normal conversation in a restaurant setting is approximately 60dB according to the IAC Acoustics Comparative Examples of Noise Levels. Therefore, 300 people conversing without music will likely exceed the 50dB indicated in the application. Most events, such as weddings, picnics, reunions, and others include music and thus it is anticipated that there will be additional noise above the noise from conversation. How far that noise will travel is unknown without a noise study.

**A noise study and a simplified traffic impact analysis are two conditions that could be placed on the application, if approved, to ensure the noise and traffic meet the requirements of Section 806 and 1203. Staff suggest that the applicant**

**provide these sets of information so that it can be ensured that impacts identified can be reasonably mitigated. Without this information, it is not possible to make findings related to general impacts to the surrounding area for both farm/forest uses and residential uses because there is no baseline and no specific information to understand pre and post conditions.**

#### LIGHTING

The applicant provided no lighting study, but did state “No lighting will be directed skyward and appropriate shielding will be utilized to prevent light from leaving the boundaries of the site.” Again, the applicant states that an automated system will warn visitors at 930PM that the lights will turn off at 10PM. There is no management plan, no details or other information to support this assertion. For example, what would occur if the guests decide not to leave when the lights turn off, how safety issues would be considered, what happens if the owner/operator is not present during this time.

#### WATER

Water impacts are not discussed in detail by the applicant; however, a letter was submitted with application materials from a certified water rights examiner that appears to demonstrate the ability to obtain a commercial water rights exemption but there is no evidence of approval from the Oregon Water Resources Department or regional water master. This could be made a condition of approval.

#### FINDING OF IMPACTS

The evidence discussed above indicates that the full impact of the events with 300 guests was not addressed in the application and that frequency of large events could force a significant change in accepted residential, farm, or forest practices on surrounding lands. The applicant has not met the burden of proof by providing objective evidence into the record that demonstrates this. Staff notes that typically a thoroughly prepared conditional use proposal of this scope and magnitude should ideally include, an operations and management plan, lighting plan, landscaping plan, traffic analysis/management plan and noise study which would provide more objective detail about potential impacts and then how the proposal could reduce impacts to neighbors and the surrounding area.

Staff finds that based on the evidence provided in the application, these criterion are not met.

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

#### **Finding:**

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

The applicant provided the following response:

*“In the future, we plan to expand the vineyard by planting more grapevines to increase production and create more jobs and business opportunities in the area. Our goal is to connect more with the local community and local businesses, providing customers with a farm-to-table experience close to the city.”*

The applicant appears to be in the process of establishing a vineyard and associated wine tasting space. The statement above does generally address policy 4NN.2.

*Agricultural policies from Chapter 4 of the Comprehensive Plan include:*

*4.NN Agriculture Policies*

*4.NN.1 The following areas shall be designated Agriculture:*

*4.NN.1.1 Areas with predominantly Class I through IV agricultural soil as defined by the United States Natural Resources Conservation Service or identified as agricultural soil by more detailed data;*

*4.NN.1.2 Areas generally in parcels of 20 acres or larger;*

*4.NN.1.3 Areas primarily in agricultural use;*

*4.NN.1.4 Areas necessary to permit farming practices on adjacent lands or necessary to prevent conflicts with the continuation of agricultural uses;*

*4.NN.1.5 Other areas in soil classes different from NRCS I through IV when the land is suitable for farm use as defined in Oregon Revised Statutes 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farm practices.*

*4.NN.2 Agriculturally related industries shall be encouraged.*

*4.NN.3 Land uses that conflict with agricultural uses shall not be allowed.*

There is the potential for this proposed Conditional Use to host events with 300 guests on a daily basis, to conflict with agricultural uses in the area. The applicant has not fully addressed this section of the code and therefore the applicant has not demonstrated the burden of proof that they will not force significant change on accepted farm and forest practices in the area and that the proposed use will not have significant impacts on associated residential uses adjoining the subject site.

**2 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 #4. As conditioned, this proposal satisfies applicable portions of Chapter 5 of the Plan.

Planning Staff refers to comments submitted from Traffic Engineering, Exhibit 4. As noted, this section can be satisfied as conditioned.

This criterion is not met for the agricultural goals or land use, but could be met for the transportation related goals as conditioned.

- F. **Section 1203.03(F)**: *The proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the 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 1002.03(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.*

**Finding:** There are no areas of trees on the site or within the proposed development area; these criteria are not applicable.

2. **Section 1005.03, 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.

Staff notes that commercial development is subject to this section although its extent is limited in an EFU district. Regardless, the applicant's proposal as it relates to the construction of the new structure and the associated site design appear to meet the standards wi

a. **Subsection 1005.04, Outdoor Lighting:**

1. **Subsection 1005.04(A), Outdoor lighting devices:**



A. *Outdoor lighting devices:*

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

**Finding:** Applicant discussed lighting, in reference to ZDO 806 and states “Any lighting proposed with the events shall comply with Section 1005.04(A).”

Staff finds these standards of Section 1005 can be satisfied as conditioned.

3. Section 1006, UTILITIES, STREET LIGHTS, WATER SUPPLY, SEWAGE DISPOSAL, SURFACE WATER MANAGEMENT, AND EROSION CONTROL:

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

*1006.01A. The location, design, installation, and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site consistent with the rules and regulations of the surface water management regulatory authority*

**Finding:** In this location the surface water management regulatory entity is the Clackamas County Transportation and Engineering Division that indicated in the preliminary statement of feasibility dated 02/27/24 that adequate surface water management is possible at this site.

Subsection 1006.03 – Water Supply Standards Inside The Portland Metropolitan Urban Growth Boundary..

E. The following standards apply outside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village:

**Finding:** The site is not within the Portland Metropolitan Urban Growth Boundary and is served by an existing on-site well and the applicant indicates the well will not be used for the events. The site is not within a groundwater limited area. The applicant provided a

letter from a certified water resources examiner that states, that there should be no reason to provide a hydrologic review as required by ZDO 1006.03.E.2 and 3. The letter also states that there was recently approved water rights nearby that allowed for large quantities of groundwater usage.

While it seems possible that the applicant could meet those standards, they have not affirmatively done so regardless of the submitted letter. The applicant will need to demonstrate to the County's satisfaction that 1006.03.E.2 and 3 are met should this application be approved.

This criterion can be met as conditioned.

Section 1006.04 Sanitary Sewer Service And 1006.05 Onsite Wastewater Treatment

*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.*

**Finding:** The subject property is not located in a public sanitary sewer district. The site is served by an existing on-site septic system and the applicant indicates it will not be used for the events. The applicant has received approval for a new septic system under SE035224 from the Clackamas County Soils department to be used for the proposed event facility.

Should this application gain approval, the applicant will be required to meet all septic installation requirements as a condition of approval.

Subsection 1006.06 - Surface Water Management Standards:

- The following surface water management and erosion control standards apply:*
- A. Positive drainage and adequate conveyance of surface water shall be provided from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point.*
  - B. The requirements of the surface water management regulatory authority apply. If the County is the surface water management regulatory authority, the surface water management requirements of the Clackamas County Roadway Standards apply.*
  - C. Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.*
    - 1. The surface water management regulatory authority may require a preliminary surface water management plan and report, natural resource*

*assessment, and buffer analysis prior to signing the preliminary statement of feasibility.*

2. *The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.*

**Finding:** DTD Engineering is the surface water authority in the area and signed off on the Statement of Feasibility, indicating it is feasible for the proposal.

Therefore, even though a surface water management plan has not been included in this application, staff find that it is feasible for this criterion to be met as conditioned.

4. Section 1007, Roads and Connectivity:

Subsection 1007.01 – General Provisions:

*A. The location, alignment, design, grade, width, and capacity of all roads shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.*

*B. Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, detached singlefamily dwellings, and commercial, industrial, and institutional uses, consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.*

**Finding:** Based on vehicular trips to the project site as well as on-site parking and circulation, Transportation and Engineering staff finds: The Conditional/ Use criteria under ZDO Section 1203.03(c) requires that there is adequate transportation capacity, per ZDO Section 1007.09, and that the safety of the transportation system is adequate to serve the proposed event hosting use. Under ZDO Section 1007.07(B)(5), conditional uses to host events are exempt from the concurrency requirements. Planning staff note that despite, this exemption from concurrency, there still needs to be an objective analysis of the proposed use and information that demonstrates that the safety of the transportation system is adequate. There needs to be some concrete and objective evidence provided by the applicant that demonstrates this affirmatively.

Planning staff believe it is insufficient to simply state that because there is no concurrency requirement that we can make a determination about the transportation system's ability to **safely** accommodate the proposed use.

As conditioned, the driveway serving the event hosting site will meet safety standards, including an adequate driveway approach, and adequate intersection sight distance.

This criterion can be met with conditions.

#### 4. Section 1010 Standards, Signs:

**Finding:** The applicant states temporary signage for the use will meet this section.

The standards of Section 1010 can be met as conditioned.

#### 5. Section 1015, Parking and Loading

*1015.01(B). Outside the UGB, areas used for parking, loading, and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage*

**Finding:** ZDO Section 1015 requires adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the site. DTD Transportation and Engineering regulates surface water management as well as the Roadway Standards.

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 300 guests a minimum of 100-spaces shall be provided for guests. An additional space shall be provided for each employee. No more than five employees are allowed as part of the Home Occupation to Host Events and the applicant is showing 128 parking spaces. Therefore, the proposed 128 spaces exceed the required 105 parking spaces. 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. Applicant shows main parking area for those events with 300 guests.

Planning staff notes that because much of the parking area will be gravel and not paved, there is potential for dust trespass from the parking area. Up to 300 guests on a daily basis could produce considerable amounts of dust and erosion within the parking area. The applicant has not provided any information about how to mitigate dust and erosion impacts from the possible heavy use of a graveled parking area.

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. ZDO 806.02(k)(2) allows the use of hardy grass or other soft surfaces for parking with consideration of season, duration and intensity of use as long as the parking is a minimum of 200 feet in length from the interior edge of the county road. The parking plan included on the site plan indicates parking that is closer than 200 feet from the edge of a county road. Therefore,

this distance requirement must be reviewed as part of the Development Permit if the use is approved.

This criterion can be met as conditioned.

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.

**Finding:** Applicant does not provide detail relative to this criterion, but states “Will ensure a safe, efficient and convenient location for waste and recycling” Typically for hosting events operations either the property owner or the individual event participants deal with trash and recycling. Typically, the local trash/recycling purveyor does not provide commercial service in an area not zoned for such use. Therefore, clarity on the existence of a trash service is needed before a trash enclosure can be found to meet the criteria. If approved, a condition should be added to have operator successfully address applicable portions of Section 1021.

This criterion can be met as conditioned.

**Summary: The applicant can comply with most required sections listed under Section 1000 as conditioned.**

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### **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 401– EFU, Exclusive Farm Use Zone. Table 407-1 lists “*Home Occupation to Host Events, subject to Section 806*”. The application is also subject to 401.05(A)(1). The applicant is proposing to host events on site.

**The minimum yard depths in the EFU zone are a minimum of:**

30 feet from the front property line

10 feet from the side property lines

30 feet from the rear property line for accessory structures

This criterion is met as shown.

- B. 401.05 APPROVAL CRITERIA FOR SPECIFIC USES

The following criteria apply to some of the uses listed in Table 401-1, Permitted Uses in the EFU District. The applicability of a specific criterion to a listed use is established by Table 401-1.

A. General Criteria

1. Uses may be approved only where such uses:

- a. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- b. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use

**Finding:** As noted elsewhere, there the application did not provide enough evidence that indicates that the hosting of events with 300 guests will not significantly change farm and forest practices. Additionally, there was not sufficient evidence provided by the applicant that the use will not significantly increase the cost of accepted farm or forest practices on surrounding lands.

Therefore, staff finds this criterion is not met.

C. Section 806, Home Occupations to Host Events

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 specific issues.*

Applicable portions of Section 806:

- a. The event operator shall reside full-time in a lawfully established dwelling unit on the tract on which the home occupation is located.

**Finding:** The subject contains a lawfully established dwelling. Applicant states they will be full-time residents in the dwelling. This criterion can be met as conditioned.

- b. 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."*

**Finding:** The applicant does not explicitly state that there will be no more than five employees on-site at any point in time. Regardless, this criterion can be met as conditioned.

- c. Types of Buildings: In the EFU....District, the home occupation shall be operated substantially in the operator's dwelling or other buildings normally associated with uses permitted in the applicable zoning district.

**Finding:** Staff notes that Tax Lot 300 and 305) appear to be one legal lot of record and not separate legal lots despite being separate tax lots. This has implications for allowed accessory structures – which makes it acceptable to place an accessory structure on tax lot 305 because that is combined with tax lot 300 which has a primary established dwelling.

Staff notes that customary and acceptable buildings allowed in the EFU zoning district typically include dwellings, shops, agricultural buildings and similar structures. In the past, commercial operations with vineyards were not as common as they are today. It is reasonable to conclude that a tasting room associated with a vineyard is normally associated with permitted uses in the EFU district. State law has increasingly allowed for cider facilities, breweries, wine tasting, or a farming associated structure with farming products to be permitted on EFU land.

- d. Impacts on Dwellings: In the ....EFU District, the evaluation of compliance with Subsection 1203.03(D) shall include consideration of impacts on dwellings even though dwellings are not primary uses in these zoning districts.

**Finding:** The applicant states that there will be minimal impacts given the acreage and mitigation measures proposed in the application. Staff does not find that there is enough objective evidence to support that claim. Neighbors are concerned about potential traffic and noise impacts related to the event venue, and without objective evidence in the record in the form of a noise study, photometric, traffic analysis or an operations and management plan, the applicant's statement is insufficient to conclude that impacts have been sufficiently 'considered' or evaluated.

This criteria is not met; however, it could be conditioned should this application gain approval.

- e. Hours of Operation: Section 806 provides criteria here, and applicant states they will comply.

**Finding:** Application as proposed meets these limitations. This criterion can be met as conditioned.

- f. Frequency of Events: A maximum of two events shall be allowed per day, and no more than one event shall occur at any one time. During the months of November through March, no more than five events shall be allowed per week. During the months of April through October, no more than seven events shall be allowed per week.

**Finding:** Applicant proposes up to one event a day with a maximum of 300 guests. This criterion can be met as conditioned.

- g. Guests: The maximum number of guests for any single event is 300. However, to the extent necessary to comply with Subsection 1203.03, a lower limit may be imposed based on site capacity constraints.

**Finding:** The maximum number of guests for any single event shall not exceed 300. This criterion is met as proposed through this application.

- h. Lighting: All lighting used during events shall comply with Subsection 1005.04(A). All lighting used during events shall be arranged and shielded so as not to shine onto adjacent properties or rights-of-way.

**Finding:** Lighting is addressed above. This criterion can be met as conditioned.

- i. Noise: 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

**Finding:** Noise is addressed above. This criterion may be met depending on the results of a noise study. Staff find it is feasible for this criterion to be met as conditioned.

- j. Parking: 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.

**Finding:** Discussions related to parking is discussed in detail above and can be met as conditioned. A traffic management plan and parking plan would bolster the application.

I. 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.

**Finding:** As mentioned above, the applicant has preliminary approval for a new septic system to serve the proposed use under County File SE035224. The applicant would be required to install this system to county standards, these criteria can be met as conditioned.

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

**Finding:** The applicant states they will comply with these requirements. As conditioned this criterion is met.

- q. 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.

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

**Summary of findings:** The application is deficient in evidence demonstrating how the proposed use will not be a significant impact on neighboring properties and the ability to conduct farm and forest practices and associated residential uses as well as impacts related to noise, light, traffic and other nuisances associated with a relatively large event venue. It is possible through the provision of additional information and evidence to demonstrate that impacts could be minimal and/or mitigated so that both the venue could be constructed and operate and so that neighboring farming and residential uses impacts are reduced.

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### **SECTION 3 – IF APPROVED, RECOMMENDED CONDITIONS OF APPROVAL**

If this application is approved, staff recommends the approval be subject to the following conditions:

#### **I. General Conditions:**

- 1) This land use permit is based on the submitted written narrative and plan(s) dated 3/21/24, and subsequent submissions. The application was deemed complete on 8/19/24. The applicant submitted additional information including the narrative and site plan submitted on 8/19/24 and 12/5/24. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the 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 Wendi Coryell at (503) 742-4710 or at [wendicor@co.clackamas.or.us](mailto:wendicor@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 [wendicor@co.clackamas.or.us](mailto:wendicor@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, or a change of use for the 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.

**II. Planning and Zoning Conditions:** Erik Forsell, [eforsell@clackamas.us](mailto:eforsell@clackamas.us)

- 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 subsection 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 1005.04(A) and (B)] and 806.03(I) shall be located and designed so that it does not shine onto adjacent properties, upwards or right-of-ways. 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 1010.07, 1010.11, 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) An operations and management plan for the business shall be submitted to the County for review. The plan shall detail how the owner/operator plans to address noise, lighting, and traffic concerns. The document should describe how the business will operate, including typical hours of operation, a plan for parking management and traffic for maximum capacity events should be detailed. The plan shall include contact information for the operator so that disputes or concerns can be made directly to the owner.

- 5) A landscaping plan shall be submitted to address ZDO 1009 as applicable and include specific treatments designed to reduce sound and light trespass to adjoining neighbors.
- 6) The applicant shall record a deed restriction preventing the owner and successor's in interest for suing adjoining properties for acceptable farm and forest management operations as protected by Oregon Revised Statute.
- 7) The applicant shall provide a copy of the recorded private access easement providing access to the subject site. The easement shall affirmatively demonstrate that access is allowed to Tax Lot 305 and if maintenance responsibilities are states how the applicant plans to address those.

**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. Applicant shall work with County's Sustainability and Solid Waste staff to finalize plans that comply with design standards and a copy of those plans shall be provided to the Planning and Zoning Division for the Z0367-23 file. Detailed information, including ZDO 1021, is available on the county web site [www.co.clackamas.or.us](http://www.co.clackamas.or.us) under "Garbage & Recycling."

**Prior to final occupancy permit issuance:** The applicant shall obtain all County Health Department Licenses and comply with County Health Department regulations.

**Prior to final occupancy permit issuance:** The applicant shall obtain any applicable OLCC Licenses and comply with OLCC regulations.

- 1) The operator of the home occupation, Christian Strava, shall be a resident of the property on which the home occupation is located.
- 2) The home occupation shall have no more than five full-time or part-time employees on site.
- 3) 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.
- 4) No more than seven events shall be allowed per week as proposed in the application.
- 5) A maximum of 365 events annually shall be allowed (based information submitted by applicant.)
- 6) The maximum number of guests shall not exceed 300.

**Prior to final occupancy permit issuance** A noise study shall be conducted and provide for the file pursuant to 806.02(J)(2) to demonstrate compliance with Subsection 806.02(J)(1) including:

- 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.

**Prior to final occupancy permit issuance** The applicant shall provide documentation from the Clackamas County Water Master that the exempt well can be used for the commercial purposes of hosting events pursuant to Subsection 1006.05. Alternatively, the applicant can provide evidence, such as a contract for an alternative water source.

**III. Engineering Division Conditions:** Ken Kent, (503) 742-4673 [kenken@clackamas.us](mailto:kenken@clackamas.us)

The following items are project requirements from the Department of Transportation and Development's Development Engineering Division. These conditions of approval are not intended to include every engineering requirement necessary for the successful completion of this project, but are provided to illustrate to the applicant specific details regarding the required improvements that may prove helpful in determining the cost and scope of the project. These conditions are based upon the requirements detailed in the County's Comprehensive Plan (Comp Plan), the County's Zoning and Development Ordinance (ZDO) and the County's Site Development and Roadway Construction Standards (Roadway Standards). Additional requirements beyond those stated in the conditions of approval may be required. The applicant may discuss the requirements of the project with staff at any time.

The requirements specifically required by the Comp Plan and the ZDO cannot be modified by the Development Engineering Division. However, the requirements detailed in these conditions of approval, derived from the Roadway Standards, are based upon nationally accepted standards and engineering judgment and may be modified pursuant to Section 170 of the Roadway Standards. The applicant is required to provide sufficient justification to staff in the request. Staff shall determine if a modification is warranted.

**Development Engineering recommended conditions of approval:**

- 1) All frontage improvements in, or adjacent to Clackamas County right-of-way, and all on-site access improvements, 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. The required access and parking improvements shall be completed prior to initiation of event hosting.

- 3) The driveway approach on S Central Point Road serving the event site shall be paved to a minimum width of 20 feet and length of 20 feet, per Standard Drawing D500.
- 4) Minimum intersection sight distance of 610 feet shall be provided at the proposed driveway serving the event site on S Central Point Road. Intersection sight distance shall 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.
- 5) The applicant shall provide adequate on site circulation for the parking and maneuvering of all vehicles anticipated to use the site, as follows:
  - a) Parking spaces and drive aisles shall meet that standards of *ZDO* Section 1015 and Roadway Standards Drawings P100/P200. Each parking space will be required to meet minimum width and length of 8.5 feet by 16 feet, with a 24 foot drive aisle width.
  - b) The main access road providing access the event facility site shall be paved and no less than 20 feet in width. Access drives and parking areas shall be constructed per Standard Drawing R100.
  - c) Parking spaces shall be adequately delineated with striping. The applicant shall provide a dimensioned site plan indicating each parking space and drive aisles.
  - d) 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.
  - e) 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.
- 6) 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 Clackamas Fire District #1 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.

- iii) 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.

**IV. Canby Fire ADVISORY Conditions, 503-263-4281**

The applicant shall meet all applicable fire requirements as necessitated by the development. Refer to attached **advisory conditions.**