

**BEFORE THE LAND USE HEARINGS OFFICER  
OF CLACKAMAS COUNTY, OREGON**

Regarding an appeal of a planning director decision            )    **FINAL ORDER**  
denying an application to operate a forest labor camp on        )      
a TBR zoned parcel north of Hwy 26, east of SE McCabe        )    **Casefile Z0033-24**  
Road, in unincorporated Clackamas County, Oregon            )    **(Forest Labor Camp)**

**A. SUBJECT**

1. On February 6, 2024, John Rodrigues (the “applicant”), filed an application for approval to operate a Temporary Forest Labor Camp, including the establishment of dwellings for six volunteer laborers, on an 11.6 acre parcel located north of Highway 26, roughly 500 feet east of SE McCabe Road, known as Tax Lots 600 and 700, Section 27B, Township 2 South, Range 5 East of the Willamette Meridian (the “site”). The site and most abutting properties to the north, east, and west are zoned TBR (Timber). The property abutting the southwest corner of the site is zoned EFU (Exclusive Farm Use). Properties to the south, across Highway 26, are zoned FF-10 (Farm Forest, ten-acre minimum lot size). The applicant proposed that the forest labor camp volunteers would remove debris and slash from previous timber operation, selectively harvest tree species to preserve mature trees while fostering biodiversity, manage invasive species, harvest forest products such as mushrooms, and replant the site. The applicant further proposed that the volunteers would “engage in education and outreach initiatives to instill a culture of environmental stewardship within the local community, while also conducting scientific research projects to deepen our understanding of forest dynamics.” (Exhibit 2f at 4). The volunteers would reside on the site in order to perform these activities over time.

2. On May 1, 2024, the planning director (the “director”) issued a written decision denying the application. (Exhibit 1). The applicant filed a written appeal of the director’s decision on May 13, 2024. (Exhibit 5).

3. Clackamas County Land Use Hearings Officer Joe Turner held a duly noticed public hearing on July 25, 2024, to receive public testimony and evidence regarding the appeal. County staff recommended that the hearings officer deny the appeal and affirm the director’s decision denying the application. The applicant testified orally in support of the project and the appeal. No one else testified orally or in writing. Principal contested issues in the case include the following:

a. Whether the County has the authority to require a Type II application for approval of a temporary forest labor camp;

b. Whether the owner of the property authorized the applicant to act as their agent and submit the application on their behalf, as required by Section 1307.07(A)(3) of the Clackamas County Zoning and Development Ordinance (ZDO);

c. Whether the application included the property owner's name and contact information as required by ZDO 1307.07(C)(1)(i); and

d. Whether the proposed use constitutes a "temporary forest labor camp" allowed by ZDO 406.04.

4. The hearings officer concludes the applicant failed to sustain the burden of proof that the proposed use does or can comply with the applicable application and approval criteria of the ZDO. Therefore the hearings officer denies the appeal, upholds the planning director's decision, and denies the application, based on the findings and conclusions adopted or incorporated herein.

## **B. HEARING AND RECORD**

1. The hearings officer received testimony at the public hearing about the appeal on July 25, 2024. All exhibits and records of testimony have been filed with the Planning Division, Clackamas County Department of Transportation and Development. At the beginning of the hearing, the hearings officer made the statement required by ORS 197.763 and disclaimed any *ex parte* contacts, bias, or conflicts of interest. The following is a summary by the hearings officer of selected testimony offered at the public hearing.

2. County planner Joy Fields summarized the director's decision and her PowerPoint presentation, Exhibit 9.

a. She noted that the site is zoned TBR and is largely forested. Based on Oregon Department of Forestry (ODF) records, the last commercial timber harvest on the site occurred sometime prior to 1995; the ODF has no records for the site, but it does not keep harvest records prior to 1995. The site was not replanted after the last harvest, but it has regenerated naturally, filling in with red alder trees, which is a commercial tree species. Therefore, the site meets the stocking requirement to qualify as forest land.

b. The applicant proposed to establish a Temporary Forest Labor Camp to house volunteers who would conduct forest practice activities on the site. The proposed activities include removing debris and slash from previous timber operation, selectively harvesting tree species to preserve mature trees, managing invasive species, harvesting forest products such as mushrooms, and replanting the site.

i. The applicant also proposed that the volunteers would conduct scientific research on the site. However, research for forest management and experimentation is only allowed as a conditional use in the TBR zone. The applicant did not request approval of a conditional use permit (CUP). Therefore, that part of the use was not considered in the director's decision.

c. The planning director denied the application, finding that the applicant failed to prove that the proposed use complies with ZDO 406.04 and 1307.07(A) and (C).

d. ZDO 406.04 allows temporary forest labor camps for a period not to exceed one year. ZDO 406.03 defines "Forest Operation" as "Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6)." ORS527.620(6) provides:

"Forest practice" means any operation conducted on or pertaining to forestland, including but not limited to:

- (a) Reforestation of forestland;
- (b) Road construction and maintenance;
- (c) Harvesting of forest tree species;
- (d) Application of chemicals;
- (e) Disposal of slash; and
- (f) Removal of woody biomass.;

i. A temporary forest labor camp must be associated with a current forest operation or forest practice activity. Absent current forest operations or practices there is no need for a labor camp as trees will continue to grow without maintenance or supervision.

ii. There is no evidence of any current commercial forest operations or practices occurring on the site that would warrant establishment of a forest labor camp. Thinning, removing slash, maintaining roads, and similar activities can occur without housing unless such activities are being undertaken on an intensive basis. But such intensive activities will only occur for limited periods of time. Therefore, the County requires that applicants for a forest labor camp provide a detailed plan and schedule outlining the specific forest operations that residents of the forest labor camp will perform. The applicant did not provide any specific plans or timelines for the volunteers' activities. Therefore, the director concluded that the applicant failed to demonstrate that the residential use on the site would qualify as a forest labor camp, as there is no evidence that the residents of the proposed camp would be engaged in intensive forest operations or practices that would justify a forest labor camp.

e. ZDO 1307.07(A) requires that applications be initiated by the owner of the subject property, a contract purchaser, or an agent of the owner or purchaser. Applications initiated by an agent must be "[d]uly authorized in writing by the owner or the contract purchaser, and accompanied by proof of the agent's authority."

i. County records indicate that Julia S. Rodrigues is the trustee of a property trust referred to as "The Property Trust" that is the current owner of the property, based on a 2001 deed signed by Ms. Rodrigues conveying the property to "The Property Trust". (Exhibit 2a and Exhibit 9 at 9). The initial application (Exhibit 2) did not include any evidence that Ms. Rodrigues or another trustee authorized the applicant to submit the

current application. The applicant subsequently submitted a “Certification of Limited Agent of Trust” (the Certification) authorizing “Stephen Jones & John Rodrigues” to act as “[l]imited contact agents for this matter...” The Certification was “signed” with an X. (Exhibit 2b). However, the “signature” (an X) on the Certification did not match the signature on the deed and the Certification did not include the name or contact information for the person who signed the Certification nor any evidence that the signatory is a trustee of the “The Property Trust” that owns the site. Therefore, staff could not verify that the property owner authorized the applicant to submit the application.

3. The applicant, John Rodrigues, appeared on his own behalf.

a. He argued that the proposed Temporary Forest Labor Camp is listed as a permitted use in Oregon Administrative Rule (OAR) 660-006-0025(3)(1). Therefore, the use is not subject to County approval, citing *Brentmar v. Jackson County*, 321 Or. 481, 900 P.2d 1030 (1995), and he was not required to submit this application.

i. The proposed forest labor camp is similar to a farm labor camp, which the County is prohibited from regulating under the court’s holding in *Brentmar*. ORS 215.283(1)(b) authorizes “The propagation or harvesting of a forest product.” It is within his sole discretion to determine what is necessary to propagate and harvest a forest product.

ii. He is engaging in forest practices or operations and he needs temporary structures that are auxiliary to his forest practices or operations. These activities are listed as permitted uses in ZDO Table 406-1 and no application or County approval is required for these uses.

iii. He is conducting forest practices on the site. The fact that the state forester was unable to find documentation that these practices occurred does not make it a fact that the forest practices did not occur.

(A) He obtained a permit from the ODF to burn slash on the site in March 2024. (Exhibit 6 at 2). However, the people working on the site chose not to burn the slash piles. They distributed and burned the slash in smaller piles that are exempt from the ODF’s permit requirements. The smaller distributed piles allowed the resulting ash to be spread throughout the site, which benefited the vegetation and reduced the risk of wildfire on the site.

(B) He harvested three acres of the site and obtained a permit to burn the resulting slash in 2009. (Exhibit 6 at 33). The recreational vehicles on the site are parked on the edge of the harvested area and future forest operations will proceed into the site from that area.

b. He argued that the County Code Enforcement division required him to submit this application in order to avoid fines as the volunteers are currently residing on

the site. However, the County had no authority to pursue an enforcement action against him, because he is operating a permitted forest labor camp.

c. He is a certified agent of the “The Property Trust”. Julia Rodrigues (aka Julia Duncan) passed away and is no longer the trustee. A successor trustee for “The Property Trust” signed the “Certification of Limited Agent of Trust.” (Exhibit 2b at 1). He took the trustee to a notary in Arizona and they identified themselves as the trustee of the owner of the subject property and signed the “Certification of Limited Agent of Trust” form with an X. The trustee is unwilling to identify themselves or provide their contact information as they are concerned that they will be harassed. The trustee identified themselves to the notary and the notary documented that information in their notary log.

d. He is not continuously conducting commercial forest operations on the site. Most of the time the trees on the site are growing and no forest maintenance activity is required. OAR allows for forest operations *or* forest practices. ZD0 406.04

e. He objected to the County’s system requiring that he submit documents to County staff, rather than directly to the hearings officer.

f. He requested the hearings officer hold the record open until October 15, 2024, to allow him the opportunity to provide additional evidence of his authority to act as the agent of the property owner, “The Property Trust”. He agreed to extend the 150 day clock until December 11, 2024, to accommodate the open record period.

4. At the conclusion of the hearing the hearings officer held the record open until October 15, 2024, to allow all parties the opportunity to submit additional testimony and evidence; for a second period, until October 29, 2024, to allow all parties the opportunity to respond to the new evidence; and for a third period, until November 5, 2024, to allow the applicant to submit a final argument. By email dated July 26, 2024, the applicant agreed to extend the 150-day clock until December 11, 2024. (Exhibit 10).

5. By email dated October 10, 2024, the applicant requested a further extension of the open record period. (Exhibit 11). He also submitted a copy of the Revocable Living Trust Agreement for “The Property Trust” dated October 2, 2001, and a copy of the deed conveying the site to the trust. (*Id*).

6. By email order dated October 20, 2024, the hearings officer agreed to extend the open record period as requested by the applicant provided:

a. The County did not object to the requested extension;

b. The applicant requested a specific open record period and agreed, in writing, to further extend the 150 day clock for that purpose, and that the applicant submit a proposed open record period and 150 day extension by 4:00 pm on Wednesday, October 23, 2024;

c. The hearings officer's emailed open record order further stated that "If Mr. Rodrigues' does not submit such a request and/or extension of the 150 day clock, then the open record schedule set out set out at the end of the hearing on July 25, 2024, will remain in effect."

(Exhibit 12 at 3).

7. The County did not object to the requested extension. (Exhibit 11 at 2).

8. The County forwarded the hearings officer's emailed open record order to the applicant at 8:28 a.m. on October 22, 2024. (Exhibit 11 at 1).

9. The applicant did not request a specific open record period or agree to extend the 150 day clock by the deadline set out in the hearings officer's emailed open record order: 4:00 pm on Wednesday, October 23, 2024. (Exhibit 13). Therefore, the hearings officer issued an Open Record Order dated October 24, 2024, reinstating the open record schedule set out at the conclusion of the hearing on July 25, 2024. (Exhibit 14).

a. The applicant submitted an email dated October 31, 2024, proposing to extend the initial open record period until November 15, 2024, without agreeing to extend the 150-day clock. That email was received after the close of the open record period and was not a final argument as defined by ORS. Therefore, the applicant's email dated October 31, 2024, is not part of the record in this case.

10. Nothing else was submitted during the open record period

### **C. DISCUSSION**

1. ZDO 1305.02(D)(2) authorizes the hearings officer to hear appeals of planning director decisions. Pursuant to ORS 215.416(11)(a), appeals of administrative decisions must be reviewed as a *de novo* matter. The hearings officer is required to conduct an independent review of the record. He is not bound by the prior decision of the planning director and does not defer to that decision in any way. New evidence may be introduced in an appeal, and new issues may be raised. The applicant must carry the burden of proof that the application complies with all applicable approval criteria in light of all relevant substantial evidence in the whole record, including any new evidence.

2. Contrary to the applicant's assertion, the Court's holding in *Brentmar* does not preclude the County from requiring a Type II application for approval of a temporary forest labor camp.

a. The Court in *Brentmar* held that ORS 215.213 and 215.283 create two categories of farm use. Uses listed in ORS 215.213(1) and 215.283(1) are "uses as of right," that the County must allow outright. However, uses listed in ORS 215.213(2) and

215.283(2) are “conditional uses,” that are “subject to approval of the governing body of the county.” *Brentmar* at 321 Or. 496. The *Brentmar* decision was based on the Court’s analysis of the legislative history surrounding the adoption of these statutes relating to farm uses. This case involves analysis of administrative rules governing forest uses, not the statutes at issue in *Brentmar*.

b. OAR 660-006-0025 also creates two categories of use, those that “[s]hall be allowed in forest zones” listed in OAR 660-006-0025(2) and those that “[m]ay be allowed outright on forest lands” listed in OAR 660-006-0025(3). No legislative history associated with the adoption of OAR 660-006-0025 was included in the record for this case. However, the plain meaning of the words of the regulations are clear. The language of OAR 660-006-0025(2) is mandatory, listing uses that “shall” be allowed. The language of OAR 660-006-0025(3) is permissive, listing uses that “may” be allowed. A temporary forest labor camp is a “may be allowed” use listed in OAR 660-006-0025(3). Therefore, the County may, but is not required to, allow this use in forest zones and may impose additional requirements on such uses.

3. Even if the applicant is correct that the proposed forest labor camp is an outright permitted use which is not subject to County review, the applicant failed to demonstrate that the proposed use qualifies as a “forest labor camp” based on the discussion in Section C.6 of this Final Order.

4. The hearings officer finds that the submitted application (Exhibit 2) did not comply with ZDO 1307.07(A), which, in relevant part, require that applications be initiated by the owner of the subject property or the owner’s agent who is “duly authorized in writing by the owner ...and accompanied by proof of the agent’s authority.” (ZDO 1307.07(A)(3)).

a. There is no dispute that the applicant, John Rodrigues, is not the owner of the property that is the subject of the application. The property is owned by a trust, “The Property Trust” and Julia Rodrigues and another unidentified person are the trustees for the trust. (Exhibit 11 at 12). Ms. Rodrigues has passed away and an unidentified successor trustee is now the trustee. (Respondent testimony). The applicant purports to be acting as the agent of “The Property Trust”. Therefore, ZDO 1307.07(A)(3) requires a written statement by the property owner (the trustee for the trust) authorizing the applicant to act as the agent of the trust.

b. The applicant submitted a notarized document titled “Certification of Limited Agent of Trust” stating that [t]he Trustee of ‘The Property Trust’ ...have decided that our official limited contact agents for this matter will be Stephen Jones & John Rodrigues.” (Exhibit 2b at 1). The document refers to “[a] property on Southeast Highway 26, 25E 27B 00600.” The document is signed with an “X”.

c. The applicant testified that the person who appeared before the notary identified themselves to the notary. However, there is no evidence in the record that the

person who appeared before and identified themselves to the notary and signed the Certification is the trustee for the Property Trust that owns the site. The Certification does not identify the person who appeared before the notary nor does it include a statement that the person who signed the Certification is a duly appointed trustee of “The Property Trust” that owns the property. The signature line on the Certification is signed with an X and does not include the name of the person who signed or a statement that they are the trustee of The Property Trust. Therefore, the hearings officer finds that the “Certification of Limited Agent of Trust” is not sufficient to demonstrate that the owner of the property that is the subject of the application, the trustee of “The Property Trust”, authorized Mr. Rodrigues to submit this application on their behalf and the application does not comply with ZDO 1307.07(A)(3).

5. The hearings officer further finds that the submitted application (Exhibit 2) did not comply with ZDO 1307.07(C)(1)(i) which, requires that applications include “The names, mailing addresses, and telephone numbers of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof”. (Underlines added). The application indicates that “The Property Trust” is the owner of the property and the property owner signed the application with an X, but the application does not include the property owner’s name and contact information. Therefore, the hearings officer finds that the application does not comply with ZDO 1307.07(C)(1)(i).

6. ZDO Table 406.04-1 provides that a “Temporary forest labor camp for a period not to exceed one year” may be approved in the TBR zones as a Type II use.

a. ZDO 406.03 provides the following relevant definitions:

A. Auxiliary: A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

...

G. Forest Operation: Any commercial activity relating to the growing or harvesting of any forest tree species as defined in Oregon Revised Statutes 527.620(6).

...

L. Temporary Structures: Onsite structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation, small portable sawmill, small pole



building, etc. Temporary structures are allowed for a period not to exceed one year.

...

b. ORS 527.620 provides the following relevant definitions:

...

- (7) “Forest tree species” means any tree species capable of producing logs, fiber or other wood materials suitable for the production of lumber, sheeting, pulp, firewood or other commercial forest products except trees grown to be Christmas trees as defined in ORS 571.505 on land used solely for the production of Christmas trees.

...

- (13) “Operation” means any commercial activity relating to the establishment, management or harvest of forest tree species except as provided by the following:
- (a) The establishment, management or harvest of Christmas trees, as defined in ORS 571.505, on land used solely for the production of Christmas trees.
  - (b) The establishment, management or harvest of hardwood timber, including but not limited to hybrid cottonwood, that is:
    - (A) Grown on land that has been prepared by intensive cultivation methods and that is cleared of competing vegetation for at least three years after tree planting;
    - (B) Of a species marketable as fiber for inclusion in the furnish for manufacturing paper products;
    - (C) Harvested on a rotation cycle that is 12 or fewer years after planting; and
    - (D) Subject to intensive agricultural practices such as fertilization, cultivation, irrigation, insect control and disease control.
  - (c) The establishment, management or harvest of trees actively farmed or cultured for the production of agricultural tree crops, including nuts, fruits, seeds and nursery stock.
  - (d) The establishment, management or harvest of ornamental, street or park trees within an urbanized area, as that term is defined in ORS 221.010.
  - (e) The management or harvest of juniper species conducted in a unit of less than 120 contiguous acres within a single ownership.

- (f) The establishment or management of trees intended to mitigate the effects of agricultural practices on the environment or fish and wildlife resources, such as trees that are established or managed for windbreaks, riparian filters or shade strips immediately adjacent to actively farmed lands.
- (g) The development of an approved land use change after timber harvest activities have been completed and land use conversion activities have commenced.

c. OAR 660-006-0025(1) provides in relevant part:

In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are:

- (a) Uses related to and in support of forest operations;
- ...

d. The term “temporary forest labor camp” is not defined by the Code or state law. Therefore, the hearings officer must determine the meaning of the term based on the text and context of the provision.

i. The hearings officer finds that the term “temporary” means the use cannot continue for more than one year, as ZDO Table 406.04-1 expressly imposes a one year limit.

ii. The hearings officer finds that the term “forest labor” refers to persons who are participating (laboring) in a Forest Operation as defined by ZDO 406.03. This is consistent with OAR 660-006-0025(1)(a) which authorizes “Uses related to and in support of forest operations.” A forest labor camp must be in support of ongoing forest operations.

iii. The hearings officer relies on the dictionary to determine the plain and ordinary meaning of the term “camp” as authorized by the court holding in *Sarti v. City of Lake Oswego*, 106 Or. App. 594, 597, 809 P.2d 701 (1991). Webster’s dictionary defines “camp” as:

**1a** : a place usually away from urban areas where tents or simple buildings (such as cabins) are erected for shelter or for temporary residence (as for laborers, prisoners, or vacationers)

- migrant labor *camp*
- b** : a group of tents, cabins, or huts  
fishing *camp*s along the river
- c** : a settlement newly sprung up in a lumbering or  
mining region

...

(“Camp.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/camp>. Accessed 13 Nov. 2024).

iv. The hearings officer further finds that any forest operations used to justify a forest labor camp must be sufficiently intensive to require the laborers to reside full-time on the site. As staff noted, the natural growth of trees is a “forest operation” for which no human labor is required and would not justify a forest labor camp.

e. The applicant is proposing a temporary camp. The applicant proposed to allow six volunteers to camp in recreational vehicles placed on the site for a period of up to one year, although he notes that the use may continue for more than one year. (Exhibits 2, 2c, 2f at 5).

f. However, there is no evidence that the volunteer residents of the camp will be involved in “forest labor” as there is no evidence of any current intensive forestry operations occurring on this 11.6 acre site that would warrant full-time work on the site. The applicant proposed that the residents of the camp would “clear away the debris and slash, remnants of past disturbances, without the use of heavy machinery” as well as harvest mushrooms and truffles that grow on the site (Exhibit 2 at 3) and “[t]he encouragement of beneficial microbes and fungi to the forest biome as well as other forest, wildlife habitat and water conservation efforts.” (Exhibit 2c at 1). The applicant further states that:

Volunteers [who are] are engaged in forest practices on the designated property are entrusted with a range of responsibilities aimed at maintaining the ecological integrity and sustainable management of the forest. These activities encompass selective tree removal to preserve mature trees while fostering biodiversity, thinning practices to alleviate overcrowding and encourage healthier tree growth, and the enhancement of wildlife habitat through the creation of snags and brush piles. Invasive species management is paramount, as volunteers diligently work to eradicate invasive plants, safeguarding the delicate balance of the ecosystem. Simultaneously, they meticulously maintain existing trails and construct new ones, ensuring appropriate recreational access while minimizing

environmental impact. Prescribed burns are judiciously employed to manage undergrowth and mitigate fire risk, complemented by water conservation measures that protect water quality and prevent erosion. Forest regeneration efforts involve the strategic planting of native species and the facilitation of natural seed dispersal, fostering a resilient and diverse forest ecosystem. Volunteers actively engage in education and outreach initiatives to instill a culture of environmental stewardship within the local community, while also conducting scientific research projects to deepen our understanding of forest dynamics. Additionally, volunteers participate in the sustainable harvesting and promotion of alternative forest products such as mushrooms, truffles, and bear grass, bolstering both economic opportunities and conservation efforts. Through these collective endeavors, volunteers uphold the ethos of responsible forest management and conservation, ensuring the long-term health and vitality of the forest ecosystem.

(Exhibit 2f at 4).

i. Clearing of debris and slash, selective tree removal/thinning, planting of native species, invasive species management, and prescribed burning are forest operations. However, there is no evidence that the labor of six persons residing full-time on the site for one year or more is needed to conduct these activity on this relatively small (11.6 acre) timber parcel.

(A) According to the ODF, the site was last harvested prior to 1995, 20 or more years ago. There is no evidence that significant amounts of slash from that logging activity remain on the site and need to be removed. The applicant testified that he harvested three acres of the site and burned the resulting slash in 2009. There is no evidence of any further forest operations that would generate significant amounts of slash that would require six workers living on the site to remove it.

(B) There is no evidence that the applicant has performed any prescribed burns on the site.

(C) There is no evidence that tree thinning, managing invasive species, and other proposed forest operations on this 11.6 acre site require the work of six persons residing full-time on the site. The applicant states that “[t]he laborers have laid out a strategy to ensure that their actions align with the laws mandate.” (Exhibit 2 at 3). However, he did not provide such a strategy.

ii. Harvesting mushrooms, truffles, and beargrass, creation of wildlife habitat, creation and maintenance of trails for recreational access, education and

outreach initiatives, scientific research projects, and water conservation efforts do not constitute “forest operations” as these activities do not “[r]elat[e] to the growing or harvesting of any forest tree species.” Scientific research projects are only allowed as a conditional use in the TBR zone. (ZDO Table 406-1).

iii. Given the lack of evidence demonstrating that the labor of six persons residing on the site full-time for up to one year is needed to conduct “forest operations” on the site, the hearings officer cannot find that the proposed use constitutes a “temporary forest labor camp” allowed by ZDO 406.04.

7. Applicants are required to submit all exhibits to the County. They may not submit anything directly to the hearings officer. This requirement ensures that the County receives copies of all submittals and has the opportunity to mark them as exhibits. It also avoids the potential for prohibited *ex parte* contact. All documents submitted by any party are part of the record and any party has the right to review the record to confirm that everything they submitted is actually included in the record.

#### **D. CONCLUSION**

1. Based on the above findings and discussion, the hearings officer concludes that:

a. The County has the authority to require a Type II application for approval of a temporary forest labor camp;

b. The applicant is not the owner of the site and there is no evidence that the property owner authorized the applicant to act as their agent and submit the application on their behalf as required by ZDO 1307.07(A)(3);

c. The application did not include the property owner’s name and contact information as required by ZDO 1307.07(C)(1)(i); and

d. The applicant failed to demonstrate that the proposed use constitutes a “temporary forest labor camp” allowed by ZDO 406.04.

2. Therefore, the hearings officer denies the appeal, affirms the director’s decision, and denies Z0033-24 (Rodrigues Forest Labor Camp).

**E. DECISION**

Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby denies Z0033-24 (Rodrigues Forest Labor Camp).

DATED this 21<sup>st</sup> day of November 2024.

A handwritten signature in black ink, appearing to read 'Joe Turner', with a long horizontal flourish extending to the right.

Joe Turner, AICP  
Clackamas County Hearings Officer