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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

DATE: November 7, 2024

HEARING DATE: November 14, 2024 9:30 a.m.

CASE FILE NO.: Z0218-24

PROPOSAL: Mr. Saranchuk proposes to operate an events venue specializing in events averaging 75 guests on the weekends. Mr. Saranchuk will continue to reside on the property in the existing dwelling during all events. The maximum number of guests proposed for the 40 events on land zoned Exclusive Farm Use is 300.

STAFF CONTACT(S): Joy Fields, (503) 742-4510, jfields@clackamas.us

LOCATION: 10611 SE 232nd Ave, located on the southwestern corner of the intersection of SE 232nd Ave and SE Borges Rd, T1S R3E Section 34B, Tax Lot(s) 101.

APPLICANT(S): Ivan Saranchuk

OWNER(S): Ivan Saranchuk

TOTAL AREA: Approximately 4-acres on subject property

ZONING: Exclusive Farm Use, EFU

COMPREHENSIVE PLAN DESIGNATION: Agriculture

COMMUNITY PLANNING ORGANIZATION: Damascus

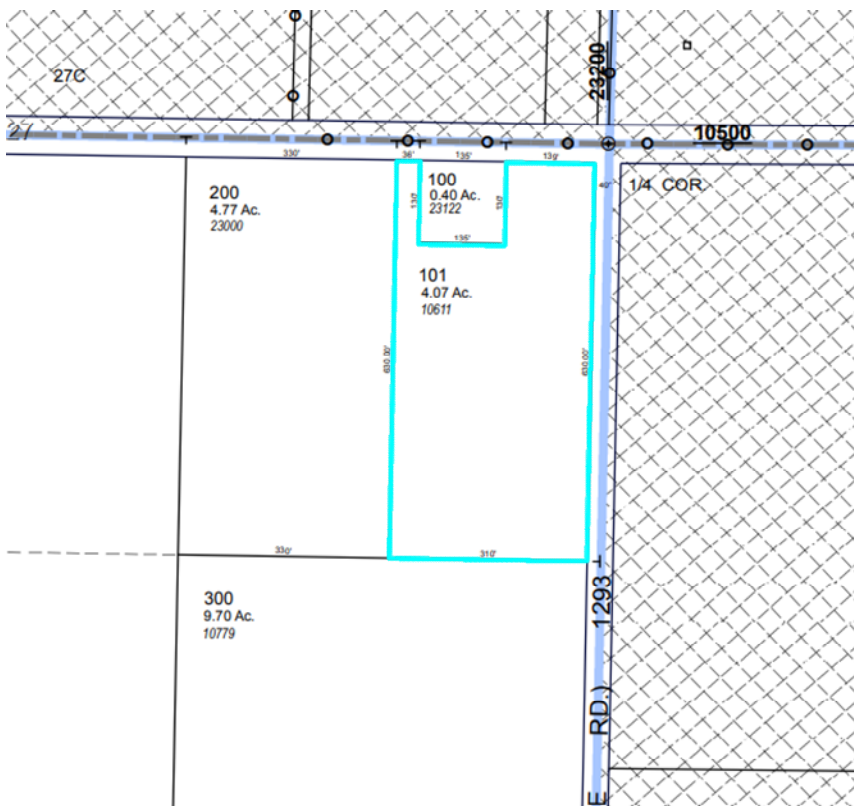
NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

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, 1015, 1021, 1203; and the Comprehensive Plan.

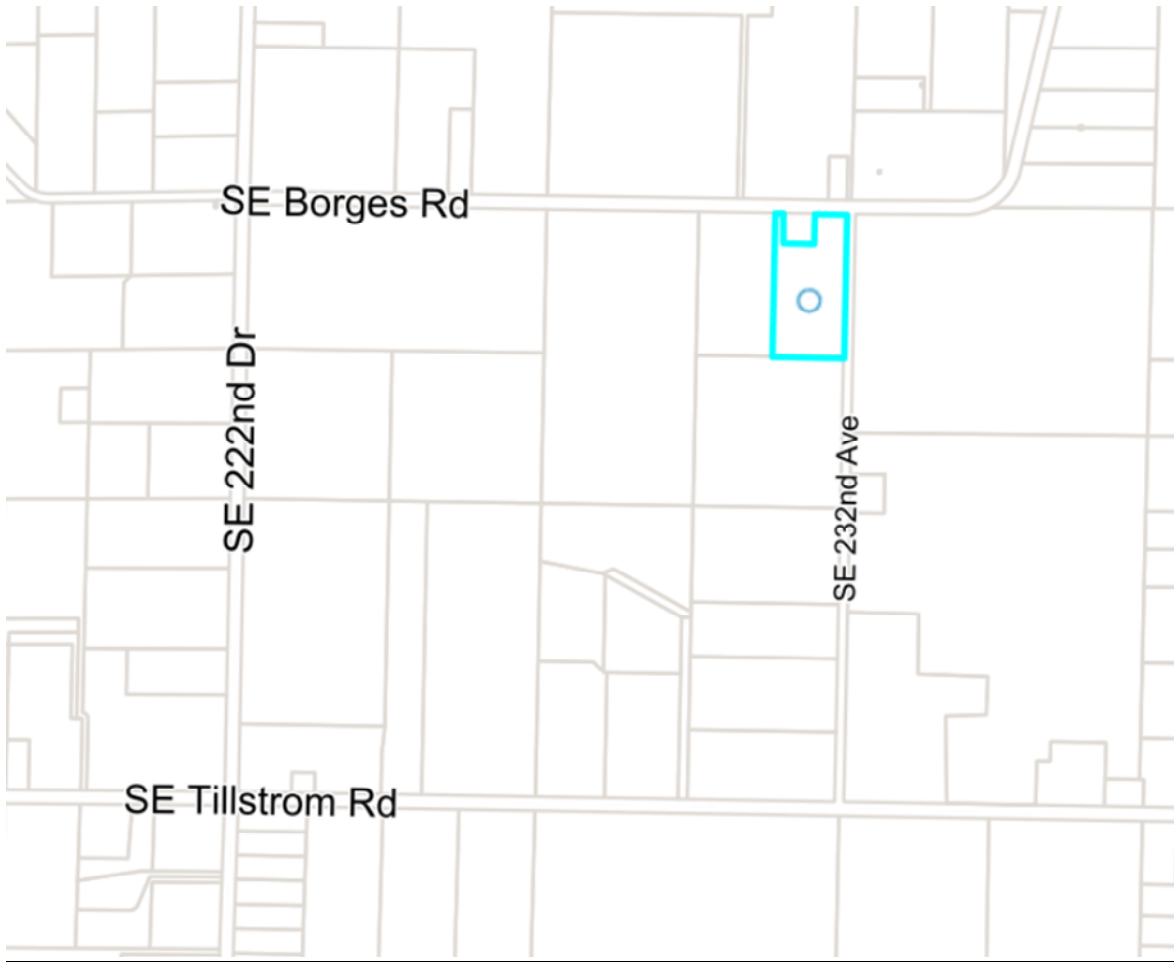
Tax Map



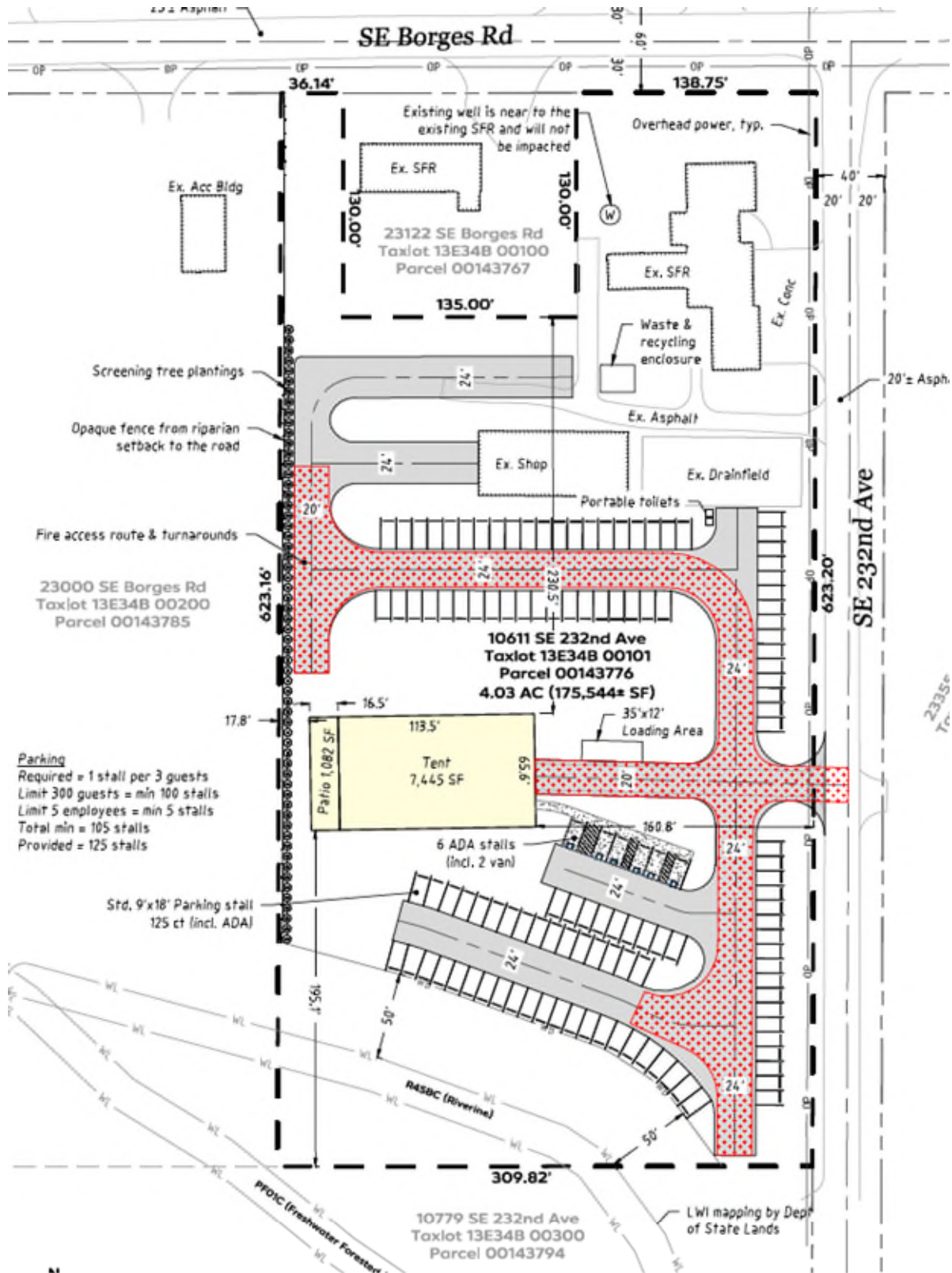
2023 Aerial Photograph



Vicinity Map



Plot Plan



DISCUSSION:

In response to notice of this application, no public testimony was received prior to the completion of this staff report. However, based on the need for additional evidence and information, staff are recommending denial of this application as discussed below.

RECOMMENDATION: Based on the lack of evidence provided for how the tent is similar to other buildings normally associated with uses permitted in the applicable zoning district, the application materials were not sufficient to support criteria 806.02(C). Therefore, staff recommends **Denial** of this application.

SECTION 2 – FINDINGS CONDITIONAL USE PERMIT

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 401, 806, 1002, 1005, 1006, 1007, 1009, 1010, 1021, 1203, 1307; and the Comprehensive Plan. The Clackamas County Planning and Zoning Staff have reviewed these Sections of the ZDO and Comprehension Plan in conjunction with this proposal and make the following findings and conclusions:

BACKGROUND INFORMATION, SITE AND AREA DESCRIPTION AND SERVICES

1. Background:

A. 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 applicant proposes to conduct a maximum of 40 events per year; with a maximum 300 guests per event with an estimate that events will average 75 guests.

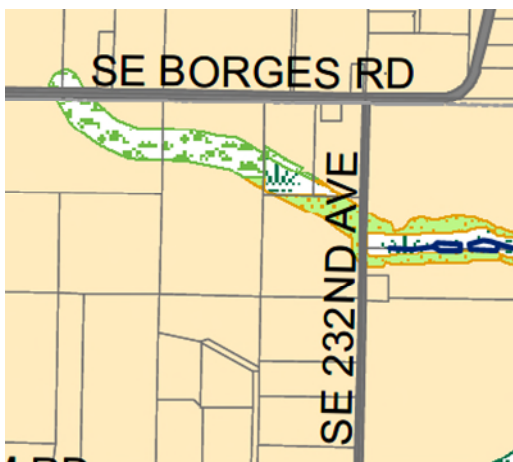
Applicant proposes to hold events in a 7,445 square foot tent that “is proposed as permanent.” While the hours of operation are identified as 2:00 pm-9:00 pm, the narrative indicates the hours may expand within the parameters established by Section 806 that include the hours of 9:00 a.m. to 10:00 p.m. November through March and 8:00 a.m. to 10:00 p.m. April through October.

2. Site Description: 10611 SE 232nd Ave is a relatively flat 4 acre property with a residence located on the northern part of the property and a stream crossing the southwest corner.

Aerial images (below) indicate the property was used for low intensive agricultural purposes until at least 2018 and that the tent was placed on the property as early as 2021.



3. Natural Features: The site has historically been in farm use and “natural features” as meant by this criterion are limited to a mapped Habitat Conservation Area that the Statewide Wetland Inventory identifies as a freshwater forested/shrub wetland and unnamed riverine resource along the southwestern boundary of the property.



4. Man Made Features: House, permanent tent, and associated outbuildings.

5. Surrounding Conditions: This area east of Happy Valley and northwest of Boring is in mixed use: farm activities, including nurseries, and rural residential home sites are scattered throughout with a private school located nearby.
6. 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 Transportation and Engineering Division.
 - B. Water: The subject property is served by on site well for residential use. The property is in an area designated as the Damascus Groundwater Limited area.
 - 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: Clackamas Fire District #1
7. 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. Street lighting
 - F. Damascus Community Planning Organization
 - G. Property Owners within 2,640 feet
 - H. Department of State Lands
8. Responses received as of this staff report:
 - A. Clackamas Fire District #1 Exhibit #5
 - B. DTD Transportation and Engineering, Exhibit #7.

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, application fee and completed application narrative addressing the criteria in Section 806, 401, 1000s, and 1203 of the ZDO. In addition because the property owner submitted a Conditional Use application for a Home Occupation to Host events in 2023, 1307.17 is applicable to the submittal requirements. The applicant's proposal was modified and their representative addressed 1307.17 in the additional materials provided on 10/02/24 to complete the application. The application also includes a description of the proposed use and vicinity map.

One Preliminary Statement of Feasibility (Exhibit 3) 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 5/29/24 and was deemed complete on 10/02/24 after the applicant's representative indicated that they provided the required information including additional narrative and site plan on 11/8/23, the incomplete application notice signed on 10/02/24, and the signed statement of feasibility submitted previously by the applicant for the same use on the subject property on 11/16/23. The 150-day deadline for processing this application is November 18, 2024 (Exhibit 2).

The submittal requirements of Subsection 1203.02 are met.

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 satisfied.

- 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 4-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. As stated by the applicant "The subject property is primarily rectangular in shape, with access provided via SE 232nd Avenue. See Amended Exhibit 2 (Site Map). The size and shape of the subject property allow for significant buffers between the proposed use, including the parking areas and the event site, and the property lines to mitigate any possible impacts on surrounding properties and uses" and "See Exhibit 1 (Subject Property Summary); see also, Hood River Valley Parks and Recreation District v. Hood River Cty., LUBA No. 2012-073, slip op. at 7, 11 (2013) (whether the parcel will remain

available for agricultural use is not part of the analysis for suitability); Moore v. Clackamas Cty., LUBA No. 94-252 (1995).”

2. Shape: The shape of the subject property is rectangular with an area cut out for a separate dwelling on an adjacent lot. This shape does not present any particular limitation to the proposed use of the site based on the submitted site plan and the amended site plan provided on 10/02/24.
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 between the community of Boring to the east and Happy Valley to the west, north of Hwy 212. Land use here is mixed, from farm to rural residential use on acreage properties scattered throughout. The location map submitted by the applicant indicated there is a school across Borges Rd from the site. Staff is unaware of any general location issues that would adversely affect the use, although there is a concern of traffic on SE Borges Rd and impact to the freshwater wetland and riverine system.
5. Improvements: The subject property is currently developed with a single-family residence and associated outbuildings with the large tent in the middle of the property.
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 a mapped Habitat Conservation Area, a freshwater Forested/Shrub Wetland and an unnamed riverine resource along the southwestern boundary of the property. The site plan indicates that the development will avoid impact to these resources, but will increase the surface water runoff potential from the parking areas.

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: As noted in Exhibit 7, the requirements of 1007.07.A that apply to conditional uses will be reviewed through a Development Permit from the Clackamas County Department of Transportation and Development to ensure the safety of the roads including that the use will have adequate access that meets current county standards, which may include right-of-way dedication, frontage improvements, on-site access and parking. However, 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:*
 1. *No planting, signing, or fencing shall be permitted which restricts motorists’ vision; and*
 2. *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: The applicant has proposed a conditional use for hosting events on an approximately 4 acre property located on the west side of 232nd Ave. The applicant installed a second driveway onto 232nd Ave when the tent was constructed on the property. Access to the event site shall be limited to SE 232nd Ave. The driveway recently constructed onto SE Borges Road is not proposed and shall not be used for vehicular access to the events. As stated by the applicant in the amended response “The safety of the transportation system is adequate to serve the proposed use because all aspects of the internal access roads will be constructed in compliance with applicable codes, and the existing access off of SE 232nd Avenue is sufficient to handle the traffic associated with the proposed use.”

DTD Transportation and Engineering staff provided the following analysis for the event site that is proposing to host events with an average of 75 guests per event, and a maximum of 300 guests at any single event:

2. 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.

3. SE Borges Road is classified as a rural collector roadway. SE 232nd Avenue is classified as a rural local 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 collector and local roads.

4. SE 232nd Avenue is a rural local roadway, located within a 40-foot wide public right-of-way, with an improved width of approximately 20 feet. 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 40 events per year, occurring between mid-April and mid-October. However, the average number of vehicle trips over the course of the entire year, would be approximately equivalent to approximately 2-3 single family homes. 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.

5. Access is limited on collector 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 SE 232nd Avenue, consistent with access standards. There is a driveway approach that was recently constructed on SE Borges 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 SE Borges Road frontage and will require closure.

6. The proposed driveway serving the event site has been recently improved, without approval of an Entrance Permit. The applicant will be required to improve the event driveway to current standards, including paving the first 20 feet from the edge of SE Borges 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 paved road to the event parking area, consistent with Roadway Standards Drawing R100. Any existing driveway and parking improvements will be verified through the Development Permit process.

7. SE 232nd Avenue does not have a posted 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 SE 232nd Avenue.

- 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 northwest of Boring. 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 stated in the amended response provided on 10/2/24 “The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses allowed in the zoning district (EFU) in which surrounding properties are located. No new structures are proposed, and the proposed use relies precisely on the rural character of the surrounding area for the desirability of the subject property for the proposed use. The proposal includes tree plantings to further enhance the forested character of the subject property which will serve double duty by also providing additional screening for the adjacent properties. See Amended Exhibit 2; Response to Question 7, Subsection (A), below.

The surrounding properties are utilized as farms, a few single-family residences, and also a school is located nearby. The proposed hours of operation fall outside of normal business hours for farming, thus any traffic impacts will be minimized on the County roads that are nonetheless more than sufficient to handle the proposed temporary increases in traffic. The hours operation will be confined to hours less than those allowable by Code thereby further reducing the level of potential impact to the single-family residences which are all well screened by existing natural features, new tree plantings and fencing, and in some case, the distance from the event site and parking to those dwellings. The nearby school has also requested the use of the event site as a collector site should an evacuation be necessary resulting in a direct positive impact on the surrounding area.

Therefore, the proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses allowed in the zoning district (EFU).”

Additionally the applicant indicates that the on-site parking will be buffered from the property to the west by a row of trees that will reduce impacts. And addresses traffic impacts with the following: The maximum number of guests attending the proposed events is 300, with an estimated average 1.5 guests arriving in each vehicle, with no more than 5 employees for each event. The proposed events will be held on weekends, with the hours of operation typically from 2 p.m. to 9 p.m. The trip generation estimates include approximately 200 new vehicle trips on an event day with the maximum number of guests possible for Saturday during the PM peak hour (proposed average attendance will be 75, resulting in only 50 new vehicle trips)..

The applicant provided an updated study of Noise Levels in the amended response provided on 10/2/24. As the applicant states “The home occupation will operate within the following sound parameters: 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. The proposed use will not involve idling vehicles.” Staff believe that this reference to 50 dB(A) is a typo, where the applicant intended to state that the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level because that is what the code requires and the sound study included measurements of up to 53.1 dB(A) at the southern most parking space nearest the property line with Taxlot 13E34B 00200, south of event site.

A traffic impact analysis was not determined to be required pursuant to the review by the Transportation and Engineering staff. Thus with the conditions of approval recommended for the application the impact of traffic would be limited and would meet the requirements of Section 806 and 1203.

In addition to traffic there is the potential for impacts from the lighting. The applicant provided the following narrative with accompanying pictures and model information “The outdoor lighting proposed will be temporary low level rope lighting (akin to decorative Christmas lighting), with all lights directed downward and oriented such that there is no light pollution resulting to surrounding properties. See Exhibit 18. Additionally, solar landscape lights are also proposed for additional lighting of internal walking pathways. See Exhibit 19. The light will be directed downward such that no light is directed skyward and oriented such all light remains within the boundaries of the subject property. Id. Entrance lighting is not proposed. Therefore, the proposed use compiles with ZDO 1005.04.” Staff agree that the proposed lights appear to be minimal and directed downwards. Additionally, limiting the number of events to 40 between the months of April and October would limit the potential need for access lighting. However, in addition to the lighting proposed, the property is inside the UGB and inside the lighting district that would likely require street lights to be installed to meet the requirements of 1006.02.

In addition to traffic, noise, and lighting there is the potential for impacts from the use of groundwater is proposed cater to serve large events such as a single wedding with 300 guests and 39 weddings with up to 70 guests. The applicant indicates that the

existing private well would not be used for the events and that the caterer would provide the water and beverages from off-site. The applicant also indicated that portable restroom facilities would be used for the events.

As noted by the applicant on page 8 of Exhibit 2a “Additionally, as explained above in Section 2(4) and (5)—which responses are incorporated here, the proposed use includes design parameters and operational constraints such that any impacts on the surrounding agricultural use will be minimal, if at all.” Unfortunately, the applicant does not address how the average attendance to the 40 events would meet the 75 average participant number. If five of the 40 weddings have 300 visitors then the remaining weddings will have to have less than 50 to get an average of 75 participants. This additional clarity on the wedding attendance numbers is needed to ensure that the impact analysis from the weddings is accurate. Reducing the number of events and limiting the number of guests at the weddings is one of the ways that the applicant is proposing to limit impacts and is also one of the ways this application is substantially different than Z0367-23. Therefore, limiting the events with 300 guests to one a year would allow the other 39 events to have up to 70 guests and would support the impact analysis conducted by the applicant and staff. **As conditioned this criterion is 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:

How the proposed use aligns with the applicable goals of the Comprehensive Plan:

- a. **Balancing Public and Private Interests:**
The Plan emphasizes the need for a balance between public and private interests. Our project aligns with this fundamental goal by ensuring that the operation of the home-based events comply with the set of regulations and zoning districts outlined or referenced in this narrative. These restrictions ensure that the private use will harmonize with the public interest of neighboring properties and the broader community.
- b. **Appropriate Land Use:**
The Plan advocates for appropriate land use on individual sites. Our project's careful adherence to the requirements of the AG and EFU district as permitted through this condition

use application ensure the land use on the property is in line with the intended use of the zone.

c. Growth in Areas with Public Facilities:

The Plan encourages growth in areas where public facilities can be economically provided. In this case, the project does not rely on public utilities and does not promote growth that would require such utilities. Instead, our plan utilizes remote services, such as catering and portable restroom facilities to support the needs of the project.

d. Compatible Development Opportunities:

Our project aims to create a development that is compatible with the surrounding properties. This is achieved by adhering to the restrictions and guidelines of Section 806. By doing so, we ensure that the project is in harmony with the existing surrounding uses.

e. Policies:

This project aligns with the policies of the Comprehensive Plan by adhering to and complying with the associated set of regulations and zoning districts discussed more in depth in the other portions of this narrative.

None of the text above addresses specific policies supported by the application.

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, to conflict with agricultural uses in the area. Therefore, staff finds this application does not support the Agricultural Policies of the Comprehensive plan.

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 #7. As conditioned, this proposal satisfies applicable portions of Chapter 5 of the Plan.

Planning Staff refers to comments submitted from Traffic Engineering, Exhibit 7. 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: The applicant addresses Section 1002 in the submitted application materials. The property is flat with no significant concentrations of trees other than around the small wetland area on the southwest corner of the property. The mapped Habitat conservation Area was provided a 50 foot buffer on the site plan. There is no significant vegetation removal planned through this application since the site was previously cleared for farm use. Slopes at activity locations are less than 20%.

This criterion is met.

2. Section 1005, Sustainable Site and Building Design:

Section 1005 of the ZDO sets forth the standards, requirements and considerations that pertain to additional techniques to meet sustainability goals. Applicant states: “ it isn’t clear to the applicant that the goals of this section are applicable to this rural home occupation project”

Staff have reviewed the sections of 1005 that appear to be applicable:

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 11/16/23 that a surface water management plan is required. Staff have not received a surface water management plan and thus it is unclear if this criterion is met.

1006.02 Street lights are required for all development inside the Portland Metropolitan Urban Growth Boundary. The following standards apply: A. Street lighting shall be installed pursuant to the requirements of Clackamas County Service District No. 5 and the electric company serving the development. A street light shall be installed where a new road intersects a County road right-of-way and, in the case of subdivisions, at every intersection within the subdivision.

Finding: The applicant did not identify where the streetlight serving the development would be located. However, a new road is not being installed and Clackamas County Service District No. 5 did not provide comments for this application. This criterion can be met as conditioned.

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

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

- 1. Land divisions or other development requiring water service shall not be approved, except as provided in Subsection 1006.03(D)(4), unless they can be served by a public water system in compliance with drinking water standards as determined by the Oregon Health Authority.*
- 2. Development requiring water service within the boundaries of a water service system, created pursuant to ORS chapters 264, 450, or 451, shall receive service from this system.*
- 3. New public water systems shall not be created unless formed pursuant to ORS chapters 264, 450, or 451.*
- 4. A lot of record not located within the approved boundaries of a public water system may be served by an alternative water source.*

Finding: The site is 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 within the Damascus groundwater limited area and thus the use of the well for the events may impact other users of the limited groundwater. The applicant indicated that the caterer would provide the water and all beverages for the events.

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 indicated that the restroom facilities for the events would be provided using Portable restroom facilities as provided for in ZDO 806. However, comments provided by the Septic and Onsite Wastewater Program indicated that the criterion in ZDO 806 are not met by portable restroom facilities because the structure and use is proposed as permanent. Although the septic system on site is permitted, it was not sized or sited for the hosting of events as proposed.

Staff find this criterion is NOT met.

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.*
 - D. Development shall be planned, designed, constructed, and maintained to:*
 - 1. Protect and preserve existing natural drainage channels to the maximum practicable extent;*

2. *Protect development from flood hazards;*
3. *Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;*

Finding: DTD Engineering is the surface water authority in the area and signed off on the Statement of Feasibility on 11/16/23 for the home occupation to host events on the subject property proposed through Z0367-23. Although the proposal has been modified through this new amended application file # Z0218-24, the statement of feasibility was signed within a year prior to the application being submitted indicating it is feasible the proposal can comply with the standards and that a surface water management plan is required.

Staff have not seen a surface water management plan for the proposed use. The site plan included more than the required number of parking spaces and there appears to be room to modify the plan by removing some of the extra spaces if surface water management or parking surface requires a modification. Additionally, the surface of the parking spaces are identified in the application as permeable meaning surface water runoff will be minimized. However, because the subject property is inside the UGB, 1015.01 requires that the parking, loading, and maneuvering areas shall be hard-surfaced unless permeable surface is required for surface water management pursuant to ZDO Subsection 1006.06.

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. 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(A) Inside the Portland Metropolitan Urban Growth Boundary (UGB), parking, loading, and maneuvering areas shall be hard-surfaced, unless a permeable surface is required for surface water management pursuant to the regulations of the surface water management authority or in order to comply with Subsection 1006.06.

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 125 parking spaces, six of which are proposed as ADA parking. Therefore, the proposed 172 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.

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.

The Transportation and Engineering staff find in exhibit #7 that “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 125 parking spaces. Based on the preliminary site plan, it appears that adequate circulation and parking can be provided, with the recommended conditions of approval.”, 1015.01(A) allows for modifications to the hard surface requirements if it is to obtain compliance with 1006.06. Therefore, Planning and Zoning Staff recommend that the parking surface condition of approval requires permeable pavement, or gravel, to comply with 1006.06(D).

The applicant states “The subject property is inside of the Portland Urban Growth Boundary, and the parking loading, and maneuvering surfaces, both existing access roads/drives and proposed access roads, drives, and the approach shall be surfaced with a permeable surface, pursuant to Code, appropriately sloped to provide suitable drainage. No parking spaces will be rented, leased, or assigned to anyone or any organization, nor will they be utilized for storing or accumulating goods or storing commercial/recreational vehicles, campers, or boats. The parking spaces will not be used for anything other than the permitted use of parking for event guests. Therefore, the proposed use is compliant with ZDO 1015.01.

As per Table 1015-1, the proposed use of home occupation to host events requires one (1) parking space per three (3) guests and one (1) parking space for employees. The proposed use is for up to 300 guests (with an average of 75) and up to five (5) employees, therefore, 105 parking spaces are required (with 125 proposed), and six (6) of those parking spaces will be ADA compliant, with two (2) spaces dedicated to van accessibility.

As per Table 1015-2, no parking spaces are required for the single-family detached dwelling.”

1015.03 BICYCLE PARKING STANDARDS

A. Bicycle parking areas shall meet the following on-site locational requirements:

- 1. Bicycle parking racks shall be located in proximity to an entrance but shall not conflict with pedestrian needs.*
- 2. At least 75 percent of the bicycle parking spaces shall be located within 50 feet of a public entrance to the building.*
- 3. Bicycle parking may be provided within a building, if the location is easily accessible for bicycles.*

4. *Bicycle parking for multiple uses, or a facility with multiple structures, may be clustered in one or several locations within 50 feet of each building's entrance.*

5. *If the bicycle parking is not easily visible from the street or main building entrance, then a sign must be posted near the building entrance indicating the location of the parking facilities.*

B. Bicycle parking shall be designed to meet the following requirements:

7. The minimum number of bicycle parking spaces listed in Table 1015-3, Minimum Required Bicycle Parking Spaces, are required. If a listed use is located with the Portland Metropolitan Urban Growth Boundary (UGB), it shall have a minimum of two bicycle parking spaces or the number required by Table 1015-3, whichever is greater.

Finding: The Applicant does not address bicycle parking in the narrative or on the site plan. **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 states "Waste will be collected from the event and deposited into containers meeting the requirements of Section 1021.05 and screened with an enclosure meeting the requirements of Section 1021.04."

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.

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 provided amended narrative and evidence that indicates that the hosting of one event with 300 guests and 39 events with up to 70 people will not significantly change farm and forest practices. Additionally, there the applicant provided evidence that the traffic, noise, lights, water usage, for the proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands.

Therefore, staff finds this criterion is met based on the amended response received on 10/2/24.

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: Applicant states there will be a maximum of five employees associated with the home occupation. 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: The applicant states “The home occupation to host events shall be conducted substantially in the operator's dwelling and other buildings normally associated with permitted uses in the EFU/AG district, including a permanent tent. The existing barn will provide storage for equipment to ensure the outward appearance of the property remains consistent with the zone.

The permanent tent serves as an accessory agricultural building which is one of many different types of building used for such purposes in the zoning district. See, e.g., Exhibit 12 (agricultural tent from Tentnology similar to the tent here, <https://www.tentnology.com/our-tents/applications/commercial-tents>); Exhibit 17 (various building types used for agricultural purposes in the area). The particular characteristics of the tent, similar to both greenhouse and storage buildings in the area, make it particularly effective at overwintering sensitive trees, plants, and beehives. Even during events, a local nursery’s decorative plants and trees will be housed inside the tent. In the offseason, the tent will be used to house weather sensitive plants and trees for the same nearby nursery, to house agricultural equipment, and to overwinter bee hives for a local beekeeper specializing in agricultural pollination. See Exhibits 10 and 11—previously submitted. This arrangement takes maximizes the particular characteristics of the tent by taking advantage of the areas where light can filter in, the transparent windows, for plant overwintering while simultaneously utilizing the darker areas away from the windows for equipment storage. Therefore, the proposed use compiles with ZDO 806.02(C).”



Staff finds that a 7,445 square foot tent as a permanent structure could not be considered customarily accessory to either agricultural or residential use. The surrounding

properties contain greenhouses, as indicated by the applicant, but the image of the tent below does not appear to show that the tent will not allow as much light into the interior of the structure as would be allowed from the curved design of greenhouses. Sunlight is identified as a key consideration for greenhouse material (Exhibit 6). The applicant is proposing to use the ambient light from the windows for the plants. Additionally a review of the types of greenhouses customarily found in the Pacific Northwest provided by the Clark County Extension Service (Exhibit 6) reveals that the materials of the tent sides and top are not identified as a greenhouse material customarily used in accessory structures used for growing or storing plants. Therefore, staff do not find the proposed tent to be similar to a greenhouse.

The applicant provide an argument and images indicating that the tent is also like storage buildings found in the area and that the darker parts of the tent would be used for storage. However, the images provided by the applicant include storage buildings that lack windows. The tent has windows on all sides and thus it is not similar to the structures. Staff have seen smaller tents used as carports, and permanent structures used for vehicular storage and repair, but are not familiar with such a large tent structure being used as a permanent accessory structure for residential use. Therefore, the accessory structure (image above) does not appear to be normally associated with either the farm and forest use or the residential use.

This criterion is not met.

- d. Tents: Temporary tents are allowed as follows: 1. In the AG/F, EFU, and TBR Districts, temporary tents are permitted to the extent consistent with Subsection 806.02(C). 2. In a zoning district other than AG/F, EFU, and TBR, one temporary tent is permitted, and additional temporary tents may be permitted if consistent with Subsection 1203.03. 3. Temporary tents may be placed on the subject property no more than 24 hours before the event and must be removed no more than 24 hours after the event.

Finding: The applicant states that the tent is proposed as a permanent structure. Therefore, the tent is considered a building and must meet the criterion in item C above. This criterion is not applicable.

- e. 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: Applicant included the following response to The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses allowed in the zoning district (EFU) in which surrounding properties are located. No new structures are proposed, and the proposed use relies precisely on the rural character of the surrounding area for the desirability of the subject property for the proposed use. The proposal includes tree plantings to further enhance the forested character of the subject property

which will serve double duty by also providing additional screening for the adjacent properties. See Amended Exhibit 2; Response to Question 7, Subsection (A), below.

The surrounding properties are utilized as farms, a few single-family residences, and also a school is located nearby. The proposed hours of operation fall outside of normal business hours for farming, thus any traffic impacts will be minimized on the County roads that are nonetheless more than sufficient to handle the proposed temporary increases in traffic. The hours operation will be confined to hours less than those allowable by Code thereby further reducing the level of potential impact to the single-family residences which are all well screened by existing natural features, new tree plantings and fencing, and in some case, the distance from the event site and parking to those dwellings. The nearby school has also requested the use of the event site as a collector site should an evacuation be necessary resulting in a direct positive impact on the surrounding area.

Therefore, the proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of the surrounding properties for the primary uses allowed in the zoning district (EFU).” Staff have reviewed the evidence and concur that because the noise, traffic, and water impacts are limited with the reduced number of events and attendees, the screening, and use of offsite water, then this criterion can be met as conditioned.

- f. 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.

- g. 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 40 events yearly between the months of April and October with a maximum of 300 guests and an average of 75 participants. **This criterion can be met as conditioned.**

- h. 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.

- i. 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.

- j. 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: The applicant provided an updated Noise Study mentioned above. The applicant states "The new sound study includes level readings utilized a loud-speaker system that is identical to the type of system that will be used during events. See Amended Exhibit 13. Importantly, the sound system utilized was set to measure sound levels that will not be surpassed during any event, regardless of whether a different speaker system or sound source is used. Additionally, sound level readings of car door closings were also measured at the adjacent property lines. Id. For amplified source sound measurements, the music source was adjusted to read 70dB(A) at 10 feet from the source, and the ambient noise level at each site was measured. No ambient noise levels exceeded 52 dB(A), therefore, pursuant to Section 806.02(J) (sound levels must not exceed 60dB(A)), the proposed use will not exceed the applicable sound level limit during the proposed hours of operation. As described in Exhibits G and H (attached hereto), no readings during either portion of the sound test, including those along the nearest public road, exceeded 53.1 dB(A). Therefore, the proposed use will comply with CDO Section 806.02(J)." Staff have reviewed the sound study provided by the applicant and found that the applicant provided detail on how the TopTes TS-501A Sound Level Meter (SLM) was calibrated, where the measurements were taken, and what the results were. None of the measurements exceeded 60 dB(A). **This criterion is met.**

- k. 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: In addition to the parking that has been addressed at Section 1015, the Transportation and Engineering Staff found:

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 125 parking spaces. Based on the preliminary site plan, it appears that adequate circulation and parking can be provided, with the recommended conditions of approval.

However, due to the sensitive wetlands and habitat conservation area, to reduce the amount of storm drainage entering these sensitive areas, planning staff would recommend using pervious surface for the parking areas to allow for an increased storm drainage management pursuant to 1006.06(D). The surface water management authority is the Transportation and Engineering staff that requires that the surface water drains to an approved outfall. The pervious surfaced parking areas ensures that the potential damage and harm to the natural environment is minimized.

Additionally, there does not appear to be an exception to the Bicycle Parking Standards of 1015.03 for Home Occupations to Host Events. Thus, 1015.03.B.7 requires that The minimum number of bicycle parking spaces listed in Table 1015-3, Minimum Required Bicycle Parking Spaces, are required. If a listed use is located with the Portland Metropolitan Urban Growth Boundary (UGB), it shall have a minimum of two bicycle parking spaces or the number required by Table 1015-3, whichever is greater.

Staff find it is feasible for this criterion to be met as conditioned.

- 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: The applicants note portable restrooms will be rented for each event. Although this is allowed by ZDO 806, the applicant is required to coordinate with the Septic & Onsite Wastewater System Program to ensure state requirements are met. No comments were received for this application from the Septic and Onsite Wastewater System staff at the time of this staff report. **Therefore, staff finds this criterion 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 applicants states “The home occupation will only utilize a single temporary sign not exceeding eight square feet in area, placed on private property only on the day of the event, removed no more than 24 hours after the event, and shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign.

The proposed sign will be attached utilizing anchors set in concrete footers installed at the sign location with embedded sleeves (slip fitting style) for attaching the temporary sign with cotter pins to avoid wind displacement while allowing quick and easy removal of the sign when events have concluded. The proposed sign type is described Exhibit 15. Therefore, the proposed use compiles with ZDO 806.02(M).” **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: At this point staff found that the application met or could meet most but not all aspects of this criterion. The proposed building is not customarily accessory to farm use or residential use. Additionally, it is not clear which Comprehensive Plan goals and policies the applicant intended to meet and staff found that the agricultural policies are not met but the transportation policies are. These criterion have been only partially satisfied and thus staff recommended denial of the application.

SECTION 3 – IF APPROVED, RECOMMENDED CONDITIONS OF APPROVAL

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

II. General Conditions:

- 1) This land use permit is based on the submitted written narrative and plan(s) dated 9/14/23. The application was deemed complete on 5/29/24. The applicant submitted additional information including the amended narrative and evidence submitted on 10/02/24, the incomplete application notice signed on 10/02/24, and the signed statement of feasibility submitted on 11/16/23 for the previous application for home occupation to host events on the subject property. 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 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.
- 3) 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.

III. Planning and Zoning Conditions: Joy Fields, (503) 742-4510, jfields@clackamas.us

- 1) 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.
- 2) 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.
- 3) **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 under "Garbage & Recycling."
- 4) **Prior to final occupancy permit issuance:** The applicant shall obtain all County Health Department Licenses and comply with County Health Department regulations.
- 5) **Prior to final occupancy permit issuance:** The applicant shall obtain any applicable OLCC Licenses and comply with OLCC regulations.
- 6) The operator of the home occupation, Ivan Saranchuk, shall be a resident of the property on which the home occupation is located.
- 7) The home occupation shall have no more than five full-time or part-time employees on site.
- 8) During the months of November through March, no event shall take place pursuant to the use proposed in the application. 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.
- 9) No more than two events shall be allowed per week as proposed in the application.
- 10) A maximum of 40 events annually shall be allowed based information submitted by applicant.
- 11) The maximum number of guests shall not exceed 300 with an average attendance of 75. Therefore, one event can have up to 300 guests while the remaining 39 events are

limited to 70 guests to ensure the analysis provided by the applicant is adequate to meet the criterion in ZDO 401, 806, and 1203.

- 12) The applicants are proposing portable toilets under 806. However, they must coordinate with the Septic and Onsite Wastewater Program and provide Planning Staff with a copy of a letter approving the use of portable toilets for events held in a permanent structure pursuant to ZDO 806.02(L). Additionally, restroom facilities shall be as follows:
 - A. Portable restroom facilities shall be used and include hand-sanitizing or hand-washing facilities.
 - B. Portable restroom facilities shall be subject to the standards of the service provider and the County Septic & Onsite Wastewater System Programs.
 - C. Portable restroom facilities shall be screened from adjacent properties and rights-of-way by sight-obscuring fences or plantings and shall be located a minimum of 50 feet from all lot lines. ZDO 806.02(L).
- 13) **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.
- 14) **Prior to final occupancy permit issuance** The applicant shall provide the Planning and Zoning Division with a copy of a surface management plan, including pervious pavement/gravel parking areas approved by the Transportation and Engineering Division pursuant to Subsection 1006.08 and 1015.01.A as modified by 1006.06.D.
- 15) The use is located within the Portland Metropolitan Urban Growth Boundary (UGB), and shall have a minimum of two bicycle parking spaces. ZDO 1015.03.B.7

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

General Conditions:

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

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

IV. Engineering Division Conditions: Ken Kent, (503) 742-4673 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) Access to the event site shall be limited to SE 232nd Avenue. The driveway recently constructed onto SE Borges Road shall be removed, and shall not be used for vehicular access.
- 4) The driveway approach on SE 232nd Avenue serving the event site shall be paved to a minimum width of 20 feet and length of 20 feet, per Standard Drawing D500.
- 5) Minimum intersection sight distance of 610 feet shall be provided at the proposed driveway serving the event site on SE 232nd Avenue. 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.
- 6) 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 isle 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 *as modified to meet 1006.06(D) and consistent with Planning Special Condition #14*.

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.

7) 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.

V. Advisory Notes:

1) 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. 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.