

Clackamas County Planning and Zoning
Department of Transportation and Development
Development Services Building
150 Beaver Creek Road
Oregon City, OR 97045

ATTN: Joy Fields
503-742-4510
fields@clackamas.us

RE: Objection to Home Occupation Exception Application – Z0286-23-HOEX

To: Joy Fields

Charbonneau Country Club (CCC) is a homeowners association located at 32000 French Prairie Drive in the Charbonneau District of Wilsonville, Oregon in Clackamas County. The association encompasses over 1,627 residential homes, including single-family homes, condominiums, townhomes, an assisted living center, and apartments. The Charbonneau Board maintains high standards to protect the quality of life of our residents.

Although not all of our residents have been noticed on this land use matter, the Board and management speak on behalf of quality-of-life concerns for our 2,800+ residents. This letter is submitted to convey our objection to the proposed land use application for Home Occupation Exception at 25028 NE Airport Road, Aurora, OR 97002. Clackamas County Department of Transportation and Development should reject this application as an industrial use that should not be allowed to operate on a property zoned RRFF-5.

The application and accompanying letter submitted by the applicant/owner do not accurately describe the actual activity level nor the contentious relationship with the surrounding neighbors. The Ohana Group LLC is *not the good neighbor* they claim to be. The non-compliant activities have been going on for more than five years, since shortly after the current owner purchased the property on July 31, 2018. Clackamas Code Enforcement has on record many complaints from neighbors related to the non-residential noises and activities occurring on the property.

The continued allowance of non-compliant activities changes the nature of the surrounding residential and rural residential neighborhoods. The immediate neighbors submitted letters to the owner, who never responded to concerns or requests. Unfortunately, the next-door neighbor finally gave up, selling their residential property this past year when they could no longer tolerate the daily disturbances emanating from the out-of-compliance land uses next door, with no recourse.

The Ohana Group LLC started a significant barn expansion shortly after purchasing the property. Only after complaints and visits by Code Enforcement was a building permit even requested. The building permit for the barn extension stated that the barn expansion was for “Personal Use,” yet it appears it is actually industrial activity.

The Ohana Group LLC’s application for exception is trying to disguise an industrial operation as a Level Two Home Occupation. The owner does not currently live on the property and has said they will move onto it. They only need two exceptions when operations exceed a Level Three Home Occupation. The requested exceptions are quite significant and should be denied for these reasons:

822.04.A. Employees: The home occupation shall have no more than five employees.

The number of employees for which they are asking an exception is 3 times the limit for either a Level Two or Level 3 Home Occupation.

822.04 L. 1. Building Floor Space: For a level two major home occupation, a maximum of 500 square feet of accessory building floor space may be used for the home occupation.

The requested exception again is nearly 3 times the maximum allowed on Level 2 and approaches the limit for a Level Three home occupation.

Here are the exceptions that the owners did not request:

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

This property is not the owner’s primary residence. Five years have passed, and no effort has been made to bring the property to a livable condition – according to the code enforcement, the septic system has not been certified. Only after the county scrutinized their operation did they “promise” to make it their residence. Given their history of non-compliance with County regulations, it is doubtful that they will carry through on that promise. This condition cannot be waived and makes this application unapprovable. The application can and should be rejected on this basis alone.

822.04 C. Noise: Noise shall be regulated as follows: 1. From 8:00 a.m. until 6:00 p.m.

The forwarding letter states that the employees arrive at 6:00 a.m., as this is when the noise complaints start. Noise at the site is a consistent problem.

822.04 F. Storage and Display: No outside storage, display of goods or merchandise visible from outside the enclosed building space where such goods or merchandise are stored, or external evidence of the home occupation shall occur, except as explicitly allowed by Subsection 822.04.

Google Earth photos of the property demonstrate that a significant amount of material is stored outside, including what appear to be liquid/chemical containers, which should be inspected for compliance with environmental and public health interests.

822.04 L.2. Traffic: A level two major home occupation shall not generate more than 20 vehicle trips per day. The forwarding letter estimates 10-20 trips per day.

A business with 15 employees that come in and then go to job sites and return, it is not possible to limit trips to 20. In fact, a neighbor has monitored their activity, and the number of daily trips from the property often exceeds 30. The entrance to this property on Airport Road is often congested, especially early in the morning, with traffic backing up the airport as cars wait at the Miley Road/Airport Road intersection adjacent to the Charbonneau I-5 North Bound ramp. Charbonneau has raised congestion at the Miley Road/Airport Road intersection with Clackamas County Commissioners and County staff as a congestion site that needs reengineering and a possible signalization or a traffic circle. Traffic from this out-of-compliance use makes this bad congestion situation worse.

822.04 L 3. A. Vehicles: Level Two: The maximum number of vehicles that are associated with a level two primary home occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee and customer vehicles.

Again, as the applicant has stated, this business has 15 employees. Level Three businesses are limited to 5 vehicles. The number of cars consistently on the site exceeds standards and is consistent with industrial use.

The Ohana Group LLC purchased less expensive rural residential property not zoned for industrial use, conducted out-of-compliance activity consistent with industrial use and is now seeking a loophole to continue these activities, which have adversely affected their neighbors, increased traffic congestion, noise and changed the rural residential nature of this area.

Clackamas County and City of Wilsonville regulations protect quality of life Clackamas County regulations protecting the quality of life of this neighborhood have been ignored from the time of original occupancy in 2018. The concerns and pleas of their neighbors, of the Mulligan Court and Prairie View Estates neighborhoods have been consistently ignored by The Ohana Group LLC.

The industrial activity on the site, from the beginning, has been a nuisance, to the point in which the next neighbors have been forced to move because of the noise and other activities inconsistent with rural residential zoning. The industrial footprint around the barn has been enlarged without application for conditional use or variance, the remainder of the property appears in increasing disrepair and has become significantly overgrown, creating problems for surrounding residents. The county has been contacted

regarding a pack of coyotes believed to be residing on the neglected part of the property and killing pets in the adjacent neighborhoods, including Mulligan Court, Prairieview Estates and Charbonneau.

This property is located on the SW corner of Airport Road and Miley Road; the urban growth boundary is Miley Road. This intersection is already a traffic commuting nightmare, as noted repeatedly by the City of Wilsonville and the Aurora-Butteville-Barlow Community Planning Organization to Clackamas County. As a route to the Charbonneau on-ramp, this intersection is often used as a by-pass of the Hwy 551 on-ramp by many daily commuters coming up from the south.

Urban and Rural Neighbors Reject Industrialization on the Urban Growth Boundary

The residents and representatives of the Mulligan Court, Prairieview Estates and Charbonneau neighborhoods have repeatedly and consistently rejected the industrialization of farm and residential land. Charbonneau residents have objected previously, with a unified voice, to efforts by those who would misuse rural residential and exclusive farm use (EFU) for Industrial and Commercial purposes. We are concerned by the brazen manner in which the owners have consistently ignored current zoning and land use on this high-visibility site on the urban growth boundary, ignored the concerns of their neighbors and now present a cursory application for home occupation that is clearly unapprovable after review of the most basic facts of the non-complying activities of the current owners.

This pattern of brazen non-compliance shows a disrespect for the zoning and land use laws, the quality of life of the surrounding neighborhood and a disregard for the efforts by concerned neighbors to discuss the situation. Given all of these factors, this application for a home occupancy must not be approved. The owners need to repair the damage they have done to this highly visible rural residential property, returning the house and barn back to their original residential and agricultural use, consistent with the law and quality of life for their neighbors and the surrounding community.

We respectfully request that Clackamas County deny the application for home occupancy that The Ohana Group has requested. The County should require the property be returned to the condition of when purchased, which is rural residential with a working vineyard and that Clackamas County act to protect the quality of life and property values by actively enforcing all zoning and occupancy codes consistent with the long-standing land use of this property and the surrounding neighborhoods of Mulligan Court, Prairieview Estates and Charbonneau. Given the highly visible location and egregious nature of the violations of the County codes and State Land

Use laws at this site, an example should be made that this type of brazen violation of law and rule will not be tolerated and that all future uses of this property will be according to existing rule and regulation, without exception.

Home Occupation Exception Application – Z0286-23-HOEX Needs to Be Denied

We strongly urge you to deny the *Home Occupation Exception Application – Z0286-23-HOEX* for exceptions and require the owner to cease operating as an industrial use in rural residential zoning and return the property to its original condition at purchase, consistent with rural residential zoning and a well managed small farm acreage and working vineyard.

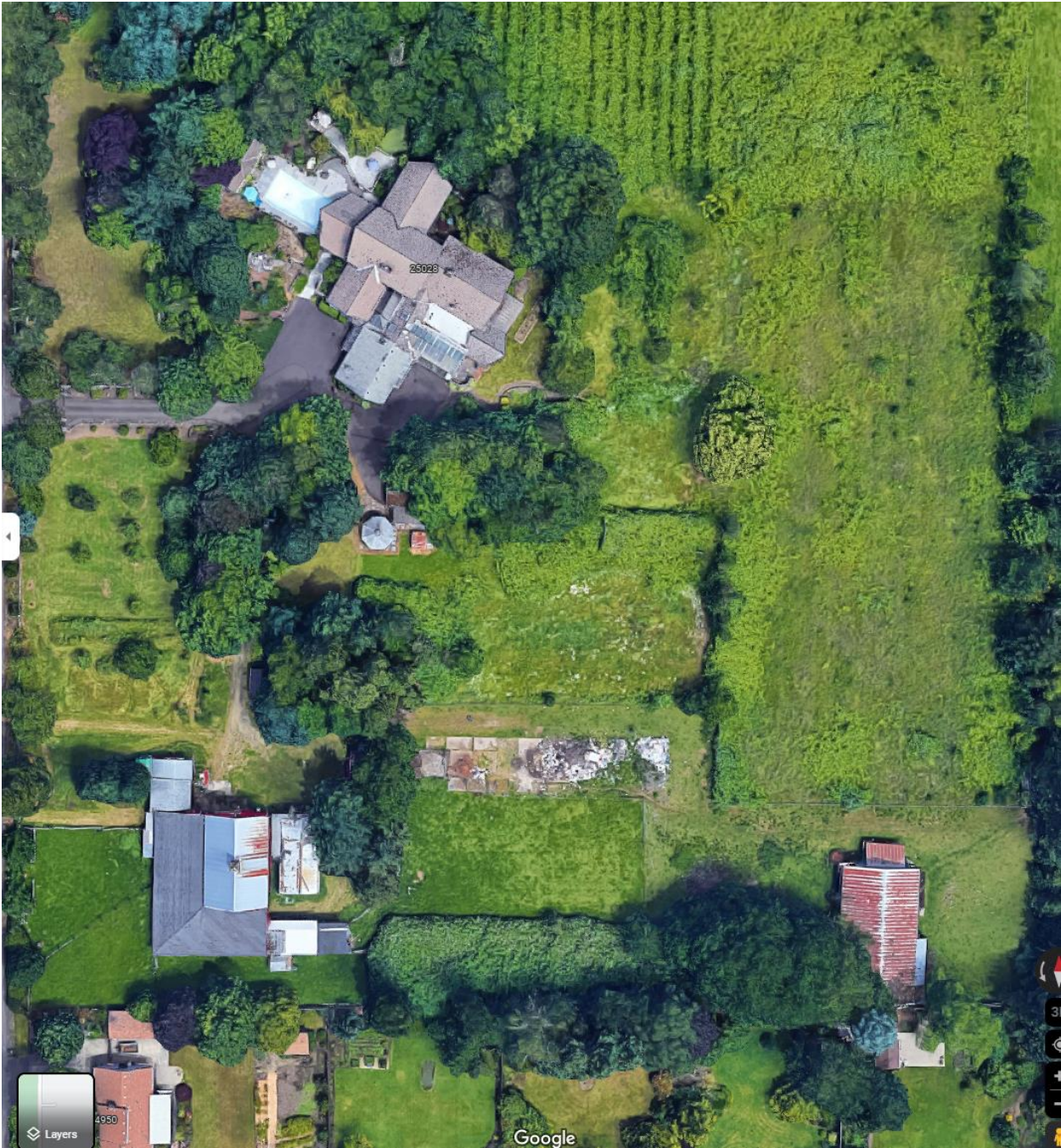
Respectfully,

Anne Shevlin, President
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Before Purchase



After Industrialization

