

BEFORE THE LAND USE BOARD OF APPEALS  
OF THE STATE OF OREGON

GREG KUPILLAS and MALIA KUPILLAS,  
*Petitioners,*

vs.

CLACKAMAS COUNTY,  
*Respondent,*

and

SAGE AND SOCIAL LLC,  
*Intervenor-Respondent.*

LUBA No. 2024-015

FINAL OPINION  
AND ORDER

Appeal on remand from the Court of Appeals.

Michael M. Reeder represented petitioner.

No appearance by Clackamas County.

Damina R. Hall represented intervenor-respondent.

ZAMUDIO, Board Chair, issued the decision.

BASSHAM, Board Member; WILSON, Board Member, did not  
participate in the decision.

REMANDED

06/26/2025

You are entitled to judicial review of this Order. Judicial review is  
governed by the provisions of ORS 197.850.

**NATURE OF THE DECISION**

Petitioners appeal a hearings officer decision approving a conditional use permit for a home occupation event business on land zoned AG/Forest, a mixed farm and forest use zone.

**FACTS**

This matter is on remand from the Court of Appeals. *Kupillas v. Sage and Social LLC*, 337 Or App 67, 563 P3d 394 (2024), *rev den*, 373 Or 444 (2025) (*Kupillas II*). We set out the facts in our prior decision and do not restate them here. *Kupillas v. Clackamas County*, LUBA No 2024-015 (July 19, 2024) (*Kupillas I*).

**FIRST ASSIGNMENT OF ERROR**

In *Kupillas I*, we sustained the first assignment of error and agreed with petitioners that the hearings officer misconstrued ORS 215.760(2) in concluding that a barn previously authorized by ORS 215.760(1) can be converted to an event facility. The Court of Appeals reversed and remanded our decision because it concluded that ORS 215.760 does not prohibit intervenor from converting the barn to an event facility if it obtains land use approval and a building permit. The first assignment of error is denied for the reasons set out in the Court of Appeals' decision.

1   **SECOND ASSIGNMENT OF ERROR**

2           We sustained the second assignment of error. The court's opinion does not  
3   require us to revisit the disposition of the second assignment of error.

4   **THIRD ASSIGNMENT OF ERROR**

5           We denied the third assignment of error. The court's opinion does not  
6   require us to revisit the disposition of the third assignment of error.

7   **FOURTH ASSIGNMENT OF ERROR**

8           We denied the fourth assignment of error. The court's opinion does not  
9   require us to revisit the disposition of the fourth assignment of error.

10   **FIFTH ASSIGNMENT OF ERROR**

11           We denied the fifth assignment of error. The court's opinion does not  
12   require us to revisit the disposition of the fifth assignment of error.

13   **SIXTH ASSIGNMENT OF ERROR**

14           We denied the sixth assignment of error. The court's opinion does not  
15   require us to revisit the disposition of the sixth assignment of error.

16           The county's decision is remanded.