

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

3  
4 DANIEL CAMPEAN,  
5 *Petitioner,*

6  
7 vs.

8  
9 CLACKAMAS COUNTY,  
10 *Respondent,*

11  
12 and

13  
14 DANA CARLSON, CYNTHIA CARLSON, MARK PATTEE, PHYLLIS  
15 PATTEE, BONNIE PEARCY, JOHN HOLM, SANDRA HOLM, RYAN  
16 STANT, NENA DUDLEY, SCOTT DICKINSON, ROB JEFFERY, KAREN  
17 JEFFERY, ROGER BELL, LYNNE BELL, AMY COWELS, FRED  
18 POLLASTRINI, DONNA POLLASTRINI, BULL RUN COMMUNITY  
19 ASSOCIATION/CPO, and 1000 FRIENDS OF OREGON,  
20 *Intervenors-Respondents.*

21  
22 LUBA No. 2025-089

23  
24 FINAL OPINION  
25 AND ORDER

26  
27 Appeal from Clackamas County.

28  
29 Daniel Campean filed the petition for review and reply brief and argued on  
30 behalf of themselves.

31  
32 Caleb Huegel filed the respondent's brief and argued on behalf of  
33 respondent. Also on the brief was Billy J. Williams.

34  
35 John D. Butterfield filed the intervenor-respondent's brief and argued on  
36 behalf of intervenors-respondents.

1           WILSON, Board Member; BASSHAM, Board Member, participated in  
2 the decision.

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4           ZAMUDIO, Board Chair, did not participate in the decision.

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6                           AFFIRMED                           03/31/2026

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

1 Opinion by Wilson.

2 **NATURE OF THE DECISION**

3 Petitioner appeals a county decision denying his application for a  
4 conditional use permit to operate a home occupation to host weddings and events.

5 **MOTION TO INTERVENE**

6 Dana Carlson, Cynthia Carlson, Mark Pattee, Phyllis Pattee, Bonnie  
7 Percy, John Holm, Sandra Holm, Ryan Stant, Nena Dudley, Scott Dickinson,  
8 Rob Jeffery, Karen Jeffery, Roger Bell, Lynne Bell, Amy Cowels, Fred  
9 Pollastrini, Donna Pollastrini, Bull Run Community Association/CPO, and 1000  
10 Friends of Oregon, opponents below, move to intervene on the side of the county.  
11 There is no opposition to the motion, and it is granted.

12 **FACTS**

13 Petitioner owns an 80-acre parcel zoned Timber (TBR) on Bull Run Road.  
14 Properties to the east, west, and south are also zoned TBR. Properties to the north  
15 across Bull Run Road are zoned Farm Forest, 10-Acre Minimum Lot Size (FF-  
16 10). The property is currently developed with an existing residence, a barn, a  
17 detached restroom building, and several other accessory residential and  
18 agricultural buildings. Petitioner applied for a conditional use permit seeking to  
19 conduct, as a home occupation, up to 24 events per year with a maximum of 150  
20 guests per event. The primary activities of the hosted events would take place in

1 the existing barn. Additional activities would take place in the existing house<sup>1</sup> –  
2 which would be decommissioned as a dwelling upon construction of a new  
3 dwelling – and in the detached restroom building. The hearings officer denied  
4 petitioner’s application on multiple grounds. This appeal followed.

5 **FOURTH ASSIGNMENT OF ERROR**

6 The hearings officer denied the conditional use application on five bases.  
7 Petitioner challenges each of those bases under five assignments of error. In order  
8 to obtain reversal or remand, petitioner must prevail on each assignment of error.  
9 We “will affirm a decision denying an application as long as there is one valid  
10 basis for denial[.]” *Hood River Valley PRD v. Hood River County*, 67 Or LUBA  
11 314, 328 (2013). We address only the fourth assignment of error as it is  
12 dispositive.

13 Among the many applicable criteria for a conditional use permit for a home  
14 occupation to host events is Clackamas County Zoning and Development  
15 Ordinance (ZDO) 406.05(A)(1), which provides, in part:

- 16 “1. The use may be allowed provided that:
- 17 “(a) The proposed use will not force a significant change in,  
18 or significantly increase the cost of, accepted farming  
19 or forest practices on agriculture or forest lands[.]”<sup>2</sup>

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<sup>1</sup> The county, in a separate proceeding, has approved a replacement dwelling on the site. Record 6.

<sup>2</sup> ZDO 406.05(A)(1) implements ORS 215.296(1).

1 This requirement is often referred to as the farm impacts test.<sup>3</sup> The hearings  
2 officer’s decision states:

3 “[Petitioner] bears the burden of proving that this standard has been  
4 met. *Guay v. Clackamas County*, LUBA No 2024-050 (December  
5 12, 2024), citing *Stop the Dump Coalition v. Yamhill County*, 364  
6 Or 432, 458, 435 P3d 698 (2019) [(slip op at 11)]. The applicant  
7 must identify the ‘surrounding lands, the farms on those lands, the  
8 accepted farm practices on each farm, and the impacts of the  
9 proposed nonfarm use on each farm practice[.]’ *Stop the Dump*, 364  
10 Or at 444.

11 “Neighboring residents raised a number of ways the proposed use  
12 may impact farm and forest operations on surrounding properties,  
13 some of which are occurring on forest lands. However, [petitioner]  
14 did not address this criterion beyond stating that ‘Event operations  
15 are limited, seasonal, and do not interfere with continuing  
16 agricultural or forestry activities.’ [Petitioner] provided no evidence  
17 identifying surrounding farm and forest lands and practices nor how  
18 the proposed use may impact the identified farm and forest  
19 practices. The impacts on farming and forestry practices have not  
20 been addressed.” Record 32 (third brackets in original, internal  
21 citation omitted).

22 Petitioner argues the hearings officer misconstrued the applicable law,  
23 made inadequate findings, and made a decision not supported by substantial  
24 evidence. First, petitioner argues that the hearings officer’s conclusion that the  
25 “impacts on farming and forestry practices have not been addressed[]” is

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<sup>3</sup> As the test must address impacts to surrounding farm and forest lands, referring to the test as either the farm impacts test or the forest impacts test would be accurate. We will refer to the test as the farm impacts test as that is how it is generally referred to.

1 inadequate and not supported by substantial evidence. According to petitioner,  
2 the hearings officer “does not identify the surrounding lands or accepted practices  
3 at issue or explain – based on record evidence – why any alleged impact would  
4 be ‘significant’ \* \* \*.” Petition for Review 23. Petitioner further argues that the  
5 decision cannot be reconciled with the noise study that demonstrates that there  
6 would be no adverse noise impacts on surrounding properties. Finally, petitioner  
7 argues that although neighbors may have raised a “number of ways” the proposed  
8 use would impact surrounding farm or forest operations, the hearings officer’s  
9 decision fails to apply the farm impacts test by not “identifying the surrounding  
10 lands/practices, identifying the impacts on each practice, and explaining why any  
11 impact is ‘significant.’” Petition for Review 24-25.<sup>4</sup>

12 Intervenor-respondents (intervenors) respond that petitioner  
13 misunderstands the farm impacts test and improperly attempts to shift the burden  
14 to the county to demonstrate that there *are* significant impacts, rather than the  
15 burden being on petitioner to establish that there are *not* significant impacts. The  
16 farm impacts test applies on a property by property and practice by practice basis  
17 and requires: (1) the applicant to identify the surrounding lands, the farms or  
18 forest lands on those lands, the accepted farm or forest practices on those lands,  
19 and the impacts of the proposed nonfarm use on each farm or forest practice; (2)  
20 the local government to determine whether the proposed nonfarm use will force

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<sup>4</sup> Petitioner repeats this argument at pages 26 to 27 of the petition for review.

1 a “significant” change to, or cost increase in, an accepted farm or forest practice,  
2 as that term is ordinarily used; and (3) if there is a significant change, the local  
3 government to determine whether the applicant has demonstrated that the  
4 nonfarm use meets the test with conditions of approval. *Friends of Marion*  
5 *County v. Marion County*, LUBA No 2021-088/089 (Apr 21, 2022) (*Jones*)  
6 (citing *Stop the Dump*, 364 Or at 444-45) (at slip op 24-26).

7 As *Jones* illustrates, petitioner has the burden of studying the surrounding  
8 uses and presenting evidence as to whether surrounding farm and forest uses will  
9 be impacted. While petitioner provided a noise study that demonstrates that the  
10 proposed use will not generate noise that would significantly impact surrounding  
11 lands, petitioner does not identify the surrounding lands, the farms or forests on  
12 surrounding lands, the accepted farm or forest practices on surrounding lands, or  
13 the impact of the proposed conditional use on each surrounding farm or forest  
14 practice. As the hearings officer stated, the only other attempt by petitioner to  
15 address the farm impacts test was to state that “event operations are limited,  
16 seasonal, and do not interfere with continuing agricultural or forestry activities.”  
17 Record 32. Without a detailed description of the surrounding lands, the individual  
18 farm and forest operations on those lands, and the farm and forest practices on  
19 those farms and operations, it is not possible for the hearings officer to determine  
20 whether the proposed conditional use would force a “significant” change to, or  
21 cost increase in, an accepted farm or forest practice.

1           Petitioner argues that the hearings officer’s findings are not adequate.  
2 Adequate findings must: (1) address the applicable standards; (2) set out the facts  
3 relied upon; and (3) explain how those facts lead to the conclusion that the  
4 standards are met. *Heiller v. Josephine County*, 23 Or LUBA 551, 556 (1992).  
5 “[T]o be sufficient for review, findings need only ‘establish the factual and legal  
6 basis for the particular conclusions drawn in a challenged decision.’” *Niederer v.*  
7 *City of Albany*, 79 Or LUBA 305, 314 (2019) (quoting *Thormahlen v. City of*  
8 *Ashland*, 20 Or LUBA 218, 229-30 (1990)). The hearings officer’s decision: (1)  
9 quotes the applicable standard, ZDO 406.05(A)(1)(a); (2) sets out the facts relied  
10 upon – that petitioner did not adequately address the impacts on surrounding farm  
11 and forest practices; and (3) explains that without this information the approval  
12 criterion cannot be met. The findings are adequate.

13           Petitioner also argues that the hearings officer’s decision is not supported  
14 by substantial evidence. Substantial evidence is evidence that a reasonable person  
15 would rely on in making a decision. *Dodd v. Hood River County*, 317 Or 172,  
16 179, 855 P2d 608 (1993). In reviewing the evidence, LUBA may not substitute  
17 its judgment for that of the local decision maker. Rather, LUBA must consider  
18 all the evidence to which it is directed, and determine whether, based on that  
19 evidence, a reasonable local decision maker could reach the decision that it did.  
20 *Younger v. City of Portland*, 305 Or 346, 358-60, 725 P2d 262 (1988). The  
21 hearings officer explained that petitioner did not provide evidence identifying  
22 surrounding farm and forest lands and practices or how the proposed use may

1 impact such farm and forest practices. Petitioner points to only the noise study  
2 and a conclusory statement that the events would be limited and seasonal and  
3 would not interfere with farm or forest practices. The potential farm and forest  
4 impacts identified by opponents were not limited to noise impacts, and petitioner  
5 cites to no evidence suggesting that the only possible impacts are derived from  
6 event noise. A reasonable person could easily reach the conclusion that petitioner  
7 did not provide adequate information to satisfy the farm impacts test.

8 Petitioner also argues that the hearings officer misconstrued the applicable  
9 law by failing to impose conditions of approval to ensure compliance with the  
10 farm impacts test. ORS 215.296(2) provides:

11 “An applicant for a use allowed under ORS 215.213 (2) or (11) or  
12 215.283 (2) or (4) may demonstrate that the standards for approval  
13 set forth in [215.296](1) \* \* \* will be satisfied through the  
14 imposition of conditions. Any conditions so imposed shall be clear  
15 and objective.”

16 Petitioner argues that the hearings officer failed to consider whether  
17 conditions of approval could demonstrate compliance with the farm impacts test.  
18 According to petitioner, the record includes multiple categories of enforceable  
19 operational and design controls that could be imposed to address off-site impacts.  
20 As intervenors explain, however, petitioner’s argument puts the cart before the  
21 horse. Petitioner’s failure to identify accepted farm or forest practices on  
22 surrounding lands makes it impossible to analyze the potential impacts of the  
23 proposed use on such practices or whether any conditions of approval would be

1 sufficient to demonstrate compliance with the farm impacts test. *See*  
2 *Schellenberg v. Polk County*, 21 Or LUBA 425, 442 (1991) (“Without an  
3 adequate identification of the accepted farming practices on surrounding lands,  
4 the county’s findings cannot explain why the proposed use will not cause a  
5 significant change or increase in the cost of such practices.”). Because petitioner  
6 did not satisfy the first prong of the farm impacts test, it was not possible for the  
7 hearings officer to impose conditions of approval to demonstrate compliance  
8 with the farm impacts test. The hearings officer did not misconstrue the law.

9 The fourth assignment of error is denied.

#### 10 **FIRST, SECOND, THIRD, AND FIFTH ASSIGNMENTS OF ERROR**

11 As explained, because we have rejected petitioner’s challenges to one  
12 sufficient basis for denial, no purpose would be served by addressing the  
13 challenges to the remaining four bases for denial. *Yamhill Creek Solar, LLC v.*  
14 *Yamhill County*, 78 Or LUBA 245, 251 (2018), *aff’d*, 295 Or App 669, 433 P3d  
15 802 (2019) (“Addressing alternate bases for denial once LUBA has affirmed at  
16 least one valid basis for denial would result in rendering what are essentially  
17 advisory adjudications[.]”). Accordingly, we do not reach the first, second, third,  
18 or fifth assignments of error.

19 The county’s decision is affirmed.