

JEFFERSON COUNTY
Community Development Department

85 S.E. "D" St. • Madras, Oregon 97741 • Ph: (541) 475-4462 • FAX: (541) 475-4270



Planning Commission Staff Report #2 Casefile 23-A-03
(Appeal of Decision – CDD File 23-AR-02)
Staff Report for Hearing Date: February 22, 2024

Appellant's Name: Three Rivers Landowners Association, Inc. ("TRLA")
11534 SW Graham Road
Culver, Oregon 97734

Appellant's Representative: Jay M. Harris, Attorney
Tomasi Braggar DuBay (counsel for TRLA)
121 SW Morrison Street, Suite 1850
Portland, Oregon 97204

Appeal Date: December 29, 2023

Appealed Decision: Attached as Exhibit A is 23-AR-02 the appealed decision.

Basis for Appeal: Attached as Exhibit B is the TRLA appeal.

23-AR-02 decision: December 14, 2023

Appeal due date: Prior to 5:00pm on December 29, 2023.

Applicant: Beaver Meadows LLC
11960 SW Meadows Lane
Culver, OR 97734

Applicant's Representative: Wendie L. Kellington, Kellington Law Group, PC
PO Box 2209
Lake Oswego, OR 97035

Request: The applicant requests approval of a home occupation in an accessory building. The home occupation use is application of Cerakote to products at a small scale in the Three Rivers Recreation Area (TRRA) zone.

Map: 12-11-11A-000312

Applicable criteria: The applicable criteria are Jefferson County Zoning Ordinance (JCZO) Sections 319(D.)(1.) and 410.2(A.) through (I.) and 907.

Findings

Findings for Casefile 23-A-03 Exhibits D, E, F, G, H, I, J, K and L.

The following are staff findings for Exhibits D, E, F, G, H, I, J, K and L.

Exhibit D - Supplemental Narrative from Kellington Law dated - November 10, 2024 – received November 10, 2024

Finding 1: Staff finds the applicants representative submitted the November 10, 2024 supplemental letter as part of Casefile 23-AR-02’s Burden of Proof (BOP).

Exhibit E - Letter from Dave and Connie Heintz - received February 8, 2024

Finding 2: Staff finds the letter from Dave and Connie Heintz to be in support of the proposed home occupation before the Planning Commission and is entered into the record.

Exhibit F - Safety Data Sheet – Acetone - received February 8, 2024

Finding 3: Staff finds the data sheet has been entered into the record.

Exhibit G - Safety Data Sheet Cerakote C-Series - received February 8, 2024

Finding 4: Staff finds the data sheet has been entered into the record.

Exhibit H - TBD Letter from Jennifer Bragar with Attachments 1 through 25 – received February 8, 2024

Finding 5: Staff finds TBD letter from Jennifer Bragar with attachments 1 through 25 are entered into the record.

Exhibit I - TRLA email and County notice - received February 8, 2024

Finding 6: Staff finds the TRLA email with County notice are entered into the record.

Exhibit J - Gary and Penny Lippold email - received February 8, 2024

Finding 7: Staff finds the email from Gary and Penny Lippold in opposition to the proposed home occupation before the Planning Commission and is entered into the record.

Exhibit K - Letter from American Pride Heating and Cooling, LLC - received February 8, 2024

Finding 8: Staff finds the letter from American Pride Heating and Cooling, LLC to be in support of the proposed home occupation before the Planning Commission and is entered into the record.

Exhibit L – Oregon State Fire Marshall email – February 8, 2024

Finding 9: Staff finds the email from OSFM is entered into the record.

Potential Planning Commission motions:

2.) Make a motion to **deny** the appeal for the following reasons:

3.) Make a motion to **affirm** the appeal for the following reasons:

Respectfully submitted,



Phil Stenbeck, Planning Director

2/15/24

Date

- C: Exhibit D - Supplemental Narrative from Kellington Law dated - November 10, 2024 – received November 10, 2024
- Exhibit E - Letter from Dave and Connie Heintz - received February 8, 2024
- Exhibit F - Safety Data Sheet – Acetone - received February 8, 2024
- Exhibit G - Safety Data Sheet Cerakote C-Series - received February 8, 2024
- Exhibit H - TBD Letter from Jennifer Bragar with Attachments 1 through 25 - received February 8, 2024 – The letter is attached with a copy of the powerpoint - *due to size Attachments 1 to 25 are available from Jefferson County CDD in hard copy format only. Please contact Tanya at (541) 475-4462 for details.*
- Exhibit I - TRLA email and County Notice - received February 8, 2024
- Exhibit J - Gary and Penny Lippold - received February 8, 2024
- Exhibit K - Letter from American Pride Heating and Cooling, LLC - received February 8, 2024
- Exhibit L - Oregon State Fire Marshall email – February 8, 2024



EX. D

Wendie L. Kellington
P.O. Box 2209
Lake Oswego Or
97035

Phone (503) 636-0069
Mobile (503) 804-0535
Email: wk@klgpc.com

November 10, 2023

Via Electronic Mail
Phil Stenbeck
Planning Director
Jefferson County

RE: Supplemental Narrative Supporting Approval of Beaver Meadows LLC Home Occupation Application 11960 SW Meadows Lane, Culver

Dear Phil:

This firm represents the Applicant, Beaver Meadows LLC and its managing member John Francis concerning the above captioned matter. Please include this letter in the record. This letter is designed to supplement the above pending application for a home occupation at 11960 SW Meadows Lane, Culver. Thank you for the courtesy of authorizing more time to prepare this supplement.

Clarifications

There has been confusion regarding the nature of the proposed home occupation. To clarify, the home occupation applies Cerakote to products at small scale inside of an existing outbuilding on the property. Cerakote is not paint, it is not a solvent, it is not furniture refinishing or stripping and it is not applied with spray particles flying everywhere. There is no welding that occurs. There are no welding torches either. Large quantities of chemicals are not stored on the property. There is Cerakote which comes in small bottles and is applied at small scale:



CERAKOTE FX
TYPHOON

FX-109 \$160.00/ea



CERAKOTE FX
SHIVER

FX-108 \$160.00/ea

Cerakote is a ceramic coating humbly applied with a spray device as shown below:

CERAKOTE®

SHOP

GALLERY



The jar containing the Cerakote is in the silver vessel above the nozzle.

The primary occupant of the property is the operator and part owner of the property. He is a disabled veteran of a foreign war living a quiet life in the Three Rivers Community.

No one, including the operator, resides in the shop where the proposed home occupation will occur. Customers rarely come to the property; transactions are largely accomplished online. Products to be Cerakoted are shipped to the shop via UPS or Fed Ex, which occurs just a few times a month. On average 2-3 customers

may visit the operator each month. Customers by and large are friends and regardless the majority of the customers are people from the Three Rivers community and the immediate surrounding areas.

The application of Cerakote completely occurs in a “spray booth” called an “Environmental Solutions” booth, which is made in the United States. That booth is inside the existing outbuilding. Sometimes garnet profiling work is performed to prepare products for Cerakoting and, when that happens, it occurs in a sealed profiling cabinet. A fan runs that blows exhaust from the building to the outside. A dust collector is used to ensure air quality. Because there is no electricity at the property, electricity is provided from either solar or a generator. The entire home occupation takes only a part of the 2500 sq ft existing shop. The shop is used for other types of noncommercial projects, like woodworking, crafts, and the like.

The home serving the property is at present a tiny home, but reconstruction of the main home that burned is underway. When that construction is complete the tiny home will be removed, and the operator will reside in the reconstructed home.

The existing shop has long since been approved by the Three Rivers Recreation Area HOA and was built and used by the prior owner. To the extent there is doubt whether the existing shop has been approved, the declaration of David McIntyre at Exhibit 1 establishes that the HOA approved the shop when the previous owner (Al Irvine) sought the same and also confirms that the structure’s appearance is the same now as it was when the HOA approved it. Moreover, the shop has been approved by the County. Given the shop is already approved by both the HOA and the County, the only issue is how it is used. It is the *use* of the shop as a home occupation that the County is being asked to approve.

The Applicant did not understand that a County home occupation permit was needed for the modest Cerakote home occupation use. Before they ever even started the home occupation, they went to the County and spoke with a planner, told her what they wanted to do, and the County planner advised there were no permits needed and the Applicant could proceed. This is explained in more detail later in this supplement.

Several months later, a code enforcement complaint from Mr. Peterkin, dated April 11, 2023, caused the County to ask for this application. That complaint is mistaken in nearly all of its assertions, begging the question of whether the County would have required this application had the correct facts been provided. Regardless, Mr Francis responded to many of those assertions with his application submittal. Some, though, are particularly egregious and require further clarification here.

One erroneous assertion has to do with the generator on the property. The larger generator on the property is not about providing power to the proposed home occupation. It serves the shop. A second generator is necessary to serve the property including the shop with consistent electricity, with or without home occupation.

In this regard, electricity within the Three Rivers Recreation Area, within which the subject property is situated, must be provided by generator and solar power, because the area is entirely "off the grid." The County's Comprehensive Plan recognizes this reality. Comprehensive Plan-37. The main source of electricity for the subject property is a battery-powered inverter system generally charged by solar panels on the property. A smaller generator handles basic loads. The additional generator, which happens to be a DL 150, serves the shop regardless of how the shop is used. The DL 150 is not the shop generator that the property owners wanted; they acknowledge that it is more than their property needs. But they bought the property during the pandemic, needed a supplemental generator for the shop, and during that time they were looking to buy one, it was nearly impossible to buy *any* generator because everyone wanted one. The DL 150 was the only one they could find for sale, and they bought it used because they needed another source of power for the property.

Thus, while Mr. Peterkin features the DL 150 in his objections to the home occupation, his complaints about it are unwarranted. The DL 150 is necessary for the property with or without the home occupation. And there are no homes or shops for that matter in the TRRA that do not have generators. Generators are a fact of life in the TRRA.

Mr. Peterkin suggests that the home occupation is unusually noisy, and this too is wrong. As a precaution, a noise expert has evaluated the noise from the DL 150, as well as other parts of the home occupation at the property line and concludes that with mitigation that the Applicant intends to install, the noise from the proposed home occupation at the property lines is substantially similar to noise that is now experienced there in the background. The noise associated with the proposal, including the DL 150 at the property lines is the same as or less than the sound of people talking – it is extremely minimal. Long and short, the DL 150 and "noise" are simply a non-event.

Mr. Peterkin also paints the picture of the proposed home occupation as engaging in plating, dipping and powder coating. This is false. His comparison of the proposed home occupation to such businesses as functional equivalents has no basis in truth, is inflammatory, false, and wholly unsupported. These statements are unfair, unwelcome and should be disregarded.

Mr. Peterkin asserts that the home occupation will discharge hazardous waste. This is also wrong and is supported by nothing. The business neither creates nor discharges *any* hazardous wastes. In consumer size containers, the business uses acetone and Simple Green to clean the modest equipment. There is never more than one gallon of these items stored on the premises at anytime. A condition to that effect is not objectionable.

Simple Green is recognized by the EPA's Safer Choice Program. It is environment and pet friendly, non-abrasive, non-flammable, non-caustic, chlorine free and phosphate free. That is probably one of the reasons Good Housekeeping named Simple Green the best all-purpose household cleaner.

The small quantity of acetone used and stored is a ubiquitous household item that is found at any Home Depot, Lowes, Bi-Mart, Fred Meyer etc. and in many homes, garages, and shops. And even so, these products are stored in a fireproof, explosion proof cabinet. This is not required, but it is just how the operator likes to do things. When acetone is used to clean the equipment, it is in very small quantities – akin to the amount used to take nail polish off fingernails. After all, they are just cleaning the little nozzle that you see in the image above. That material quickly evaporates in the cleaning process (as it does in the nail polish removal process), leaving no residue. Presumably the HOA does not object to people removing fingernail polish or keeping acetone around to do that.

The home occupation produces exactly zero Volatile Organic Compounds ("VOCs). This has been confirmed in the report provided with the application. There is no "there, there."

Finally, Mr. Perkin's letter had a whiff of a personal attack to it. The HOA's ire came up in the context of the fact that the home occupation would sometimes put Cerakote on firearms for people. To do any work with other people's firearms requires ATF approval and ATF routinely sends compatibility statements to HOAs to ensure such work is consistent with CCRs (some HOAs prohibit firearms work; the TRHA is not one of them). A particular leader of the HOA finds that sort of work distasteful. The rest is history.

The HOA does not object (and presumably the County has approved as home occupations), far more ambitious home occupations than what our disabled veteran here proposes to do at his home.

Within the TRRA is a cabinet maker and metal fabrication shop, both of which are in the same HOA as the subject property. The Applicant has no quarrel with those businesses. But they have features Mr. Peterkin claims great concern about, that are far in excess of anything the proposed home occupation will use, or store or

do, without argument from the HOA. For example, the cabinet maker sprays lacquer without the benefit of a ventilated spray booth. The metal fabrication shop uses both MIG and TIG welding processes as well as Oxy-Acetylene. All of which are used in sufficient quantities to be considered Class 1 flammables under the fire code, with no exemptions to remove them from regulatory oversight.

The County has Approved the Proposed Home Occupation

In December 2022, before significantly investing in the home occupation on the subject property, John Francis went to the planning department to inquire about whether under the County code, he could apply Cerakote for customers in the existing shop. He was unequivocally told that he could, by a County planner who the County authorizes to make such determinations at the planning counter. After all, that is what the planning counter is for. She was right and that should have ended the matter.

Since the home occupation has already been approved by the County, the application that Beaver Meadows LLC filed here is solely in response to the County's subsequent (several months later) request that it be filed. Please understand that it was respectfully filed without waiver of the Applicant's belief that an application is not required because the home occupation has already been approved by the County and that approval is not now subject to collateral attack.

That said, the Francis's and Mr. Johnson (the operator) are long-standing, good, Jefferson County citizens who seek to cooperate with the County and resolve issues rather than stand on principle and fight. They simply acknowledge here that they seek to preserve their right to the decision that the County has already made, should they need to do so.

Home Occupation Criteria

The Jefferson County Zoning Ordinance (JCZO 410.02,) provides the following criteria for a home occupation. The proposal meets all of them.

- A. The home occupation will be secondary to the main use of the property as a residence. It will be operated substantially in the dwelling or in an accessory building on the same property.

The main use of the property is residential. The home occupation use is secondary to that primary residential use. Evidence that residential use of the property is the primary use includes the fact that (1) the property was residentially used before the shop was built, and (2) continues to be used residentially since the

shop was built. The shop has always been and continues to be accessory to the primary residential use to which the property is primarily devoted.

In this regard, the shop within which the home occupation will occur is an existing approved accessory shop on the subject property. As pointed out above, that shop structure has been approved by both the HOA and the County. It was constructed to support the various hobbies of the prior owner Al Irvine who also had his home on the property. The Francis' and operator Mr. Johnson purchased the property after the prior owner passed away and they are in the process of rebuilding the prior home. The County has approved the plans for the reconstructed home, and they have started its construction.

Other facts demonstrate the predominance of residential use of the subject property as contrasted with secondary use of the property for the proposed home occupation. While the residential use of the subject property is 24 hours a day x 7 days per week, the home occupation use of the shop will occur only on Monday through Friday between the hours of 8 am to 5 pm. Further, the home occupation will occur exclusively within the shop building. On the other hand, the primary residential use utilizes all structures on the property including the shop. Moreover, few customers come to the site for the home occupation. But someone's home can and does have friends and relatives visit frequently.

The primary use of the subject property is residential, and the home occupation use of the shop is merely secondary. This standard is met.

- B. The appearance of the dwelling or accessory building will not be altered, nor will a building not otherwise allowed in the zone be constructed to house the home occupation.

As Exhibit 1 makes plain, the appearance of the shop is the same now as it was when it was built by Mr. Irvine (the prior owner), approved by the HOA, and approved by the County for Mr. Irvine. It has also since been approved by the County for the Applicant who needed to finish the shop as Mr. Irvine left work to be completed. There is no proposal to alter the appearance of the structure for the home occupation.

The building is of a type that is allowed in the TRRA zone as is obvious from the fact that it has been approved by both the HOA and the County for the prior owner who had nothing to do with the proposed home occupation. Moreover, the shop within which the home occupation will occur is of a type that is common in the TRRA. Example photographs of other structures in the TRRA zone that are nearby the subject property are shown on Exhibit 2.

Mr. Perkin asserted, again with no basis, that the Applicant' modified the appearance of the shop building. This is false. The standard asks about the appearance of the shop and there are no changes to the appearance of the shop. The Applicant discovered after purchasing the property that the previous owner had not completed getting all the permits needed for the shop – he still needed an electrical permit. The Applicant finished up that permitting, which included beefing up the electrical panel as needed to accommodate power. The existing unapproved electrical was not up to code when the Applicant bought the property, and it was necessary for them to complete that work. The County inspector who issued the final electrical permit for the Francis' and who did the on-site inspection noted that the work done was one of the finest electrical installs that he

- C. The home occupation will be conducted in a manner that will not cause the generation/emission of sounds, noises, fumes, glare, or vibrations, using normal senses and taking measurements from any lot line of the parcel. Electrical or mechanical equipment that creates visible or audible interference in radio or television reception or causes fluctuations in line voltage outside of the home occupation is prohibited.

The home occupation causes no fumes or vibrations whatsoever outside of the shop building. Nothing is used in the home occupation that causes any visual or audible interference in radio or television reception or that would cause voltage fluctuations outside of the home occupation.

Expert analysis of noise associated with the home occupation establishes that even with all facets of it running, with mitigation that the Applicant intends, noise associated with the proposed home occupation is substantially similar to the background noise that already is happening in the area. The intended mitigation is to enclose the DL-150 generator on three sides and to replace the diesel gas dust collector with an electric one. Conditions to that effect are not objectionable. This standard is met.

- D. The home occupation will be completely conducted within an enclosed building. There will be no outside storage of materials or supplies or display of goods.

No part of the home occupation is proposed to occur outside of any building. There is no outdoor storage or display of goods proposed for the home occupation. This standard is met.

- E. The home occupation will not store, warehouse, or use materials which are Class I flammables as defined by the Uniform Fire Code.

As explained in the original application narrative,¹ the home occupation uses consumer-grade packaged acetone and Simple Green to clean the small and modest machinery associated with the home occupation. "Simple Green" is not a Class I flammable in any quantity under the fire code. The quantity of acetone used is small – akin to the amount used to change nail polish and the amount stored is also minimal, always one gallon or less. As noted above, even so even though not required, both are stored in a fireproof, explosion proof container.

An initial problem with this standard is that there is no such thing as "the Uniform Fire Code." However, the Oregon Fire Code exempts small quantities of acetone from its scope. It describes quantities of Acetone above 60 gallons as a regulated Class IB flammable liquid. However, lesser quantities are exempt. The home occupation uses no where near that quantity - that quantity would never be used or stored on the property. A condition to that effect is not objectionable. Here, the Applicant keeps a gallon or less of acetone at a time onsite, sitting in their original consumer container. It is purchased at Home Depot or similar consumer store. Even though there is no such thing as the "Uniform Fire Code", under any fire code, 1 gallon of consumer purchased acetone is exempt. This standard is met.

- F. The home occupation will not result in more than five additional vehicles parking at the site at any given time. Any needed parking space shall be off-street in a location other than in a required front setback

The home occupation has only one employee and he is the resident of the property and the operator. The proposal will not result in more than five additional vehicles being parked at the site at any given time because customers do not come to the site to transact business. Rather, finished products are mailed or delivered elsewhere via courier. This standard is met.

- G. The home occupation will be conducted by the residents of the property. The home occupation will employ no more than one additional employee if the property is in a residential zone, or no more than five additional employees if the property is in an Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management zone. Employees or contractors who work off-site and do not come to the property to park, pick up equipment or materials or for any other work-related reason will not be counted toward the number of employees that are allowed.

¹ The application also explained that sometimes "Brake Clean" is used to clean equipment. That product is no longer used as it is more expensive and unnecessary. It too is a consumer product that people use to keep their brakes clean. But regardless it is not used in the proposed home occupation.

The subject property is in the TRRA zone. That zone is not a resource zone and does not fit neatly into the category of a residential zone. As the comprehensive plan Goal 9 "Economy Element" (Policy 4, p 59) states, the TRRA zone is for tourism: "The Three Rivers Recreation Area Waterfront zone, Camp Sherman Vacation Rentals zone, Camp Sherman Rural Center zone, and Blue Lake zone were specifically designed to recognize existing tourism-related businesses and allow limited new development that is in harmony with the surrounding area and carrying capacity of the land." However, the Goal 10 housing element also states that the TRRA zone has the largest amount of "rural residential" land in the County, second only to the Crooked River Ranch. Housing Element p 62. Therefore, we presume the TRRA is considered a "residential zone" under this standard. The TRRA allows residential uses and home occupations. Regardless, the occupant of the property and operator of the home occupation are the same person. Therefore, this standard is met.

- H. Retail sales will be limited to items that are accessory to a service being provided. Retail sales of seasonal items will be limited to the appropriate season of the year.

Customers place orders online or over the telephone. Customers ship the materials to be coated to the facility. Orders are fulfilled in the shop. The resulting coated product is shipped back to the customer. If that is considered "retail sales", then such sales are limited by their nature to only those items that are "accessory" to the service provided – in fact they are the only service provided. This standard is met.

- I. The location, size, design, and operating characteristics of the home occupation will have no significant adverse impact on abutting properties or the surrounding area.

The home occupation is in an existing shop building, and the existing shop building is 2500 sq. ft. The shop building is in a location, a size and design that is common in the TRRA zone. A photo montage of the subject building and other shop / outbuildings in the area is attached as Exhibit 2. That exhibit demonstrates that there are numerous shop buildings throughout the THRA and the subject shop fits right in. Moreover, the subject shop building has been approved by both the HOA and the County. The appearance of the structure is not changing for the Home Occupation.

A report in the record submitted with the application by Beacon NW, an expert in safety and health services, has reviewed the proposed home occupation and concluded that it causes "very little environmental or health risk to the property itself, neighboring properties or community."

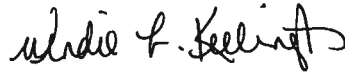
A noise expert, Kerrie Standlee, has reviewed the proposal and he establishes that the proposed home occupation with its intended mitigation – even with all

facets running, including treating the DL-150 generator as attributable solely to the home occupation when we know it would be there anyway for the shop -has a noise profile that is minimal - substantially similar to noise in the background anyway. Noise from the proposal is the same as or less than the sound of people talking.

It is respectfully submitted that the evidence demonstrates that proposal causes no significant adverse impact on abutting properties or the surrounding area.

The proposal meets all relevant standards and should be approved. Thank you for your courtesies.

Very truly yours,



Wendie L. Kellington

WLK:wlk
Enclosures
Exhibit 1 Declaration
Exhibit 2 Photographs
CC: Clients
Scott Edleman, CDD Director

EX. E

February 8, 2024

Jefferson County Community Development Department
85 SE D Street
Madras, OR 97741

RE: Planning Commission Staff Report Case file 23-A-03
Appeal of Decision-CDD File 23-AR-02
Hearing Date February 8, 2024

TO: Jefferson County Planning Commissioners, Phil Stenbeck, CFM, and Others Concerned

My husband Dave and I are currently Three Rivers Landowners Association members and full time residents within the 3R community. We along with many others in 3R are business owners. We wish to thank the Commissioners for the approval of the home based occupation business named Beaver Meadows LLC located at 11960 SW Meadows Lane, Culver, OR.

Because we live here full time and are fully apprised of the Beaver Meadows business, we don't feel that this business should be denied its approval for operation for a number of reasons.

We believe that the 3R Board of Directors has been misinformed for an unknown reason as to why this business should not be allowed to operate. There has been a lack of, or no communication between the board and this business owner with the exception of legal. We believe association members have not been informed of this and most members would disagree with our Board's position on appealing this or even going against a member of our community to this extent.

Finding 3: 3R believes that you have misinterpreted that the subject property does not currently have a main dwelling.

Our response is that many 3R properties do not have a stick built main dwelling residing on them. This property does have a temporary dwelling that the resident lives in. The main stick-built home is under construction. It does not take a stick-built home to be a resident of 3R. I see no violation of criteria.

Finding 4: 3R believes that you have misinterpreted that the subject property will not conduct the business in a manner that will not cause the generation/emission of sounds, noises, fumes, glare, or vibrations, using normal senses and taking measurements from any lot line of the parcel.

Our response is that there are many property owners who do not comply with those very measurements. There is always loud music from neighbors recreating on property, noisy old cheap generators running for off grid uses, many vibrations from 4 wheelers, side x sides running, saw mill operations, welding operations, wood cutting, etc. that would not meet the 3R criteria that they are requesting in this particular case.

Finding 5: 3R believes that the home business would not be conducted within an enclosed building.

We have seen first hand, of the clean and tidy shop that this business would conduct its operations in and find no reason that it would be elsewhere.

Finding 6: 3R believes the purported home occupation does not satisfy the requirement of the standard.

We don't see any reason why this business has been singled out vs. other home occupation business currently operating within the community. We do not understand why this business is any different and see that it would operate in a much safer manner than most.

Finding 7: 3R believes that there is no residence on the property, which in fact is not true as stated above. 3R claims that the claimed resident, an employee/minority member of record does not have a right currently or in the future to reside on the subject property.

We know that there are several other residents who are not owners currently reside on other properties and have so for many years without complaint of the association. We have been told that if someone resides on a property, all they need is a long-term lease of a year or more to reside if not a member. So, we see no violation based on precedence of other properties currently occupied by non-members.

Finding 8: 3R believes the subject property is likely to have an adverse impact on the abutting properties and surrounding areas.

We do not believe this is the case. Regarding the subject property to be in a high risk fire area, all properties in 3R are in the same area and the prior fire on this property has no relation or impact regarding the current owner or operation. It has been stated by Beaver Meadows LLC that noise from the operation is less than typical. Other properties running old, outdated generators, four wheelers, side x sides, parties, etc. are in our opinion far noisier than this will be. This property owner is courteous and a responsible long time 3R property owner that does not deserve this treatment from the association he is a member of. This business would have less negative impact on owners than what other owners have created on their properties. 3R community deserves to have productive people and businesses to support its growth and improvements that are wanted. John Francis is just that positive, productive and philanthropist that this community is always seeking and needs.

In addition to the above comments, our 3R Board has always told people in the community regarding business operations, building homes, outbuildings, etc. that if Jefferson County approves it, the Board will and Architectural review committee will agree and approve it.

I am also a licensed Oregon Real Estate Broker who sells property within the community and have asked the board about allowing property owners to operate businesses within the community. Their response was if Jefferson County allowed it or zoning allowed, we would allow it. Not sure why this is here today on appeal, if that is true. Without the number of owners who are business owners and provide services to the community, our community will find few businesses willing to travel and supply services here, making it unaffordable to accomplish the many tasks homeowners are wanting and needing.

We are hopeful that Jefferson County will uphold the decision to support the operation of Beaver Meadows LLC.

Should anyone from Jefferson County wish to discuss this, please feel free to call either of us.

Respectfully,

Dave Heintz
Connie Heintz
4697 SW Quarry Ln
Culver, OR 97734
541-815-8461
541-815-8462

SAFETY DATA SHEET

Acetone

Storage

Flammables area. Keep containers tightly closed in a dry, cool and well-ventilated place. Keep away from heat, sparks and flame.

Specific Use(s)

Use in laboratories

SECTION 8. EXPOSURE CONTROLS/PERSONAL PROTECTION

Control Parameters

Component	China	Taiwan	Hong Kong	The United Kingdom
Acetone	TWA: 300 mg/m ³ STEL: 450 mg/m ³	TWA: 200 ppm TWA: 475 mg/m ³	TWA: 500 ppm TWA: 1187 mg/m ³ STEL: 750 ppm STEL: 1781 mg/m ³	TWA: 500 ppm TWA: 1210 mg/m ³ STEL: 1500 ppm STEL: 3620 mg/m ³

Component	ACGIH TLV	OSHA PEL	NIOSH IDLH	European Union
Acetone	TWA: 250 ppm STEL: 500 ppm	(Vacated) TWA: 750 ppm (Vacated) TWA: 1800 mg/m ³ (Vacated) STEL: 2400 mg/m ³ (Vacated) STEL: 1000 ppm TWA: 1000 ppm TWA: 2400 mg/m ³	IDLH: 2500 ppm TWA: 250 ppm TWA: 590 mg/m ³	TWA: 500 ppm (8h) TWA: 1210 mg/m ³ (8h)

Monitoring methods

BS EN 14042:2003 Title Identifier: Workplace atmospheres. Guide for the application and use of procedures for the assessment of exposure to chemical and biological agents. MDHS70 General methods for sampling airborne gases and vapours MDHS 88 Volatile organic compounds in air. Laboratory method using diffusive samplers, solvent desorption and gas chromatography MDHS 96 Volatile organic compounds in air - Laboratory method using pumped solid sorbent tubes, solvent desorption and gas chromatography

Exposure Controls

Engineering Measures

Ensure adequate ventilation, especially in confined areas. Ensure that eyewash stations and safety showers are close to the workstation location. Use explosion-proof electrical/ventilating/lighting equipment. Wherever possible, engineering control measures such as the isolation or enclosure of the process, the introduction of process or equipment changes to minimise release or contact, and the use of properly designed ventilation systems, should be adopted to control hazardous materials at source.

Personal protective equipment

Eye Protection Goggles (European standard - EN 166)

Hand Protection Protective gloves

Glove material	Breakthrough time	Glove thickness	EU standard	Glove comments
Butyl rubber	> 480 minutes	0.5 mm	EN 374 Level 6	As tested under EN374-3 Determination of Resistance to Permeation by Chemicals
Neoprene gloves	< 30 minutes	0.45 mm		

Inspect gloves before use.

Please observe the instructions regarding permeability and breakthrough time which are provided by the supplier of the gloves. (Refer to manufacturer/supplier for information)

Ensure gloves are suitable for the task: Chemical compatibility, Dexterity, Operational conditions, User susceptibility, e.g. sensitisation effects, also take into consideration the specific local conditions under which the product is used, such as the danger of cuts, abrasion.

Remove gloves with care avoiding skin contamination.

Skin and body protection Long sleeved clothing

Respiratory Protection When workers are facing concentrations above the exposure limit they must use appropriate certified respirators. To protect the wearer, respiratory protective equipment must be the correct fit and be used and maintained properly

Acetone

Skin Contact

Wash off immediately with plenty of water for at least 15 minutes. If skin irritation persists, call a physician.

Inhalation

Remove to fresh air. If not breathing, give artificial respiration. Get medical attention if symptoms occur.

Ingestion

Clean mouth with water and drink afterwards plenty of water.

Most important symptoms and effects

. Symptoms of overexposure may be headache, dizziness, tiredness, nausea and vomiting: May cause pulmonary edema

Self-Protection of the First Aider

Remove all sources of ignition. Use personal protective equipment as required.

Notes to Physician

Treat symptomatically. Symptoms may be delayed.

SECTION 5. FIRE-FIGHTING MEASURES**Suitable Extinguishing Media**

Water spray, carbon dioxide (CO₂), dry chemical, alcohol-resistant foam. Water mist may be used to cool closed containers.

Extinguishing media which must not be used for safety reasons

Do not use water jetstream.

Specific Hazards Arising from the Chemical

Flammable. Risk of ignition. Containers may explode when heated. Vapors may form explosive mixtures with air. Vapors may travel to source of ignition and flash back.

Protective Equipment and Precautions for Firefighters

As in any fire, wear self-contained breathing apparatus pressure-demand, MSHA/NIOSH (approved or equivalent) and full protective gear.

SECTION 6. ACCIDENTAL RELEASE MEASURES**Personal Precautions**

Use personal protective equipment as required. Ensure adequate ventilation. Remove all sources of ignition. Take precautionary measures against static discharges.

Environmental Precautions

Should not be released into the environment.

Methods for Containment and Clean Up

Soak up with inert absorbent material. Keep in suitable, closed containers for disposal. Remove all sources of ignition. Use spark-proof tools and explosion-proof equipment.

Refer to protective measures listed in Sections 8 and 13.

SECTION 7. HANDLING AND STORAGE**Handling**

Do not get in eyes, on skin, or on clothing. Wear personal protective equipment/face protection. Ensure adequate ventilation. Avoid ingestion and inhalation. Keep away from open flames, hot surfaces and sources of ignition. Use only non-sparking tools. To avoid ignition of vapors by static electricity discharge, all metal parts of the equipment must be grounded. Take precautionary measures against static discharges.

Acetone



Signal Word

Danger

Hazard Statements

H225 - Highly flammable liquid and vapor
 H319 - Causes serious eye irritation
 H336 - May cause drowsiness or dizziness

Precautionary Statements**Prevention**

P210 - Keep away from heat/sparks/open flames/hot surfaces. - No smoking
 P240 - Ground/bond container and receiving equipment
 P241 - Use explosion-proof electrical/ ventilating/ lighting equipment
 P242 - Use non-sparking tools
 P243 - Take precautionary measures against static discharge
 P264 - Wash face, hands and any exposed skin thoroughly after handling
 P271 - Use only outdoors or in a well-ventilated area
 P280 - Wear protective gloves/protective clothing/eye protection/face protection

Response

P303 + P361 + P353 - IF ON SKIN (or hair): Remove/Take off immediately all contaminated clothing. Rinse skin with water/shower
 P304 + P340 - IF INHALED: Remove person to fresh air and keep comfortable for breathing
 P305 + P351 + P338 - IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing
 P312 - Call a POISON CENTER or doctor if you feel unwell
 P370 + P378 - In case of fire: Use dry sand, dry chemical or alcohol-resistant foam for extinction

Storage

P403 + P233 - Store in a well-ventilated place. Keep container tightly closed

Disposal

P501 - Dispose of contents/ container to an approved waste disposal plant

Physical and Chemical Hazards

Vapors may cause flash fire or explosion. Highly flammable.

Health Hazards

Causes serious eye irritation. May cause drowsiness or dizziness.

Environmental hazards

Contains no substances known to be hazardous to the environment or not degradable in waste water treatment plants. Will likely be mobile in the environment due to its volatility. The product contains volatile organic compounds (VOC) which will evaporate easily from all surfaces.

SECTION 3. COMPOSITION/INFORMATION ON INGREDIENTS

Component	CAS No	Weight %
Acetone	67-64-1	>95

SECTION 4. FIRST AID MEASURES**General Advice**

If symptoms persist, call a physician.

Eye Contact

Rinse immediately with plenty of water, also under the eyelids, for at least 15 minutes. Get medical attention.

ACR26831

Acetone

SECTION 1. IDENTIFICATION OF THE SUBSTANCE/MIXTURE AND OF THE COMPANY/UNDERTAKING

产品说明: 丙酮
Product Description: Acetone

Cat No. : 268310000; 268310010; 268310025
Synonyms 2-Propanone
CAS No 67-64-1
Molecular Formula C3 H6 O

Supplier **UK entity/business name**
Fisher Scientific UK
Bishop Meadow Road,
Loughborough, Leicestershire LE11 5RG, United Kingdom
General info; Tel: +44 (0)1509 231166

EU entity/business name
Acros Organics BVBA
Janssen Pharmaceuticaaan 3a, 2440 Geel, Belgium
General Info; Tel: +32-14-57 52 11 (info@acros.com)
Technical Support; Tel +32-14-56 56 00 (acros.techsupport@thermofisher.com)

Emergency Telephone Number For information **US** call: 001-800-ACROS-01 / **Europe** call: +32 14 57 52 11
Emergency Number **US**:001-201-796-7100 / **Europe**: +32 14 57 52 99
CHEMTREC Tel. No.**US**:001-800-424-9300 / **Europe**:001-703-527-3887

E-mail address begel.sdsdesk@thermofisher.com

Recommended Use Laboratory chemicals.
Uses advised against No Information available

SECTION 2. HAZARD IDENTIFICATION

Physical State
Liquid

Appearance
Colorless

Odor
sweet

Emergency Overview

Highly flammable liquid and vapor. Causes serious eye irritation. May cause drowsiness and dizziness. Repeated exposure may cause skin dryness or cracking.

Classification of the substance or mixture

Flammable liquids	Category 2
Serious Eye Damage/Eye Irritation	Category 2
Specific target organ toxicity - (single exposure)	Category 3

Label Elements

EX. G

Cerakote C-Series

Version number: 3.0

Revision: 10/17/2023

SECTION 1: Identification

1.1 Product identifier

Trade name **Cerakote C-Series**

1.2 Relevant identified uses of the substance or mixture and uses advised against

Relevant identified uses **Professional use**

1.3 Details of the supplier of the safety data sheet

NIC Industries, Inc
 7050 6th St.
 White City Oregon 97503
 United States

Telephone: 866-774-7628
 e-mail: sds@nicindustries.com
 Website: www.nicindustries.com

1.4 Emergency telephone number

Emergency information service **1-800-633-8253 (USA & Canada)**

The information contained in this Safety Data Sheet (SDS) is, to the best of our knowledge, true and accurate and presented in good faith. NIC Industries, Inc. makes no warranties, expressed or implied, as to the accuracy and adequacy of this information. Because many factors may affect processing or application/use of this product, this data is offered solely for the user's consideration, investigation and verification. The information relates only to the specific material designated and may not be valid for such material used in combination with any other material or process. Regulatory requirements are subject to change and may differ from one location to another. It is the responsibility of the buyer/user to ensure its activities comply with all local, state and federal regulations.

SECTION 2: Hazard(s) identification

2.1 Classification of the substance or mixture

Classification acc. to OSHA "Hazard Communication Standard" (29 CFR 1910.1200)

Hazard class and category code(s)

Classification acc. to GHS				
Section	Hazard class	Category	Hazard class and category	Hazard statement
A.10	Acute toxicity (oral)	4	Acute Tox. 4	H302
A.2	Skin corrosion/irritation	2	Skin Irrit. 2	H315
A.3	Serious eye damage/eye irritation	2A	Eye Irrit. 2A	H319
A.4S	Skin sensitization	1	Skin Sens. 1	H317
A.6	Carcinogenicity	2	Carc. 2	H351

For full text of abbreviations: see SECTION 16.

2.2 Label elements

Labelling acc. to OSHA "Hazard Communication Standard" (29 CFR 1910.1200)

Cerakote C-Series

Version number: 3.0

Revision: 10/17/2023

- Signal word

WARNING

- Pictograms

GHS07, GHS08



- Hazard statements

H302 Harmful if swallowed.
 H315 Causes skin irritation.
 H317 May cause an allergic skin reaction.
 H319 Causes serious eye irritation.
 H351 Suspected of causing cancer.

- Precautionary statements

P201 Obtain special instructions before use.
 P261 Avoid breathing dust/fume/gas/mist/vapors/spray.
 P270 Do not eat, drink or smoke when using this product.
 P272 Contaminated work clothing must not be allowed out of the workplace.
 P280 Wear protective gloves.
 P301+P312 If swallowed: Call a poison center/doctor if you feel unwell.
 P302+P352 If on skin: Wash with plenty of water.
 P305+P351+P338 If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
 P308+P313 If exposed or concerned: Get medical advice/attention.
 P321 Specific treatment (see on this label).
 P330 Rinse mouth.
 P333+P313 If skin irritation or rash occurs: Get medical advice/attention.
 P337+P313 If eye irritation persists: Get medical advice/attention.
 P362 Take off contaminated clothing and wash before reuse.
 P363 Wash contaminated clothing before reuse.
 P405 Store locked up.
 P501 Dispose of contents/container to industrial combustion plant.

- Hazardous ingredients for labelling

p-chlorobenzotrifluoride, Ambient Cure Refractory Resin

2.3 Other hazards

Hazards not otherwise classified

Very toxic to aquatic life with long lasting effects (GHS category 1: aquatic toxicity - acute and/or chronic).

Harms public health and the environment by destroying ozone in the upper atmosphere (GHS category 1: hazardous to the ozone layer).

Results of PBT and vPvB assessment

Does not contain a PBT-/vPvB-substance in a concentration of $\geq 0.1\%$.

Endocrine disrupting properties

Contains an endocrine disruptor (EDC) in a concentration of $\geq 0.1\%$.

Cerakote C-Series

Version number: 3.0

Revision: 10/17/2023

SECTION 5: Fire-fighting measures

5.1 Extinguishing media

Suitable extinguishing media

Dry extinguishing powder, BC-powder, Carbon dioxide (CO₂)

5.2 Special hazards arising from the substance or mixture

Hazardous combustion products

Carbon monoxide (CO), Carbon dioxide (CO₂)

5.3 Advice for firefighters

In case of fire and/or explosion do not breathe fumes. Coordinate firefighting measures to the fire surroundings. Do not allow firefighting water to enter drains or water courses. Collect contaminated firefighting water separately. Fight fire with normal precautions from a reasonable distance.

SECTION 6: Accidental release measures

6.1 Personal precautions, protective equipment and emergency procedures

For non-emergency personnel

Remove persons to safety.

For emergency responders

Wear breathing apparatus if exposed to vapors/dust/aerosols/gases.

6.2 Environmental precautions

Keep away from drains, surface and ground water. Retain contaminated washing water and dispose of it. If substance has entered a water course or sewer, inform the responsible authority.

6.3 Methods and material for containment and cleaning up

Advice on how to contain a spill

Covering of drains.

Advice on how to clean up a spill

Wipe up with absorbent material (e.g. cloth, fleece). Collect spillage: sawdust, kieselgur (diatomite), sand, universal binder.

Appropriate containment techniques

Use of adsorbent materials.

Other information relating to spills and releases

Place in appropriate containers for disposal. Ventilate affected area.

6.4 Reference to other sections

Hazardous combustion products: see section 5. Personal protective equipment: see section 8. Incompatible materials: see section 10. Disposal considerations: see section 13.

Cerakote C-Series

Version number: 3.0

Revision: 10/17/2023

Individual protection measures (personal protective equipment)

Eye/face protection

Wear eye/face protection.

Skin protection

- Hand protection

Wear suitable gloves.

- Other protection measures

Wash hands thoroughly after handling.

Respiratory protection

In case of inadequate ventilation wear respiratory protection.

Environmental exposure controls

Use appropriate container to avoid environmental contamination. Keep away from drains, surface and ground water.

SECTION 9: Physical and chemical properties

9.1 Information on basic physical and chemical properties

Appearance

Physical state	Liquid
Color	Characteristic
Particle	Not relevant (liquid)
Particle size	Not available
Odor	Ammoniacal

Other safety parameters

pH (value)	Not determined
Melting point/freezing point	Not determined
Initial boiling point and boiling range	>133.8 °C at 1 atm
Flash point	39 °C
Evaporation rate	Not determined
Flammability (solid, gas)	Not relevant
Explosive limits	Not determined
Vapor pressure	0.018 Pa at 25 °C

TBD

TOMASI BRAGAR DUBAY

EX. H-LETTER

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February 8, 2024

BY HAND DELIVERY

Planning Commission
c/o Phil Stenback
Jefferson County Community Development Department
85 SE "D" Street
Madras, OR 97741

RE: Three Rivers Landowners Association, Inc. Public Comments on Beaver Meadows LLC's Home Occupation Application, Casefile No. 23-AR-03

Dear Planning Commissioners,

This office represents the Three Rivers Landowners Association, Inc. ("Association" or "TRLA"). This letter is submitted in opposition to the application submitted by Beaver Meadows LLC (the "Applicant" or "Beaver Meadows") referenced as County Casefile No. 23-AR-03, which involves the property located at 11960 SW Meadows Lane, Culver, OR 97734 (the "Residential Lot"). Please include this letter in the record for the above referenced file.

Beaver Meadows' application seeks an administrative permit to operate a metal coating business as a home occupation on the Residential Lot as a result of enforcement action for operating the use without county approval. The Residential Lot currently contains a shop or garage that was built as an accessory structure to a single family dwelling. That single family dwelling burned in a house fire in 2021 and **has not been rebuilt**. Attachment 1. The application proposes to site and operate the metal coating business in the existing shop on the Residential Lot. The application states that the sole employee of the business will be living in a recreational vehicle (a trailer) allowed under a now-expired temporary use permit that connects to the existing septic system.

The Planning Department approved the home occupation administrative permit for the business that coats and bakes a chemical compound known as Cerakote® onto metal components, typically firearms, using a shop on the Residential Lot. According to the Bureau of Alcohol, Tobacco, and Firearms, the business of coating firearms qualifies as a gunsmithing business. Attachment 2. The Applicant's majority members run the firearm coating business named Buster Beaver Designs, LLC, a business formerly located in an industrial park in Wilsonville, Oregon, that is relocating to the Residential Lot. The county's administrative decision (the "Decision") is attached as Attachment 3.

The Association is an Oregon non-profit corporation that governs the Three Rivers Recreational Area (the "TRRA"), a residential and recreational subdivision accessible only by lot owners and guests via a private road, Lakeview Drive. The TRRA, which encompasses nearly 3,922 acres, has existed in Jefferson County, Oregon since 1970. The TRRA lies above the Metolius arm of Lake Billy Chinook in Jefferson County. The subdivision includes 703 residential lots and various parcels of common area in an off-the-grid community that does not have the utilities typical in more urban areas, such as public sewer or electricity. The TRRA relies on an all-volunteer fire department to protect the community from the significant risks posed by both naturally caused and man-made wildfires. Its rural character allows it to co-exist within a mule deer migration corridor.

The Association's position is unequivocal - this proposed intense and hazardous operation will adversely affect the members' common interest in remaining a residential and recreational neighborhood.¹ The evidence included herein and to be included in the record regarding the coating process and chemicals involved with the proposed hazardous use present an unreasonable fire and environmental hazard to the TRRA, and no conditions of approval can alleviate this risk to this residential and recreational area. The Applicant seeks to exploit the home occupation code to allow a toxic and hazardous business to operate on residential land instead of industrial parks more suited to incorporating the inherent nuisance and risk from operations such as this one. An approval in this case represents a precedent for more intense and hazardous uses to move into the rural neighborhoods in Jefferson County under the guise of a home occupation.

All lots in the TRRA are burdened by recorded CCRs and Bylaws. Attachment 4. Under the CCRs, all improvements within the TRRA must be approved by the Association's Architectural Committee. The Applicant does not have the Association's approval to operate this metal coating business on its lot or to build a house.

I. Deficient Notice and Request for Continuance

As an initial matter, the Association objects to the notice of the evidentiary hearing, as the only noticed evidentiary hearing in this application, without 20 days' notice as required by Jefferson County Zoning Ordinance ("JCZO" or "Code") 906.2.B and ORS 197.797(3)(f). The notice for this hearing was mailed on January 23, 2024, only 16 days before the hearing date on February 8, 2024. Our office did not receive the written notice until January 26, 2024, only 13 days before the hearing. Attachment 5, p. 2. This application proposes an operation that has never been approved as a home occupation in the TRRA, let alone the county. A review of the materials takes time and expertise. This abbreviated notice window substantially prejudices the Association by reducing the time available to adequately review, assess, and explain its concerns to its members and to the Planning Commission through counsel, and its team of experts. Further, to the extent that the notice did not list the county's land use procedures on the notice, these procedures are applicable criteria to this application. JZCO 906.2(C)

¹ Under state law, the Association may intervene in an "administrative proceeding in its own name without joining the individual members" on matters relating to the enforcement of governing documents and matters affecting the members' common interest. ORS 94.630(1)(e).

Give this failure to provide notice within the statutory and Code time periods, the Association requests a continuance of the public evidentiary hearing to a time certain to continue to review and present its opposition pursuant to ORS 197.797(6), to the next regularly scheduled Planning Commission meeting on February 22, 2024 (to remain within the time period to meet the 150-day deadline to hear this appeal). As the open record period will continue until February 22, 2024, the Association also requests that the record remain open thereafter for seven days to rebuttal evidence, and a final seven days for final written argument consistent with ORS 197.797(6). The additional 14 days in this request, automatically extends the 150-day deadline. ORS 197.797.

II. The proposed operations are too undefined to be sufficiently commented on by the public, or approved by the county.

The Applicant requests authorization to conduct its metal coating business, without disclosing clear and necessary detail. Some of the details that were provided conflict with one another. This lack of necessary operational information requires the Planning Commission to deny the Application. Neither the public, nor the Planning Commission, can adequately consider this Application as presented. The burden to present a full description of the proposed use lies squarely on the Applicant and not on the public to investigate.

First, the record is unclear as to which types of Cerakote® products will be stored, or used on the Residential Lot. The Applicant's website lists a number of colors they can coat on behalf of its customers. Attachment 6. A search of Cerakote® materials presents a range of different products, some of which are highly flammable. See Ceramic Trim Coating Attachment 7. Most of these products are highly toxic to aquatic life,² can cause dangerous fumes in the case of a fire,³ and cannot be safely disposed of in drains, septic systems, or the environment.⁴ The Applicant must provide a complete description of the business and products it will use in order to establish whether it can meet the approval criteria. The Applicant has made many statements about the safety of its process, but has not submitted the product data sheets to back up these assertions. The burden of proof remains on the Applicant to establish that it meets the required criteria, and the county must demand evidence of the specific chemical materials that will be used, where they will be used, and where and how they will be stored on the Residential Lot.

² Attachment 7 Ceramic Trim Coating, page 10; Attachment 8 C-Series, page 9; Attachment 9 Cerakote Glass Cleaner, page 10; Attachment 10 Cerakote Elite Series: Part A, page 10; Attachment 11 LR-100, page 9; Attachment 12 H-Series, part A, page 10.

³ Attachment 7 Ceramic Trim Coating, page 4; Attachment 8 C-Series, page 4; Attachment 9 Cerakote Glass Cleaner, page 4; Attachment 10 Cerakote Elite Series: Part A, page 4; Attachment 11 LR-100, page 4; Attachment 12 H-Series, part A, page 4; Attachment 13 H/HIR/Elite Series Catalyst, page 4; Attachment 14 Rapid Ceramic Glass Coating, p. 4; Attachment 15 Cerakote FX, page 3; Attachment 16 Rapid Ceramic Paint Sealant, page 3; Attachment 17 HIR Series (Part A), page 4.

⁴ Attachment 7 Ceramic Trim Coating, page 11; Attachment 8 C-Series, page 10; Attachment 9 Cerakote Glass Cleaner, page 11; Attachment 10 Cerakote Elite Series: Part A, page 11; Attachment 11 LR-100, page 9; Attachment 12 H-Series, part A, page 11; Attachment 13 H/HIR/Elite Series Catalyst, page 9; Attachment 14 Rapid Ceramic Glass Coating, page 8; Attachment 15 Cerakote FX, page 10; Attachment 16 Rapid Ceramic Paint Sealant, page 8; Attachment 17 HIR Series (Part A), page 10.

Second, the Applicant is unclear about the Brake Clean chemical it uses in its process. The Applicant did not submit a product data sheet, nor did their expert. There are different types of commercial products with names similar to Brake Clean. Attachment 18 and Attachment 19. The safety data sheets shows that both are highly flammable and toxic to aquatic life.

Third, the application is unclear as to how and where the Applicant (i) cleans the guns and other objects to be coated, and (ii) applies the chemicals and coating is unclear. One of the Applicant's expert referenced by the county's Decision, Beacon NW, based its conclusions that operations will all occur inside an enclosed building. Attachment 3, pages 28-29. Yet, Applicant's noise expert, DSA Acoustical Engineers, Inc., identified that the portable dust collector and Cerakote application booth will be used outdoors at the Residential Lot instead of inside an enclosed building. Attachment 3, page 16. In another instance, Beacon NW explains that Acetone is used to clean spray nozzles (Attachment 3, pages 28-29), but the Applicant himself explains that Acetone and Brake Clean are used to "clean material prior to the Cerakote application." Attachment 20, page 5. These inconsistencies make clear that the Applicant and its own team of consultants are not on the same page, and may not be examining the same proposed home occupation.

This application is too premature because the scope of the operation is not presented in full or consistently in the application materials. For this reason alone, the current application should be denied.

III. The Applicant proposes to use, warehouse, store, and transport Class 1 flammables in violation of JCZO 410.2.E.

The Applicant proposes a home occupation that uses, stores, and transports, Acetone and what appears to be Brake Clean or Brakleen: all are Class 1 flammables. Attachment 21, Attachment 18, and Attachment 19, respectively. JCZO 410.2.E expressly forbids use of Class 1 flammables:

"The home occupation will not store, warehouse, or use materials which are Class 1 flammables as defined by the Uniform Fire Code."

The Oregon Fire Code defines a Class 1 flammables as 1A, 1B, and 1C. The flash point is the minimum temperature at which vapor coming of the liquid forms an ignitable mixture with air. Class 1A, 1B, and 1C liquids are liquids that have a flash point below 73 degrees Fahrenheit and a boiling point below 100 degree Fahrenheit. Attachment 22. Class 1 flammables present a heightened inherent risk for causing fires as a liquid or as a vapor. Acetone is a Class 1 flammable.

The inclusion of this standard in the Code is a recognition of the high fire danger present in the TRRA, and one method of avoiding intense and hazardous uses in residential zones. Both man-made and natural fire is a constant risk for life in the TRRA community that threatens not just one property but every property. In addition to the 2021 fire that caused property damage and loss

of life, fires are a common risk in this area. Attachment 23. These risks are exacerbated by the lack of fire hydrants and a dedicated professional fire department.

According to the Applicant's supporting documents, Acetone and Brake Clean/Brakleen are used to clean the firearms before they are coated with the Cerakote, which is then air dried and baked. Attachment 20, page 5. According to videos from the Cerakote company website, this is typically done in a tub or using a spray bottle to douse the metal item in the liquid. The enclosed thumb drive includes videos that show the tubs, spray bottle, and cleaning method for these processes. This type of operation is not one anticipated for a home occupation in a residential neighborhood.

Applicant's safety and health consultant explains that two to three gallons of Acetone are used in one month on average and less than one gallon of Brake Clean/Brakeleen is used per month. Attachment 3, pages, 29. The county's Decision limited the volume of acetone on the Residential Lot to 1 gallon or less and prohibited all other Class 1 flammables. The county's decision regarding Brake Clean/Brakeleen is uncertain given that it is not fully described in the Application, nor called out in the Decision.

From the evidence, it is clear that Acetone and Brake Clean/ Brakeleen are Class 1 liquid flammables. The fact sheets explain that water is not the proper extinguishing method; carbon dioxide (CO2), dry chemical, or foam must be used as water will spread the fire. (See Brakeleen, Attachment 19, p. 2). Most importantly, neither material can be stored nor used as part of a home occupation in Jefferson County.

An additional concern in the Decision is that the county misinterprets of JCZO 410.2.E and somehow exempts up to 60 gallons of Acetone, concluding that there is an unwritten exemption in JCZO 410.2.E allowing for Class 1 flammables to be used, warehoused, and stored in the TRRA zone. This is an implausible interpretation of the 410.2.E language that inserts what is clearly not in the adopted and acknowledged Code language. The Decision incorrectly relies on an unidentified fire or building code exemption that does not address the express home occupation Code language.

The proposed conditions of approval fail to resolve this issue. Condition of Approval 5 limits the amount of Acetone that may be on Residential Lot to one gallon at any time.⁵ The Code neither contains an exemption for any amount of Class 1 flammable use for a home occupation, nor an exemption for chemicals that are commonly used and stored in homes if they contain Class 1 flammables.

Since the application proposes a home occupation that will use, warehouse, and store Class 1 flammables, it must be denied.

⁵ Even if a one gallon or less exception were allowed, the result would be more dangerous trips transporting the chemical through the residential neighborhood to the Residential Lot, increasing safety risks for everyone.

IV. The Applicant fails to support, with substantial evidence, that the proposed use is not likely to have a significant adverse impact on the abutting properties and the other properties in the Three Rivers Recreation Area.

JCZO 410.2.I requires the Applicant to establish that "[t]he location, size, design, and operating characteristics of the home occupation will have no significant adverse impact on abutting properties or the surrounding area." The proposed industrial use presents potential fire and environmental impacts to properties in its vicinity. As will be shown, the Applicant has not met this requirement and the application must be denied.

A. Increased fire risks are significant.

A determination that the proposed use is not likely to have a significant adverse impact requires an adequate analysis into what the potential impacts might be from the use and an analysis into the abutting properties and surrounding area. This analysis is lacking from the evidence and Decision. The application and Decision fail to adequately describe the abutting properties.

For example, as explained above, the community is a high risk fire area. Because of its rural character, the community is serviced by a volunteer fire department and does not have fire hydrants. This high fire risk and sensitivity means that certain activities that may seem proper in wetter or better served by full time fire departments in other parts of the state, are not proper here. As described above, and incorporated here by reference, the discussion on the prohibition on the storage, use, and transport of Class 1 flammables required under JCZO 410.2.E is one such standard that recognizes the particular dangers intense and hazardous uses present to this rural residential community. Notwithstanding the uncommon fire risk posed by the Decision's allowance of a Class 1 fire hazard, this particular use brings its own fire risk to the community that would not otherwise exist.

The proposed project presents an unreasonable fire risk to the community that cannot be mitigated with conditions of approval or the presence of sprinklers or an available water cistern. Class 1 flammables such as Acetone and Brakeleen present elevated risks because they cannot be extinguished with water. Attachment 21, Attachment 19, and Attachment 18. The Applicant's statements that it can rely on its water cistern or a fire truck to extinguish fires ignore this risk. Attachment 20, page 10. The Cerakote safety data sheets state that many of these chemicals present greater risks if ignited and should not be inhaled.⁶ Conditions of approval regarding application of the fire code to the shop are also inadequate to mitigate these risks because these are risks of increased danger of fires to neighboring properties. The application of the fire code for the shop building will not prevent or slow the spread of fire through the residential community-the risk of

⁶ Attachment 7 Ceramic Trim Coating, page 4; Attachment 8 C-Series, page 4; Attachment 9 Cerakote Glass Cleaner, page 4; Attachment 10 Cerakote Elite Series: Part A, page 4; Attachment 11 LR-100, page 4; Attachment 12 H-Series, part A, page 4; Attachment 13 H/HIR/Elite Series Catalyst, page 4; Attachment 14 Rapid Ceramic Glass Coating, p. 4; Attachment 15 Cerakote FX, page 3; Attachment 16 Rapid Ceramic Paint Sealant, page 3; Attachment 17 HIR Series (Part A), page 4.

which increases with this proposed intense and hazardous use. Fires caused on the Residential Lot will be quicker to ignite because of the Class 1 flammables and more toxic if they are burning.

B. Drainage of chemicals on soil or in septic are likely to cause environmental impacts that impact surrounding properties, wildlife, and aquatic resources.

The proposed intense and hazardous metal coating business also presents an unreasonable environmental risk to the community that cannot be mitigated with conditions of approval. The Applicant fails to explain how the operation will clean or dispose of the chemical coating residue and flammable materials required for the use. The application provides no explanation of drainage on the site, other than the septic system currently connected to the temporary trailer. The record contains no evidence that the shop is connected to the septic, connected to water, or that there are drains in the shop. See residential septic approval, Attachment 24, limited only to a potential residential dwelling connecting to the septic system, not a chemically hazardous business.

The Applicant's expert describes using the Acetone to clean the spray nozzles and that Simple Green is used in a sink to drain into a septic. Attachment, 3, page 29. The Applicant stated that Acetone and Break Clean are used to clean material prior to the Cerakote application. Attachment 20, page 5. As shown in the Cerakote training videos, Acetone is commonly used to bathe and soak the metal. When items need to be washed, they will need to be hosed off on the ground outside the shop, or connected to the septic. Based on this application employee handwashing of these hazardous substances will occur in the shop and runoff to the septic system. As proposed, this home occupation will lead to significant chemical residue entering the septic and environment.

The Applicant's statements that these chemicals evaporate into the air and will not enter the hydrological system ignore requirements to properly dispose of rags that are used to apply the chemicals. If the chemicals are used in baths as shown in the videos, then the Acetone will be left in a bath to evaporate. That is an increased and unexplained risk of vaporized Acetone in the shop.

The Mobile Spray Booth, in particular, presents a significant risk. While the Applicant has not disclosed which booth they will be using, they did disclose the brand. According to the company's website, their booths must be regularly sprayed out with a pressure washer to remain in good working condition. See enclosed thumb drive with video of pressure washing to clean the spray booth. There is no way for the Applicant to pressure wash the booth on the Residential Lot and avoid drainage of wet Cerakote chemical water onto the property. This hazardous material will spread on the ground, and/or leach through the **residential** septic system.

A review of Cerakote options on the Applicant's website (Attachment 6), and a cross reference with the data sheets for those products, shows that every single product is not to be disposed in a drain or in the environment. Attachment 8 C-Series, page 10; Attachment 12 H-Series, part A, page 11. Most are listed as highly toxic to aquatic wildlife. Attachment 8 C-Series, page 9, Attachment 12 H-Series, part A, page 10. Regardless if waste from the home occupation reaches the ground or leaches through the septic system, significant adverse impact to the

environment will occur. The Applicant and Decision make no provision for proper removal of chemical waste.

The failure to account for this chemical waste represents a significant risk to neighboring properties, the aquifer, and to aquatic wildlife. These chemicals present risks through spills on site and during transport. Further, such spills pose a threat to the Metolius River, a federal Wild and Scenic River, a state Scenic River, and is listed on the county's Goal 5 inventory. The hydrologic connection between the subdivision and the Metolius River is well-known and any drainage on the property, leaching during a spill, or through the septic system poses a risk to the Metolius and the wildlife that rely on it for habitat, water source, and prey. In addition, these chemicals pose an environmental risk through fumes if not ventilated properly or if ignited and not extinguished properly. Further, the application increases risks of accidents.

These operations will require the regular transport of a range of chemicals to the site. According to the Applicant's experts, two to three delivery trips per month will be necessary to transport an average supply of Acetone to the Residential Lot. However, with Condition of Approval 5, the trip frequency must necessarily increase, and these impacts have not been addressed. Further, the transport vehicle and service is not described and it is unknown whether other even more toxic and dangerous chemicals will be invited into the neighborhood, as freight on the delivery vehicle.

In totality, this operation proposes unreasonable risks to life and property due to fire and environmental hazards to the surrounding residential community. The Applicant cannot possibly show, through conditions of approval, the building code, or promises, that it can mitigate potential risks from these operations. This is a use that is properly pursued in an industrial park, not a residential community. Therefore, the application should be denied.

V. The proposed metal coating operation will not be secondary to the main use of the property as a residence because there is no permanent residence on the Residential Lot.

JCZO 410.2.A requires that a home occupation be secondary to the main residential use of the property. The Residential Lot used to contain a permanent home along with the accessory shop structure, but that home was destroyed in a fire and has not been re-built. Currently, the Residential Lot does not have a main dwelling. Approving a new home occupation before a residential use is permanently established is premature. Until a home is built, the use of the property is a work camp, with the sole employee living in a temporary trailer. A home occupation use of the Residential Lot under these facts does not meet this standard.

A. The Code language supports a finding that the home occupation will not be secondary to a main residential use.

To determine whether a home occupation is secondary to the residential use, the county must consider the entire scope of the home occupation. The JCZO defines a "principal use."

"Principal Use: The main use to which property is or may be devoted, and to which all other uses on the premises are derived as **accessory or secondary uses.**" JCZO 105. (Bold emphasis added).

The Code does not define the term "secondary." However, the term "accessory use" is used almost interchangeably with the term secondary "secondary," as for example, the underlined phrase in the definition of "Principal use" above. The Code does define accessory use:

"Accessory Use or Accessory Structure: A use or structure located on the same lot, which is incidental and subordinate to the main use of the property." JCZO 105.

The terms incidental and subordinate are not further defined in the Code. However, *Webster's Third New Int'l Dictionary 2277* (unabridged ed 2002) defines "subordinate" in relevant part as "1: to place in a lower order or class; make or consider as of less value or importance." When reviewing the use to make a determination of its subordinate, secondary, and accessory nature, the sizes of the residential use and home occupation inform the determination. While the county may consider whether one use predominates, it must also consider other factors such as nature, intensity, and economic value of the uses.

B. The Residential Lot only has an approval for a temporary recreational vehicle residence use.

According to the Applicant, its employee currently lives on the Residential Lot in a permitted tiny home/recreational vehicle. Attachment 20, page 5. Attachment 25, pages 1-2 is the permit for a temporary use permit for a forty-foot tiny home, which qualifies as a recreational vehicle, not a dwelling, to be used during construction. The Applicant sited a trailer on the site under this permit. According to the county records for the property, there is no request for an extension and the permit expired on January 27, 2024. Attachment 25, page 1.

Even if the permit were extended, it would only extend a **temporary** use of the property as residential, not a permanent residential presence with a secondary home occupation. On these facts, there is only a metal coating home occupation business operating on the Residential Lot. Without proof that the Residential Lot has a main residential use, JCZO 410.2.A cannot be met, and any approval is premature.

C. As a matter of factual record, the Applicant has no authority to construct a main residence on the property.

On the temporary use permit application recreational vehicle questionnaire, the Applicant states that "we will start building the house when all the county and HOA issues resolve." Attachment 25 page 10. TRLA agrees that the house cannot be built today for lack of required approvals. TRLA has not approved construction of a main dwelling on the Residential Lot.

The county's reliance on county Building Department and Sanitation permits and inspections in finding that construction of the main residence was underway is misplaced because

other permits are required and have yet to be acquired. According to the Applicant's statements (e.g. the Association needs to authorize the main dwelling) and TRLA's records, construction on the replacement dwelling has not occurred and will not occur until some undefined time in the future. In any event, a permit for an as yet constructed building does not constitute the use of the Residential Lot as mainly residential.

D. The metal coating business space is larger than the temporary recreational vehicle space.

The application explains that operations of the metal coating business will occur in the Residential Lot's existing 36 foot by 42 foot shop (1,512 square feet) and patio (square footage unknown). Attachment 20, page 2. A site plan for the property describes the shop as 65 foot by 42 foot (2,730 square feet). Attachment 25, page 2. Meanwhile, the staff report, Finding 10, states the shop building is only 2,500 square feet. This conclusion relies on a photographic montage, which does not contain any measurements. Thus, this letter assumes the Applicant's description of the size of the shop is 2,730 square feet.

The nature of the tiny home/trailer permit by comparison is only for a temporary forty-foot recreational vehicle, and the Association believes the correct measurement of the trailer is closer to 36 feet by 10 feet, or about 360 square feet.⁷ Even if the recreational vehicle permit is considered beyond its temporal life (it has expired based on Attachment 25), the temporary recreational vehicle is more than six times smaller than the shop used for the home occupation. Thus, the shop is the predominate use, not the alleged residence which is only a recreational vehicle and does not qualify as a residential use.

E. With one employee/resident the actual temporal use of the property can only be split evenly between residential and home occupation.

The Decision concluded that the intense and hazardous metal coating business will operate Monday through Friday between 8 am and 5 pm. Thus, during the day at a minimum, the sole employee will be working on site. The Decision, however, also concludes that the residential use for the one employee was 24 hours a day and 7 days a week. This is an impossibility; the lone employee cannot both be using the property as a business and a residence contemporaneously, particularly during business hours. The Decision improperly relies on this fact.

The record contains no evidence that other people will be using the house as a residence during daylight hours such that the Residential Lot is being used as a residence 24 hours a day, 7 days a week. The Residential Lot is owned by a limited liability company ("LLC") rather than an individual or family, that will have its sole employee/minority-share member live there at some unknown time while conducting business operations in a shop larger than the existing tiny home. This is not a family home, and there is no evidence that it is intended as a family home.

⁷ See also page 39 of the application showing that the tiny home space is significantly smaller than Building 3, the shop. Attachment 20.

According to the ownership LLC documentation, the employee and temporary resident under the expired temporary recreational vehicle permit, Brett Johnson, is 10% minority owner subject to the majority 90% owner's control in Beaver Meadows (the property owning entity). Attachment 25, page 22. Mr. Johnson is also a paid employee of Buster Beaver Design, LLC. Attachment 25, page 22. The record contains no evidence that the employee will be living on the Residential Lot permanently, or even has a right to continue living there on a temporary basis. The Beaver Meadows, LLC Operating Agreement vest control in a majority vote of its three members. Attachment 25, Section 4, pages 18-19. Since the three members consist of Mr. Francis, his wife, Joelyn Francis, and Brett Johnson, based on the record, it appears Mr. Johnson is only temporarily living at the Residential Lot at the convenience of his boss and his boss's wife. Attachment 25, page 22.

With one employee, working and temporarily living on the Residential Lot in a recreational vehicle, it is clear, that during the day, the Residential Lot is a business, not a residence. Moreover, even during non-business hours, there are no limitations for when he will be cleaning, spraying, cooking, drying, and performing any other business operations on-site. There are no limitations on business operations, whether it is deliveries to and from the Residential Lot, customers visiting, or the chemical coating operation occurring, these activities may occur under the Decision at all hours, on all days. Without real limitations this fact is truly meaningless.

A home occupation permit, under these facts, is premature. There is no main residential use established on the Residential Lot, the required applications for a permanent residence have not been completed, and no construction of a permanent residential use has occurred. Approving a home occupation without an actual home means the home occupation use is, and will be, the primary use of the Residential Lot. The reality is that this is a proposal for a small industrial work camp, not a secondary home occupation. The Application should be denied.

VI. The application materials fail to support, with substantial evidence, that the proposed home occupation will be conducted in a manner that will not cause the generation/emission of sounds, noises, fumes, glare, or vibrations, using normal senses.

JCZO 410.2.C requires proof that the home occupation will be conducted in a manner that will not generate or emit sounds, noises, fumes, glare, or vibrations, as measured from any lot line of the parcel. As explained by the Applicant's noise expert, the dust collection machine and the mobile booth will occur outdoors without further control of ventilation. Further, the oven appears to exhaust outdoors with no ventilation controls.

A search of Cerakote® products shows that are multiple types of the coating chemical that may be applied to surfaces. The Applicant states that it will only use the non-toxic varieties. Attachment 20, page 9. However, there is nothing in the conditions of approval limiting the home occupation to certain types of Cerakote®, and the county is left relying on the Applicant's empty promises. Such unregulated approval is inadequate to ensure the criterion is met.

Many Cerakote products pose hazardous fume risks if ignited. Building and fire code regulations are unlikely to resolve the issue of through proper ventilation and fire protocols. It is not feasible that compliance with the building and fire code will resolve this criteria.

VII. The application materials unequivocally state the proposed home occupation will not be completely conducted within an enclosed building, and the submitted materials fail to establish there will be no outside storage of materials or supplies or display of goods required under JCZO 410.2.D.

Multiple aspects of the operation, such as the generator, coating booth, and dust collector, will not be undertaken in an enclosed building. The Applicant's noise expert describes a portable dust collector, which includes a filtration system that is mounted on a trailer outside of the shop, and Cerakote application booth that will both be located outside of the shop building. Attachment 3, page 16. The application includes use of the outdoor patio in the description of the proposal, which also by definition, means the home occupation will not be completely conducted in an enclosed building. JCZO 410.2.D.

Recall, this permit results from an enforcement action to obtain a permit for business operations. Buster Beaver Designs, LLC business materials from its prior business location have been relocated on the Residential Lot. These materials include barrels that have been shown stored outdoors on the Residential Lot. All the Applicant says is that the barrels "[c]an come in handy for many uses" without explaining the uses do not involve the home occupation. Attachment 20, page 5. It is reasonable to assume this outdoor storage of barrels is part of the home occupation proposal.

The Applicant proposes to use the Mobile Environmental Solutions booth to apply the Cerakote. This booth, enclosed in plastic does not qualify as enclosed in a building under the Code if it does not occur in the shop. A mobile spraying booth operating outside does not qualify; it is not normally associated with uses in the TRRA zone, and needs to be enclosed itself by a building.

Further, the Applicant's source of power for and part of the proposed home occupation use, is a generator which is not enclosed in a building in violation of this provision. The Applicant put walls around the generator, but that does not meet the definition of a building under the Code.

Essential aspects of the business use-the generator, the dust collector and the mobile booth-will operate outside an enclosed building, and the patio included in the application means all use of that area will not be conducted within an enclosed building. The application fails to meet this standard and must be denied.

VIII. The Applicant fails to support, with substantial evidence, that the home occupation will be conducted by the residents of the property.

JCZO 410.2.G requires evidence that a resident of the Residential Lot will conduct the home occupation. The evidence submitted in the application and supporting documents is insufficient to show the standard is met. First, as explained above, there is neither a permanent residence, nor have all necessary permits been acquired to construct one. Second, the proposed

resident does not appear to have a binding right to remain on the property. As explained above, the proposed tenant, Mr. Johnson as an employee of Buster Beaver Designs, LLC and is only one member of three of the property owning entity, Beaver Meadows, LLC. Mr. and Mrs. Francis are the other two owners of Beaver Meadows, LLC. According to Beaver Meadows, LLC operating agreement, authority is vested in a majority of the members. Based on these facts, Mr. Johnson has no enduring right to reside on the property, and could be removed by a majority vote of the members at any time. On this record, he is residing there temporarily, in a temporary structure, at the behest of his employer.

As the application only supports this criteria with a promise of the Applicant that Mr. Johnson will live on the Residential Lot, the record does not support that the home occupation will be conducted by a resident of the property and the application must be denied.

IX. The application requests an industrial use in a residential zone under the guise of a home occupation.

The JCZO Home Occupation ordinance under JCZO 410 refrains from describing the types of occupation uses separately as industrial, commercial, or light manufacturing, instead relying on a set of criteria that, if met, result in limiting the adverse effects of any type of business on the surrounding neighborhood. But, the entire structure of the Code, including JCZO 410.2.B, E, and I aim to prevent a use that would not otherwise be allowed in the residential zone. Through these restrictions, industrial uses are not allowed (e.g. all operations within buildings, no Class I flammables, subordinate to main residential use, etc.). The time is now to identify this use for what it really is - an industrial use.

Industrial uses like this on are allowed in other zones through other processes. The County Industrial (CI) zone lists specific uses allowed by right, allowed under administrative review, and allowed conditionally. JCZO 311. "Any process, storage, or manufacturing which emits odors, fumes, gasses, or treated liquids" requires a conditional use permit. JCZO 311.C.1. Light manufacturing is allowed in the Mixed Use Employment zone. JCZO 310. The Applicant would need to site its business in one of these zones in order to undertake a Cerakote coating business, and seeks to disguise the use as a home occupation to operate outside these zones. In the qualifying zone adequate drainage, sewer connections, and safe design, among other details, could be properly reviewed.

CONCLUSION

Based on the explanations above that there is no clarity in the Applicant's materials, no main residential use, and the nature of the proposed manufacturing process imposes unsafe impacts to the residential neighborhood, it is clear that the Applicant proposes an industrial use in the middle of this community that is not allowed as a home occupation. For all of these reasons stated herein, and in TRLA's appeal submittals, the Applicant cannot satisfy the approval criteria and the application must be denied.

TOMASI BRAGAR DUBAY

February 8, 2024

Page 14

Sincerely,



Jennifer M. Bragar

Enclosures

cc: Michael Peterkin
client

THREE RIVERS LANDOWNERS ASSOCIATION, INC. PRESENTATION TO PLANNING COMMISSION

Jefferson County

February 8, 2024

Presented by Jennifer Bragar on behalf of Three Rivers Landowners Association, Inc.
121 SW Morrison Street, Suite 1850, Portland, OR 97204

jbragar@tomasilegal.com

Appeal of Application to for Home Occupation
Case File 23-A-03

TBD
TOMASI BRAGAR DUBAY

The Commission Must Deny the Application

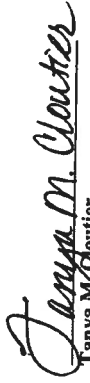
- Applicant has significant legal deficiencies in the application materials.
- Applicant has not filed a complete application addressing all applicable criteria.
- Applicant has no main residence to authorize a home occupation.
- Applicant's proposal is too intense and has too many hazardous qualities to be allowed in a residential zone.

Preliminary Procedural Matters

Jefferson County notice is deficient because the county did not provide 20 days advance written notice. The Association only received 16 day's advanced notice.

AFFIDAVIT OF MAILING

I, Tanya Cloutier being first duly sworn, hereby certify that an exact copy of the Notice of Hearing attached as Exhibit "A," was sent either electronically or mailed at the Madras Post Office in Madras, OR on 1/23/24 enclosed in a sealed envelope, postage prepaid, addressed to the parties listed on the attached as Exhibit "B".


Tanya M. Cloutier
Senior Planning Technician
Jefferson County

To remain in compliance with the Code and state law, none of the motions in the staff report can be adopted at this meeting.

No Main Residential Use on the Residential Lot Proposed for the Home Occupation



Geneva 12 Wildfire nearing full containment

Published August 9, 2012 11:34 AM

Fly Creek Fire near Lake Billy Chinook grows to 280 acres, now 5% contained; more storms loom

August 1, 2022 3:20 PM Published July 31, 2022 8:50 PM

Application violates JZCO 410.2.E

The standard states:

"The home occupation will not store, warehouse, or use materials which are Class 1 flammables as defined by the Uniform Fire Code."

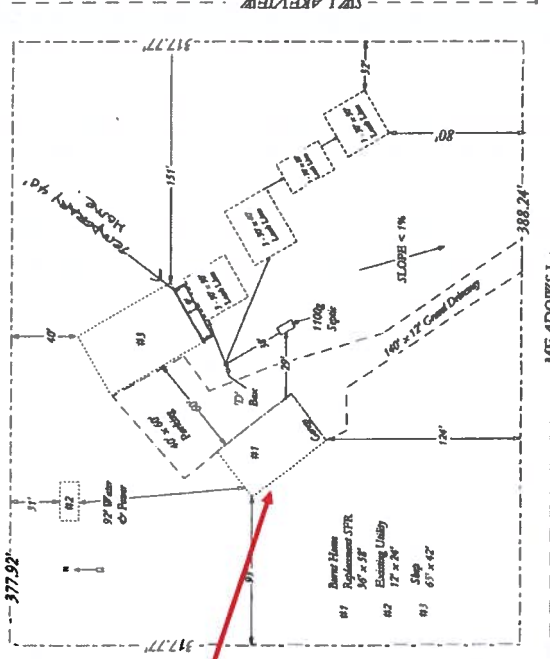
- Acetone is a Class 1 Flammable
- Brakleen contains Class 1 Flammable ingredients

Proposed use is not secondary to main residential use

JCZO 410.2.A requires,

The home occupation will be secondary to the main use of the property as a residence. It will be operated substantially in the dwelling or in an accessory building on the same property.

- No replacement main dwelling – not approved by Association
- Only currently occupied by a recreational vehicle/trailer that is approximately 360 square feet under an expired temporary permit
- Primary use of the property is the home occupation that was undertaken without county approval

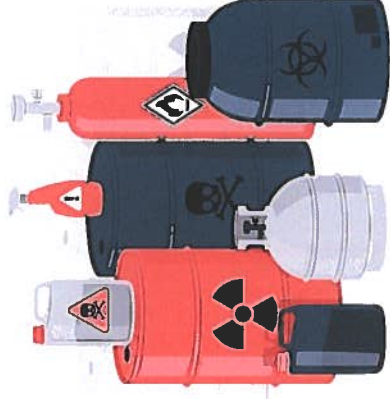


Note: Bldg. #3 is the Generator SFR.

Francis SITE PLAN 2.84-Ac
11960 SW Meadows Ln.
12-11-11A-0312 Act# 4519
Scale: 1" = 50'

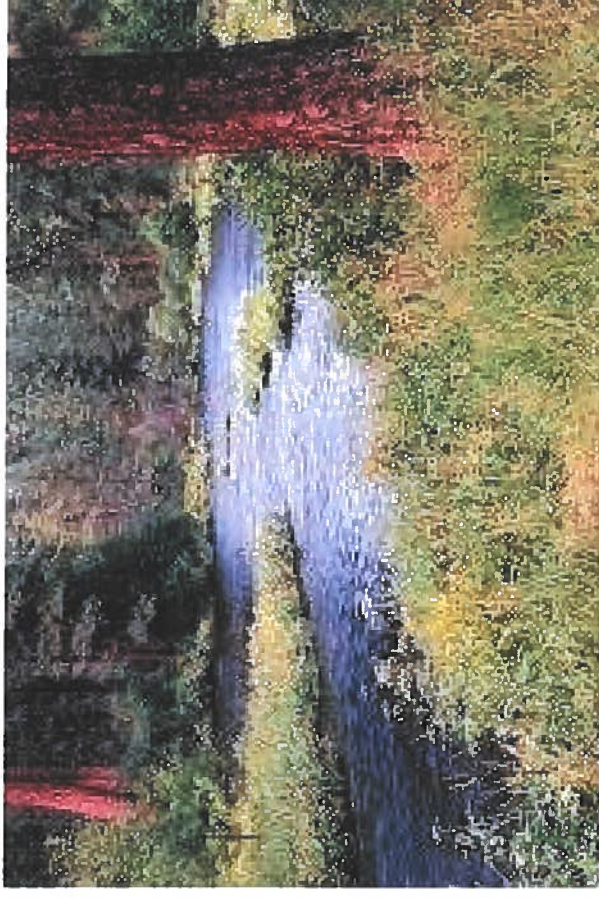
No evidence that the proposed home occupation will be conducted consistent with JCZO 410.2.C or alleviate adverse impacts to abutting and surrounding properties under JCZO 410.2.I

- The fire risk from fumes is too great to allow this use.
- Environmental impacts from drainage of hazardous chemicals – septic system is not designed for this disposal



The Application materials unequivocally state the proposed home occupation will not be completely conducted within an enclosed building

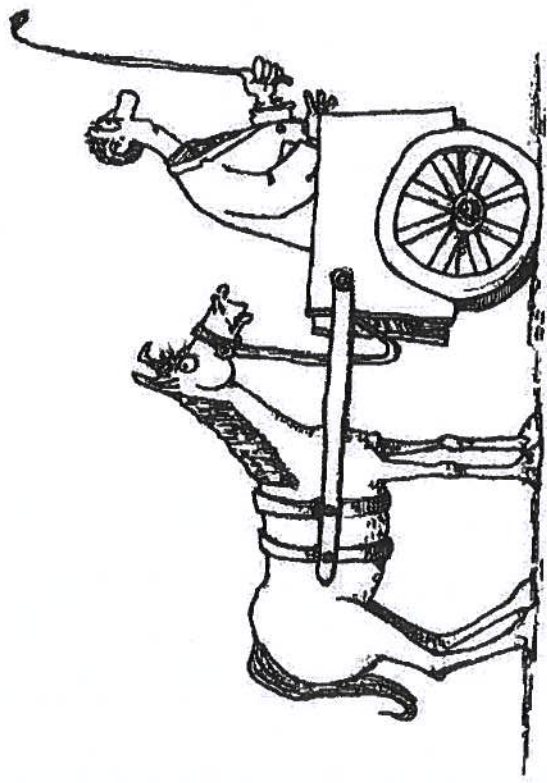
- Multiple aspects of the operation, such as the generator, coating booth, and dust collector, will not be undertaken in an enclosed building.
- The Applicant's noise expert describes a portable dust collector and Cerakote application booth that will both be located outside of the shop building.
- The Application includes use of the outdoor patio in the description of the proposal, which also by definition, means the home occupation will not be completely conducted in an enclosed building. JCZO 410.2.D.



This Application is Premature

- Application is too uncertain
- No residential use
- Applicant cannot comply with the Code

This Application should be:



Wendie Kellington

EX. I

From: John L. Francis <johnlfrancis@earthlink.net>
Sent: Tuesday, February 6, 2024 10:13 PM
To: Wendie Kellington
Cc: 'JOLEE xFRANCIS'; 'JF x'
Subject: FW: Notice of Jefferson County Planning Commisison Hearing
Attachments: MAILED HEARING NOTICE 2-08-24.pdf

John L Francis
Buster Beaver Design LLC
503-804-8321
12148 SW This Way Lane
Culver Oregon 97734

From: Emily Strilzuk <donotreply@appfolio.com>
Sent: Tuesday, February 06, 2024 9:58 AM
To: johnlfrancis@earthlink.net
Subject: Notice of Jefferson County Planning Commisison Hearing

February 3, 2024

Three Rivers Landowners Association Members:

An industrial business is operating in Three Rivers on Lot 10, 11960 SW Meadows Lane. The company applied for county permission to continue its business. The Association's Board of Directors opposes this misuse of a residential lot. Three Rivers is a recreational and residential community, not an industrial park. What does the company do? It coats metals using Cerakote, a spray-and-bake coating process. The chemicals it uses are highly flammable. Its operations breach the Three Rivers' governing documents and are incompatible with this community due to customer access, noise, environmental risks, and increased fire danger, for example. Beaver Meadows, LLC, the applicant, sought and obtained county staff approval for a "home occupation" business exception. However, the approval was legally misguided based, in part, on inaccurate and incomplete information. The Association appealed the staff decision to the Jefferson County Planning Commission. A hearing on this matter has been scheduled before the Planning Commission on February 8, 2024, at 3:00 pm. You have the right to appear and provide written comments before and at the hearing. Alternatively, send comments to the Board of Directors, which will be forwarded to the county. The Beaver Meadows, LLC application, the staff decision, and TRLA's appeal are available through the Jefferson County Planning Department and the Oregon state e-permitting website <https://acaoregon.accela.com/oregon/>.

Please feel free to contact the Board of Directors with any questions.

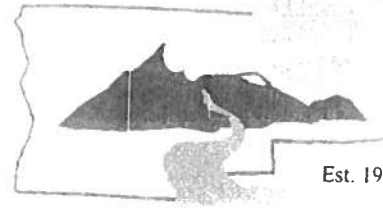
Thank you,

Board of Directors,

JEFFERSON COUNTY

COMMUNITY DEVELOPMENT DEPARTMENT

85 S.E. "D" St., Suite A • Madras, Oregon 97741 • Ph: (541) 475-4462 • FAX: (541) 325-5004



NOTICE OF JEFFERSON COUNTY PLANNING COMMISSION HEARING CASEFILE 23-A-03

The Jefferson County Planning Commission has scheduled a public hearing to hear testimony on an appeal of an administrative decision on a home occupation application. The appeal involves a home business in an accessory structure to apply Cerakote to products on a small scale in the Three Rivers Recreation Area (TRRA) zone. Beaver Meadows LLC is the property owner and is further described as T.12, R.11, Section 11A, Tax Lot 312.

The hearing will be held on February 8, 2024, at 3:00 pm in the Jefferson County Board of Commissioners meeting room located at 66 SE D Street, Madras, OR. Or you can join via Zoom

Join Zoom Meeting

<https://us06web.zoom.us/j/87093686533?pwd=PHX2R8kDqn7GVyZYIwcqgggsacq6HS.1>

Meeting ID: 870 9368 6533 Passcode: 118194

One tap mobile

+17193594580,,87093686533# US +12532050468,,87093686533# US

Find your local number: <https://us06web.zoom.us/j/87093686533?pwd=PHX2R8kDqn7GVyZYIwcqgggsacq6HS.1>

A copy of all documents and evidence relating to this proposal and applicable criteria are available for inspection at no cost at the Jefferson County Community Development Department. Copies will be provided at a reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

Any written testimony should be submitted to the Community Development Department, 85 SE "D" Street, Madras, Oregon, 97741, or may be submitted at the public hearing.

The failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Please contact Phil Stenbeck, Planning Director for more information: 541-475-4462 or via email at phil.stenbeck@co.jefferson.or.us.

Phil Stenbeck

EX. J

From: Penny Lippold <pennydove74@yahoo.com>
Sent: Thursday, February 8, 2024 2:19 PM
To: Phil Stenbeck
Subject: Beaver Meadows Planning Commission Hearing February 8 2024

Dear Mr. Stenbeck:

As members of Three Rivers LOA and as the chairperson of our Firewise Community, we object to any type of industrial business being allowed to operate within Three Rivers that would put our community at risk of a chemical spill, chemical vapors or create a potential fire hazard within our community. Although the fire district is right outside our gate, Lake Chinook Fire & Rescue is woefully understaffed and unable to adequately respond to the fires and emergencies in our area and we must rely on ODF and the Jefferson County Fire and Rescue which take almost an hour to get to our front gate. Three years ago, the exact property where Beaver Meadows business is operating, the home there burned to the ground killing its occupant/owner and his pets. There are plenty of other industrial places in Jefferson County to operate a company/business like Beaver Meadows is requesting the county to authorize where in the event of a chemical spill or fire, emergency personnel would be on site within minutes to extinguish and clean up. We are a residential community where the businesses that are within our community are there operating and supporting the building of our community with necessary and needed services like water, building contractors, weed abatement, snow plowing, wildfire mitigation services, garbage and recycling

services, realtors, generator and solar services, plumbing, electrical, road repair, etc. - the list is long as these services are there to keep our community going and growing. Beaver Meadows does not have a service that is to the benefit of the entire Three Rivers LOA community and would actually be putting our community at risk. Their application appears to be misleading and misrepresents what they are actually doing. Please do not allow this company to operate an industrial business in our residential community - it's too risky and doesn't benefit Three Rivers LOA in any way. Thank you - Gary and Penny Lippold, 5939 SW Upper Canyon Rim Drive, Culver OR 97734 (503) 702-8619

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EX. K



Feb 8, 2024

Community Development Department
85 SE "D" Street
Madras, Oregon, 97741

FROM: American Pride Heating & Cooling LLC

RE: Home Occupation Application - Beaver Meadows LLC

My name is Treavor Pemberton and I would like to voice my support for Beaver Meadows LLC. As a current business owner myself, in the Three Rivers community I support all business owners and we can not pick and choose who we allow inside the gates to run their personal business.

Unfortunately, work has not allowed the time for me to get away today for the hearing; however, I wanted to express my gratitude for allowing me to personally write a letter supporting Beaver Meadows LLC.

This is absolutely a personal disturbance between the Three Rivers board member and the owner of Beaver Meadows LLC and it is a power trip over his position on the board. The owner of Beaver Meadows has endured more than any other business owner in the community from said board member and it has been very clear from day one that his intentions were going to be to "stop this business from operating within the gates".

Three Rivers has been spreading incorrect information and making false statements throughout this whole process and has personally attacked the owner since day one. "WE" can't use our power to pick and choose who we allow to do business and who not too. Everyone has to be held to the same standard and this is NOT the case.

If you have any questions, please do not hesitate to contact me.

treavor@americanprideheatingandcooling.com

503.320.5281

Thank you for your time,
Treavor Pemberton

Phone: 503-663-5400 Fax: 503-663-5407
Info@americanprideheatingandcooling.com
www.americanprideheatingandcooling.com

EX. L

From: GORTON Timothy * OSFM <Timothy.GORTON@osfm.oregon.gov>
Sent: Thursday, February 1, 2024 3:37 PM
To: Phil Stenbeck <Phil.Stenbeck@jeffersoncountyor.gov>
Cc: Scott Edelman <Scott.Edelman@jeffersoncountyor.gov>; Jeremy Faircloth <Jeremy.Faircloth@jeffersoncountyor.gov>; Tanya Cloutier <Tanya.Cloutier@jeffersoncountyor.gov>
Subject: RE: Spray Booth Beaver Meadows

Good Afternoon, Phil,

Thank you for sharing the staff report.

Regarding Finding #6, I am happy to see the Uniform Fire Code was corrected (obsolete in Oregon). The Oregon Fire Code is the appropriate reference for flammable quantities and definitions. 😊
The rest of the staff report looked good and read well.
Thanks.

Tim Gorton
Deputy State Fire Marshal
Fire and Life Safety Division
Oregon State Fire Marshal
Jefferson County
Phone: 503-779-6282
Timothy.gorton@osfm.oregon.gov