



**Clackamas County Planning and Zoning Division
Department of Transportation and Development**

Development Services Building
150 Beavercreek Road | Oregon City, OR 97045

503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

NOTICE OF LAND USE APPLICATION IN YOUR AREA

Date of Mailing of this Notice: 11/20/2023

Notice Mailed To: Property owners within 500 feet of the subject property
Community Planning Organizations (CPO)
Interested Agencies

File Number: Z0375-23

Application Type: Home Occupation

Proposal: Home Occupation Renewal for existing automobile repair/sale business

Applicable Zoning and Development Ordinance (ZDO) Criteria: In order to be approved, this proposal must comply with ZDO Sections 202, 316, 822, and 1307. The ZDO criteria for evaluating this application can be viewed at <https://www.clackamas.us/planning/zdo.html>

Applicant: SMITH, DARREN

Property Owner: SNIDER RICHARD ALAN TRUSTEE

Site Address: 17417 S EADEN RD
OREGON CITY, OR 97045

Location: West side of S Eaden Rd, at the junction of S Palmer Rd

Assessor's Map and Tax Lot: 23E35 00520

Zoning: RRRF5 - RURAL RESIDENTIAL FARM FOREST 5-ACRE

Staff Contact: Mya Ganzer

E-mail: MGanzer@clackamas.us

File Number: Z0375-23

Community Planning Organization: The following recognized Community Planning Organization (CPO) has been notified of this application. This organization may develop a recommendation. You are welcome to contact the CPO and attend their meeting on this matter, if one is planned.

REDLAND-VIOLA-FISCHER'S CPO
WARD LANCE 503-631-2550
LANCECWARD@AOL.COM

If this CPO is currently inactive and you are interested in becoming involved in land use planning in your area, please contact Clackamas County Community Engagement at communityinvolvement@clackamas.us. In some cases where there is an inactive CPO, a nearby active CPO may review the application. To determine if that applies to this application, call or email the staff contact.

How to Review this Application: A copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost. Copies may be purchased at the rate of \$2.00 per page for 8 1/2" x 11" or 11" x 14" documents, \$2.50 per page for 11" x 17" documents, \$3.50 per page for 18" x 24" documents and \$0.75 per sq ft with a \$5.00 minimum for large format documents. You may view or obtain these materials:

- Online at <https://accela.clackamas.us/citizenaccess/>. After selecting the Planning tab enter the file number to search. Select File Number and then select Attachments from the dropdown list, where you will find the submitted application; or
- By emailing or calling the staff contact.

Decision Process: Following the closing of the comment period, a written decision on this application will be made and a copy will be mailed to you. If you disagree with the decision, you may appeal to the Land Use Hearings Officer, who will conduct a public hearing. There is a \$250 appeal fee.

How to Comment on this Application:

To ensure your comments are considered prior to issuance of the decision, they must be received within 20 days of the date of this notice. Comments may be submitted by email to the staff contact or by regular mail to the address at the top of this notice. Please include the file number on all correspondence, and focus your comments on the approval criteria identified above or other criteria that you believe apply to the decision.

Comments:

Your Name/Organization

Telephone Number

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at least three (3) business days before the meeting at 503-742-4545 or DRenhard@clackamas.us.

¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? |
翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?



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TYPE II OR III LAND USE APPLICATION

DEEMED COMPLETE

| | |
|--------------------------|--|
| ORIGINAL DATE SUBMITTED: | <input type="text" value="9/25/23"/> |
| FILE NUMBER: | <input type="text" value="Z0375-23-HO"/> |
| APPLICATION TYPE: | <input type="text" value="HOME OCCUPATION"/> |

The Planning and Zoning Division staff deemed this application complete for the purposes of Oregon Revised Statutes (ORS) 215.427 on:

Staff Name

Title

Comments:

Check one:

The subject property is located inside an urban growth boundary. The 120-day deadline for final action on the application pursuant to ORS 215.427(1) is:

The subject property is not located inside an urban growth boundary. The 150-day deadline for final action on the application pursuant to ORS 215.427(1) is:



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STAFF USE ONLY

RECEIVED

SEP 25 2023

Clackamas County
 Planning & Zoning Division

Staff Initials: File Number:
Z0375-23-HO

Land use application for:

HOME OCCUPATION

(Level Two or Level Three Major Home Occupation)

Application Fee: \$1,065

pd ✓ #1961

| APPLICANT INFORMATION | | | |
|---|--|---|----------------------|
| Applicant name: Darren M Smith | Applicant email: Darren M Smith 76@gmail.com | Applicant phone: 971-388-6272 | |
| Applicant mailing address: 17417 S Eaden Rd | City: Oregon City | State: OR | ZIP: 97045 |
| Contact person name (if other than applicant): | Contact person email: | Contact person phone: | |
| Contact person mailing address: | City: | State: | ZIP: |

| PROPOSAL |
|---|
| Brief description of proposal: auto Sales |

| SITE INFORMATION | | |
|---|---|-----------------------------------|
| Site address: 17417 S Eaden Rd, Oregon City, Or, 97045 | Comprehensive Plan designation: RURAL Residential | Zoning district: RRFF-5 |
| Map and tax lot #: Township: 2S Range: 3E Section: 35 Tax Lot: 0520 | Land area: 2.89 Acres | |
| Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____ | | |

| | | |
|---|---|--|
| Printed names of all property owners: Richard Snider Connie Snider | Signatures of all property owners: <i>Richard Snider</i> <i>Connie Snider</i> | Date(s): 9-19-2023 9-19-23 |
| I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge. | | |
| Applicant signature: <i>[Signature]</i> | | Date: 9-25-2023 |

A. Review applicable land use rules:

This application is subject to the provisions of Section 822, Home Occupations of the Clackamas County Zoning and Development Ordinance (ZDO).

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

B. Turn in all of the following:

- Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.
- Application fee:** The cost of this application is **\$1,065**. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the Credit Card Authorization Form available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted Fee Schedule for refund policies.
- Site plan:** Provide a site plan (also called a plot plan). A Site Plan Sample is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):
 - Lot lines, lot/parcel numbers, and acreage/square footage of lots;
 - Contiguous properties under the same ownership;
 - All existing and proposed structures, signs, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
 - Setbacks of all structures from lot lines and easements;
 - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
 - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).
- Floor plans:** Attach detailed, accurate, and to-scale floor plans for all structures used in association with the home occupation. Label all rooms with their proposed use, show all of their dimensions, include the square footage of each room, and identify all doors and partition walls.
- Building elevation diagrams:** Attach drawings of all structures used in association with the home occupation, including any garages, out-buildings, sheds, and in-home offices. The drawings must be to-scale and must show each side of the building and any windows, doors, or other appurtenances. Include all measurements (height, length, width, and area). Identify any proposed signs and show their dimensions.
- Proof of neighboring property sizes:** Attach evidence (tax maps, plats, and/or surveys, for example) showing the size of all lots of record abutting the subject property. A lot of record is considered "abutting" if it is contiguous to the tract on which the home occupation is proposed, or if it is directly across an access drive, private road, or public or county road with a functional classification below that of a collector.
- Proof of operator's residency:** Attach evidence that the operator of the home occupation currently resides, or provide a statement that they will reside, full-time in a lawfully established dwelling unit on the tract on which the home occupation will be located.

C. Answer the following questions:

Accurately answer the following questions in the spaces provided. Attach additional pages, if necessary.

1. a. Is this an application for a renewal of a previously approved home occupation?

NO, this is a *new* application. (*Skip to Question 2*)

YES, this is a renewal application.

The previous permit's File No. is: Z 0109-17-HO / 20355-20

b. Was the home occupation to be renewed previously approved with exceptions under ZDO Subsection 822.05?

NO

YES, the home occupation was approved for the following exceptions only:

2. Describe the proposed home occupation business in detail. Explain what the business will be, all of the business-related activities that will take place on the property, all of the equipment that will be used, all of the services to be provided, and all of the materials to be produced:

Auto Sales for Auto Pilot Auto Group LLC

3. The "operator" of the home occupation is the person who conducts the home occupation, has majority ownership interest in the home occupation, *and* is responsible for strategic decisions and day-to-day operations of the home occupation.

Who will be the operator of the home occupation?

Operator's name: Darren Smith - Ryan Sieder

4. Does the operator reside full-time in a lawfully established dwelling unit on the tract on which the home occupation will be located?

- YES
- Not currently, but they will prior to and during operation of the home occupation.

5. How many employees will the home occupation have? (An "employee" is any on-site person, whether they work full-time or part-time in the home occupation, including, but not limited to, the operator, partners, assistants, and any other persons participating in the operation of the home occupation.)

Number of employees: 0

6. List everything associated with the home occupation that will create any noise. Include the noise generated by idling vehicles, but do not include noise generated by vehicles entering or exiting the subject property:

7. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level of noise created by everything listed in response to Question 6 *cannot* exceed the greater of 60dB(A) or the ambient noise level, when measured off the subject property (not including from public rights-of-way or railroad rights-of-way). Will your proposal comply with this requirement?

- NO
- YES. The combined average peak sound pressure level *will not* exceed the greater of 60dB(A) or the ambient noise level, and it is understood that a noise study may be required to demonstrate this, pursuant to ZDO Subsection 822.04(C)(2).

8. During all other hours (between 6:00 p.m. and 8:00 a.m. the next day), the home occupation *cannot* create noise detectable to normal sensory perception off the subject property (not including from public rights-of-way or railroad rights-of-way)? Will your home occupation comply with this requirement?

NO

YES

9. The home occupation, including idling vehicles but not including vehicles entering or exiting the subject property, *cannot* create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Will your home occupation comply with this requirement?

NO

YES

10. The home occupation *cannot* create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property. Will your home occupation comply with this requirement?

NO

YES

11. Except for business logos flush-mounted on vehicles used in the daily operations of the home occupation, no outside storage, display of goods or merchandise visible from outside the enclosed building space in which such goods or merchandise are stored, or external evidence of the home occupation shall occur, except as specifically allowed by ZDO Subsection 822.04. Will your home occupation comply with this requirement?

NO

YES

12. Will the home occupation have any signs?

NO

YES, and the location of all proposed signs are identified on the attached site plan and the signs, including their dimensions, are shown on the attached building elevation diagrams. I understand that signs are subject to criteria in ZDO Section 1010, Signs.

13. Vehicles associated with the home occupation cannot be stored, parked, or repaired in public rights-of-way. Will the home occupation comply with this requirement?

NO

YES

14. Will parking spaces be provided for employees or customers of the home occupation?

NO

YES, and those parking spaces will be provided in defined areas of the subject property. Such areas, which are shown on the attached site plan, will be accessible, usable, designed, and surfaced for parking.

15. Does the subject property take access via a private road or access drive that also serves other properties?

NO

YES, and evidence in the form of a petition signed by all other property owners who have access rights to the private road or access drive is attached. The signed petition states that these other property owners agree to allow the specific home occupation described in this application, subject to any conditions stipulated in the agreement.

YES, but this is an application for a renewal of a previously approved home occupation and a signed petition was previously provided.

16. If the subject property is in the Ag/Forest (AG/F), Exclusive Farm Use (EFU), or Timber (TBR) zoning districts, explain how the home occupation will be operated substantially in the operator's dwelling or other buildings normally associated with uses permitted in the applicable zoning district (otherwise, skip to the next question):

NA

17. Per ZDO Subsection 822.04(K), hazardous materials shall not be present on the subject property in quantities greater than those normally associated with the primary uses allowed in the applicable zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.

Identify all hazardous materials that will be present on the subject property, and their quantities:



NA

D. Answer the following, as relevant to home occupation level:

Major home occupations are classified as level two or three. A level three major home occupation may be established only if at least 50 percent of the lots of record abutting the subject property are larger than two acres; however, a renewal application shall be evaluated on the basis of the lot size analysis first applied to the home occupation.

A lot of record is considered abutting if it is contiguous to the tract on which the home occupation is proposed, or if it is directly across an access drive, private road, or public or county road with a functional classification below that of a collector.

1. Will this be a level two or a level three major home occupation?

LEVEL TWO

LEVEL THREE, and evidence (tax maps, plats, and/or surveys, for example) showing the size of all lots of record abutting the subject property is attached.

2. Will the home occupation be conducted in a dwelling unit?

NO, the home occupation will only be conducted in one or more accessory buildings.

YES, and a floor plan of the dwelling showing where the home occupation will be conducted is attached.

3. Identify the total square feet of accessory building floor space that will be used by the home occupation and attach a floor plan, with dimensions, of all accessory buildings used for the home occupation.

Total square footage: 1260 sq. ft.

4. Will only a portion of an accessory building be used for the home occupation?

NO, the home occupation will use all of the floor area of the accessory building(s).

YES, and a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, will separate the home occupation space from the remainder of the building. The partition wall is identified on the accessory building's floor plan.

5. A vehicle trip is a (one-way) vehicular movement either to or from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer vehicle.

What is the maximum number of vehicle trips the home occupation will generate per day?

Maximum number of (one-way) vehicle trips per day: 2

6. A "vehicle" is any motorized or non-motorized transportation equipment intended for use on public roads and associated with the home occupation, including, but not limited to, a car, van, pickup, motorcycle, truck, bus, recreational vehicle, detached trailer, or a truck tractor with no more than one trailer. Any attached trailer beyond one is a separate vehicle. A detached trailer is categorized as equipment, rather than a vehicle, if it is stored in enclosed accessory building floor space.

What is the maximum number of vehicles associated with the home occupation that will be located on the subject property at any time, including, but not limited to, employee and customer vehicles and vehicles to be repaired?

Maximum number of vehicles: 4

7. Except for deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks, how many of the vehicles counted in response to Question 6 will have a gross vehicle weight rating exceeding 11,000 pounds?

Number of vehicles exceeding 11,000 pounds in gross vehicle weight: 0

8. Will the home occupation include the repair of any vehicles (motorized or non-motorized)?

NO

YES, and vehicles to be repaired will be located within an enclosed building or in an area not visible from off the subject property, as shown in attached site plan and floor plan.

9. Marijuana production, processing, wholesaling, and retailing are prohibited as home occupations. (See ZDO Section 202 for definitions of these terms.)

Will the home occupation include marijuana production, marijuana processing, marijuana wholesaling, or marijuana retailing?

NO YES

10. Check the box next to *all* of the following uses that the home occupation will include, if any:

- Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, (motorized) trailers, or boats
- Towing and vehicle storage business
- A use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than an automobile repair shop with open flame

11. Will the home occupation include any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than aircraft engine repair?

NO YES

E. Answer the following, if in a Natural Resource District:

Natural Resource Districts include the Ag/Forest (AG/F), Exclusive Farm Use (EFU), and Timber (TBR) zoning districts. Answer the following questions as applicable to the subject property's zone. Attach additional pages, if necessary.

1. Explain how the home occupation will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use:

NA

2. If the subject property is zoned AG/F or TBR, explain how the home occupation will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

NA

3. If the subject property is zoned AG/F or TBR, has a written statement been recorded with the deed or written contract with the County or its equivalent been obtained from the land owner that recognizes the rights of the adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and Rules?

NO, but it is understood this will be required for a home occupation in the AG/F or TBR Districts.

YES, and a copy of the statement/contract is attached.

4. Is the property zoned AG/F or TBR *and* would road access to the home occupation be by a road owned and maintained a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management (BLM), or the United States Forest Service (USFS)?

NO

YES, and proof of a long-term road access use permit or agreement is attached.

5. If the subject property is zoned AG/F or TBR, explain how the home occupation will not unreasonably interfere with other uses permitted in the zoning district.

NA

FAQs

When is a Home Occupation permit required?

The County's Zoning and Development Ordinance (ZDO) allows an occupation or business to be conducted in a dwelling and/or accessory building(s) under certain standards and criteria. **Level one minor home occupations conducted pursuant to [ZDO Subsection 822.03](#) do not require a land use permit.** Level two and level three major home occupation permits, however, do require a land use permit from the County. The permit is valid for three years from the date of the final written decision and, with an approved application, may be renewed.

What is the permit application process?

Home Occupation permits are subject to a "Type II" land use application process, as provided for in [Section 1307](#) of the ZDO, unless an exception to any of the standards identified in [Subsection 822.04](#) is requested. Type II decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies. If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The Planning Director's decision can be appealed to the County Land Use Hearings Officer.

What is needed for the County to approve a land use permit?

Major home occupations *may* be permitted after an evaluation by the County of applicable standards of the ZDO. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The County approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

If approved, how long would the Home Occupation Permit be valid?

The permit would be valid for three years. A Home Occupation permits *may* be renewed an unlimited number of times. Each renewal is also valid for three years.

How long will it take the County to make a decision about an application?

The County makes every effort to issue a decision on a Type II land use application within 45 days of when we deem the application to be complete. State law generally requires a final County decision on a land use permit application in an urban area within 120 days of the application being deemed complete, and within 150 days for a land use permit in a rural area, although there are some exceptions.

If an application is submitted and then withdrawn, will a refund be given?

If a submitted Type II application is withdrawn before it is publicly noticed, 75% of the application fee paid, or the fee paid minus \$250, whichever is less, will be refunded. If a submitted application is withdrawn after it is publicly noticed, but before a decision is issued, 50% of the application fee paid, or the fee paid minus \$500, whichever is less, will be refunded. No refund will be given after a decision is issued.

Who can help answer additional questions?

For questions about the County's land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or zoninginfo@clackamas.us. You can also find information online at the Planning and Zoning website: www.clackamas.us/planning.

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NOTICE OF LAND USE DECISION

This document represents the Planning and Zoning Staff findings and conditions of approval for Land Use Application file no. Z0355-20-HO as cited below. It contains three parts:

Section 1 – Summary, Section 2 – Conditions of approval, Section 3 – Findings, Section 4 – Summary of Findings, and Section 5 - Decision.

SECTION 1 – SUMMARY

DATE: October 1, 2020

HEARING DATE or APPEAL DATE: October 13, 2020

CASE FILE NO.: Z0355-20-HO

STAFF CONTACT: Lorraine Gonzales; lorrainego@co.clackamas.or.us;

LOCATION: 23E35 00520; 17417 S Eaden Rd, Oregon City, OR 97045

APPLICANT: Ryan Snider, 17417 S Eaden Rd, Oregon City, OR 97045

OWNER: Ryan Snider, 17417 S Eaden Rd, Oregon City, OR 97045

TOTAL AREA: Approximately 2.89 acres

ZONING: RRFF-5 District

CITIZENS PLANNING ORGANIZATION: Redland-Fischers Mill-Viola

PROPOSAL: To continue operation of a garage auto dealer to conduct safety checks and sales preparation within a 720 square feet area of an existing 20'X36' detached accessory structure.

BACKGROUND: The RRFF-5 2.89 acre parcel is developed with a mobile home approved under building permit MH029996, a detached garage permitted under building permit #B0325396, a storage structure #B0572407, and a pole barn #B0504399 all building permit were final.

Land uses surrounding the site are rural with tree farms, pasture and timber lots with residences. Access to the site is provided from South Eden Road a public local road, which both the single family residence and previously approved home occupation takes access.

Previous land use approval under case file Z0109-17 for the home occupation was permitted upon compliance with all conditions of approval. The applicant has not met all conditions of approval. The Change of Occupancy building permit #B0214917 expired in 2017. The applicant completed part of the final approval requirements from the Building Codes Division. This permit is required to be finalized to continue operation of the home occupation use.

Notification went out to 15 property owners, Redland-Viola-Fischers Mill CPO, and County Building Codes Division.

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

Applicable Approval Criteria & Review Procedure: This application is subject to the standards and criteria of Clackamas County Zoning and Development Ordinance (ZDO) Sections 202 and 401 and Oregon Revised Statute 215.291. This application is being processed as a Type II Permit, pursuant to Section 1307. A Type II Permit is administrative in nature and involves a land use action governed by standards and approval criteria that generally require the exercise of limited discretion.

OPPORTUNITY TO REVIEW THE RECORD: The complete application file is available for review online by accessing the following link: <https://accela.clackamas.us/citizenaccess/> . If you are unable to access the file online, contact the staff person listed on the front page of this decision for assistance. Copies of all documents may be purchased at the rate of \$1.00 for the first page and 10-cents per page thereafter.

APPEAL RIGHTS: Any party disagreeing with this decision or the conditions of approval, may appeal this decision to the Clackamas County Land Use Hearings Officer. An appeal must include a completed County Appeal Form and a \$250 filing fee and must be received by the Planning and Zoning Division by close of business on the last day to appeal, which is (October 13, 2020). Close of business is 4:00 p.m. Monday through Thursday and 3:00 pm on Friday. **However, due to the COVID-19 pandemic, our office is open limited hours. Please consult <https://www.clackamas.us/planning> for our current hours of in-office operation. Appeals may be submitted in person during these limited office hours. Appeals may also be submitted by email or US mail.**

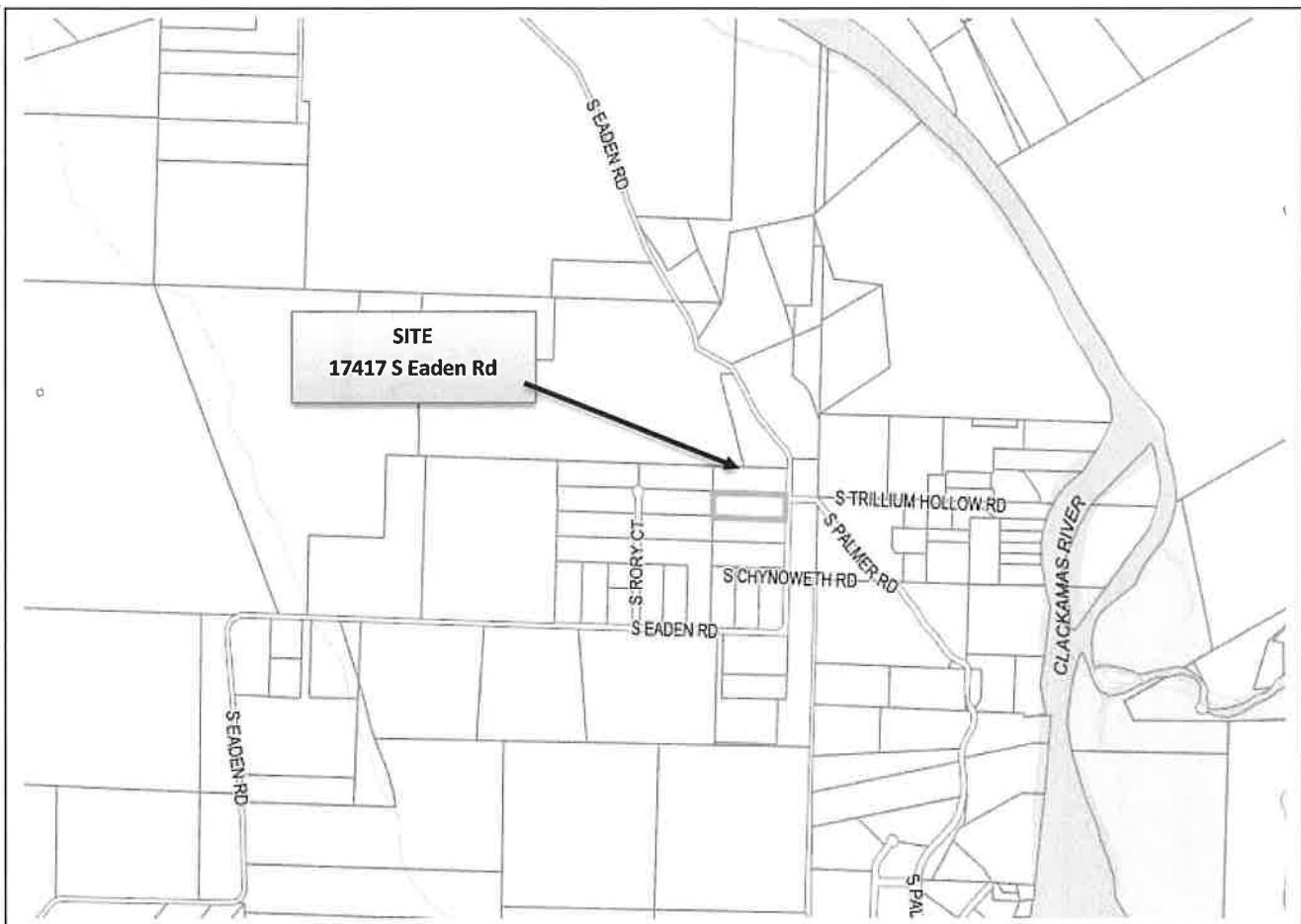
The County Appeal Form is available at www.clackamas.us/planning/supplemental.html. This decision will not be effective until the day after the appeal deadline provided an appeal is not filed prior. Unless an appeal is received by the appeal deadline, this decision will be final and no additional written confirmation will be sent. Any party or parties appealing this decision may withdraw their appeal at any time prior to the hearing or final decision by the Hearings Officer.

A party wishing to maintain individual appeal rights may wish to file an individual appeal and pay the \$250.00 fee, even if an appeal by another party or parties has been filed.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or Drenhard@clackamas.us

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

LOCATION MAP



SECTION 2 – CONDITIONS OF APPROVAL

It is the decision of the Clackamas County Planning Division staff to approve this application for a home occupation permit renewal subject to *compliance with the following conditions*:

1. Approval is for three years only. Continuation of the use beyond the three year approval period will require a renewal of this permit.
2. Continued compliance with Section 822 must be met. Failure to comply will be cause for revocation of this permit.
3. The business owner, Ryan Snider, shall reside in a dwelling on the property. This land use decision is not transferrable to other parties.
4. Ryan and Richard Snider are the two employees for the home occupation.
5. Noise created by the business shall not exceed the average peak sound pressure level of 60db or ambient noise levels between the hours of 8 AM to 6 PM when measured off the property line. All other hours the business noise levels shall not exceed noise levels detectable to normal sensory perception off the property.
6. The home occupation structure shall keep the doors closed during activities between the hours of 6pm to 8am or anytime if the noise generated by the home occupation activities exceed the ambient or 60dBA noise levels.
7. The home occupation shall not create *vibration, glare, fumes or odors detectable to normal sensory perception of the subject parcel*.
8. The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic devise off the subject property or cause fluctuations in line voltage off the subject property.
9. Outdoor storage and activities are prohibited.
10. Any future signage is subject to Section 1010 of the Clackamas County Zoning Development Ordinance which limits signage to eight square feet and not to exceed a height of six feet in compliance with Subsection 1010.06(B).
11. Home occupation vehicles shall not be stored, parked, or repaired on public rights-of-way.

12. Parking of all business related vehicles shall be located in front the detached accessory structure.
13. All business related activities shall continue to use the same access as provided for the onsite single family residence.
14. Storage of hazardous materials in quantities not normally associated with residential use or exempt amounts allowed by the current edition of the Oregon Structural Specialty Code are prohibited.
15. The applicant is limited to the 20'X36' detached accessory structure (720 square feet) as illustrated in the submitted site plan. All activities associated with the home occupation shall be within the 720 square feet as illustrated in the submitted site plan. All home occupation activities must be conducted wholly within this space.
16. Buildings #2 and #3 shall not be used for the home occupation activities.
17. The home occupation shall not generate more than 30 trips per day (15 round trips). A vehicle trip is defined under Subsection 822.02 as "*A vehicular movement either to or from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer vehicle*".
18. No more than five vehicles in associated with the home occupation (employees, customers/clients, deliveries) shall be located on the property at any one time.
19. No more than one vehicle in excess of 11,000 pound GVW is allowed as part of the home occupation activities.
20. Marijuana business activities are prohibited use for home occupatios.

Prior to continuing the home occupation use the following conditions shall be met:

21. ***The*** applicant shall receive final approval of "Change of Occupancy" building permit B0214917 ***within 45 days*** of this decision date unless otherwise recommended by the Building Codes Division staff. If an extension to the 45 days is necessary a statement to this effect shall be provided by the Building Codes Division staff and emailed to staff for submittal in case file Z0355-20.
22. A DMV license shall not be signed for the business use until the "Change of Occupancy" permit has been final.
23. The home occupation use is limited to the 20'X 36' detached accessory structure (750 square feet) as illustrated in the submitted site plan.

24. The permit is granted for the proposed home occupation as submitted; to the extent it is consistent with these conditions of approval.
25. Approval is subject to the above stated conditions. Failure to comply with all conditions of approval shall be cause for revocation of this permit.

SECTION 3 – FINDINGS

Section 822 of the Clackamas County Zoning and Development Ordinance regulates home occupations. This application is specifically subject to Subsection 822.04 which controls Level 3 Major Home Occupations. Subsection 822.04(A-L) identifies the criteria that must be met for a home occupation to be approved. The Planning Division staff has reviewed this subsection in conjunction with this proposal and makes the following findings:

1. *Subsection 316.03 allows home occupations as accessory uses in the RRF-5 District subject to Section 822.*

Finding: The applicant addressed the Level 3 criterion of Section 822. Staff findings in response to the applicant's submitted application is shown below. This criterion has been met.

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

Finding: The applicant stated, he, Ryan Snider, is the property and business owner and resides in the single family dwelling located on the subject property. Staff finds this criterion is met.

3. *Subsection 822.04(B) the home occupation shall have no more than five employees.*

Finding: The applicant stated in addition to himself one other employee is employed to help operate the business. The proposed number of employees is below the allowed number of five employees. A condition is warranted in the conditions of approval to allow up to five employees for the proposed business. Staff finds it is feasible for to meet this criterion.

4. *Subsection 822.04(C)(1) :From 8:00am to 6:00 pm, the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise detectable to normal sensory perception off the subject property.*

Finding: Staff did not receive comments that identified noise as an issue with the home occupation business that has been in operation since 2017. The equipment used, power hand tools for polishing, to operate the previously approved 2017 home occupation, will not be altered. Staff finds there is no evidence the applicant cannot continue to comply with this criterion. It is feasible for this criterion to be met.

5. *Subsection 822.04(C) (2) A noise study may be required to demonstrate compliance with Subsection 822.04E (1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.*

Finding: As mentioned in the findings for Subsection 822.04(C) (1) the applicant proposed to continue operation as originally approved. No complaints associated with noise have been made during the operation of the business. Staff finds there is no evidence to require a noise study and finds this criterion is not applicable.

6. *Subsection 822.04(D): The Home Occupation shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standards, but idling vehicles shall not.*

Finding: The applicant states the tools and materials will be stored in the main shop building #1 where the business activities will be conducted. The activities to prepare vehicles for sale does not include painting, but does include polishing of vehicles. There is no evidence that polish products emit fumes that can extend beyond the property lines. There is also no evidence that activities associated with “safety checks” also emit fumes that can be detected off the property lines. Staff finds that evidence does not exist to state that continuation of the business will create the impacts identified under Subsection 822.04(D). Staff finds it is feasible for this criterion to be met.

7. *Subsection 822.04(E): The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property or cause fluctuations in line voltage off the subject property. .*

Finding: The applicant states the tools and materials will be stored in the main shop building #1 where the business activities will be conducted. The activities to prepare vehicles for sale does not include painting, but does include polishing of vehicles. There is no evidence that polishing or safety checks of vehicles will create audible electrical interference in radio, television, or other electronic devices of cause fluctuations in line voltage off the subject property. Staff finds that evidence does not exist to state that continuation of the business will create the impacts identified under Subsection 822.04(E). Staff finds it is feasible for this criterion to be met.

8. *Subsection 822.04(F): No outside storage, display of goods or merchandise or external evidence the enclosed building space in which such goods or merchandise are stored, or external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.04. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.*

Finding: The applicant states all tools and materials will be stored inside the main shop building #1. Staff finds it is feasible for this criterion to be met.

9. *Subsection 822.04(G): signs shall be permitted pursuant to Section 1010 signs.*

Finding: Signage in compliance with Subsection 1010.06(B) limits rural signage to not exceed eight square feet or a height of six feet. The applicant's proposed to continue use of an 11"X7" (77 square feet) posted inside the window of building #1 is well within the allowed signage allowance of Subsection 1010.06(B). Staff finds it is feasible for this criterion to be met.

10. *Subsection 822.04(H) Vehicles associated with the home occupation shall not be stored, parked, or repaired on public right-of-way. Parking spaces needed for employees or customers of the home occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. There shall be no more than five full- or part-time employees.*

Finding: The applicant states vehicles associated with the home occupation shall be parked in front of building #3 which is over 300 feet from S Eaden Road access point. Staff finds there is adequate space for all home occupation vehicles to be parked on the subject site away from the public right-of-way. It is feasible for this criterion to be met.

11. *Subsection 822.04(I): If the subject property takes access via a private road or access drive that also services other properties, evidence shall be provided, in the form of a petition that all other property owners who have access rights to the private road or access drive agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.*

Finding: South Eaden Road is a public local road. This criterion is not applicable.

12. *Subsection 822.04(J): Notwithstanding the definition of home occupation in Section 202, Definitions, in the AF/F, EFU, and TBR Districts, the home occupation shall be operated substantially in the operation's dwelling or other buildings normal associated with uses permitted in the applicable zoning district.*

Finding: The subject site is within the RRFF-5 District. This criterion is not applicable.

13. *Subsection 822.04(K): Hazardous materials shall not be present on the subject property in quantities greater than those normally associated with the primary uses allowed in the applicable zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.*

Finding: The applicant states his continued use of the home occupation does not include hazardous products. The activities associated with an auto dealership, safety checks, and sales preparation business typically will include cleaning materials. The applicant did not state such materials are stored in quantities that exceed typical household cleaning

products or domestic auto product quantities. Staff finds it is feasible for this criterion to be met.

14. *Subsection 822.04(L) A level three major home occupation may be established only if at less than 50 percent of the lots of record abutting the subject property are larger than two acres; however, a renewal application shall be evaluated on the basis of the lot size analysis first applied to the home occupation. A lot of record is considered to be abutting if it is contiguous to the tract on which the home occupation is proposed, or if it is directly across an access drive, private road, or public or county road with a functional classification below that of a collector. The following standards differ depending on whether the proposed home occupation is a level two or three.*

Finding: The subject site is lot 20 of the Watts Ranchettes subdivision #1655. The lot is surrounded by seven other lots, six of which are in this subdivision. All the Watts Ranchettes subdivision are in excess of two acres. The majority of abutting lots are over two acres in size therefore the site qualifies to be reviewed under the level three home occupation criterion.

15. *Subsection 822.04(L) (1): The home occupation may be conducted in a dwelling unit, but except in the case of a bed and breakfast homestay – is limited to incidental use thereof. A level three major home occupation, a maximum of 1,500 square feet of accessory building floor space may be used for the home occupation. If only a portion of an accessory building is authorized for use in the home occupation, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the home occupation space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the home occupation space and the remainder of the building.*

Finding: The applicant submitted a site plan to illustrate which detached accessory structure is used for the home occupation business. Building #1, a detached accessory structure 20'X36' (720 square feet) was identified as the home occupation building. The applicant submitted conflicting information in the application narrative that Building #3 is used to store vehicles. The applicant did not provide the dimensions of Building #3 and since a revised site plan was submitted to staff on September 21, 2020 staff will use this information to render a final decision if compliance with Subsection 822.04(L) (1) is met. Based on the revised site plan the only building used for the home occupation activities is Building #1. All other buildings shall not function as part of the home occupation use. A condition to this effect is warranted in the conditions of approval.

In the 2017 home occupation decision, case file Z0109-17-HO, the conditions of approval required a "Change of Occupancy" permit from the Building Codes Division be applied for, issued, and final prior to operating the home occupation in the building. The applicant failed to have the "Change of Occupancy" permit, B0214917 final, which resulted in expiration of the building permit as of April 28, 2017. A condition requiring the "Change of Occupancy" permit to be final shall be completed within 45 days from the date of this decision.

On September 23, 2020 Mr. Snider forwarded an email to staff stating he was underway with filling out the necessary permit paperwork. As of October 1, 2020 these permit applications have not be submitted to the Building Codes Division. It is necessary to finalize the Building Codes permits prior to staff signing any DMV license forms to operate the home occupation business.



#1



Main building #1



1#



Storage Parking #3

#2
* not associated with business
this is personal residence storage

out buildings

16. Subsection 822.04(L) (2) A level two home occupation shall generate more than 30 vehicle trips per day. A vehicle trip is defined as "...vehicular movement either to or from

the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer vehicle.”

Finding: The applicant states the business has eight trips per day. In accordance to the definition of a vehicular trip as noted above that is a maximum of four vehicles travel to the site on a daily basis for employees and customers. This number is well within the 30 trips (15 round trips per day) allowed for a level three home occupation. This criterion is met.

17. *Subsection 822.04(L)(3): The maximum number of vehicles that are associated with a level two major home occupation and located on the property shall not exceed five at any time, including, but not limited to, employee vehicles, customer vehicles, and vehicles to be repaired. Vehicles to be repaired shall be located within an enclosed building or in an area not visible from off the subject property. No more than one of the five vehicles permitted to be located on the subject property at one time shall exceed a gross vehicle weight rating of 11,000 pounds.*

Finding: The applicant states four vehicles is association with the home occupation, to include employee and customer vehicles are on the property at a given time. One employee that does not reside on the premises plus three vehicles, two under repair and one customer are on the site at a given time.

18. *Subsection 822.04(L) (4) The following uses shall be prohibited as a major home occupation.*
- a. Marijuana production*
 - b. Marijuana processing*
 - c. Marijuana wholesaling*
 - d. Marijuana retailing.*

Finding: The proposed business does not include activities associated with marijuana. This criterion is not applicable.

SECTION 4 – SUMMARY OF FINDING

The proposed application is to continue a level three home occupation to operate an auto dealer garage and repair/body shop within a 20'X36' detached accessory structure on a 2.89 acre RRFF-5 District parcel. This application is a renewal of case file Z0109-17-HO issued on April 18, 2017. A number of conditions of approval were required to be met prior to operating the home occupation. Conditions # 5, 6, 18 and 21 were not met as of the date of this decision. Condition #5 limits a level three major home occupation to 1,500 square feet of accessory building space to operate the business. The applicant submitted a site plan and photos that illustrate more than 1.500 square feet of accessory building space is used for the home occupation use. Condition #6 denied the use of building #3 which the applicant submitted photos of its use to store vehicles. Condition # 18 required the applicant to obtain an Authorization

Notice from the Clackamas County Soils Division. There is no evidence that this Authorization Notice was issued. Condition #21 required the application to apply and receive final occupancy of a “Change of Occupancy” permit from the Building Codes Division. The applicant applied for the “Change of Occupancy” permit B0214917, which expired in 2017. The applicant is currently in conversation with the Building Codes Division to follow up to seek final approval of this permit.

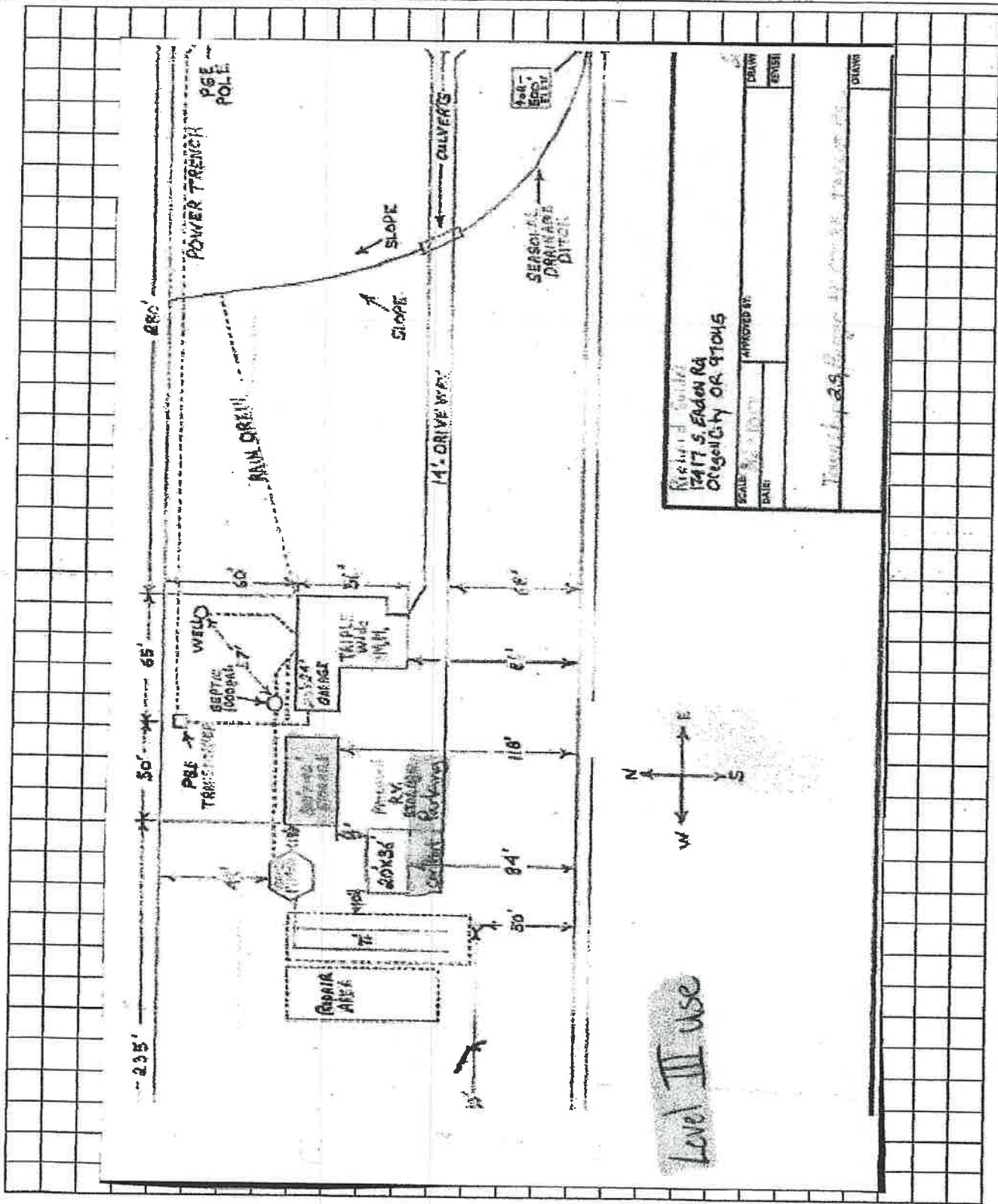
As of the date of this decision the applicant altered the 2017 site plan to show Building #1 a 20’X36’ detached accessory structure of 720 square feet is the only building used for the home occupation use. Conditions of approval under Section 2 of this land use decision limit the home occupation use to Building #1, which also addresses noncompliance with condition #6 of the 2017 decision. Condition #18 of Case file Z0109-17 required the Soils Division Authorization Notice. An email dated September 17, 2020 from the Soils staff confirmed that an Authorization Notice is not required for the home occupation use.

Condition #21 of case file Z0109-17 required a “Change of Occupancy” permit final. The applicant stated he is taking steps to submit the required permits. Condition #21 under Section 2 of this land use decision requires this permit be final within 45 days from the date of this land use decision. It should be noted that until a final permit is completed DMV license cannot be signed to use the detached accessory structure for the home occupation business.

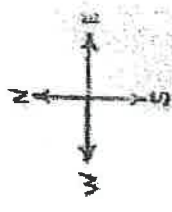
SECTION 5 - DECISION

Approval of this land use decision requires compliance of all conditions of approval as outlined under Section 2 of this land use decision.

Township 25 Range 3E Section 35 Tax Lot 520
 Address 17417 S Eaden RD Oregon City OR 97045

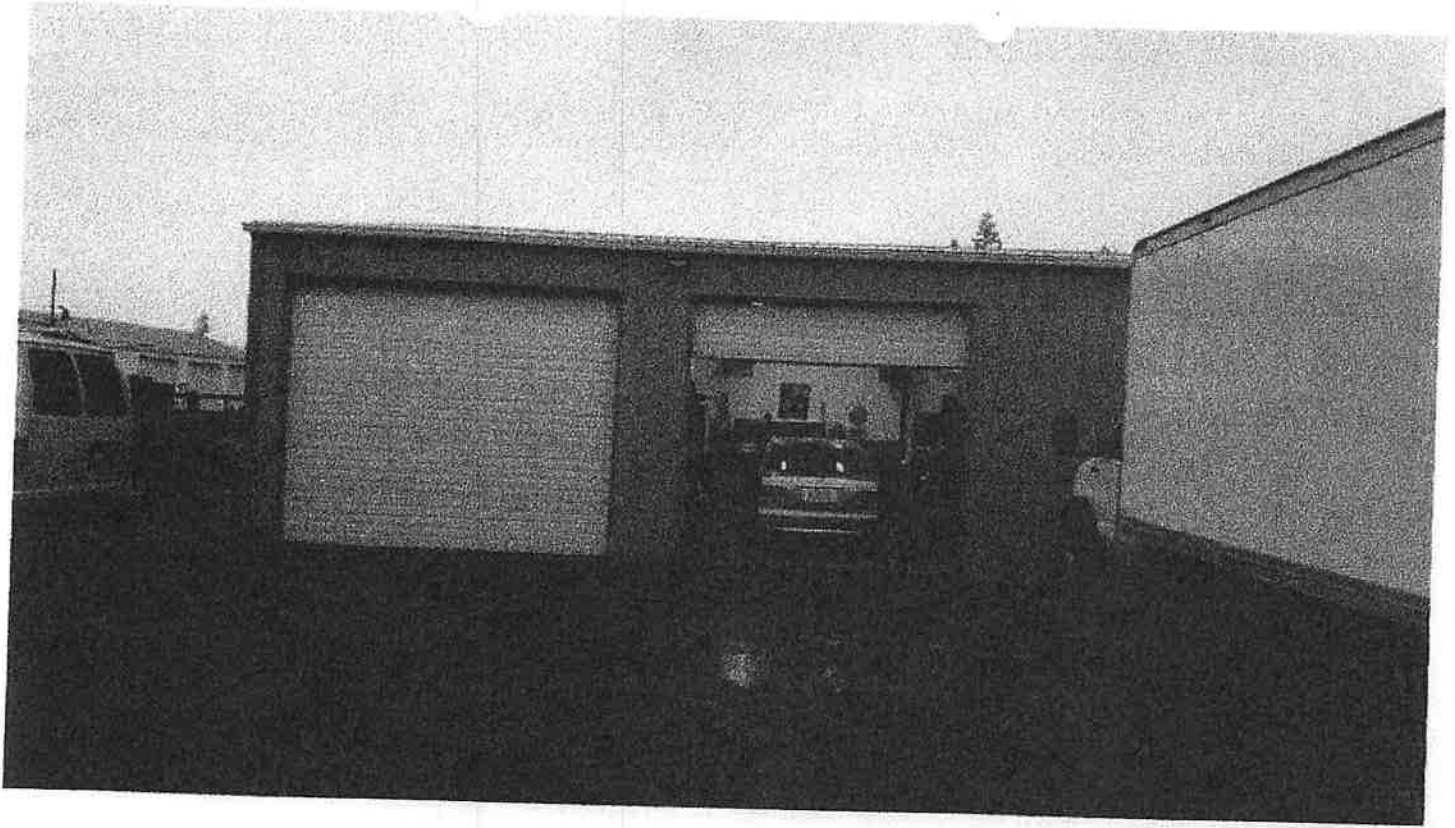


Prepared by: [Signature]
 17417 S. Eaden Rd
 Oregon City OR 97045
 SCALE: 1/4" = 10'-0"
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]
 DATE: [Date]

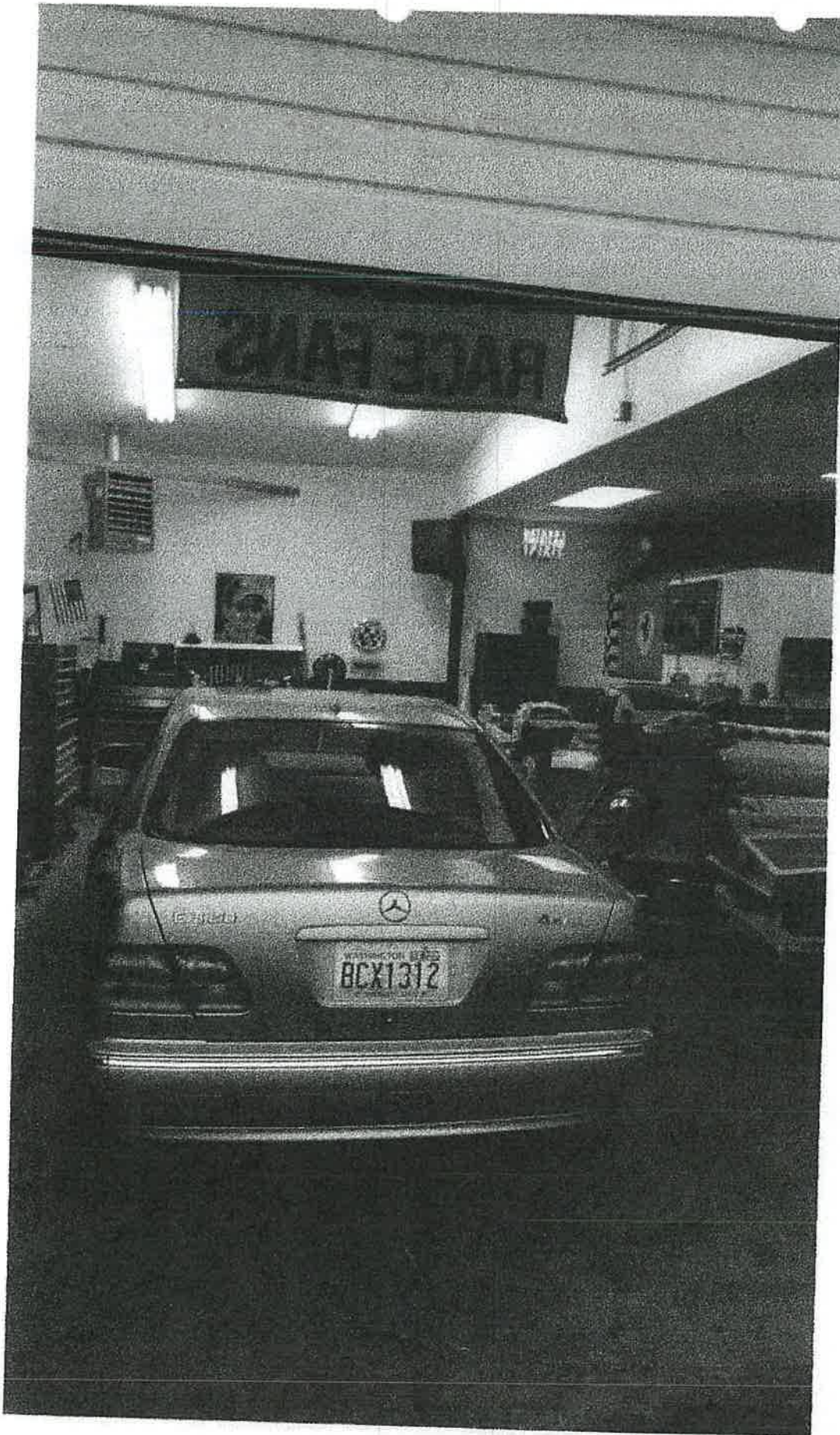


Level III use

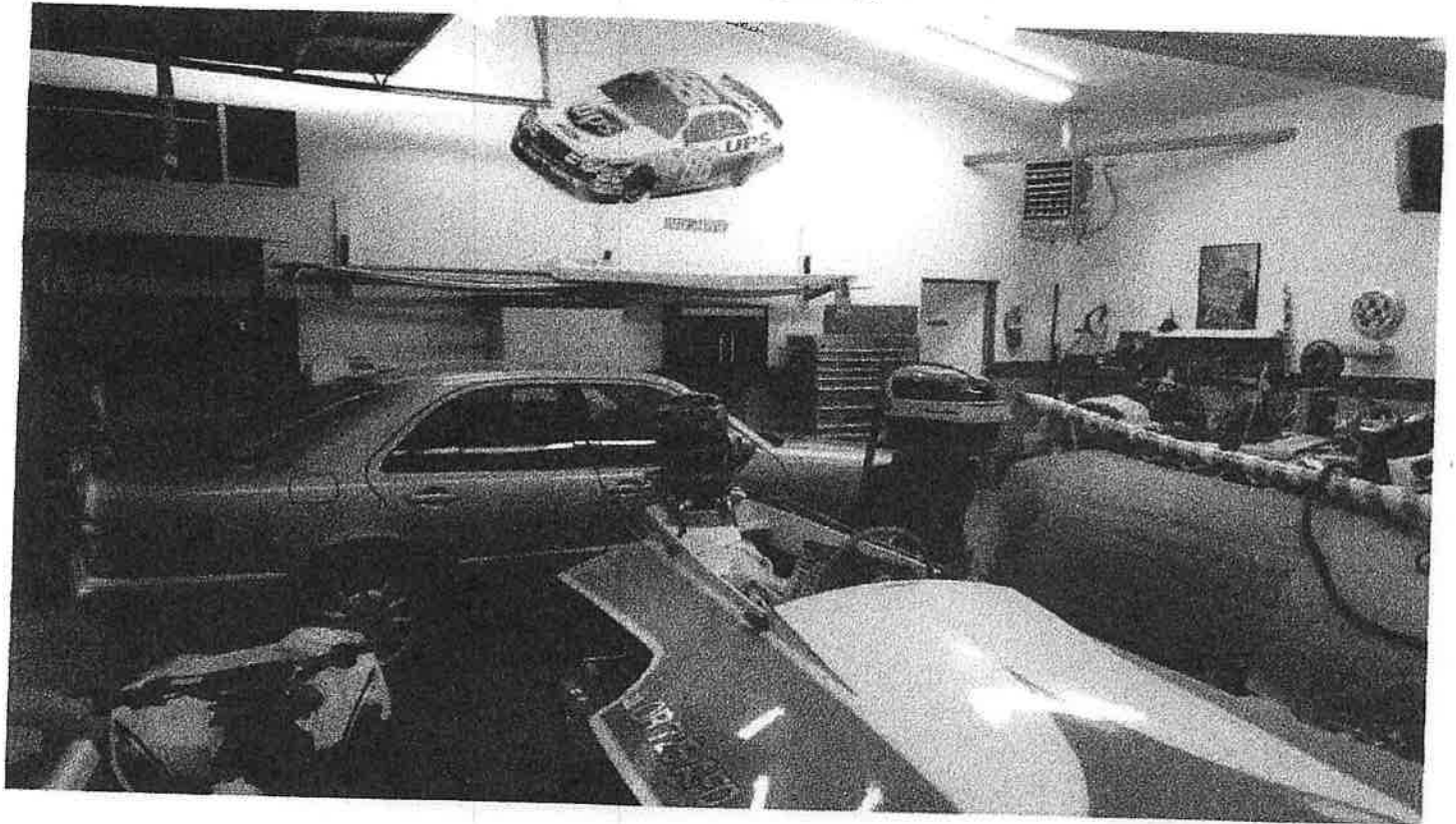
Building Permit or Building Permit Application Number: _____



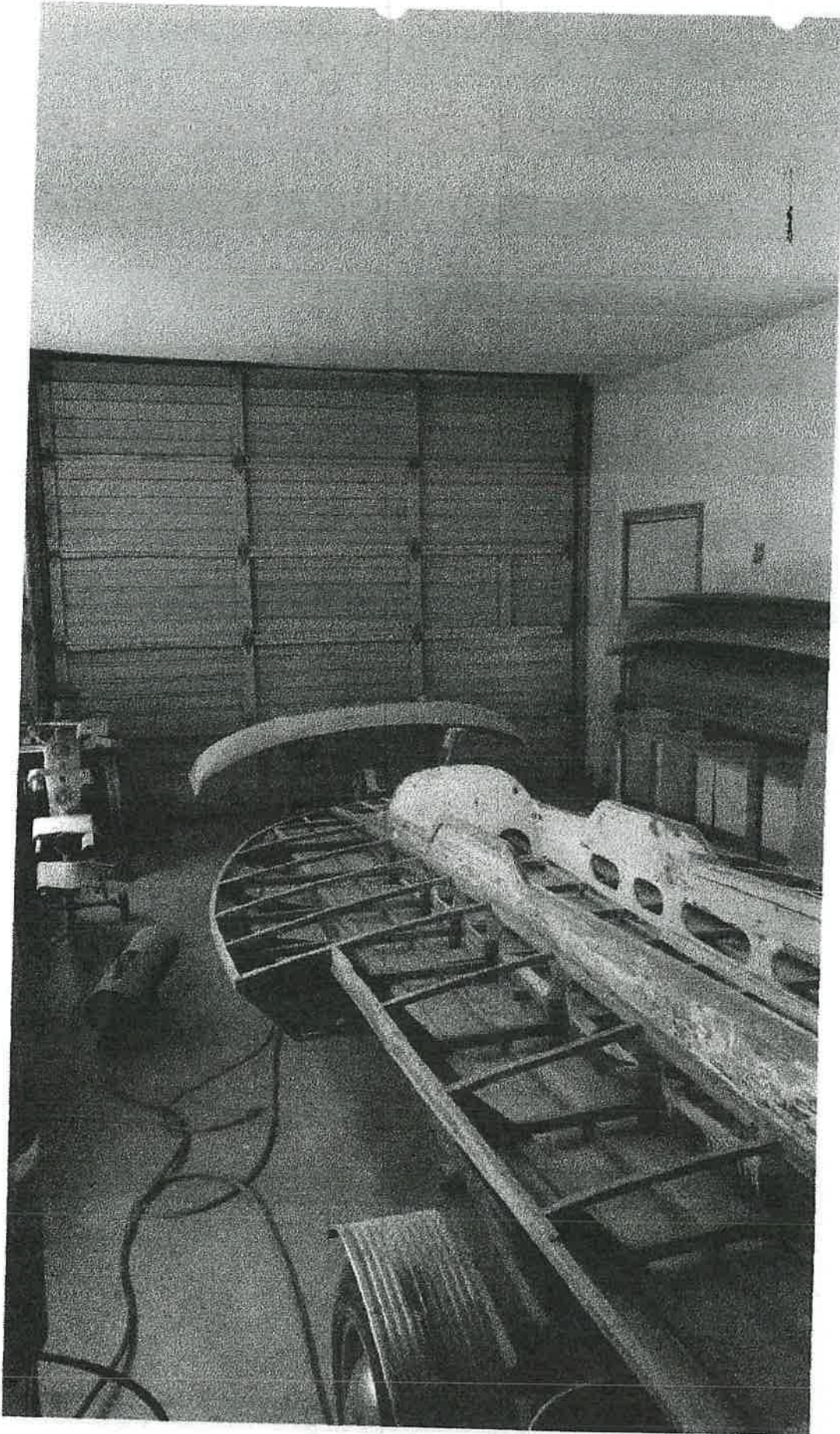
Main building #1



#1



#1



#1



Storage Parking
#3

#2
* not associated with business
this is personal residence storage

Out buildings

NOV 14 2023

IMPORTANT

Clackamas County
Planning & Zoning Division

Your application will be deemed complete, if, within 180 days of the date the application was first submitted, Planning and Zoning receives one of the following:

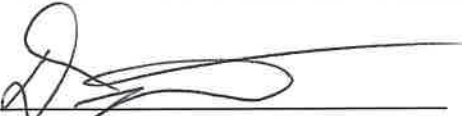
1. All of the missing information; or
2. Some of the missing information and written notice from you (the applicant) that no other information will be provided; or
3. Written notice from you (the applicant) that none of the missing information will be provided.

If any one of these options is chosen within 180 days of the date of the initial submittal, approval or denial of your application will be subject to the relevant criteria in effect on the date the application was first submitted.

Your application will be considered void if, on the 181st day after the date the application was first submitted, you have been mailed this notice and have not provided the information requested in Options 1-3 above. In this case, no further action will be taken on your application.

Applicant or authorized representative, please check one of the following and return this notice to: **Clackamas County Planning and Zoning, 150 Beaver Creek Road, Oregon City, OR, 97045** or the staff contact email on page 1 of this notice

- I am submitting the required information (attached); or
- I am submitting some of the information requested (attached) and no other information will be submitted; or
- I will not be submitting the requested information. Please accept the application as submitted for review and decision.


Signed

11-14-2023
Date

Darren Smith
Print Name



Planning and Zoning
 Department of Transportation and Development
 Development Services Building
 150 Beavercreek Road | Oregon City, OR 97045
 503-742-4500 | zoninginfo@clackamas.us
 www.clackamas.us/planning

STAFF USE ONLY

RECEIVED **RECEIVED**

SEP 25 2023 NOV 14 2023

Clackamas County Clackamas County
 Planning & Zoning Division Planning & Zoning Division

Staff Initials: MP File Number: Z0375-23-HO

pd ✓ #1961

Land use application for:

HOME OCCUPATION

(Level Two or Level Three Major Home Occupation)

Application Fee: \$1,065

| APPLICANT INFORMATION | | | |
|---|---|---|----------------------|
| Applicant name: <u>Darren M Smith</u> | Applicant email: <u>DarrenMSmith76@gmail.com</u> | Applicant phone: <u>971-388-6272</u> | |
| Applicant mailing address: <u>17417 S Eaden RD</u> | City: <u>Oregon City</u> | State: <u>OR</u> | ZIP: <u>97045</u> |
| Contact person name (if other than applicant): | Contact person email: | Contact person phone: | |
| Contact person mailing address: | City: | State: | ZIP: |

| PROPOSAL |
|---|
| Brief description of proposal: <u>auto Sales</u> |

| SITE INFORMATION | | |
|---|---|----------------------------------|
| Site address: <u>17417 S. Eaden Rd, Oregon City, Or, 97045</u> | Comprehensive Plan designation: <u>RURAL Residential</u> | Zoning district: <u>RREFS</u> |
| Map and tax lot #: <u>Township: 2S Range: 3E Section: 35 Tax Lot: 0520</u> | | Land area: <u>2.81 Acres</u> |
| Adjacent properties under same ownership: | | |
| <u>Township: _____ Range: _____ Section: _____ Tax Lot: _____</u> | | |
| <u>Township: _____ Range: _____ Section: _____ Tax Lot: _____</u> | | |

| | | |
|---|---|--|
| Printed names of all property owners: <u>Richard Snider</u> <u>Connie Snider</u> | Signatures of all property owners: <u>Richard Snider</u> <u>Connie Snider</u> | Date(s): <u>9-19-2023</u> <u>9-19-23</u> |
| I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge. | | |
| Applicant signature: <u>[Signature]</u> | | Date: <u>9-25-2023</u> |

A. Review applicable land use rules:

This application is subject to the provisions of Section 822, Home Occupations of the Clackamas County Zoning and Development Ordinance (ZDO).

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

B. Turn in all of the following:

- Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.
- Application fee:** The cost of this application is **\$1,065**. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the Credit Card Authorization Form available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted Fee Schedule for refund policies.
- Site plan:** Provide a site plan (also called a plot plan). A Site Plan Sample is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):
 - Lot lines, lot/parcel numbers, and acreage/square footage of lots;
 - Contiguous properties under the same ownership;
 - All existing and proposed structures, signs, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
 - Setbacks of all structures from lot lines and easements;
 - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
 - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).
- Floor plans:** Attach detailed, accurate, and to-scale floor plans for all structures used in association with the home occupation. Label all rooms with their proposed use, show all of their dimensions, include the square footage of each room, and identify all doors and partition walls.
- Building elevation diagrams:** Attach drawings of all structures used in association with the home occupation, including any garages, out-buildings, sheds, and in-home offices. The drawings must be to-scale and must show each side of the building and any windows, doors, or other appurtenances. Include all measurements (height, length, width, and area). Identify any proposed signs and show their dimensions.
- Proof of neighboring property sizes:** Attach evidence (tax maps, plats, and/or surveys, for example) showing the size of all lots of record abutting the subject property. A lot of record is considered "abutting" if it is contiguous to the tract on which the home occupation is proposed, or if it is directly across an access drive, private road, or public or county road with a functional classification below that of a collector.
- Proof of operator's residency:** Attach evidence that the operator of the home occupation currently resides, or provide a statement that they will reside, full-time in a lawfully established dwelling unit on the tract on which the home occupation will be located.

C. Answer the following questions:

Accurately answer the following questions in the spaces provided. Attach additional pages, if necessary.

1. a. Is this an application for a renewal of a previously approved home occupation?

NO, this is a *new* application. (*Skip to Question 2*)

YES, this is a renewal application.

The previous permit's File No. is: Z 0109-17-HO / 20355-20

b. Was the home occupation to be renewed previously approved with exceptions under ZDO Subsection 822.05?

NO

YES, the home occupation was approved for the following exceptions only:

2. Describe the proposed home occupation business in detail. Explain what the business will be, all of the business-related activities that will take place on the property, all of the equipment that will be used, all of the services to be provided, and all of the materials to be produced:

Auto Sales for Auto Pilot Auto Group LLC

3. The "operator" of the home occupation is the person who conducts the home occupation, has majority ownership interest in the home occupation, and is responsible for strategic decisions and day-to-day operations of the home occupation.

Who will be the operator of the home occupation?

Operator's name: Darren Smith - Ryan Snider

4. Does the operator reside full-time in a lawfully established dwelling unit on the tract on which the home occupation will be located?

- YES I Darren Smith live there.
not Ryan Snider
- Not currently, but they will prior to and during operation of the home occupation.

5. How many employees will the home occupation have? (An "employee" is any on-site person, whether they work full-time or part-time in the home occupation, including, but not limited to, the operator, partners, assistants, and any other persons participating in the operation of the home occupation.)

Number of employees: 2 DG.

6. List everything associated with the home occupation that will create any noise. Include the noise generated by idling vehicles, but do not include noise generated by vehicles entering or exiting the subject property:

7. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level of noise created by everything listed in response to Question 6 *cannot* exceed the greater of 60dB(A) or the ambient noise level, when measured off the subject property (not including from public rights-of-way or railroad rights-of-way). Will your proposal comply with this requirement?

- NO
- YES. The combined average peak sound pressure level *will not* exceed the greater of 60dB(A) or the ambient noise level, and it is understood that a noise study may be required to demonstrate this, pursuant to ZDO Subsection 822.04(C)(2).

8. During all other hours (between 6:00 p.m. and 8:00 a.m. the next day), the home occupation *cannot* create noise detectable to normal sensory perception off the subject property (not including from public rights-of-way or railroad rights-of-way)? Will your home occupation comply with this requirement?

NO YES

9. The home occupation, including idling vehicles but not including vehicles entering or exiting the subject property, *cannot* create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Will your home occupation comply with this requirement?

NO YES

10. The home occupation *cannot* create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property. Will your home occupation comply with this requirement?

NO YES

11. Except for business logos flush-mounted on vehicles used in the daily operations of the home occupation, no outside storage, display of goods or merchandise visible from outside the enclosed building space in which such goods or merchandise are stored, or external evidence of the home occupation shall occur, except as specifically allowed by ZDO Subsection 822.04. Will your home occupation comply with this requirement?

NO YES

12. Will the home occupation have any signs?

NO

YES, and the location of all proposed signs are identified on the attached site plan and the signs, including their dimensions, are shown on the attached building elevation diagrams. I understand that signs are subject to criteria in ZDO Section 1010, Signs.

13. Vehicles associated with the home occupation cannot be stored, parked, or repaired in public rights-of-way. Will the home occupation comply with this requirement?

NO YES

14. Will parking spaces be provided for employees or customers of the home occupation?

NO

YES, and those parking spaces will be provided in defined areas of the subject property. Such areas, which are shown on the attached site plan, will be accessible, usable, designed, and surfaced for parking.

15. Does the subject property take access via a private road or access drive that also serves other properties?

NO

YES, and evidence in the form of a petition signed by all other property owners who have access rights to the private road or access drive is attached. The signed petition states that these other property owners agree to allow the specific home occupation described in this application, subject to any conditions stipulated in the agreement.

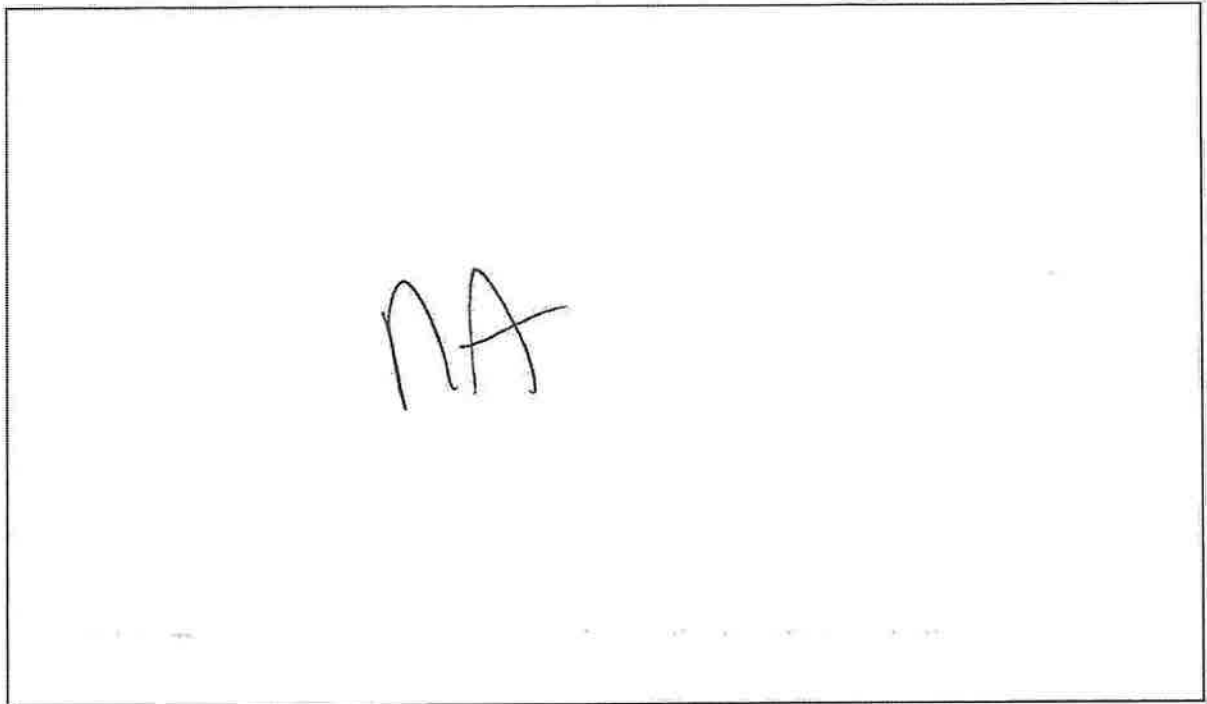
YES, but this is an application for a renewal of a previously approved home occupation and a signed petition was previously provided.

16. If the subject property is in the Ag/Forest (AG/F), Exclusive Farm Use (EFU), or Timber (TBR) zoning districts, explain how the home occupation will be operated substantially in the operator's dwelling or other buildings normally associated with uses permitted in the applicable zoning district (otherwise, skip to the next question):

NA

17. Per ZDO Subsection 822.04(K), hazardous materials shall not be present on the subject property in quantities greater than those normally associated with the primary uses allowed in the applicable zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.

Identify all hazardous materials that will be present on the subject property, and their quantities:



NA

D. Answer the following, as relevant to home occupation level:

Major home occupations are classified as level two or three. A level three major home occupation may be established only if at least 50 percent of the lots of record abutting the subject property are larger than two acres; however, a renewal application shall be evaluated on the basis of the lot size analysis first applied to the home occupation.

A lot of record is considered abutting if it is contiguous to the tract on which the home occupation is proposed, or if it is directly across an access drive, private road, or public or county road with a functional classification below that of a collector.

1. Will this be a level two or a level three major home occupation?

LEVEL TWO

LEVEL THREE, and evidence (tax maps, plats, and/or surveys, for example) showing the size of all lots of record abutting the subject property is attached.

2. Will the home occupation be conducted in a dwelling unit?

NO, the home occupation will only be conducted in one or more accessory buildings.

YES, and a floor plan of the dwelling showing where the home occupation will be conducted is attached.

3. Identify the total square feet of accessory building floor space that will be used by the home occupation and attach a floor plan, with dimensions, of all accessory buildings used for the home occupation.

Total square footage: 1260 sq. ft.

4. Will only a portion of an accessory building be used for the home occupation?

NO, the home occupation will use all of the floor area of the accessory building(s).

YES, and a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, will separate the home occupation space from the remainder of the building. The partition wall is identified on the accessory building's floor plan.

5. A vehicle trip is a (one-way) vehicular movement either to or from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer vehicle.

What is the maximum number of vehicle trips the home occupation will generate per day?

Maximum number of (one-way) vehicle trips per day: 2

6. A "vehicle" is any motorized or non-motorized transportation equipment intended for use on public roads and associated with the home occupation, including, but not limited to, a car, van, pickup, motorcycle, truck, bus, recreational vehicle, detached trailer, or a truck tractor with no more than one trailer. Any attached trailer beyond one is a separate vehicle. A detached trailer is categorized as equipment, rather than a vehicle, if it is stored in enclosed accessory building floor space.

What is the maximum number of vehicles associated with the home occupation that will be located on the subject property at any time, including, but not limited to, employee and customer vehicles and vehicles to be repaired?

Maximum number of vehicles: 4

7. Except for deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks, how many of the vehicles counted in response to Question 6 will have a gross vehicle weight rating exceeding 11,000 pounds?

Number of vehicles exceeding 11,000 pounds in gross vehicle weight: 0

8. Will the home occupation include the repair of any vehicles (motorized or non-motorized)?

NO

YES, and vehicles to be repaired will be located within an enclosed building or in an area not visible from off the subject property, as shown in attached site plan and floor plan.

9. Marijuana production, processing, wholesaling, and retailing are prohibited as home occupations. (See ZDO Section 202 for definitions of these terms.)

Will the home occupation include marijuana production, marijuana processing, marijuana wholesaling, or marijuana retailing?

NO YES

10. Check the box next to *all* of the following uses that the home occupation will include, if any:

- Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, (motorized) trailers, or boats
- Towing and vehicle storage business
- A use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than an automobile repair shop with open flame

11. Will the home occupation include any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than aircraft engine repair?

NO YES

E. Answer the following, if in a Natural Resource District:

Natural Resource Districts include the Ag/Forest (AG/F), Exclusive Farm Use (EFU), and Timber (TBR) zoning districts. Answer the following questions as applicable to the subject property's zone. Attach additional pages, if necessary.

1. Explain how the home occupation will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use:

NA

2. If the subject property is zoned AG/F or TBR, explain how the home occupation will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

NA

3. If the subject property is zoned AG/F or TBR, has a written statement been recorded with the deed or written contract with the County or its equivalent been obtained from the land owner that recognizes the rights of the adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and Rules?

NO, but it is understood this will be required for a home occupation in the AG/F or TBR Districts.

YES, and a copy of the statement/contract is attached.

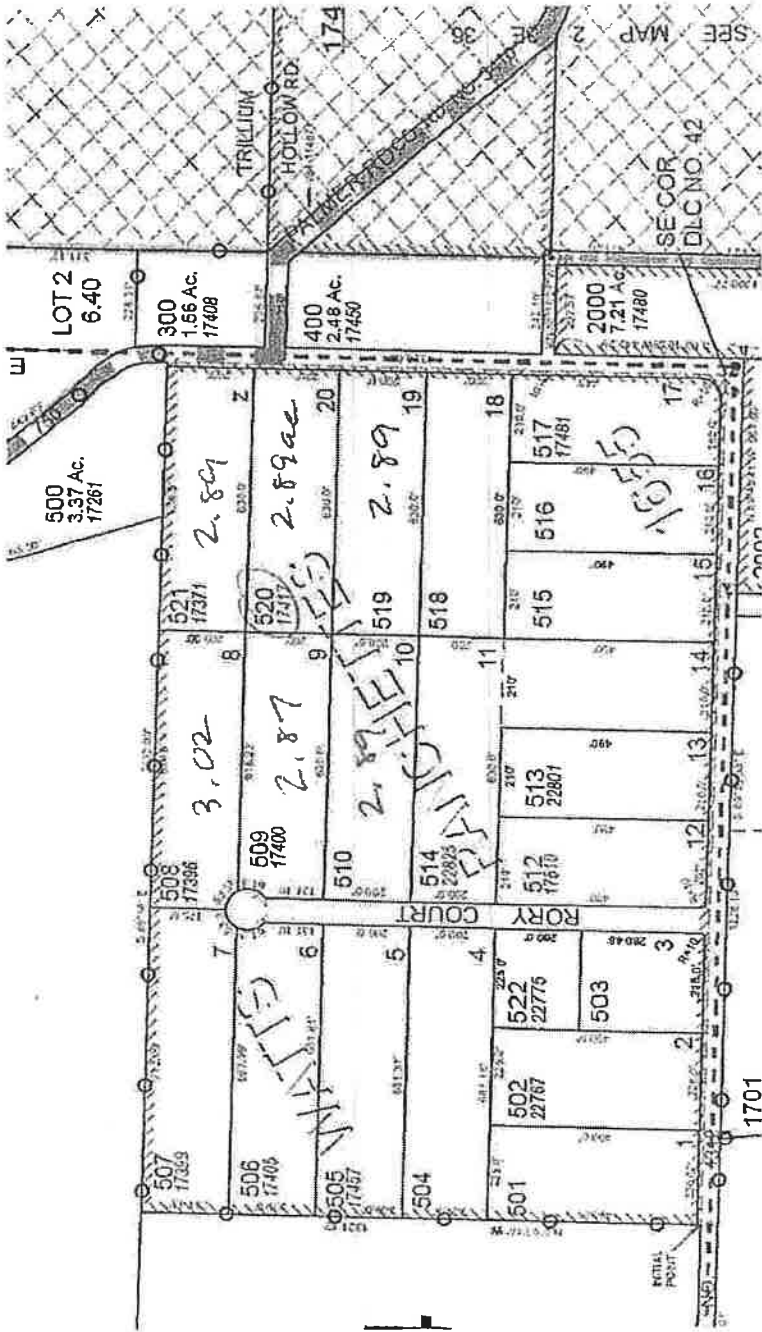
4. Is the property zoned AG/F or TBR *and* would road access to the home occupation be by a road owned and maintained a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management (BLM), or the United States Forest Service (USFS)?

NO

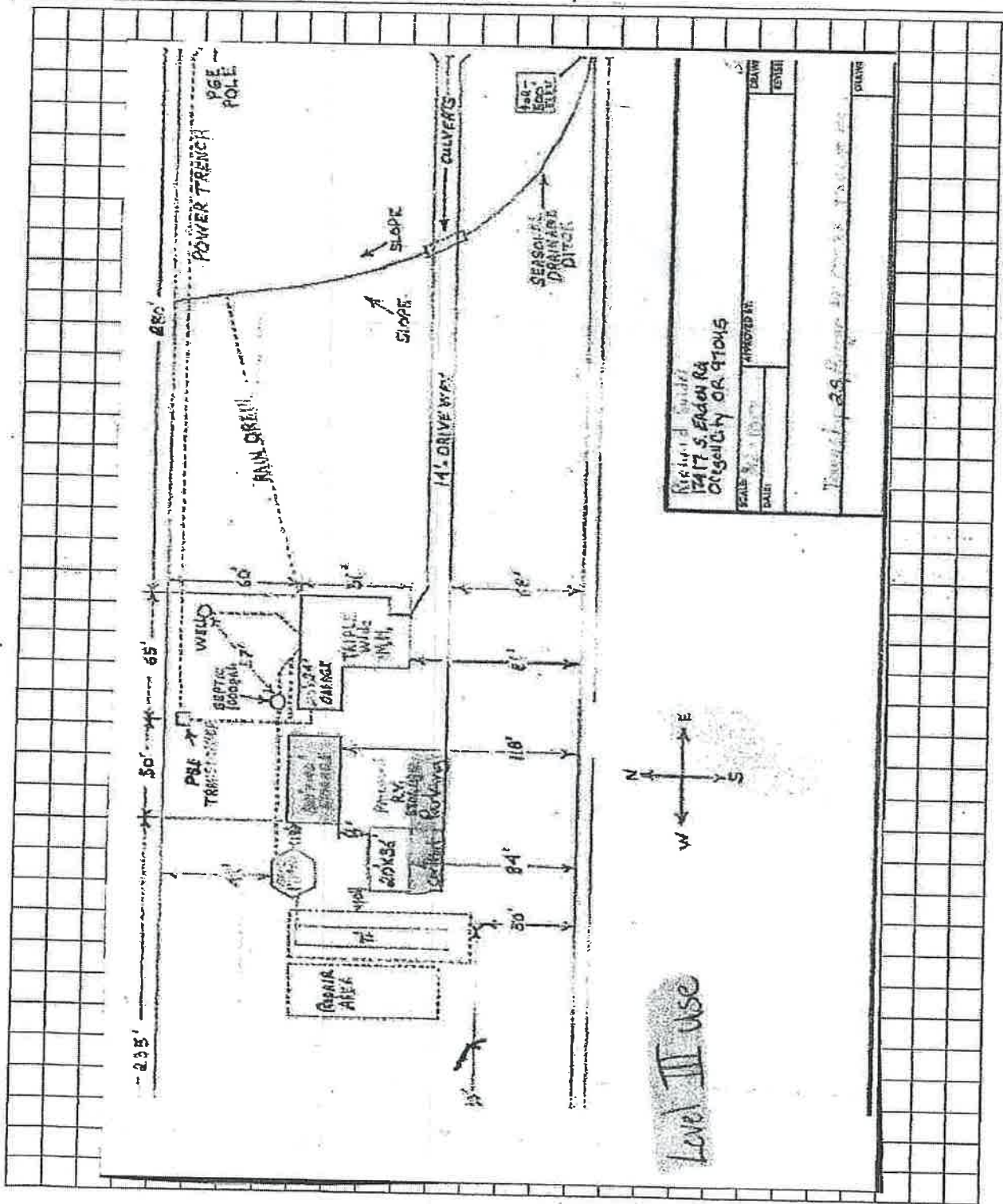
YES, and proof of a long-term road access use permit or agreement is attached.

5. If the subject property is zoned AG/F or TBR, explain how the home occupation will not unreasonably interfere with other uses permitted in the zoning district.

NA

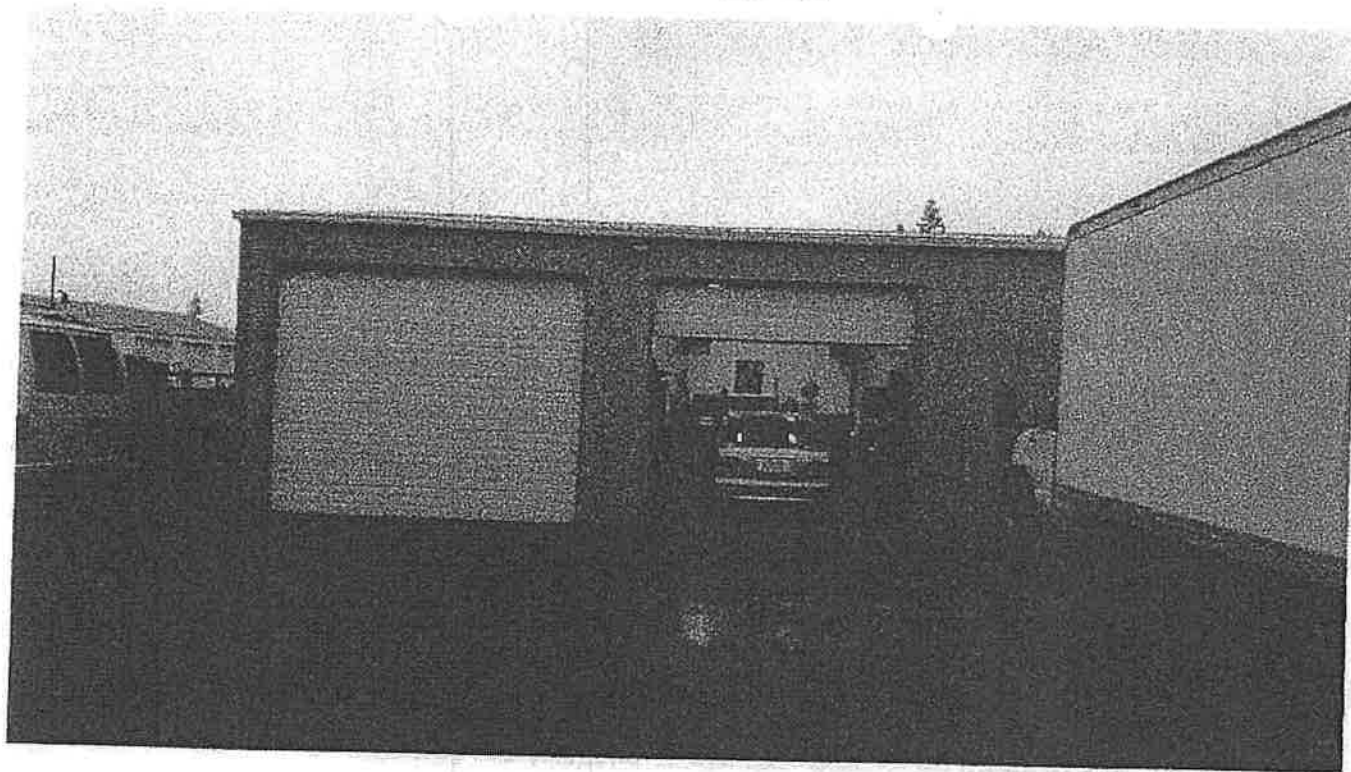


Township 25 Range 3E Section 35 Tax Lot 520
 Address 17417 S Eaden RD Oregon City OR 97045

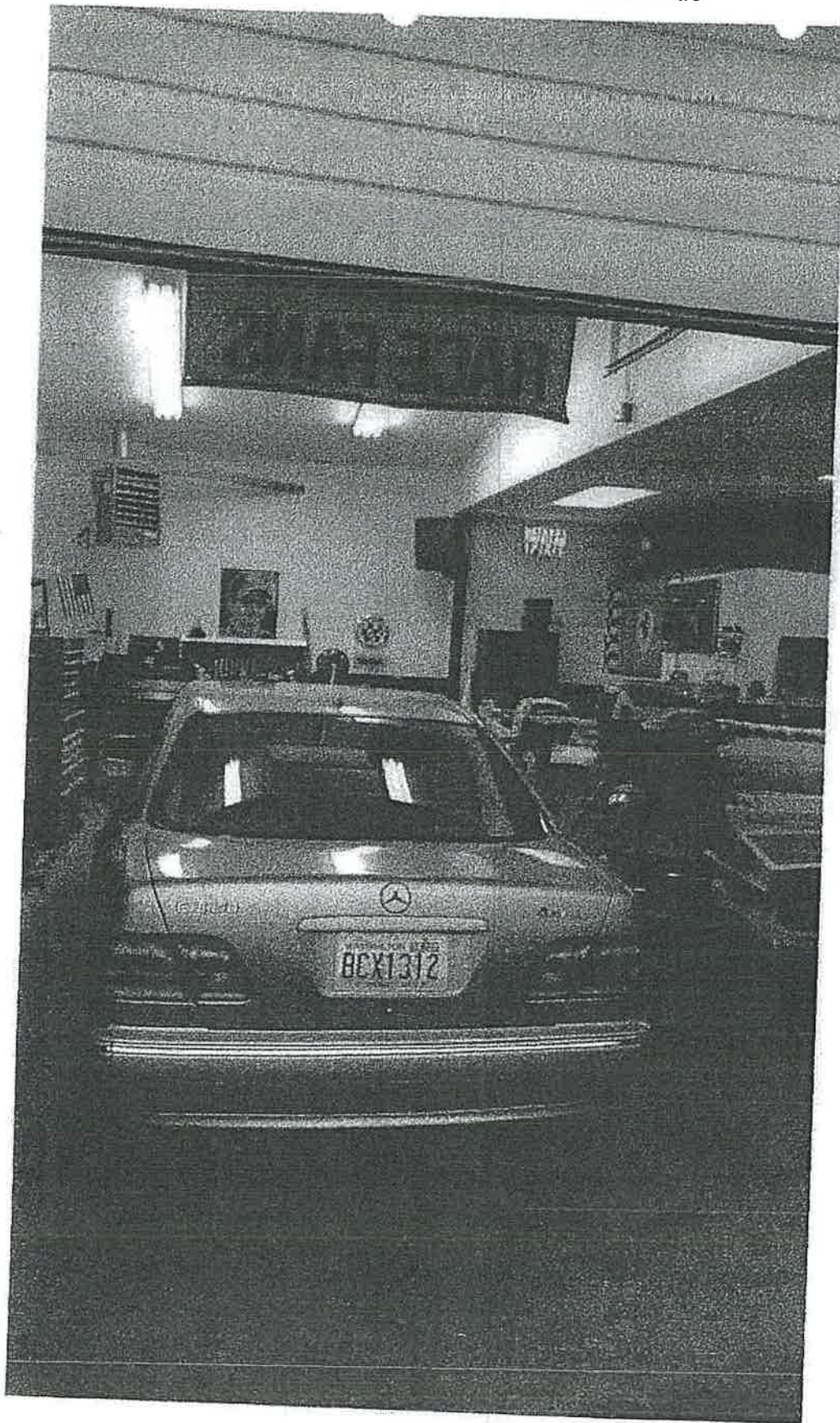


17417 S EADEN RD
 OREGON CITY OR 97045
 SCALE: 1" = 20' (approx)
 DATE: _____
 APPROVED BY: _____
 DRAWN BY: _____
 CHECKED BY: _____
 TOWNSHIP: 25 Range: 3E Section: 35 Tax Lot: 520

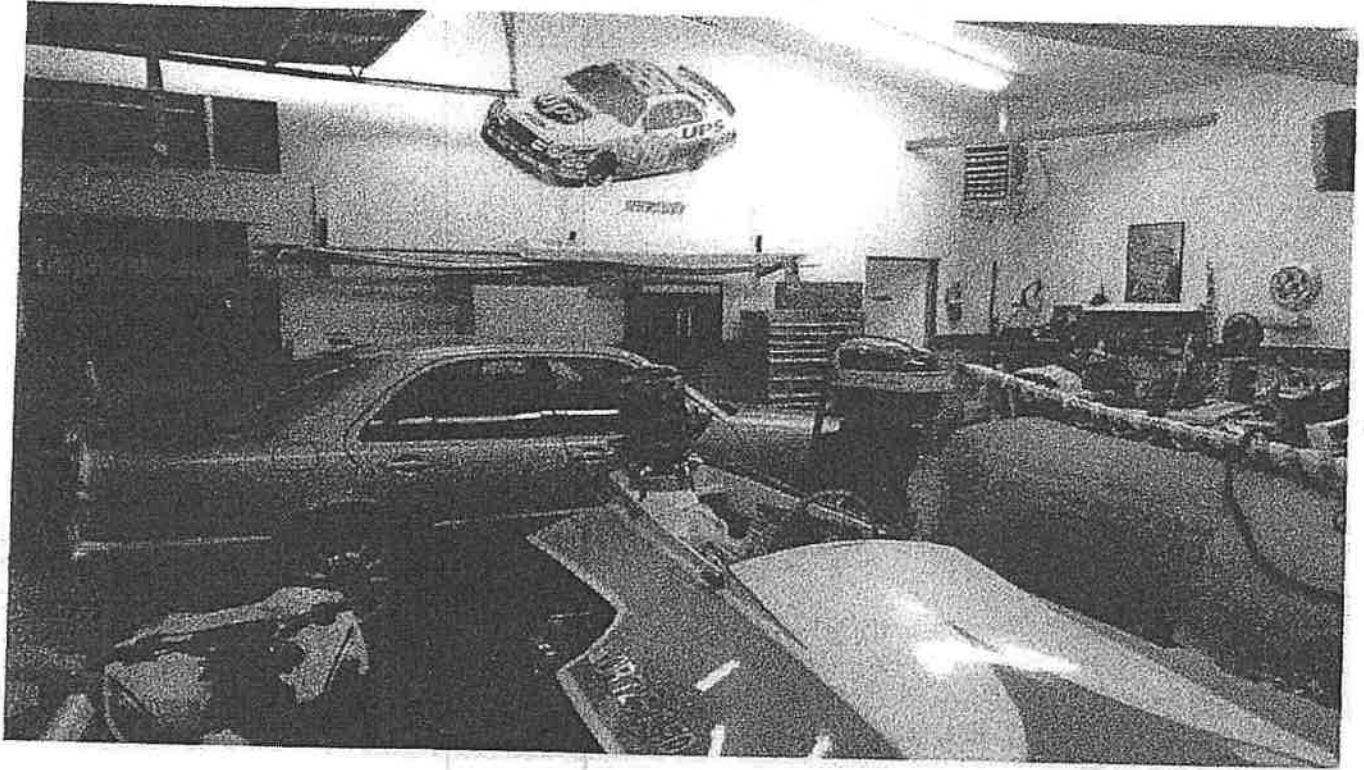
Building Permit or Building Permit Application Number: _____



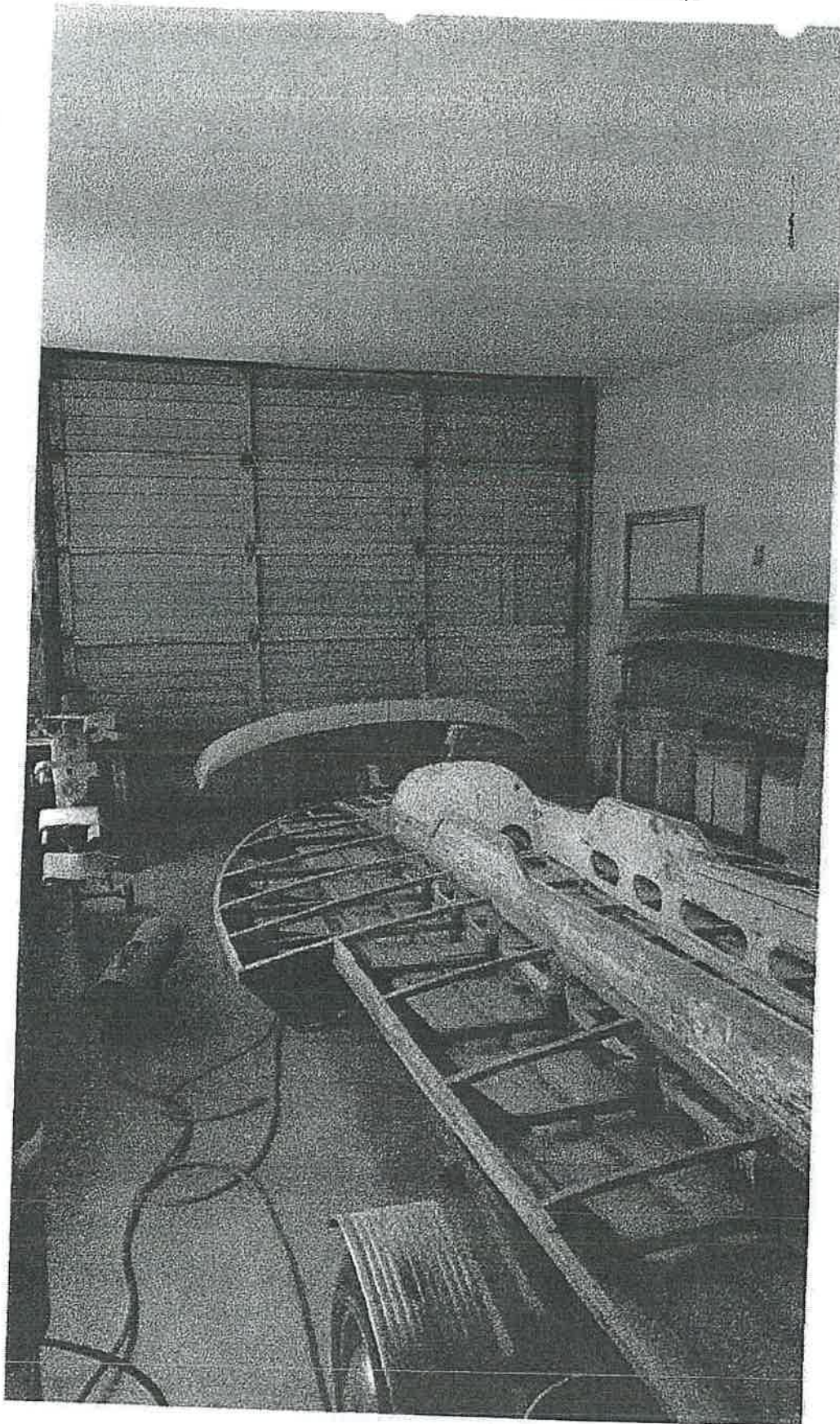
Main building # 1



#1



#1



#1



Storage Parking
#3

#2
* not associated with business
this is personal residence storage

Out buildings





Clackamas County Planning and Zoning Division
Department of Transportation and Development

Development Services Building
150 Beaver Creek Road | Oregon City, OR 97045
503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

NOTICE OF LAND USE DECISION

This document represents the Planning and Zoning Staff findings and conditions of approval for Land Use Application file no. Z0355-20-HO as cited below. It contains three parts:

Section 1 – Summary, Section 2 – Conditions of approval, Section 3 – Findings, Section 4 – Summary of Findings, and Section 5 - Decision.

SECTION 1 – SUMMARY

DATE: October 1, 2020

HEARING DATE or APPEAL DATE: October 13, 2020

CASE FILE NO.: Z0355-20-HO

STAFF CONTACT: Lorraine Gonzales; lorrainego@co.clackamas.or.us;

LOCATION: 23E35 00520; 17417 S Eaden Rd, Oregon City, OR 97045

APPLICANT: Ryan Snider, 17417 S Eaden Rd, Oregon City, OR 97045

OWNER: Ryan Snider, 17417 S Eaden Rd, Oregon City, OR 97045

TOTAL AREA: Approximately 2.89 acres

ZONING: RRFF-5 District

CITIZENS PLANNING ORGANIZATION: Redland-Fischers Mill-Viola

PROPOSAL: To continue operation of a garage auto dealer to conduct safety checks and sales preparation within a 720 square feet area of an existing 20'X36' detached accessory structure.

BACKGROUND: The RRFF-5 2.89 acre parcel is developed with a mobile home approved under building permit MH029996, a detached garage permitted under building permit #B0325396, a storage structure #B0572407, and a pole barn #B0504399 all building permit were final.

FAQs

When is a Home Occupation permit required?

The County's Zoning and Development Ordinance (ZDO) allows an occupation or business to be conducted in a dwelling and/or accessory building(s) under certain standards and criteria. **Level one minor home occupations conducted pursuant to ZDO Subsection 822.03 do not require a land use permit.** Level two and level three major home occupation permits, however, do require a land use permit from the County. The permit is valid for three years from the date of the final written decision and, with an approved application, may be renewed.

What is the permit application process?

Home Occupation permits are subject to a "Type II" land use application process, as provided for in Section 1307 of the ZDO, unless an exception to any of the standards identified in Subsection 822.04 is requested. Type II decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies. If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The Planning Director's decision can be appealed to the County Land Use Hearings Officer.

What is needed for the County to approve a land use permit?

Major home occupations *may* be permitted after an evaluation by the County of applicable standards of the ZDO. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The County approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

If approved, how long would the Home Occupation Permit be valid?

The permit would be valid for three years. A Home Occupation permits *may* be renewed an unlimited number of times. Each renewal is also valid for three years.

How long will it take the County to make a decision about an application?

The County makes every effort to issue a decision on a Type II land use application within 45 days of when we deem the application to be complete. State law generally requires a final County decision on a land use permit application in an urban area within 120 days of the application being deemed complete, and within 150 days for a land use permit in a rural area, although there are some exceptions.

If an application is submitted and then withdrawn, will a refund be given?

If a submitted Type II application is withdrawn before it is publicly noticed, 75% of the application fee paid, or the fee paid minus \$250, whichever is less, will be refunded. If a submitted application is withdrawn after it is publicly noticed, but before a decision is issued, 50% of the application fee paid, or the fee paid minus \$500, whichever is less, will be refunded. No refund will be given after a decision is issued.

Who can help answer additional questions?

For questions about the County's land use permit requirements and this application form, contact Planning and Zoning at 503-742-4500 or zoninginfo@clackamas.us. You can also find information online at the Planning and Zoning website: www.clackamas.us/planning.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or drenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?

翻译或口译? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

Land uses surrounding the site are rural with tree farms, pasture and timber lots with residences. Access to the site is provided from South Eden Road a public local road, which both the single family residence and previously approved home occupation takes access.

Previous land use approval under case file Z0109-17 for the home occupation was permitted upon compliance with all conditions of approval. The applicant has not met all conditions of approval. The Change of Occupancy building permit #B0214917 expired in 2017. The applicant completed part of the final approval requirements from the Building Codes Division. This permit is required to be finalized to continue operation of the home occupation use.

Notification went out to 15 property owners, Redland-Viola-Fischers Mill CPO, and County Building Codes Division.

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

Applicable Approval Criteria & Review Procedure: This application is subject to the standards and criteria of Clackamas County Zoning and Development Ordinance (ZDO) Sections 202 and 401 and Oregon Revised Statute 215.291. This application is being processed as a Type II Permit, pursuant to Section 1307. A Type II Permit is administrative in nature and involves a land use action governed by standards and approval criteria that generally require the exercise of limited discretion.

OPPORTUNITY TO REVIEW THE RECORD: The complete application file is available for review online by accessing the following link: <https://accela.clackamas.us/citizenaccess/> . If you are unable to access the file online, contact the staff person listed on the front page of this decision for assistance. Copies of all documents may be purchased at the rate of \$1.00 for the first page and 10-cents per page thereafter.

APPEAL RIGHTS: Any party disagreeing with this decision or the conditions of approval, may appeal this decision to the Clackamas County Land Use Hearings Officer. An appeal must include a completed County Appeal Form and a \$250 filing fee and must be received by the Planning and Zoning Division by close of business on the last day to appeal, which is (October 13, 2020). Close of business is 4:00 p.m. Monday through Thursday and 3:00 pm on Friday. **However, due to the COVID-19 pandemic, our office is open limited hours. Please consult <https://www.clackamas.us/planning> for our current hours of in-office operation. Appeals may be submitted in person during these limited office hours. Appeals may also be submitted by email or US mail.**

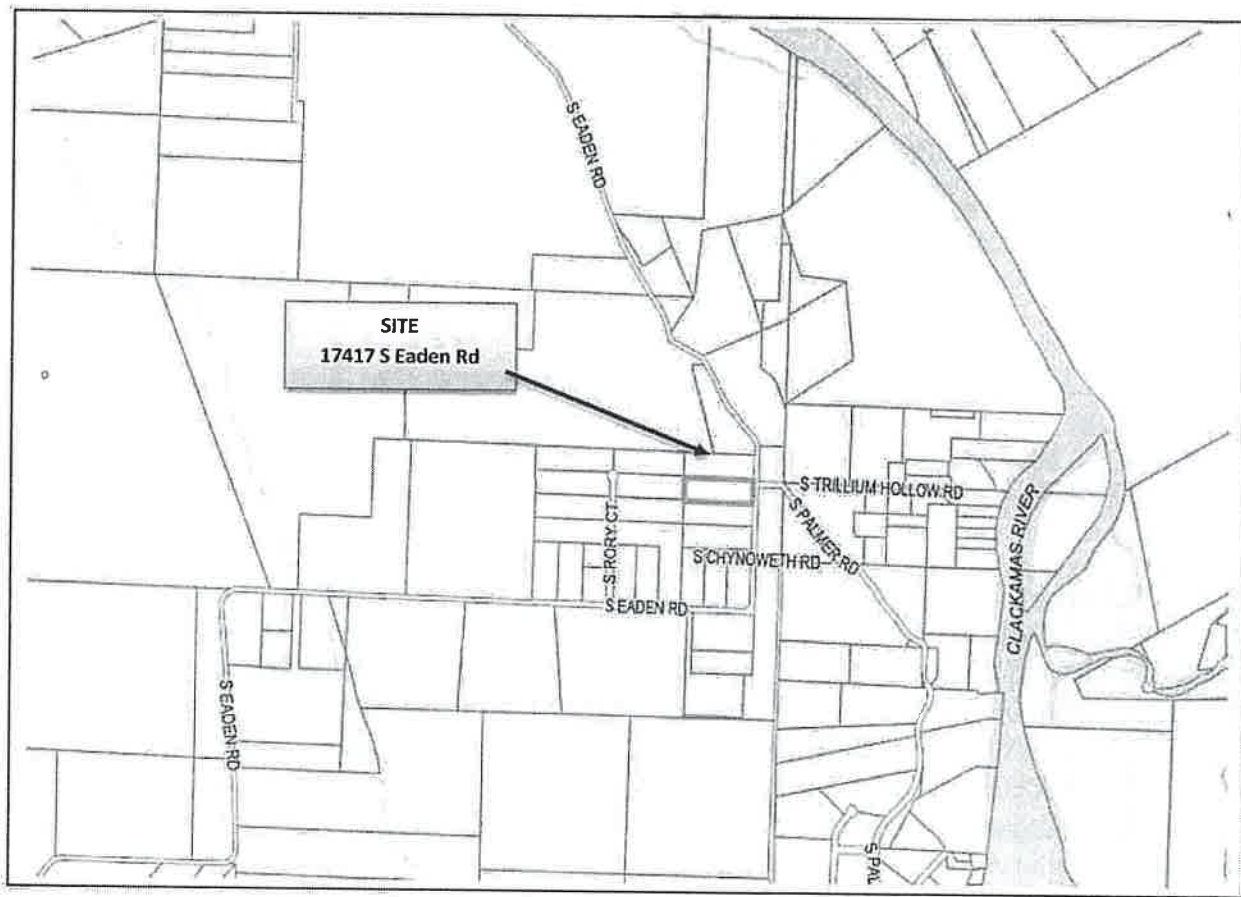
The County Appeal Form is available at www.clackamas.us/planning/supplemental.html. This decision will not be effective until the day after the appeal deadline provided an appeal is not filed prior. Unless an appeal is received by the appeal deadline, this decision will be final and no additional written confirmation will be sent. Any party or parties appealing this decision may withdraw their appeal at any time prior to the hearing or final decision by the Hearings Officer.

A party wishing to maintain individual appeal rights may wish to file an individual appeal and pay the \$250.00 fee, even if an appeal by another party or parties has been filed.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or Drenhard@clackamas.us

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cán Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

LOCATION MAP

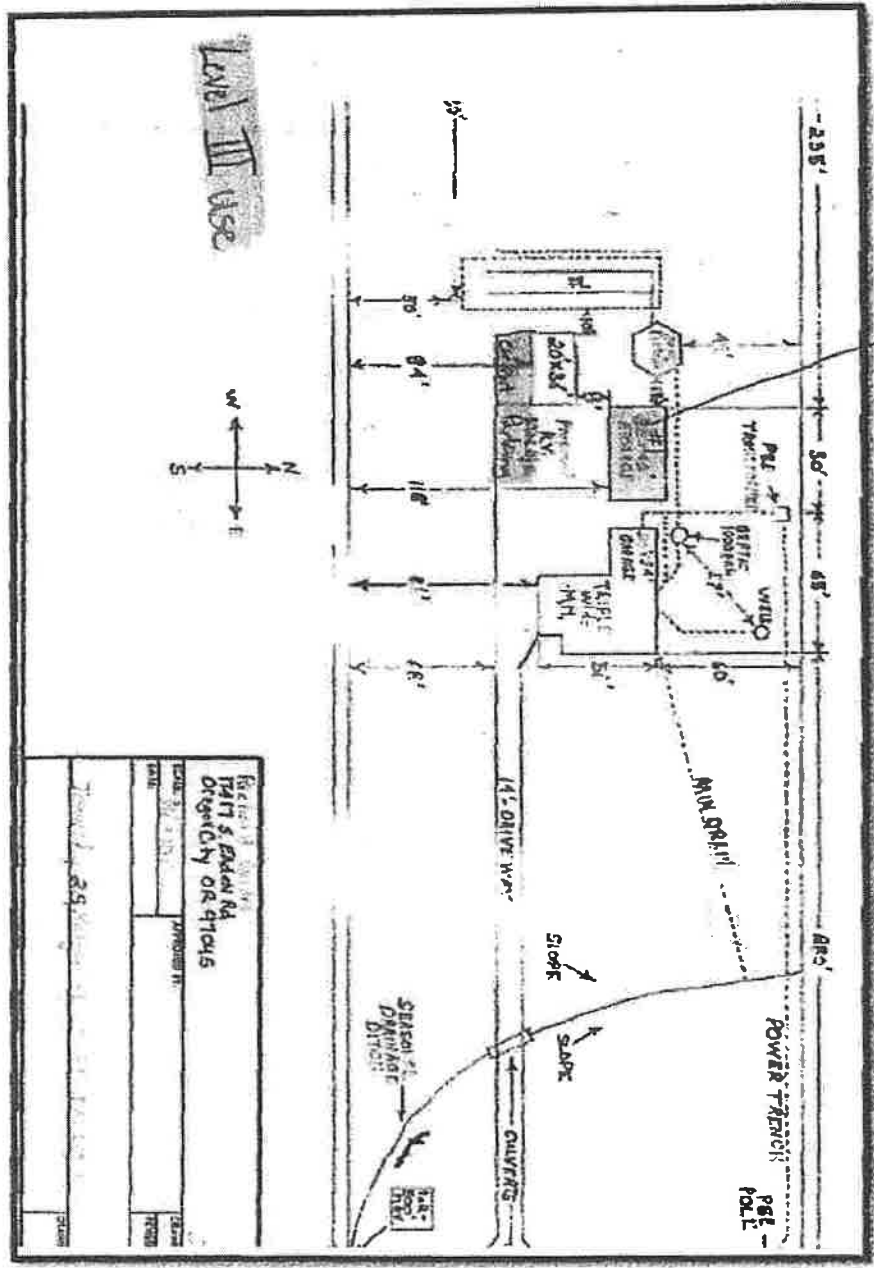


Note

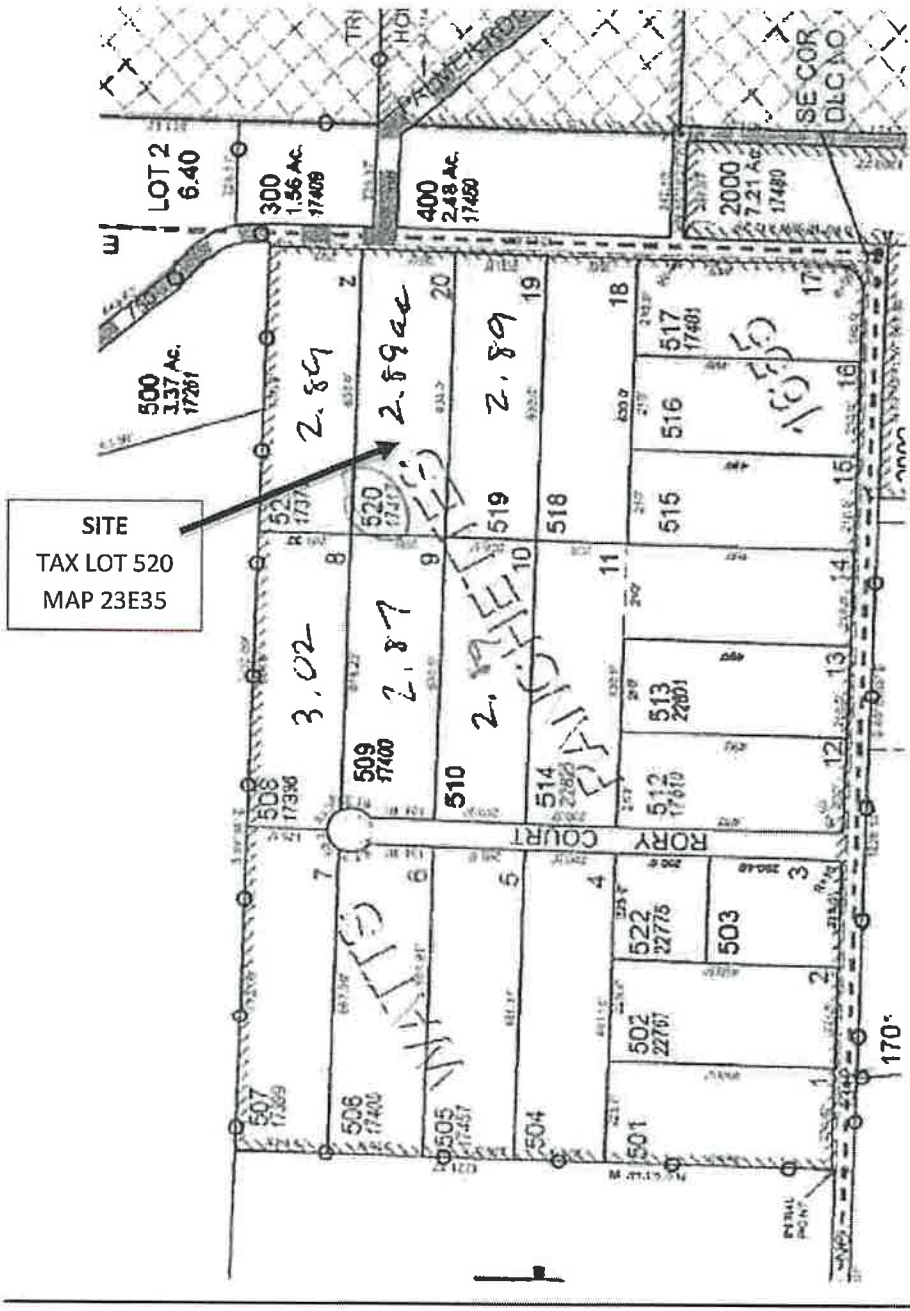
Buildings 3 Personal Storage
Not 455 DC in Fed with H.D.

Building #1 Location of H.D.
20' x 36' 720 square feet (Only area associated with HD)

SITE PLAN



TAX ASSESSOR MAP



SECTION 2 – CONDITIONS OF APPROVAL

It is the decision of the Clackamas County Planning Division staff to approve this application for a home occupation permit renewal subject to *compliance with the following conditions*:

1. Approval is for three years only. Continuation of the use beyond the three year approval period will require a renewal of this permit.
2. Continued compliance with Section 822 must be met. Failure to comply will be cause for revocation of this permit.
3. The business owner, Ryan Snider, shall reside in a dwelling on the property. This land use decision is not transferrable to other parties.
4. Ryan and Richard Snider are the two employees for the home occupation.
5. Noise created by the business shall not exceed the average peak sound pressure level of 60db or ambient noise levels between the hours of 8 AM to 6 PM when measured off the property line. All other hours the business noise levels shall not exceed noise levels detectable to normal sensory perception off the property.
6. The home occupation structure shall keep the doors closed during activities between the hours of 6pm to 8am or anytime if the noise generated by the home occupation activities exceed the ambient or 60dBA noise levels.
7. The home occupation shall not create *vibration, glare, fumes or odors detectable to normal sensory perception of the subject parcel.*
8. The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic devise off the subject property or cause fluctuations in line voltage off the subject property.
9. Outdoor storage and activities are prohibited.
10. Any future signage is subject to Section 1010 of the Clackamas County Zoning Development Ordinance which limits signage to eight square feet and not to exceed a height of six feet in compliance with Subsection 1010.06(B).
11. Home occupation vehicles shall not be stored, parked, or repaired on public rights-of-way.

12. Parking of all business related vehicles shall be located in front the detached accessory structure.
13. All business related activities shall continue to use the same access as provided for the onsite single family residence.
14. Storage of hazardous materials in quantities not normally associated with residential use or exempt amounts allowed by the current edition of the Oregon Structural Specialty Code are prohibited.
15. The applicant is limited to the 20'X36' detached accessory structure (720 square feet) as illustrated in the submitted site plan. All activities associated with the home occupation shall be within the 720 square feet as illustrated in the submitted site plan. All home occupation activities must be conducted wholly within this space.
16. Buildings #2 and #3 shall not be used for the home occupation activities.
17. The home occupation shall not generate more than 30 trips per day (15 round trips). A vehicle trip is defined under Subsection 822.02 as "*A vehicular movement either to or from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer vehicle*".
18. No more than five vehicles in associated with the home occupation (employees, customers/clients, deliveries) shall be located on the property at any one time.
19. No more than one vehicle in excess of 11,000 pound GVW is allowed as part of the home occupation activities.
20. Marijuana business activities are prohibited use for home occupatios.

Prior to continuing the home occupation use the following conditions shall be met:

21. *The* applicant shall receive final approval of "Change of Occupancy" building permit B0214917 ***within 45 days*** of this decision date unless otherwise recommended by the Building Codes Division staff. If an extension to the 45 days is necessary a statement to this effect shall be provided by the Building Codes Division staff and emailed to staff for submittal in case file Z0355-20.
22. A DMV license shall not be signed for the business use until the "Change of Occupancy" permit has been final.
23. The home occupation use is limited to the 20'X 36' detached accessory structure (750 square feet) as illustrated in the submitted site plan.

24. The permit is granted for the proposed home occupation as submitted; to the extent it is consistent with these conditions of approval.
25. Approval is subject to the above stated conditions. Failure to comply with all conditions of approval shall be cause for revocation of this permit.

SECTION 3 – FINDINGS

Section 822 of the Clackamas County Zoning and Development Ordinance regulates home occupations. This application is specifically subject to Subsection 822.04 which controls Level 3 Major Home Occupations. Subsection 822.04(A-L) identifies the criteria that must be met for a home occupation to be approved. The Planning Division staff has reviewed this subsection in conjunction with this proposal and makes the following findings:

1. *Subsection 316.03 allows home occupations as accessory uses in the RRRF-5 District subject to Section 822.*

Finding: The applicant addressed the Level 3 criterion of Section 822. Staff findings in response to the applicant's submitted application is shown below. This criterion has been met.

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

Finding: The applicant stated, he, Ryan Snider, is the property and business owner and resides in the single family dwelling located on the subject property. Staff finds this criterion is met.

3. *Subsection 822.04(B) the home occupation shall have no more than five employees.*

Finding: The applicant stated in addition to himself one other employee is employed to help operate the business. The proposed number of employees is below the allowed number of five employees. A condition is warranted in the conditions of approval to allow up to five employees for the proposed business. Staff finds it is feasible for to meet this criterion.

4. *Subsection 822.04(C)(1) :From 8:00am to 6:00 pm, the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise detectable to normal sensory perception off the subject property.*

Finding: Staff did not receive comments that identified noise as an issue with the home occupation business that has been in operation since 2017. The equipment used, power hand tools for polishing, to operate the previously approved 2017 home occupation, will not be altered. Staff finds there is no evidence the applicant cannot continue to comply with this criterion. It is feasible for this criterion to be met.

5. *Subsection 822.04(C) (2) A noise study may be required to demonstrate compliance with Subsection 822.04E (1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.*

Finding: As mentioned in the findings for Subsection 822.04(C) (1) the applicant proposed to continue operation as originally approved. No complaints associated with noise have been made during the operation of the business. Staff finds there is no evidence to require a noise study and finds this criterion is not applicable.

6. *Subsection 822.04(D): The Home Occupation shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standards, but idling vehicles shall not.*

Finding: The applicant states the tools and materials will be stored in the main shop building #1 where the business activities will be conducted. The activities to prepare vehicles for sale does not include painting, but does include polishing of vehicles. There is no evidence that polish products emit fumes that can extend beyond the property lines. There is also no evidence that activities associated with “safety checks” also emit fumes that can be detected off the property lines. Staff finds that evidence does not exist to state that continuation of the business will create the impacts identified under Subsection 822.04(D). Staff finds it is feasible for this criterion to be met.

7. *Subsection 822.04(E): The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property or cause fluctuations in line voltage off the subject property. .*

Finding: The applicant states the tools and materials will be stored in the main shop building #1 where the business activities will be conducted. The activities to prepare vehicles for sale does not include painting, but does include polishing of vehicles. There is no evidence that polishing or safety checks of vehicles will create audible electrical interference in radio, television, or other electronic devices of cause fluctuations in line voltage off the subject property. Staff finds that evidence does not exist to state that continuation of the business will create the impacts identified under Subsection 822.04(E). Staff finds it is feasible for this criterion to be met.

8. *Subsection 822.04(F): No outside storage, display of goods or merchandise or external evidence the enclosed building space in which such goods or merchandise are stored, or external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.04. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.*

Finding: The applicant states all tools and materials will be stored inside the main shop building #1. Staff finds it is feasible for this criterion to be met.

9. *Subsection 822.04(G): signs shall be permitted pursuant to Section 1010 signs.*

Finding: Signage in compliance with Subsection 1010.06(B) limits rural signage to not exceed eight square feet or a height of six feet. The applicant's proposed to continue use of an 11"X7" (77 square feet) posted inside the window of building #1 is well within the allowed signage allowance of Subsection 1010.06(B). Staff finds it is feasible for this criterion to be met.

10. *Subsection 822.04(H) Vehicles associated with the home occupation shall not be stored, parked, or repaired on public right-of-way. Parking spaces needed for employees or customers of the home occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. There shall be no more than five full- or part-time employees.*

Finding: The applicant states vehicles associated with the home occupation shall be parked in front of building #3 which is over 300 feet from S Eaden Road access point. Staff finds there is adequate space for all home occupation vehicles to be parked on the subject site away from the public right-of-way. It is feasible for this criterion to be met.

11. *Subsection 822.04(I): If the subject property takes access via a private road or access drive that also services other properties, evidence shall be provided, in the form of a petition that all other property owners who have access rights to the private road or access drive agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.*

Finding: South Eaden Road is a public local road. This criterion is not applicable.

12. *Subsection 822.04(J): Notwithstanding the definition of home occupation in Section 202, Definitions, in the AF/F, EFU, and TBR Districts, the home occupation shall be operated substantially in the operation's dwelling or other buildings normal associated with uses permitted in the applicable zoning district.*

Finding: The subject site is within the RRFF-5 District. This criterion is not applicable.

13. *Subsection 822.04(K): Hazardous materials shall not be present on the subject property in quantities greater than those normally associated with the primary uses allowed in the applicable zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.*

Finding: The applicant states his continued use of the home occupation does not include hazardous products. The activities associated with an auto dealership, safety checks, and sales preparation business typically will include cleaning materials. The applicant did not state such materials are stored in quantities that exceed typical household cleaning

products or domestic auto product quantities. Staff finds it is feasible for this criterion to be met.

14. *Subsection 822.04(L) A level three major home occupation may be established only if at less than 50 percent of the lots of record abutting the subject property are larger than two acres; however, a renewal application shall be evaluated on the basis of the lot size analysis first applied to the home occupation. A lot of record is considered to be abutting if it is contiguous to the tract on which the home occupation is proposed, or if it is directly across an access drive, private road, or public or county road with a functional classification below that of a collector. The following standards differ depending on whether the proposed home occupation is a level two or three.*

Finding: The subject site is lot 20 of the Watts Ranchettes subdivision #1655. The lot is surrounded by seven other lots, six of which are in this subdivision. All the Watts Ranchettes subdivision are in excess of two acres. The majority of abutting lots are over two acres in size therefore the site qualifies to be reviewed under the level three home occupation criterion.

15. *Subsection 822.04(L) (1): The home occupation may be conducted in a dwelling unit, but except in the case of a bed and breakfast homestay – is limited to incidental use thereof. A level three major home occupation, a maximum of 1,500 square feet of accessory building floor space may be used for the home occupation. If only a portion of an accessory building is authorized for use in the home occupation, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the home occupation space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the home occupation space and the remainder of the building.*

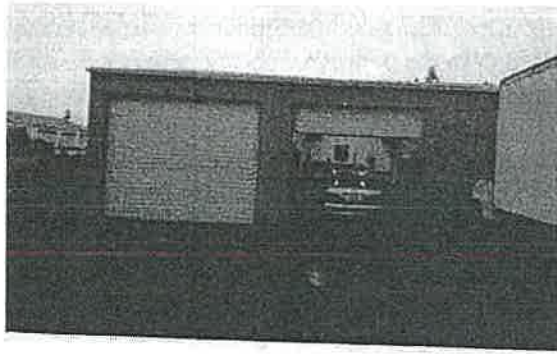
Finding: The applicant submitted a site plan to illustrate which detached accessory structure is used for the home occupation business. Building #1, a detached accessory structure 20'X36' (720 square feet) was identified as the home occupation building. The applicant submitted conflicting information in the application narrative that Building #3 is used to store vehicles. The applicant did not provide the dimensions of Building #3 and since a revised site plan was submitted to staff on September 21, 2020 staff will use this information to render a final decision if compliance with Subsection 822.04(L) (1) is met. Based on the revised site plan the only building used for the home occupation activities is Building #1. All other buildings shall not function as part of the home occupation use. A condition to this effect is warranted in the conditions of approval.

In the 2017 home occupation decision, case file Z0109-17-HO, the conditions of approval required a "Change of Occupancy" permit from the Building Codes Division be applied for, issued, and final prior to operating the home occupation in the building. The applicant failed to have the "Change of Occupancy" permit, B0214917 final, which resulted in expiration of the building permit as of April 28, 2017. A condition requiring the "Change of Occupancy" permit to be final shall be completed within 45 days from the date of this decision.

On September 23, 2020 Mr. Snider forwarded an email to staff stating he was underway with filling out the necessary permit paperwork. As of October 1, 2020 these permit applications have not be submitted to the Building Codes Division. It is necessary to finalize the Building Codes permits prior to staff signing any DMV license forms to operate the home occupation business.



#1



Main building #1



1 #



Storage Parking #3

#2
* not associated with business
this is personal residence storage

out buildings

16. Subsection 822.04(L) (2) A level two home occupation shall generate more than 30 vehicle trips per day. A vehicle trip is defined as "...vehicular movement either to or from

the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer vehicle.”

Finding: The applicant states the business has eight trips per day. In accordance to the definition of a vehicular trip as noted above that is a maximum of four vehicles travel to the site on a daily basis for employees and customers. This number is well within the 30 trips (15 round trips per day) allowed for a level three home occupation. This criterion is met.

17. *Subsection 822.04(L)(3): The maximum number of vehicles that are associated with a level two major home occupation and located on the property shall not exceed five at any time, including, but not limited to, employee vehicles, customer vehicles, and vehicles to be repaired. Vehicles to be repaired shall be located within an enclosed building or in an area not visible from off the subject property. No more than one of the five vehicles permitted to be located on the subject property at one time shall exceed a gross vehicle weight rating of 11,000 pounds.*

Finding: The applicant states four vehicles is association with the home occupation, to include employee and customer vehicles are on the property at a given time. One employee that does not reside on the premises plus three vehicles, two under repair and one customer are on the site at a given time.

18. *Subsection 822.04(L) (4) The following uses shall be prohibited as a major home occupation.*
- a. *Marijuana production*
 - b. *Marijuana processing*
 - c. *Marijuana wholesaling*
 - d. *Marijuana retailing.*

Finding: The proposed business does not include activities associated with marijuana. This criterion is not applicable.

SECTION 4 – SUMMARY OF FINDING

The proposed application is to continue a level three home occupation to operate an auto dealer garage and repair/body shop within a 20’X36’ detached accessory structure on a 2.89 acre RRFF-5 District parcel. This application is a renewal of case file Z0109-17-HO issued on April 18, 2017. A number of conditions of approval were required to be met prior to operating the home occupation. Conditions # 5, 6, 18 and 21 were not met as of the date of this decision. Condition #5 limits a level three major home occupation to 1,500 square feet of accessory building space to operate the business. The applicant submitted a site plan and photos that illustrate more than 1.500 square feet of accessory building space is used for the home occupation use. Condition #6 denied the use of building #3 which the applicant submitted photos of its use to store vehicles. Condition # 18 required the applicant to obtain an Authorization

Notice from the Clackamas County Soils Division. There is no evidence that this Authorization Notice was issued. Condition #21 required the application to apply and receive final occupancy of a "Change of Occupancy" permit from the Building Codes Division. The applicant applied for the "Change of Occupancy" permit B0214917, which expired in 2017. The applicant is currently in conversation with the Building Codes Division to follow up to seek final approval of this permit.

As of the date of this decision the applicant altered the 2017 site plan to show Building #1 a 20'X36' detached accessory structure of 720 square feet is the only building used for the home occupation use. Conditions of approval under Section 2 of this land use decision limit the home occupation use to Building #1, which also addresses noncompliance with condition #6 of the 2017 decision. Condition #18 of Case file Z0109-17 required the Soils Division Authorization Notice. An email dated September 17, 2020 from the Soils staff confirmed that an Authorization Notice is not required for the home occupation use.

Condition #21 of case file Z0109-17 required a "Change of Occupancy" permit final. The applicant stated he is taking steps to submit the required permits. Condition #21 under Section 2 of this land use decision requires this permit be final within 45 days from the date of this land use decision. It should be noted that until a final permit is completed DMV license cannot be signed to use the detached accessory structure for the home occupation business.

SECTION 5 - DECISION

Approval of this land use decision requires compliance of all conditions of approval as outlined under Section 2 of this land use decision.