



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Home Occupation

File No. Z0199-24

Applicant's Proposal: This is an application to renew a permit for a home occupation on the subject property. If approved, the permit would authorize the continued operation of a knitting business with retail sales and instructional classes in approximately 1,404 square feet of existing accessory building space.

Decision Date: July 1, 2024

Deadline for Filing Appeal: July 15, 2024, at 4:00 pm.

Issued By: Aldo Rodriguez, Planner I, ARodriguez@clackamas.us, 503-742-4541

Applicant: Patricia Groves

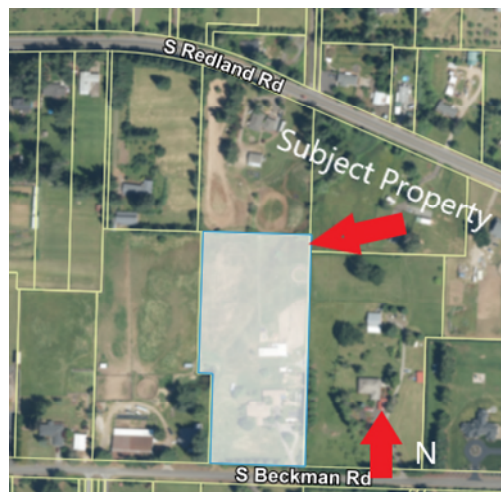
Owner of Property: Patricia Groves

Zoning: RRRF-5

Assessor's Map & Tax Lot(s): T2S R2E Section 35D Tax Lot 01701

Site Address: 16925 S Beckman Rd., Oregon City, 97045

Location Map



Community Planning Organization (CPO) for Area:

HOLCOMB CPO (INACTIVE)

Community Planning Organizations (CPOs) are part of the county's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact Clackamas County Community Engagement at 503-655-8751.

Opportunity to Review the Record and Decision: The complete decision, including findings and conditions of approval, and the submitted application are available for review online at <https://acela.clackamas.us/citizenaccess/>. Select the **Planning** tab and enter the file number to search. Select **Record Info** and then select **Attachments** from the dropdown list, where you will find the submitted application. A copy of the decision, application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost by contacting the Planner listed above. Copies of all documents may be purchased at a cost established by the County fee schedule.

Appeal Rights: **This decision will not become final or effective until the period for filing an appeal with the County has expired without the filing of an appeal.** Any person who is adversely affected or aggrieved or who is entitled to written notice of the decision pursuant to Subsection 1307.09(C) of the Clackamas County Zoning and Development Ordinance may appeal this decision to the Clackamas County Land Use Hearings Officer by filing a written appeal. An appeal must include a completed Appeal Form available at www.clackamas.us/planning/supplemental.html and a \$250.00 filing fee and must be **received** by the Planning and Zoning Division by the appeal deadline identified above.

Appeals may be submitted in person during office hours (8:00 am to 4:00 pm Monday through Thursday, closed Friday and holidays). Appeals may also be submitted by email or US mail.

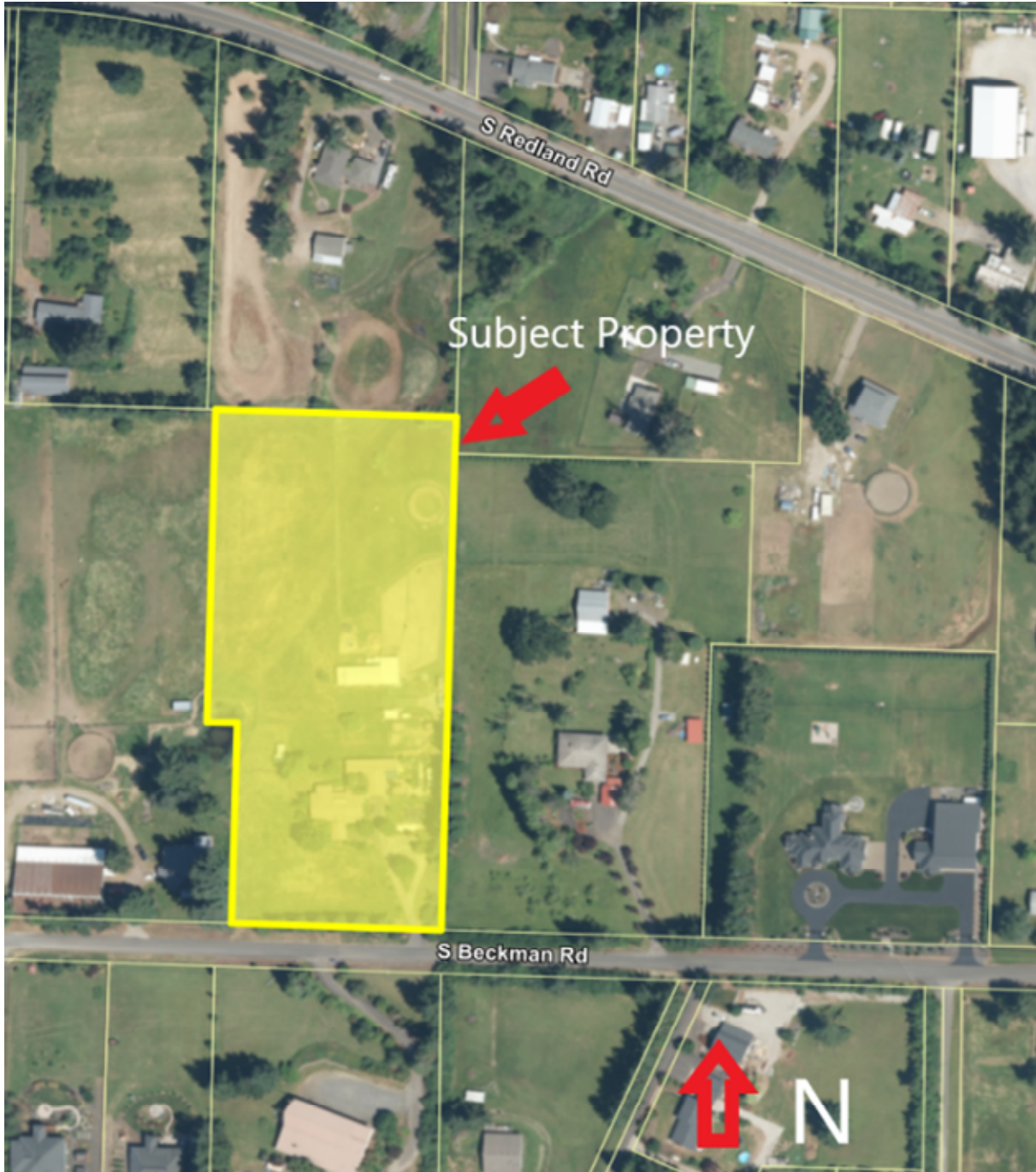
A person who is mailed written notice of this decision cannot appeal this decision directly to the Land Use Board of Appeals under ORS 197.830.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

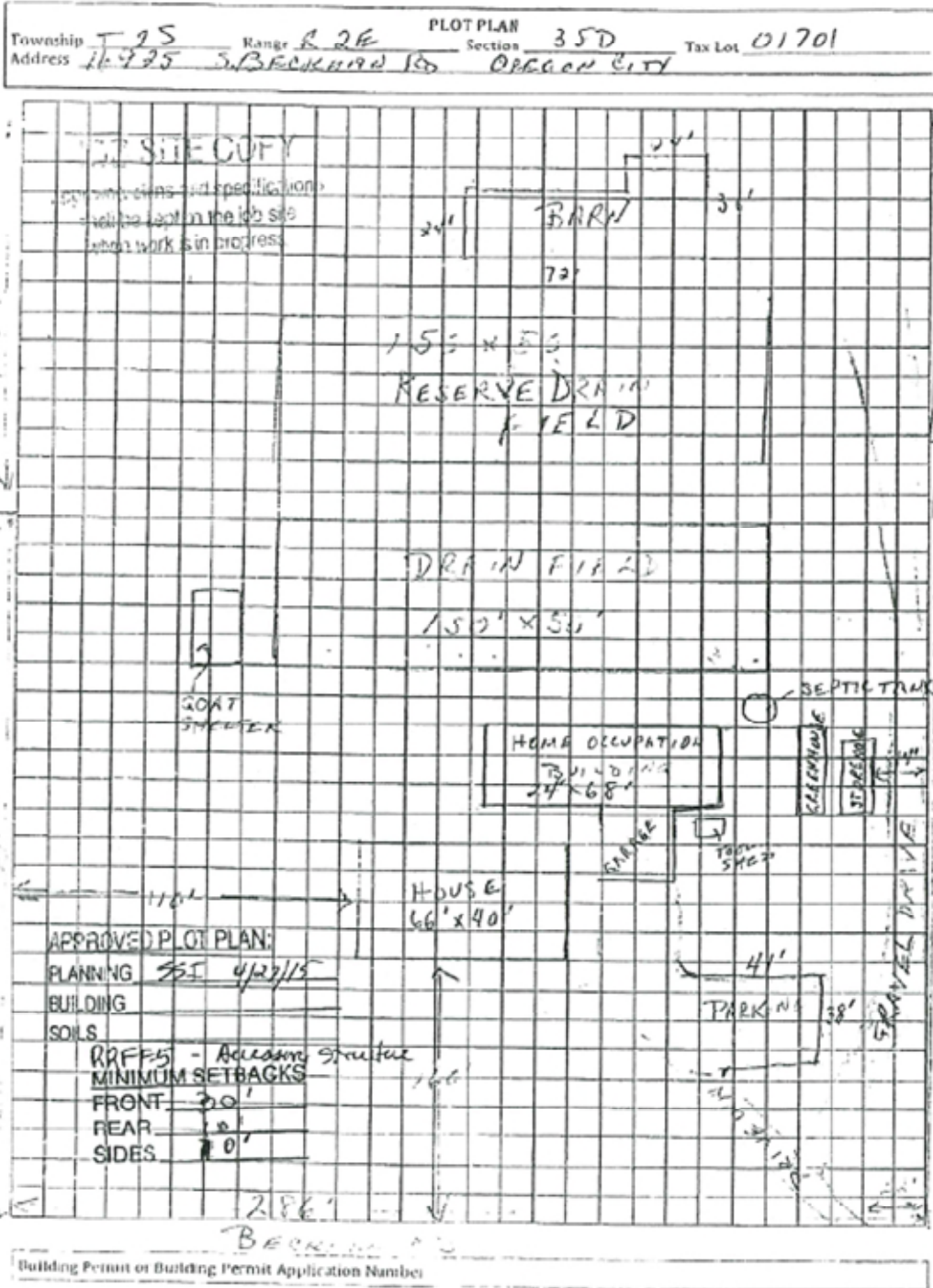
Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

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 통?

Location Map



Site Plan

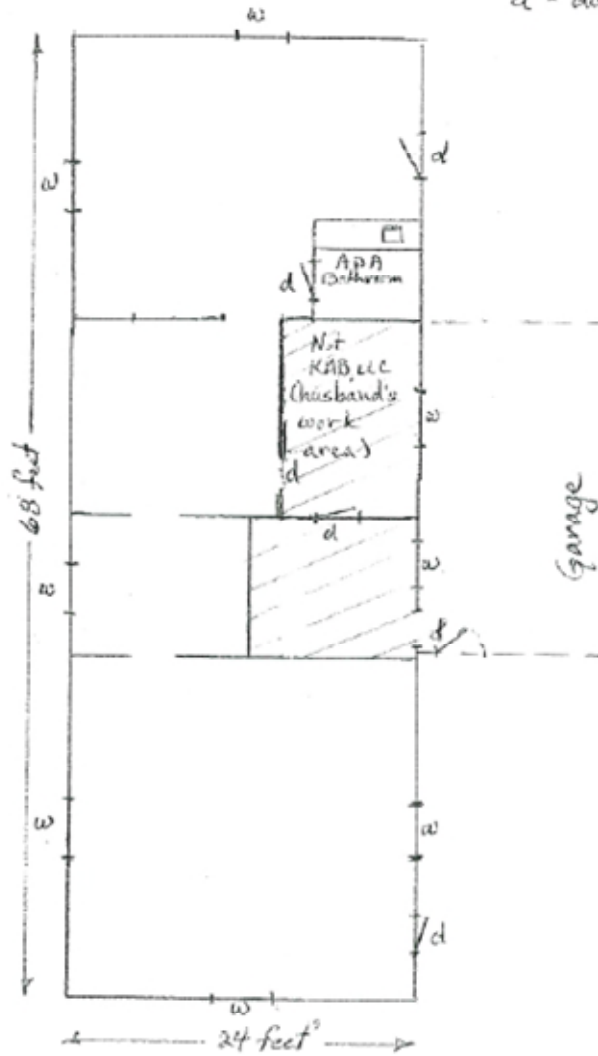


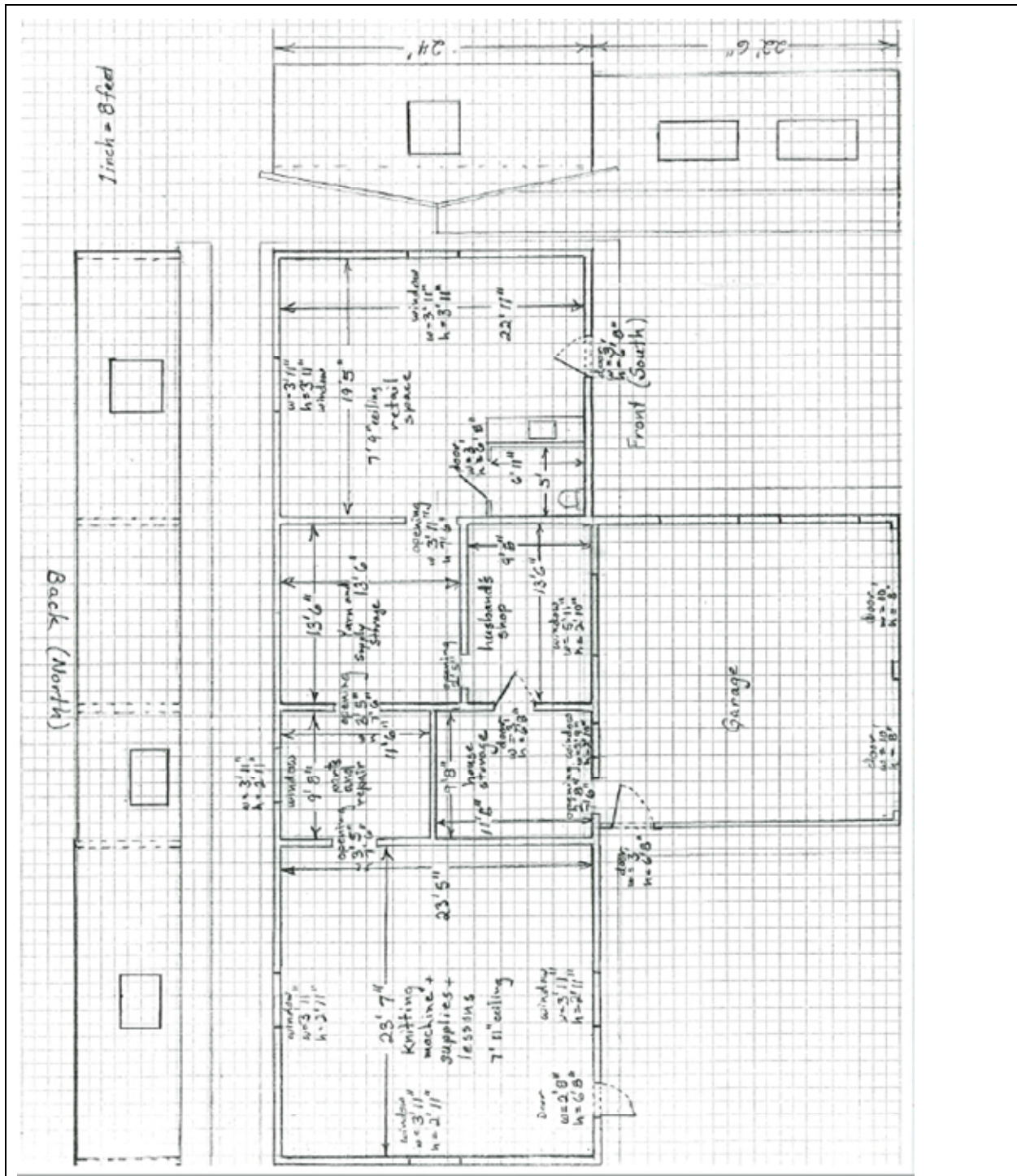
Floor Plan

16925 S. BECKMAN Rd ACCESSORY BUILDING

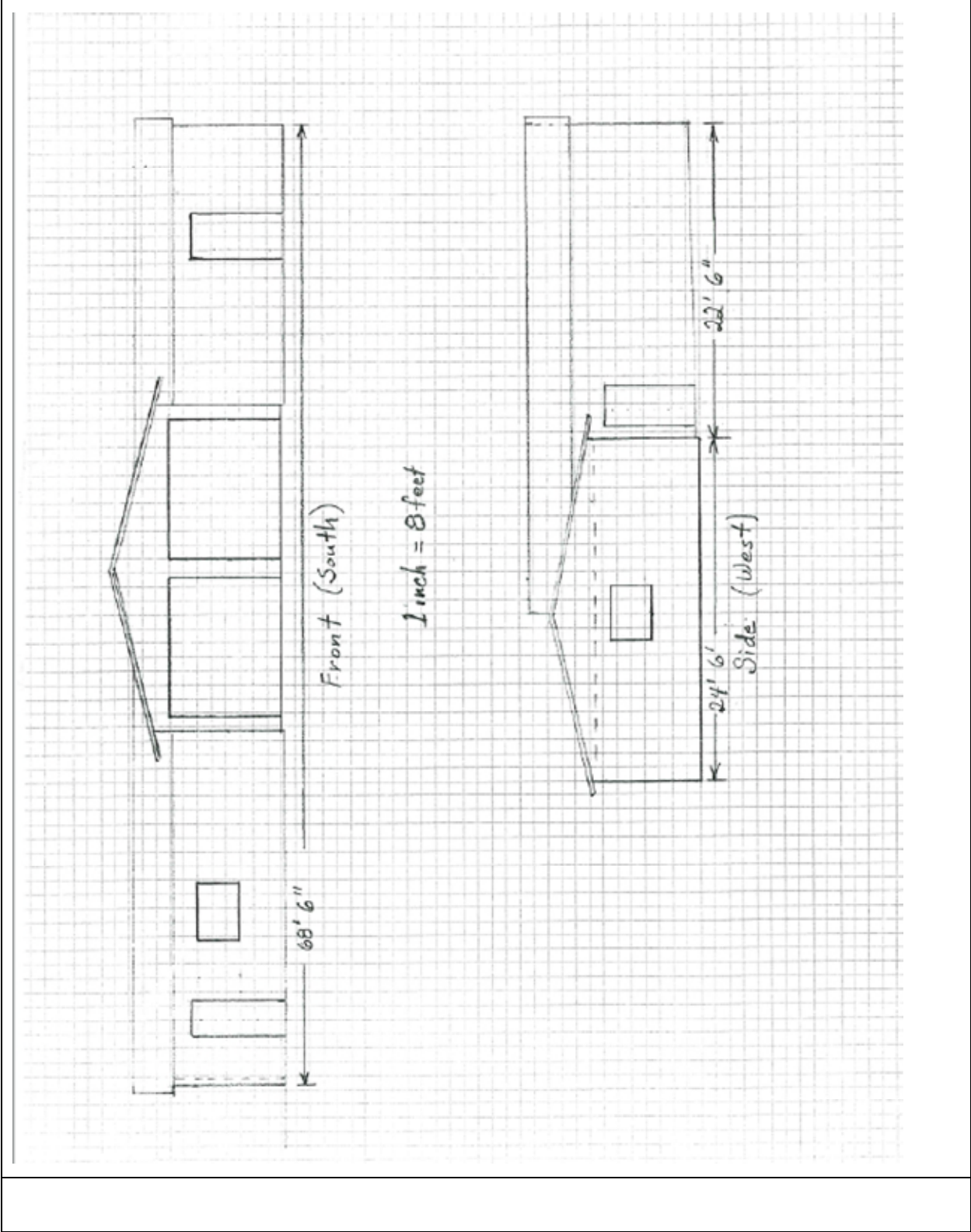
$24\text{ ft} \times 68\text{ ft}$ minus $9.5\text{ ft} \times 24\text{ ft} = 1404\text{ ft}^2$
wood construction

w = window
d = door





Elevations



CONDITIONS OF APPROVAL

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parentheses.

1. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on 5/15/2024. This includes the submitted information about any accessory buildings to be used in the home occupation. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with these documents and the limitation of any approval resulting from the decision described herein.
2. Approval of this Home Occupation permit is valid for three years from the date of the final decision. Unless an appeal is filed, the date of the final decision is the “decision date” listed above. The permit may be eligible to be renewed, subject to compliance with the regulations in effect at that time. (ZDO 822.07)
3. The operator shall reside full-time in a lawfully established dwelling unit on the tract on which the home occupation is located. (ZDO 822.04.A)
4. The home occupation shall have no more than five employees. (ZDO 822.04.B)
5. Noise shall be regulated as follows: (ZDO 822.04.C)
 - a. From 8:00 a.m. until 6:00 p.m., 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.
 - b. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt.
 - c. Noise detectable on public rights-of-way and railroad rights-of-way shall be exempt.
5. 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 standard, but idling vehicles shall not. (ZDO 822.04.D)
6. 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. (ZDO 822.04.E)
7. 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. (ZDO 822.04.F)

8. Signs for the home occupation shall comply with ZDO Section 1010, *Signs*. (ZDO 822.04.G)
9. Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-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. (ZDO 822.04.H)
10. 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. (ZDO 822.04.K)
11. A maximum of 1,500 square feet of accessory building floor space may be used for the home occupation. (ZDO 822.04.L.1)
12. The home occupation shall not generate more than 30 vehicle trips per day (ZDO 822.04.L.2)
13. The maximum number of vehicles that are associated with the home occupation and located on the subject 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. (ZDO 822.04.L.3.b)

APPLICABLE APPROVAL CRITERIA

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 316, 822 and 1307.

PUBLIC AND AGENCY COMMENTS

Notice was sent to applicable agencies and owners of property within 500 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section. Comments from the following were received:

Staff received no comments.

FINDINGS

The findings below identify the standards and criteria that are relevant to this decision, state the facts relied upon in rendering the decision, and explain the justification for the decision.

1. **Background/Overview of Applicant’s Proposal:** This is an application to renew a permit for a home occupation on the subject property. If approved, the permit would authorize the continued operation of a knitting business with retail sales and instructional classes in approximately 1,404 square feet of existing accessory building space. The home occupation was last approved in 2021 for three years.

2. **ZDO Section 202, Definitions**

Section 202 defines home occupation as:

An occupation or business activity that results in a product or service and is conducted, in whole or in part, in a dwelling unit, an accessory building normally associated with primary uses allowed in the subject zoning district, or both. Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services unless such sales and parties are held more than six times in a calendar year or operate in excess of 24 total days in a calendar year.

Section 202 defines accessory building or use as:

A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot.

Finding: *The applicant is using 1,404 square feet of their existing shop/garage for a knitting business with retail sales and instructional classes. Table 316-1 in the Zoning and Development Ordinance lists “Storage building or garage” as allowed accessory uses in the RRFF-5 zone.*

Clackamas County assessment information indicates the dwelling is 2,680 square feet. The home occupation totals 1,404 square feet. The square footage of the buildings are smaller than a dwelling (primary use).

Therefore, the home occupation is subordinate and incidental to the primary use.

This criterion is met.

3. **ZDO Section 316, RRFF-5**

Subsection 316 Use permitted under table 316-1: Permitted Uses in Rural Residential and Future Urban Residential Zoning Districts allows for home occupations as accessory uses subject to section 822. The proposed home occupation is located in an existing storage building/garage, which is considered an accessory use.

4. **ZDO Section 822, Home Occupations**

822.04 Level Two and Three Major Home Occupations

A major home occupation requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

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

Finding: *The operator of the home occupation is Patricia Groves (also owner of the property). County records substantiate that Patricia Groves continues to own a single-family dwelling on the subject property, and the applicant attests that they reside at the subject property.*

This criterion is met.

- B. Employees: The home occupation shall have no more than five employees.

Finding: *An employee includes, but not limited to the operator and partners of the home occupation. Therefore, Patricia Groves and the other member of the LLC combine equal two employees. This is still below the maximum of five employees.*

This criterion is met.

- C. Noise: Noise shall be regulated as follows:

1. From 8:00 a.m. until 6:00 p.m., 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.
 - a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 822.04(C)(1).
 - b. Subsection 822.04(C)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.
2. A noise study may be required to demonstrate compliance with Subsection 822.04(E)(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: *Based on the business description, staff finds no evidence that the business equipment or activities will create noise levels that exceed the ambient 60 dBA levels as measured off the property lines. Staff finds no basis to require a noise study given the nature of the business and finds it feasible for this criterion to be met.*

This criterion is met.

- D. Vibration, Glare, Fumes, and Odors: 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 standard, but idling vehicles shall not.

Finding: Staff finds there is no evidence the proposed home occupation will create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property. Staff finds it is feasible for this criterion to be met.

This criterion is met.

- E. Electrical Interference: 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: Staff finds there is no evidence that the proposed home occupation will create audible electrical interference in radio, television, or other electronic devices off the subject property. Staff finds it is feasible for this criterion to be met.

This criterion is met.

- F. Storage and Display: 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 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 does not propose any outdoor storage or display.

- G. Signs: Signs shall be permitted pursuant to Section 1010, *Signs*.

Finding: The applicant does not propose a signs associated with the home occupation.

This criterion is met.

- H. Parking: Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-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.

Finding: The applicant states parking will not occur in the right-of-way. There is four (4) vehicles associated with the home occupation. As shown on the site plan, there is a designated parking area located by the home occupation building that provides sufficient space for employees or customers to park.

This criterion is met.

- I. Access: If the subject property takes access via a private road or access drive that also serves 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: The site has direct access from S. Beckman Rd., which is a county road. Therefore, this criterion is not applicable.

This criterion is not applicable.

- J. Type of Buildings: Notwithstanding the definition of home occupation in Section 202, *Definitions*, in the AG/F, EFU, and TBR Districts, the home occupation shall be operated substantially in the operator's dwelling or other buildings normally associated with uses permitted in the applicable zoning district.

Finding: This proposed home occupation is within the RRFF-5 zone, therefore this subsection is not relevant.

This criterion is not applicable.

- K. Hazardous Materials: 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 no hazardous materials with used in relation to the home occupation. Based on the description of the business, staff concurs there is no hazardous materials associated with a knitting businesses.

This criterion is met.

- L. Level Two and Three Major Home Occupations: 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 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 property qualifies for a Level Three Major Home occupation because a majority (at least 50 percent) of the abutting lots of record are larger than two acres in area. The property abuts four other properties, three of which are at least two acres.*

This criterion is met.

1. **Building Floor Space:** 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. For a level two major home occupation, a maximum of 500 square feet of accessory building floor space may be used for the home occupation, and for 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 application states 1,404 square feet of an existing accessory building will be used for the home occupation. This is under the maximum of 1,500 square feet allowed in a level three major home occupation.*

The finding for the definition of “accessory building or use” is stated under the definition section of this staff report.

This criterion is met.

2. **Traffic:** A level two major home occupation shall not generate more than 20 vehicle trips per day, and a level three major home occupation shall not generate more than 30 vehicle trips per day.

Finding: *The applicant states that the home occupation will generate a maximum of eight (8) vehicles trips per day. This is below the thirty (30) vehicle trips per day.*

This criterion is met.

3. **Vehicles:** Vehicles shall be regulated as follows:
 - a. **Level Two:** The maximum number of vehicles that are associated with a level two major home occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee and customer vehicles. A level two major home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight rating of 11,000 pounds, except deliveries by parcel post,

United Parcel Service, or similar in-town delivery service trucks, and such deliveries shall be limited to no more than one per day.

- b. Level Three: The maximum number of vehicles that are associated with a level three major home occupation and located on the subject 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 there will be four (4) vehicles associated with the home occupation. A level three allows up to five (5) vehicles at any time, including, but not limited to, employee and customer vehicles. No vehicles will be over 11,000 pounds.*

This criterion is met.

- 4. Prohibited Uses: The following uses shall be prohibited as a major home occupation:
 - a. Marijuana production;
 - b. Marijuana processing;
 - c. Marijuana wholesaling;
 - d. Marijuana retailing;
 - e. As a level two major home occupation:
 - i. Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, trailers, or boats;
 - ii. Towing and vehicle storage business; and
 - iii. 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 an automobile repair shop with open flame; and
 - f. As a level three major home occupation, 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.

Finding: *The proposed home occupation does not involve marijuana production, processing, wholesaling, or retailing. The proposal is for a Level three Major Home Occupation, not a Level two. This is a renewal application and no new structures or modifications to structures are proposed. As conditioned, this criterion is met.*

This criterion is met.