



**NOTICE OF DECISION ON A TYPE II LAND USE PERMIT**

**Decision:** Approved with Conditions

**Permit Type:** Home Occupation

**File No.** Z0442-23-HO

**Proposal:** Renewal of a Home Occupation for Tri-State Shotblasting Inc. a concrete floor preparation, shot blasting, and diamond blasting business. Services occur on-site of the customer and the Home Occupation space is used for storage and a home office.

**Decision Date:** December 12, 2023

**Deadline for Filing Appeal:** December 26, 2023, at 4:00 pm

Unless appealed, this decision is effective on December 26, 2023 at 4:00 pm.

**Issued By:** Mya Ganzer, Planner I, MGanzer@clackamas.us

**Assessor's Map & Tax Lot(s):** T3S R2E Section 1A Tax Lot 1302

**Site Address:** 18165 S Elida Rd. Oregon City, OR 97045

**Applicant:** James Knable

**Owner of Property:** James and Shelli Knable

**Zoning:** RA-2

**Community Planning Organization (CPO) for Area:**

Redland –Viola – Fischer (active)

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:** The submitted application is 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. The complete application file is available for inspection at no cost by contacting the Planner listed on the first page of this decision. Copies of all documents 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.

**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 \$250.00 filing fee and must be **received** by the Planning and Zoning Division by the appeal deadline identified on the first page of this decision.

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.

The County Appeal Form is available at [www.clackamas.us/planning/supplemental.html](http://www.clackamas.us/planning/supplemental.html). 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 file an individual appeal and pay the \$250.00 fee, even if an appeal by another party or parties has been filed.

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.

**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:

None

**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.**

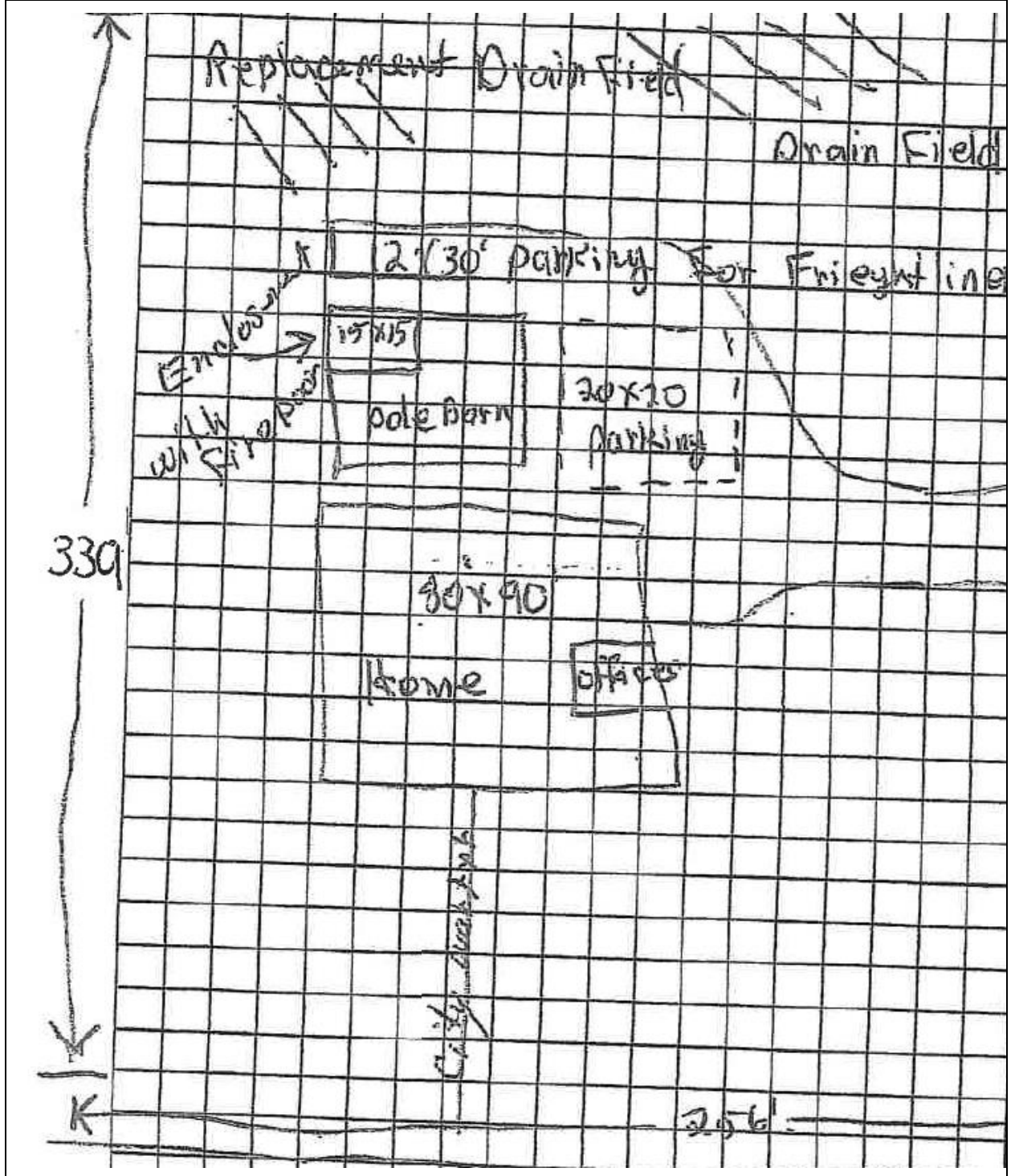
*Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email [DRenhard@clackamas.us](mailto:DRenhard@clackamas.us).*

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

Location Map



Site Plan



## CONDITIONS OF APPROVAL

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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 11/13/2023. 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 this document(s) and the limitation of any approval resulting from the decision described herein.
2. Approval of the home occupation is subject to the following requirements of the Zoning and Development Ordinance (ZDO) Section 822:
  - a. The operator shall reside full-time in a lawfully established dwelling unit on the tract on which the home occupation is located.
  - b. The home occupation shall have no more than five employees.
  - c. Noise shall be regulated as follows:
    - 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.
    - Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 822.04(C)(1).
    - Subsection 822.04(C)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.
  - 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 standard, but idling vehicles shall not.
    - i. Vehicles shall not idle more than 10 minutes for engine warm up.
  - 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.
  - f. 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.

- g. Signs for the home occupation shall comply with ZDO Section 1010, *Signs*.
- h. 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.
- i. 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.
- j. A maximum of 1,500 square feet of accessory building floor space may be used for the level three home occupation. The applicant is proposing to use a portion of an existing structure that exceeds the maximum sized allowed for home occupations therefor a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall be installed to separate the home occupation space from the remainder of the building.
- k. The level three major home occupation shall not generate more than 30 vehicle trips per day.
- l. 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.

## FINDINGS

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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. **PROJECT OVERVIEW:** Applicant is proposing a renewal for an existing approval of a home occupation to operate a 72 square foot home office related to a shot blasting business in a pole barn on the property. 225 square feet of the pole barn is used for maintenance on equipment and storage, parking of vehicles is adjacent to the pole barn and takes up 400 square feet.

2. **ZDO Section 316; Rural Area Residential**

Subsection 316.03 of Table 316-1 allows for home occupations subject to Section 822 of the Clackamas County Zoning Development Ordinance.

*Finding: The applicant has provided information to demonstrate compliance with Section 822.*

3. **ZDO Section 202; Definitions**

Home Occupation: 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 more than 24 total days in a calendar year.

*Finding: Accessory structures, like pole barns, are permitted as an accessory use in the primary dwelling in the RA-2 zone. The two structures associated with the Home Occupation are customarily permitted in the zone. This criterion is met.*

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: James Knable will continue to reside in the primary dwelling. This criterion is met.*

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

*Finding*: The conditions list that no more than 5 employees are allowed. The applicant states they have 4 employees, they are allowed to add up to one employee without the need for a new application. 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*: Applicant indicates compliance with this condition and a noise study on file from 1999 corroborates this assessment. No additional activity is proposed so the noise study on file remains relevant. 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*: Idling of vehicles associated with the Home Occupation has the potential to cause vibration, fumes, and odors. In a previous decision, Z0411-20, applicant was conditioned to reduce idling time to feasible to meet the requirement. No evidence suggests that this condition has been violated and no additional activity is proposed. Staff still finds it feasible for this criterion to be met and the recommendation of reduced idling time is again included in the conditions of approval. 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: The majority of the activity associated with the business will take place off site as work is done at the location of the customer's property. The project site will be used as a home office and for the storage and maintenance of equipment which will not generate electrical interferences. 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: No outside storage, except for the three vehicles proposed by the applicant, is proposed. The pole barn space will serve as storage for the supplies needed to conduct the home occupation, with the service being provided off-site. This criterion is met.*

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

*Finding: The applicant indicates the home occupation will not have any signage. 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: Parking locations on the site plan are not in or disrupt the public right-of-way. There are clean defined areas for parking identified on the site plan. Aerial photos from 2022 show the parking spots are accessible, usable, designed, and surfaced for parking. 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: Adjacent property owner, Jac Ells at 18101 S Elida Rd., signed a letter dated 10/31/23 with the application stating that he has no objection to sharing access with Tri State Shot Blasting Inc. The access road to 18165 S Elida Rd. Oregon City, OR 97045, is through Jac Ells private access road off Elida Rd., so*

*his testimony is relevant. He has no objection to the Home Occupations use of his access road. This criterion is met.*

- 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: The Home Occupation uses a room in the detached single-family dwelling and a portioned section of a pole barn on the property. The accessory structure, the pole barn, is permitted in conjunction with the existence of the single-family dwelling on the property in the RA-2 zone. This criterion is met.*

- 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 restrictions on hazardous materials are conditioned above. The applicant indicates that there will be no hazardous materials present and staff previously found this feasible. 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 based on the lot size analysis first applied to the home occupation. A lot of record is 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: At least 50% of abutting properties are over 2 acres in size. 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 total floor space for the home occupation is a combine of a 225 square foot portioned pole barn section and a 72 square foot room in the home used as an office. This is within the allowed 1500 square feet. 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 indicates that the home occupation will accrue 6 one way trips a day. This is well under the maximum 20 trips. Previous renewal applications found this limit was not being exceeded and no new use was being proposed. 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: Applicant indicates that the maximum number of vehicles associated with the home occupation will be three. The site plan supports this statement, with one 20 feet x 20 feet parking space and one 12 x 20 feet parking space. The average parking space is 7.5 – 9 feet wide and 16 – 20 feet long. The first spot can accommodate up to two large vehicles, while the second spot is intended for a freight liner. The applicant's statement and site plan indicate*

*that the home occupation will not exceed the maximum number of vehicles allowed under a Level Three home occupation. 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 Home Occupation does not include any prohibited uses outlined above in 4.a-4. d. The Home Occupation is a level three so uses prohibited for level two home occupations are not relevant. The structures used in the home occupation are used for storage, office work, and maintenance of equipment. The structures did not previously require structural upgrades, so the staff finds no evidence that the use has expanded to require an upgrade to a more restrictive use. This criterion is met.*