



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Other

File No. Z0515-24

Applicant's Proposal: The applicant requests approval of a landscape contracting businesses in conjunction with the growing and marketing of nursery stock on the property.

Decision Date: April 24, 2025

Deadline for Filing Appeal: May 6, 2025, at 4:00 pm.

Issued By: Roman Sierra, Planner I, RSierra@clackamas.us, 503-742-4516

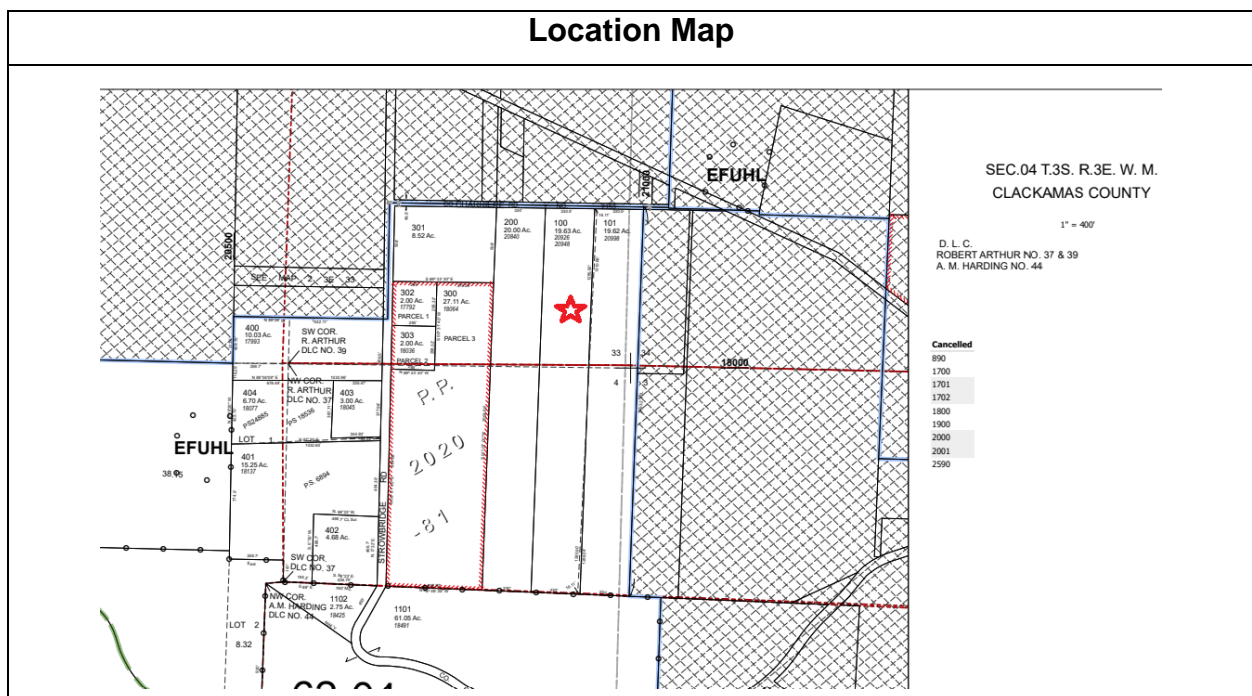
Applicant: Jose Navarro Munoz

Owner of Property: Jose De Jesus Navarro Munoz

Zoning: Exclusive Farm Use (EFU)

Assessor's Map & Tax Lot(s): T3S R3E Section 04 Tax Lot 00100

Site Address: 20948 S Charriere Rd, Oregon City



Community Planning Organization (CPO) for Area:

REDLAND-VIOLA-FISCHER'S Lance Ward 503-631-2550 lancecward@aol.com

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://aca-prod.accela.com/CLACKAMAS>. 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? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통?

Location Map







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 12/19/2024, 3/3/25, 3/28/25 & 4/1/25. 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. The landscape contracting business shall maintain compliance with ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, as the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.
3. Prior to any landscape contracting business activity, the applicant/property owner shall provide the following:

- a. Proof of license under ORS 671.520 to 671.760 as a landscape contracting business
 - b. Proof of establishment of nursery stock on the subject property, as defined by ORS 571.005 include “all botanically classified plants or any part thereof, such as floral stock, herbaceous plants, bulbs, buds, corms, culms, roots, scions, grafts, cuttings, fruit pits, seeds of fruits, forest and ornamental trees and shrubs, berry plants, and all threes, shrubs and vines and plants collected in the wild that are grown or kept for propagation or sale. As defined, nursery stock does not include:
 - i. Field and forage crops.
 - ii. The seeds of grasses, cereal grains, vegetable crops and flowers.
 - iii. The bulbs and tubers of vegetable crops.
 - iv. Any vegetable or fruit used for food or feed.
 - v. Cut flowers, unless stems or other portions thereof are intended for propagation.
4. The owner shall be responsible for maintaining licensure of landscape contracting business per ORS 671.520.

APPLICABLE APPROVAL CRITERIA

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 401, and 1307.

PUBLIC AND AGENCY COMMENTS

Notice was sent to applicable agencies and owners of property within 750 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section.

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. Project Overview

The applicant is proposing to operate a landscape contracting business on approximately 20 acres in the EFU Zoning District that contains a primary dwelling and accessory structures. The subject property will be used in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use including storage of equipment on the subject property to operate the commercial landscape contracting business. The applicant has submitted evidence that nursery stock on the subject property has been established prior to using the site for the landscape contracting business.

2. ZDO Section 401, Exclusive Farm Use (EFU)

A landscape contracting business requires review as a Type II land use application pursuant to Section 1307, Procedures, and shall be subject to the following criteria found in ZDO Section 401.

401.04: Uses Permitted. A landscape contracting business requires the review of a Type II land use application and is subject to ZDO Section 401.05(A)(1) & (D)(2).

Finding: The applicant has submitted the necessary land use application to be reviewed for a landscape contracting business in the EFU district. Findings on how the proposal complies with the relevant criteria are provided throughout this decision. This criterion is met.

401.05(A)(1): Uses may be approved only where such uses:

- a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Finding: The applicant proposes to operate a landscape contracting business in conjunction with the growing of nursery stock on site. The use of accessory buildings for storage of equipment and for office space is consistent with accepted farm practices on surrounding lands devoted to farm use. Based on the applicants descriptions of the landscaping business, along with no customers that come to the property and the hours of operation. Staff finds the proposal in line with typical farm practices in the area and will not force a significant change

in accepted farm or forest practices on surrounding lands devoted to farm or forest use.

This land use application requires the growing and marketing of nursery stock on the subject property in a way that constitutes farm use, as defined in Oregon Revised Statutes (ORS) 215.203. As a result of this requirement, if approved, the subject property will be engaged in farm uses typically of the EFU zone. Therefore, staff finds no evidence that the proposed landscape contracting business will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. This criterion is met.

401.05(D)(2): A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

Finding: The applicant is requesting the review of a landscape contracting business, as defined in Oregon Revised Statute (ORS) 671.520. Based on the application, Royal Works LLC, will not provide landscape architecture services, as defined in ORS 671.318; therefore, no findings related to this ORS provision are necessary.

ORS 671.520 provides the following definitions:

“(1) “Landscape construction professional” means an individual who for compensation or with the intent to be compensated performs or supervises activities requiring the art, ability, experience, knowledge, science and skill to: (a) Plan or install lawns, shrubs, vines, trees or nursery stock; (b) Prepare property on which lawns, shrubs, vines, trees or nursery stock is to be installed; (c) Install, maintain or repair ornamental water features and landscape drainage systems; (d) Maintain irrigation systems with the use of compressed air and as otherwise provided by the State Landscape Contractors Board by rule; (e) Install or repair landscape irrigation systems as provided by the board by rule; or (f) Plan, install, maintain or repair fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining walls.

(2) “Landscape contracting business” means a business that for compensation or with the intent to be compensated arranges, submits a bid, or otherwise offers or contracts, for the performance of activities described in subsection (1) of this section.

(3) “Licensee” means a person that is licensed under ORS 671.510 to 671.760 as a landscape construction professional or landscape contracting business.

(4) “Nursery stock” means nursery stock: (a) As defined by ORS 571.005 other than stock grown for commercial resale or reforestation; or (b) As defined by the board by rule.

(5) "Ornamental water features" means fountains, ponds, waterfalls, man-made streams and other decorative water-related constructions as identified by the board by rule."

The following analysis is organized to first determine whether or not the business in question is a landscape contracting businesses, then staff must determine whether or not each business is being pursued in conjunction with the growing and marketing of nursery stock on the land in a way that constitutes farm use.

Landscape contracting business findings:

Pursuant to ORS 671.520, a landscape contracting business submits a bid, or otherwise offers or contracts, for the performance of activities described in subsection (1) of ORS 671.520.

Royal Works LLC:

The application materials state that this business provides installation and maintenance services. The nursely will be used to assist with the installation aspect of their business. In addition based on the business' website (www.royalworkslandscaping.com), Royal Works LLC also, installs irrigation, retaining walls, patios, pavers, weeding, lawn care, decorative and seasonal pruning. Staff finds the activities constitute of landscape contracting business under in ORS 671.520(1) part (a), (b), and (f). This criterion is met. A condition to this effect is warranted in the conditions of approval.

Pursued in conjunction with the growing and marketing of nursery stock that constitutes farm use findings:

Royal Works LLC:

The applicant provided a list of nursery stock that will consist of Leyland cypress, Laurel, maple trees, rhododendrons, boxwoods, etc. The applicant has stated the nursely stock will be marketed via their website, with the business being able to deliver the nursely stock and/or installation. Based on the applicant's narrative, there is evidence of a plan to maintain and replant stock for the nursery. Staff finds the applicant has demonstrated the nursery stock will be grown and marketed for the purposes of obtaining a profit in

money. This criterion is met. A condition to this effect is warranted in the conditions of approval.

"Licensee" means a person that is licensed under ORS 671.510 to 671.760 as a landscape construction professional or landscape contracting business

The applicant has provided their Oregon Landscape License information OLCB# 100239 for Royal Works LLC. This criterion is met.

"Nursery stock" means nursery stock:

(a)As defined by ORS 571.005 (Definitions for ORS 571.005 to 571.230) other than stock grown for commercial resale or reforestation; or

(b)As defined by the board by rule.

The applicant submitted photographic evidence demonstrating the existing nurse stock includes arborvitae, Leyland cypress, Laurel, maple trees, rhododendrons, boxwoods, etc. This qualifies as nurse stock as defined in ORS 571.005. This criterion is met.

"Ornamental water features" means fountains, ponds, waterfalls, man-made streams and other decorative water-related constructions as identified by the board by rule

The applicant's business does not install ornamental water features. This criterion is not applicable.