

BEFORE THE LAND USE HEARINGS OFFICER
CLACKAMAS COUNTY, OREGON

Regarding an Appeal of a Planning Director
Decision Approving an Application for a
Level 3 Home Occupation

FINAL ORDER

Case File No: Z0134-25 Appeal
(M. Rosas HO)

A. SUMMARY

1. The owner of the subject property is Angela Abudakar. The applicant is Michael Rosas. The applicant submitted a proposal for a Level 3 Home Occupation permit for detailing vehicles that are to be sold at auctions in addition to customers coming to the property to inspect and purchase vehicles.
2. The subject property is an approximately 3-acre parcel located at 20763 SW Prindle Rd., Tualatin, Oregon 97062, also known as T2S R1E Section 30A Tax Lot 03500. The property is zoned Rural Residential Farm Forest 5-Acre District (RRFF-5) and is not within an Urban Growth Boundary. Surrounding properties consist of large lots developed with single-family residential use. The site is located within the Stafford-Tualatin Valley Community Planning Organization (CPO).
3. On August 18, 2025, County Planner Aldo Rodriguez approved the application subject to conditions of approval. On September 2, 2025, Randall Yamada, Chairperson for the Stafford-Tualatin Valley CPO submitted an appeal of the decision, asserting that the CPO had never heard of nor seen a completed application prior to the notice of decision approving the application.
4. On October 2, 2025, the Hearings Officer conducted a public hearing to receive testimony and evidence about the applicant's proposal for a Level 3 Home Occupation. Prior to ending the public hearing and closing the record, the Hearing Officer asked whether any of the parties or members of the audience wanted an opportunity to provide additional evidence, arguments, or testimony. At the request of the parties, the Hearings Officer agreed to hold the record open as follows: one week (until 4:00 pm Thursday October 9, 2025) for any party to submit additional written evidence, argument, or testimony, for an additional one week (until 4:00 pm Thursday October 16, 2025) for any party to submit rebuttal of new evidence submitted during the initial open record period, and for an additional one week (until 4:00 pm Thursday October 23, 2025) for the applicant to provide a final responsive written statement, to include no new evidence. At the conclusion of the open record period, the Hearings Officer approved the application subject to Conditions of Approval.

B. HEARING AND RECORD HIGHLIGHTS

1. The Hearings Officer received testimony and evidence at the October 2, 2025 public hearing about this application and during a subsequent open record period, including submittals identified as Exhibits 1-47. All exhibits and records of testimony are filed

with the Planning Division, Clackamas County Department of Transportation and Development. The public hearing was conducted virtually over the Zoom platform. At the beginning of the hearing, the Hearings Officer made the declaration required by ORS 197.763. The Hearings Officer disclaimed any *ex-parte* contacts, bias, or conflicts of interest. The Hearings Officer stated that the only relevant criteria were those identified in the County's staff report, that participants should direct their comments to those criteria, and failure to raise all arguments may result in waiver of arguments at subsequent appeal forums.

Prehearing Submissions and Comments

2. The County received this application for a Level 3 Home Occupation permit on April 7, 2025. The applicant's proposal sought land use approval for a home occupation to detail vehicles that are to be sold at auctions in addition to customers coming to the property to inspect and purchase vehicles. The County assigned the application to County Planner Aldo Rodriguez for review. Mr. Rodriguez determined the application incomplete. After receiving additional submissions from the applicant, Mr. Rodriguez deemed the application complete on June 18, 2025. Mr. Rodriguez also noted that as 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 November 15, 2025.
3. Notice of the application was sent to applicable agencies and owners of property within 500 feet. The Stafford-Tualatin Valley Community Planning Organization (CPO) is the CPO for the area. County staff sent the notice to the CPO at staffordcpo@gmail.com. County staff also sent notice of the application directly to Randall Yamada, Chairperson for the Stafford-Tualatin Valley CPO, but made an error in the email address for Mr. Yamada and he did not receive this email.
4. The County received several public comments from neighboring residents opposed to this application. Several of these comments assert County Code violations and involvement by County Code Enforcement with respect to the applicant's activities on the subject property, including such things as excessive noise from an air compressor running after 6:00 pm, repair and possibly painting of vehicles, storing numerous vehicles, including RVs, boats, trailers, and two 40-foot shipping containers on the subject property, burning materials that created noxious odors and fire hazards. Comments also reported use of over 1,500 square feet of floor space for the business activity and having 10-20 vehicles on the property and repairing them, with some damaged vehicles brought in on a trailer. Comments from neighbors included references to impacts by another home-based business along SW Prindle Road and assertions that approval of this application will further negatively impact property values and the quality of life in the neighborhood.
5. Several neighbors assert SW Prindle Road is inadequate for the proposed home occupation or any additional traffic due to safety concerns, describing the road as a narrow one-lane to one-and-a-half lane substandard dead-end road with no place for vehicles to turn around, and at least two "blind corners." Neighbors reported concerns

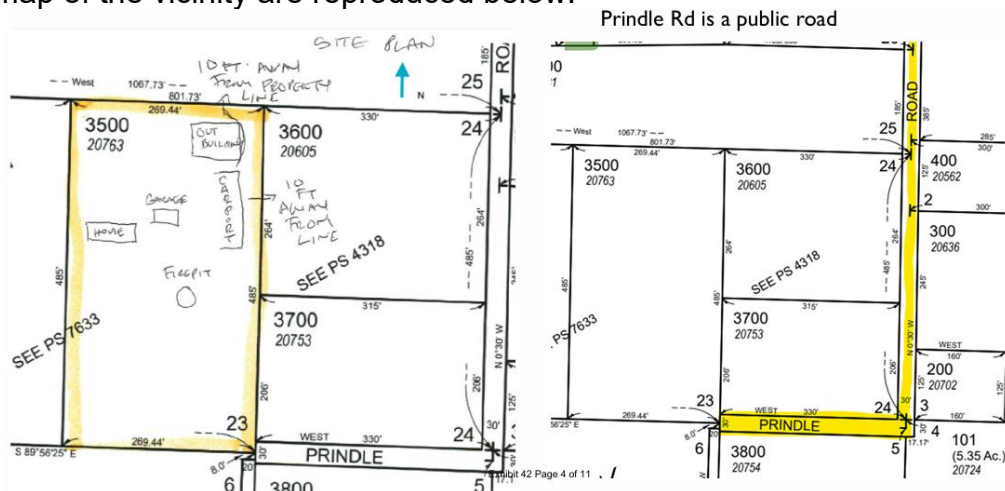
with speeding on SW Prindle Rd. associated with drivers coming and going from the subject property, some driving cars without license plates. One neighbor pointed out that children walk down SW Prindle Rd. to a bus stop as the school bus cannot turn around on SW Prindle Rd. Several neighbors expressed concerns that the applicant was storing and/or using hazardous chemicals, asserting a lack of precautions in containing and properly disposing of toxic chemicals. With respect to hazardous chemicals, neighbors also pointed to the use of wells in this area and their concerns with possible contamination of well water and surface runoff impacting the area's Metro Habitat Conservation Area as well as pollution impacts to Saun Creek and the area's aquifers.

6. On August 18, 2025, County Planner Aldo Rodriguez issued notice of decision approving this application. On September 2, 2025, Randall Yamada, Chairperson of the Stafford-Tualatin CPO, submitted an appeal of the decision stating that: "No notification was issued to the CPO. The CPO is claiming a Notification Procedural Error, and our need to review misinterpretation of the Zoning and Development Ordinance, Comp Plan or inconsistency with county and statewide planning goals." Mr. Yamada contends that the residents of the Stafford community were not made aware of the proposal and were prevented from meaningfully participating in the process and commenting on the proposal or requesting additional information. Mr. Yamada points to policies for public engagement within the Statewide Land Use System, County, and City Comprehensive Plans and Ordinances in support of his contention that the County's process is inadequate.
7. The Appellant Randall Yamada/Stafford-Tualatin Valley CPO submitted several additional written comments prior to the hearing pointing to concerns with traffic and concerns with urbanization, and generally in opposition to the proposal. Mr. Yamada questions the recourse the CPO and public have concerning missed notices and poses questions regarding SW Prindle Road concerning whether it is a public road, whether its 14-foot width was approved by County Transportation for this application and whether the Fire Marshall approved the 1200-foot dead-end street without a turnaround. Mr. Yamada's submitted comments also included copies of comments provided to neighbors with directions for participating in the hearing, comments concerning the applicant's activities on the subject property, particularly related to alleged code violations, and expressing concerns reiterating by neighbors who commented on this proposal. Mr. Yamada submitted prehearing written comments reporting concerns that cars parked under a freeway overpass may belong to the applicant and that code violations on the property were ongoing, such as: the applicant was operating a compressor after 6:00 pm, was storing two large shipping containers, had large fires in burn piles resulting in 911/fire department calls, and allowing 10-20 vehicles on the property on any given day. Mr. Yamada also points to safety concerns with respect to well water contamination, trucks hauling vehicles on the road, and children walking on the road, asserting these safety concerns were overlooked by the County in approving the application.

\\
\\

October 2, 2025 Hearing

8. At the hearing, County Planner Aldo Rodriguez (Planner of Record for this application) discussed the August 18, 2025 staff decision issued in this matter and related exhibits, providing a PowerPoint presentation and discussion of the application, the County's review of the application, approval of the application, and discussion of the appeal. Mr. Rodriguez explained that the applicant submitted a proposal for a level 3 Home Occupation for detailing vehicles to be sold at auctions, in addition to having customers coming to the property to inspect and purchase vehicles. Mr. Rodriguez noted that the maximum number of vehicles associated with the home occupation is five. He further noted that the detailing and storage of the vehicles will occur within proposed carports.
9. Mr. Rodriguez provided additional discussion of the applicant's proposal, stating that the detailing of the vehicles will consist of wiping the cars down, vacuuming, power washing, cleaning the wheels, cleaning the windows, spraying the engine bays and putting air in the tires if needed. He noted that the applicant indicates that the tools associated with the proposed home occupation will be a small air compressor for putting air in tires and a vacuum. Mr. Rodriguez reported that the property currently has an alleged violation under County Code Enforcement file no. V0050824 related to an alleged operation of a business without land use approval, and inoperable and non-currently licensed vehicles. Mr. Rodriguez stated that County staff reviewing this proposal found the application to meet the subject criteria and approved it.
10. Mr. Rodriguez shared slides showing the applicant's site plan and the vicinity, showing the location of SW Prindle Road and how this public roadway makes a 90-degree turn shortly before it dead ends at the subject property. The slides include a clarified version of the applicant's site plan showing the proposed locations of the five carports the applicant proposes to use, together with the locations of proposed 7ft. screening walls, the location of the 50 square foot office space the applicant proposes to use within an existing detached garage, the locations of the existing home, deck, and another outbuilding, depicts the locations of two proposed customer parking spaces, an existing fire pit, and a gate to the property. The slides include an advertisement of the 10 x 20-foot carports the applicant proposes to use. The applicant's site plan and a County map of the vicinity are reproduced below:



school children have to walk up the road to catch the bus, contending that the road is already not safe and inadequate for existing transportation and emergency use, such as for fire equipment. Mr. Yamada questions how limitations on the proposed home occupation such as the number of vehicles, the number of employees, prohibitions on auto-repair, and prohibitions on the use of hazardous chemicals will be enforced. Mr. Yamada also points to area concerns over water usage and contamination of wells, asserting that the CPO needs additional time to evaluate potential negative impacts from this proposal.

15. Amy Nichols is a neighbor opposed to approval of this application. Ms. Nichols also states that she did not receive the initial notice of the submission of this proposal, reporting she first received notice on September 17 for the October 2 hearing, and would have been better prepared had she been notified sooner. Ms. Nichols also describes SW Prindle Road as a narrow dead-end road with no turn-around for fire trucks and barely enough room for two cars to pass, describing recent issues with speeding vehicles on this street.

Open Record Period Submissions

16. The appellant Mr. Yamada on behalf of the Stafford-Tualatin Valley CPO submitted additional written comments in opposition to this application during the initial open-record period, together with several supporting photographs of SW Prindle Rd. In these post-hearing comments, Mr. Yamada asserts that SW Prindle Rd. is a one-lane road that is only 10-11 feet wide and not updated to meet current roadway standards for fire and traffic safety. He questions whether modifications such as the addition of a conforming turnaround, posting of speed limit signs and caution signs for pedestrians, and pedestrian crossings will be required by the County, in addition to reiterating earlier comments. Mr. Yamada submitted photos showing that SW Prindle Road is a narrow roadway of varying widths with limited shoulder areas on each side, and areas where it appears property owners have allowed vegetation to encroach on the public roadway, further restricting the width of the travel lane.
17. In his post-hearing comments, Mr. Yamada questions whether the proposal addresses employee limitations and points to additional requirements for auto repair in the Home Occupation requirements, asserting it is not possible to enforce a restriction on the proposed business to auto detailing only as opposed to auto repair. He also reiterates concerns with the proposed home occupation's water usage and whether such usage should meet State domestic well use limitations for commercial or industrial use. Mr. Yamada points to concerns with use of chemicals in the auto detailing activities, asserting the potential for soil contamination and requiring use of an impervious floor requires consideration. He also references concerns regarding a lack of confidentiality with respect to submitted comments.
18. Mike Bode is a neighbor who submitted post-hearing written comments during the initial open-record period and is opposed to this application. Mr. Bode reports that he and his wife, Betty Bode, attended the public hearing and repeatedly struck the raise hand icon during the public comment period, but were never called upon. Their written

comments state that the applicant's submitted site drawing omits two large shipping containers and a large accessory structure formerly used for livestock, suggesting the accessory structure does not have permits and questioning whether any of these structures will be used in the proposed car detailing business. Mr. Bode's written comments state that he can see two used ambulances and four other vehicles stored at the back of the property, and recently had also seen minivans, motorhomes, and boats stored on the property. Mr. Bode reports that the applicant has continued his commercial activities on the property pending the application.

19. Mr. Bode also points to concerns with the use of SW Prindle Road, noting it has no sidewalks or overhead illumination, and school buses cannot negotiate the road requiring children to walk to the bottom of the road. He states that cars or trucks towing trailers cannot pass without using a driveway turnout. Mr. Bode reports seeing flatbed tow trucks hauling two vehicles plus towing a third, asserting that allowing 30 additional vehicle trips a day on this inadequate road is not mindful of zoning or road safety issues. Mr. Bode contends that the chemicals used in washing and detailing numerous vehicles are running off into the area aquifers, asserting that "notifying DEQ and waiting to see if they wish to comment is a naïve and dangerous policy." Mr. Bode asks that the County consider contacting DEQ again regarding this application. Lastly, Mr. Bode reports that while County staff informed them that if they submitted complaints about a violation their names would be kept confidential. However, he further reports that their complaints submitted to the Land Use Planner were forwarded to the applicant. Mr. Bode asserts this process should be clearer.
20. Angela Roach owns a home on SW Prindle Road that her daughter resides in. Ms. Roach also submitted post-hearing written comments during the initial open-record period opposed to this application. Ms. Roach describes SW Prindle Road as not a good road for any type of business, noting it is a single lane road overgrown with plants and trees making it difficult to see and pass oncoming vehicles. Ms. Roach reports many near misses over the years and that her former husband was in an accident at the bottom of SW Prindle Road. Ms. Roach is opposed to this application.
21. Toby and Nicolle Deering reside on SW Prindle Road and submitted post-hearing written comments during the initial open-record period opposed to this application. Mr. and Ms. Deering expressed their concerns with the quantity of water the proposed car detailing business will consume, noting the subject property draws well water from the area aquifer that supplies all domestic wells in the local area, suggesting the proposal may require a Water Right Permit to access water above and beyond personal consumption referencing State of Oregon Water Resources Department limitations for domestic well use. Further, Mr. and Ms. Deering express concerns for the impact to water quality from water runoff from the proposed car detailing business, asserting the business has the potential to contaminate drinking water sources in the area and may require a Storm Water Permit and/or a General Water Pollution Control Facilities Permit. They point to ZDO Section 822, Subsection K. Hazardous Materials and assert there may be permitting requirements with DEQ and/or OHA.

\\
\\

22. Mr. and Ms. Deering point to findings and conditions of approval in the County's approval with respect to noise and ZDO Section 822. They point to ODOT reports that the noise levels at the intersection of Prosperity Park Road/Prindle Road and I-205 range from 56 – 74 dB(A) at any given time and state they can hear the noises (pressure washer, air compressor or similar, and loud music) coming from the applicant's activities at any given time. Mr. and Ms. Deering assert that a noise study should be required if this land use permit is approved. Mr. and Ms. Deering also assert that the applicant's proposed 5 car carport is being placed within 10 feet of their own property line and within 10 feet of another neighbor's property, disputing that the existing vegetation and the 3 acre size of the applicant's property will ensure that the noise level is met for these adjacent properties, also pointing to ZDO Section 822 subsection D. Vibration, Glare, Fumes, and Odors. They describe their experience with odors and smells coming from this business and reiterate that it is located only 10 feet from their property line.
23. Mr. and Ms. Deering point to ZDO Section 822 subsection F. Storage and Display and report they can now see the cars on the subject property and assert will be able to see the proposed carports. They describe being able to see the cars being worked on and sold from their backyard, from the windows in their house, and from their deck and garden. Mr. and Ms. Deering state they can also see the two large shipping containers that are on the property, but not indicated on the site plan, and can see the outbuilding that is shown on the site plan but is stated will not be used for this business. Mr. and Ms. Deering also point to the applicant's proposed use of SW Prindle Road for 10 vehicle trips per day associated with the proposed home occupation and note that the zoning ordinance provides for up to 30 vehicle trips per day. They describe SW Prindle Road as a single lane dead end road with two blind corners and assert that the applicant's business has created an excessive amount of traffic and speeding cars. Mr. and Ms. Deering describe their concern for neighbors walking and driving and especially children who must walk down SW Prindle Road to the bus stop on Prosperity Park Road. They contend this application should be denied.
24. Mr. and Mrs. Dennis Olson reside on SW Prindle Road and submitted post-hearing written comments during the initial open-record period opposed to this application. They point out that SW Prindle road is a single lane road, making pedestrian use unsafe, and note there is no provision for fire trucks to turn around. Mr. and Mrs. Olson point to the application and note there is no provision for wastewater disposal or other fluids including hazardous waste.

C. DISCUSSION

The evidence presented is reliable, probative and substantial evidence upon which to base a determination in these matters. This application was originally processed as a Type II Permit for a Level 3 Home Occupation pursuant to Clackamas County Zoning and Development Ordinance (ZDO) Section 1307, approved by the Planning Director's designee, Planner Aldo Rodriguez, and this appeal followed. Table 1307-01 authorizes the hearings officer to hear appeals of planning director decisions. Pursuant to ORS 215.416(11)(a), an appeal of an administrative decision is reviewed as a *de novo* matter. The hearings officer

is required to conduct an independent review of the record, is not bound by the prior decision of the planning director and does not defer to that decision in any way. The record of the initial proceedings shall, however, be made a part of the record of the appeal. New evidence may be introduced in an appeal, and new issues may be raised. The applicant must carry the burden of proof that the application complies with all applicable approval criteria in light of all relevant substantial evidence in the whole record, including any new evidence.

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Sections 202, 316, 822, and 1307. 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. ***The Hearings Officer verified that the County provided the required notices for this hearing.***

Several issues raised by the appellant and opponents are outside the scope of this hearing. For example, assertions that approval of the application may negatively impact property values are not an approval criteria or appropriate consideration. In addition, arguments that the land use application procedure itself is inadequate because it provides for too short a timeline for interested agencies, Community Planning Organizations, and members of the public to review applications and submit questions and comments before a decision is made are related to advocating for a change to the Ordinance, are legislative in nature, and outside the scope of this hearing.

1. Background/Overview of Applicant's Proposal: *[The Hearings Officer reviewed and adopted this section of the staff report, finding it relevant and accurate.]*

The applicant submitted for a level 3 Home Occupation for detailing and selling of vehicles (to be sold at auctions) in addition to customers coming to the property to inspect and purchase vehicles. The maximum amount vehicles at any given time associated with home occupation is five. The detailing and storage of the vehicles will occur within the proposed carports. The property currently has a violation under V0050824. The violation summary is an alleged operation of a business without land use approval and inoperable and non-currently licensed vehicles. Staff received comments about the unpermitted uses occurring on the property and questions regarding the home occupation. Based on the violation summary, comments and narrative; staff assumes the proposed use is already being conducted on the property. Staff can only address relevant criteria and therefore cannot address all the concerns brought up by nearby property owners. The applicant proposal included 5 vehicles to be sold and detailed on the property. The applicant later adjusted the narrative via email on 8.7.2025 to include a truck and trailer to bring the vehicles in and out of the property, which would adjust the number of vehicles that can be sold and detailed at the property at any given time.

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.

Hearings Officer Finding: The primary residential use of the subject property will continue in the existing 1,848 square foot dwelling. Carports and detached garages are allowed accessory structures and uses ordinarily found on RRFF-5 zone property such as this. These types of accessory structures are typically incidental to and subordinate to the primary residential use of such property, and an established primary use (such as residential use associated with a dwelling) is required before these types of accessory structures are allowed. See Table 316-1. The proposed auto detailing and vehicle showings will take place in the four designated 200 square foot carport accessory structures, with storage of a trailer associated with the proposed home occupation in a fifth designated 200 square foot carport accessory structure. The proposal includes use of 50 square feet of an existing detached garage accessory structure as an office for the home occupation activity. Thus, the proposed home occupation will occupy 1,050 square feet. This use is both smaller than the existing residential dwelling and dependent upon the continued residential use of the property. Thus, the proposed home occupation remains incidental and subordinate to the primary residential use of the property. Several commentators pointed to a separate existing accessory structure and two large shipping containers also on the property. However, I find no evidence that these structures are associated with the proposed home occupation. Several comments that were submitted point to existing or past code violations on the property. This decision, however, concerns whether the submitted proposal meets County criteria for a Level 3 Home Occupation as an accessory use on property located within the RRFF-5 zoning district. ***This criterion is met.***

3. ZDO Section 316.03, Uses Permitted in RRFF-5 Zoning District:

Hearings Officer Finding: The subject property is located within the RRFF-5 zoning district. Uses permitted on RRFF-zone property are listed in Table 316-1. Uses not listed are prohibited. See ZDO 316.03.A. Home occupations are allowed as *accessory* uses subject to ZDO Section 822 Home Occupations. Further, a use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 316-1. See Footnote 14 to Table 316-1. Thus, a home occupation is an allowed use on RRFF-5 zone property but must conform to the additional criteria required by Section 822. ***This criterion is met, subject to Section 822.***

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.*

Hearings Officer Finding: “Operator” is defined in Section 822.02.E. as: “*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.*” The owner of the property is Angela Abudakar. The applicant Michael Rosas is the tenant of the lawfully established dwelling on the property, and he provided a lease agreement confirming he is the resident in the dwelling. Mr. Rosas’ application states that he will reside full-time in the dwelling on the subject property and will be the operator of the proposed home occupation, directly involved in the day-to-day operations. Mr. Rosas’ actions in submitting this application and conforming the operations of his proposed home occupation to the criteria required for a Level 3 home occupation demonstrate his ownership interest and responsibility for the day-to-day strategic operations of his business.

This criterion is met.

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

Hearings Officer Finding: The applicant’s proposal states the home occupation will have a total of 3 employees, including the operator/applicant Michael Rosas. The code allows up to 5 employees as is reflected in the conditions of approval recommended by County staff, reviewed and adopted by the Hearings Officer.

As conditioned, 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.

Hearings Officer Finding: The applicant states on the application that the activities of the proposed home occupation will not exceed the greater of 60 dB(A) or the ambient noise level but provides no evidence to support this assertion. The applicant also states on the application that no noise detectable to normal sensory perception off the subject property will be created by the home occupation activities between 6 pm and 8 am the next day.

The applicant describes the activities of the proposed home occupation as the including detailing of vehicles essentially being prepped for sale. The detailing of the vehicles will consist of wiping the cars down, vacuuming, and power washing, cleaning the wheels, cleaning the windows, spraying the engine bays and putting air in the tires if needed. The applicant indicated that the tools associated with the proposed home occupation will be a small air compressor to put air in the tires, a vacuum, and a power washer. While staff point out that the applicant submitted an email on 7/30/2025 stating a power washer is no longer used and a hose is used to wash the cars down, I do not, however, read the email as stating the applicant will not replace the power washer at a future date. (See Exhibit 18). Nevertheless, small portable air compressors, vacuums, and power washers are the type of ordinary power equipment typically associated with residential use of property.

Staff point out the property is 3 acres with trees and vegetation surrounding the proposed location of the carports. While I agree with staff that the large size of the property, the vegetation, and the small amount of low noise producing tools will help ensure the noise level is met, I also note the comments by neighbors pointing out that the area designated by the applicant for the home occupation activities will be located as close as ten feet from their property lines, also reporting loud music coming from the property, and requesting that a noise study be required. My review of the site plan and application shows that in addition to the carports the applicant proposes a seven-foot-tall screening wall between the carports and the property lines, further dampening noise associated with the car detailing activities. Further, the above limitations on noise generated by the proposed home occupation are reflected in the conditions of approval recommended by County staff, reviewed and adopted by the Hearings Officer. Staff point out (correctly) that these noise limitations and criteria do not include noise created from personal use on the property. However, the County's noise ordinance CCC Section 6.05 *Noise Control* still applies.

As conditioned, 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.*

Hearings Officer Finding: The applicant proposes to bring vehicles to and from the property, primarily on a trailer hauled by a truck, detail the vehicles within the carports, preparing the vehicles and showing them for sale. There will be some vibration and perhaps fumes and odors from the truck and trailer entering and exiting the property, and from customers entering and exiting, or driving off with purchased vehicles, but these vibrations, fumes or odors, are exempt. Detailing of the vehicles does not require the idling of the vehicles within the carports and there is nothing in the application to suggest that the applicant intends to do so. While staff point to the 3-acre size of the property as an additional barrier for any odors or fumes associated with the proposed home occupation to dissipate before reaching neighboring property lines, I note as before the 10-foot proximity of the applicant's proposed activities to the neighboring property lines. However, as I also noted before, the applicant indicates that the tools associated with the proposed home occupation will be a small air compressor to put air in the tires, a vacuum, and a power washer. I understand that the applicant will also use cleaning sprays and wipe the vehicles down. These activities will take place within a carport enclosure behind a seven-foot screening wall. None of these activities are of a type that ordinarily create vibration, glare, fumes, or odors detectable for more than a few feet. Further, the above limitations on vibration, glare, fumes, and odors generated by the proposed home occupation are reflected in the conditions of approval recommended by County staff, reviewed and adopted by the Hearings Officer. Again, staff correctly point out that these limitations and criteria do not apply to personal use of the property.

As conditioned, 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.*

Hearings Officer Finding: The application states that the home occupation will comply with these requirements. None of the activities proposed here are of a type that ordinarily create electrical interference within the meaning of this section. Further, the above restriction on any electrical interference created by the proposed home occupation is reflected in the conditions of approval recommended by County staff, reviewed and adopted by the Hearings Officer.

As conditioned, 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.*

Hearings Officer Finding: The application states that the home occupation will comply with these requirements. Here, I note that the property is 3 acres with vegetation surrounding the property. Further, the applicant's proposal includes storing each of the vehicles within individual carport structures behind a 7-foot screening wall

placed between the proposed carports and the two adjacent property lines. In addition, the proposal does not include any outside storage, display of goods or merchandise, with the vehicles stored and displayed within the proposed carport structures. Further, the applicant modified his proposal to provide that the trailer he uses to haul vehicles will also be stored within one of these carports, thus no outside storage of the equipment used by the home occupation will occur. I find the proposal does not include any outside storage or display of goods or merchandise visible from outside the designated enclosed building space. Staff questioned whether the County ZDO includes a relevant definition of "Building" and I direct the question to ZDO Section 202 Definitions: "Building: Any structure used or intended for supporting or sheltering any use or occupancy." I find the applicant's intended use of the carports to shelter his merchandise (the vehicles he proposes to detail and prepare/display for sale) falls within the meaning of "Building." Further, the applicant modified his proposal to provide that the trailer he uses to haul vehicles will also be stored within one of these carports, thus no outside storage of the equipment used by the home occupation will occur. This section's restrictions on storage and display of goods or merchandise, or other external evidence of the proposed home occupation, are reflected in the conditions of approval recommended by County staff, reviewed and adopted by the Hearings Officer.

As conditioned, this criterion is met.

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

Hearings Officer Finding: The application states that any signs will comply with the criteria in ZDO Section 1010. Signs. The requirement that any signs associated with the proposed home occupation are permitted pursuant to ZDO Section 1010 is in the conditions of approval recommended by County staff, reviewed and adopted by the Hearings Officer.

As conditioned, 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.

Hearings Officer Finding: Two parking spaces are identified in front of the detached garage where the office associated with the proposed home occupation is located are identified on the submitted site plan. This section's requirements are reflected in the conditions of approval recommended by County staff, reviewed and adopted by the Hearings Officer.

As conditioned, 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

reproduced below that illustrate how much this 30-foot-wide public roadway has been narrowed by these encroachments:



-
- A. Potential Hazards – No person shall allow any of the following things to exist on any portion of the road right-of-way that abuts property s/he owns or occupies, including sidewalks, if it could create a potential hazard in the opinion of the Road Official:
1. Earth;
 2. Rock;
 3. Vegetation;
 4. Structures;
 5. Objects;
 6. Debris;
 7. Anything that may cause a potential hazard to the public in their use of a sidewalk, including, but not limited to:
 - a. Vertical displacements on the surface;
 - b. Cracks or disrepair.
- B. Visual Impediments to Safe Road Use – No person shall allow any of the following things to exist on or in the road right-of-way, including intersecting corners, that abuts property s/he owns or occupies, or on property that abuts a road, or in the airspace above a road, if the thing obstructs the view necessary for safe operation of motor vehicles upon the road, or if it causes potential danger to the public that use the road:
1. Trees;
 2. Shrubs;
 3. Hedges;
 4. Any vegetation;
 5. Projecting overhanging limbs of vegetation;
 6. Temporary or permanent structures;
 7. Fences;
 8. Berms;
 9. Natural or man-made objects.

SW Prindle Road is a public roadway available for use by the applicant in connection with his proposed home occupation. Owners of properties that abut this road are strongly encouraged to remove vegetation and other things creating visual impediments and hazards to the safe use of this public road by pedestrians and vehicle operators.

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.*

Hearings Officer Finding: The subject properties are not zoned AG/F, EFU or TBR.

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.*

Hearings Officer Finding: Staff sent a notice of this application to the Department of Environmental Quality (DEQ) to provide an opportunity for DEQ to comment on the application. Staff did not receive a comment from DEQ. Several comments were submitted by the appellant/CPO and local residents questioning whether the proposed home occupation will involve hazardous chemicals and expressing concerns with potential contamination of the local aquifer and natural resources. The applicant states an environmentally friendly soap is used to clean the vehicles and a general cleaning spray is used inside the vehicles. Soap and cleaning spray is normally associated with residential use within the RRFF-5 district. The primary uses are residential or farm/forest in RRFF-5 and these types of "hazardous" materials are common. Personal uses on the property do not need to adhere to this provision. This section's requirements are reflected in the conditions of approval recommended by County staff, reviewed and adopted by the Hearings Officer.

As conditioned, 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:

Hearings Officer Finding: 3 out of the 5 parcels that abut the subject property are larger than 2 acres. Therefore at least 50 percent of the lots of record abutting the subject property are larger than two acres. The applicant meets the level three home occupation.

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.*

Hearings Officer Finding: The applicant proposes using five 10x20 square foot carports for the detailing and storage of the vehicles and trailer. In addition, the applicant proposes to use 50 square feet of an existing detached garage for office space, which totals 1,050 square feet. The existing detached garage and the proposed carports are *accessory buildings* within the meaning of this section as discussed in the section above on ZDO Section 202. The proposed office is in an existing room with walls and a door that satisfy the criteria for a partition wall. This section's requirements are reflected in the conditions of approval recommended by County staff, reviewed and adopted by the Hearings Officer.

As conditioned, 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.*

Hearings Officer Finding: The applicant states there will be 10 vehicles trips per day associated with proposed home occupation. This is within the allowed 30 vehicles trips per day for a Level Three home occupation. Personal trips for personal use are not part of this limit. However, the applicant is reminded that each one-way trip to or from the subject property counts as a "trip." This section's requirements are reflected in the conditions of approval recommended by County staff, reviewed and adopted by the Hearings Officer.

As conditioned, this criterion is met.

3. Vehicles: *Vehicles shall be regulated as follows:*

a. *Level Two:* **[Not applicable]**

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.

Hearings Officer Finding: The applicant stated in the original application narrative that 5 vehicles would be associated with the home occupation. This included the vehicles brought on the property to be detailed and prepped for sale. An updated narrative submitted on August 7, 2025 via email stated the applicant's truck and trailer will be used to transport the vehicles for the home occupation. The truck that is used to haul the vehicles is considered a vehicle and counts toward the total number of vehicles allowed. The truck is a 2001 Ford F150 4x4 with a gross weight of 4,000 lbs. The trailer is proposed to be stored in one of the carports and thus is considered equipment and does not count toward the total vehicles allowed. Considering the truck, the other four vehicles will be either the vehicles to be detailed and sold and/or the customer vehicles that come the property to see the vehicles for sale. No vehicle with a gross vehicle weight over 11,000 pounds is proposed. The vehicle limit under this provision does not apply to personal vehicles on the property, only to vehicles associated with the home occupation. This section's limitations on the maximum number of vehicles associated with the home occupation that may be located on the subject property are reflected in the conditions of approval recommended by County staff, reviewed and adopted by the Hearings Officer.

As conditioned, 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: **[Not applicable]**
- 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.

Hearings Officer Finding: The proposed home occupation is not associated with 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.

This criterion is met.

\\
\\

D. DECISION

Based on the findings, discussion, conclusions, and record in this matter, the Hearings Officer APPROVES application Z0134-25 for a Level 3 Home Occupation, subject to the following conditions of approval:

E. CONDITIONS OF APPROVAL

The Clackamas County Land Use and Zoning staff recommended approval of this application subject to several conditions consistent with the original August 18, 2025 decision in Z0134-25 approving this application. The Hearings Officer reviewed the proposed conditions of approval, findings, and discussion in this matter and adopted, and/or modified as denoted by boldface type in italics, the following conditions of approval, finding 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. At all times, the use shall be sited and conducted in compliance with these conditions of approval. Noncompliance may result in code enforcement action or revocation of this permit.

1. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on 4/7/2025 and additional documents submitted on 6/18/2025, 8/7/2025, 7/30/2025. 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. 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)
3. The home occupation shall have no more than five employees. (ZDO 822.04.B)
4. 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. Only incidental use of the dwelling unit is allowed, which means the use of no more than 25 percent of the floor area or 500 square feet, whichever is less. (ZDO 822.04.L.1)
12. 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 accessory building space (garage for office) from the remainder of the building. (ZDO 822.04.L.1)
13. The home occupation shall not generate more than 30 vehicle trips per day. (ZDO 822.04.L.2)
14. 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)

Dated: October 30, 2025



Carl D. Cox

Clackamas County Hearings Officer

*Hearings Officer Final Order
Z0134-25 Appeal
(M. Rosas HO)*

ADVISORY NOTES

Advisory notes are not a part of the decision on this land use permit. The items listed below are not conditions of land use approval and are not subject to appeal. They are advisory and informational only but may represent requirements of other agencies/departments. As such, they may be required by these other agencies/departments in order to complete your proposed development.

1. Use of a building for commercial purposes may require a change of occupancy permit. Contact County Building Codes at bldservice@clackamas.us or 503-742-4240 for permitting requirements.
 - a. The applicant shall confirm with the building codes department for change of occupancy and/or building permit for the 50 square foot office and the proposed carports.

APPEAL RIGHTS

ZDO 1307.10(F) provides that, with the exception of an application for an Interpretation, the Land Use Hearings Officer's decision constitutes the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules promulgated by LUBA prescribe the period within which any appeal must be filed and the manner in which such appeal must be commenced. Presently, ORS 197.830(9) requires that any appeal to LUBA "shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final." This decision is "final" for purposes of a LUBA appeal as of the date of the decision appearing by my signature.