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Щоб попросити переклад або спеціальні послуги для осіб з особливими потребами, зверніться до нас, скориставшись такими контактними даними:

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Clackamas County
www.clackamas.us



NOTICE OF HEARING

September 8, 2026

Randall J Borho & Tania E Thompson-Borho
PO Box 790
Beavercreek, OR 97004

RE: County of Clackamas v. Randall J Borho & Tania E Thompson-Borho
File: V0049125

Hearing Date: October 6, 2026

Time: This item will not begin before 9:30 am however it may begin later depending on the length of preceding items.

Location: Hearing will be held by virtual Zoom meeting. Please see attached information regarding the process for the Zoom meeting.

Enclosed you will find the following:

1. Notice of Rights
2. Copy of Complaint and Request for Hearing

You **must** appear at the time set forth in this Notice of Hearing or the relief requested in the **Complaint** may be **granted against you by default**.

You can access the complete hearing packet at
<https://www.clackamas.us/codeenforcement/hearings>

You may contact Diane Bautista, Code Compliance Specialist for Clackamas County at (503) 742-4459, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures

CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

1. Prior to the Hearing. You have the right to make the following requests:

- (A) You can request the opportunity to review public records and talk to County Staff about the violations or request a subpoena for that purpose if the County does not allow you to do so.
- (B) You can request that the Hearings Officer postpone the hearing for good cause by writing the Hearings Officer at least 7 calendar days prior to the scheduled hearing date.
- (C) You can request that the Hearings Officer decide the matter based exclusively on written materials from the parties or conduct the hearing by phone.

2. Procedure. The hearing will be governed by general rules of procedure designed to allow you to hear and confront the evidence against you, and for you to present evidence favorable to you. You are not required to present any evidence; the burden is on the County to establish by a preponderance of evidence that a violation exists or existed. Either party may, at their own expense, obtain an attorney, to represent that at the hearing. If you wish to be represented by an attorney, they need only notify the County and the Hearings Officer in writing of their intent to appear on your behalf. The County will present evidence first, and then you may question that evidence. You may then present your own evidence, if you wish, and the County may question your evidence. Testimony by witnesses is evidence. The Hearings Officer may inquire into any facts that are relevant to the hearing and may question parties or witnesses about the case. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.

3. Record of Proceedings. An audio record will be made of the proceedings when a hearing is conducted. The audio record is available through the Clackamas County Code Enforcement Section and is available to you upon request.

4. Hearings Officer. The Hearings Officer is an independent contractor paid by the County to conduct hearings and render decisions. He/she is not a County employee. His/her function is to preside over the hearing, make a record of proceedings, consider admissible evidence and interpret and apply the law. After the hearing is closed, the Hearings Officer will enter written findings of fact, conclusions of law and any Order deemed proper. If a violation is proven, then the Order may include civil penalties, fines, administrative fees, or may require the respondent to take certain actions, or refrain from certain actions. An Order issued by the Hearings Officer may be a final order or a continuing order. The Hearings Officer Order is the final decision of the County, and may be appealed pursuant to Oregon Law. The Hearings Officer for Clackamas County is:

**Carl Cox
Attorney at Law
14725 NE 20th Street, #D-5
Bellevue, WA 98007**

5. Right to Recess. If, during the course of the hearing, the Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceedings be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.

6. Right to Appeal. The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearing Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, the appellant is responsible for all costs of appeal including preparation of transcript.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or telephone to use the Zoom platform. The link is provided on the next page. Once you have joined the meeting, you will be prompted to **JOIN AS PANELIST**. Please accept the request to **JOIN AS PANELIST**.

If you would like to present evidence at the hearing, please email Diane Bautista at DianeBau@clackamas.us or mail your evidence, **no later than 4 working days prior to the hearing** to:

Diane Bautista
Clackamas County Code Enforcement
150 Beavercreek Rd.
Oregon City, OR 97045

Staff will process your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for your reference.

If you are unable to participate in the hearing through the Zoom platform, please contact Diane Bautista at 503-742-4459 **within 3 calendar days of the receipt of the Notice of Hearing**.

If you are unfamiliar with using the Zoom platform, please perform an internet search "How to use Zoom" prior to the hearing date. There are many interactive guides available.

If you experience difficulties connecting to the Zoom hearing prior to your scheduled start time, please call 971-930-6134, for assistance.

Zoom Information:

Join from PC, Mac, iPad, or Android:

<https://clackamascounty.zoom.us/j/87956156780?pwd=X8wQL7vkbGc668DAa3MqsEmjBAbKdF.1>

Passcode: 431050

Phone: +19712471195,,87956156780# US (Portland) 13462487799,,87956156780# US +(Houston)

Join via Audio:

+1 971 247 1195 US (Portland)	+1 651 372 8299 US (Minnesota)
+1 346 248 7799 US (Houston)	+1 689 278 1000 US
+1 408 638 0968 US (San Jose)	+1 786 635 1003 US (Miami)
+1 602 753 0140 US (Phoenix)	+1 267 831 0333 US (Philadelphia)
+1 669 219 2599 US (San Jose)	+1 301 715 8592 US (Washington DC)
+1 669 444 9171 US	+1 305 224 1968 US
+1 669 900 6833 US (San Jose)	+1 309 205 3325 US
+1 719 359 4580 US	+1 312 626 6799 US (Chicago)
+1 720 928 9299 US (Denver)	+1 360 209 5623 US
+1 206 337 9723 US (Seattle)	+1 386 347 5053 US
+1 213 338 8477 US (Los Angeles)	+1 470 250 9358 US (Atlanta)
+1 253 205 0468 US	+1 470 381 2552 US (Atlanta)
+1 253 215 8782 US (Tacoma)	+1 507 473 4847 US
+1 646 876 9923 US (New York)	+1 564 217 2000 US
+1 646 931 3860 US	+1 646 518 9805 US (New York)

Webinar ID: 879 5615 6780

International number available: <https://clackamascounty.zoom.us/j/87956156780?pwd=X8wQL7vkbGc668DAa3MqsEmjBAbKdF.1>

Department of Transportation and Development

Non-Discrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information, please visit: www.clackamas.us/transportation/nondiscrimination

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Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination

欢迎！Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问 www.clackamas.us/transportation/nondiscrimination

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng: www.clackamas.us/transportation/nondiscrimination

환영합니다. Korean

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BEFORE THE COMPLIANCE HEARINGS OFFICER
for
COUNTY OF CLACKAMAS

COUNTY OF CLACKAMAS,

Petitioner,

v.

RANDALL BORHO, and
TANIA THOMPSON-BORHO

Respondents.

File No: V0049125

COMPLAINT AND REQUEST FOR HEARING

I, Diane Bautista, Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondent's mailing address is: P.O. Box 790, Beavercreek, OR 97004.

2.

The Respondent(s) own/owns or occupies the address or location of the violation(s) of law alleged in this Complaint is 22008 S. Beavercreek Rd., Beavercreek, OR 97004 also known as T3S, R2E, Section 23C, Tax Lot 00900, and is located in Clackamas County, Oregon. The property is Rural Commercial (RC) and is the location of violation(s) asserted by the County.

3.

On or about the 5th day of January, 2026 and the 3rd day of February, 2026 the Respondents violated the following laws, in the following ways:

- a. Respondents violated the Clackamas County Zoning and Development Ordinance, Title 12, for noncompliance of Conditions of Approval for Z1188-96 and Z0171-25 by having signage on site. This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities.
- b. Clackamas County Building Code 9.02 for construction of a commercial structure without permits. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

4.

The Department initiating this procedure is the Code Enforcement Section of the Department of Transportation and Development.

5.

Notice of the violations was given to Respondents in the following manner:
Violation Notice dated January 5, 2026 and Citation and Complaint 2500491 in the amount of \$1,439.00 mailed via first class mail on February 5, 2026. A copy of the notice document is attached to this Complaint as exhibits D and F, and incorporated by this reference.

6.

Based on these allegations, petitioner requests that a hearing be set in this matter.
Petitioner seeks an Order from the Hearings Officer granting the following relief:

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to immediately abate the violation and bring the property at issue into compliance with all laws, and permanently enjoining Respondents from violating these laws in the future;

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondents for each violation, within the range established by the Board of County Commissioners. Said range for a Zoning Ordinance Title 12 Priority 2 violation being \$750.00 to \$2,500.00; Said range for a Building Code 9.02 Priority 1 violation being \$1,000.00 to \$3,500.00 per occurrence as provided by Appendix B to the Clackamas County Code

3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code;

4. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to reimburse the County for any expense the County may incur in collection of any penalties, fines or fees that may be imposed:

and

5. Ordering any other relief deemed reasonably necessary to correct the violations.

DATED THIS 2nd DAY OF SEPTEMBER 2026.

Diane Bautista

Diane Bautista
Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

RANDALL BORHO, and

TANIA THOMPSON-BORHO

Respondents.

File No.: V0049125

STATEMENT OF PROOF

History of Events and Exhibits:

December 23, 2025	Clackamas County received a complaint regarding vehicles for sale obstructing the line of site on the westbound and southbound traffic on Beavercreek Road.
December 27, 2025	Clackamas County received an additional complaint regarding permanent signage installed along Beavercreek Road and vehicles and auto sales obstructing the line of site.
December 29, 2025 Exhibit A	Correspondence was sent to the Respondents regarding the alleged violations. This correspondence was returned to the County.
December 29, 2025 Exhibit B	On December 29, 2025 I conducted land use research for the property. Land Use decision Z1188-96-E was approved with a Condition of Approval stating "No vehicles shall be parked within a 20 foot radius of the SW lot corner." Land Use decision Z0099-24 was approved for a Mobile Vending Unit with no proposed new signage. Land Use decision Z0171-25 was approved to place two mobile vending units with no proposed new signage. ZDO Section 1010.09 (C) for Mobile Vending Units Signage states "Signs shall be located flat against the unit and (1) sandwich board located within 10 feet of the Mobile Vending Unit".
December 29, 2025 Exhibit C	Please note, the year on the photos taken should have been 2025, not 2026). I conducted a site inspection and confirmed vehicles for sale were located on the southwest corner of the property. There was also signage located on the perimeter of the site for the mobile vending unit. In addition a propane tank and structure were on site without permits.
January 5, 2026 Exhibit D	Correspondence was sent to the Respondents with a deadline of February 5, 2026 to permit the installation of the propane tank and seating area and to immediately relocate the vehicles and remove all signage.

February 3, 2026 Exhibit E	I conducted a site inspection and confirmed that the structure, propane tank and signage remained. The vehicles had been removed from the southwest corner in compliance with land use decision Z1188-96-E.
February 5, 2026 Exhibit F	Citation 2500491 was issued for the Priority 2 Zoning violations in the amount of \$411.00 for the signage and \$1,028.00 for the Priority 1 Building Code violation for the propane tank and structure without permits for a total amount of \$1,439.00. Citation was mailed first class mail. This citation was not returned to the County. This citation remains unpaid.
March 3, 2026 Exhibit G	Permit B0313826 was issued for the setting of the 250 gallon propane tank and piping. This permit received final approved inspections on May 27, 2026.
May 19, 2026 Exhibit H	I conducted a site inspection and confirmed signage and structure remained on site. A review of permits showed no permits for the structure.
July 7, 2026 Exhibit I	Code Enforcement Specialist Jennifer Kauppi conducted a site inspection and confirmed the structure and flag signage for the mobile vending unit remain and a review of permits shows no permits have been submitted for the seating structure. In addition, new signage has been placed for advertising other businesses that appears to be larger than the 3 ft. x 3 ft exemption for signage and doesn't meet the 20 ft setback. I also received an email from Nick Hart in Planning who advised that he did not see anything in the land use decisions that would authorize advertising signs for businesses not located on the property.
September 2, 2026	The County referred this matter to the Code Enforcement Hearings Officer.

If the Compliance Hearings Officer affirms the County's position that a violation of the Zoning and Development Ordinance Title 12, Section 516.03, 1010.09C and 1010.12 and the Clackamas County Building Code, Section 9.02.040(A) exists, the County is requesting a Final Order in this matter seeking authorization to proceed to Circuit Court for further enforcement action. The County makes this request as the Respondents have not taken all necessary steps to correct the violation. The County is requesting the following:

- The imposition of civil penalties for the Zoning and Development Ordinance violation of between \$750.00 and up to \$2,500.00 for date cited February 3, 2026.
- The imposition of civil penalties for the Building Code violation of between \$1,000.00 and up to \$3,500.00 for date cited February 3, 2026.
- Payment for Citation No. 2500491 issued on February 5, 2026 for \$1,439.00.
- The administrative compliance fee to be imposed from February 2026 through June 2026 calculated at \$100.00 per month for 5 months for a subtotal of \$500.00 and the administrative compliance fee to be imposed for July 2026 and August 2026 at \$102.00 per month for a subtotal of \$204.00. Total administrative compliance fees total \$704.00.
- The County requests the Hearings Officer to permanently prohibit the Respondents from violating this law in the future.
- The County is requesting the Hearings Officer to authorize the County further enforcement action including to proceed to Circuit Court.

OR

Should mitigating factors be presented in the hearing, which the Hearings Officer determines to warrant a Continuing Order, the County would recommend the following:

Within 72 hours of the date of the order, remove all unpermitted signage and within 30 days obtain permits and final approved inspections for the structure or remove the structure from the site.



December 29, 2025

Randall J Borho & Tania E Thompson-Borho
PO Box 790
Beavercreek, OR 97004

**Subject: Alleged Violation of the Zoning and Development Ordinance, Title 12,
Section 513 of the Clackamas County Code**

Site Address: 22008 S Beavercreek Rd. Beavercreek, OR 97004

Legal Description: T3S, R2E, Section 23C, Tax Lot 900

It has come to the attention of Clackamas County Code Enforcement that a violation of conditions of approval may exist and that auto sales may be occurring without land use approval at the above referenced property.

Additionally, there may be signage without land use approval at the above referenced property.

This may constitute violations of the Zoning and Development Ordinance, Title 12, Section 513 of the Clackamas County Code.

Please contact Diane Bautista, Code Enforcement Specialist, within ten (10) days of the date of this letter in order to discuss this matter.

E-mail address is dianebau@clackamas.us

Telephone number is 503-742-4459.

Please note that a \$100.00 monthly Administrative Compliance Fee will be assessed if a violation has been determined and has not been abated.

Department of Transportation and Development

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NOTICE OF DECISION OF
ALTERATION OF A NONCONFORMING USE - APPROVAL

CLACKAMAS COUNTY DEPARTMENT OF TRANSPORTATION AND
DEVELOPMENT
LAND USE AND ENVIRONMENTAL PLANNING DIVISION
902 Abernethy Road, Oregon City, Oregon 97045
Phone: 655-8521

TO: Applicant, Citizens Planning Organization, Agencies, and Property Owners within
500 feet of this application.

DATE: May 9, 1997

LAST DATE TO APPEAL: May 19, 1997

FILE NO.: Z1188-96-E

STAFF CONTACT: Rick McIntire

APPLICANT: Robert Schuster; 22008 S. Beavercreek Rd., Beavercreek, OR 97004

OWNER OF PROPERTY: Same

LOCATION: At the northeast corner of the intersections of Beavercreek, Kamrath and
Leland Rds.; Beavercreek area.

LEGAL DESCRIPTION: T3S, R2E, Section 23C, Tax Lot(s)900, W.M.

SITE ADDRESS: 22008 S. Beavercreek Rd., Beavercreek, OR

TOTAL AREA INVOLVED: Approximately 0.83 acre.

PRESENT ZONING: Rural Commercial, RC

CITIZENS PLANNING ORGANIZATION FOR AREA: Beavercreek CPO

PROPOSAL: An alteration of a nonconforming use to allow the display for sale of up to
ten (10) passenger vehicles and pickup trucks in addition to farm, livestock and logging
equipment. The applicant is also requesting that the display for sale of boats and
recreational vehicles also be permitted.

FINDINGS: The Planning Division has reviewed this application for an alteration of a
nonconforming use. This application is subject to Section 1206 of the Clackamas County

Zoning and Development Ordinance (ZDO). The Planning Division has reviewed this section of the ZDO with respect to this proposal and makes the following findings:

1. The subject property is currently zoned RC, Rural Commercial adopted on Dec. 17, 1979. The property was previously zoned C-1, Local Commercial adopted on Dec. 14, 1967. Neither of these zoning designations allow the display for sale of automobiles, pickup trucks, farm or commercial trucks, farm equipment or other vehicle sales. On Jan. 6, 1984, the Planning Division did, by letter to Wayne Jenkins who at the time was a tenant of the property, recognize the site as a sales yard for farm equipment, trucks, crawlers, automobiles, and livestock trailers. The Planning Division determined that the use described by Mr. Jenkins was a legally established nonconforming use begun prior to the adoption of restrictive zoning regulations on Dec. 14, 1967. In this decision, the Planning Division also permitted Mr. Jenkins to alter the nonconforming use to allow the display for sale of up to six (6) automobiles in addition to the other farm and forestry equipment and vehicles noted above. The applicant in this action is requesting an alteration of a nonconforming use to allow the display for sale of up to ten (10) automobiles and non-farm pickup trucks at any one time as well as boats and recreational vehicles, excluding motor homes and motor coaches, in addition to the sale of farm and forestry related equipment and vehicles. The records of the County Community Environment Sec.(Code Enforcement) reflect that the site is not used as a formal, developed sales lot, but that the property owner allows, either for rent or as a courtesy, local residents to park automobiles, pickups, recreational vehicles such as motorhomes, travel trailers and campers, boats, as well as farm and forestry equipment for sale on the subject property as a casual use. Whether the property owner allows this formally, for rent, or as courtesy is immaterial to the application. What is at issue is the specific nature and scale of the use which includes the number and type of vehicles and equipment displayed for sale on the property and whether or not space is rented or is provided gratis to individuals for this purpose is not relevant in that it has no bearing on the nature of the use itself. The existing use requires no structures and uses an existing graveled parking area. The applicant has not requested approval of any structures or expansion of the graveled parking area.
2. The alteration must be reasonably necessary in order to continue the existing use. The applicant has indicated that the nature of the use has changed over the years as the agricultural and forestry activities in and around the Beavercreek rural center have decreased and the area has evolved, to a large degree, as a rural residential area. This evolution of land use in the immediate and nearby area has reduced the demand for a central location for the display for sale of farm and forestry equipment and increased the demand for a place for local residents to display for sale automobiles, pickup trucks, horse trailers, recreational vehicles and boats. The applicant has stated that the basic use is, and has historically been, the sale of rolling stock (vehicles of some type) and equipment including tractors, crawlers, trailers, heavy equipment, etc. What is requested is a change in the

relative numbers of specific vehicle types. Due to the evolution of predominant land uses in the area from farming and forestry uses to rural residential and small farm use and the declining need for a farm and forestry vehicle and equipment sales yard, the applicant believes that the nonconforming use cannot reasonably be continued without approval of this request. The staff finds that the applicants discussion of the need for the change is reasonable and the alteration is necessary to continue the nonconforming use of vehicle and equipment sales.

3. The alteration will have no greater adverse impact on the neighborhood than the existing use, structure(s) and/or physical improvements. As noted above, the use does not involve any structures and the only physical improvement is the graveled parking lot. This will not change if the request is approved. The previously approved alteration allowed the display for sale of up to six (6) automobiles and pickup trucks and did not place a limit on the number of other vehicles or equipment. The total number of vehicles and equipment would only be limited by the size of the parking area itself located west of the building housing another use on the property. The other vehicles and equipment allowed to be sold could include heavy equipment and multi-axle trucks, which could impose a greater hazard to traffic on the fronting street as such vehicles and equipment are moved onto and off the premises. The staff believes that the use of lot for sales of such vehicles and equipment has declined considerably and is likely to continue to do so due to the changing land use characteristics of the area. The movement of autos, pickups, boats, campers and camp trailers to and from the premises will impose no greater adverse traffic impacts upon the area than the existing allowed use. Neither will they produce increases in noise levels and odors and fumes. The staff also believes that the aesthetic impact of the change will certainly be no greater, and may in fact, be less given the fact that the appearance of autos, boats, pickups, etc. is a more important selling point than it may be for farm and forestry vehicles and equipment. The alteration of the use may increase traffic into and out of the property to some degree as it is assumed that potential purchasers of autos, boats, campers, etc. are greater in number than those for the more specialized farm and forestry vehicles and equipment. However, on balance, the staff finds that the proposed alteration of the nonconforming use will have no greater adverse impact upon the neighborhood than the existing/historic use.

DECISION: Approval. Based upon the above findings, it is the decision of the Clackamas County Planning Division staff to approve this application for an alteration of a nonconforming use, subject to the following conditions:

1. This application is approved consistent with the application as submitted and the conditions contained herein. Any alteration or change of the use from that described, change of access points, expansion of the existing parking area, erection of structures to facilitate the use, etc. will require a separate review and approval by the Planning Division.

2. This approval specifically allows the parking and display for resale of up to ten (10) passenger automobiles, pickup trucks, and vans and the display for resale of campers, travel trailers, boats and boat trailers in addition to the display for resale of farm and forestry use related vehicles and equipment. Any pickup or van shall be counted against the ten (10) vehicle limit. All vehicles and equipment displayed for sale on the premises shall be in working order and currently licensed as necessary. This approval does not permit the display for sale of motor homes or motor coaches.
3. All items noted above shall be parked within the existing graveled parking area at the west end of the subject property and no expansion of the graveled lot is permitted. Access to the display/sales area shall not be encumbered by parked items. A ten (10) foot setback from the road shoulder to the parking area shall be maintained and this strip shall be planted to grass or other landscaping and shall be regularly mowed/maintained. No vehicles shall be parked within a twenty (20) ft. radius of the southwest lot corner to maintain sight distance at the street intersection. This limitation shall also apply to the access point from the sales lot to the street.
4. The applicant shall comply with any requirements of the Clackamas County Fire District No. 1 with respect to emergency vehicle access, site identification numbering, and interior circulation and access. This may require the applicant to define the parking spaces on the lot. Within sixty (60) days of the date of this decision, the applicant shall provide to the Planning Division written verification from the District that the Districts' requirements, if any, have been satisfied.
5. Approval is subject to these conditions of approval and failure to comply and maintain compliance may be cause for revocation of the permit.

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

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE. IF YOU DISAGREE WITH THESE FINDINGS OR CONDITIONS, YOU MAY APPEAL THIS DECISION TO THE CLACKAMAS COUNTY HEARINGS OFFICER. THE COST OF THE APPEAL IS \$100. YOUR APPEAL MUST BE RECEIVED IN THE PLANNING DIVISION OFFICE BY 5:00 ON THE LAST DATE TO APPEAL WHICH IS **MAY 19, 1997**. THIS PERMIT WILL NOT BE EFFECTIVE UNTIL THE DAY AFTER THE APPEAL DEADLINE.



NOTICE OF DECISION ON A TYPE I LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Mobile Vending Unit

File No. Z0099-24

Proposal: The applicant is proposing to add one mobile vending unit and eating area on the subject property which was previously developed and zoned RC.

Decision Date: May 14, 2024

Issued By: Roman Sierra, Planner I, RSierra@clackamas.us

Assessor's Map & Tax Lot(s): T3S, R2E, Section 23C Tax Lot(s) 00900

Site Address: 22008 S Beavercreek Rd

Applicant: Saul Uribe Sanchez

Owner of Property: Randall J Borho

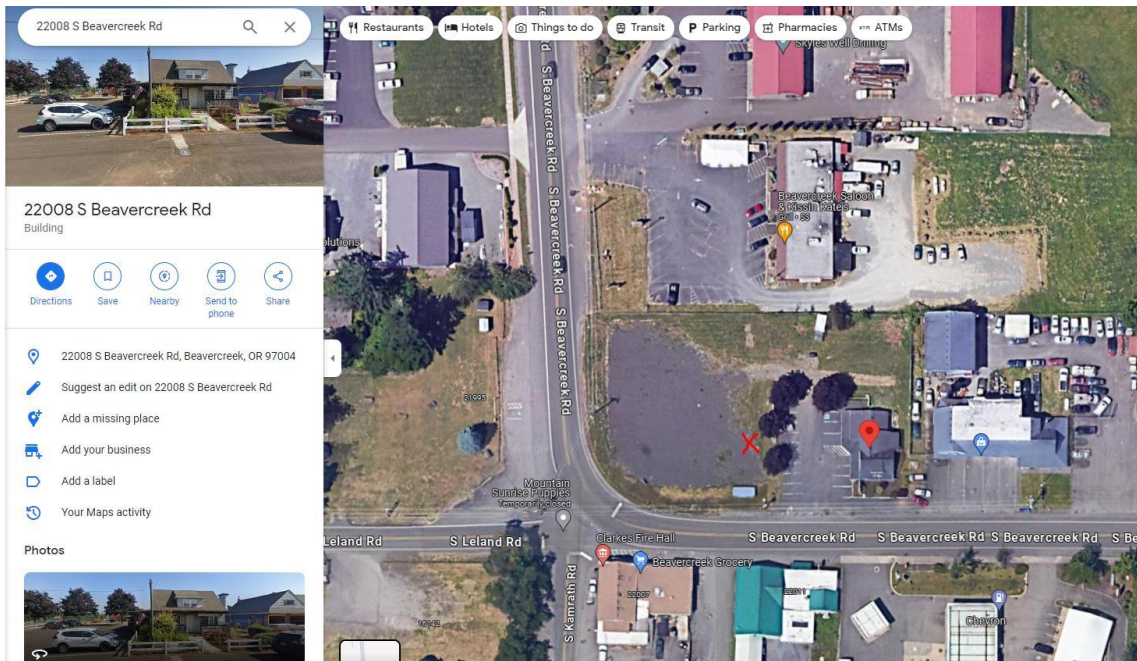
Zoning: Rural Commercial (RC)

APPLICABLE APPROVAL CRITERIA: This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 513, 837, 1307.

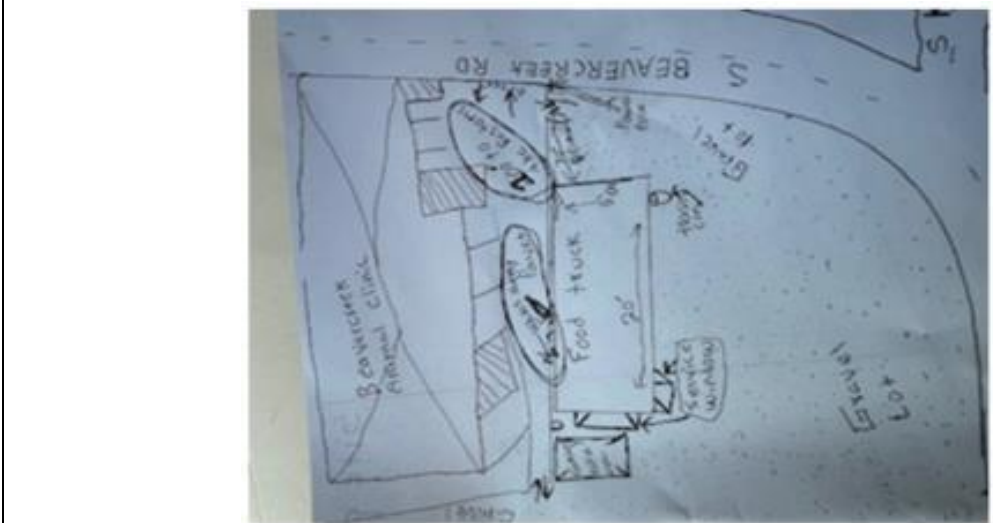
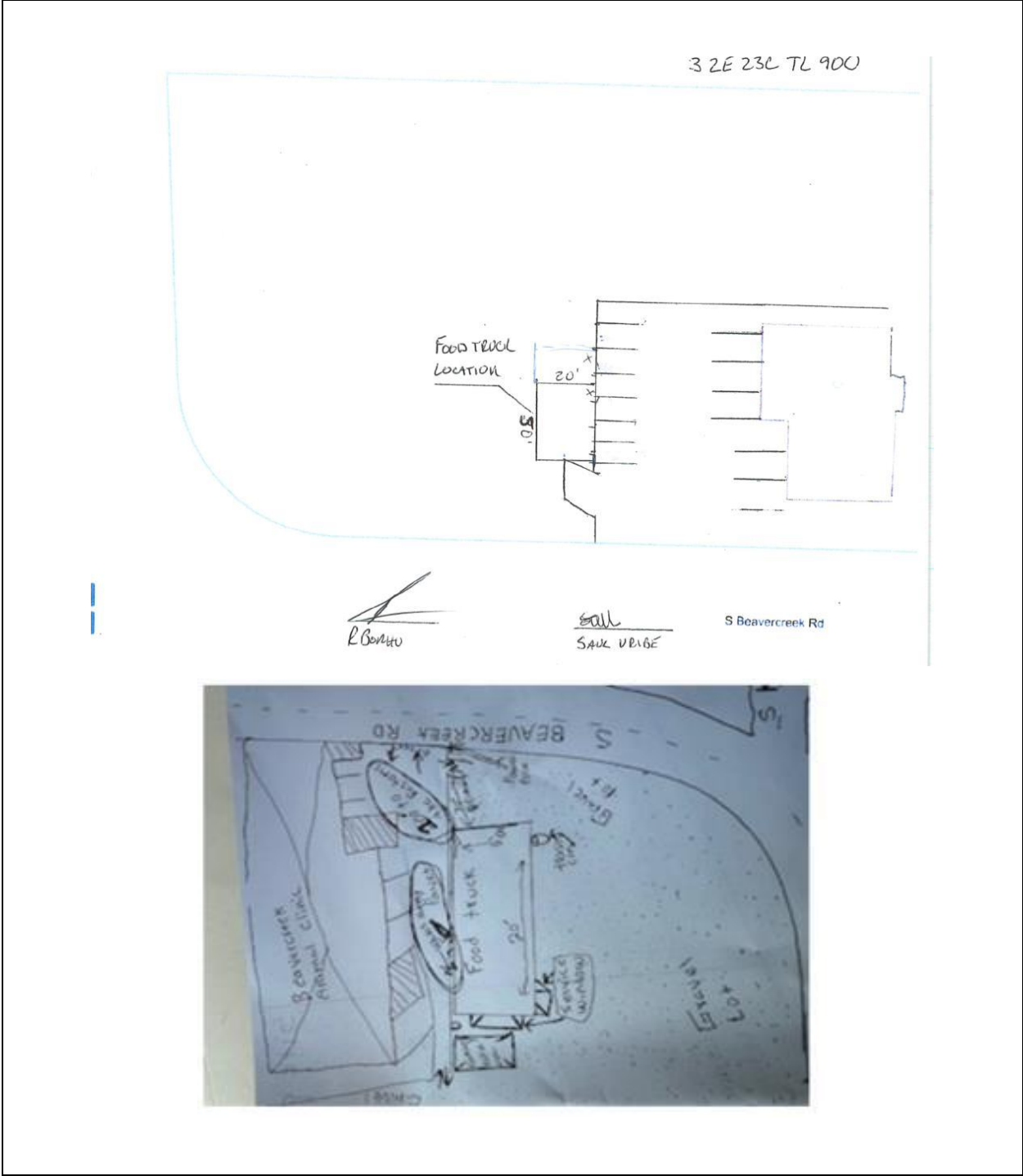
Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод? 翻译或口译? |
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Location Map



Site Plan



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 3/11/2024. 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. Neither the mobile vending unit nor any item relating to the unit shall lean against or hang from any structure or utility pole.
3. No structure shall be attached to the mobile vending unit.
4. New structures, such as restroom buildings, trash enclosures, and gazebos, are prohibited, except that a fence may be constructed pursuant to ZDO Subsection 837.04(Q).
5. Except as specifically allowed by ZDO Section 837, items relating to the mobile vending unit shall be stored in, on, or under the unit.
6. Customer seating or vending inside the mobile vending unit is prohibited.
7. Portable toilets are prohibited.
8. Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as above ground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy required bicycle parking spaces, loading areas driveways, onsite circulation drives, parking lot aisles, or walkways.
9. No new or modified driveway access is permitted.
10. Drive-thru window service is prohibited.
11. The mobile vending unit shall not occupy landscaping areas approved as part of a prior design review or other land use application.
12. Skirting shall be placed around the perimeter of the mobile vending unit.
13. The mobile vending unit shall not be used to sell or dispense marijuana items.

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 place one mobile vending unit, and canopy eating area on the gravel area of the subject property. The subject property has no known design review.

2. **ZDO Section 513 Rural Commercial**

Mobile Vending Units are an allowed use in the RC Zone subject to compliance with the standards of ZDO 837.

3. **ZDO Section 837.04 Level 2 Mobile Vending Units**

A level two mobile vending unit requires review as a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards:

A. Qualifying Site: The mobile vending unit shall be located on a developed site. A developed site is one that has previously received design review approval and where that approval has been implemented. Alternatively, if not located on a developed site, the mobile vending unit shall remain on the subject property for no more than 120 days in a calendar year. For the purpose of this standard:

1. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.
2. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.

Finding: The site is developed with office buildings, paved parking area that was previously used as a farm equipment sales lot under non-conforming use file# I-399-83, Z1117-96-E, and Z01118-96-E. Z0692-93-D is for covered deck addition. Therefore the subject property does not meet the “Qualifying Site” definition. As conditioned, the mobile vending unit shall not remain on the subject property for no more than 120 days in a calendar year.

B. Maximum Number: Except as allowed under Subsection 837.03, no more than two mobile vending units may be located on a single lot of record, or on two or more lots of record that are part of a single development.

Finding: The applicant is proposing one mobile vending unit with this application and on a single lot of record. This criterion is met.

C. Accessory Items and Structures: Portable accessory items, such as picnic tables and trash cans, are permitted. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the mobile vending unit nor any item relating to the unit shall lean against or hang from any structure or utility pole. No structure shall be attached to the mobile vending unit. New structures, such as restroom buildings, trash enclosures, and gazebos, are prohibited, except that a fence may be constructed pursuant to Subsection 837.04(Q).

Finding: The applicant does not propose any restroom buildings, trash enclosures, or any kind of attachments to the mobile vending unit. However, the applicant is proposing picnic tables and a canopy. This criterion is met.

D. Accessory Storage: Except as specifically allowed by Section 837, items relating to the mobile vending unit shall be stored in, on, or under the unit.

Finding: The applicant does not proposed any outside storage for items related to the mobile vending unit. This condition is included and subject to the following standards to ensure compliance.

E. Interior Seating or Vending: Customer seating or vending inside the mobile vending unit is prohibited.

Finding: The applicant does not propose any interior seating or vending inside the mobile vending unit. However, the applicant is proposing outside seating north of the mobile vending unit as demonstrated on the site plan. The condition above is included and subject to the following standards to ensure compliance.

F. Maximum Size: The mobile vending unit shall not exceed 200 square feet, measured by the outside dimensions of the unit. Attachments to the mobile vending unit, such as awnings or canopies, shall be excluded when calculating the square footage.

Finding: The applicant does not proposed to place a mobile vending that exceeds the maximum 200 sq. ft on the subject property. This criterion is met.

G. Minimum Setbacks and Separation Distance: The mobile vending unit shall be located a minimum of:

1. Five feet from any structure or mobile vending unit;
2. Ten feet from any front lot line, except in the RTC District in Government Camp, where the minimum front setback from a lot line abutting Government Camp Loop shall be four feet, and a corner lot with frontage on Government Camp Loop shall comply with a minimum front setback of 10 feet from the lot line abutting the other road; and

3. Five feet from any side or rear lot line, except if such lot line abuts a residential zoning district, in which case the minimum shall be 15 feet.

Finding: Submitted drawings demonstrate that mobile vending units will have a five (5) foot separation from any commercial building, 10' front and 5' side lot line. This is in compliance with the dimensional standards noted above, therefore the criterion is met.

H. Utilities: To the extent that utilities are desired by the applicant or required by applicable regulations, the mobile vending unit shall have self-contained utilities, or if onsite utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company. Notwithstanding this requirement:

1. If allowed by the utility district or company and any applicable Oregon Specialty Code, aboveground utility connections are permitted, when a mobile vending unit will remain on the subject property for no more than 120 days in a calendar year. For the purpose of this exception:

a. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.

b. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.

2. If allowed by the utility district or company and the Oregon Electrical Specialty Code, aboveground power cords are permitted to connect the mobile vending unit to an approved electricity source.

3. If allowed by the utility district or company and the Oregon Plumbing Specialty Code, aboveground hoses are permitted to connect the mobile vending unit to an approved water source.

Finding: The applicant has noted on their application that above ground electricity will be connected to nearby power pole to the south. Water spigot located west of the parking lot and in close proximity to the proposed mobile vending unit. The only utilities that will be self-contained on proposed mobile vending unit will be gray water and propane gas. This criterion is met.

I. Portable Sanitation Facilities: Portable toilets are prohibited. Portable handwashing facilities are permitted but may not drain to the surface.

Finding: The applicant does not proposed any portable toilets or sanitation facilities, however, the applicant proposed the use of the commercial building's restroom for both employee and customer use. The condition above is included and subject to this criterion.

J. On-Site Wastewater Treatment Systems: Inside the Portland Metropolitan Urban Growth Boundary (UGB), Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village, on-site wastewater treatment systems are prohibited unless allowed by Subsection 1006.05(B).

Finding: The subject property is outside the UGB, and therefore applicant does not proposed any on-site wastewater treatment for proposed mobile vending unit. The unit has self-contained wastewater storage that will be drained by contractor. The criterion is met.

K. Obstruction of Vehicular and Pedestrian Use Areas: Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, driveways, onsite circulation drives, parking lot aisles, or walkways. However, occupying existing onsite automobile parking spaces is permitted, provided that such spaces are not simultaneously used for parking.

Finding: The applicant has stated that no vehicular or pedestrian use areas, drive isles will be obstructed and as shown on the submitted site plan the proposed MVU and seating area will be sited on an undeveloped open gravel area and approximately 30' from the nearest driveway. This criterion is met.

L. Setback from Vehicular and Pedestrian Use Areas: Windows and doors used for service to customers shall be located a minimum of 10 feet from loading areas, driveways, onsite circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.

Finding: The applicant's site plan demonstrates that doors/service windows will exceed the minimum 10 feet to loading areas, onsite circulation drives or parking isles, and a minimum of 5 feet from walkways. The submitted drawings demonstrate compliance with these standards. As conditioned, this criterion is met.

M. Driveway Access: No new or modified driveway access is permitted.

Finding: No new or modified driveways proposed. This criterion is met.

N. Intersection Sight Distance and Roadside Clear Zones: The mobile vending unit and any attachments or accessory items shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards.

Finding: The applicant demonstrates that both mobile vending unit, and any attachments or accessory items complies with the intersection sight distance of S Beavercreek Rd, S Leland Rd, and S Kamrath Rd. Proposed mobile vending units will exceed the minimum setbacks for the Roadside

Clear Zone standards at 45 MPH and as shown in the submitted site plan. This criterion is met.

O. Surfacing: Inside the UGB, the mobile vending unit shall be placed on an existing hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be on existing hard-surfaced areas, unless a permeable parking, loading, or maneuvering area surface was authorized as part of a previously implemented design review approval for the site. Outside the UGB, the mobile vending unit shall be placed on an area surfaced with screened gravel or better, and any associated parking, loading, and maneuvering areas for vehicles shall be surfaced with screened gravel or better.

Finding: The subject property is outside the UGB and proposed mobile vending unit will be located on existing graveled surface alongside of existing paved parking area, and maneuvering areas for vehicles that is associated as part of existing animal hospital. This criterion is met.

P. Drive-Thru Window Service: Drive-thru window service is prohibited.

Finding: The applicant did not proposed drive-thru service with this application. This criterion is met.

Q. Screening: If the mobile vending unit is located less than 20 feet from a residential zoning district, the unit shall be screened from the lot line abutting that zoning district. Required screening:

1. May be provided by an existing structure, a fence, or a hedge;
2. Shall be sight-obscuring; and
3. Shall have a minimum height of six feet.

Finding: The mobile vending unit is located more than 20 feet from any residential zoning district and as shown on the County's Zoning maps. This criterion is not applicable.

R. Obstruction of Existing Landscaping: The mobile vending unit shall not occupy landscaping areas approved as part of a prior design review or other land use application. Other elements associated with the mobile vending unit, such as seating areas, also shall not occupy such landscaping areas, unless such elements are permitted as pedestrian amenities under Subsection 1009.02(A)(9).

Finding: The applicant does not propose to obstruct or occupy any landscaping areas. This criterion is met.

S. Signs: Signs are permitted pursuant to Section 1010, Signs.

Finding: The applicant does not proposed any new signage. Menu and name will be attached to the mobile vending unit and is exempt from this Section. This criterion is met.

T. Trash Receptacle: A trash receptacle for customer use shall be maintained no more than 10 feet from the mobile vending unit.

Finding: The applicant proposed to have trash receptacle no more than 10 feet from the mobile vending unit(s) and as shown in the attached site plan. This criterion is met.

U. Skirting: Skirting shall be placed around the perimeter of the mobile vending unit.

Finding: The condition above is included and subject to this criterion for compliance.

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. *Clackamas County Environment Health* has reviewed the proposal and has provided the following advisory notes:
 - i. The applicant shall submit a mobile unit plan review application, mobile unit license application and pay fees if selling food/beverage to the public.
 - ii. To discuss application, and submittal requirements, please contact County Environmental Health staff at eh@clackamas.us , 503.742.5300.
 - iii. Find information about Environmental Health Fees
<https://www.clackamas.us/publichealth/ehfees>
2. *Clackamas County Engineering* has reviewed the proposal and has provided the following advisory notes:

Facts and Findings:

1. The applicant has proposed a mobile vending unit in a gravel area on S Beavercreek Road. The project site is currently developed with a commercial building, with an improved driveway.
2. S Beavercreek Road is classified as a rural major arterial roadway (*Comprehensive Plan* map 5-4b).

3. The mobile vending unit is proposed in a gravel area north of the existing paved parking lot. Access to the existing gravel area has historically been from the north end of the parking lot. A new, two-way drive aisle is proposed near S Beaver Creek Road adjacent to the west side of the site driveway. A minimum driveway throat length of 20 feet is required from the edge of pavement on S Beaver Creek Road to a drive aisle, per Roadway Standards Section 330(h). It appears the proposed driveway will need to be located further north where the first two parking spaces are located on the west side of the parking lot.

Development Engineering recommended conditions of approval:

1. If the new two-way drive aisle is proposed, the applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project.
2. A minimum driveway throat length of 20 feet shall be provided from the edge of pavement on S Beaver Creek Road to the first drive aisle into the proposed gravel circulation area.
3. A minimum drive aisle width of 18 feet shall be provided for two-way travel.

The new drive aisle shall be improved with screened gravel or better, per Roadway Standards Drawing R100.



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Other Mobile Vending Unit Level III

File No. Z0171-25

Applicant's Proposal: Application proposing to place two (2) mobile vending units on gravel area and in close proximity of the existing veterinary building, (1) outdoor seating area, and one new trash enclosure within the Rural Commercial District (RC).

Decision Date: July 14, 2025

Deadline for Filing Appeal: July 28, 2025, at 4:00 pm.

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

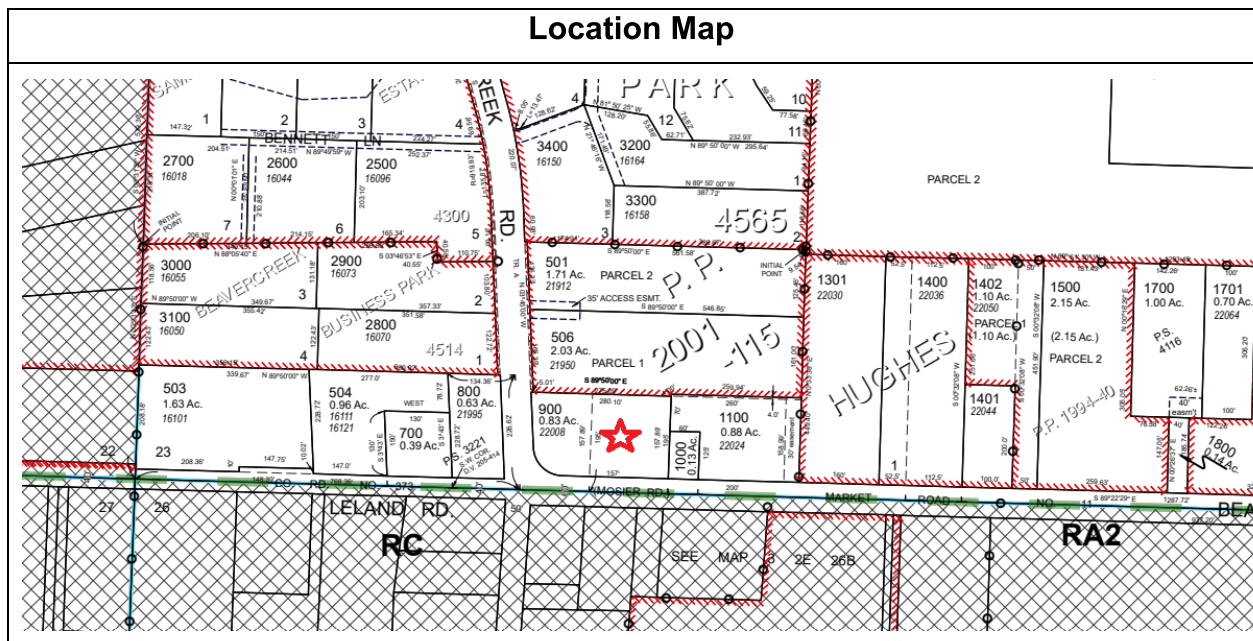
Applicant: Randy Borho

Owner of Property: Randy L Borho

Zoning: Rural Commercial (RC)

Assessor's Map & Tax Lot(s): T3S R2E Section 23C Tax Lot 00900

Site Address: 22008 S Beavercreek Rd



Community Planning Organization (CPO) for Area:

HAMLET OF BEAVERCREEK Tammy Stevens 503-632-3552 tsr@bctonline.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://accela.clackamas.us/citizenaccess/>. Select the **Planning** tab and enter the file number to search. Select **Record Info** and then select **Attachments** from the dropdown list, where you will find the submitted application. A copy of the decision, application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost by contacting the Planner listed above. Copies of all documents may be purchased at a cost established by the County fee schedule.

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

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

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

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

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

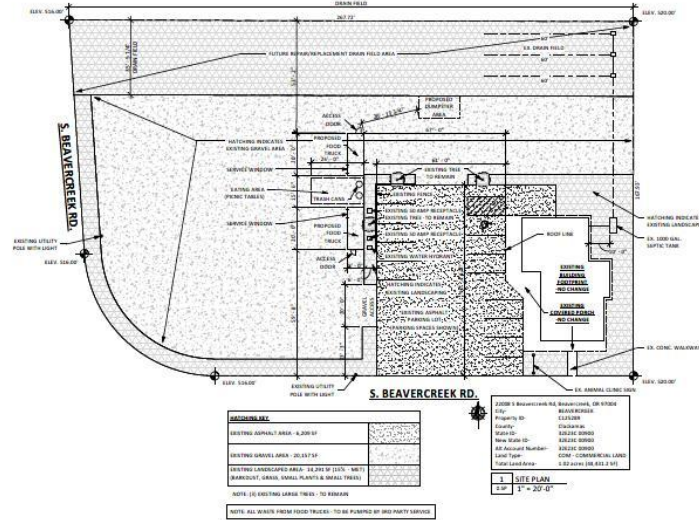
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Location Map



Site Plan

Exhibit A



Randy Borho
2200 S Beaver Creek Rd, Beaver Creek, OR 97004
SITE PLAN

Project Number: 12000

Scale: 1" = 20'-0"

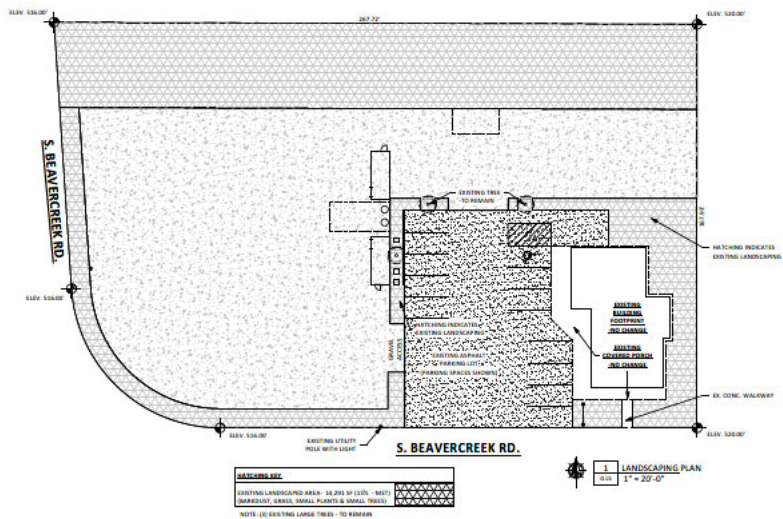
Date: 08/11/2011

Author: JLB

Checker: JLB

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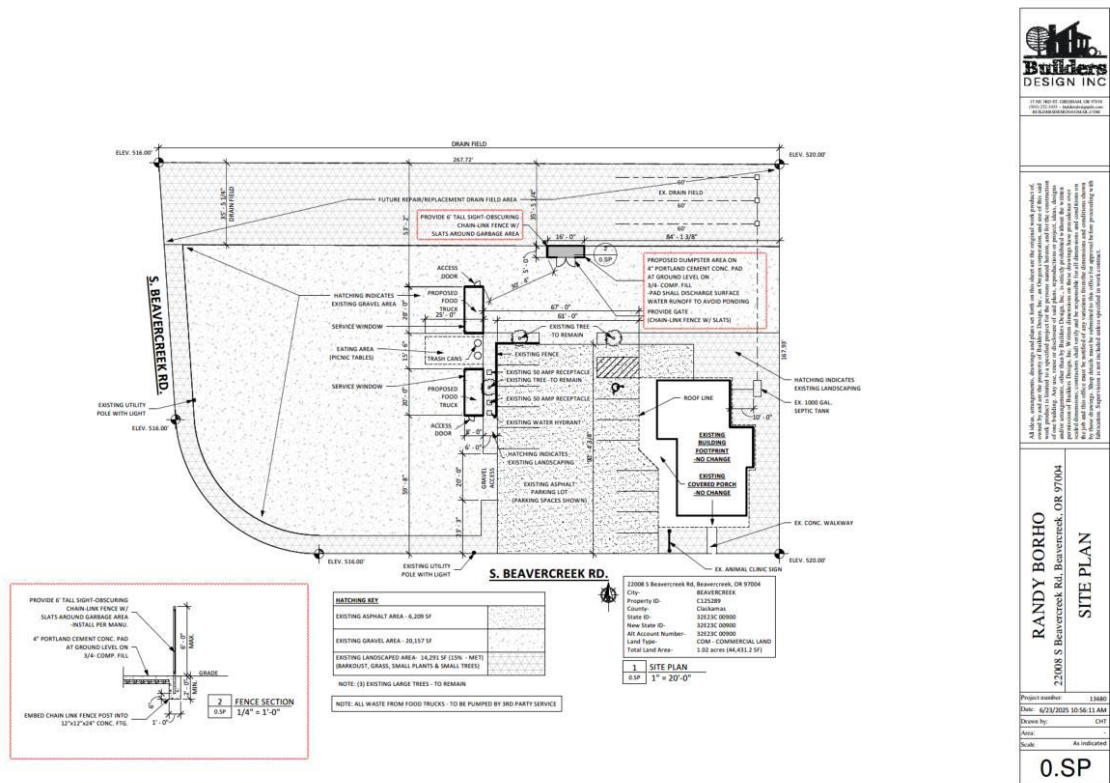
Exhibit G

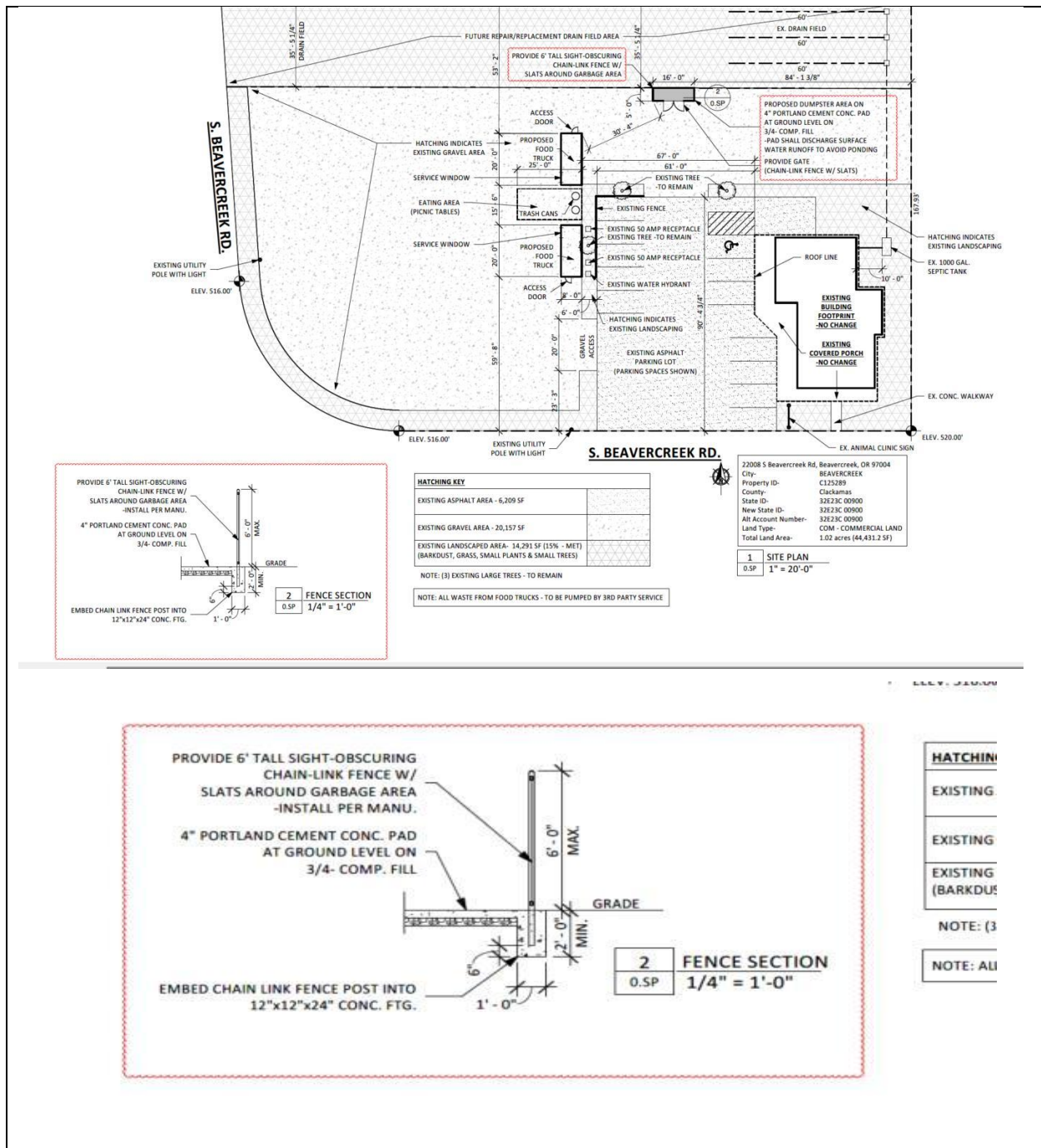


ILLUMINATION PLAN



SOLID WASTE ENCLOSURE





CONDITIONS OF APPROVAL

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied.

1. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on 4/30/2025 and additional documents submitted

on 6/4/25, 6/13/25, & 6/23/25. 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. Pursuant to ZDO Subsection 837.07, the decision is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four year period, the approval shall be implemented, or the approval will become void unless a time extension is timely filed and approved pursuant to ZDO Section 1310. "Implemented" means all necessary development permits shall be obtained and maintained for the approved development.
3. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. No structure shall be attached to the mobile vending unit.
4. Except as specifically allowed by ZDO Section 837, items relating to the mobile vending unit shall be stored in, on, or under the unit.
5. Customer seating or vending inside the mobile vending unit is prohibited.
6. The mobile vending units shall not exceed 200 square feet each, measured by the outside dimensions of the unit.
7. Trees outside of the approved development envelope shall be separated from the development envelope with orange construction fencing (i.e., safety fencing, snow fencing, or a comparable product) during construction to prevent disturbance.
8. Utilities shall comply with Subsection 837.05(I)
9. Portable toilets are prohibited unless connected to a sanitary sewer system or on-site wastewater treatment system.
10. Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as above ground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy required bicycle parking spaces, loading areas driveways, onsite circulation drives, parking lot aisles, or walkways.
11. Signs are permitted pursuant to Section 1010
12. A trash receptacle for customer use shall be maintained no more than 10 feet from the mobile vending unit.
13. Applicant shall install a waste and recycling enclosure that complies with ZDO Section 1021 and consistent with plans submitted with this land use application.
14. Skirting shall be placed around the perimeter of the mobile vending unit.

15. Prior to any earth-disturbing activity, the applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development.

APPLICABLE APPROVAL CRITERIA

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 513, 837, 1002, 1003, 1005, 1006, 1007, 1009, 1010, 1015, 1021, 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 and recommended conditions from Clackamas County Engineering, Clackamas County Sustainability, Clackamas River Water, & Clackamas RFPD#1.**

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 seeking approval of a Level III MVU application to place two mobile vending units on the subject property. The proposal also includes an outside eating area with a pop up tent that will be placed on the westerly undeveloped graveled area adjacent to the existing paved parking area. Proposed site improvements also include new enclosed solid waste area. The subject property has been developed since 1930s that is currently subject to a Nonconforming Farm Equipment or Automobile Sales business and most recently a Veterinary clinic, sign structure, drive isles, vehicle parking spaces, landscaping, and paved surface; non-conforming files I-399-83, Z1117-96-E, and Z01118-96-E and most recently approval of a Level II MVU review File Z0099-24 that would allow an MVU on a strict limited basis. The subject property has no known design review.

2. **ZDO Section 513 Rural Commercial District**

ZDO Section 513 regulates the RC District, and Table 513-1 identifies permitted uses in the zone.

Finding: The proposed development is located in the Rural Commercial District. The applicant is seeking approval for a Level Three Mobile Vending

Unit, which is listed as a permitted use in the RC District per Table 513-1. This criterion is met.

513-2 DIMENSIONAL STANDARDS

Please see the table below for an analysis of the dimensional standards for the RC Zoning District and those indicated by the applicant in the submitted materials.

	Ordinance Standard	Demonstrated Dimension	Complies With Standard
Minimum Lot Size	None	None	Yes
Minimum Front Setback	30'	All structures exceed front setback	Yes
Maximum Front Setback	None	None	Yes
Minimum Rear Setback	10'	10'	Yes
Minimum Side Setback	10'	10'	Yes
Maximum Building Height	None	None	None

Finding: Section 837.05(F) provides setbacks for the proposed mobile vending units. The applicant is proposing use of a pop up tent as a covered eating area, and trash enclosure. As provided in the table above, the proposal satisfies the dimensional standards for the Rural Commercial zoning district. This criteria is met.

3. **ZDO Section 837 Mobile Vending Units**

837.05 LEVEL THREE MOBILE VENDING UNITS

- A. Maximum Number: Except as allowed under Subsection 837.03, no more than four mobile vending units may be located on a single lot of record, or on two or more lots of record that are part of a single development.

Finding: The subject property received prior approval for one (1) MVU under land use file Z0099-24. The applicant is proposing to add an additional MVU for a total of two (2) single mobile vending units on the subject property, per the submitted site plan, and supporting narrative. Therefore this criterion is met.

- B. Accessory Items and Structures: Portable accessory items, such as picnic tables and trash cans, are permitted. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely

by the unit and do not touch the ground. Neither the mobile vending unit nor any item relating to the unit shall lean against or hang from any structure or utility pole. No structure shall be attached to the mobile vending unit. New accessory structures may be constructed, as follows:

1. A maximum of two restroom structures, provided that the combined square footage does not exceed 200;
2. A maximum of two storage buildings, provided that the combined square footage does not exceed 200;
3. One trash enclosure; and
4. Outdoor seating areas, which may have roofs, floors, and railings, but no walls (e.g. decks, picnic shelters), provided that the combined square footage does not exceed 200 square feet per mobile vending unit and that no single structure exceeds 200 square feet.

Finding: The applicant is not proposing to attach any structures to the mobile vending unit, or storage buildings. The proposed mobile vending units will have walk up window service. Applicant has noted and proposed one (1) 128 square foot pop up tent to cover outdoor seating area, and one new trash enclosure not to exceed 200 square feet. A condition of approval will require ongoing compliance with the limitation on attachments to the mobile vending unit and the prohibition on leaning against or hanging from any structure or utility pole. As conditioned, this criterion is met.

- C. Accessory Storage: Except as specifically allowed by Section 837, items relating to the mobile vending unit shall be stored in, on, or under the unit.

Finding: The application materials do not identify any storage outside the mobile vending unit. However, a condition of approval is warranted to ensure ongoing compliance with this standard. As conditioned, this criterion is met.

- D. Interior Seating or Vending: Customer seating or vending inside the mobile vending unit is prohibited.

Finding: The applicant is not proposing any interior seating or vending inside mobile vending unit. This criterion is met.

- E. Maximum Size: The mobile vending unit shall not exceed 200 square feet, measured by the outside dimensions of the unit. Attachments to the mobile vending unit that are supported entirely by the unit and do not touch the ground shall be excluded when calculating square footage.

Finding: The proposed mobile vending units will be approximately 8 feet by 20 feet, for a total area of 160 square feet each. In the event that the applicant chooses a different model of vending unit or replaces it in the future, a condition of approval will require that the mobile vending unit shall not exceed 200 square feet, measured by the outside dimensions of the unit. As conditioned, this criterion is met

- F. Minimum Setbacks and Separation Distance: The mobile vending unit shall be located a minimum of:
1. Five feet from any structure or another mobile vending unit;
 2. Ten feet from any front lot line, except in the RTC District in Government Camp, where the minimum front setback from a lot line abutting Government Camp Loop shall be four feet, and a corner lot with frontage on Government Camp Loop shall comply with a minimum front setback of 10 feet from the lot line abutting the other road; and
 3. Five feet from any side or rear lot line, except if such lot line abuts a residential zoning district, in which case the minimum shall be 15 feet.

Finding: The mobile vending units proposed are within the RC district, and the subject property does not share a common boundary to a residential zoning district. The site plan demonstrates that the mobile vending units will be five (10) feet from the east and north side and rear lot line and more than ten (30) feet from the south and west front lot lines. The mobile vending units will be five (5) feet from any existing building, and from another mobile vending unit. This criterion is met.

- G. Structure Setbacks: Structures allowed under Subsection 837.05(B) shall comply with the setback standards of the zoning district in which the subject property is located.

Finding: Applicant proposed two (2) trash receptacles within 10 feet of each MVU, a new trash enclosure not to exceed 200 square feet, and one (1) 128 square foot pop up tent to cover outdoor seating area, and as allowed by Subsection 837.05(B). Proposed structures will comply with the property line setback standards of the RC District and as demonstrated on their site plan and dimensional standards table above. This criterion is met.

- H. Hillsides, Trees and Wooded Areas, and Mass Movement Hazard Areas: The development shall be subject to Subsections 1002.01, 1002.03, and 1003.02, as applicable.

Finding: Subsection 1002.01 regulates development on slopes over 20 percent. Available contour mapping demonstrates that slopes in the development area are less than 20 percent. Subsection 1002.03 regulates trees and wooded areas. Aerial photography demonstrates

that there are 3 mature trees existing on the subject area where the MVUs will be sited, however, there is no proposed plans to remove trees. 1003.02 regulates mass movement hazard areas. Available mapping does not identify mass movement hazard areas on the subject property. As conditioned, this criterion is met.

- I. Utilities: To the extent that utilities are desired by the applicant or required by applicable regulations, the mobile vending unit shall have self-contained utilities, or if onsite utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company. Notwithstanding this requirement:
1. If allowed by the utility district or company and any applicable Oregon Specialty Code, aboveground utility connections are permitted, when a mobile vending unit will remain on the subject property for no more than 120 days in a calendar year. For the purpose of this exception:
 - a. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.
 - b. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.
 2. If allowed by the utility district or company and the Oregon Electrical Specialty Code, aboveground power cords are permitted to connect the mobile vending unit to an approved electricity source.
 3. If allowed by the utility district or company and the Oregon Plumbing Specialty Code, aboveground hoses are permitted to connect the mobile vending unit to an approved water source.

Finding: The applicants' submitted materials indicate that electrical, water and sanitary will be provided from the nearby onsite connections and will run underground. As conditioned, this criterion is met.

- J. Portable Sanitation Facilities: Portable toilets are prohibited unless they are connected to a sanitary sewer system or an on-site wastewater treatment system. Portable hand-washing facilities are permitted but may not drain to the surface.

Finding: Applicant is not proposing any portable sanitation nor portable hand-washing facilities. However, an auxiliary restroom facility, located within the existing veterinary clinic, is proposed with this application. The use of the restroom facility will only be for employees of the mobile vending unit and not their customers. This criterion is met.

- K. On-Site Wastewater Treatment Systems: Inside the Portland Metropolitan Urban Growth Boundary (UGB), Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village, on-site

wastewater treatment systems are prohibited unless allowed by Subsection 1006.05(B).

Finding: Per the Clackamas County GIS system, the site is outside the Portland Metropolitan Urban Growth Boundary. No onsite wastewater treatment system is proposed. The proposed mobile vending units will have self-contained grey water tanks that will be serviced by an independent company. This criterion is met.

- L. Lighting: Outdoor lighting shall be subject to Subsection 1005.04.

Finding: The applicant is not proposing new lights, however, the existing street lighting will remain and as demonstrated by street view photograph, existing lights will comply with this standard. No light will be directed skyward, no pole-mounted fixtures will exceed 25 feet and lighting fixtures will be directed within the boundaries of the subject property. A condition of approval is warranted to ensure compliance with this standard and as conditioned, this criterion is met.

- M. Obstruction of Vehicular and Pedestrian Use Areas: Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, driveways, onsite circulation drives, parking lot aisles, or walkways.

Finding: As proposed the mobile vending unit and all associated elements will not be occupying nor are they located near any existing bicycle parking space, onsite circulation drives, parking lot aisles, and walkways as demonstrated on the submitted site plan. The mobile vending units, and eating area will be located in an undeveloped area adjacent to the existing paved parking area. This criterion is met.

- N. Setback from Vehicular and Pedestrian Use Areas: Windows and doors used for service to customers shall be located a minimum of 10 feet from loading areas, driveways, onsite circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.

Finding: The submitted plans demonstrates that service windows and employee door will be located more than 10' feet away from loading areas, driveways, circulation drives, and parking lot aisles. Bicycle parking spaces are not required per Table 1015-3. This criterion is met.

- O. Driveway Access: Approval of driveway access shall be subject to the Clackamas County Roadway Standards.

Finding: The applicant is not proposing to add or remove the existing driveway access. Clackamas County Engineering reviewed the site plan for compliance with the Clackamas County Roadway Standards and

provided conditions of approval to ensure compliance with the driveway access requirements. This criterion is met and in compliance.

- P. Intersection Sight Distance and Roadside Clear Zones: The mobile vending unit and any attachments or accessory items or structures shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards.

Finding: Clackamas County Engineering has reviewed the site plan for compliance with the Clackamas County Roadway Standards.

The project site is located on the north side of S Beavercreek Rd. The project site is currently developed with a commercial building, paved parking area, and one driveway approach.

S Beavercreek Rd is classified as a major arterial roadway (Comprehensive Plan map 5-4b), and is under the jurisdiction of Clackamas County Engineering and has provided comments (see advisory notes).

The two mobile vending units are proposed to be placed on a graveled site, separated from the existing on-site parking area. No changes to the parking area are proposed. Development or any elements associated to the MVUs are not proposed near the intersection sight distance or roadside clear zones. This criterion is met

- Q. Surfacing: Inside the UGB, the mobile vending unit shall be placed on a hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be hard-surfaced unless a permeable surface is required for surface water management pursuant to the regulations of the surface water management authority. Outside the UGB, the mobile vending unit shall be placed on an area surfaced with screened gravel or better, and any associated parking, loading, and maneuvering areas for vehicles shall be surfaced with screened gravel or better and shall provide for suitable drainage.

Finding: The subject property is located outside the UGB. The applicant has submitted a site plan showing the proposed mobile vending units and all associated structures will be placed on existing gravel surface. This criteria is met.

- R. Drive-Thru Window Service: A mobile vending unit may include drive-thru window service only if drive-thru window service is a permitted accessory use in the zoning district in which the subject property is located. Drive-thru window service shall be subject to Section 827, *Drive-Thru Window Services*.

Finding: The applicant does not proposed a drive-thru window service for any of the two mobile vending units. Drive-thru window service is a permitted accessory use in the RC District per Table 513-1 of the ZDO. This criterion is met.

- S. Screening and Buffering: The proposed development shall be subject to the screening and buffering provisions of Subsection 1009.04.

Finding: Subsection 1009.04(A) requires screening for a variety of elements to eliminate or reduce visual impacts. The applicant's submitted materials indicate sight-obscuring fence to a new proposed solid waste facility that will be enclosed to reduce any visual impacts and subject to provision of Subsection 1009.04. This criterion is met.

- T. Obstruction of Existing Landscaping: The mobile vending unit shall not occupy landscaping areas approved as part of a prior design review or other land use application. Other elements associated with the mobile vending unit, such as seating areas, also shall not occupy such landscaping areas, unless such elements are permitted as pedestrian amenities under Subsection 1009.02(A)(9).

Finding: Applicant has noted and demonstrated on submitted site plan that there are no elements associated with the mobile vending units that will occupy existing landscaping areas. This criterion is met.

- U. Landscaping Requirements: If the subject property does not have a previously approved landscape plan, compliance with Subsections 1009.01(A) through (E), 1009.03(B), and 1009.10 shall be required.

Finding: As discussed above, the subject property has been developed in 1930, prior to zoning, and does not have a previously approved landscape plan. The site has existing landscaped areas and three existing mature trees. The submitted site plan demonstrates that there is 15% landscape area which is the minimum required in the RC District per Table 1009-1. This criterion is met

- V. Signs: Signs are permitted pursuant to Section 1010, *Signs*.

Finding: The applicant has not proposed any new signs as part of the application. Any signs proposed for the mobile vending units must comply with ZDO Section 1010. A condition of approval is included for compliance.

- W. Off-Street Motor Vehicle Parking Spaces on a Developed Site: On a developed site, the mobile vending unit, attachments to the mobile vending unit, customer queuing areas, and portable accessory items may occupy existing off-street motor vehicle parking spaces, provided that such spaces

are not simultaneously used for parking. A developed site is one that has previously received design review approval and where that approval has been implemented. In addition, no new off-street parking spaces are required. However, new structures may be located in existing off-street motor vehicle parking spaces only if such spaces are in excess of the minimum number required for existing development.

Finding: The applicant does not proposed to site the mobile vending units, or any related elements on any of the existing parking stalls available.

The use within the subject property is categorized in table 1015-1 as "Office Uses (includes Office Park, Flex Space, Government Office and Misc Services)" that requires a minimum (2.7) parking spaces per 1,000 square feet of gross leasable area for a total of (6) parking spaces. The submitted site plan demonstrates there are twelve (12) existing parking spaces that will not be affected by the proposed mobile vending units and will continue to be in compliance with the minimum parking spaces as required by table 1015-1. As conditioned, this criterion remains in compliance and it is met.

- X. Off-Street Motor Vehicle Parking Spaces on an Undeveloped Site: On an undeveloped site, a minimum of two off-street motor vehicle parking spaces per mobile vending unit is required. An undeveloped site is one that does not have an implemented design review approval.

Finding: As discussed above, the subject property has been developed with adequate vehicle parking spaces. This criterion is met.

- Y. Motor Vehicle Parking Area Standards: The development of new motor vehicle parking areas shall comply with Section 1015, *Parking and Loading*.

Finding: The applicant does not propose any new motor vehicle parking areas. As discussed above, the developed subject property requires a minimum of 6 parking stalls. The subject property is developed with a veterinary clinic, parking stalls, and circulation that is compliant to the provisions of 1015. The submitted plans, and aerial photos demonstrates twelve (12) off-street motor vehicle parking exists on the subject property.

The Engineering Division has review the applicants proposed parking, circulation, loading and maneuvering for compliance with ZDO section 1015 and the Clackamas County Roadway Standards. A condition of approval requiring a Development Permit will ensure that the proposed parking will meet the standards of ZDO Section 1015. As conditioned, this criterion is met.

- Z. Solid Waste and Recycling Standards: A trash receptacle for customer use shall be maintained no more than 10 feet from the mobile vending unit. In addition, compliance with Section 1021, *Solid Waste and Recyclable Material Collection*, shall be required.

Finding: The applicant proposed to have 2 trash receptacles for customer use pursuant to this subsection and each receptacle will be located within 10 feet from each of the proposed mobile vending units.

Clackamas County Sustainability has reviewed the site plan and supplied recommended conditions of approval to ensure compliance with the same for the proposed solid waste enclosure shall comply with Section 1021.

The proposed covered waste enclosure is 16' L x 5' W with 6' tall site-obscuring fence on 4" thick concrete slab, service gates that will be accessed by collection service vehicles. The proposed enclosure is located at the north end of the existing driveway isle. A condition of approval requiring a Development Permit to ensure that the proposed waste and recycling will meet the standards of ZDO 1021. As conditioned, this criterion can be met.

- AA. Skirting: Skirting shall be placed around the perimeter of the mobile vending unit.

Finding: It is unclear from the applicant's submittal material whether skirting is proposed. A condition of approval is warranted requiring skirting on the mobile vending units. As conditioned, this criterion can be met.

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. ***Clackamas County Sustainability & Solid Waste*** has reviewed the proposal and has provided the following advisory notes:
 - i. The applicant shall work with Clackamas County's Sustainability & Solid Waste staff to finalize plans that comply with design standards.
 - ii. To discuss plans, please contact Sustainability & Solid Waste staff at wasteinfo@clackamas.us , 503.557.6363 (option 7).

- iii. Find information about enclosure requirements at www.clackamas.us/recycling/enclosure.html

1021.04: Gate access, bumper curb

1021.05: Spacing requirements around the containers (2ft to the sides, rear; 3ft to the front – or 4ft if facing each other); they likely need to build for a 4yd container as there will be more trash generation with the added food trucks and the pad must extend so when removed from the enclosure, the containers are still on solid ground for servicing

The spacing requirements ensure the collector is able to maneuver the containers in/out of the enclosure and workers to be able to access the bins safely. The bumper curb protects the walls/fence from damage from the containers.

- 2. **Clackamas River Water (CRW)** has reviewed the subject application. The following comments are introductory and subject to change based on new information or design changes. These comments are specific to the proposed application; for further information on development and services, refer to the attached Advisory Notes. For questions or concerns, please contact Anthony Steele (503-722-9239, asteele@crwater.com).

Rules and Regulations and Development Standards

- 1. The proposed development lies within the CRW service area and shall be subject to the following:
 - a. CRW Rules and Regulations - April 1996 and Resolution No. 2-99
 - b. CRW Standard Specifications for Development - May 2021

Conditions of Approval

1. Water Service

- a. Each legal lot of record, dwelling or building shall be provided with its own water service connection and meter, unless otherwise approved by CRW. *Note – mobile vending units are an exception to this rule. For service by CRW to the unit, there are two options:*
 - i. *Connect to existing private plumbing at 22008 S Beavercreek Rd (downstream of the meter and backflow device, and with permission by the property owner). The connection to the unit may be sub-metered by the property owner (privately owned and maintained meter) and billed in accordance with ORS 90.572. The capacity of the existing ¾" meter to serve the additional demand shall be assessed by CRW.*
 - ii. *Request a separate CRW meter for the MVU. Refer to Advisory Notes Section 4 for details on the application process and associated fees and system development charges (SDCs).*

1. Development within Clackamas River Water:

- a. Prior to issuance of a development permit by the governing jurisdiction, the Developer shall:
 - i. Submit construction plans for public water infrastructure improvements to CRW. CRW will provide plan review, and upon acceptance, provide written approval.
 - ii. If required, enter into a Developer's Agreement with CRW for plan review and construction inspection.
- b. The Developer may install part or all of the proposed public water improvements, in which case the Developer shall enter into a Developer's Agreement stipulating that:
 - i. The Developer is responsible for all costs, design, permitting, construction, and testing of any water infrastructure improvements required as part of this development.
 - ii. Prior to the review of any construction plans, the Developer will be required to pay a time-and-materials (TMO) deposit to CRW for administrative, plan review, and inspection costs.
 - iii. The Developer shall hire an approved, licensed utility contractor.
 - iv. Upon completion of plan review, additional requirements may be set forth by CRW.
 - v. Water meters as part of the development shall be requested via a separate service application process, including any required fees, TMO deposits, and SDCs. Service applications will not be approved until project acceptance, or as otherwise approved by CRW.
- c. The Developer may opt for CRW to install public water improvements, as approved by CRW, in which case, the Developer will be required to pay a TMO deposit to CRW for installation.
- d. CRW reserves the right to require completion of some or all public water improvements by CRW.

2. Public Water Infrastructure:

- a. CRW shall have the sole authority for determining the capacity of the existing and proposed water infrastructure (including water lines, services, and appurtenances) to meet existing and proposed demands of the development within current CRW standards.
- b. Proposed development with existing water infrastructure not meeting current CRW standards or with inadequate capacity will require water main replacement or extension to meet CRW standards or capacity requirements, at the cost of the Developer.
- c. All public water infrastructure assets required for this development, including services, shall be donated to CRW upon acceptance.
- d. Public water infrastructure must be located within the public ROW, unless otherwise provisioned with a utility easement to the benefit of CRW, as approved by CRW.
- e. Public water infrastructure related to fire protection (fire services and hydrants) require review and approval of Clackamas Fire District #1 in addition to CRW

approval.

3. Water Service

- a. Water service will only be provided from mains located within public ROW or easements furnished to CRW, and to properties with frontage to such mains.
- b. Each legal lot of record, dwelling or building shall be provided with its own water service connection and meter, unless otherwise approved by CRW.
- i. EXCEPTION: Premises with auxiliary dwelling units (ADUs) or multifamily units on one lot may be served jointly on a single meter, unless otherwise required by CRW.
- c. Water service requests or changes to water demands require review and approval by CRW to ensure adequate meter sizing based on existing or proposed demand, and service location.
- d. To request water service, visit CRW's website at <https://www.clackamasriverwater.gov/water-service-request> for information, required informational forms (WS-1 and WS-2), and examples. Service will not be provided until the following conditions are satisfied, unless otherwise approved by CRW:
 - i. If service request is associated with a Developer's Agreement, all project work must be completed and a CRW Letter of Final Acceptance issued.
 - ii. The Applicant has submitted all informational forms, site plans, proofs of street addresses and active building/plumbing permits, and has satisfied any other conditions set by CRW has been satisfied, after which CRW will provide the Applicant with a WS-3: Service Application.
 - iii. The Applicant has submitted a signed WS-3: Service Application with all required deposits, fees, and system development charges.
- e. System Development Charges (SDC):
 - i. The SDC is based on meter size and is assessed per the current CRW Water Rate Schedule at the time the approved service application has been submitted. The CRW Water Rate Schedule, updated every July 1st, is attached, and may also be found at: <https://www.clackamasriverwater.gov/water-rates-and-charges>.
 - ii. If a meter is required to be relocated, upsized, or abandoned as part of the development, an SDC credit will be granted at the amount of the current SDC for the original meter size.
 - iii. Any SDC credit will be applied to the property associated with the original meter. In the case of a partition or subdivision, the SDC credit may be applied to any of the new lots.
- f. Existing services not used as part of a development shall be abandoned at the main by the Developer.
- g. For building demolitions, notify CRW at least three days in advance of the demolition, to allow CRW to temporarily remove existing meters at no cost to the Developer.

4. Private Plumbing:

- a. Service lines from the back of the meter or CRW-owned tailpiece to the premises are considered private plumbing. The installation, ownership, and

maintenance of private plumbing is the responsibility of the owner, per all applicable plumbing codes.

- b. A private service line must be installed entirely on the lot for which it serves. Private service lines will not be allowed to cross property lines or to be placed in a private utility easement without CRW approval, including an exemption granted by the CRW Board of Commissioners, as necessary.
- c. Fire services, including those serving private fire sprinkler systems, shall be installed where required and shall be provided, owned, maintained, and tested by the customer. All fire services shall be metered and protected from backflow.
- d. Premise isolation (backflow protection at the property line) shall be installed and maintained by the Customer for any existing or new water service to this lot, at a level of protection as determined by CRW, in accordance with OAR 333-061-0070/0071, CRW Ordinance 01-2015, and applicable plumbing codes.
- e. Where static pressure at the water main exceeds 80 psi, an approved pressure regulator shall be provided, installed, and maintained by the Customer to reduce the pressure in accordance with the Oregon Plumbing Specialty Code.

5. Utility Easements:

- a. CRW requires unimpeded and functional access to all public water facilities, including meters, vaults, valves, piping, and other appurtenances. No structures, walls, fences, significant vegetation, or other encroachments are allowed within utility easements, unless approved by CRW.
- b. Service applications for which public or private utility easements are required will not be approved until after the easements have been recorded.

Clackamas River Water
System Development Charge Calculation Table
Effective July 1, 2024
ENR Factor 1.003905

Ordinance 01-2022 (1)

Meter Size (Inches)	MCE Weighting Factor	2024 SDC Reimbursement	2024 SDC Improvement	Total SDC Charges
Full 3/4	1.00	4,313	6,327	10,640
1	1.67	7,190	10,545	17,735
1 1/2	3.33	14,380	21,093	35,473
2	5.33	23,008	33,744	56,752
3	10.60	46,015	67,489	113,504
4	16.67	71,900	105,450	177,350
6	33.33	143,798	210,901	354,699
8	53.33	230,078	337,442	567,520
10	76.67	330,738	485,072	815,810
12	112.50	485,321	711,792	1,197,113

- 1 Originating Ordinance updating methodology 02-2021, supersedes Ordinance 1-97
- 2 SDCs calculated on most recent Engineering News Record Construction Cost Index for Seattle.

ENR CCI Calculation:			Index	Factor
Seattle WA	December	2022	15115.33	1.000000
Seattle WA	December	2023	15174.36	1.003905

Engineering News Records (ENR)
Construction Cost Index (CCI)
Meter Capacity Equivalents (MCE)

3. **Clackamas Development Engineering** has reviewed the subject application and makes the following comments. Comments are introductory and may change based on the preliminary/final design.

1. S Beaver Creek Road is classified as a major arterial roadway (Comprehensive Plan map 5-4b).
2. Per ZDO subsection 1007.07, adequate roadway capacity is required to accommodate the additional traffic generated by development. Clackamas County Roadway Standards, Section 295.2.b establishes a threshold for traffic analysis when a development results in 20 or more trips in any peak hour. The applicant provided a Traffic Memorandum by Ard Engineering, dated April 23, 2025 which found that the proposed mobile vending site will generate 12 evening peak hour trip and 144 average daily trips. The memo additionally found that adequate sight distance is provided and the access serving the proposed vending units.

Based on vehicle trip generation or less than 20 peak hour trips, the County's concurrency requirements as they relate to the transportation system are met by the applicant's proposal.

Development Engineering recommended conditions of approval:

1. A minimum drive aisle width of 24 feet shall be provided between the mobile vending unit and the striping for the existing parking spaces adjacent to the building.
4. **Clackamas County Health** has reviewed the proposal and the following advisory notes.
 - I. Must comply with the applicable Public Health requirements.
6. **Clackamas RFPD #1** has reviewed the proposal and has provided the following advisory notes.

All future Mobile Food Units shall comply with the requirements of Section 319 of the Oregon Fire Code. Read only version can be found here:

https://codes.iccsafe.org/content/ORFC2022P1/chapter-3-general-requirements#ORFC2022P1_Pt02_Ch03_Sec319

Submit site plan showing locations on property with surrounding details to mike.boumann@clackamasfire.com

Call or email with any questions.

Mike Boumann

Clackamas Fire

Captain Deputy Fire Marshal

mike.boumann@clackamasfire.com

503-742-2673

Excerpt from ZDO Section 1010

A. Mobile Vending Unit Signs:

1. The number and area of signs on a mobile vending unit are unrestricted. However, such signs shall be located flat against the unit, and no portion of any sign shall extend above the roof of the unit. These signs may be internally or externally illuminated, provided that any required utility connections for such illumination comply with Section 837.
2. Each mobile vending unit may have one portable menu or sandwich board sign a maximum of six square feet in area. This sign shall be located within 10 feet of the mobile vending unit and shall be located outside the unit only during unit operating hours.











DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

January 5, 2026

Randall J. Borho
Tania E. Thompson-Borho
P.O. Box 790
Beavercreek, OR 97004

SUBJECT: Violation of Clackamas County Zoning and Development Ordinance, Title 12, Section 513.03, 1010.12, 1010.09C and Clackamas County Building Code, Title 9.02.040 (A) and (B)

VIOLATION: V0049125

ZONING: Rural Commercial (RC)
SITE ADDRESS: 22008 S. Beavercreek Rd., Beavercreek, OR 97004
LEGAL DESCRIPTION: T3S, R2E, Section 23C, Tax Lot 00900
PRIORITY: 1 and 2

This letter serves as a notice of violations of the Clackamas County Code. The violations include:

- Noncompliance of Conditions of Approval for Z1188-96
- Noncompliance of Conditions of Approval for Z0171-25
- Commercial structure built without permits
- Propane tank installed without permits

VIOLATIONS & HOW TO RESOLVE

Non-Compliance of Conditions of Approval for Land Use File Z1188-96

On May 9, 1997 Land Use file Z1188-96 was approved to display for resale up to ten vehicles, travel trailers, boats and farm and forestry related equipment. Condition of Approval number 3 requires that no vehicles shall be parked within a twenty (20) ft radius of the southwest lot corner to maintain sight distance at the street intersection. This limitation also applies to the access point from the sales lot to the street.

In order to abate the violation, you must complete the following **immediately upon receipt of this Notice of Violation:**

- Relocate all vehicles, trailers or farm equipment to meet the minimum 20 foot setback as stated above and contact the County so a site inspection can be scheduled to verify compliance.

Non-Compliance of Conditions of Approval for Land Use File Z0171-25

On July 14, 2025 Land Use file Z0171-25 was approved to place two (2) mobile vending units, (1) outdoor seating area and (1) new trash enclosure. Condition of Approval number 11 states that signs are permitted pursuant to Section 1010.

Section 1010.12 Allows for only one (1) flag on this property. Section 1010-09.C regarding mobile vending unit signs states. Signs shall be located flat against the unit and one (1) portable menu or sandwich board within 10 feet of the mobile vending unit is allowed.

In order to abate the violation, you must complete the following **immediately upon receipt of this Notice of Violation**:

- Remove all signage that do not meet the above criteria of Section 1010 and contact the County so a site inspection can be scheduled to verify compliance.

Construction of seating area for a mobile vending unit without permits

Construction of seating area for a mobile vending unit requires permits. In order to abate the violation, please complete the following **no later than February 5, 2026**:

- Contact the Building Department at 503-742-4240 regarding Plan Review submittal requirements and submit the building permit application and appropriate fee(s).
 - The permit must be picked up within ten days of being notified.
 - Schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued, **and**;
- Obtain all required electrical, plumbing and mechanical permits.

Installation of a propane tank without permits

The installation of a propane tank requires permits. In order to abate the violation, please complete the following **no later than February 5, 2026**:

- Contact the Building Department at 503-742-4240 and submit the mechanical permit application and appropriate fee(s).
 - The permit must be picked up within ten days of being notified.
 - Schedule all inspections so that final inspections may be obtained not later than 45 days of the date of the permit being issued.

CONTACT INFORMATION

Building – If you have questions concerning permitting requirements please contact the building department at 503-742-4240 or on-line at bldservice@clackamas.us.

Planning – If you have questions concerning land use requirements please contact the Land Use and Planning Department at 503-742-4500 or on-line at ZoningInfo@clackamas.us.

You may also stop by the Planning, Permitting and Code Enforcement Offices at the Development Services Building, 150 Beavercreek Road, Oregon City. The lobby is open between the hours of 8:00 a.m. to 4:00 p.m. Monday through Thursday.

If you have any questions my direct telephone number is 503-742-4459 and my email is dianebau@clackamas.us.

ITEMS INCLUDED IN THIS PACKET

1. Violation Letter
2. Required Notice of Fines and Penalties



Diane Bautista
Code Enforcement Specialist
Clackamas County Code Enforcement

Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$100 will now be assessed monthly until the violations are abated.**
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer, and (3) a lien being placed against the subject property for the amount due from citations and fees which will accrue interest.
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or to codeenforcement@clackamas.us.
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$514 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
5. **Non-Compliance may result in a lien upon your property:** Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.
6. **Final Order may be enforced in Circuit Court:** Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court which may result in additional penalties or other sanctions.
7. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

BLS

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



Meadows 260, LLC
5665 Meadows Rd., Ste 140
Lake Oswego, OR 97035

Grantor's Name and Address

Randal Borho & Tania Thompson-Borho
PO Box 790
Beavercreek, OR 97004

Grantee's Name and Address

After recording, return to (Name and Address):

Randall Borho & Tania Thompson-Borho
PO Box 790
Beavercreek, OR 97004

Until requested otherwise, send all tax statements to (Name and Address):

Randall Borho & Tania Thompson-Borho
PO Box 790
Beavercreek, OR 97004

Clackamas County Official Records
Sherry Hall, County Clerk

2022-018301



02551554202200183010020023

\$98.00

03/28/2022 10:52:42 AM

D-D Cnt=1 Stn=7 LISA
\$10.00 \$16.00 \$62.00 \$10.00

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that Meadows 260, LLC, an Oregon limited liability
company
hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto
Randall J. Borho and Tania E. Thompson-Borho
hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Clackamas County,
State of Oregon, described as follows (legal description of property):

See attached "Exhibit A"

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever. like kind property

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ exchange of / . However, the
actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☒ the whole (indicate
which) consideration. (The sentence between the symbols ®, if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes
shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on March 9, 2022; any
signature on behalf of a business or other entity is made with the authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD
INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND
SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON
LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW
USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS
AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE
TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS
DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETER-
MINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND
TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300,
195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2
TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Meadows 260, LLC, an Oregon limited
liability company

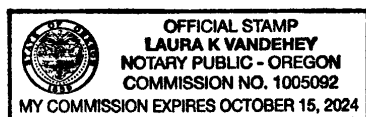
By: Beutler Exchange Group, LLC, an
Oregon limited liability company

By: Toija J. Beutler
Toija J. Beutler, Manager

STATE OF OREGON, County of Clackamas ss.

This instrument was acknowledged before me on _____

by _____

This instrument was acknowledged before me on March 9, 2022by Toija J. Beutleras Managerof Beutler Exchange Group, LLC as managing member of Meadows 260, LLC.

Notary Public for Oregon

My commission expires October 15, 2024

Exhibit A

Parcel I:

A tract of land in the Southwest one-quarter of the Southwest one-quarter of Section 23, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southeast corner of the Southwest one-quarter of the Southwest one-quarter of said Section 23; thence West, along the South line of said Section 23, a distance of 260.00 feet to the point of intersection with the Southerly extension of the Westerly line of that tract conveyed to Beavercreek Rural Fire Protection District, recorded October 25, 1944, in Book 333, Page 586, Deed Records, and the true point of beginning of the tract herein to be described; thence North, along the West line of said tract and the Northerly extension thereof, 195.00 feet to a point on the Northerly line of that tract conveyed to Walter Heft, et ux, by Deed recorded June 1, 1944, in Book 326, Page 5, Deed Records; thence Westerly, along the North line of said Heft tract, 157.00 feet, more or less, to a point that is one-half of the distance of the center line of Market Road No. 11; thence South, parallel to the East line of said Heft tract, 195.00 feet to the South line of said Section 23; thence East, along the said section line, 157.00 feet, more or less, to the true point of beginning.

EXCEPTING THEREFROM that portion lying within public roads

Parcel II:

A tract of land in the Southwest quarter of the Southwest quarter of Section 23, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southeast corner of the Southwest one-quarter of the Southwest one-quarter of said Section 23; thence North, on the 1/16th section line, 195.00 feet to the Northeast corner of that tract conveyed to Walter Heft, et ux, recorded June 1, 1944, in Book 326, Page 5, Deed Records; thence West, along the North line of said Heft Tract, 260.00 feet to the Northwest corner of that tract sold by Contract to Beavercreek Rural Fire Protection District No. 55, recorded October 2, 1967, in Book 698, Page 127, Deed Records; thence Westerly, along the North line of said Heft Tract, 157.00 feet, more or less, to a point that is one-half of the distance to the centerline of Market Road No. 11, and the true point of beginning of the tract herein to be described; thence South, parallel to the East line of said Heft Tract, 195.00 feet to the South line of said Section 23; thence Westerly, along the South line of Section 23, to the intersection with the centerline of Market Road No. 11; thence Northwesterly and Northerly to the Northwest corner of said Heft Tract; thence Easterly, along the North line of said Heft tract, 157.00 feet, more or less, to the true point of beginning.

EXCEPTING THEREFROM that portion lying within public roads.











Citation No. 2500491

Case No. V0049125

ADMINISTRATIVE CITATION

Date Issued: February 5, 2026

Name and Address of Person(s) Cited:

Name: Randall J. Borho
Name: Tania E. Thompson-Borho
Mailing Address: P.O. Box 790
City, State, Zip: Beaver Creek, OR 97004

Date Violation(s) Confirmed: On the 3rd day of February, 2026 the person(s) cited committed or allowed to be committed, the violation(s) of law described below, at the following address:

Address of Violation(s): 22008 S. Beaver Creek Rd., Beaver Creek, OR 97004

Legal Description: T3S, R2E Section 23C, Tax Lot(s) 00900

Law(s) Violated:

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040
- ☒ Title 12 and 13 of CCC Zoning and Development Ordinance, Section 1010

Description of the violation(s):

- 1) Non-Compliance of Conditions of Approval for Land Use File Z0171.25 for signage not in compliance with Conditions of Approval, Condition 11 requires that signage be in compliance with Section 1010 of the Zoning and Development Ordinance

Maximum Civil Penalty \$2,500.00 Fine \$411.00

- 2) Commercial structure for outdoor seating area built without permits

Maximum Civil Penalty \$3,500.00 Fine \$514.00

- 3) Propane tank installed for mobile vending unit without permits

Maximum Civil Penalty \$3,500.00 Fine \$514.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$1,439.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$100.00 monthly administrative fee is being assessed.

I hereby certify under penalties provided by ORS 153.990 that I have reasonable grounds to and do believe that the above person(s) committed or allowed to be committed the violation(s) described on this form.

Citation issued by: Diane Bautista
Telephone No.: 503-742-4459

Date: February 5, 2026
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

You have been cited for the violation(s) of law stated on the front of this form. If you fail to exercise one of the following options within fifteen calendar days of the citation date, the County may request a Default Order from the Compliance Hearings Officer finding you in violation and assessing fines and monthly administrative fees, or the County may request a hearing before the Compliance Hearings Officer following which you may be ordered to pay the maximum civil penalty and abate the violation.

Options:

1. Abate the violation and pay the fine including the administrative compliance fees that have accrued.
Sign the statement of Understanding below and deliver or mail this form, together with a check or money order payable to Clackamas County in the amount of the fine to:

Clackamas County Code Enforcement Section
150 Beaver Creek Rd.
Oregon City, OR 97045

2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above or sent to codeenforcement@clackamas.us.

A request for hearing must contain all of the following information:

- a. Your name and address;
- b. A copy of the citation or the Citation number and Case number; and,
- c. The description of the relief you are requesting.

At the hearing, an administrative fee may be assessed by the Hearings Officer in addition to civil penalty(ies) if the Hearings Officer concludes you are responsible for the violation. If a civil penalty is imposed the amount will likely exceed the fine amount on this citation.

STATEMENT OF UNDERSTANDING

I, the undersigned, do hereby acknowledge that I understand the following:

1. By paying the fine I admit the existence of the violation(s) alleged on this citation and my responsibility for it.
2. Paying the fine does not relieve me of my responsibility to correct the violation and to comply with all applicable laws.
3. Until the violation is abated a monthly administrative compliance fee is being assessed.
4. Additional citations may be issued to me if I fail to correct the violation or violate other applicable laws.

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____



BUILDING CODES DIVISION

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Permit #: B0313826

Applied: 03/11/2026

Type: Commercial / Mechanical

Approved: 04/01/2026

Status: Issued

Final:

Valuation: \$1,500.00

Expiration: 9/28/2026

Address: 22008 S BEAVERCREEK RD
BEAVERCREEK, OR 97004

Applicant: Brett Hauth

Phone: 5036949585

Owner: BORHO RANDALL J

Phone:

Contractor: DCC PROPANE LLC

Phone: 9712213463

Certificate of Occupancy Required:

Taxlot: 32E23C 00900

Class:

Entered By:

Occupancy:

Insp Area: 3 CLL

Printed: 04/01/2026

Description: SETTING 250 GALLON PROPANE TANK. INSTALLING 70' 1/2' CTS
UNDERGROUND GAS PIPING. PIPING RATER AT 543,000 BTU/HR.
APPLIANCE LOAD TO BE 250,000 BTU/HR

Conditions: LP Tank Install Regulated by OSFM - LP Tank Install Regulated by OSFM (ORS
480.445 & 480.450)

****Protect Your Information: Scammers impersonating county staff are on the rise.****

- If something feels off, trust your instincts. County staff will NEVER request payment via wire transfer or text message.

- Do NOT click links or authorize payments. Contact the county staff member you have been working with or call our customer service specialists at 503-742-4400 to confirm any request.

NOTICE: In accordance with ORS 455.355, the disposal of thermostats that contain mercury shall be in accordance with programs established by thermostat manufacturers, their representative or distributor, or by delivery to sites that will ensure that the mercury does not become part of the solid waste stream or wastewater.

SFR/Dup 1st Unit(sqft):	Additional Unit(sqft):	
Technology Fee (3% of total permit fee; not to exceed \$5.)	4	\$4.93
Commercial Plan Review	1	\$30.00
Mechanical Commercial Permit	1	\$120.00
State Surcharge	1	\$14.40
Total Fees:		\$169.33
Total Payments:		\$169.33
Balance Due:		\$0.00

Clackamas County
Inspection History for Record #B0313826

Applicant Name: Brett Hauth

Work Description: SETTING 250 GALLON PROPANE TANK. INSTALLING 70' 1/2' CTS UNDERGROUND GAS PIPING. PIPING RATER
AT 543,000 BTU/HR. APPLIANCE LOAD TO BE 250,000 BTU/HR

Address: 22008 S BEAVERCREEK RD, BEAVERCREEK, OR 97004

Inspection Date	Inspection Type	Inspector	Status	Comments
5/12/2026 12:00:00 AM	243 Gas Piping/Pressure Test	Fredd Barsukoff	Approved	New gas tank location to food cart. Trench depth verified. Tracer verified. Gauge tagged at 60psi. Okay to cover trench.
5/27/2026 12:00:00 AM	298 Mechanical Final	Luke Johnson	Approved	Final gas line connections, regulator installation and venting for regulator all verified.









07/07/2026 10:05



07/07/2026 10:06



07/07/2026 10:06

TACOS - TORTAS - BURRITOS - QUESADILLAS - SOPES - QUESABIRRIAS



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EXCAVATION

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CCB# 260752



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RESIDENTIAL | COMMERCIAL

503-983-8463
INFO@DTELECTRICCOMPANY.COM

CCB# 241005 |  

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BARN DOMINIUMS • REPAIRS & ADDITIONS



ABCO
CONTRACTORS

(503) 387-3679 • ABCOCONTRACTORS.COM

  CCB# 213871 (OR)
WAB# ABCOC00334CP

07/07/2026 10:06

From: [ZoningInfo](#)
To: [Bautista, Diane](#)
Subject: RE: V0049125 - 22008 S Beaver Creek Road - Question
Date: Wednesday, August 12, 2026 11:43:17 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Diane,

Their prior NCU applications seem to have been related to the sale of vehicles from the subject property. That use appears to have ceased (possibly eliminating the nonconforming use entirely), and the shown signs don't appear to be in conjunction with an auto sales use, meaning they likely are not related to the original NCU in any way.

From reading the NCU and MVU decisions, I don't find anything that would authorize advertising signs for businesses not located on the property.

Best,

Nick

Nick Hart, Planner 2

He/Him [Why pronouns matter](#)

Planning and Zoning

Clackamas County | Transportation & Development | Planning and Zoning

503-742-4500

150 Beaver Creek Road, Oregon City, OR 97045

Work Hours: Mon-Thu, 8:00am – 4:00pm



COMING SOON! Beginning Sept. 1, 2026, you will be able to submit and pay for land use applications and other forms online using the Development Direct portal. For more information, visit the [county website](#).



Any opinion or advice provided herein is informational only, and is based on any information specifically provided or reasonably available, as well as any applicable

1010.03 Exempt Signs

- A. The following signs do not require a sign permit, but must meet other provisions of Section 1010:
 - 1. Signs having an area three square feet or less;
 - 2. Signs listed as temporary under Subsection 1010.13; and
 - 3. Government owned or posted signs in the public right-of-way.
- B. The following signs are not regulated by this Ordinance:
 - 1. Incidental signs;
 - 2. Product dispensers, such as beverage, newspaper, and recycling machines;
 - 3. Window signs
 - 4. Signs painted on or attached to a level one mobile vending unit. A level one mobile vending unit is one that complies with Subsection 837.02.