

**BEFORE THE LAND USE HEARINGS OFFICER
OF CLACKAMAS COUNTY, OREGON**

Regarding an application by Sheila and Steve Amundsen for a home occupation permit with exceptions for more accessory space, vehicle storage, and more than 4 vehicles, at 19609 SE Chitwood Road in unincorporated Clackamas County, Oregon) **FINAL ORDER**
) **File No.**
) **Z0465-25**
) **(Amundsen)**

A. SUMMARY

1. Sheila and Steve Amundsen (the “applicants”) filed an application for approval of a Level Two Home Occupation permit on a 1.7-acre parcel located at 19609 SE Chitwood Road; also known as tax lot 2400, Section 8A, Township 2 South, Range 3 East of the Willamette Meridian, Clackamas County (the “site”). The site and all surrounding properties are zoned RA-1 (Rural Area Residential, 1 acre). The applicants propose to operate a storage business, leasing a 3,000 square foot portion of the existing structure on the site to a gutter installation business to store two vehicles, equipment, and materials inside the structure. No more than five employees including the operators who live on site will be using the space for purposes other than storage.

2. The applicants are also requesting exceptions to the following provisions pursuant to ZDO 822.05:

a. An exception to ZDO 822.04(L)(1), which limits Level Two home occupations to a maximum 500 square feet of accessory building space. The applicants propose to utilize a 3,000 square foot portion of the existing structure in the home occupation;

b. An exception to ZDO 822.04(L)(3)(a), which limits Level Two home occupations to a maximum three vehicles associated with the home occupation on the site at any one time. The applicants propose up to six vehicles on the site at a time during the short period when the personal vehicles driven by employees of the tenant are parked on the site at the same time as the work trucks are parked inside the building; and

c. An exception to ZDO 822.04(L)(4)(e)(2), which prohibits vehicle storage as a Level Two home occupation.

3. County Hearings Officer Joe Turner (the “hearings officer”) held a public hearing about the application on February 12, 2026. County staff recommended that the hearings officer approve the application, subject to conditions. See the Staff Report and Recommendation to the Hearings Officer dated February 5, 2026, (the “Staff Report”), as amended at the hearing regarding the additional exceptions. The applicants accepted the findings and conditions in the Staff Report, as amended, without exceptions. One person testified in writing in opposition to the proposed. (Exhibit 6).

4. Based on the findings adopted or incorporated in this final order, the hearings officer concludes that the applicants sustained the burden of proof that the application complies with all applicable approval criteria for a Level Two Home Occupation and exceptions. Therefore the hearings officer approves Z0465-25 (Amundsen), subject to the conditions of approval at the conclusion of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at the public hearing about this appeal on February 12, 2026. All exhibits and records of testimony are filed at Clackamas County Department of Transportation and Development. At the beginning of the hearing, the hearings officer made the declaration required by ORS 197.763. The hearings officer disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the hearings officer of selected testimony and evidence offered at the public hearing.

2. County planner Joy Fields summarized the Staff Report and her PowerPoint presentation.

a. The applicants propose to use 3,000 square feet of the existing building on the site to operate a storage business as a home occupation. The applicants propose to rent a 3,000 square foot area within the existing attached garage structure on the site to another business (the tenant business) to store its work trucks and associated materials and equipment. Employees of the tenant business will come to the site in their personal vehicles, pick up the stored work trucks and depart to offsite jobs, returning the work trucks to the site at the end of the day. The site is located in the rural area. However, there are a number of existing commercial uses on properties in the surrounding area.

b. She noted that a neighboring resident asserts that the applicants do not reside on the site. This is required as a condition of approval.

c. The applicants propose that employees/customers of the use will park on the existing concrete driveway in front of the garage/storage portion of the building. However, vehicles parked in this area may block access to the garage/storage area and prevent employees/customers from moving stored vehicles in and out of the garage/storage area. In addition, according to a neighbor's testimony, the applicants are currently allowing customers to park on the unpaved area near the dumpsters, which allows vehicles to track mud and debris onto the public road. (Exhibit 6). Therefore, the applicants may need to provide additional hard-surfaced vehicle parking areas on the site. County approval will be required for any new parking areas and for access to the solid waste and recycling containers.

d. The proposed use can only be approved as a Level Two home occupation, because the majority of the properties abutting the site are less than two-acres in size. Therefore, the use is limited to a maximum 500 square feet of accessory building floor space. The applicants are requesting approval of an exception to allow use of 3,000 square feet of accessory building floor space within the existing structure on the site.

e. As a Level Two home occupation, the use is also limited to a maximum four vehicles associated with the home occupation on the site at one time. As proposed, three offsite employees or customers¹ will park their personal vehicles on the site and then depart in one of the two work trucks stored inside the building. The applicants/operators' vehicle will also be parked on the site. Therefore, the use will have six vehicles associated with the home occupation parked on the site for short periods of time in the mornings and evenings while these transfers occur. The application did not include a request for exception to this criterion.

f. Vehicle storage is prohibited as a Level Two home occupation but may be approved as a Level Three home occupation. The application did not include a request for exception to this criterion.

g. There are currently two solid waste dumpsters located on the western portion of the site that are not screened by fencing or landscaping. (Exhibit 6). However, ZDO 8222.04(F) prohibits "[e]xternal evidence of the home occupation ... except as specifically allowed by Subsection 822.04." The application did not include continued use of the dumpsters. If the use of dumpsters are proposed they would be required to comply with ZDO 1021, which regulates solid waste and recycling collection. In addition, the applicants would be required to install a gate and evergreen trees or shrubs and/or a sight obscuring fence to screen the dumpsters from offsite views.

h. The northern portion of the site is subject to floodplain, habitat conservation area, and water quality resource area overlays. However, no impacts are proposed to these areas and the existing building will screen and buffer these areas from the home occupation use.

i. No additional development is proposed with this application. with possible exception of additional driveways and screening of the solid waste containers. The existing structure on the site was constructed pursuant to County approved building permits.

3. The applicants, Sheila and Steve Amundsen, accepted the findings and conditions of approval in the Staff Report without exception.

a. They testified that the work trucks are only stored in the left side of the garage, leaving sufficient space on the right side of the existing driveway for the tenant's employees to park their personal vehicles on the driveway in front of the right hand garage doors.

b. They proposed to modify their application to allow additional exceptions to allow vehicle storage and more than parking of more than four business related vehicles on the site at a time.

¹ The "employees" of the tenant business are actually "customers" of the applicant's home occupation as these terms are defined in the Code.

c. They also requested approval to allow use of the existing dumpsters on the site. They proposed to provide screening as necessary to block views of the dumpsters and additional paving necessary to provide collection vehicle access to the dumpsters.

d. They waived their right to submit a final written argument.

4. The hearings officer closed the record at the end of the hearing took the matter under advisement.

C. DISCUSSION

The hearings officer adopts the following findings as his own.

ZDO Section 316 RURAL AREA RESIDENTIAL 1-ACRE (RA-1)

Section 316 regulates the RA-1 District, which includes the subject property. Table 316-1 identifies Home Occupations as an accessory use subject to ZDO Section 822.

This criterion is met.

Section 316.04, Table 316-2 Dimensional Standards:

	Standard	Proposed	Compliant
Minimum Lot Size	1 acre minimum.	No change	
Minimum Front Setback	30 feet	No change proposed	Yes pursuant to ZDO 706.11
Minimum Rear Setback	30 feet	No change proposed	Yes.
Minimum Side Setback	10 feet	No change proposed	Yes

Finding: The applicants are seeking approval for commercial storage activities taking place on the subject property in the existing garage attached to the primary residence. ZDO 202 defines the front lot line as: “LOT LINE, FRONT: Any boundary line separating a lot from a County, public, state, or private road, or from an access drive.” Therefore, the front lot line is the right-of-way boundary line that separates the lot from the state road to the west and the county road to the south. To meet setback requirements pursuant to ZDO 316, the garage and all parts of the primary home built through building permit B0644122 would have to meet the 30 foot front setback. However, because the property contains Habitat Conservation Area, the planner who approved the building permit approved a 25-foot front setback for the southeast corner of the house pursuant to ZDO 706.11 that states:

“706.11 SETBACKS For parcels that contain a Habitat Conservation Area and are inside the Portland Metropolitan Urban Growth Boundary, the minimum front, rear, and side yard setbacks shall be zero, except: A. Garages and carports shall comply with the minimum front yard setback of the underlying zoning district; and B. A greater setback may be required to comply with applicable fire or life safety requirements.”

These criteria are met.

822 HOME OCCUPATIONS

822.04 LEVEL TWO AND THREE MAJOR HOME OCCUPATIONS

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

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

Finding: ZDO 822.02(E) provides:

Operator: The person who conducts the home occupation, has majority ownership interest in the home occupation, and is responsible for strategic decisions and day-to-day operations of the home occupation.

The applicants are also the property owners and the operators of the home occupation; the applicants will rent space on their property to allow another business (the “tenant business”) to store its work trucks and associated materials and equipment. The applicants are the “operator” of the home occupation as they will own and conduct the storage business.

The applicants testified that they will live full time on the property. Neighbor Ali Lyman testified that she does not believe that the applicants currently live on the site. (Exhibit 6). The conditions of approval require that the applicant’s live on the site and failure to do so would be a violation of this approval subject to enforcement action by the County, including potential revocation of the home occupation permit.

As conditioned this criterion can be met.

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

Finding: ZDO 822.02(B). provides:

Employee: Any on-site person, whether they work full-time or part-time in the home occupation, including, but not limited to, the operator, partners, assistants, and any other persons participating in the operation of the home occupation.

The Code does not define the term “customer.” Therefore, the hearings officer relies on the dictionary to determine the plain and ordinary meaning of the term “customer” as authorized by the court holding in *Sarti v. City of Lake Oswego*, 106 Or. App. 594, 597, 809 P.2d 701 (1991). Webster’s dictionary defines “customer” as “one that purchases a commodity or service.” “Customer.” *Merriam-Webster.com Dictionary, Merriam-Webster*, <https://www.merriam-webster.com/dictionary/customer>. Accessed 25 Feb. 2026.

The applicants testified that the proposed home occupation will be operated by four employees, including the operator. However, the three individuals coming to the site in their personal vehicles will be employees of the tenant business, not the applicants. Therefore, the three individuals coming to the site in their personal vehicles are “customers” of the home occupation, not “employees” subject to this restriction.

As conditioned this criterion can be met.

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

1. *From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise detectable to normal sensory perception off the subject property.*
 - a. *Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 822.04(C)(1).*
 - b. *Subsection 822.04(C)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.*
2. *A noise study may be required to demonstrate compliance with Subsection 822.04(E)(1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.*

Finding: As a storage business, noise from the home occupation is limited to the loading and unloading of materials into trucks stored in an enclosed garage, driving personal vehicles to the site, and driving the stored vehicles away from the site. Therefore, noise from the home occupation is anticipated to meet the noise limits identified above.

This criterion is met.

- D. *Vibration, Glare, Fumes, and Odors: The home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.*
- E. *Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.*

Finding: The home occupation to store materials and vehicles on site is not proposing the use or storage of any materials that will cause vibration, glare, fumes, or odors beyond the vehicles entering and exiting the site. There is no electronic or radio use that would cause interference.

These criteria are met.

- F. *Storage and Display: No outside storage, display of goods or merchandise visible from outside the enclosed building space in which such goods or merchandise are stored, or external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.04. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.*

Finding: The home occupation proposes to use 3,000 square feet of storage space within an existing garage for the storage business and no signs are proposed. At the hearing the applicants proposed to continue using the existing solid waste dumpsters on the site, which are not currently screened from view. The applicants can install screening around the dumpsters to ensure that they are not visible.

As conditioned this criterion can be met.

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

Finding: No signs are proposed. To ensure compliance with this standard a condition of approval is warranted.

As conditioned these criteria can be met.

- H. *Parking: Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way. Parking spaces needed for employees or customers of the home occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking.*

Finding: The applicants provided a site plan, and pictures showing that the proposed parking for the home occupation is located in the concrete driveway constructed under Entrance Permit EP035022, which ensured it meets current standards. The personal vehicles of the customers coming to the site will need to be located on the right side of the driveway to allow the trucks stored in the garage to have access to the road.

Ms. Lyman testified that employees/customers park on an unpaved portion of the site west of the structure and such vehicles track mud onto SE Chitwood Road. She further testified that commercial trucks associated with the home occupation occasionally park on the public road. (Exhibit 6). Both of these activities are expressly prohibited by the Code. Conditions of approval are warranted to require that all vehicles associated with the home occupation park in areas that are accessible, usable, designed, and surfaced for parking that have been approved by the County.

As conditioned this criterion can be met.

- I. *Access: If the subject property takes access via a private road or access drive that also serves other properties, evidence shall be provided, in the form of a petition, that all other property owners who have access rights to the private road or access drive agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.*

Finding: The subject property does not take access via a private road; access to the site is directly from County Road 223 (SE Chitwood Road).

As conditioned this criterion can be met.

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

Finding: The property is not zoned AG/F, EFU, or TBR, therefore this criterion is applicable.

This criterion is inapplicable.

- K. *Hazardous Materials: Hazardous materials shall not be present on the subject property in quantities greater than those normally associated with the primary uses allowed in the applicable zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.*

Finding: The applicants indicated no hazardous materials would be used or stored on site as part of this home occupation.

This criterion is met.

- L. *Level Two and Three Major Home Occupations: Major home occupations are classified as level two or three. A level three major home occupation may be established only if at least 50 percent of the lots of record abutting the subject property are larger than two acres; however, a renewal application shall be evaluated on the basis of the lot size analysis first applied to the home occupation. A lot of record is considered to be abutting if it is contiguous to the tract on which the home occupation is proposed, or if it is directly across an access drive, private road, or public or county road with a functional classification below that of a collector. The following standards differ depending on whether the proposed home occupation is a level two or three:*

Finding: The subject property is located on the southeast side of state Highway 212, which is considered a Principal Arterial in Map 5-4a of the Clackamas County Comprehensive Plan. Therefore, because of that road functional classification, the property across the highway cannot be used to qualify the subject property for a Level Three Major Home Occupation. There are three parcels adjacent to the subject site on the southeast side of Highway 212. Only one of the three properties is over two acres. Therefore, the subject property must be evaluated against the Level Two Major Home Occupation Criteria.

1. *Building Floor Space: The home occupation may be conducted in a dwelling unit, but—except in the case of a bed and breakfast homestay—is limited to incidental use thereof. For a level two major home occupation, a maximum of 500 square feet of accessory building floor space may be used for the home occupation, and for a level three major home occupation, a maximum of 1,500 square feet of accessory building floor space may be used for the home occupation. If only a portion of an accessory building is authorized for use in the home occupation, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the home occupation space from the remainder of the building. A partition wall may*

include a door, capable of being closed, for ingress and egress between the home occupation space and the remainder of the building.

Finding: The applicants are requesting an exception to the maximum square footage of the accessory space that can be used for the Level II home occupation. This criterion is met pursuant to the exception approval discussed below.

This criterion can be met.

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

Finding: The applicants are proposing to have 4 “employees.” However the Operators that live on site are the only employees of the home occupation. As discussed above, employees of the tenant business who come to the site to pick up the stored equipment and vehicles and leave with the stored items are customers. Regardless, no more than 20 vehicle trips per day are proposed or approved.

This criterion is met.

3. *Vehicles: Vehicles shall be regulated as follows:*
 - a. *Level Two: The maximum number of vehicles that are associated with a level two major home occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee and customer vehicles. A level two major home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight rating of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks, and such deliveries shall be limited to no more than one per day.*

...

Finding: As clarified at the hearing, the applicants are requesting an exception to this criterion to allow up to 6 vehicles associated with the home occupation to be on site at one time: three personal customer vehicles operated by employees of the tenant business and two work trucks stored in the garage. The sixth vehicle is the operator’s vehicle. Six vehicles will only be on the site for a limited time as customers park their personal vehicles on the site and drive away in the stored vehicles in the mornings and reverse the process in the evenings. This criterion is met pursuant to the exception approval discussed below.

This criterion can be met as conditioned.

4. *Prohibited Uses: The following uses shall be prohibited as a major home occupation:*
- a. *Marijuana production;*
 - b. *Marijuana processing;*
 - c. *Marijuana wholesaling;*
 - d. *Marijuana retailing;*
 - e. *As a level two major home occupation:*
 - i. *Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, trailers, or boats;*
 - ii. *Towing and vehicle storage business; and*
 - iii. *Any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than an automobile repair shop with open flame; and*
 - f. *As a level three major home occupation, any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than aircraft engine repair.*

Finding: The applicants are proposing to use an existing garage and driveway as a home occupation storage business. No marijuana is involved in the home occupation. No repair of motorized vehicles or equipment is proposed. No use that requires a more restrictive use under the building code is proposed. However, part of the home occupation will include the storage of gutter trucks and equipment within an enclosed structure. Therefore, the applicants are requesting an exception to the vehicle storage prohibition for this Level Two home occupation. These criteria are met pursuant to the exception approval discussed below.

These criteria can be met as conditioned.

822.05 EXCEPTIONS

An exception to any of the standards identified in Subsection 822.04 requires review as a Type III application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:

Finding: The applicants requested an exception to the floor area limitation in Subsection 822.04(L)1. However, a review of the application materials found that exceptions to Subsections 822.04(L)(3)(prohibiting more than four vehicles associated with the home

occupation to be parked on the site at any time) and 822.04(L)(4)(e) (prohibiting storage of vehicles as a Level Two home occupation) are also required to approve the use as proposed. **This is informational only.**

- A. *The use shall remain compatible with the area. The following factors shall be considered when determining if a use is compatible with the area:*
 - a. *The number of standards identified in Subsection 822.04 that will be exceeded; it is presumed that the more standards exceeded, the more difficult it will be to demonstrate compatibility;*
 - b. *The character of the neighborhood, including such factors as the presence of off-site similar and outside storage uses, proximity of off-site dwellings, level of surrounding traffic, size of off-site accessory buildings, and background noise levels;*
 - c. *The ability to mitigate impacts by driveway and road improvements, screening, landscaping, building location, building design, and other improvements;*
 - d. *Potential environmental impacts, including effects on air and water quality; and*
 - e. *Provision of adequate and safe access to public, County, or state roads.*

Finding: The applicants are requesting exceptions to three standards: 1) to be able to use 3,000 square feet of storage space; 2) to allow for up to six vehicles associated with the home occupation to be located on the site at a time; and 3) to store vehicles on the site as a Level Two home occupation.

The applicants identified that the area surrounding the subject site contains many potential businesses. The site is adjacent to a state highway and across the road from a cemetery. There are floodplain, habitat conservation, and wetland areas in the northern portion of the property that provide a buffer to the adjacent property to the north. Thus, the impact from the storage business is limited since noise generated by loading equipment onto a truck inside an enclosed building is unlikely to exceed existing ambient noise levels at the property line. The building proposed for use as a home occupation was designed as a structure for a residence and two garages, which is similar to uses customarily approved on rural residential land. The structure will exist with or without the home occupation.

The home occupation is limited to the storage of equipment and work trucks used in a gutter fabrication and installation business inside a 3,000 square foot portion of the existing structure on the site. All gutter fabrication and installation will occur offsite. Vehicles will only be stored on the site; no on-site vehicle repair is proposed or approved.

The four vehicle limit will only be exceeded for short periods as employees of the tenant business arrive at the site in the mornings before departing in the work trucks and return the work trucks to the site before departing in their personal vehicles in the evening. The work trucks will be stored on site and not visible to surrounding residents beyond the short period when they are removed from the structure and driven to offsite jobs.

Only three business related vehicles will be visible from offsite: the personal vehicles operated by tenant business's employees. The work trucks will be stored inside the enclosed building when not in use offsite. As conditioned, the trash and recycling collection facilities will be screened from view and all areas on the site used for vehicle parking and maneuvering, including the waste collection access, will be hard surfaced.

The home occupation will have no greater environmental impacts than the existing residential use. Such impacts are limited to vehicle exhaust as employees of the tenant business drive to and from the site. The home occupation will have no impact on the floodplain, habitat conservation area and wetlands, as the existing building on the site separates these sensitive areas from the home occupation use.

All business related traffic will access SE Chitwood Road, a public street, via paved driveways.

The additional space and vehicle storage uses for the home occupation will be located entirely inside the existing building and will not cause any impacts on the surrounding area. The excess vehicle parking will be visible, but it will only occur for very short periods in the mornings and evenings as employees of the tenant transfer between their personal vehicles and the stored work trucks in the mornings and evenings.

Therefore, the hearings officer finds that the proposed home occupation, with the proposed exceptions, will remain compatible with the area.

This criterion is met.

B. Services adequate to serve the proposed use shall be available, including transportation, public facilities, and other services existing or planned for the area affected by the use. At a minimum, compliance with Subsections 1006.03(B), 1006.04(B), and 1006.06(C) (except as set forth in Subsection 1006.07), and 1007.07 is required.

Finding: The applicants showed that they currently have water and power service and use a septic system permitted through ST061022. A preliminary statements of feasibility was submitted with the application as required by Subsections 1006.03(B). The water provider signed the form on December 11, 2025, and indicated that water was available and fire flows would be evaluated in the future, likely as the change of use permit is reviewed pursuant to the building codes program requirements. The applicants provided a preliminary statement of feasibility from the surface water management agency as required by Subsection 1006.06(C). The statement, signed December 16, 2025, indicated that surface water management could be effectively conveyed and treated on-site. For the

pre-application conference, the Transportation and Engineering staff provided the following comments (Exhibit 4): “The driveway serving the home is improved with a concrete surface and is adequate. The gravel driveway/parking area to the east does not meet current standards and will require improvement if retained.” Based on the site plan provided, the applicants are not proposing to retain the gravel parking area to the west of the existing driveway and indicated the following items would be needed for the home occupation as it is proposed through file Z0465-25:

2. *“Parking spaces shall be adequately delineated. For paved surfaces, parking spaces shall be striped. For a gravel surface, wheel stops or a similar physical features shall be provided to delineate each gravel parking space.”*
3. *Handicapped (ADA) parking spaces and adjacent accessible areas shall be paved with asphalt concrete or an equivalent approved by Clackamas County Engineering staff, as required by the Building Department.*
4. *Drainage facilities shall be designed and constructed in conformance with Clackamas County Roadway Standards Chapter 4, providing water quality treatment and conveyance to a suitable outfall.”*

These criteria can be met as conditioned.

- C. *Notwithstanding the remainder of Subsection 822.05:*
 1. *An exception shall not be granted to Subsection 822.04(A), (I), (J), or (L)(4)(a) through (d).*
 2. *Accessory building floor space for the home occupation shall not exceed 3,000 square feet.*
 3. *If the subject property is in an EFU, TBR, or AG/F zoning district, the number of employees shall not exceed five.*

Finding: The applicants did not request and do not need an exception to 822.04(A), (I), (J), or (L)(4)(a) through (d). Only 3,000 square feet of interior storage is for use by the home occupation; the applicants show that there is a wall separating the accessory building floor space from the remainder of the building. The subject property is not in the EFU, TBR, or AG/F zoning district and the maximum number of employees is identified as four.

These criteria are met.

822.06 PREEXISTING HOME OCCUPATIONS

Home occupations legally established prior to April 22, 2010, which complied with all provisions of this Ordinance then in effect, including appropriate permits if required, are exempt from the requirements of Section 822. Those preexisting home occupations that were subject to annual permit review shall be reviewed for compliance with the standards in effect at the time of their establishment, on the same schedule as home occupations established under the current provisions of Section 822. Home occupations established prior to the requirement for permit application and review are not subject to automatic review, but must continue to comply with the standards in effect at the time of their establishment. Preexisting home occupations may not be transferred to another operator or be enlarged without satisfying all the requirements of Section 822.

Finding: The applicants have not previously had a Home Occupation considered through land use. **This criterion is not applicable.**

822.07 APPROVAL PERIOD AND RENEWALS

- A. *A major home occupation permit is valid for three 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.*
- B. *A major home occupation permit may be renewed an unlimited number of times. Renewals also shall be valid for three 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.*
- C. *A renewal of a major home occupation permit, including one for a home occupation with one or more previously approved exceptions under Subsection 822.05, requires review as a Type II application pursuant to Section 1307, Procedures. However, if the renewal application includes a request for an exception not approved under the prior home occupation permit, the renewal requires review as a Type III application pursuant to Section 1307.*

Finding: This criterion is informational only.

Section 1000 Development Standards - As stated in ZDO 822.05 (B) “*Services adequate to serve the proposed use shall be available, including transportation, public facilities, and other services existing or planned for the area affected by the use. At a minimum, compliance with Subsections 1006.03(B), 1006.04(B), and 1006.06(C) (except as set forth in Subsection 1006.07), and 1007.07 is required.*”

ZDO Section 1006, Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control

1006.01 GENERAL STANDARDS

- A. *The location, design, installation, and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbance of soil and site consistent with the rules and regulations of the surface water management regulatory authority.*
- B. *All development that has a need for electricity, natural gas, and communications services shall install them pursuant to the requirements of the utility district or company serving the development. Except where otherwise prohibited by the utility district or company, utility service lines shall be installed underground.*
- C. *Coordinated installation of necessary water, sanitary sewer, and surface water management and conveyance facilities is required.*
- D. *Easements shall be provided along lot lines as deemed necessary by the County, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency.*

Finding: The utility lines and facilities were installed when the building was permitted and constructed through building permit B0644122. Therefore, the installation was coordinated as required by the responsible agency.

These criteria are not applicable.

1006.02 STREET LIGHTS

Street lights are required for all development inside the Portland Metropolitan Urban Growth Boundary. The following standards apply:

Finding: The subject property is located inside the Portland Metropolitan Urban Growth Boundary. The applicants state that there is an existing street light serving the site. No new road intersections are proposed.

This criterion is met.

1006.03 WATER SUPPLY

- A. *Development which has a need for, or will be provided with, public or community water service shall install water service facilities and grant necessary easements pursuant to the requirements of the district or company serving the development.*

- B. Approval of a development that requires public or community water service shall be granted only if the applicant provides a preliminary statement of feasibility from the water system service provider.*
- 1. The statement shall verify that water service, including fire flows, is available in levels appropriate for the development and that adequate water system capacity is available in source, supply, treatment, transmission, storage and distribution. Alternatively, the statement shall verify that such levels and capacity can be made available through improvements completed by the developer or the system owner.*
 - 2. If the statement indicates that water service is adequate with the exception of fire flows, the applicant shall provide a statement from the fire district serving the subject property that states that an alternate method of fire protection, such as an on-site water source or a sprinkler system, is acceptable.*
 - 3. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve water system capacity for the development.*
- C. Prior to final approval of a partition or subdivision, the applicant shall provide evidence that any wells in the tract subject to temporary or permanent abandonment under Oregon Revised Statutes (ORS) 537.665 have been properly abandoned.*
- D. The following standards apply inside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village:*
- 1. Land divisions or other development requiring water service shall not be approved, except as provided in Subsection 1006.03(D)(4), unless they can be served by a public water system in compliance with drinking water standards as determined by the Oregon Health Authority.*
 - 2. Development requiring water service within the boundaries of a water service system, created pursuant to ORS chapters 264, 450, or 451, shall receive service from this system.*
 - 3. New public water systems shall not be created unless formed pursuant to ORS chapters 264, 450, or 451.*
 - 4. A lot of record not located within the approved boundaries of a public water system may be served by an alternative water source.*

Finding: The development includes storing equipment and vehicles on site. The applicants provided a preliminary statement of feasibility from the Sunrise Water Authority indicating that it is feasible to meet the water requirements for the site, but that fire flows were not evaluated. No land division is proposed and no new water system is being created. Although the site is inside the Damascus groundwater limited area, no water usage is proposed beyond the existing single stall bathroom, and hydrogeologic review is not needed.

These criteria can be met as conditioned.

1006.04 SANITARY SEWER SERVICE

Finding: The subject property is outside of all sanitary sewer districts and is not able to be served by a sanitary sewer service.

These criteria are not applicable.

1006.05 ONSITE WASTEWATER TREATMENT

- A. *All development that requires onsite wastewater treatment shall receive approval for the system from the County prior to submittal of a land use application for development. Onsite wastewater treatment systems shall be installed pursuant to: Oregon Revised Statutes 454.605 through 454.745; Oregon Administrative Rules chapter 340, divisions 71 and 73; and the policies of the County.*

All development that requires onsite wastewater treatment shall receive approval for the system from the County prior to submittal of a land use application for development. Onsite wastewater treatment systems shall be installed pursuant to:

Oregon Revised Statutes 454.605 through 454.745; Oregon Administrative Rules chapter 340, divisions 71 and 73; and the policies of the County.

- B. *Inside the Portland Metropolitan Urban Growth Boundary (UGB), Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village, all land divisions or other development that requires onsite wastewater treatment shall be prohibited except for:*
- C. *Notwithstanding Subsection 1006.05(B), development of triplexes, quadplexes, townhouses, or cottage clusters in the VR-4/5, VR-5/7, R-5, R-7, R-8.5, R-10, R15, R-20, or R-30 Districts and development of affordable housing subject to Section 846, Affordable Housing, is prohibited if the development requires onsite wastewater treatment.*

Finding: The site is located inside of the UGB. The development is not for triplexes, quadplexes, townhouses, or cottage clusters in an urban residential zone. The Clackamas County Septic and Onsite Wastewater Program does not provide preliminary statements of feasibility. The Program does provide authorization notices for situations where the use or intensity of the use is changing to ensure the existing system is adequate for the new use and does provide site evaluations when a new system is proposed. In the application, the applicants indicated that no wastewater usage is proposed beyond what is currently existing.

The proposed development will be served by an existing subsurface sewage disposal system (more properly called onsite wastewater treatment). Under the relevant statutes and administrative rules, approval to change the use of a lawfully existing onsite wastewater treatment system requires approval of an authorization notice. The applicants must submit an approved authorization notice that will allow the proposed development to connect to the existing system, contingent on modifications being made to that system as detailed in the authorization notice. Construction of the required modifications to the system must comply with the statutes and administrative rules cited above and administered by the Clackamas County Onsite Wastewater Program. Conditions of approval will require such compliance.

As conditioned, this criterion is met.

1006.06 SURFACE WATER MANAGEMENT AND EROSION CONTROL

The following surface water management and erosion control standards apply:

- A. Positive drainage and adequate conveyance of surface water shall be provided from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point.*
- B. The requirements of the surface water management regulatory authority apply. If the County is the surface water management regulatory authority, the surface water management requirements of the Clackamas County Roadway Standards apply.*
- C. Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.*
 - 1. The surface water management regulatory authority may require a preliminary surface water management plan and report, natural resource assessment, and buffer analysis prior to signing the preliminary statement of feasibility.*

2. *The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.*
- D. *Development shall be planned, designed, constructed, and maintained to:*
1. *Protect and preserve existing natural drainage channels to the maximum practicable extent;*
 2. *Protect development from flood hazards;*
 3. *Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;*
 4. *Ensure that waters drained from the development are substantially free of pollutants, including sedimentary materials, through such construction and drainage techniques as sedimentation ponds, reseeding, and phasing of grading; and*
 5. *Ensure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development.*
- E. *Where culverts cannot provide sufficient capacity without significant environmental degradation, the County may require the watercourse to be bridged or spanned.*
- F. *If a development, or any part thereof, is traversed by any watercourse, channel, stream, creek, gulch, or other natural drainage channel, adequate easements for surface water management purposes shall be provided to the surface water management regulatory authority.*
- G. *Channel obstructions are not allowed, except as approved for the creation of detention, retention, or hydropower facilities approved under this Ordinance. Fences with swing gates may be utilized.*
- H. *The natural drainage pattern shall not be substantially altered at the periphery of the subject property. Greatly accelerated release of stored water is prohibited. Flow shall not be diverted to lands that have not previously encountered overland flow from the same upland source unless adjacent downstream owners agree.*
- I. *A surface water management and erosion control plan is required for significant residential, commercial, industrial, and institutional development. The plan shall include:*

1. *The methods to be used to minimize the amount of runoff siltation and pollution created from the development both during and after construction; and*
2. *Other elements required by the surface water management authority.*

Finding: The subject property is located outside surface water management districts and thus the Clackamas County Transportation and Engineering Program is the surface water management agency. As indicated by the preliminary statements of feasibility from the Clackamas County Transportation and Engineering Program signed December 16, 2025, onsite surface water treatment requirements for the proposed use could be met. There is no new impervious surface proposed with this Home Occupation. However, the pictures provided by the applicants show a second parking area used for the residents only and the Transportation and Engineering staff identified that improvements to that second parking area would be needed. In addition, the applicants will likely be required to surface the solid waste and recycling storage area and access. Transportation and Engineering staff will verify that the storm drainage facilities needed for the new impervious surfaces are, or will be, designed and constructed in conformance with *Clackamas County Roadway Standards* Chapter 4 through the review of the Entrance Permit.

As conditioned these criteria are met.

1007 ROADS AND CONNECTIVITY

1007.07 TRANSPORTATION FACILITIES CONCURRENCY

- A. *Subsection 1007.07 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.*
- B. *Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:*
 1. *Development that is located: a. In the Light Industrial, General Industrial, or Business Park District; and b. North of the Clackamas River; and c. West of Highway 224 (south of Highway 212) or 152nd Drive (north of Highway 212); and d. South of Sunnyside Road (east of 82nd Avenue) or Harmony Road (west of 82nd Avenue) or Railroad Avenue (west of Harmony Road); and e. East of Interstate 205 (south of Milwaukie Expressway) or the city limits of Milwaukie (north of the Milwaukie Expressway).*
 2. *Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result;*

3. *Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;*
4. *Mass transit facilities, such as light rail transit stations and park-and-ride lots;*
5. *Home occupations to host events, which are approved pursuant to Section 806; and*
6. *Development in Government Camp that is otherwise consistent with the Comprehensive Plan land use plan designations and zoning for Government Camp.*

Finding: The proposed use is not a design review, subdivision, or partition. The home occupation is a new use in an existing development. Based on the conversation during the pre-application conference and the calculation of the SDCs that show 0.94 trips per day with a single-family home generating 10 trips per day, the home occupation is not going to increase motor vehicle traffic enough to impact the transportation system.

These criteria are not applicable.

D. CONCLUSION

Based on the findings and discussion provided or incorporated herein, the hearings officer concludes that Case No. Z0465-25 (Amundsen) should be approved, because the application does or can comply with applicable standards of the Clackamas County ZDO, provided it is subject to conditions that ensure timely compliance in fact with the ZDO and relevant Comprehensive Plan Policies.

E. DECISION

Based on the findings, discussion and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby approves Z0465-25 (Amundsen) subject to the following conditions:

1. Approval of this land use permit is based on the submitted written narrative and plans filed with the County on November 6, 2025, and additional documents submitted on December 9, 10, and 11, 2025. 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. The Home Occupation with an Exception approval is valid for three years from the date of the final written decision. [ZDO 822.07]

3. Written approval from the Clackamas Fire District #1 shall confirm fire flows and adequate water supply for those required flows will be confirmed by the Sunrise Water authority. [ZDO 1006.03]
4. Written approval from the Clackamas Fire District #1 for the planned access, circulation, and fire lanes. The approval shall be in the form of site plans stamped and signed by the Fire Marshal. [ZDO 822.05(A)(e) and 822.05(B)]
5. Written approval from the Clackamas County Engineering for surface water management facilities and erosion control measures. [ZDO 822.05(A)(d) and 822.05(B)]
6. Before initiation of use and prior to approval of a change of use building permit for the proposed development, an approved authorization notice must be submitted to Planning and Zoning for the file. If modifications to an existing system approved through ST061022 are needed per the approved authorization notice a construction permit for an onsite wastewater treatment system to serve the development, and an approved final inspection of the system, shall be obtained from the Onsite Program. [ZDO 822.05(B) and 1006.05(A)]
7. Further review of regulations pertaining to the Habitat Conservation Area, Water Quality Resource Area, and Floodplain Management District will be required if future ground disturbance, or vegetation removal is proposed. [ZDO 706.06; ZDO 703.09; and ZDO 709.06]
8. The applicant/operator shall reside full-time in the lawfully established dwelling on the site.
9. No outside storage or display of merchandise is proposed or approved. [ZDO 822.04(F)]
10. Any solid waste or recycling collection occurring outside of the existing fully enclosed building shall comply with ZDO 1021 and be screened by a sight obscuring gate and evergreen trees or shrubs and/or a sight obscuring fence.
11. The maximum number of vehicles that are associated with the home occupation and located on the subject property shall not exceed six at any time, including, but not limited to, employee and customer vehicles and vehicles stored in the garage. [ZDO 822.04(H) as modified by the approved exception]
11. All frontage improvements in, or adjacent to Clackamas County right-of-way, and/or on-site transportation improvements shall be in compliance with *Clackamas County Roadway Standards*. [ZDO 822.05(A)(e)]
12. The applicants shall obtain an **Entrance Permit** from the County Development Engineering improvement of the site driveways to current standards, prior to initiation of use, including access to solid waste and recycling collection containers located outside of the existing fully enclosed structure, if any. [ZDO 822.05(C)]

- a) The existing gravel driveway east of the main driveway shall be improved to meet the minimum standards of Standard Drawing D500, including a 20-foot long paved approach, with a maximum width of 35 feet. Beyond the paved approach, a minimum gravel surface shall be constructed.
 - b) A construction management plan shall be provided to the Planning and Zoning Program for the driveways modified or constructed through the Entrance Permit. [ZDO 706.06]
13. Parking is proposed in the concrete driveway approved through Entrance Permit EP035022. The applicants shall identify the parking spaces for employee vehicles on a site plan and verify that unobstructed access is available to the roll up doors for vehicles associated with the home occupation. The three parking spaces proposed in the driveway will be limited to those identified on the site plan that can be used without obstructing access to the roll up doors. [ZDO 822.04(H) and 822.05(A)(c)]
14. All vehicle parking and maneuvering, including solid waste and recycling collection vehicles, shall occur on areas that are accessible, usable, designed, and surfaced for parking and have been approved by the County.
15. All vehicle parking associated with the home occupation shall occur on the site. Parking is prohibited on SE Chitwood Road.
16. Exceptions to ZDO Subsections 822.04(L)(4)(e), 822.04(L)(3), and 822.04(L)(1) are granted for the home occupation to operate as proposed.
17. Any signs shall meet the requirements of ZDO 1010.

DATED this 3rd day of March 2026.



Joe Turner, Esq., AICP
Clackamas County Land Use Hearings Officer

APPEAL RIGHTS

ZDO 1307.14(D)(6) provides that, with the exception of an application for an Interpretation, the Land Use Hearings Officer's decision constitutes the County's final decision for purposes of any appeal to the Land Use Board of Appeals (LUBA). State law and associated administrative rules promulgated by LUBA prescribe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that any appeal to LUBA "shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final." This decision will be "final" for purposes of a LUBA appeal as of the date of mailing (which date appears on the last page herein).