



NOTICE OF DECISION ON A TYPE II LAND USE PERMIT

Decision: Approved with Conditions

Permit Type: Home Occupation

File No. Z0134-25

Applicant's Proposal: Home occupation permit for a level 3 Home Occupation for detailing and selling vehicles (to be sold at auctions) along with customers coming to the property to inspect and purchase vehicles. The maximum amount vehicles at any given time associated with home occupation (business) will be five.

Decision Date: August 18, 2025

Deadline for Filing Appeal: September 2, 2025, at 4:00 pm.

Issued By: Aldo Rodriguez, Planner I, ARodriguez@clackamas.us, 503-742-4541

Applicant: Michael Rosas

Owner of Property: Angela Abudakar

Zoning: RRFF-5 – Rural Residential Farm Forest 5-Acre District

Assessor's Map & Tax Lot(s): T2S R1E Section 30A Tax Lot 03500

Site Address: 20763 SW Prindle Rd. Tualatin, OR 97062



Community Planning Organization (CPO) for Area:

STAFFORD TUALATIN VALLEY CPO STAFFORDCPO@GMAIL.COM

Community Planning Organizations (CPOs) are part of the county's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact Clackamas County Community Engagement at 503-655-8751.

Opportunity to Review the Record and Decision: The complete decision, including findings and conditions of approval, and the submitted application are available for review online at <https://aca-prod.accela.com/CLACKAMAS>. Select the **Planning** tab and enter the file number to search. Select **Record Info** and then select **Attachments** from the dropdown list, where you will find the submitted application. A copy of the decision, application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost by contacting the Planner listed above. Copies of all documents may be purchased at a cost established by the County fee schedule.

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

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

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

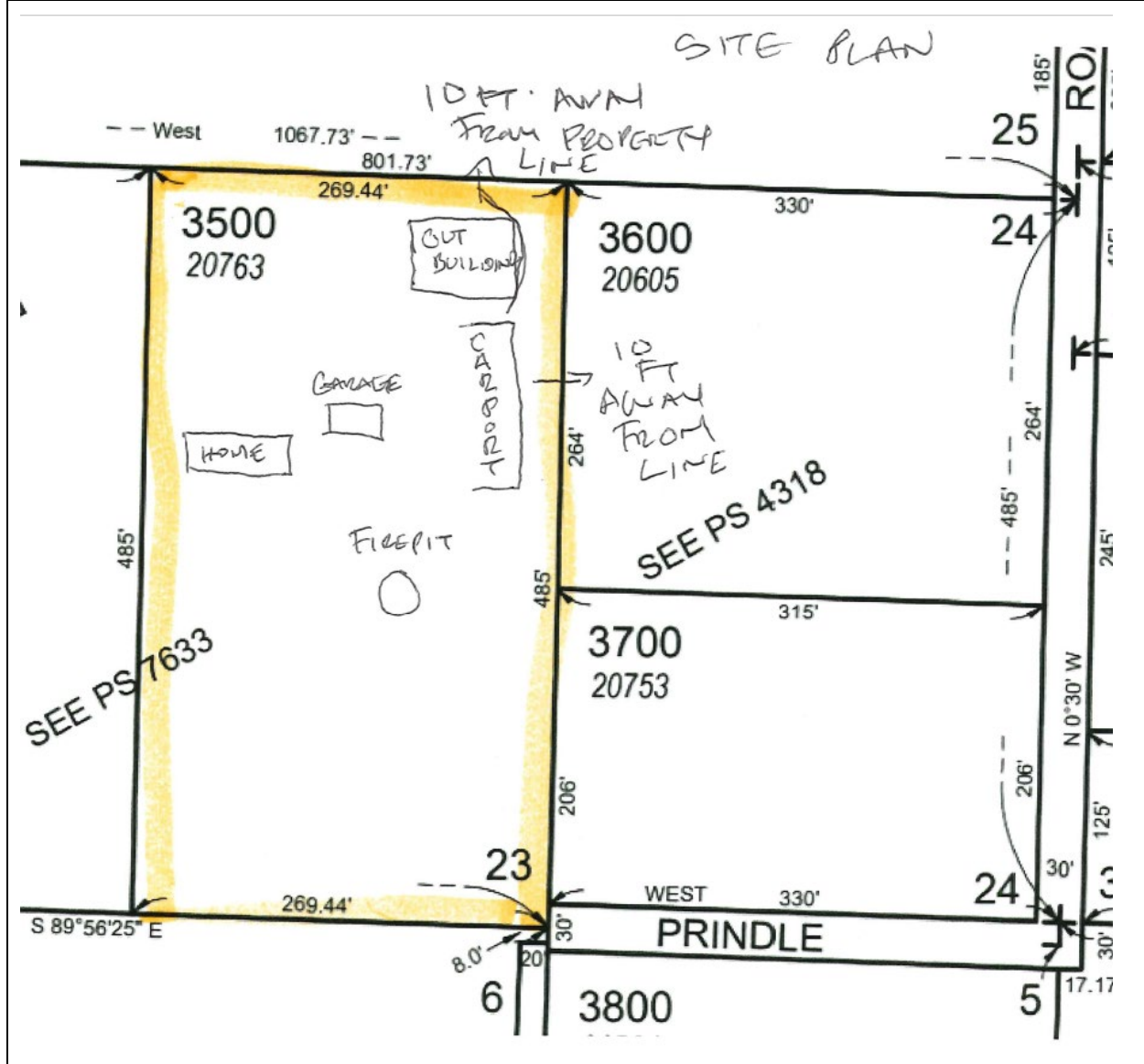
NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

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

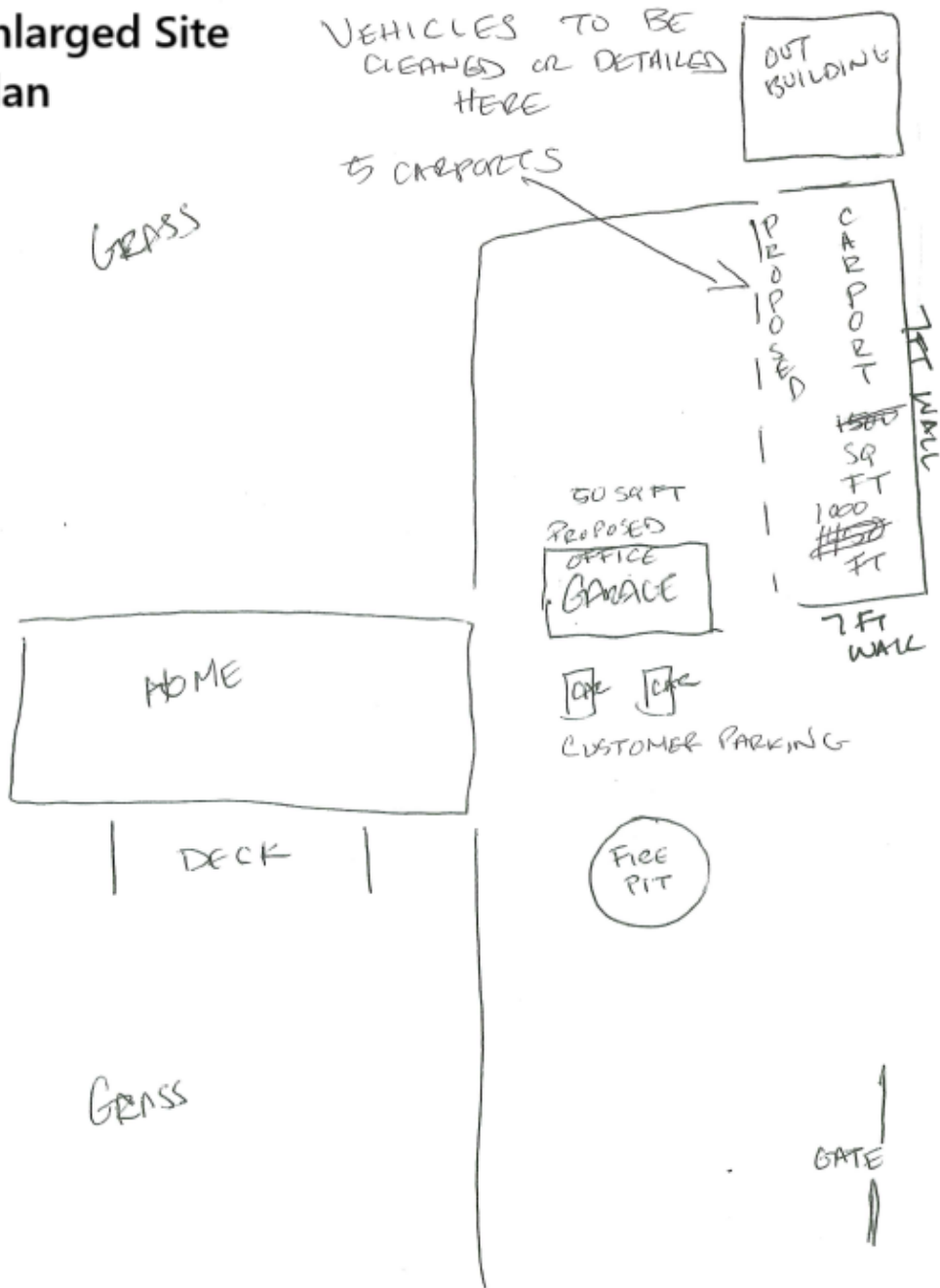
503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통?



Site Plan



Enlarged Site Plan





PERMIT EXPIRATION

Pursuant to ZDO Subsection 822.07, approval of this home occupation is valid for three years from the date of the final decision. Unless an appeal is filed, the date of the final decision is the “decision date” listed above. The permit may be eligible to be renewed, subject to compliance with the regulations in effect at that time.

This is the only notice you will receive of this permit expiration date.

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. At all times, the use shall be sited and conducted in compliance with these conditions of approval. Noncompliance may result in code enforcement action or revocation of this permit.

1. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on 4/7/2025 and additional documents submitted on 6/18/2025, 8/7/2025, 7/30/2025. This includes the submitted information about any accessory buildings to be used in the home occupation. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with these documents and the limitation of any approval resulting from the decision described herein.
2. The operator shall reside full-time in a lawfully established dwelling unit on the tract on which the home occupation is located. (ZDO 822.04.A)
3. The home occupation shall have no more than five employees. (ZDO 822.04.B)
4. Noise shall be regulated as follows: (ZDO 822.04.C)
 - a. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise detectable to normal sensory perception off the subject property.
 - b. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt.
 - c. Noise detectable on public rights-of-way and railroad rights-of-way shall be exempt.
5. The home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not. (ZDO 822.04.D)

6. The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property. (ZDO 822.04.E)
7. No outside storage, display of goods or merchandise visible from outside the enclosed building space in which such goods or merchandise are stored, or external evidence of the home occupation shall occur, except as specifically allowed by ZDO Subsection 822.04. (ZDO 822.04.F)
8. Signs for the home occupation shall comply with ZDO Section 1010, *Signs*. (ZDO 822.04.G)
9. Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way. Parking spaces needed for employees or customers of the home occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. (ZDO 822.04.H)
10. Hazardous materials shall not be present on the subject property in quantities greater than those normally associated with the primary uses allowed in the applicable zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less. (ZDO 822.04.K)
11. A maximum of 1,500 square feet of accessory building floor space may be used for the home occupation. Only incidental use of the dwelling unit is allowed, which means the use of no more than 25 percent of the floor area or 500 square feet, whichever is less. (ZDO 822.04.L.1)
12. A partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall be installed to separate the home occupation accessory building space (garage for office) from the remainder of the building. (ZDO 822.04.L.1)
13. The home occupation shall not generate more than 30 vehicle trips per day (ZDO 822.04.L.2)
14. The maximum number of vehicles that are associated with the home occupation and located on the subject property shall not exceed five at any time, including, but not limited to, employee vehicles, customer vehicles, and vehicles to be repaired. Vehicles to be repaired shall be located within an enclosed building or in an area not visible from off the subject property. No more than one of the five vehicles permitted to be located on the subject property at one time shall exceed a gross vehicle weight rating of 11,000 pounds. (ZDO 822.04.L.3.b)

APPLICABLE APPROVAL CRITERIA

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 316, 822 and 1307.

PUBLIC AND AGENCY COMMENTS

Notice was sent to applicable agencies and owners of property within 500 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section. Comments from the following were received:

Staff received written comments from property owners with the 500 feet mailing area on 7/11/25, 7/14/25/ and 7/17/25. The general summary of the comments were regarding concerns about the proposed home occupation and a request that the application be denied.

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

2. **ZDO Section 202, Definitions**

Section 202 defines home occupation as:

An occupation or business activity that results in a product or service and is conducted, in whole or in part, in a dwelling unit, an accessory building normally associated with primary uses allowed in the subject zoning district, or both. Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services unless such sales and parties are held more than six times in a calendar year or operate in excess of 24 total days in a calendar year.

Section 202 defines accessory building or use as:

A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot.

Finding: *The applicant proposes using 5 new carports, each 10x20 square feet (totaling 1,000 square feet) in association with the home occupation. 4 carports are for detailing; to show customers what vehicles are for sale and 1 carport is for the storage of a trailer used to haul the vehicle in and out. In addition, 50 square feet of an existing garage will be used*

as an office for the home occupation. Table 316-2 in the Zoning and Development Ordinance lists “carports” and “garages” as a allowed accessory uses in the RRFF-5 zone.

Clackamas County assessment information indicates the dwelling is 1,848 square feet. The proposed home occupation totals 1,050 square feet. The square footage of the carports are clearly smaller than the dwelling (primary use)

Therefore, the home occupation is incidental and subordinate to the primary use (the dwelling).

This criterion is met.

3. ZDO Section 316-1, Permitted Use in RRFF-5 Zoning District

Subsection 316-1 Use permitted under table 316-1: Permitted Use in the Rural Residential allows for home occupations as accessory uses subject to Section 822. The proposed home occupation will located in proposed carports and a garage, which are considered an accessory use.

4. ZDO Section 822, Home Occupations

822.04 Level Two and Three Major Home Occupations

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

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

Finding: Michael Rosas (applicant) is the tenant of the lawfully established dwelling on the property. The owner of the property is Angela Abudakar. The applicant provided a lease agreement, which confirms the operator (Michael Rosas) is residing in the dwelling full-time. In addition, the applicant states they will be the operator and will continue to live within the single-family dwelling located on the subject property.

This criterion is met.

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

Finding: The application proposes a total of 3 employees, including the operator. Despite the current proposal, the code would allow up to 5 employees, which is reflected in the conditions of approval. As such, if the applicant wanted to add employee(s) later, they would not have to submit a new application.

This criterion is met.

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

1. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise detectable to normal sensory perception off the subject property.

- a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 822.04(C)(1).
 - b. Subsection 822.04(C)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.
2. A noise study may be required to demonstrate compliance with Subsection 822.04(E)(1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.

Finding: *The applicant states on the application the proposed home occupation will not exceed the greater of 60 dB(A) or the ambient noise level. The applicant also states that no noise detectable to normal sensory perception off of the subject property will be created the home occupation between 6 pm and 8 am the next day. The detailing of the vehicles will consist of wiping the cars down, vacuuming, and power washing, cleaning the wheels, cleaning the windows, spraying the engine bays and putting air in the tires if needed. The applicant indicated that the tools associated with the proposed home occupation will be a small air compressor (to put air in the tires), a vacuum, and a power washer. An updated email on 7/30/2025 stated a power washer is no longer used and a hose will be used to wash the cars down. The 50 square foot portion of the garage will be an office. The property is 3 acres with trees and vegetation surrounding the proposed location of the carports. The large size of the property, the vegetation, and the small amount of low noise producing tools will ensure the noise level is met. Therefore, staff has determined the home occupation will not exceed the noise criterion above. The noise criteria (a noise study or limit to noise) does not include noise created from personal use on the property. The noise criteria is only in association with the home occupation.*

This criterion is met.

- D. Vibration, Glare, Fumes, and Odors: The home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.

Finding: *Idling vehicles are only allowed inside buildings associated with the home occupation and in areas of the property where they would not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. At 3 acres the property size adds additional barriers for the odors and fumes to dissipate before they can reach neighboring property lines. Detailing vehicles does not require the car to be turned on. Typically, in detailing a car, they are turned off within the building so they can be cleaned. The vehicles will be hauled in and out via trailer reducing fumes and odors. Customers entering and existing, customers driving off with purchased vehicles, and the applicant using his truck to bring vehicles are exempt from this provision. This criterion is only applied in association with the home occupation. Personal uses on the property do not need to adhere to this provision.*

This criterion is met.

- E. Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.

Finding: The application states that the home occupation will comply with these requirements.

This criterion is met.

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

Finding: The application states that the home occupation will comply with these requirements. In addition, the property is 3 acres with vegetation surrounding the property to assist in concealing any external evidence. The vehicles for sale are considered merchandise and will be fully enclosed within carports. A question may rise as to whether the carports as shown above are considered a “enclosed building space”. Staff was unable find a definition of “building” within the Clackamas County ZDO. Therefore, staff used the Merriam-webster dictionary definition.

Building: “a usually roofed and walled structure built for permanent use”.

“Roof” or “Wall” were also not included in the Clackamas County ZDO definition section and so the Merriam-webster dictionary definition is used. “Structure” is found in the ZDO and used below.

Roof: “the cover of a building”.

Wall: “a material layer enclosing space”.

Structure: “Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground”.

Using the definitions above staff determined the proposed carport above **is** considered a building because it is “structure” containing a “roof” and “walls”. It is covered in a “canopy” but as shown in the definitions, the material used to enclose the structure is not a factor of what makes something a building. Additionally, there is a flap in the front that will enclose the vehicles when stored.

The truck and trailer used to haul the vehicles into the property are not merchandise and do not need to be in enclosed building. That said, the applicant adjusted his narrative via email on August 7, 2025, stating the trailer will be stored within one of the proposed carports and thus would be considered as equipment and not a vehicle. As described above the property is enclosed enough for the truck not to show any external evidence of the home occupation.

This criterion is met.

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

Finding: The application indicates a sign is located on the front gate and meets the dimensions.

This criterion is met.

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

Finding: The proposed parking areas are identified on the submitted site plan.

This criterion is met.

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

Finding: The property has direct access from SW Prindle Rd., which is a public road.

This criterion is not applicable.

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

Finding: The subject properties are not zoned AG/F, EFU or TBR. Therefore, this criterion is not applicable.

This criterion is not applicable.

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

Finding: Staff sent a notice to the Department of Environmental Quality (DEQ) to provide an opportunity for DEQ to comment on the application. Staff did not receive a comment from DEQ. Staff explained the process of detailing the cars in C. under the noise ordinance section of this staff report. The applicant states an environmentally friendly soap will be/is used to clean the vehicles and general cleaning spray is used for inside of the vehicles. Soap and cleaning spray is normally associated with RRFF-5. The primary uses are residential or farm/forest in RRFF-5 and these types of "hazardous"

materials are common. Personal uses on the property do not need to adhere to this provision.

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

This criterion is met.

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

Finding: The applicant proposes using five 10x20 square feet carports for the detailing and storage of the vehicles and trailer. In addition, 50 square feet of an existing garage of office space, which totals 1,050 square feet. The applicant will be required to put a partition wall in the garage. The proposed office is in existing room, with walls, and a door with, that would satisfy the criteria.

The definition of accessory building or use was met in the definition section above

As conditioned, this criterion is met.

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

Finding: The applicant states there will be 10 vehicles trips per day associated with proposed home occupation. This is below the allowed 30 vehicles trips per day under level three. Personal trips for personal use are not a part of this limit.

This criterion is met.

3. Vehicles: Vehicles shall be regulated as follows:

- a. Level Two: The maximum number of vehicles that are associated with a level two major home occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee and customer vehicles. A level two major home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight rating of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks, and such deliveries shall be limited to no more than one per day.
- b. Level Three: The maximum number of vehicles that are associated with a level three major home occupation and located on the subject property shall not exceed five at any time, including, but not limited to, employee vehicles, customer vehicles, and vehicles to be repaired. Vehicles to be repaired shall be located within an enclosed building or in an area not visible from off the subject property. No more than one of the five vehicles permitted to be located on the subject property at one time shall exceed a gross vehicle weight rating of 11,000 pounds.

Finding: The applicant stated in the original narrative 5 vehicles would be associated with the home occupation. That would have included the vehicles being brought on the property to be detailed/sold and the customer vehicles. An updated narrative submitted on August 7, 2025, via email stated the applicant's truck and trailer will be used in association with the home occupation to bring in and bring out the vehicles to be detailed and sold. The truck that is used to haul the vehicles is considered a vehicle and counts toward the total amount of vehicles allowed. The truck is a 2001 Ford F150 4x4 with a gross weight of 4,000 lbs. The trailer is proposed to be stored in one of the carports and thus is considered equipment and does not count toward the vehicle count. Considering the truck, the other four vehicles will be either the vehicles to be detailed and sold and/or the customer vehicles that come the property to see the vehicles for sale. No vehicle over with a gross vehicle weight of 11,000 lbs is proposed. The vehicle limit under this provision does not apply to personal vehicles on the property, only to vehicles in association with the home occupation.

This criterion is met.

4. Prohibited Uses: The following uses shall be prohibited as a major home occupation:

- a. Marijuana production;
- b. Marijuana processing;
- c. Marijuana wholesaling;
- d. Marijuana retailing;
- e. As a level two major home occupation:

- i. Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, trailers, or boats;
 - ii. Towing and vehicle storage business; and
 - iii. Any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than an automobile repair shop with open flame; and
- f. As a level three major home occupation, any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than aircraft engine repair.

Finding: *The home occupation is not associated with marijuana related uses, repair of motorized vehicles (including painting or repair of automobiles/trucks/trailers/boats) and equipment, or aircraft engine repair. If one would consider detailing vehicle repair. It is allowed because it is being reviewed under a level three home occupation and not a level two home occupation.*

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