

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending Sections)
100 and 1507 of the Columbia) Ordinance No. 95-09
County Zoning Ordinance)
_____)

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 95-09.

SECTION 2. AUTHORITY.

This ordinance is adopted under the authority of ORS 203.035, 215.050 and 215.223.

SECTION 3. PURPOSE.

The purpose of this ordinance is to amend Section 100 and Section 1507 of the Columbia County Zoning Ordinance (CCZO).

SECTION 4. FINDINGS.

1. The 1995 Legislative Assembly amended ORS 215.448 regarding the ability of the county to permit home occupations under certain circumstances. The new statutory criteria allows counties greater opportunity to approve home occupations.
2. Columbia County's zoning provisions emulate statutory criteria. The Board of County Commissioners finds it is in the County's interest to amend the local ordinance to conform to the statutory standards.
3. The Board of County Commissioners finds the new statutory provisions more in keeping with its philosophy of local control over land use issues. By adopting the new statutory criteria, the Planning Commission has the ability to allow a greater range of home occupations than is currently allowed

in the local ordinance.

4. In Holsheimer v. Columbia County, 28 Or LUBA 279 (1994), the Land Use Board of Appeals held that the storage of vehicles connected to a paving business was not an allowable component of a home occupation. The legislative assembly saw fit to legislatively overrule this holding by passing Chapter 465 of Oregon Laws of 1995. The County finds that these new statutory standards are consistent with its initial interpretation of the home occupation ordinance.
5. Many people wish to operate businesses out of their homes. It is a cost efficient means to begin a new endeavor. By amending the ordinance to substantially conform with the provisions of statute, citizens are afforded a greater opportunity to create businesses for themselves, and economic growth for the county.
6. By amending the ordinance to conform with the new statutory standards, there will be less confusion regarding applicable standards of review.
7. By amending the ordinance to require home occupations to be reviewed by uniform standards, the County recognizes the need to review business activities in non-resource zones as well as in farm and forest zones.
8. Tele-commuting is becoming an efficient means to coordinate a work force. It lessens commuting time and the energy spent meeting in a communal office building. An amendment to the zoning ordinance to allow for more types of home occupations may also promote the goal of energy conservation.

SECTION 5. AMENDMENT TO CCZO SECTION 100.

[Items to be added are in **bold**; items to be deleted are covered by strike out ~~strike-out~~.]

1. The definition found in Section 100.35 is amended as follows:

Home Occupation: ~~This definition shall follow that set out in ORS 215.448.~~ **A business which is located in a zone not normally**

oriented to commercial activities. The home occupation is a low key operation, which does not change the character of the neighborhood in which it is located. It is operated by a resident of the property or an employee of the resident. Traffic generated by the business should not be greater than what is normally found in the zone. Examples of home occupations include beauty salons, bookkeeping operations, and professional offices. A portion of the home occupation may include the parking of vehicles related to the business. See Section 1507 for review criteria.

SECTION 6. AMENDMENT TO CCZO SECTION 1507.

[Items to be added are in **bold**; items to be deleted are covered by strike out ~~strike out~~.]

1507 HOME OCCUPATIONS

- .1 The Commission may allow the establishment of a home occupation as a Conditional Use in any zone that allows residential uses, if the home occupation:
 - A. Will be operated by a resident **or employee of a resident** of the property on which the business is located;
 - B. Will employ **on site** no more than five full-time or part-time persons;
 - C. Will be operated **substantially in**
 1. The dwelling, or
 2. Other buildings normally associated with uses permitted in the zone in which the property is located; and
 - D. Will not **unreasonably** interfere with existing uses on ~~nearby~~ **adjacent** land or with other uses permitted in the zone in which the property is located.
- .2 The Commission may establish additional reasonable conditions of approval for the establishment of a home

occupation under this section.

.3 Nothing in this section authorizes the Commission to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is to be established.

.4 The existence of a home occupations shall not be used as a justification for a zone change.

~~.5 The Director of the Department of Land Development Services shall review a permit allowing a home occupation every 12 months following the date the permit was issued, and may continue the permit if the home occupation continues to comply with the requirements of this section, unless a complaint has been received. Annual review shall include an inspection of the home occupation and contact with the operator. The Director shall send a letter granting re approval of the home occupation for the next year, or stating the actions which must be taken before re approval may be given, or announcing that a hearing will be scheduled before the Planning Commission.~~

~~.6 The Commission shall hold a hearing, according to Section 1603 of this ordinance, at any time during the year, regarding the renewal or revocation of a home occupation, if any of the following occur:~~

~~A. A written complaint is received from a nearby property owner regarding the operation of the home occupation.~~

~~B. The director considers revoking the permit.~~

~~C. The applicant, or a nearby property owner, or the director wishes the Planning Commission to change or reconsider any of the conditions of approval of the home occupation.~~

~~.7 After a hearing pursuant to 1507.6 above, the Commission may re approve the home occupation until the next annual review, or state the actions which must be~~

~~taken before re approval may be given, or alter the conditions attached to the permit, or revoke the Conditional Use Permit.~~

SECTION 7. SEVERABILITY.

If any provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the remaining portions thereof.

SECTION 7. EMERGENCY CLAUSE.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect on November 22, 1995.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 22nd DAY OF NOVEMBER, 1995.

Approved as to form

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Ann Corcoran Briggs
Office of County Counsel

By: Joel E. Yastrow
Chairman

Attest:

By: Carole L. Smith
Commissioner

By: Jan Spunkholz
Recording Secretary

By: William R. McDonald
Commissioner

First Reading: 11/22/95
Second Reading: 11/22/95
Effective Date: 11/22/95

ACB:s:\95-09.ord

S:\95-09.ORD