

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the)
Columbia County Zoning Ordinance,) Ordinance No. 99-4
Regarding Home Occupations)

The Board of County Commissioners ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 99-4.

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to the authority of ORS 203.035, ORS 197.160 and ORS 197.610 through 197.625.

SECTION 3. PURPOSE.

The purpose of these amendments is to create a two-tiered approach for review of applications for Home Occupations. Larger home occupations would be categorized as "Type 2" and would continue to be reviewed as a conditional use by the Planning Commission. Certain smaller home occupations would be categorized as "Type 1" and will be reviewed administratively by the Land Development Services Department.

SECTION 4. FINDINGS.

1. The Board of County Commissioners finds that the number of county citizens working out of their homes and engaging in home occupations is increasing and is expected to continue to increase in the future. These home occupations vary in size and intensity, responding to a homeowners needs and means of livelihood. The county must respond to each set of circumstances of home occupation applications and relate their potential impacts to the neighboring property owner's need for quiet enjoyment of their property. Some applications for a home occupation involve consulting over the telephone or Internet work, while others involve heavy equipment or manufacturing with up to 5 full time employees. The county finds it an unnecessary burden for both the applicant and the county to treat all these differing applications the same, as present ordinance provisions provide. Those applications for Home Occupations which have no impact on neighboring properties do not need the added review of a formal public hearing before the Planning Commission. However, the county shall provide an opportunity for an affected person to request a public hearing for any and all applications for Home Occupations.

2. The scope of this amendment is limited to distinguishing types of home occupations for review process and fee purposes. It does not alter review criteria in a manner which would tend to limit or prohibit uses previously allowed in the affected zone.
3. The Board of County Commissioners find that the proposed amendment is not inconsistent with any of the goals and policies of the Comprehensive Plan. This amendment is particularly in conformance with Policies 1 and 2 of the Economy Section of the Plan which encourage the creation of new and continuous employment opportunities along with a stable and diversified economy. Many residents working out of their home have been reluctant to comply with the Zoning Ordinance because of the high cost and cumbersome review procedures associated with Home Occupation applications. These amendments will encourage residents to become in compliance with zoning regulations.
4. This amendment was initiated through a process whereby planning advisory groups were asked to identify possible problem areas in the County's implementing ordinances which could qualify for possible text amendments. The Scappoose Citizen Planning Advisory Committee recommended the county use a tiered approach for differing home occupations. The Planning Director proposed these amendments, and they were reviewed by all the county's citizen Planning Advisory Committees in July of 1999. Notice of the proposed amendments were published twice in the St. Helens Chronicle and The Spotlight on July 15th and 21st and were mailed to affected agencies for comments. The Planning Commission held a public hearing reviewed the draft proposal and took testimony regarding it on August 3, 1999. Planning Commission Chairman Jeffrey VanNatta signed the Final Order on August 6, 1999 and recommended changes to the proposed amendment. The Board of County Commissioners readvertised and renotified the parties of a public hearing, reviewed the proposal and took testimony at a Public Hearing on August 25, 1999. The Board left the record open, instructed staff to research a couple of issues and reconvened the public hearing on September 15, 1999. On September 15, 1999, the Board of County Commissioners deliberated and reached a tentative decision. Notice of the proposed amendment was mailed to the State DLCDD on June 26, 1999 through the usual 45 day "Notice of Proposed Amendment". Opportunity was given for comment and input by the public during all of the hearings before the Planning Commission and the Board Of Commissioners. This satisfies the requirements of the Comprehensive Plan Administrative Policy and the implementing procedures in the Zoning Ordinance.
5. The Board of County Commissioners finds that the proposed amendments are in compliance with Oregon Statewide Planning Goals. The Board put particular focus on the following goals: Goal 1 Citizen Involvement and Goal 2 Land Use Planning. This amendment was initiated through the Citizen Involvement process set up by the Comprehensive Plan. The citizens in the area and any affected local governments were

given opportunity to review and comment on the proposed amendments prior to any adoption. The Board finds that these amendments are not subject to SB 543 and subsequent rule modifications by DLCD concerning "45 day notice prior the first evidentiary hearing". SB 543 was effective on June 30, 1999; while, these amendments were formally initiated by Land Development Services on May 3, 1999 and the required 45 day notice was sent to DLCD on June 26, 1999, prior to the effective date of SB 543. The Board finds that this amendment is not subject to Measure 56 notification requirements, effective December 3, 1998, requiring local governments to mail written individual notice to affected landowners because it does not amend an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

SECTION 5. RESCISSION, AMENDMENT, ADOPTION.

1. Those provisions of the Zoning Ordinance which are in conflict with the provisions as stated in this ordinance are rescinded.
2. The amendments as shown in Attachment "A" are adopted.

SECTION 6. SEVERABILITY.

The provisions of this ordinance are severable. If any provision of this ordinance is determined to be invalid by a court of competent jurisdiction, the provision shall be considered a separate, distinct and independent provision and the decision shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this 8th day of December, 1999.

Approved as to form:

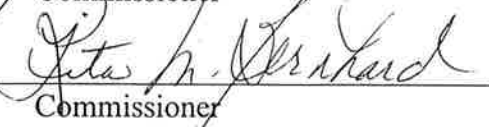
By: 
Office of County Counsel

Attest:
By: 
Recording Secretary

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Chair

By: 
Commissioner

By: 
Commissioner

First Reading: August 25, 1999
Second Reading: September 15, 1999
Effective Date: March 7, 2000
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COLUMBIA COUNTY BOARD OF COMMISSIONERS
Approved September 15, 1999
In Regular Session
"Home Occupation, Section 1507"
Text Amendment

FILE NUMBER: TA 99-1

APPLICANT: Columbia County Land Development Services (LDS)

REQUEST: Amend Section 1507 "Home Occupations" of the CCZO

BACKGROUND: The present Home Occupation Ordinance treats all home occupations the same. LDS proposes a two tiered approach with a Type 1 home occupation consisting of a business without employees, without customers, and presenting no indication of a business to the neighbors; and a Type 2 home occupation that may include employees and customers that visit the property.

AMENDMENTS

Additions are in **Bold**
Deletions are in ~~Strikeout~~

In the CCZO, Article 1, Section 100 General Definitions: ...

- .31 Grandfather: Use or condition existing prior to the adoption of this ordinance.
- .32 Grazing: The use of land for pasture or horses, cattle, sheep, goats, and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits.
- .33 Highway, State: Any road or highway designated as such by law or by the Oregon Transportation Commission and includes both primary and secondary state highways.
- .34 Hedge, Sight Obscuring: A planting which is at least 80 percent opaque when viewed horizontally from between 2 and 8 feet above the average ground level.
- .35 Historical Building: Any building or structure designated under a local

government landmark or National Register of Historic Places, or listed in the Oregon State Inventory of historical sites, buildings, and properties approved for nomination in the National Register of Historic Places by the State of Oregon Advisory Committee on Historic Preservation.

- ~~.36~~ Home Occupation: This definition shall follow that set out in ORS 215.448.
- .376 Horticulture: The cultivation of plants, garden crops, trees and/or nursery stock.
- .387 Hotel: A building or portion thereof designed or used for occupancy of individuals who are lodged with or without meals.
- .398 Institution, Educational: A college or university supported by public or private funds, tuitions, contributions, or endowments giving advanced academic instruction as approved by a recognized accrediting agency, excluding elementary and high schools, and trade and commercial schools.
- .4039 Junk Yard: The use of more than 200 square feet of any lot or parcel for the dismantling or "wrecking", or for the storage or keeping, of junk including scrap metals or other scrap materials.

and so on with re-numbering ...

1507 HOME OCCUPATIONS

- ± **Land Development Services or the County Planning The Commission (or the County)** may allow the establishment of a **Type 1 or Type 2** home occupation as a ~~Conditional Use~~ in any zone that allows residential uses. ~~if the home occupation~~: The following provisions shall apply:
- .1 **Type 1**: A **Type 1 Home Occupation** is reviewed administratively by **Land Development Services** and presents no indication of a business to the neighboring property owners. In addition to the general criteria in subsection 1507.3, the following criteria shall apply to a **Type I Home Occupation**:
- A. It shall be operated by a resident of the property on which the business is located.
 - B. No non-residents shall be employed on the property.
 - C. The business generates not more than 20 customer vehicle trips to the property per week.
 - D. Signs are not permitted.

.2 Type 2: A Type 2 Home Occupation is reviewed as a conditional use by the Planning Commission and may be visible to the neighborhood in which it is located. In addition to the general criteria in subsection 1507.3, the following criteria shall apply to a Type II Home Occupation:

- A. It shall be operated by a resident or employee of a resident of the property on which the business is located.**
- B. It shall employ on the site no more than five full-time or part-time persons.**
- C. Signs are permitted as per Section 1300 of the CCZO.**

~~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 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~~

~~.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 occupation shall not be used as justification for a zone change.~~

.3 The following criteria shall apply to all home occupations:

A. A home occupation shall 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.

B. A home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.