



STAFF REPORT

Coos County Planning
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I. MATTER DETAILS – AGENDA ITEM IV. A

FILE NUMBERS: AM-22-001

APPLICANT: Coos County Board of Commissioners
250 N. Baxter St
Coquille, OR 97423

STAFF CONTACT(S): Chris MacWhorter, Planning Staff Jill Rolfe, Planning Director
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SUMMARY PROPOSAL: This is a proposed legislative change to the Coos County Zoning and Land Development Ordinance to implementation of home occupation and cottage industries in unincorporated Coos County. There are no changes to the proposed to the Coos County Comprehensive Plan.

PUBLIC HEARING: The time and place for the Coos County Planning Commission to review this matter is May 5, 2022, at 7:00 PM in the Owen Building, 201 N. Adams Street, Coquille Oregon

- i. **Notice Requirement:** This application is a Plan Map Amendment/Rezone governed by CCZLDO Section 5.0.900.3. The notice of Post Acknowledge Plan Amendment notice was provided 35 days prior to the Planning Commission meeting to meet the requirements of ORS 197.610. The hearing notice was published in accordance with ORS 197.732. Notice was mailed to property owners in compliance with CCZLDO Section 5.0.900.1 Notice of Public Hearings.
- ii. **REVIEW PERIOD:** This application was originally submitted on March 4, 2022. Pursuant to ORS 215.427 this application is not subject timelines as it is application for a zone change filed concurrently and considered jointly with a plan amendment.

II. STAFF REPORT – WITH RECOMMENDATIONS AND PROPOSED FINDINGS

A. BACKGROUND

These proposed amendments will change the implementation of home occupation and cottage industries in unincorporated Coos County. There are no changes to the proposed to the Coos County Comprehensive Plan as part of this effort. Staff is requesting that the Planning Commissioners consider amendments to the CCZLDO on how to implement the permitting of home occupations and cottage industries.

The recommended language is based on one informal Planning Commission meeting, one formal Planning Commission work session held on March 3, 2022, and one formal Board of Commissioner's work session held on March 24, 2022. The following language was sent to DLCD for Post Acknowledgement Plan Amendment on March 31, 2022 to comply with the 35-day notice requirements.

The update is needed to better streamline the implementation of the Coos County Zoning and Land Development Ordinance for the changing nature of home occupations, small cottage industries, and the increased use of Limited Liability Corporations as alternatives to sole proprietorships and as real estate holding corporations.

Staff would like the Planning Commissioners to consider these changes to resolve ongoing home occupation/cottage industry issues affecting land use trends in Coos County. These issues include a lack of compliance with acquiring home occupation/cottage industry authorization in the first place. Currently most every zoning district requires at least a conditional use permit for home occupations or cottage industries. Due to the cost of these applications and the technical nature of filling out these applications. There is starting to be an increase in non-compliance in acquiring authorization for home-based businesses in unincorporated Coos County. This is also leading to frustration of neighbors who do not get to submit comments or legitimate objections to land use approvals.

The traffic and parking demands on publicly dedicated non-County maintained roads or underfunded County maintain roads are starting to affect the quality of life in these residential areas. The road maintenance, or lack of funding for road maintenance, in unincorporated Coos County is a touchy subject as discussed with the Planning Commission at the March work session. Even if urban residential roads were fully built-out with paved running surfaces, stormwater collection, on-street parking, and sidewalks. Staff still believes that traffic and parking demands will cause issues for what currently is being done versus what should be allowed in residential areas. Never less, that does not change the fact most roads are gravel or older paved surfaces, probably don't have underground stormwater drainage, and more than likely don't have sidewalks.

Currently, there is no required limit to hours of operation for home occupations/cottage industries. Staff finds this to be in conflict with the very objective of these residential zoning districts in the Zoning & Land Development Ordinance that describes these areas as residential in nature. Staff believes that the current intent of the Comprehensive Plan is for these uses to remain compatible with the residential uses of the underlying zoning district. Most reasonable people will assume that typical residential activity results in quiet time during the nightly hours so residents may sleep in comfort. Sleep has historically led most people to be happier and more productive members of society. And while Staff has no particular example of commercial or industrial use in a home occupation setting that is only able to be performed at night. Nothing in County ordinance prevents any applicant from seeking out vacant commercial or industrial lands for potential develop for nighttime only operations. The Planning Commission also, concluded there should be some type of quiet time added to ensure these types of commercial activities remain compatible with the residential neighborhood. Therefore, Staff recommends setting hours of operations for Type II, III, and IV applications.

The other factor that Staff believes that the Planning Commissioner should consider is the amount of County staff time involved in handling complaints deriving from these uses. Not the time that the County planning staff spends on complaints, but the additional time that the Road Department, Sheriff Deputies, and even Board of Commissioners spend on traffic/parking complaints, noise issues, and other effects of unauthorized nuisance and land usage.

Based on Staff reviews of the Comprehensive Plan, ORS 215.448, and applicable LUBA opinions. Staff has reviewed most the incorporated Cities in Coos County and included their requirements for home occupations. Staff also review a very select few counties elsewhere in Oregon in the development of the proposed changes. It is important to note that ORS 215.448 only provides the minimum requirements for home occupations in Exclusive Farm Use, Forest, and Forest with Mixed Use overlays zoning districts. The Planning Commission has the authority to required additional standards and Staff fully recommends additional standards to be required.

After research and Staff found it would be reasonable for the CCZLDO to expand the classification of home occupations into four classifications for Section 4.3.200 zoning tables for urban and rural residential, mixed commercial-residential, commercial, industrial, minor estuary, and South Slough. As part of this classification system, it is appropriate to reduce the cost and type of land use applications affecting home occupations for professionals who perform work entirely online or done at other offsite locations and are just using their homes as a business address. When there are no nonresident employees, nor clients/customers, that come to the dwelling for these situations. Staff is calling these Type I home occupations.

The County last updated demographics and employment statistics for the Comprehensive Plan in mid 1990's. Since the 1990's, small businesses have gained the ability to operate internationally with the use of the world wide web, cloud computing, and software as a service providers. They no longer need to maintain a physical commercial office with customers or employees onsite.

After the COVID-19 health crisis forced mandatory lockdowns and work from home orders. A large of employers/employees may continue the trend of working from home. Additionally, the rise of the 'gig worker' (or independent contractor) only seems to be expanding. Land use planning is concerned with the physical use of land and the compatibility of said use on the adjacent lands, not the legal mechanisms of business structures itself. Staff finds that allowing Type I *Home Occupations* as proposed will have no greater adverse effect on the adjacent residential neighbors as compared to residents who choose to work from home. Therefore, Staff recommends these Type I be permitted thru a Zoning Compliance Letter.

Staff recommends that two other classifications be created that will be reviewed as a Compliance Determination. The Type II *Home Occupation* will be for limited home-based uses in the applicable urban zoning districts. The Comprehensive Plan has already provided direction that only the dwelling may be utilized for home occupations within the urban growth boundaries. Staff recommends that it is appropriate to treat all urban areas with this requirement. Also recommended it is appropriate to lower the number of onsite employees in these zoning district to only the residents of the home and one additional employee, limiting the total employees of the business to five. Staff has reviewed the incorporated Cities within Coos County. Most cities limit the numbers of employees to either the residents only, or the residents and one additional employee.

The last classification that staff has recommended incorporated is new Type III *Home Occupation* process. This will be implemented in the rural zoning districts. Staff is also recommending that employees be limited with approval application type as well. Staff does recommend that a limited amount of use of existing accessory structures to be allowed.

Staff recommends that the CCZDLO should limit Cottage Industries to lands in rural zoned districts based on what the Comprehensive Plan lays out. Staff is recommending that a fixed number be established for maximum size usage of accessory structures. This will provide clear and understandable requirements for Staff to implement. There is a point where these cottage industries should consider moving to more appropriate commercial and industrial zoned lands, or even incorporated cities. Bandon Rain Cider is a prime example of this. They started as a cottage industry in a vacant accessory structure. Now they have expanded the number of their non-resident employees and moved into a commercial space within the City of Bandon.

Staff is also recommending that the Planning Commission established an appropriate hour of operations for these ‘quasi-commercial’ uses. There are currently no hours of operations for these operations and Staff believes hours of operations are appropriate requirement for this use.

Staff is eager to hear any suggestions, or recommendations, from the Planning Commission during this public hearing.

The following pages show the recommended changes based on the three previous work sessions and meetings.

B. COMMENTS:

This proposal did not require any request for comments from public agencies prior to the public hearing. Staff did notify DLCD of the PAPA notice 35 days to this hearing. There opportunity for public comments at one informal Planning Commission work session, one formal Planning Commission work session on March 3, 2022, and one formal Board of Commissioner work session on March 24, 2022; unfortunately, none were received. The notice was published in the News Paper and posted online to try to obtain additional public comment.

C. APPLICABLE IDENTIFIED REVIEW CRITERIA:

- Coos County Zoning and Land Development Ordinance (CCZLDO)
 - Article 5.1 Plan Amendments and Rezones
- Coos County Comprehensive Plan Volume I, Part I Section 5.16 Industrial & Commercial Lands
- Coos County Comprehensive Plan Volume I, Part II Section 4.2.2 Commercial Lands Needs

ARTICLE 5.1 PLAN AMENDMENTS AND REZONES

SECTION 5.1.100 LEGISLATIVE AMENDMENT OF TEXT ONLY:

An amendment to the text of this ordinance or the comprehensive plan is a legislative act within the authority of the Board of Commissioners. [OR 04 12 013PL 2/09/05]

SECTION 5.1.110 WHO MAY SEEK CHANGE:

Coos County shall consider the appropriateness of legislative plan text and map amendment proposals upon:

1. A motion by the Board of Commissioners; or
2. A motion of the Planning Commission; or
3. The submission of formal request made by either:
 - a. The Citizen Advisory Committee; or
 - b. An application filed by a citizen or organization, accompanied by a prescribed filing fee. If a Measure 56 notice is required the applicant shall be responsible for the payment of all cost associated with that service.

SECTION 5.1.115 ALTERATION OF A RECOMMENDED AMENDMENT BY THE PLANNING DIRECTOR:

The Planning Director may recommend an alteration of a proposed amendment if, in the director's judgment, such an alteration would result in better conformity with any applicable criteria. The Planning Director shall submit such recommendations for an alteration to the Hearings Body prior to the scheduled public hearing for a determination whether the proposed amendment should be so altered.

SECTION 5.1.120 PROCEDURE FOR LEGISLATIVE AMENDMENT:

The Board of Commissioners shall conduct one or more public hearings with 10 days advance published notice of each of the hearings. The public notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration. (ORS 215.060 & ORS 215.223). Notice to DLCDC shall be provided 35 days prior to the initial hearing per ORS 197.610. Notice of adoption is subject to ORS 197.615. [OR 04 12 013PL 2/09/05]

SECTION 5.1.125 MINOR TEXT CORRECTIONS:

The Director may correct this ordinance or the Comprehensive Plan without prior notice or hearing, so long as the correction does not alter the sense, meaning, effect, or substance of any adopted ordinance. [OR 04 12 013PL 2/09/05]

SECTION 5.1.130 NEED FOR STUDIES:

The Board of Commissioners, Hearings Body, or Citizen Advisory Committee may direct the Planning Director to make such studies as are necessary to determine the need for amending the text of the Plan and/or this Ordinance. When the amendment is initiated by application, such studies, justification and documentation are a burden of the initiator.

SECTION 5.1.135 STATUS OF HEARINGS BODY RECOMMENDATIONS TO THE BOARD OF COMMISSIONERS:

A Hearings Body recommendation for approval or approval with conditions shall not in itself amend this Ordinance or constitute a final decision.

RECOMMENDED FINDING: The Coos County Board of Commissioners initiated this text amendment on April 4, 2021. This text amendment is being proposed as a legislative action under the authority of the Coos County Board of Commissioners. This does not require a Measure 56 notice as it is a change in administrative implementation of the zoning and land development ordinance. The Comprehensive Plan is not being proposed to be changed. There are no changes to approvals of dwellings being considered by this approval. The change is to allow a process that was not previously allowed or to different the standard to be consistent with the Coos County Comprehensive Plan.

Changes were considered by both the Board of Commissioners and Planning Commission in work sessions. The proposed changes are the final product of that effort. The legislative changes are being considered under Ordinance 22-04-003PL.

The application for changing the administrative process for approving home occupations and cottage industries. There are not proposed zones changes and no need to address additional criteria. The findings are that the proposed legislative change is consistent with the comprehensive plan and any applicable statute or rule.

Staff has researched the Comprehensive Plan, Statutes, Rule and this proposal is consistent with all applicable provisions.

D. PROPOSED CHANGES:

The following pages show the proposed changes. Additions in **Bold** and deletions in ~~Strikethrough~~

Home Occupations and Cottage Industries

Chapter II Definitions:

~~*COTTAGE INDUSTRIES: Cottage industries are home occupations that are operated by a resident of the subject property, occupying a detached accessory building. Cottage industries should not employ more than five (5) full or part time persons. Cottage industries must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Cottage industries shall not involve the retail sale of a product on the premises. On premise sign advertising cottage industries shall not exceed six (6) square feet of copy area. [OR 04 12 013PL 2/09/05]*~~

~~*HOME OCCUPATION: Home occupations constitutes businesses that are operated entirely within a dwelling by a member of the family residing in the dwelling. Home occupations shall not employ more than five (5) full or part time persons. Examples of home occupations include but are not limited to: beauty shops, engravers, professional offices, etc.*~~

~~Home occupations must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Home occupations shall not involve the retail sale of a product on the premises. Home occupations shall not occupy more than 30% of the useable floor area of the dwelling, nor shall home occupations use any detached accessory building. On premise signs advertising home occupations shall not exceed six (6) square feet of copy area. [OR 04 12 013PL 2/09/05]~~

COTTAGE INDUSTRY & HOME OCCUPATION: Cottage industries and home occupations constitutes “in-home” businesses that are operated as ancillary “quasi-commercial” use in a resident’s personal dwelling. Cottage industries and home occupations must be operated by a resident of the subject property. Cottage industries and home occupations must not interfere with existing uses on nearby lands or with other uses permitted in the zone in which the property is located.

Current Ordinance

#	Use	Zones													Subject To
		UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	C-1	IN-D	AO	RE-C	SS	MES	
68	Cottage Industry/home occupation (in an existing structure)	N	HB-CU	N	AC-U	AC-U	AC-U	AC-U	AC-U	AC-U	N	N	N	N	(24)

Proposed Changes to Section 4.3.200

#	Use	Zones													Subject To	
		UR-1	UR-2	UR-M	RR-2	RR-5	CD	RC	C-1	IN-D	AO	RE-C	SS	MES		
68	Cottage Industry/home occupation (in an existing structure)															
	a. Type 1 - Home Occupation	ZC-L	ZCL	ZCL	ZC-L	ZC-L	ZC-L	ZC-L	ZC-L	ZC-L	ZC-L	AC-U	AC-U	AC-U	AC-U	(24)
	b. Type 2 - Home Occupation	CD	CD	CD	N	N	CD	N	CD	CD	N	N	N	N	(24)	
	c. Type 3 - Home Occupation	N	N	N	CD	CD	N	CD	CD	CD	N	N	N	N	(24)	
	d. Type 4 - Cottage Industry	N	N	N	AC-U	AC-U	N	AC-U	N	N	N	N	N	N	(24)	

~~(24) Cottage Industry/Home Occupation - This use shall not employ more than five (5) full or part-time persons, interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located, or involve the retail sale of a product on the premises. An on-premise sign for purpose of advertising the cottage industry shall not exceed six (6) square feet of copy area.~~

A cottage industry or home occupation shall comply with the following:

(a) Meet both the general operating standards and the criteria listed below for proposed type of cottage industries / home occupations per the applicable zoning district.

General Operational Standards:

- a. **Home business must be owned and/or operated by resident of home occupation. This use approval shall vest exclusively with the owner of the land at the time of approval.**
- b. **Primary use of the dwelling must remain residential, and the dwelling must be legally authorized.**
- c. **Home business must be conducted wholly within lawfully built, enclosed structures, and not give an outward appearance of business.**
- d. **Home business must not result in any alteration or additions to structure that will change the primary use or primary use's building code classification.**
- e. **Required two residential parking spaces must be separately maintained.**
- f. **A plot plan and parking/traffic plan shall be submitted, to address the following:**
 - (i) **The property boundaries;**
 - (ii) **Access to the property;**
 - (iii) **Location of all structures on the subject property;**
 - (iv) **Required parking spaces; and,**
 - (v) **A parking/traffic plan is required. All parking/traffic plans shall be reviewed by the Roadmaster to determine traffic safety.**
- g. **The home business must not produce radio or TV interference, glare, dust, vibration, smoke, or odor beyond allowable levels as determined by local, State or Federal standards or that can be detected beyond the property lines.**
- h. **No retail sales would be permitted to take place on premises**
- i. **If crossing a private road you shall provide a document to show that access supports this type of use.**
- j. **Other than limited storage and loading/unloading of approved quasi-commercial vehicles, no outdoor storage or uses shall be allowed are allowed in urban residential areas. Alternative: Outdoor storage or uses in rural residential areas requires additional screening, subject to approval of Planning Director.**
- k. **Subcontractors, and/or independent contractors, performing services onsite as part of the approved home occupation or cottage industry shall be counted as full-time or part-time employees.**
- l. **Any home occupation/cottage industry shall not unreasonably interfere with other uses permitted in the zone where the property is located.**

m. Shall provide proof that sewer and water services are approved for use.

68. (a) Type I – Home Occupation

- **Description:** A Type I home occupation is one where the residents use their home as a place of work and no nonresident employees nor clients/customers come to the site. Type I home occupation also may provide an opportunity for the residents to use their home as a business address but not as a place of work, for professions where the work is performed online or done at other locations. Other than loading/unloading and storage of vehicles, the home occupation must be concluded entirely within the dwelling.
- **Application:** Zoning Compliance Letter
- **Zone:** All zones with dwellings outright permitted. Non-conforming ACU for pre-existing dwellings in zones where dwellings are not allowed outright and not previous reviewed.
 1. **On-site employees:** Only the residents of the dwelling unit shall participate in the home occupation.
 2. **Off-site employees:** Not allowed
 3. **Maximum Size:** 30% of enclosed dwelling size, or 500 square feet, whichever is less.
 4. **On-site Business Vehicles:** Maximum of one additional vehicle stored outside. Must not utilized two required residential parking spaces. Must be approved by County Roadmaster.
 5. **Signs:** Not allowed.
 6. **Hours of Operations:** Not applicable. No nonresident employees nor clients/customers may come to site.
 7. **Maximum Business Trips per Day:** 5 trips
 8. **Maximum Clients/Customers Onsite:** 2 persons.
 9. **Annual Permit Review:** Initial Zoning Compliance Letter or Administrative Conditional Use; allow Zoning Compliance Letter renewal. Not transferrable.

68. (b) Type II – Home Occupation

- **Description:** A Type II home occupation is intended to have minimal impact to the existing urban neighborhood and must meet the general standards of subsection of this section and the following standards:
- **Application:** Compliance Determination or Administrative Conditional Use.
- **Zone:** Urban Residential-2, Controlled Development, Commercial-1, Industrial
 1. **On-site employees:** Only the residents of the home and one nonresident employee may participate in the home business.
 2. **Off-site employees:** Permitted.
 3. **Maximum Size:** 30% of enclosed dwelling size, or 500 square feet, whichever is less. No usage of any accessory structure is allowed.
 4. **On-site Business Vehicles:** Maximum of two additional vehicle stored outside. Must not utilized two required residential parking spaces. Client parking spaces required for best appropriate and closest use identified in Section 7.5.175 as per discretion by Planning Director. Traffic/parking must be approved by County Roadmaster.
 5. **Signs: Not allowed:** An on-premise sign for purpose of advertising the home occupation shall not exceed two (2) square feet of copy area.
 6. **Hours of Operations:** Non-resident employee, clients or customers are only permitted at the home business from 8:00 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. Saturday and Sunday.
 7. **Maximum Business Trips per Day:** 5 trips
 8. **Maximum Clients/Customers Onsite:** 2 persons.
 9. **Annual Permit Review:** Initial Compliance Determination; allow Zoning Compliance Letter renewal. Not transferrable.

68. (c) Type III – Home Occupation

- **Description:** A Type III home occupation is intended to have minimal impact to the existing rural neighborhood. These uses have fewer employees and are smaller in size than a cottage industry, and must meet the general standards of subsection of this section and the following standards:
- **Application:** Compliance Determination or Administrative Conditional Use

- **Zone: Rural Residential-2, Rural Residential-5, Rural Center**
 1. **On-site employees: Not to exceed 5 full-time or part-time employees.**
 2. **Off-site employees: Permitted.**
 3. **Maximum Size: 30% of enclosed dwelling size, or 500 square feet, whichever is less. Limited to a maximum total of 750 square feet of all enclosed accessory structure(s). Accessory structure(s) shall be a previously approved structure.**
 4. **On-site Business Vehicles: Maximum of two additional vehicle stored outside. Must not utilized two required residential parking spaces. Client parking spaces required for best appropriate and closest use identified in Section 7.5.175 as per discretion by Planning Director. Traffic/parking must be approved by County Roadmaster.**
 5. **Signs: An on-premise sign for purpose of advertising the home occupation shall not exceed six (6) square feet of copy area. [OR 04 12 013PL 2/09/05]**
 6. **Hours of Operations: Non-resident employee, clients or customers are only permitted at the home business from 8:00 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. Saturday and Sunday.**
 7. **Maximum Business Trips per Day: 10 trips**
 8. **Maximum Clients/Customers Onsite: 2 persons.**
 9. **Annual Permit Review: Initial Compliance Determination; allow Zoning Compliance Letter renewal. Not transferrable**

68. (d) Type IV - Cottage Industry

- **Description: A Type IV cottage industry is intended to have minimal impact to the existing rural neighborhood. These uses have the more employees and are greater in size than a Type III home occupations, and must meet the general standards of subsection of this section and the following standards:**
- **Application: Administrative Conditional Use**
 1. **Zone: Rural Residential-2, Rural Residential-5, Rural Center**
 2. **On-site employees: This use shall not employ more than five (5) full or part-time persons. The primary employee of the business must be a resident of the dwelling on site.**
 3. **Off-site employees: Permitted.**

4. **Maximum Size: Limited to a maximum total of 2500 square feet of all enclosed accessory structure(s). Accessory structure(s) shall be a previously approved structure.**
5. **On-site Business Vehicles: Maximum of five additional vehicles may be stored outside. Must not utilize two required residential parking spaces. Client parking spaces required for best appropriate and closest use identified in Section 7.5.175 as per discretion by Planning Director. Traffic/parking must be approved by County Roadmaster.**
6. **Signs: An on-premise sign for purpose of advertising the home occupation shall not exceed six (6) square feet of copy area. [OR 04 12 013PL 2/09/05]**
7. **Hours of Operations: Clients or customers are only permitted at the home business from 8:00 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. Saturday and Sunday.**

A variance may be applied thru a Hearings Body Conditional Use application.

8. **Maximum Business Trips per Day: 20 trips**
9. **Maximum Clients/Customers Onsite: Per ACU approval.**
10. **Annual Permit Review: Initial ACU. Zoning Compliance Letter renewal. Not transferrable**

~~(b a)~~ **The** use shall comply with the compatibility standard found in Section 4.3.220.

~~(c b)~~ Coos County Planning Staff shall review a permit allowing a **Type II or Type III** home occupation or **Type IV** cottage industry shall be valid until December 31 of the year following the year that the application was initially approved. ~~every twelve (12) months following the date the zoning compliance letter was issued and may continue the use if it continues to comply with the definition of cottage industry and/or home occupation.~~ Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. ~~This is accomplished by a request from the applicant prior to the expiration of the prior zoning compliance letter.~~ If the use has not changed and remains in compliance a **one-year** zoning compliance letter ~~from~~ will be issued; ~~and,~~

~~(c)~~ This use approval shall vest exclusively with the owner of the land at the time of approval. The cottage industry shall not be conveyed or otherwise transferred to a subsequent landowner without a new conditional use permit. A plot plan and parking/traffic plan shall be submitted, to address the following:

- (i) The property boundaries;

- ~~(ii) Access to the property;~~
- ~~(iii) Location of all structures on the subject property;~~
- ~~(iv) Required parking spaces; and,~~
- ~~(v) A parking/traffic plan is required. All parking/traffic plans shall be reviewed by the Roadmaster to determine traffic safety.~~

ARTICLE 5.9 ZONING COMPLIANCE LETTER

SECTION 5.9.100 Zoning Compliance Required:

7. If a compliance letter is needed for Type I Home Occupations

A zoning compliance letter for Type I home occupation is valid until the property is transferred to another ownership, the home occupation is abandoned for greater than one (1) year, or the use exceeds the approved authorization of the home occupation.

E. Current ORS, Comprehensive Plan, and Other Local Cities Background

ORS 215.448

Home occupations

- parking
- where allowed
- conditions

(1) The governing body of a county or its designate may allow, subject to the approval of the governing body or its designate, the establishment of a home occupation and the parking of vehicles in any zone. However, in an exclusive farm use zone, forest zone or a mixed farm and forest zone that allows residential uses, the following standards apply to the 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) It shall be operated substantially in:

(A) The dwelling; or

(B) Other buildings normally associated with uses permitted in the zone in which the property is located; and

(d) It shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

(2) The governing body of the county or its designate may establish additional reasonable conditions of approval for the establishment of a home occupation under subsection (1) of this section.

(3) Nothing in this section authorizes the governing body or its designate 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 home occupations shall not be used as justification for a zone change. [1983 c.743 §2; 1995 c.465 §1]

Notes of Decisions

- Meaning of "building" is not confined to only walled structures. *Green v. Douglas County*, 245 Or App 430, 263 P3d 355 (2011)

Chapter 215

Notes of Decisions

- Published notice is adequate if property owners can reasonably ascertain that property in which they hold interest may be affected. *Clackamas County v. Emmert*, 14 Or App 493, 513 P2d 532 (1973), Sup Ct review denied
- Statutory scheme establishing LCDC and granting it authority to establish state-wide land use planning goals does not unconstitutionally delegate legislative power where both standards (under this chapter) and safeguards ([former] ORS 197.310) exist. *Meyer v. Lord*, 37 Or App 59, 586 P2d 367 (1978)
- Where county had not yet adopted comprehensive plan but had zoned certain portions "primarily agricultural," county had not enacted adequate interim measures to protect its agricultural land until exclusive farm use zoning was completed. *Columbia County v. LCDC*, 44 Or App 749, 606 P2d 1184 (1980)

Atty. Gen. Opinions

- *Fasano v. Bd. of County Commrs.*, application to county governing bodies and planning commissions, (1974) Vol 36, p 960; binding effect on governmental agencies of the adoption of interim Willamette River Greenway boundaries, (1975) Vol 37, p 894
- Law Review Citations

36 EL 25 (2006)

Coos County Comprehensive Plan Volume 1 Part 1

5.16 Industrial & Commercial Lands

PROBLEM/OPPORTUNITY STATEMENT

Coos County's economy is unstable. The County experiences long periods of unemployment where the rate of unemployment is markedly higher than state and national averages; the impact of this unemployment is increased because of the County's excessive dependence on the lumber and wood products industry. Diversified industrial development plays a key role in the health of Coos County's economy.

ISSUES

1. A poor transportation network, rugged topography, and relative isolation, when combined with private land-banking by large companies, result in a seriously constricted supply of suitable industrial sites.

What can the County do to increase the availability of suitable industrial land?

2. Industrial sites are relatively scarce and often occur outside Urban Growth Areas on lands that are capable of agricultural or forest production based simply on soil type and unimaginative restrictive state goal definitions. Yet, state goal priorities favor preservation of farm and forestlands to the detriment of preserving scarce industrial sites.

What can the County do to protect its scarce industrial sites and still comply with state goals?

3. High interest rates and escalating costs of land and facility infrastructure have made it increasingly difficult to realize viable economic development projects. These escalating costs often make development prohibitively expensive.

What can Coos County do to lessen the financial strain of economic development?

PROBLEM/OPPORTUNITY STATEMENT

Coos County currently experiences a "trade drain" where local income is spent outside the County for goods and services. Growth projections suggest a reduction in this trade drain, which means that a larger relative proportion of land must be provided to meet the future needs of new and existing businesses.

ISSUES

1. Commercial business activities are generally considered to be urban uses. However, some retail operations have traditionally been conducted in rural Coos County in order to serve the business needs of farmers (grain, supplies, etc.) as well as the convenience shopping

needs of nearby rural residents (gas stations, groceries, taverns, etc.). Some of these rural, commercial uses are located with "rural centers", while others are "dispersed."

What can the County do to ensure sufficient commercial sites appropriate for both urban and rural areas?

2. Many Coos County residents supplement their income by using a portion of their dwellings for small businesses. Planning jargon typically defines these residential businesses as "home occupations". In some cases, the business occupies structures other than, or in addition to, the dwelling. This type of residential business is usually referred to as a "cottage industry". However, apparent intrusion of commercial uses in a residential area can have harmful effects on the residential neighborhood.

What measures can the County take to encourage these Home Occupations and Cottage Industries while protecting the integrity of residential areas?

GOAL

Coos County shall strive to diversify and improve its regional economy.

PLAN IMPLEMENTATION STRATEGIES

1. Coos County shall continuously plan for and maintain an adequate supply of commercial and industrial land, recognizing that a readily available supply of such land is the basis for a sound economic development program.
2. Coos County, "an active participating member of the Coos, Curry Douglas Economic Improvement Association (CCD-EIA), shall sanction and support the economic development efforts of that regional organization, recognizing that regional problems are best resolved by a cooperative regional economic development program." 8
3. Coos County shall support the regional economic goals and objectives periodically adopted by the Coos County Overall Economic Development Program Committee, recognizing that these regional strategies constitute a coordinated program targeted at resolving impediments to the area's economic development potential as identified by the CCD-EIA.
4. Coos County shall ensure that adequate urban commercial land is designated within cities and urban growth areas as necessary to meet future needs for urban commercial uses.
 - i. This strategy shall be implemented in two ways:
 - a) Through coordinated urban growth boundary negotiations with cities; and
 - b) Through use of the "Controlled Development" designation as a complementary device to the "Commercial" designation.
 - ii. This strategy is based on the recognition:

- a) that Coos County has coordination responsibilities;
 - b) that the Controlled Development designation is necessary and appropriate to guide land use decisions in certain urban growth areas that are experiencing a conversion of land in residential areas to commercial use.
5. Coos County shall: (1) permit limited expansion of commercial uses in Rural Centers, (2) designate existing dispersed rural commercial businesses as uses permitted outright, (3) allow neighborhood convenience stores as a conditional use in areas designated Rural Residential, and (4) shall permit rezoning of an appropriately sized parcel of land to "Rural Center" if it is contiguous with the existing center and findings made that there is no suitable vacant site within it for the proposed use. Furthermore, upon an action to approve the rezone, the County shall amend the Comprehensive Plan map designation to correspond to the new zone. This strategy shall be realized through implementing zoning measures. The limited area extent of some of the existing dispersed rural commercial uses shall enjoy the benefits of a plan designation as commercial.

Coos County Comprehensive Plan Volume 1 Part 2

Section 4.2.2 Commercial Land Needs

I. INTRODUCTION

The purpose of this report is to outline the most appropriate process for designating specific sites for commercial use and development for the duration of the planning period.

The overall process has several important components which are addressed as follows:

- Part II is designed to project the amount of additional land in acres needed for commercial use to the year 2000. Inventories of population, employment and existing commercial land are used to calculate the acreage needed.
- Part III considered alternative methods designating general areas and then specific sites within the county to meet the need projected in Part II.

III. Site Designation Process

C. General Schedule of Use

4. Home Occupation

This is a type of use that would not be designated commercial but nevertheless deserves recognition because of its legitimacy as a "quasi-commercial" use. To ensure that each property so used remains residential in appearance while allowing the maximum use of the property for "in-home" businesses, the following criteria would be appropriate:

- i. In rural areas, any building on the premises could be used for a home occupation.
- ii. In cities and urban growth areas, only dwellings could be utilized for home occupations.
- iii. No retail sales would be permitted to take place on premises.
- iv. The home occupation would not be permitted to generate traffic beyond the carrying capacity of the street or road providing access to the property.
- v. No sign would be permitted larger than 4 square feet. Such a sign would only be used to identify the existence of the home occupation.
- vi. Other than an identification sign less than 4 square feet, no outward appearance as a commercial use would be permitted.

FINDINGS: The standards that are proposed did make home occupations “quasi commercial” while keeping actual commercial in commercial zones. It is important to be consistent with the comprehensive plan. Staff recommends the Planning Commission find that the provisions proposed are consistent or make the change to ensure they are consistent. Staff has provided cities ordinance for reference.

- **Local City Rules:**

- **City of Bandon Regulations for Home Occupations**

Type I Procedure: Type I decision are made by the Planning Director, or their designee, without public notice and without a public hearing.

16.04.050 Type I Procedure

A. Type I Procedure. The Planning Director, or their designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards). The Planning Director may process any Type I application as a Type II application if they determine that the application involves interpretation or the exercise of policy or legal judgment. Appeals of Type I decisions are to Circuit Court under writ of review, unless otherwise stated in Table 16.04.020.

Table 16.04.020

Applications	Review Procedures	Pre-App	Reviewing Body	Appeal Body
Home Occupation	Type I	No	Planning Staff	Planning Com.

"Home occupation" means an occupation commonly carried on within a dwelling by members of the family occupying the dwelling, without outside employees, provided that the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor outwardly manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupation of their homes. A home occupation does not involve the retail sale of a product on the premises, nor the use of any accessory building, nor does it occupy more than thirty (30) percent of the floor area of the dwelling. A home occupation is an accessory use.

Section 17.104.020

A. Accessory Uses: accessory uses shall comply with all requirements for the primary use except where specifically modified by this title and shall comply with the following limitations:

1. No sales shall be made from a greenhouse or hothouse maintained as accessory to a dwelling.
2. A home occupation, when conducted as an accessory use to a dwelling in a residential zone, shall be subject to the following limitations:
 - a. No exterior display shall be permitted.
 - b. Exterior signs shall be restricted to those generally permitted in the zoning district in which the home occupation is located.
 - c. No exterior storage of materials shall be permitted.

d. There shall be no other exterior indication of the home occupation or variation from the residential character of the principal building.

- **City of Coquille Regulations for Home Occupations**

"Home occupation, home occupation site" means a business activity that is carried out on the same site as a dwelling unit, and which is accessory to the household living use on the site, subject to the provisions of Chapter 17.24 (Residential Land Use Districts) and Section 17.112.020 (Home occupation permits).

Section 17.24.020 Residential district – Allowed land notes

Uses	Use Categories	Special Use Requirements
Home Occupation	S	Per standards of Section 17.24.110E and procedures in Section 17.112.020

S=Permitted with standards (Section 17.24.110)

17.24.110 Residential district – Special use standards: This section provides standards for the specific land uses and building types identified in Table 17.24.020. The standards are intended to control the scale and compatibility of those uses within the residential district. The standards in Section 17.24.040 supplement (are in addition to and do not replace) the standards in Section 17.24.030. This section applies to the following uses and building types, as specified in subsections A through K of this section: accessory dwelling; attached single-family (townhouses or rowhouses) and attached duplexes; bed and breakfast inns; group living (residential care homes and residential care facilities); home occupations; manufactured homes; manufactured/mobile home parks; multiple-family housing; short-term vacation rentals; zero-lot line housing (not common wall); temporary medical hardship dwellings.

E. Home Occupations. The purpose of this section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Two types of home occupations are contemplated by this code: (1) Home occupations meeting the standards in subsections (E)(1) through (E)(8) of this section are allowed by right, provided all uses and structures on the subject property are in conformance with the applicable zoning; and (2) Home occupations exceeding any of the threshold standards in subsections (E)(1) through (E)(8) of this section may receive approval through the Type III home occupation permit procedure under Section 17.112.020.

Type I standards for home occupations:

1. Appearance of Residence.

a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.

- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
- d. No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. Storage.

- a. Outside storage, visible from the public right-of-way or adjacent properties, that exceeds what is customary for a single-family residence in the vicinity, is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

3. Employees.

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be no other/not more than one full-time equivalent employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the legal lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

4. Advertising and Signs. Signs shall comply with all applicable sign regulations. In no case shall a sign in the residential district exceed four square feet of surface area on each sign face, not to exceed a total surface area of eight square feet.

5. Vehicles, Parking and Traffic.

- a. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.

b. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of nine p.m. to seven a.m.

c. There shall be no more than one client's or customer's vehicle at any one time and no more than eight per day at the home occupation site.

6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from seven a.m. to nine p.m. only, subject to subsections (E)(1) and (E)(5) of this section.

7. Prohibited Home Occupation Uses.

a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line; is prohibited.

b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to subsections (E)(1) through (E)(6) of this section.

c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:

i. Ambulance service;

ii. Animal hospital, veterinary services, kennels or animal boarding;

iii. Auto and other vehicle repair, including auto painting; and

iv. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

8. Business License. Where a business license is required, the owner of the home occupation shall maintain the required business license.

9. Enforcement. The planning official or designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance with Chapter 17.16.

17.112.020 - Home occupation permits.

A. Purpose. The purpose of this section is to encourage those who are engaged in small commercial ventures that do not conform to the special standards for certain uses in Section 17.24.110(E), Home Occupation. The standards referenced above allow home occupations as outright permitted uses that do not require development review or site design review.

This section provides a process for more intense home occupations to be allowed with site design review by the planning commission and notice to surrounding property owners. These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, daytime "eyes on the street" at the residence, and a neighborhood-scale version of mixed residential and commercial uses.

B. Approval Process and Criteria.

1. Home Occupation Permit. Applications for proposals that cannot meet all of the standards in Section 17.24.110(E) shall be processed using a Type III procedure, as governed by Section 17.80.040, using the approval criteria in subsection (B)(2) of this section. In addition to the application requirements contained in Section 17.80.040(B), the applicant shall provide:

a. A written narrative or letter:

- i. Describing the proposed home occupation,
- ii. Demonstrating compliance with those standards in Section 17.24.110(E) that can be met, and explaining why the other standards in Section 17.24.110(E) cannot be met, and
- iii. Demonstrating compliance with the criteria in subsection (B)(2) of this section;

b. A site plan, not necessarily to scale, of the lot proposed for the home occupation, including:

- i. The property lines and their dimensions,
- ii. Outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line,
- iii. Boundaries and dimensions of driveways and parking areas, indicating areas for use by home occupation employees and customers,

iv. Outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence, and

v. Identifying the buildings and areas of those buildings in which home occupation activities will take place, and identifying which activities will take place in which buildings and areas;

2. The city shall approve, approve with conditions, or deny an application for a Type III home occupation based on all of the following criteria:

a. The proposed use will not be materially detrimental to the stated purposes of applicable code requirements and to other properties within a radius of one hundred (100) feet of the subject property,

b. Impacts to surrounding properties may exist but can be mitigated,

c. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with Section 17.24.110(E).

- **City of Coos Bay Regulations for Home Occupations**

Chapter 17.320

HOME OCCUPATION

Sections:

17.320.010 General.

(1) The purpose of this chapter is to promote opportunities for small-scale economic development and to assure that home occupations do not infringe upon the rights of other residents or alter the residential character of the area.

(2) All home occupations applications are subject to director review using a Type I review procedure and may approve a home occupation; provided, that the applicant satisfies all applicable requirements of this title and chapter.

(3) Home occupations with the following characteristics are permitted only after securing a Type II permit in accordance with Chapter 17.130 CBDC. All other requirements listed in this chapter must also be satisfied by the applicant. An applicant or aggrieved person may appeal a decision consistent with the requirements of Chapter 17.130 CBDC.

(a) Retail sales on the premises.

(b) More than one nonresident employee or associate working on the premises some or all of the time. The permit shall be effective for three years. Extensions may be approved

by filing a new conditional use application. [Ord. 544 § 10 (Att. B), 2021; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.335.010].

17.320.020 Approval criteria.

- (1) Employees. One nonresident associate or employee is allowed to work on the premises.
- (2) Area. The use shall not occupy more than 30 percent of the existing building coverage of the property.
- (3) Structure.
 - (a) The proposed use shall not change the character and use of the residence and premises, including elements such as colors, materials, design, construction, lighting, landscaping, or lack of landscaping.
 - (b) The proposed use shall not remodel or structurally alter the interior or exterior of the structure which changes the residential use and appearance of the dwelling.
- (4) Equipment and Storage.
 - (a) No material or mechanical equipment shall be used that will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, smoke, odor, interference with radio or television reception, or other factors.
 - (b) Outside storage of equipment, products, or materials used in or serviced by the home occupation, other than plant materials, are prohibited.
- (5) Deliveries. No materials or commodities shall be delivered to or from the property which are of bulk or quantity to require delivery by a commercial vehicle or trailer, except such vehicles as a UPS, postal service truck, or similar vehicle.
- (6) Traffic and Parking. Vehicles associated with the home occupation shall not cause a disturbance or inconvenience to nearby residents.
- (7) Signs. Only one nonilluminated sign shall be permitted. The sign shall not exceed four square feet and shall bear only the name and/or occupation of the resident. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.335.020].

17.320.030 Licensing.

17.320.030 Licensing.

Home occupation uses shall apply for and maintain a current Coos Bay business license. Failure to hold a current business license may be grounds for revocation of the home occupation permit. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.335.030].

17.320.040 Revocation.

17.320.040 Revocation.

Revocation of authorization for a home occupation is specified in Chapter 17.130 CBDC, Procedures. [Ord. 544 § 10 (Att. B), 2021; Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.335.040].

- **Lakeside**

HOME OCCUPATION: Home occupations constitute business that are conducted entirely within a dwelling by a family residing in the dwelling. Examples of home occupations include but are not limited to: beauty shops, engravers, professional offices, etc. Home occupations must be conducted in such a manner so as not to give an outward appearance not outwardly manifest any characteristic of a business in the ordinary meaning of the term. Home occupations must not infringe upon the rights of neighboring property owners to enjoy the peaceful occupancy of their home. Home occupations may involve the retail sale of a product on the premises. Home occupations shall not occupy more than 30% of the usable floor area of the dwelling. Sign requirements shall conform to Section 14.010(2).

ARTICLE 4. RESIDENTIAL ZONES

GENERAL SINGLE-FAMILY (G-S)

SECTION:

- 4.000: General Single Family Zone (G-S)
- 4.010: Permitted Buildings and Uses
- 4.020: Buildings and Uses Permitted Conditionally
- 4.030: Lot Requirements
- 4.040: Lot Dimensions
- 4.050: Yard Regulations
- 4.060: Site Development Standards

Section 4.000 General Single Family Zone (G-S). A district for an integrated variety of single-family dwelling types.

Section 4.010 Permitted Buildings and Uses.

1. Single-family homes.
2. Planned Unit Developments. Planned Unit Developments are subject to the provisions of Article 10 of this Code.
3. Home occupations. Home Occupations are subject to the provisions described in Section 2.050.
4. Gardens and greenhouses for the raising and harvesting of fruit and vegetables and flowers for non-commercial use.
5. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard.
6. Manufactured homes.
7. Residential home care.

Section 2.050 Special Regulations Applying to Home Occupations and Cottage Industries. Home occupations are provided by this title provided they conform with the following criteria:

1. No employment of help other than the members of the resident family.
2. No use of material or mechanical equipment that is inconsistent with the residential character of the neighborhood.
3. No sales of products or services not produced on the premises.
4. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
5. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
6. No storage of materials/supplies outdoors.
7. It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.
8. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a non-residential use (either by Home Occupations color, materials, construction, lighting, signs, sounds, noises, or vibrations).
9. There shall be no use of utilities or community facilities beyond that normal to residential purposes.

- **City of Myrtle Point Regulations for Home Occupations**

Table 2.2.020 – Land Uses Allowed in Zoning Districts

						Sec. 2.3.060
Home Occupation						<u>*Existing, lawfully-established Home Occupations are granted special status, subject to Chapter 1.4.</u>
- Greater than 500 square feet of use	S+CU	S	N	N	N	
- Less than 500 square feet of use	S	S	N	N	N	

2.3.060 Home Occupations

This Code permits Home Occupations by right in certain zones, provided business owners meet the standards of Section 2.3.060.

A. Purpose. The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture are appropriate in scale and impact to be operated within a residence.

B. Home Occupation in Residential Zones. Home Occupations of less than 500 square feet in the Residential (R-1, R-2, and R-3) zones, are permitted subject to a Type I (Zoning Checklist) review. Home Occupations greater than 500 square feet in a Residential (R) zone are allowed, subject to approval of a Conditional Use Permit.

C. Home Occupation in Commercial-Residential Zone. Home Occupations of any size are permitted in the Commercial Residential (CR) zone subject to a Type I (Zoning Checklist)

review.

D. Home Occupation Good Neighbor Standards. Home Occupations shall conform to all of the standards below, except the City may approve adjustments to the standards through the Conditional Use Permit approval, provided all uses and structures on the subject property conform to applicable City regulations, including but not limited to building codes and nuisance regulations.

1. Appearance of Residence:

- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (i.e., prior land use development permit or approval).
- d. No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. Storage:

- a. Outside storage visible from the public right-of-way or adjacent properties that exceeds what is customary for a single-family residence in the vicinity is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable material) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be enclosed in a structure or otherwise screened from view from adjacent properties and public right-of-way.

3. Employees:

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than one (1) employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

4. Advertising and Signs: Signs shall not exceed a total of four (4) square feet of surface area on each side of one or two faces. [Amended – Ord. 1271, 2/3/2014]

5. Vehicles, Parking and Traffic:

- a. Not more than two (2) commercially licensed vehicles associated with the home occupation are allowed at the home occupation site. Vehicles shall be of a size that would not overhang into the public right-of-way when parked.

b. There shall be no commercial vehicle deliveries during 9:00 p.m. to 7:00 a.m.

6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from 7:00 a.m. to 9:00 p.m. Monday through Friday. [Amended – Ord. 1271, 2/3/2014]

7. Prohibited Home Occupation Uses:

a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line, is prohibited.

b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed. [Amended – Ord. 1271, 2/3/2014]

c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:

- (1) Ambulance service;
- (2) Animal hospital, veterinary services, kennels or animal boarding;
- (3) Auto and other vehicle repair, including auto painting; and
- (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

8. Enforcement: The City's designated Code Enforcement Officer or other law enforcement official may visit a home occupation site to ensure compliance with all applicable regulations.

- **City of North Bend Regulations for Home Occupations**

City Code Chapter 5.35 Home Businesses

5.35.000 Purpose.

The purpose of this chapter is to effectively monitor the operation of home businesses within the city of North Bend, and to create additional revenue to support the operations of the city of North Bend. (Ord. 2008 § 2, 2017)

5.35.010 General provisions.

(1) No home business shall operate in the R-M, R-5, R-6, R-7, and R-10 zones without a home business license issued by the city of North Bend. A home business shall be licensed when the home business complies with the requirements set forth in this chapter.

(2) For the purposes of this chapter, the following terms shall have the following definitions:

(a) “Designated business area” means a designated area within the dwelling or building where the activities of the home business are conducted. The designated business area shall either be located entirely inside the dwelling unit itself, or fully enclosed by a building with contiguous walls and a roof. The designated business area shall not be greater than 30 percent of the total floor area of the dwelling. The designated business area shall not be visible from the street.

(b) “Home business” means any occupation, calling, trade, profession or other transactional activity conducted with the intent of receiving payment or other consideration that is conducted from the proprietor’s residence when that residence is not located in a commercial zone. A business conducted from a residence located in a commercial zone is considered a commercial use and is not subject to the home business license requirement.

(c) “Property owner” means the owner of the property where the home business is located.

(d) “Proprietor” means the person operating the home business. The proprietor shall be identified on the home business license application and shall be the party responsible for the home business for purposes of this chapter.

(3) The city’s issuance of a home business license is limited to the provisions of this chapter, and the property owner or proprietor shall remain responsible for compliance with any additional provisions of this code which may apply to any applicable property or activities of the home business. (Ord. 2008 § 2, 2017)

5.35.020 License application.

(1) A request for a home business license shall be made by filing an application and the appropriate fee with the city recorder, using forms provided by the city.

(2) The license application shall include a description of the business activity, the location and size of proposed designated business area on the property, and the contact information for the proprietor, including a current telephone number.

(3) If the proprietor of the business is not the owner of the building or lot on which the proposed designated business area is located, the proprietor shall be required to provide a signed and notarized letter of consent from the property owner agreeing to the proposed home business use with the license application. No license shall be issued without consent of the property owner.

(4) The license shall be renewed annually on the first of January by submitting written notice of renewal and the annual fee set by resolution of the city council.

(5) A new application for home business license is required when there is:

(a) A change in business proprietor.

- (b) A change in property ownership.
- (c) A substantial change in the nature of the business.
- (d) A cessation of the home business in the designated business area for a period of not less than 90 consecutive days.
- (e) A failure to submit an annual notice of renewal with payment per subsection (4) of this section. If payment and renewal notice are not submitted within 90 days of the first of January, the city will view the business as having ceased. (Ord. 2008 § 2, 2017)

5.35.030 Standards governing home businesses.

Home businesses shall comply with the requirements of this section as provided herein:

- (1) Activity for the home business shall be conducted within the designated business area as documented in the business license application on file with the city recorder.
- (2) The proprietor of the business shall reside within the dwelling unit associated with the licensed home business site.
 - (a) Additional nonresidents may be employed by or associated with the home business, so long as they do not report to work, pick up, or deliver at the home business site.
 - (b) The home business site shall not be used for the regular assembly of employees for dispatch, instruction, or other purposes. This section shall not be construed to limit the ability of the proprietor to engage in normal activities contemplated under the property's primary use and zoning.
- (3) Other than persons residing within the dwelling unit located on the home business site, there shall be not more than one employee working at the home business site at any given time.
- (4) There shall be no restriction on business hours of operation, except that clients, customers, and patients may only be scheduled between 7:00 a.m. to 8:00 p.m.
- (5) In the event that the activities of the home business, including but not limited to modifications of real property or the structures thereon, result in violation or noncompliance with this or any other provision of the North Bend City Code, the home business license shall be suspended pending notice of compliance with that code provision from the city administrator or designee.
- (6) Signs for home businesses shall be governed by NBCC [18.70.070](#). (Ord. 2008 § 2, 2017)

5.35.040 Prohibited activities for home businesses.

- (1) No products or equipment produced or used by the home business may be displayed, nor shall the same be visible from the street.
- (2) The home business shall not, in course of business activities, ship items to or from the property which are of such bulk or quantity to require transport larger than a postal service truck or other regularly routed residential parcel service vehicle.
- (3) The home business activities shall not include outdoor activity; prohibited activities include, but are not limited to, storing, preparing, manufacturing, assembling or repairing of any and all materials or objects utilized in the home business.
- (4) The following business activities are specifically prohibited:
 - (a) Tow trucking business with storage of towed vehicles. Central office operations work conducted inside the home is not precluded.
 - (b) Ambulance or taxi service.
 - (c) Animal hospital, veterinary services, kennels, or animal boarding.
 - (d) Auto and other vehicle repair, including auto painting.
 - (e) Repair, reconditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on site. Notwithstanding other applicable provisions of this code, this does not preclude the proprietor from repair, storage or reconditioning of the proprietor's own vehicle, boat or recreational vehicle.
 - (f) On-site retail sale or lease of items.
 - (g) Wood cutting and/or splitting for sale. (Ord. 2008 § 2, 2017)

5.35.050 Enforcement.

The city administrator or his designee shall have the power to enforce the provisions of this chapter.

- (1) Whenever the city administrator shall receive information that a violation of this chapter exists, the city administrator, or designated code enforcement officer, may take the appropriate action to investigate the alleged violation and take any necessary enforcement action.
- (2) Persons operating a business out of their home without a license issued according to the terms of this chapter are in violation of this chapter and subject to all remedies and penalties specified in this title. Enforcement under this section shall not limit enforcement under other sections of this code. (Ord. 2008 § 2, 2017)

5.35.060 Revocation or suspension.

(1) Upon notification of a determination that a home business is in violation of a law, regulation or city ordinance, the city recorder shall suspend the home business license pending notice that the violation has been remedied, and shall send notice of suspension to the address provided for the proprietor in the license application. The notice shall state the reasons for the suspension, provide requirements for remedy, and state the suspension will become a revocation after 30 days unless the violation is remedied or an appeal is submitted to city council.

(2) Upon notice of noncompliance with this chapter, or that the application contains false or misleading information, or if a license has been suspended for 30 days without remedy or appeal, the city recorder may revoke the license upon 30 days' notice in writing to the licensee, with the notice delivered to the address provided for the proprietor in the license application. The notice shall state the reasons for the revocation, provide instructions for remedy if applicable, and state the deadline to appeal to city council. (Ord. 2008 § 2, 2017)

5.35.070 Appeal.

(1) Any person whose application for a license has been denied, or a proprietor whose license has been denied renewal, has been suspended or has been revoked, may, within 30 days after the notice of denial, suspension, or revocation is mailed, appeal to the council. The appeal shall be in writing and filed with the recorder with an appeal fee. The appeal shall state:

- (a) The name and address of the appellant.
- (b) The nature of the determination being appealed.
- (c) The reason the determination is incorrect.
- (d) The correct determination of the appeal according to the appellant.

(2) An appellant who fails to file a statement within the time licensed waives all objections, and relinquishes all rights to appeal.

(3) The council shall review the appeal and make a determination at the next scheduled council meeting not earlier than seven days after the submission of the appeal.

(4) If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. At the hearing, the appellant may present testimony and oral argument. The decision of the council is final.

(5) Fees may be charged for an appeal under this section in an amount to be set by council resolution. (Ord. 2008 § 2, 2017)

5.35.080 Violation.

Failure to comply with this chapter shall be punishable upon conviction with a fine in an amount to be set by city council resolution, or suspension or revocation of the home business license or any combination thereof. Each day that such a violation shall continue after notice thereof shall be a separate and distinct violation of this chapter. (Ord. 2008 § 2, 2017)

Chapter 18.04.030 Definitions

(22) “Home occupation” means an occupation commonly carried on within a dwelling or accessory structure located on the same lot or parcel by members of the family occupying the dwelling; provided, that the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor outwardly manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. A home occupation does not involve the retail sale of a product on the premises nor does it occupy an area in either the dwelling or the accessory structure greater than 30 percent of the total floor area of the dwelling, excluding the area of any attached or detached garage or accessory structure. In the R-M, R-5, R-6, R-7 and R-10 residential zones, a home occupation does not involve the presence on the premises of more than one customer, client or patient at any one time. See Chapter 5.35 NBCC.

❖ Other Counties/Cities

• Douglas County

LIMITED HOME OCCUPATION: Any occupation or profession carried on by a member of the family residing on the premises, provided the following conditions are satisfied:

- a. No sign shall be used which exceeds three square feet in area;
- b. There is no display that will indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling;
- c. The building retains the characteristics of a residence;
- d. There is no outside storage of materials;
- e. No non-family paid employees shall perform work or render services to clients upon the premises;
- f. No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes, or for dispatch for work at other locations;
- g. All aspects of a home occupation shall be contained and conducted within a completely enclosed building which shall be the same structure as the principal residence or appropriate accessory building;
- h. The aggregate of all space within any building devoted to one or more home occupation shall not exceed 500 square feet in floor area, except such space within or on a lot occupied by an apartment dwelling containing three or more units shall not exceed one hundred square feet in floor area for any one dwelling unit;

- i. Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers;
- j. Customer and client contact shall be primarily by telephone, mail or in their homes and places of business, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact upon the premises;
- k. Instruction in music shall be limited to no more than two students on the premises at one time and, in crafts to no more than six students on the premises at one time.

HOME OCCUPATION: Any occupation or profession and associated parking of vehicles subject to the following standards:

- 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 or part-time persons;
- c. It shall be operated substantially in:
 - i. The dwelling; or
 - ii. Other buildings normally associated with uses permitted in the zone in which the property is located;
- d. It shall not unreasonably interfere with other uses permitted in the zone in which the property is located;
- e. Not more than 25% of the total floor area shall be used for retail sales; all items sold on premises shall be grown, manufactured, compounded or processed on the premises; and
- f. It will comply with all conditions imposed by the Approving Authority pursuant to Article 39.

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

(5R) Rural Residential-5

SECTION 3.8.050 Permitted Uses

7. Limited Home Occupation.

SECTION 3.8.100 Buildings and Uses Permitted Conditionally

5. Home Occupation.

Other Rural Residential zoning district seem to follow this standard

Suburban zoning districts only allow 'Limited Home Occupation'

1 BOARD OF COMMISSIONERS

2 COOS COUNTY

3 STATE OF OREGON

4 In The Matter of Amending language in the Coos County Zoning and Land Development Ordinance (CCZLDO) Chapter 2 Definitions; Article 4.3.200; Article 5.9. File Number AM-22-001

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6

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8

ORDINANCE No.: 22-04-003PL

9 SECTION 1. TITLE

This Ordinance shall be known as the “Coos County Ordinance No. 22-04-003PL”.

10 SECTION 2. AUTHORITY

11 This ordinance is enacted pursuant to the provisions of but not limited to ORS Chapter 215
12 Sections 215.060 & ORS 215.223;

13 SECTION 3. PURPOSE

14 The purpose of this Ordinance is to amend the Coos County Implementing Ordinance. This
15 ordinance amends Coos County Ordinances 85-03-005L, 84-5-016L and 82-12-022L which adopted the Coos
16 County Comprehensive Plan and Implementing Ordinance;

17 SECTION 4. FINDINGS

18 The Planning Commission reviewed this matter in accordance with Article 5.1 of the Coos
19 County Zoning and Land Development Ordinance. The Planning Commission Recommended approval to the
20 Board of Commissioners on May 5, 2022. The Board of Commissioners reviewed the text as recommended by
21 the Planning Commission on June 1, 2022. The final text changes are shown on Attachment “A”. The Board
22 also found that staff provided proper legal notices in this matter, public hearings were held to take public
23 testimony on this matter and procedures were followed pursuant to Article 5.1.

24 SECTION 5. AMENDMENT TO THE COOS COUNTY ORDINANCE

25 Exhibit “A”, attached hereto and incorporated herein by this reference, is adopted as amendment to
26 Ordinances 85-03-005L, 84-5-016L and 82-12-022L.

27 SECTION 6. SEVERANCE CLAUSE

28 If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or
29 declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect

1 the validity of the reaming portions of this ordinance; and it is herby expressly declared that every other section,
2 subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of
3 the portion thereof declared to be unconstitutional or invalid, is valid.

4 SECTION 7. REPEAL OF INCONSISTENT ORDINANCES

5 Coos County Ordinances 85-03-005L, 84-5-016L and 82-12-022L are repealed to the extent that they
6 are in conflict with this ordinance. Coos County Ordinances 85-03-005L, 84-5-016L and 82-12-022L shall
7 remain in full force and effect in all other respects.

8 SECTION 8. EMERGENCY CLAUSE

9 The Board of Commissioners for the County of Coos deems this Ordinance necessary for the
10 immediate preservation and protection of the public peace, safety, health and general welfare for Coos County
11 and declares an emergency exists, and this Ordinance shall be in full force and effective upon its passage.

12
13 Dated this 1st day of June

BOARD OF COMMISSIONERS

14 ATTEST

15 _____
Recording Secretary

_____ Chair

16 Approved as to form:

17 _____
Office of Legal Counsel

_____ Vice Chair

19 _____
20 Commissioner

21 First Reading: June 1, 2022

22 Effective Date: June 1, 2022