



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: 8/18/11)

Board Clerk Use Only

Meeting Date: 7/12/12
 Agenda Item #: R.3
 Est. Start Time: 10:20 am
 Date Submitted: 6/21/12

Agenda Title:

Public Hearing and First Reading of an Ordinance Amending MCC Chapters 11.15, 33-36, and 38 Relating to Home Occupation, and MCC Chapters 33-36 Relating to Design Review and Off-Street Parking Provisions.

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: July 12, 2012 **Time Needed:** 15 minutes
Department: Community Services **Division:** Land Use Planning
Contact(s): Lisa Estrin
Phone: 503-988-3043 **Ext.** 22597 **I/O Address:** 455/116
Presenter Name(s) & Title(s): Lisa Estrin, Planner

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and approve the proposed zoning code amendments. These amendments have been recommended by the Planning Commission to the Board for approval.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

This proposed ordinance incorporates two sets of amendments recommended by the Planning Commission: PC 2011-1398 *Home Occupations*, and PC 2011-1399 *Design Review and Off-Street Parking*. The Planning Commission Resolutions recommending these zoning code amendments are attached.

Home Occupations

These amendments expand the scope of allowable activities for rural residents to establish a business on their home site. Farm uses and activities are not covered by this ordinance. The existing home occupation regulations that were adopted in 1998 provide two levels of business activity: a very limited "home office" and all others. The proposed amendments increase flexibility for homeowners to use their home site for small scale business purposes

by adding two additional permits. These include a use that expands areas that can be used for business to include both the home site and an accessory structure, and a business where much of the activity occurs off-site. Permits for both of these new uses rely on an administrative land use process versus the more expensive existing conditional use process. The proposed amendments allow appropriately scaled incubator businesses, provisions for localized rural services, and more options for residents to work at home.

Key to expanded business use in residential areas is zoning code provisions intended to ensure that rural home based businesses do not create off-site impacts to nearby properties. Proposed new standards will help ameliorate off-site impacts to adjacent properties by limiting the generation of noise, fumes, odors, dust, vibration and glare, by setting a maximum number of vehicle trips per day, and requiring proper storage and disposal of chemicals and materials generated by the business. A new renewal procedure is proposed to create an incentive for the business operator to conduct the business in compliance with their permit rather than relying on the code enforcement process. The renewal process will allow neighbors that are being impacted by a use an opportunity to seek changes to address off-site impacts that may not have been apparent at the time of the original approval. The proposed ordinance also clarifies that home occupation permits are personal to the homeowner and do not establish a right transferrable by sale of the property.

The table below summarizes the major components of the three categories of home occupations allowed in all zones in the West Hills, Sauvie Island/Multnomah Channel, East of Sandy River and West of Sandy River Rural areas, and the fourth category allowed only in exception zones.

SUMMARY OF KEY PROPOSED HOME OCCUPATION STANDARDS

	Type A	Type B	Type C	Home Based Business
Review Process	Registration	Planning Director (Type II)	Conditional Use (Type III)	Planning Director (Type II)
Structures	Dwelling only	Dwelling and Accessory Structure	Dwelling & Accessory Structures	Dwelling and Accessory Structure
Maximum Square Footage	20% of Dwelling or 500 sq. ft	25% of all buildings used or 1,000 sq. ft.	35% of all buildings used or 1,500 sq. ft.	25% of all buildings used or 1,000 sq. ft.
Employees	One	One	Five	No Employees Allowed on Site
Customers	Two at a time	Two at a time	No limit	No Customers Allowed
Signage	Not allowed	Two Square Feet	Eight Square Feet	Not allowed
Renewal Required	No	Yes	Yes	Yes

- The existing Type A home occupation allows a small home office type activity within a dwelling. It currently allows either one employee or customer on the property at a time.

A proposed amendment expands the number of customers to two. Only registration of the business is required.

- The Type B home occupation is added to allow a use similar to the Type A and expands areas of the property that can be used in the business to include an accessory building and/or outdoor areas of the home site.
- The Type C is a renaming of the County’s most intense home occupation use and allows up to five employees on the home site for the business enterprise.
- A fourth type of home business is being added to the Rural Residential, Multiple Use Agriculture – 20 and Rural Center zones to expand the options for rural residents to use their home site for business activities. The Home Based Business use will allow for a home office and storage of equipment where the primary business activities occur off-site (contractors, landscapers, carpet cleaners & business consultants).

In the Columbia River Gorge National Scenic Area (NSA), the amendments will add a Type A home occupation as a Review Use (Type II review) to provide a simpler process for a low intensity home business use. Currently all home occupation and cottage industries in the NSA require approval of a conditional use permit. The creation of a Type A home occupation use will allow an easier route for small business uses in the NSA while maintaining a public hearing process for home occupations and cottage industries that have greater potential of off-site impacts. In addition, the proposed criteria for the Type A home occupation will strive for consistency where feasible with Chapter 33 through 36’s proposed Type A home occupation use.

Design Review and Off-Street Parking

The existing Design Review process evaluates site layout and parking and circulation for projects that require conditional and community service review, and for other specified uses. The proposed amendments to the Design Review ordinance streamline the approval process by removing the unnecessary preliminary plan review step. These changes will also clarify the required application materials. In addition, the proposed amendments distinguish between different sized projects and reduce requirements for small-scaled projects. Under the proposed amendments, projects that require fewer than four parking spaces will be reviewed against only four Design Review criteria. In addition, the altered Design Review standards reduce the landscaping requirements for the rural setting.

The amendments to the Off-Street Parking and Loading ordinance reduce the requirements for small scale development outside of rural center districts and pair with the new limited Design Review standards for projects with fewer than four parking spaces. Small-scale businesses may use gravel instead of pavement, and landscaping instead of curbing to separate the parking area from adjacent properties. In the Rural Centers, parcels that are less than the minimum lot size of 1 acre will be able to utilize a portion of the required 30 foot front yard setback for parking providing greater flexibility in design for these properties.

3. Explain the fiscal impact (current year and ongoing).

None

4. Explain any legal and/or policy issues involved.

Oregon Revised Statute (ORS) 215.448 together with related case law establishes limits to home occupations in farm and forest zones that are stricter than in rural residential exception

zones. The Planning Commission recommended that the home occupation regulations should not be zone specific as much as possible but should establish across-the-board regulations for the Type A, B and C home occupations. The one exception is the new Home Based Business use which is only allowed in the Multiple Use Agriculture – 20, Rural Residential and Rural Center zones to ensure compliance with State law.

5. Explain any citizen and/or other government participation that has or will take place.

The Planning Commission considered the Home Occupation materials at work sessions in August 2011 and February 2012, followed by public hearings in March and April 2012. Notice to individual property owners was mailed (Ballot Measure 56 notice) on February 14, 2012 describing the proposed amendments. Twenty one individuals provided testimony to the Planning Commission on the amendments. Testimony received by the Planning Commission was a mix of support and questions regarding the proposed changes. A few questions involved clarifying that farm uses and activities are not covered by this ordinance. No outright opposition was heard, but some felt the County should increase code compliance activity if we were to broaden the categories of home occupation uses.

A work session occurred in December 2011 and a public hearing was held in May 2012 on the Design Review and Off-Street Parking amendments.

Staff also worked with Department of Land Conservation and Development and Columbia River Gorge Commission staff to ensure consistency of the proposed amendments with State and Management Plan regulations.

Required Signature

**Elected
Official or
Department
Director:**

M. Cecilia Collier

Date:

6/21/12