

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 2011-1398a

Recommend to the Board of Commissioners the adoption of an ordinance amending MCC Chapters 33 through 36, and Chapters 38 and 11.15 related to home occupation requirements.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code subsections 37.0710 and 38.0710 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to amend the County's Comprehensive Plan and land use regulations.
- b. Multnomah County adopted Ordinance No. 900 in 1998 providing for two levels of home occupation intensity, Type A and B. Decision makers anticipated a need to revisit the home occupation standards after the County implemented the ordinance for a period of time. Twelve years have passed since the original language was adopted and review is therefore timely.
- c. The home occupation regulations should be amended to support economic development within the rural areas by providing additional flexibility for rural businesses by allowing for "incubator" business ventures, providing for small-scale businesses that serve the rural area, and by including standards to govern the use by residents of their rural home sites for business. The proposed provisions should minimize off-site impacts so that neighbors will not be affected by the business activities.
- d. A home occupation is one where the business operator uses their home or accessory building for business activities. The predominant complaints received for disruptive business activities are for dispatch and storage, hosted events, and auto related uses. We find that these types of uses generate significant vehicle trips, loud noises, smells or other environmental impacts and disruption to the enjoyment of nearby property rights.
- e. The zoning code should provide three levels of home occupation activities to ensure that the scope of review is appropriate to the intensity of business operation proposed. Type A home occupations may only occur in an existing dwelling and require the business operator to register the business with Land Use Planning. Type B and C home occupations may occur in the dwelling and/or accessory building and require a land use review procedure to ensure the scope of the proposed business activity is consistent with ordinance standards.
- f. Authorization of Type B and Type C home occupations should be reviewed every three years to verify that the business operator is not adversely affecting the neighborhood or expanding the business beyond the activity approved for the home occupation. The renewal process provides an incentive to the business operator to operate in compliance with the approval rather than relying on the code enforcement

process. The zoning code should further clarify that home occupation approvals are personal to the business operator and will not run with the land or be transferrable on sale of the property.

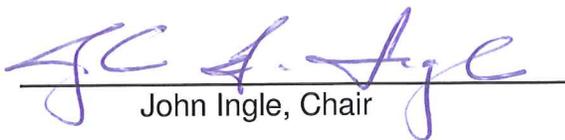
- g. On July 12, 2012, the Board of County Commissioners considered the April 2, 2012 Planning Commission recommendations and remanded the proposal back to the Planning Commission. The Planning Commission held an additional work session and public hearing, and finds that the accessory building location need not be regulated when the business activity occurs within a building, and the county does not need to regulate off-site business activity.
- h. Regulations are being proposed that further restrict the use of property and notice to individual property owners was mailed ("Ballot Measure 56 notice") on February 14, 2012. Notice of the Planning Commission hearing was published in the Oregonian newspaper and on the Land Use Planning Program internet pages. The Planning Commission held public hearings on March 5th, 2012, April 2, 2012, and November 5, 2012 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The Planning Commission received new testimony and other information and has reconsidered this matter and recommends the revised language amending MCC Chapters 11.15, 33, 34, 35, 36 and 38 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 5th day of November, 2012.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair