Planning and Zoning
Department of Transportation and Development
Development Services Building
150 Beavercreek Road | Oregon City, OR 97045
503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

STAFF USE ONLY

Staff Initials: *File Number:*

Land use application for:

HOME OCCUPATION

(Level Two or Level Three Major Home Occupation)

APPLICANT INFORMATION			
Applicant name:	Applicant email:	Applicant phone:	
Applicant mailing address:	City:	State:	ZIP:
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL
Brief description of proposal:

SITE INFORMATION		
Site address:	Comprehensive Plan designation:	Zoning district:
Map and tax lot #: *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____ *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____ *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____		Land area:
Adjacent properties under same ownership: *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____ *Township:* _____ *Range:* _____ *Section:* _____ *Tax Lot:* _____		

Printed names of all property owners:	Signatures of all property owners:	Date(s):

I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.

Applicant signature:	Date:

A. Review applicable land use rules:

This application is subject to the provisions of Section 822, *Home Occupations* of the Clackamas County Zoning and Development Ordinance (ZDO).

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

B. Turn in all of the following:

☐ **Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.

☐ **Application fee:** The fee for this application is established in the adopted *Fee Schedule.* Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the *Credit Card Authorization Form* available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs at the end of this form and to the adopted Fee Schedule for refund policies.

☐ **Site plan:** Provide a site plan (also called a plot plan). A *Site Plan Sample* is available from the Planning and Zoning website. The site plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The site plan must illustrate all of the following (when applicable):

- Lot lines, lot/parcel numbers, and acreage/square footage of lots;
- Contiguous properties under the same ownership;
- All existing and proposed structures, signs, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
- Setbacks of all structures from lot lines and easements;
- Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.); and
- Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells).

☐ **Floor plans:** Attach detailed, accurate, and to-scale floor plans for all structures used in association with the home occupation. Label all rooms with their proposed use, show all of their dimensions, include the square footage of each room, and identify all doors and partition walls.

☐ **Building elevation diagrams:** Attach drawings of all structures used in association with the home occupation, including any garages, out-buildings, sheds, and in-home offices. The drawings must be to-scale and must show each side of the building and any windows, doors, or other appurtenances. Include all measurements (height, length, width, and area). Identify any proposed signs and show their dimensions.

☐ **Proof of neighboring property sizes:** Attach evidence (tax maps, plats, and/or surveys, for example) showing the size of all lots of record abutting the subject property. A lot of record is considered "abutting" if it is contiguous to the tract on which the home occupation is proposed, or if it is directly across an access drive, private road, or public or county road with a functional classification below that of a collector.

☐ **Proof of operator's residency:** Attach evidence that the operator of the home occupation currently resides, or provide a statement that they will reside, full-time in a lawfully established dwelling unit on the tract on which the home occupation will be located.

C. Answer the following questions:

Accurately answer the following questions in the spaces provided. Attach additional pages, if necessary.

1. **a.** Is this an application for a renewal of a previously approved home occupation?

☐ NO, this is a *new* application. (*Skip to Question 2*)

☐ YES, this is a renewal application.

The previous permit's File No. is: Z_____

b. Was the home occupation to be renewed previously approved with exceptions under ZDO Subsection 822.05?

☐ NO

☐ YES, the home occupation was approved for the following exceptions only:

2. Describe the proposed home occupation business in detail. Explain what the business will be, all of the business-related activities that will take place on the property, all of the equipment that will be used, all of the services to be provided, and all of the materials to be produced:

3. The "operator" of the home occupation is the person who conducts the home occupation, has majority ownership interest in the home occupation, *and* is responsible for strategic decisions and day-to-day operations of the home occupation.

Who will be the operator of the home occupation?

Operator's name: _____

4. Does the operator reside full-time in a lawfully established dwelling unit on the tract on which the home occupation will be located?

☐ YES

☐ Not currently, but they will prior to and during operation of the home occupation.

5. How many employees will the home occupation have? (An "employee" is any on-site person, whether they work full-time or part-time in the home occupation, including, but not limited to, the operator, partners, assistants, and any other persons participating in the operation of the home occupation.)

Number of employees: _____

6. List everything associated with the home occupation that will create any noise. Include the noise generated by idling vehicles, but do not include noise generated by vehicles entering or exiting the subject property:

7. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level of noise created by everything listed in response to Question 6 *cannot* exceed the greater of 60dB(A) or the ambient noise level, when measured off the subject property (not including from public rights-of-way or railroad rights-of-way). Will your proposal comply with this requirement?

☐ NO

☐ YES. The combined average peak sound pressure level *will not* exceed the greater of 60dB(A) or the ambient noise level, and it is understood that a noise study may be required to demonstrate this, pursuant to ZDO Subsection 822.04(C)(2).

8. During all other hours (between 6:00 p.m. and 8:00 a.m. the next day), the home occupation *cannot* create noise detectable to normal sensory perception off the subject property (not including from public rights-of-way or railroad rights-of-way)? Will your home occupation comply with this requirement?

☐ NO ☐ YES

9. The home occupation, including idling vehicles but not including vehicles entering or exiting the subject property, *cannot* create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Will your home occupation comply with this requirement?

☐ NO ☐ YES

10. The home occupation *cannot* create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property. Will your home occupation comply with this requirement?

☐ NO ☐ YES

11. Except for business logos flush-mounted on vehicles used in the daily operations of the home occupation, no outside storage, display of goods or merchandise visible from outside the enclosed building space in which such goods or merchandise are stored, or external evidence of the home occupation shall occur, except as specifically allowed by ZDO Subsection 822.04. Will your home occupation comply with this requirement?

☐ NO ☐ YES

12. Will the home occupation have any signs?

☐ NO

☐ YES, and the location of all proposed signs are identified on the attached site plan and the signs, including their dimensions, are shown on the attached building elevation diagrams. I understand that signs are subject to criteria in ZDO Section 1010, *Signs*.

13. Vehicles associated with the home occupation cannot be stored, parked, or repaired in public rights-of-way. Will the home occupation comply with this requirement?

☐ NO ☐ YES

14. Will parking spaces be provided for employees or customers of the home occupation?

☐ NO

☐ YES, and those parking spaces will be provided in defined areas of the subject property. Such areas, which are shown on the attached site plan, will be accessible, usable, designed, and surfaced for parking.

15. Does the subject property take access via a private road or access drive that also serves other properties?

☐ NO

☐ YES, and evidence in the form of a petition signed by all other property owners who have access rights to the private road or access drive is attached. The signed petition states that these other property owners agree to allow the specific home occupation described in this application, subject to any conditions stipulated in the agreement.

☐ YES, but this is an application for a renewal of a previously approved home occupation and a signed petition was previously provided.

16. If the subject property is in the Ag/Forest (AG/F), Exclusive Farm Use (EFU), or Timber (TBR) zoning districts, explain how the home occupation will be operated substantially in the operator's dwelling or other buildings normally associated with uses permitted in the applicable zoning district (otherwise, skip to the next question):

17. Per ZDO Subsection 822.04(K), hazardous materials shall not be present on the subject property in quantities greater than those normally associated with the primary uses allowed in the applicable zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.

Identify all hazardous materials that will be present on the subject property, and their quantities:

D. Answer the following, as relevant to home occupation level:

Major home occupations are classified as level two or three. A level three major home occupation may be established only if at least 50 percent of the lots of record abutting the subject property are larger than two acres; however, a renewal application shall be evaluated on the basis of the lot size analysis first applied to the home occupation.

A lot of record is considered abutting if it is contiguous to the tract on which the home occupation is proposed, or if it is directly across an access drive, private road, or public or county road with a functional classification below that of a collector.

1. Will this be a level two or a level three major home occupation?

☐ LEVEL TWO

☐ LEVEL THREE, and evidence (tax maps, plats, and/or surveys, for example) showing the size of all lots of record abutting the subject property is attached.

2. Will the home occupation be conducted in a dwelling unit?

☐ NO, the home occupation will only be conducted in one or more accessory buildings.

☐ YES, and a floor plan of the dwelling showing where the home occupation will be conducted is attached.

3. Identify the total square feet of accessory building floor space that will be used by the home occupation and attach a floor plan, with dimensions, of all accessory buildings used for the home occupation.

Total square footage: _____

4. Will only a portion of an accessory building be used for the home occupation?

☐ NO, the home occupation will use all of the floor area of the accessory building(s).

☐ YES, and a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, will separate the home occupation space from the remainder of the building. The partition wall is identified on the accessory building's floor plan.

5. A vehicle trip is a (one-way) vehicular movement either to or from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer vehicle.

What is the maximum number of vehicle trips the home occupation will generate per day?

Maximum number of (one-way) vehicle trips per day: _____

6. A "vehicle" is any motorized or non-motorized transportation equipment intended for use on public roads and associated with the home occupation, including, but not limited to, a car, van, pickup, motorcycle, truck, bus, recreational vehicle, detached trailer, or a truck tractor with no more than one trailer. Any attached trailer beyond one is a separate vehicle. A detached trailer is categorized as equipment, rather than a vehicle, if it is stored in enclosed accessory building floor space.

What is the maximum number of vehicles associated with the home occupation that will be located on the subject property at any time, including, but not limited to, employee and customer vehicles and vehicles to be repaired?

Maximum number of vehicles: _____

7. Except for deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks, how many of the vehicles counted in response to Question 6 will have a gross vehicle weight rating exceeding 11,000 pounds?

Number of vehicles exceeding 11,000 pounds in gross vehicle weight: _____

8. Will the home occupation include the repair of any vehicles (motorized or non-motorized)?

☐ NO

☐ YES, and vehicles to be repaired will be located within an enclosed building or in an area not visible from off the subject property, as shown in attached site plan and floor plan.

9. Marijuana production, processing, wholesaling, and retailing are prohibited as home occupations. (See ZDO Section 202 for definitions of these terms.)

Will the home occupation include marijuana production, marijuana processing, marijuana wholesaling, or marijuana retailing?

☐ NO ☐ YES

10. Check the box next to *all* of the following uses that the home occupation will include, if any:

☐ Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, (motorized) trailers, or boats

☐ Towing and vehicle storage business

☐ A use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than an automobile repair shop with open flame

11. Will the home occupation include any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than aircraft engine repair?

☐ NO ☐ YES

E. Answer the following, if in a Natural Resource District:

Natural Resource Districts include the Ag/Forest (AG/F), Exclusive Farm Use (EFU), and Timber (TBR) zoning districts. Answer the following questions as applicable to the subject property's zone. Attach additional pages, if necessary.

1. Explain how the home occupation will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use:

2. If the subject property is zoned AG/F or TBR, explain how the home occupation will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

3. If the subject property is zoned AG/F or TBR, has a written statement been recorded with the deed or written contract with the County or its equivalent been obtained from the land owner that recognizes the rights of the adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and Rules?

☐ NO, but it is understood this will be required for a home occupation in the AG/F or TBR Districts.

☐ YES, and a copy of the statement/contract is attached.

4. Is the property zoned AG/F or TBR *and* would road access to the home occupation be by a road owned and maintained a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management (BLM), or the United States Forest Service (USFS)?

☐ NO

☐ YES, and proof of a long-term road access use permit or agreement is attached.

5. If the subject property is zoned AG/F or TBR, explain how the home occupation will not unreasonably interfere with other uses permitted in the zoning district.

FAQs

When is a Home Occupation permit required?
The County's Zoning and Development Ordinance (ZDO) allows an occupation or business to be conducted in a dwelling and/or accessory building(s) under certain standards and criteria. **Level one minor home occupations conducted pursuant to ZDO Subsection 822.03 do not require a land use permit.** Level two and level three major home occupation permits, however, do require a land use permit from the County. The permit is valid for three years from the date of the final written decision and, with an approved application, may be renewed.

What is the permit application process?
Home Occupation permits are subject to a "Type II" land use application process, as provided for in Section 1307 of the ZDO, unless an exception to any of the standards identified in Subsection 822.04 is requested. Type II decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies. If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The Planning Director's decision can be appealed to the County Land Use Hearings Officer.

What is needed for the County to approve a land use permit?
Major home occupations *may* be permitted after an evaluation by the County of applicable standards of the ZDO. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The County approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

If approved, how long would the Home Occupation Permit be valid?
The permit would be valid for three years. A Home Occupation permits *may* be renewed an unlimited number of times. Each renewal is also valid for three years.

How long will it take the County to make a decision about an application?
The County makes every effort to issue a decision on a Type II land use application within 45 days of when we deem the application to be complete. State law generally requires a final County decision on a land use permit application in an urban area within 120 days of the application being deemed complete, and within 150 days for a land use permit in a rural area, although there are some exceptions.

If an application is submitted and then withdrawn, will a refund be given?
Please see Planning & Zoning Fee Schedule under "Other Fees" *here.* The $5 Technology Fee is non-refundable.

Who can help answer additional questions?
For questions about the County's land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or zoninginfo@clackamas.us. You can also find information online at the Planning and Zoning website: www.clackamas.us/planning.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or drenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? 翻译或口译？| Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?