

# LINN COUNTY PLANNING AND BUILDING DEPARTMENT



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## **HOME OCCUPATION APPLICATION CONDITIONAL USE PERMIT**

**APPLICATION FEE \$250/\$900**

### INTRODUCTION

A home occupation or an in-home commercial activity is a small-scale business activity operated by the resident of the property. The business must be incidental to the residential use of the property and be conducted in a manner that is compatible with neighboring land uses. A permit is required to operate a home occupation or an in-home commercial activity on a property in Linn County.

A home occupation conditional use permit is classified as a Type IIA application. A home occupation must meet the conditional use decision criteria found on page 3 of this application, and comply with the home occupation performance standards listed on page 2 of this application. After the application is accepted, the Department will prepare a summary of the proposal and mail it to neighboring property owners and affected public agencies. Recipients of the notice have 20 days to return written comments. Staff will review any comments received and the information provided in the application. If the application meets all of the performance standards and criteria, it will be approved. A permit typically includes operating conditions and requirements to comply with County Code and to minimize impacts to surrounding land uses. Home occupation conditional use permits are issued for a one-year period and must be renewed annually. There is currently no fee to renew a home occupation conditional use permit. The Department will renew the permit if the home occupation continues to meet the conditions and requirements listed in the decision issued by the Department.

In-home commercial activities are classified as a Type IB permit. For in-home commercial activities, the applicant must certify that the proposed in-home commercial activity meets the criteria on page 4 of this application. A decision is issued by the Department and no public notice is required for review of in-home commercial activities. If the proposed in-home commercial activity does not fit within the parameters described on page 4, the application will be reviewed as a home occupation, subject to a Type IIA review and the standards and criteria on pages 2 and 3 of this application. In-home commercial activity permits are issued for a one-year period and must be renewed annually. There is currently no fee required to renew an in-home commercial activity. The Department will renew the permit if the in-home commercial activity continues to meet the conditions and requirements listed in the decision issued by the Department.

The application must be typewritten or completed in ink. Applications filled out in pencil will not be accepted. If you have any questions while filling out the application, please contact the department for help. Planning staff are available Monday through Friday, 8:30 a.m. - 12:00 p.m. and 1:00 p.m. - 5:00 p.m., and can be contacted at (541)-967-3816.

## SECTION 934.360 - HOME OCCUPATION PERFORMANCE STANDARDS

- (A) All home occupations shall be conducted in a manner that complies with the standards of operation set forth in subsection (B).
- (B) *Performance Standards*
- (1) The home occupation will be owned and operated by a resident of the property on which the business is located. An employee may operate the business during the temporary absence of the owner of the home occupation.
  - (2) The home occupation shall employ, on site, no more than five full or part-time persons, including the residents of the dwelling.
  - (3) The home occupation will be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district in which the property is located.
  - (4) No modification to a dwelling shall be made that would cause it to resemble anything other than a dwelling.
  - (5) Home occupations shall be limited to the numbers and types of vehicles for use in the operation as set forth in this paragraph. The home occupation is limited to two motor vehicles selected from subparagraph (a), two vehicles from subparagraph (b), and an unlimited number of equipment from subparagraph (c).
    - (a) Motorized vehicles that are designed for travel on public roads or heavy motorized vehicle equipment such as a tractor, caterpillar or backhoe.
    - (b) Non-motorized vehicles that are drawn by a motorized vehicle that is designed to travel on a public road.
    - (c) Motorized and non-motorized equipment such as lawnmowers, concrete mixers, and wheelbarrows.
  - (6) No more than two vehicles at any one time may be repaired, serviced, modified, assembled or stored on-site for such purpose.
  - (7) The storage of equipment or parts shall be limited to those required for the maintenance, manufacture, or repair of products sold, manufactured or repaired by the home occupation, Such storage shall comply with the materials storage requirements listed in LCC.934.130(D).
  - (8) On-premise sales of merchandise shall be limited to goods manufactured, processed, finished, or repaired by the home occupation.
  - (9) On-premise parking areas shall be of sufficient area to accommodate all vehicles associated with the home occupation.
  - (10) The operation or use of equipment or processes resulting in offense or irritation to neighboring residents shall not be permitted.
  - (11) Signs are subject to LCC 934.210 to 934.217.

## SECTION 932-830 through 932.845 - HOME OCCUPATION

### Section 932.830 - Statement of Purpose

- (A) The purpose of LCC 932.830 to 932.845 shall be to establish the circumstances whereby small-scale businesses may be permitted to operate substantially in a dwelling or other buildings normally associated with uses permitted in the zone.
- (B) The purpose of LCC 932.830 to 932.845 shall not be interpreted to permit activities that are detrimental and incompatible with neighboring land uses.

### Section 932.835 - Decision Criteria

- (A) A home occupation requires a conditional use permit subject to the procedures of LCC Chapter 921 (Land Development Administration Code) and the decision criteria within:
  - (1) LCC 933.310, if located in the EFU, F/F or FCM zoning district; and
  - (2) LCC 933.220; or
  - (3) if the property is within an urban growth area, the decision criteria set forth in LCC 933.260.
- (B) The home occupation shall not unreasonably interfere with other uses permitted in the zone.
- (C) Nothing in this section may be used to permit construction of any structure that would not otherwise be allowed in the zone.
- (D) The existence of home occupations shall not be used as justification for a zoning district change.

### Section 932.840 - Performance Standards

All home occupations shall be conducted in a manner that complies with the standards of operation set forth in LCC 934.360.

### Section 932.845 - Permit issuance and renewal

- (A) Home occupation conditional use permits shall be issued for a period of one year and shall be subject to annual review.
- (B) The permit renewal fee, if any, established by order of the Board shall be submitted with the renewal request.
- (C) The conditional use permit shall remain valid until December 31 of each subsequent year following approval.
- (D) The permit shall be renewed provided the home occupation is being conducted in a manner that complies with the standards of operation established in LCC 934.360.
- (E) A permit issued under LCC 932.830 to 932.845 may not be transferred.

## SECTION 932.850 – IN-HOME COMMERCIAL ACTIVITY

### 932.850 In Home Commercial Activity

- (A) An in-home commercial activity is not a home occupation subject to LCC 932.835 – 932.845, 933.310, 933.220, 933.260 and 934.360 but is subject to LCC 921.115 (Type IB review) and the decision criteria in (B).
- (B) The in-home commercial activity shall:
- (1) Be conducted within a dwelling only by residents of the dwelling.
  - (2) Not occupy more than 25 percent of the combined floor area of the dwelling including attached garage and one accessory structure.
  - (3) Not serve clients or customers on-site.
  - (4) Not include the on-site advertisement, or signage for the in-home commercial activity, other than vehicle or trailer signage.
  - (5) Not include the outside storage of materials, equipment or products.
  - (6) Be operated substantially within a dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.
  - (7) Not unreasonably interfere with other uses permitted in the zone in which the property is located.
  - (8) Be accessory to an existing, permanent dwelling on the same parcel.
  - (9) Not use materials or mechanical equipment which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

Application Check List (for department use)

- A. Complete application \_\_\_\_\_ Site plan \_\_\_\_\_ Ownership \_\_\_\_\_ Residency \_\_\_\_\_
- B. Environmental health division approval
  - 1. Existing system has been checked \_\_\_\_\_
  - 2. New site has been approved \_\_\_\_\_
  - 3. New site has been requested but not reviewed \_\_\_\_\_
- C. Property development standards can be met:
  - 1. Width \_\_\_\_\_ Depth \_\_\_\_\_ Frontage \_\_\_\_\_ Coverage \_\_\_\_\_ Setbacks \_\_\_\_\_
  - 2. Legal lot \_\_\_\_\_ Area \_\_\_\_\_
- D. Proposal is located within:
  - 1. UGB \_\_\_\_\_ Planning area \_\_\_\_\_ Greenway \_\_\_\_\_ A.O. Zone \_\_\_\_\_
  - 2. S.B.H.O \_\_\_\_\_ Habitat \_\_\_\_\_ Floodplain \_\_\_\_\_ Historic \_\_\_\_\_
- E. Application accepted by: \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Refer to: Staff \_\_\_\_\_ P.C. \_\_\_\_\_
- F. This application contains:
  - Medical hardship c.u.p. \_\_\_\_\_ Aggregate resources c.u.p. \_\_\_\_\_
  - Non-resource residence c.u.p. \_\_\_\_\_ Solid waste c.u.p. \_\_\_\_\_
  - Resource residence c.u.p. \_\_\_\_\_ Comprehensive plan amend. \_\_\_\_\_
  - Variance \_\_\_\_\_ Comprehensive plan revision \_\_\_\_\_
  - Conditional use \_\_\_\_\_ Zoning map amendment \_\_\_\_\_
  - Non-resource division \_\_\_\_\_ Easement \_\_\_\_\_ Subdivision \_\_\_\_\_
  - Resource division \_\_\_\_\_ Major partition \_\_\_\_\_ Minor partition \_\_\_\_\_
  - Nonconforming use \_\_\_\_\_ Greenway c.u.p. \_\_\_\_\_ Caretaker c.u.p. \_\_\_\_\_
  - UGM c.u.p. \_\_\_\_\_ Planned unit development \_\_\_\_\_

I. Background Information (to be completed by applicant in ink or typewritten)

- A. Applicant's name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_
- B. Property owner (if different than applicant) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_
- C. Applicant's representative (if any) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_
- D. Legal description of property  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_  
Site address (if any) \_\_\_\_\_
- E. Zoning designation \_\_\_\_\_ Comp Plan \_\_\_\_\_
- F. Size of parcel \_\_\_\_\_

G. Additional parcels in contiguous ownership:  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_

H. Is the property located within a rural fire protection district? If so, what district?  
\_\_\_\_\_

II. Verification of Ownership

If the person submitting the application and the owner of the property are not the same, then only the owner of the property should complete this section.

A. The application does not violate any recorded codes, covenants, or restrictions that are attached to the subject property.

B. I have the following legal interest in the property: owner of record \_\_\_\_\_, land sales contract purchaser \_\_\_\_\_, holder of a recorded exclusive option to purchase \_\_\_\_\_.

Owner/applicant signature \_\_\_\_\_

Owner/applicant signature \_\_\_\_\_

PLEASE NOTE: County ordinance does not allow an application to be reviewed unless the owner has first authorized it. The assessor's office records are used to verify the ownership. Please contact the assessor's office (Room 215, Linn County Courthouse) to complete this section.

The Linn County Assessor's Office verifies that Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_, is owned or is being purchased by \_\_\_\_\_

If more than one owner is included on your records, please list all persons involved.

Other owners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_  
Signature of Assessor's Representative

III. DEVELOPMENT REVIEW

- A. Describe in detail the proposed use and your development plans for the property. Include a description of any planned structures and their intended use, roadways, driveways, parking areas, signs, drainage plans and outdoor lighting. A site plan is also required (see site plan requirements below).

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- B. Please describe the general operating characteristics of the proposed use. Will any other permits from local or state agencies be required? If yes, please specify.

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- C. How much land area will be used for the proposed activity? Will the proposed use generate wastewater?

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- D. Are the existing sewage disposal system and well adequate for the use? Will the proposed use require a new or improved water supply?

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E. Please describe the types of vehicles, machines and/or tools to be used. How many additional vehicle trips per day will be generated by the home occupation including any freight deliveries?

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F. What are the proposed hours and days of operation? Will any products be offered for sale on the property?

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G. How many people will be employed including the applicant? Please indicate whether the employees will be full or part-time.

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H. Will your proposed home occupation be compatible with the surrounding area? Explain the reasons for your answer.

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I. How is the property now used? Are there other businesses located on the property?

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J. Please describe the land uses on adjoining properties.

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- K. You must submit a site plan (drawing) which shows the property dimensions, location of any existing structures, the proposed location of the new structures and any natural features such as hills, drainage ways and streams and natural vegetation. An example is attached.

IV. In-Home Commercial Activity

Will the in-home commercial activity:

- (1) Be conducted within a dwelling only by residents of the dwelling?  yes  no
- (2) Not occupy more than 25 percent of the combined floor area of the dwelling including attached garage and one accessory structure?  yes  no
- (3) Not serve clients or customers on-site?  yes  no
- (4) Not include the on-site advertisement, or signage for the in-home commercial activity, other than vehicle or trailer signage?  yes  no
- (5) Not include the outside storage of materials, equipment or products?  yes  no
- (6) Be operated substantially within a dwelling or other buildings normally associated with uses permitted in the zone in which the property is located?  yes  no
- (7) Not unreasonably interfere with other uses permitted in the zone in which the property is located?  yes  no
- (8) Be accessory to an existing, permanent dwelling on the same parcel?  yes  no
- (9) Not use materials or mechanical equipment which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors?  yes  no

V. Applicant Certification

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

\_\_\_\_\_  
Applicant signature

Date\_\_\_\_\_

## STANDARD SITE PLAN DRAWING

For a complete and accurate evaluation of your proposal, it is necessary to include sufficient information and detail on a site plan drawing. An example is provided as a guide to the preparation of your plan. The site plan you submit will constitute the formal development plan upon which your request is based.

You may submit separate plans to show details of particular aspects of your proposal, i.e. landscaping, off-street parking, topography and drainage plans.

Any public or semi-public use or activity will require written detail and description of such use, i.e. number of employees, hours of operation, unusual equipment or activities that may produce noise, odor, glare, vibration, etc., equipment storage areas, guard or watchman requirements, aerial hazards and road access needs.

This site plan requirement is in addition to any other requirements for zoning, building, sanitation or other governmental permits or standards compliance.

### SITE PLAN REQUIREMENTS:

- (1) The site plan must be submitted on paper no larger than 8½ inches by 14 inches and drawn to scale.
- (2) Indicate the scale (for example, 1" = 200') on the site plan.
- (3) Include a North arrow indicating the direction of North on the map.
- (4) Include the applicant's name and address in an information block at the bottom of the page.
- (5) Show the dimensions of the property. These may be taken from surveys, deeds and assessor's records.
- (6) Indicate the names of roads adjacent to the property.
- (7) Indicate the approximate distance and direction to nearest city or town.
- (8) Indicate the dimensions and distance from property lines to all structures, both existing and proposed, as well as fences, culverts, light standards and signs on the property and adjacent properties.
- (9) Indicate the location of existing and proposed access ways, parking and loading areas, approaches and barriers. The type of surfacing should be indicated.
- (10) Identify the location of significant land features, such as streams, creeks, drainage areas and slope.
- (11) Identify the location of existing and/or proposed septic tanks, repair areas and wells. If known, indicate any wells or septic systems on adjacent properties if they are within 10 feet of this property.
- (12) Indicate existing uses of land (cultivation, pasture, timber, etc.). Indicate types of crops, pasture, grass and timber species.

Attach sample plot plan (see sample plot plan on Planning and Building web page)