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Memo

To: Lane County Board of Commissioners

From: Matt Laird, Manager, Land Management Division
Sarah Wilkinson, Planner, Land Management Division

Date: September 21, 2010

Re: Amending Lane Code to Revise Standards for Home Occupations

This memorandum summarizes the status of proposed amendments to the Lane Code to revise standards for home occupations.

Background

On July 26, 2010, the Lane County Land Use Task Force discussed a proposal, authored by a subcommittee of the Task Force, containing new standards for Home Occupations. Unfortunately, there was insufficient time for members of the Task Force to discuss and resolve their concerns about the proposal. As a result, several elements of the proposal were not finalized.

On August 25, 2010, the Lane County Board of Commissioners directed Matt Laird, Land Management Division Manager, to arrange a meeting with Steve Cornacchia and Robert Emmons, members of the Lane County Land Use Task Force, to discuss any unresolved aspects of the proposed standards, and to prepare and submit to the Board a memorandum addressing the status of the proposed standards.

On September 1, 2010, Mr. Laird facilitated a meeting between Mr. Cornacchia and Mr. Emmons, during which Mr. Cornacchia and Mr. Emmons provided direction to staff as to how to revise the proposed standards. Staff is in the process of revising the proposed standards and will distribute the revised proposal separately from this memorandum.

Proposed Standards for Home Occupations

If adopted, the proposed standards for home occupations would be contained within a stand-alone section of Lane Code Chapter 16 and would be applicable to all zones that allow home occupations. The code section for each applicable zone would be revised to remove existing standards for home occupations and to add reference to the new section containing the new standards.

The proposed standards would allow a home occupation subject to review by the Planning Director. Approval of a home occupation would be valid for three years and may be eligible for three-year extensions. Key elements of the proposed standards are:

- On-site automotive repair, service and bodywork, the painting of vehicles, trailers, boats or machinery, and pest control occupations are prohibited. This provision is not intended to apply to lawfully existing home occupations.
- The repair and maintenance of equipment used for accepted farm or forest practices is allowed.
- Home occupations are required to be operated substantially in the dwelling or other buildings normally associated with uses in the zone in which the property is located.
- The amount of building floor area of any structure, other than the dwelling, used for a home occupation is not to exceed 1,800 square feet. For each additional 10 feet the structure is set back from surrounding properties, the building floor area is allowed to be increased by an additional 60 square feet, up to a maximum of 3,000 square feet. There is no limitation on the amount of building floor area of the dwelling that is used for a home occupation.
- Vehicle trips to a site that are related to a home occupation, including, but not limited to, customer visits, shipping and deliveries, are limited to five round-trips per day.
- The use of hazardous materials requires the preparation and submittal of a Hazardous Materials Plan, which details the type, quantity, storage, use, and disposal of hazardous materials.

The proposed standards would provide for a new "home worker" use as an outright permitted use. A home worker use would have no non-resident employees, no discernable impacts on neighbors and would not require review by the Planning Director.

Economic Development Considerations

Adoption of the proposed standards may increase the cost and time involved in the start-up of certain home occupations. The proposed standards would require more home occupations to obtain approval by the Planning Director than under the current standards. To request approval, an applicant would be required to pay an application fee and prepare and submit an application. For a home occupation that under the current standards would not but under the proposed standards would require approval by the Planning Director, the proposed standards would increase the cost and time involved in establishing that home occupation. For example, currently in the Rural Residential Zone, a home office with three non-resident employees is an outright permitted use. Under the proposed standards, this same use would require approval by the Planning Director.

It is also worth noting that the exclusion of certain businesses as home occupations may result in negative economic impacts for those wishing to operate and for those wishing to utilize the services of such businesses. Individuals wishing to operate a small business not allowed as a home occupation would be forced to locate their business elsewhere, causing that individual not realize the economic benefits of a live/work arrangement. Rural customers may be negatively impacted as they may have to go to greater lengths to access certain services.

Financial and/or Resource Considerations

Adoption of the proposed standards would require the mailing of a Measure 56 notice to all properties affected by the change. Two local service providers estimated that a Measure 56 notice would cost approximately \$15,000. The cost of the Measure 56 notice was not accounted for in the 2010-2011 Long Range Planning budget. Staff identified two possible sources of funding:

- The Board could choose to use their discretionary fund to pay for the cost of the Measure 56 notice; or
- The Board could direct the Land Management Division to include the cost of the Measure 56 notice in the 2011-2012 Long Range Planning budget.

Scheduling Considerations

Adoption of the proposed standards would require the mailing of a notice to the Department of Land Conservation and Development. The notice must be mailed at least 45-days prior to the first evidentiary hearing on the proposal. Given the Board's current schedule, the earliest public hearing date available for Board consideration of the proposed standards is Tuesday, January 4, 2010.

Next Steps

Staff identified three possible courses of action:

Option 1. The Board could choose to direct the Land Management Division to immediately begin preparing the proposed standards for consideration by the Board.

Option 2. The Board could choose to direct the Land Management Division to include the proposed standards in the 2011-2012 Long Range Planning work plan.

Option 3. The Board could choose to not pursue adoption of the proposed standards and instead continue to use the existing standards.