

Memorandum

Date: July 3, 2024

To: West Linn Planning Commission

From: Aaron Gudelj, Associate Planner

Subject: 2024 Code Process Amendments Work Session #3 – Home Occupations

At its July 17, 2024 meeting, the Planning Commission (PC) will hold a second work session to discuss proposed Home Occupation code amendments. The Home Occupation code is one of the four “Code Process Concepts” that City Council directed staff to work with the Planning Commission (PC) to develop draft code amendments for adoption. The Planning Commission last discussed Home Occupation code amendments at its April 3, 2024 work session.

The goals of the July 17th work session are:

1. Recap the April 3rd discussion and confirm PC direction.
2. Discuss additional questions regarding the proposed amendments, including whether to maintain the vehicle trip exemption for home occupations with pupils/students.
3. Provide feedback on proposed code amendments. If appropriate, staff will return with final draft code language at the next PC meeting (tentatively 08/07/24).

The tentative schedule to review and adopt the four “Code Process Concepts” is as follows:

| Meeting Date | Meeting Type | Anticipated Agenda |
|--------------|-------------------|--|
| 06/05/2024 | PC Work Session | <ul style="list-style-type: none"> ▪ Appeal process for Land Use Decisions (Draft Code Review) ▪ Extensions of Approval (Draft Code Review) |
| 07/17/2024 | PC Work Session | <ul style="list-style-type: none"> ▪ Appeal Process for Land Use Decisions (Final Code Review) ▪ Extensions of Approval (Final Code Review) ▪ Home Occupation Permits (Draft Code Review) |
| 08/07/2024 | PC Work Session | <ul style="list-style-type: none"> ▪ Home Occupation Permits (Final Code Review) ▪ Expedited Land Divisions (Draft Code Review) |
| 08/21/2024 | PC Work Session | <ul style="list-style-type: none"> ▪ Expedited Land Divisions (Final Code Review) |
| 09/18/2024 | PC Work Session | <ul style="list-style-type: none"> ▪ Final Code Amendment Package Review |
| 10/16/2024 | PC Public Hearing | <ul style="list-style-type: none"> ▪ Code Amendment Package Hearing |

| | | |
|------------|-------------------|---|
| 11/04/2024 | CC Work Session | ▪ Recommended Code Amendment Package Review |
| 11/18/2024 | CC Work Session | ▪ Recommended Code Amendment Package Review |
| 12/09/2024 | CC Public Hearing | ▪ Code Amendment Package Hearing |

Work Session #1 Recap (Home Occupations - April 3, 2024)

At the April 3, 2024 meeting the Planning Commission had an initial discussion on ambiguous Home Occupation code language and potential amendments to make the code more clear and objective. The following three questions were presented to the Planning Commission and initial feedback to staff was provided. Staff drafted code amendment language (attached) based on this feedback. Staff were also directed to research how other jurisdictions regulate home occupations. A table of results is found after the questions.

- 1) *Should the City return to processing Home Occupations as a land-use review?*
 - a. *A common process in other jurisdictions can involve a Type I and Type II review process. Type I reviews typically are ‘over the counter’ permits and typically prohibit HOP’s from having employees or customer/clients onsite and do not require public noticing. Type II reviews typically allow limited employees and clients onsite and have some type of public noticing involved and can be appealed.*

Planning Commission Feedback: Consensus that the current review process at the City of West Linn should remain as-is. There was no mention of changing to a Type I and Type II review process.

- 2) *Should the existing uses currently exempt from vehicle trips – ‘dance, music or language classes...with pupils or students,’ – continue to be exempt from vehicle trips?*

Planning Commission Feedback: No consensus was reached and the PC requested information to compare other jurisdictions’ code language on vehicle trips. Staff is looking for final direction on this question.

- 3) *Does the PC agree with the staff interpretation that HOP businesses should not be allowed to conduct any of their business outside, including storage of materials or equipment?*

Planning Commission Feedback: Agreement with interpretation of the code that a Home Occupation should not be allowed to conduct business or store materials/equipment associated with the business outside.

At the April 3, 2024 PC meeting, the PC expressed the desire to better understand surrounding jurisdictions Home Occupation code language and their review process. Below is a snapshot of the data collected for surrounding jurisdictions and their Home Occupation code and process:

Home Occupations

| | Review Process | Vehicle Trips Allowed | Outside Storage or Use | |
|--------------------|--|--|---|---|
| Oregon City | No notice, staff review | Not specified, no exemptions | Not allowed | HOP Worksheet OMC 17.04.580 |
| Tigard | Type I & Type II | Type I = No trips Type II = 6 trips, no exemptions | Type I = No Type II = screened & 5% total lot area | Tigard Ch. 18.760 |
| Milwaukie | Allowed by right | Not specified | Not allowed | Milwaukie 19.507 |
| Wilsonville | Allowed by right | 'Minimum traffic' | Not specified | City Website |
| Gladstone | Type I = no notice Type II = 75% neighbors' signatures | Type I = 6 Type II = 10, no exemptions | Not allowed | 17.78 Home Occupations |
| Tualatin | Allowed by right | 10 one-way trips; Instructional services = 20 trips | Not allowed. | Home Occupation Handout |
| Lake Oswego | Allowed by right | Not specified | Not allowed | Home Occupation Handout |
| Portland | Type A = No public notice Type B review = Public notice | Type A = No trips Type B = 8 customers daily, no exemptions | Not allowed | Ch. 33.203 |

Conclusion

The Planning Commission held a work session on Home Occupations on 04/03/2024. The PC provided feedback to staff on the Home Occupation review process and prohibiting exterior storage; additionally the PC requested additional information on surrounding jurisdictions Home Occupations code language as it relates to vehicle trips and potential exemptions. Staff has provided the PC with information on surrounding cities code language and process as it relates to Home Occupations. Staff now seeks feedback from the Planning Commission on the

vehicle trips exemption language in the West Linn Community Development Code Chapter 37 as well as the attached proposed draft code language. Any feedback and/or direction from the Planning Commission from tonight's work session will be incorporated into the final draft code language tentatively scheduled for the next working session and PC meeting on 08/07/2024.

If you have questions about the meeting or materials, please feel free to contact Aaron Gudelj (agudelj@westlinnoregon.gov – 503-742-6057). As always, please submit questions before the meeting to increase the efficiency and effectiveness of the discussion as it allows staff to prepare materials and distribute them for your consideration.

Attachment 1 – West Linn CDC Chapter 37: Home Occupations Draft Code Amendments

Existing Text ~~Removed Text~~ **New Text**

37.010 PURPOSE

The purpose of this chapter is to provide for home occupations in residential zones as a means of providing convenient employment opportunities and decreasing the dependence on the auto. The standards contained in this chapter are intended to assure that home occupations will be compatible and consistent with the residential uses and will not have a detrimental effect on neighboring properties.

37.020 GENERAL STANDARDS

A. A home occupation shall comply with all the following operating standards:

1. The home occupation shall be **incidental and accessory** ~~a secondary use to the residential use of the property~~ ~~primary use of the house as a residence.~~
2. **The home occupation must be operated entirely within the dwelling unit or a fully enclosed accessory structure that meets building code requirements.** ~~In no way shall the appearance of the residential structure or yard be altered to accommodate the Home Occupation. or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows, signs, or advertising visible outside the premises to attract customers or clients, other than a sign as permitted per subsection (A)(9) of this section.~~
3. **No part of the home occupation shall be operated outdoors, including the display or storage of merchandise, materials, or equipment on the premises or any adjacent right-of-way.** ~~There shall be no outdoor use or storage of material or mechanical equipment that is not part of the residential use.~~
4. **There shall be no outward appearance of the business activity other than a sign permitted per CDC Chapter 52.** ~~—An accessory building which meets the provisions of Chapter ~~34~~ CDC may be used for the home occupation.~~
5. ~~Any parking generated by patrons shall be accommodated on site.~~
6. ~~Off street parking areas with three or more spaces shall be screened by a fence constructed per Chapter ~~44~~ CDC specifications, topography, vegetation, or a combination of these methods. Screening vegetation must be in place by the time the applicant submits a home occupation application. or be reasonably expected to provide effective screening within one and one half years of approval of said application.~~

- ~~5. 7-~~ No equipment or process shall be used in a home occupation which creates noise, odor, smoke, fumes, fallout, vibration, heat, glare, or electrical interference ~~resulting~~ detectable to the normal senses off the lot.
- ~~6. 8-~~ No more than three employees, other than the residents, shall be engaged in service on the premises at any given time.
- ~~9.~~ The use of signs shall meet the requirements of Chapter ~~52~~ CDC unless modified by this chapter.
- ~~7. 10-~~ Occupied or unoccupied vehicles associated with the home occupation shall not have engines idling at any time. ~~except during the immediate loading or unloading of cargo, mail, packages or passengers.~~ Vehicles associated with the home occupation shall not be loaded or unloaded between the hours of 7:00 p.m. and 7:00 a.m. Monday through Friday, or between the hours of ~~6~~5:00 p.m. to 9:00 a.m. on Saturday and Sunday and **Federal Holidays**. ~~Other noise-generating machinery associated with conducting a home occupation shall also follow these guidelines.~~
- ~~8. 11-~~ The owner of the business must reside in the **dwelling unit** ~~primary structure~~ on the premises.
- ~~9. 12-~~ ~~Only a~~ **One commercial** vehicle, **as defined by the Oregon Vehicle Code**, no larger than a three-quarter-ton **gross vehicle weight** ~~truck~~ may be **parked outside of a structure**. ~~used by the occupant, directly or indirectly, in connection with a home occupation. An off street parking space shall be provided for this vehicle.~~
- ~~10. 13-~~ The **home occupation** use creates no more than eight total vehicle trips per day including employees, all deliveries, and customers. One trip is equal to one vehicle entering the site and exiting the site. ~~Home occupations with pupils or students, such as, but not limited to, dance, music or language classes, are exempt from the vehicle trip limitation.~~

37.030 SPECIFIC HOME OCCUPATION USES PROHIBITED

- A. *Repealed by Ord. [1635](#).*
- B. Any home occupation involving the on-site sale, ~~or~~ resale, **repair, or restoration** of automobiles, trucks, boats, trailers, or other motorized vehicles.

37.040 THE APPLICATION

- A. A home occupation application shall be initiated by the occupant. If the occupant is not the owner of the premises, the signature of the owner is required on the application.
- B. The applicant shall pay the requisite fee.

37.050 PERMITS

- A. A home occupation permit shall be required for a home occupation, subject to the provisions of this chapter, prior to issuance of a business license.
- B. A copy of each home occupation permit, including the permit number, shall be kept by the Planning and Building Department and on the premises of the business.
- C. A home occupation permit is non-transferable to any other person or any other property, and shall expire upon discontinuance of the home occupation by the person to whom it is issued.

37.060 ADMINISTRATION AND APPROVAL STANDARDS

A. Home occupations.

- 1. A home occupation is a decision made by the Planning Director in accordance with the provisions of CDC [99.060\(A\)](#), except that no notice shall be required.
- 2. The Planning Director shall approve, approve with conditions, or deny an application for a home occupation in accordance with the standards set forth in CDC [37.020\(A\)](#) for home occupations.
- 3. The Director's decision may be appealed by the applicant to the City Council as provided in CDC [99.240\(A\)](#).

37.070 APPROVAL AND STRICT COMPLIANCE REQUISITE FOR BUSINESS LICENSE

No business license will be issued for a home occupation until the home occupation application is approved and the applicant certifies that the home occupation will be operated in strict compliance with the provisions of this chapter and the conditions of approval.

37.080 REVOCATION

The Director may revoke a home occupation permit if the criteria of CDC [37.020\(A\)](#), respectively, are violated.