

BAKER CITY-COUNTY PLANNING DEPARTMENT



1995 Third Street | Suite 131 | Baker City, OR | 97814
 Phone: (541) 523-8219 | Fax: (541) 523-8340



APPLICATION FOR A HOME OCCUPATION PERMIT

TYPE I TYPE III

App. No. _____ City Planning: **101-131-3-40-4104**
 Received by: _____ Date Received: _____
 Fee Collected: \$ _____ Date Paid: _____

MAKE CHECKS PAYABLE TO: **BAKER COUNTY PLANNING**

APPLICANT			PROPERTY OWNER		
Last Name	First	MI	Last Name	First	MI
Mailing Address			Mailing Address		
Physical Address			Physical Address		
City	State	Zip	City	State	Zip
Telephone			Telephone		
Email			Email		

PROPERTY INFORMATION

Township _____ Range _____ Section _____ Tax Lot _____ Ref. _____

Township _____ Range _____ Section _____ Tax Lot _____ Ref. _____

Property Address: _____

Zone: _____ Overlay: _____ Floodplain: YES NO Historic District: YES NO

Parcel Length: _____ Parcel Width: _____ Total Area of Parcel: _____

Size and Type of Existing Structures: _____

NOTICE TO APPLICANT: On original application form, please print legibly using black/dark blue ink or type. Applicants are advised to review the list of submittal requirements and recommendations indicated on each land use application form and in the applicable Code Section prior to submitting an application. Incomplete applications will not be scheduled for review until the Planning Department receives all required submittal materials. Failure to provide materials or address the approval criteria in sufficient detail may cause your application to be delayed or denied.

Description of proposed Home Occupation: _____

Please include a **SITE PLAN** if you will be working outside of an existing structure

Please answer the following questions about your Home occupation:	Yes	No
Will any portion of the Home Occupation take place outside the home or other buildings on the site?		
Will the Home Occupation result in any structural alterations or additions?		
Products or equipment visible from outside any structure?		
Outside storage which will be visible from the public right-of-way of adjacent properties?		
Are there any employees associated with the Home Occupation that will be on-site?		
If yes, how many? PT _____ FT _____		
Will there be any on-site storage of hazardous materials?		
Is any signage proposed?		
If so, please indicate number and size.		
Excluding regular USPS delivery, how many trips per day for delivery and/or pick up?		
Will there be any clients or customers coming to the residence?		
If so, how many and how often?		
Will the operation create any noise, glare, vibration, smoke, dust, odors, radio or TV interference?		
Will there be a commercially-licensed vehicle associated with the business?		
If so, please indicate make/model and license plate number.		
Will this site be used for the assembly of employees?		

NOTICE TO APPLICANT: By signing, the applicant certifies the information provided herein is accurate and that he/she is authorized to make the application and that there are no covenants, conditions or restrictions (CC&Rs) that may limit or prohibit the proposed adjustment. The City of Baker City does not monitor, nor have enforcement authority over CC&Rs.

Applicant Signature: _____ **Date:** _____

Property Owner(s) Signature: _____ **Date:** _____

_____ **Date:** _____

**** NOTE: If the applicant is not the owner, by signing, the owner hereby grants permission for the applicant to act in his/her behalf concerning this application.*

APPLICABLE BAKER CITY DEVELOPMENT CODE SECTIONS

TYPE I HOME OCCUPATIONS

BCDC Section 2.2.200(F) – Home Occupations.

F. Home Occupations. The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Two types of home occupations require permits:

1. Home Occupations meeting the standards in subsections a-i, below, are permitted through a Type I Home Occupation Permit procedure, provided all other uses and structures on the subject property are in conformance with the applicable zoning.

a. Appearance of Residence:

- i. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- ii. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- iii. The home occupation shall not violate any conditions of development approval (*i.e.*, prior development permit approval).
- iv. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

b. Storage:

- i. Outside storage, visible from the public right-of-way or adjacent properties, that exceeds what is customary for a single family residence in the vicinity, is prohibited.
- ii. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- iii. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

c. Employees:

- i. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than one (1) full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the legal lot on which the home occupation is conducted.
 - ii. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
 - iii. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.
- d. Advertising and Signs: Signs shall comply with all applicable sign regulations. In no case shall a sign in the Residential District exceed 4ft² of surface area on all sides.
- e. Vehicles, Parking and Traffic:
- i. One (1) commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
 - ii. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 8:00 *p.m.* to 6:00 *a.m.*
 - iii. There shall be no more than one (1) client's or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.
- f. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 6:00 *a.m.* to 8:00 *p.m.* only, Monday through Friday, subject to subsections 1 and 5, above.
- g. Prohibited Home Occupation Uses:
- i. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line; is prohibited.
 - ii. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to 1-6, above.
 - iii. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:
 - A. Ambulance service;
 - B. Animal hospital, veterinary services, kennels or animal boarding;
 - C. Auto and other vehicle repair, including auto painting; and

- D. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.
 - h. **Enforcement:** The Planning Director or his or her designees may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance with Chapter 1.5.
 - i. **Family child care and In-home tutoring:** These types of home occupations are not subject to the above subsections (5) and (6); however, they shall conform to the state licensing requirements and standards under ORS 657A.
2. Home Occupations exceeding any of the threshold standards in subsections 1-9 may receive approval through the Type III Home Occupation Permit procedure under Section 4.9.200.
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TYPE III HOME OCCUPATIONS

BCDC Section 4.9.200 – Home Occupations

- A. Purpose.** The purpose of this Section is to encourage those who are engaged in small commercial ventures that do not conform to the Special Standards for Certain Uses in Section 2.2.200.F. Home Occupation. The standards referenced above allow home occupations to be permitted via a Type I procedure, which does not require Development Review or Site Design Review.
- B. Approval Process and Criteria.** Section 4.9.200 provides a process for more intense home occupations to be allowed with Site Design Review by the Planning Commission and notice to surrounding property owners. These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, day-time “eyes on the street” at the residence, and a neighborhood-scale version of mixed residential and commercial uses.
1. **Home Occupation Permit.** Applications for proposals that cannot meet all of the standards in Section 2.2.200.F. shall be processed using a Type III procedure, as governed by Chapter 4.1.400, using the approval criteria in subsection 2, below. In addition to the application requirements contained in Section 4.1.400.B., the applicant shall provide:
- a. A written narrative or letter:
 - i. describing the proposed home occupation;
 - ii. demonstrating compliance with those standards in subsection 2.2.200.F that can be met, and explaining why the other standards in subsection 2.2.200.F cannot be met, and
 - iii. demonstrating compliance with the criteria in subsection 2 below.
 - b. A site plan, not necessarily to scale, of the lot proposed for the home occupation, including:
 - i. the property lines and their dimensions;
 - ii. outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;

- iii. boundaries and dimensions of driveways and parking areas, indicating areas for use by home occupation employees and customers;
 - iv. outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and
 - v. identifying the buildings and areas of those buildings in which home occupation activities will take place, and identifying which activities will take place in which buildings and areas.
2. The City shall approve, approve with conditions, or deny an application for a Type III home occupation based on all of the following criteria:
- a. The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 100 feet of the subject property;
 - b. Impacts to surrounding properties may exist but can be mitigated; and
 - c. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance Section 2.2.200.F.