



# Josephine County, Oregon

Community Development – Planning Division

700 NW Dimmick, Suite C / Grants Pass, OR 97526

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## HOME OCCUPATION APPLICATION

### PROPERTY & APPLICATION INFORMATION

ASSESSOR'S LEGAL DESCRIPTION:

TWN \_\_\_\_\_ RNG \_\_\_\_\_ SEC \_\_\_\_\_ QQ \_\_\_\_\_ TAX LOT \_\_\_\_\_

TWN \_\_\_\_\_ RNG \_\_\_\_\_ SEC \_\_\_\_\_ QQ \_\_\_\_\_ TAX LOT \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

EXISTING ZONING: \_\_\_\_\_ PARCEL SIZE: \_\_\_\_\_

GENERAL NATURE OF HOME OCCUPATION BUSINESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Scaled Site Map

Completed Home Occupation Questionnaire

### OWNERSHIP & APPLICANT INFORMATION

OWNER'S NAME: \_\_\_\_\_ TEL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_ TEL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

REPRESENTATIVE: \_\_\_\_\_ TEL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

### TYPE OF HOME OCCUPATION APPLICATION

(To be determined by Planner)

TYPE I \_\_\_\_\_ TYPE II \_\_\_\_\_ TYPE III \_\_\_\_\_

(to include CUP application)

\*Applicant to submit required materials for initial review by Planner to determine Type and fee.

**APPLICANT'S STATEMENT OF UNDERSTANDING**

I \_\_\_\_\_, have filed an application for an **HOME OCCUPATION** with the Community Development – Planning Division to be reviewed and processed according to state and county requirements. I acknowledge the following disclosures:

1. I understand that any representations, conclusions or opinions expressed by staff in the pre-application review of this request do not constitute final authority or approval, and that I am not entitled to rely upon any such expressions in the place of final approval.
2. I understand I may ask questions and receive input from planning staff, but acknowledge that I am ultimately responsible for all information and documentation submitted with this application. I further understand planning staff cannot legally bind the county to any fact or circumstance that conflicts with state or local laws, and in the event a conflict occurs, all such statements or agreements are void.
3. I understand I have the burden of demonstrating my application meets all of the applicable standards and criteria. The standards and criteria for approving or denying my request have been furnished to me as a part of this application and I acknowledge receipt.
4. I understand planning staff is entitled to ask for additional information or documentation any time after the submission of this application if it is determined such information is needed for the review of my application.
5. In the event my application involves a farm or forest use or a Comprehensive Plan Zone Change, I understand it may be reviewed by the Oregon Department of Land Conservation and Development (DLCD). If this happens, and DLCD comments on the application, I understand DLCD has the authority to appeal the county's decision to the Oregon Land Use Board of Appeals if it chooses to do so.
6. I understand it is the function of the planning office to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree it is my sole responsibility to establish the case in favor of the application.
7. I understand I am entitled to have a lawyer or a land use consultant help me with my application and to appear with me (or for me) at any appointment, conference or hearing relating to the application.
8. I understand the processing of my application may require a site visit, which may include officials from other agencies, and photographs are commonly taken. Advance notice of the visit will be provided when the site is also a personal residence.

DATE: \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
OWNER/APPLICANT \*

\_\_\_\_\_  
OWNER/APPLICANT \*

*\* If the applicant is someone other than the owner, a power of attorney must be on file from the owners authorizing the application*

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# STATEMENT OF INTENDED WATER USE

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**LEGAL:**  
 TWN\_\_\_\_, RNG\_\_\_\_, SEC\_\_\_\_, QQ\_\_\_\_,  
 Tax Lot \_\_\_\_\_

**LAND USE PROPOSAL**

<input type="checkbox"/> Development Permit <input type="checkbox"/> Land Partition (# of Lots _____) <input type="checkbox"/> Subdivision (# of Lots _____) <input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Home Occupation <input type="checkbox"/> Administrative Permit <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Comp Plan & Zone Change
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Current Zoning: \_\_\_\_\_

Are new lots being created  Yes  No

Will any lots be less than 1 acre in size?  Yes  No

**DESCRIPTION OF WATER USE**  
*(Describe the Use)*

How many residential units will use water (# of units, single or multi-family)? \_\_\_\_\_

Will water be used to irrigate (lawn, garden, shrubs, fields)? \_\_\_\_\_  
 Total # of Acres Irrigated per Development \_\_\_\_\_

Will water be used for livestock (kind, #)? \_\_\_\_\_

Will water be used for one of the following:

<input type="checkbox"/> Commercial (office, retail, motel)	<input type="checkbox"/> Industrial (manufacturing, heavy repair)
<input type="checkbox"/> Institutional (school, church)	<input type="checkbox"/> Recreation (park, campground, pond)
<input type="checkbox"/> Other: _____ # partial hookup sites _____ # full hookups _____	

If so, please describe the use in detail: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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SOURCE OF WATER (Check All That Apply)	QUANTITY TO BE USED (Estimate)
<input type="checkbox"/> Surface Water Source (spring, stream, irrigation district): _____ _____ _____ <input type="checkbox"/> Reservoir or Pond: _____ <input type="checkbox"/> Ground Water: <input type="checkbox"/> Individual Well(s) <input type="checkbox"/> Shared Well(s) <input type="checkbox"/> Community Well(s) (Indicate the # of wells: _____) <input type="checkbox"/> Sump <input type="checkbox"/> Municipal Supply <input type="checkbox"/> Water Rights <input type="checkbox"/> Yes (Certificate/Permit # _____) <input type="checkbox"/> No <input type="checkbox"/> Do Not Know	_____ Gallons Per Minute _____ Gallons Per Day _____ Cubic Feet Per Second _____ Acre Feet  Remarks:

- - - ATTACH MAP SHOWING LOCATION OF EXISTING AND PROPOSED WELLS - - -

\_\_\_\_\_  
Signature of Applicant

-- OFFICIAL USE ONLY --	
Water Right Required <input type="checkbox"/> Yes <input type="checkbox"/> No	
Water Hazard Overlay Zone? <input type="checkbox"/> Yes <input type="checkbox"/> No Comment: _____	
Other Remarks: _____	
PUMP TEST REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Major <input type="checkbox"/> Minor <input type="checkbox"/> Other _____	
Date: _____, 20_____	
Reviewed By _____	

## HOME OCCUPATION QUESTIONNAIRE

### BUSINESS INFORMATION:

1. How would you describe your business? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. What vehicles will be used for the business, how many, & where will they be parked? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Will the business be conducted within the dwelling or within an accessory structure (i.e. garage, shop)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If an accessory building is used, what size is the building? \_\_\_\_\_

If the dwelling is used, how many rooms will be utilized for the business? \_\_\_\_\_

4. What part of the business involves other family members? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Will family employees reside at this address (if so, how many)? \_\_\_\_\_

6. Will you employ anyone other than family members (if so, how many)? \_\_\_\_\_

How many will live on-site? \_\_\_\_\_ Off-site? \_\_\_\_\_

7. Will you be selling item(s) on site or will you be delivering products somewhere else? \_\_\_\_\_  
\_\_\_\_\_

If you are selling item(s) at this site, what will you be selling? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Will you have to build or remodel structures to accommodate your business? \_\_\_\_\_  
If yes, please describe the required construction or remodeling: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. What are the hours and days of operation? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Please discuss any other information relating to the proposed business you think is relevant to the application: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DELIVERIES:**

11. How will materials or finished products be delivered to or from the property (i.e. personal car or pick-up, UPS truck, freight company, semi-truck and trailer)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. How often will deliveries to or from the property be made? \_\_\_\_\_

**IMPACTS:**

13. What type of equipment will be used in the business? (be specific) ( i.e. hand tools, welders, compressors, power tools.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If a compressor is used, will it be enclosed? \_\_\_\_\_

14. Where will materials and products be stored (inside the dwelling or accessory structure, outside)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If stored outside, how will any materials & products be screened from view from the street or surrounding properties? \_\_\_\_\_

15. Will customers, clients, servicemen, independent contractors or others come to your property as a part of the business? \_\_\_\_\_

If so, who do you expect and how often on a weekly, daily or monthly basis? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. What noises, sights, odors, vibrations or traffic impacts will result from your business? (be specific): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. Does your home occupation involve paints, solvents, oils or other substances that might be considered toxic? \_\_\_\_\_ If yes, list the specific substances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How will you dispose of these substances? \_\_\_\_\_  
\_\_\_\_\_

Have you obtained or applied to obtain the necessary permits for the use, storage and disposal of paint, solvents, oils or other toxic substances? \_\_\_\_\_ If so, please explain: \_\_\_\_\_

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18. Do you propose a business sign? \_\_\_\_\_ If so, please attach a scaled drawing of the sign and indicate where it will be located on the property.

19. Is your property zoned Exclusive Farm or Farm Resource? \_\_\_\_\_ If so, will the business be operated within the dwelling only? \_\_\_\_\_ If not, describe the structure or structures that will be used in the business: \_\_\_\_\_

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## WHAT IS A HOME OCCUPATION?

A home occupation is a specific type of conditional use permit that authorizes the limited operation of businesses in certain non-commercial and non-industrial zones. Because the opportunity for conflict with other uses is high, especially residential uses, home occupations must meet extensive review standards and criteria to assure compatibility.

### What Zones Allow Home Occupations?

Home Occupations are permitted, subject to the issuance of a *Conditional Use Permit*, in the following zones: the Single-Family Residential District, RR-1, RR-2.5 and RR-5; the Exclusive Farm Zone (EF); the Farm Resource Zone, (FR); Forest Commercial Zone, (FC); the Woodlot Resource Zone, (WR); Serpentine (S); and Limited Development (LD).

### How are Requests for Home Occupation Handled?

A home occupation must meet detailed standards and criteria to assure impacts from the business are appropriate in relationship to the extent, nature and location of the business. As the applicant, you have the burden of showing the standards and criteria can be met. The *Rural Land Development Code* (RLDC) gives the Planning Director authority to approve home occupations "in-house" (without a hearing). It also gives the Director authority to require site plan review and to refer any requests to a public hearing. This allows the level of review to be tailored to fit the complexity of applications. In all cases, advance notice of the request must be mailed to neighbors for an opportunity to review the request and comment or object.

### Are There Special Requirements on High Value Farmland?

Home occupations in farm zones must meet additional state regulations when the use will be located on high-value soils as defined in §11.030 of the RLDC. These rules state the home occupation can only be located in an existing dwelling or residential accessory structure, and the business cannot employ anyone other than those who reside in the dwelling.

**What Do I Have To Do To Get A Home Occupation Permit?** A home occupation submittal requires, at a minimum, the following steps:

Complete the cover sheet for the home occupation application.

Complete the home occupation questionnaire (*begins on page 4 of this form*).

Complete a site plan map (*mapping requirements begin on page 7 of this form*).

Attach a written statement demonstrating how the operation will meet the review standards and criteria contained in §45.030 of the RLDC. The standards and criteria are set out and explained below.

Finalize the application, to include the notarized statement of understanding, attach any other required materials, and submit them with required fees.

Once the applications are deemed complete, notice of the application will be mailed to neighbors within a specified distance, as well as other affected agencies and organizations. A 15 day period is allowed for written comments.

When the comment period ends, staff will prepare a written decision based on the applicable standards and criteria, taking into consideration comments from the neighborhood and responding agencies and organizations. Once notice of the decision is mailed, participants have 12 days to appeal the decision. A development permit for a favorable decision cannot be issued until the appeal period ends without an appeal.

In the event your request is referred to a public hearing, you will need to schedule another appointment with a planner to discuss hearing procedures and responsibilities.

**You MUST obtain a development permit from the Planning Office prior to starting any home occupation activity.**

## SECTION 45.030- CONDITIONAL USE REVIEW STANDARDS & CRITERIA

Conditional use permit requests shall comply with the following standards and criteria:

### I. STANDARDS.

- A. Development standards contained within the Josephine County Rural Land Development Code and all other applicable master plans, rules, resolutions, ordinances, codes, technical manuals and policies of the county or the state or federal governments;
- B. The Josephine County Roadway and Traffic Management Plan, including the Official Street Map;
- C. Standards for construction of required infrastructure and public facilities; and

***Explanation:*** *The standards referenced here are technical in nature and many are contained in various policies or manuals in other departments or agencies. The requirements covered by items 1 through 3 will be identified in site plan review. Staff will let you know if you need to respond to any of these items.*

- D. Access standards contained in §11.030.

***Explanation:*** *Section 11.030. is the definition for the term Adequate Access for site plan review. Regarding home occupations, it says the property must have a valid access permit on a county, state, forest access or public usage road, or be served by a written and recorded easement which contains no language that excludes commercial traffic. This definition will apply in the event full site plan review is required.*

### II. CRITERIA.

- A. All criteria made applicable by the provisions of Article 69 (Overlays); Chapter 7 (Development Standards); Chapter 8 (Public Facilities); and, Chapter 9 (Special Uses).

***Explanation:*** *The criteria referenced in this item are the type that apply only when unique circumstances exist on the property involved in the application. The planner handling your request will let you know if any apply in your case.*

- B. The location, size, design and operating characteristics of the proposed use will not result in significant impacts on the neighborhood (“significant impact” is defined in Article 11 of this Code);

***Explanation:*** *The impacts most often involved in home occupations are sights, sounds and traffic. But other impacts, such as pollution, drainage and odor, can also come into play. The RLDC says impacts are significant when they cause serious adverse effects to, or conflict with, other properties, which cannot be mitigated. Your application should carefully explain how the home occupation will be conducted, and how the impacts will be minimized. This is usually the most important part of the application and your response on this criterion should be especially thorough.*

- C. The use will not exceed the carrying capacity of the land as defined in Section 11.030;

**Explanation:** *Carrying capacity has to do with the ability of the property to support the proposed development. Usually this covers questions about sewage disposal facilities, water supplies and on-site roads. Your application must demonstrate it is possible to meet basic requirements.*

- D. Existing and proposed infrastructure and public facilities are adequate to serve the proposed development;

**Explanation:** *This criterion has to do with the adequacy of off-site public streets, bridges, water and sewage systems to serve the development. It is the rare case when significant issues arise under this criterion. The planner handling your request is the best person to ask if you need to be concerned.*

- E. The development is designed so that it coordinates efficiently with surrounding development patterns and existing and planned utilities, facilities and streets in the vicinity;

**Explanation:** *Again, this criterion mostly has to do with long-range zoning and planning programs. You should only be concerned with this issue if the planner raises it.*

- F. Special hazards (flooding, fire, erosion, etc.) and special environmental circumstances (watershed, wetland, wildlife or plant habitat, etc.), are adequately mitigated, provided for or protected.

**Explanation:** *The RLDC contains specific Articles dealing with special hazards. You will find the most commonly applicable regulations in Article 69.1 (flooding), Article 76 (fire), Article 83 (erosion), Article 69.4 (airports). In the event one or more special hazards affect your property, the application will need to carefully show how all applicable regulations are satisfied.*

**IMPORTANT NOTE:** The issues and criteria involved in your application may range from simple to very complex, depending on the nature and extent of your proposed business and the physical and development circumstances present on-site and in the neighborhood. Commercial uses in residential neighborhoods can become extremely controversial, even when the proposal complies with the special limits for home occupations. Sometimes the issues—and the resulting criteria—do not become completely known until staff is able to fully investigate the request through pre-application review and/or site plan review. This makes the completeness and accuracy of your application the critical first-step for effective review. For this reason, staff recommends you give the application thorough attention. If you have questions, please make notes and call the Planning Office.