



# **Marion County** **OREGON**

## **PUBLIC WORKS**

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### **MEMORANDUM**

#### **BOARD OF COMMISSIONERS**

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#### **PLANNING**

#### **SURVEY**

DATE: June 30, 2022

TO: Marion County Board of Commissioners

FROM: Marion County Public Works – Lindsey King, Principal Planner

SUBJECT: Amendments to the Marion County Rural Zone Codes – Home Occupations

### **BACKGROUND**

Marion County Planning was asked by the Board to create code that would allow an event business to operate as a home occupation on farmland. Staff met with interested citizens to discuss and develop a draft code. This code contains standards to ensure that the events will operate safely and in a healthful manner, to minimize potential conflicts with surrounding farms and residential uses, and to meet home occupation standards. The interested citizens and staff took into account the existing event code in Clackamas County but tailored this code to work for Marion County.

### **COMMENTS**

No comments were received at the time this staff report was prepared.

### **FACTS AND FINDINGS**

#### **Health and Safety**

The code includes many health and safety measures, not just for the applicant but for surrounding property owners. There are requirements for traffic and parking, which include a detailed parking and traffic circulation plan. This plan will mitigate parking on rights of way, provide for emergency vehicles and include surface parking requirements. Signs in addition to those permitted in the county sign code are allowed in order to facilitate traffic reaching the event quickly and efficiently.

The applicants will be required to obtain all Health Department permits associated with the event business (food and potable water) as well as other required permits (such as for serving alcohol). Additionally, the property owner must provide evidence that the required permits are being renewed.

Any new and existing structures that will be used for the event business will be required to meet applicable building, septic, and fire codes to ensure that the buildings are safe for customers at the property. Additionally, a structure used in conjunction with the event business must be a structure normally associated with the uses permitted in the zone. This will ensure the buildings are compatible with surrounding uses and continue to be associated with a home occupation.

### Compatibility with Neighboring Uses

The code is designed to minimize an event business's impact on neighboring property owners while still being able to operate an event business as a home occupation. The code includes standards for fencing, landscape buffers, lighting, and noise, in addition to parking, in order to minimize any potential impact on neighboring properties. For example, the hours of operation, including set up and take down, follow the existing Marion County Noise Ordinance. This code allows for operations to be held from the hours of 7 a.m. to 10 p.m.

The maximum number of events in one year is limited to 18, this number of events was chosen to coincide with the maximum number of allowable agritourism events annually. The code includes a frequency of events that permits more frequent events during the summer. The maximum number of participants is 750; larger events must obtain a mass gathering permit from Marion County. The code requires that the contracts for the events contain language about compatibility with surrounding resource uses of land, including farming. Finally, the event business home occupation would be approved only for the property owner applying initially unless a subsequent property owner reviewed and accepts the conditions that are placed on the operation of the business.

### Home Occupation Standards

To ensure that the home occupation event business continues to meet the qualifications for a home occupation, the applicant must be the occupant of the property and the business operator. As well, the requirement to be receiving farm special assessment ensures that the land where the event business takes place is being farmed and part of the local farming community.

The event business must take place substantially indoors, and it appears that 80% indoors and 20% outdoors meets this requirement. A home occupation event business may use tents, but tents are considered "outdoors" for purposes of this code. By requiring the event take place primarily indoors, neighboring properties will be less likely to be affected by the events and the customers of the event business will be less likely to be affected by any farm or forest uses within the area. When the event is not taking place, any items associated with the events business will have to be stored inside so as not to alter the appearance of the property to something other than a homesite.

**RECOMMENDATION**

Staff recommends the Marion County Board of Commissioners discuss the draft code, propose any changes or modifications, approve the amendment to Marion County Code, and direct staff to return with an ordinance reflecting its decision.

**Attachment:**

Proposed Code Amendment