

AOC ASSOCIATION OF OREGON COUNTIES

Date:	March 8, 2025
To:	Senator Jeff Golden, Chair Senator Todd Nash, Vice Chair Members of the Senate Natural Resources and Wildfire Committee
From:	Association of Oregon Counties Legislative Affairs Manager Branden Pursinger
Subject:	Senate Bill 77

The Association of Oregon Counties (AOC) is a non-partisan member organization that advocates on issues that unite all county governing bodies and have an impact on county functions, governance, budgets, and services.

SB 77 removes the discretion counties have regarding home occupations and places a series of new requirements in statute. This state preemption is problematic for counties.

SB 77 creates a new definition not currently in statute for home occupations. Section 1 (1) states a home occupation means “an occupation or profession that is customarily conducted in a dwelling and is accessory, incidental and subordinate to the primary use of the dwelling for residential use.” However, if the home occupation is to be located on resource lands a series of additional requirements must be met. These additional requirements are problematic for our county planning departments.

For example, Section 1(2)(c), “does not provide clients with onsite dining, drinking, event hosting or lodging of more than five unrelated persons,” and then gives the exemption for breweries, cideries, guest ranches and wineries. There is confusion among the County Planners whether the 5 unrelated persons is intended to modify the entire line or just the lodging requirement. This also presupposes that county planning departments know on any given day, at any given time, the 5 individuals are unrelated. How do the bill proponents propose county planners check this when a complaint comes in? It is also unclear why cideries, breweries, wineries and guest ranches need a special carve out when they are a distinct use found in ORS 215.213 and 215.283.

The bill states in section 1(2)(e) that parking is only allowed for a maximum of 3 client vehicles. For a permit to be issued, the planner must ensure there is parking only for 3 client vehicles, however how can they ensure the vehicle belongs to a client when a complaint comes in? Furthermore, if the parking is not visible from offsite, this would be hard to monitor. Counties do have Code Compliance Officers; however they are not law enforcement, and only enforce local county codes and ordinances. County Code Enforcement officers do not have the ability to run license plates. They do not monitor for state law as that would fall to law enforcement. However even then, is using scare law enforcement resources to enforce a minor civil code provision in the government’s best interest?

The bill states in section 1(2)(f) the area for the home business is to be “no greater than 2000 square feet and is located in the main dwelling or a secondary building that is associated with and

accessory to that dwelling.” The 2000 square foot limitation could be met at the time of site plan review, however once the permit is issued there is no way for the county to enforce this provision. The bill further states in Section 1(g)(A) the home occupation cannot interfere with the use of the dwelling as a dwelling. If a complaint comes in and the homeowner disagrees, this bill will require the county employee needing to gain access to the dwelling or structure and then investigate the complaint. Again, my planners and code compliance officers are not law enforcement, they do not have nor desire this type of authority.

Counties respectfully request the ability to continue to permit home occupations as the current statute allows. The governing body of a county under current statute may establish additional reasonable conditions of approval for the establishment of a home occupation. The prescriptive nature of what would be required under SB 77 as drafted are not reasonable conditions according to our planning departments.

We respectfully request SB 77 to not move forward.