PLACER COUNTY
AIRPORT LAND USE
COMMISSION

Agenda Item H
Distributed under separate cover -
November 23, 2026

MEMORANDUM

TO: **Placer County Airport Land Use Commission** **DATE: December 9, 2026**

FROM: **David Melko, Principal Transportation Planner**

SUBJECT: **9:00 A.M. - PUBLIC HEARING: CONSISTENCY DETERMINATIONS FOR PROPOSED AMENDMENTS TO THE CITY OF LINCOLN GENERAL PLAN 2050 AND TITLE 18 ZONING CODE (HOME OCCUPATIONS AND COTTAGE FOOD OPERATIONS)**

ACTION REQUESTED

1. Conduct a public hearing to consider requests from the City of Lincoln Development Services Department to review proposed General Plan and Zoning Code amendments for consistency with the Airport Land Use Compatibility Plan (ALUCP), pursuant to California Public Utilities Code Section 21676(b):
   a. **General Plan Amendment** that would revise the Land Use and Community Design Element to increase maximum residential densities from 20 to 30 dwelling units per acre within the High-Density Residential, Planned Development, and Mixed-Use land use designations, except in areas governed by adopted Specific Plans and General Development Plans; and
   b. **Zoning Code Amendment** that would revise Chapter 18.62 of Title 18 (Zoning) of the Lincoln Municipal Code to modernize regulations governing home occupations and establish standards for cottage food operations.
2. Determine that the proposed:
   a. **General Plan Amendment** is consistent with the Placer County Airport Land Use Compatibility Plan, subject to applicable ALUCP compatibility requirements.
   b. **Zoning Code Amendment** is consistent with the Placer County Airport Land Use Compatibility Plan, subject to applicable ALUCP compatibility requirements.
3. Authorize the Executive Director to sign and submit a consistency determination letter for the General Plan Amendment and the Zoning Code Amendment to the City of Lincoln.

BACKGROUND

The Placer County Transportation Planning Agency (PCTPA) serves as the Airport Land Use Commission (ALUC) for Placer County's three public-use airports. ALUCs protect public health, safety, and welfare by (1) ensuring the orderly expansion of airports and (2) promoting compatibility between airports and surrounding land uses. ALUCs fulfill these responsibilities by (1) adopting an Airport Land Use Compatibility Plan and (2) reviewing the plans, regulations, and other actions of local agencies and airports for consistency with that plan.

Placer County Airport Land Use Compatibility Plan (ALUCP)

The 2021 ALUCP includes Compatibility Plans for each of Placer County's public-use airports. Each plan establishes land use compatibility criteria and zones based on noise, safety, airspace

protection, and overflight considerations. The ALUCP also identifies the types of actions that are subject to ALUC review.

The ALUCP is important for our local airports seeking FAA or California aviation grant funding, as it promotes compatible land uses around airports, minimizes safety risks, and demonstrates compliance with federal and state aviation regulations. This planning helps secure funding by demonstrating compliance each airport's proactive approach to managing its impacts and ensuring compatible development.

Consistency Requirement
State law requires that General Plans, Community Plans, Specific Plans, and Master Plans—and any amendments to these plans as well as zoning Code changes and rezonings affecting land within an airport influence area be reviewed by the ALUC for consistency with the ALUCP.

Proposed Action
The City of Lincoln Development Services Department is requesting that the ALUC review the following proposed text amendments for consistency with the Placer County Airport Land Use Compatibility Plan (ALUCP), pursuant to California Public Utilities Code Section 21676(b) (Attachment 1).

Proposed Amendments
1. General Plan Amendment – Lincoln General Plan 2050
The proposed General Plan Amendment would revise Section 4.2 of the Land Use and Community Design Element of Lincoln General Plan 2050 to increase allowable maximum residential densities and development flexibility from 20 to 30 dwelling units per acre High-Density Residential (HDR), Planned Development (PD), and Mixed-Use (MU) land use designations, as identified in Attachment 2, except in areas governed by adopted Specific Plans and General Development Plans. While not subject to today's consistency determination the Amendment would also increase residential density allowances and modify Floor Area Ratio (FAR) standards within the Downtown Master Plan. The Downtown Master Plan Area is not located within the airport influence area for Lincoln Regional Airport. The General Plan Amendment aims to expand housing opportunities, promote affordable housing, and advance implementation of the City's adopted Housing Element.

2. Zoning Code Amendment – Home Occupations and Cottage Food Operations
The proposed Zoning Code Amendment (Attachment 3) would update Chapter 18.62 of Title 18 (Zoning) of the Lincoln Municipal Code to modernize regulations governing home occupations and establish standards for cottage food operations. The City's current regulations ensure that home-based businesses remain incidental and subordinate to residential use and do not adversely affect neighborhood character through increased traffic, noise, storage, or other operational impacts. However, the growth of online marketplaces has expanded opportunities for home-based businesses, and City staff frequently receive inquiries regarding cottage food operations, for which the current code lacks specific operating standards.

The proposed amendment would modernize home occupation regulations and establish a separate definition, approval process, and operating standards for cottage food operations consistent with the California Health and Safety Code. These changes would improve regulatory clarity; address applicant needs and align local requirements with State law.

Project Background
The ALUC previously found the Lincoln General Plan Housing and Safety Elements (2021), General Plan 2050, and Zoning Code (2022) consistent with the Compatibility Plan, subject to applicable compatibility requirements.

Public Notice
ALUC review requires public notice to be provided at least ten days prior to the hearing. A public hearing notice was published in the Lincoln Messenger on November 27, 2026. Notice was also posted on PCTPA's website and distributed by email to interested stakeholders.

DISCUSSION

Consistency Review
The 2021 ALUCP, as amended, establishes policies addressing noise, safety, airspace protection, and overflight compatibility for development near Lincoln Regional Airport. Consistency determinations are based on these factors. The ALUC previously found the Lincoln General Plan 2050, Zoning code, and Housing Element consistent with the ALUCP, subject to applicable compatibility requirements.

1. General Plan Amendment – Lincoln General Plan 2050
The proposed General Plan Amendment would increase maximum allowable residential densities from 20 to 30 dwelling units per acre within HDR, PD, and MU land use designations, except in areas governed by adopted Specific Plans and General Development Plans. Areas where this increase in density would occur fall within the Lincoln Regional Airport Compatibly Zone D. Zone D permits these residential densities.

The City's adopted General Plan Land Use Diagram accommodates approximately 34,000 additional housing units and 101,000 additional residents, based on a projected buildout population of 132,000 established in 2005. The City's 2025 population is 55,431, with 22,474 housing units. SACOG's 2025 Blueprint forecasts an additional 8,720 housing units between 2020 and 2050, resulting in approximately 28,750 units and a projected population of 71,875 to 77,625 by 2050, based on 2.5 to 2.7 persons per household.

Although the General Plan Amendment would increase allowable residential densities and overall development capacity in the three land uses, the City's actual and projected growth remains substantially below the buildout anticipated in the General Plan. The projected 2050 population of 71,875 to 77,625 is well below the General Plan's estimated buildout population of 132,000. Consequently, the proposed density increases would provide additional flexibility to accommodate housing demand, expand opportunities for affordable housing, and advance the

City's Housing Element objectives without exceeding the overall population growth contemplated in the General Plan and in the ALUCP. In this context, the Amendment represents a refinement of the City's existing land use framework to better accommodate housing needs, rather than a fundamental change in the General Plan's anticipated growth.

2. Zoning Code Amendment – Home Occupations and Cottage Food Operations
The proposed Zoning Code Amendment would modernize home occupation regulations and establish a separate definition, approval process, and operating standards for cottage food operations consistent with the California Health and Safety Code. These changes would improve regulatory clarity; address applicant needs and align local requirements with State law.

The proposed Zoning Code Amendments would not authorize new construction, increase residential density or development intensity, change zoning boundaries, or convert residential properties to commercial uses. Home occupations would remain subject to City standards intended to preserve residential character and address potential neighborhood impacts, including customer visits, deliveries, parking, signage, and nuisances. Customer visits to the home occupation residence are limited to one per hour and eight per day, consistent with ALUCP intensity standards for residential land uses.

The proposed amendment to allow cottage food operations also complies with all applicable City standards and State laws. Applicants are required to ensure that employee, customer, and delivery traffic and parking comply with the Lincoln Municipal Code and that on-site customer dining is prohibited.

Staff Recommendations
Before the City of Lincoln can take final action to approve the proposed General Plan Amendment and Zoning Code Amendment, the ALUC must make determinations regarding their consistency with the ALUCP. The ALUC has three options: finding the proposed amendments (1) consistent with the ALUCP; (2) consistent subject to conditions; or (3) inconsistent based on specific conflicts.

Based on review, staff have determined that neither proposed amendment would introduce new airport land use compatibility impacts. Accordingly, staff recommend that the ALUC find both proposed amendments consistent with the ALUCP, subject to applicable compatibility requirements.

Staff further recommend authorizing the Executive Director to submit a consistency determination letter for the General Plan Amendment and the Zoning Code Amendment to the City of Lincoln.

The proposed amendments were submitted after the agenda deadline; therefore, PCTPA's Technical Advisory Committee was unable to review and concur with the staff's recommendation.

DM:ss

Attachment 1 - Lincoln Project Review Request 11.18.26
Attachment 2 - Lincoln GPA Exhibit
Attachment 3 - Lincoln Home Occupation ZTA Exhibit

City of Lincoln
Live. Life. Lincoln

November 18, 2026

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RE: City of Lincoln Projects/ALUCP Consistency Determination

Dear Mr. Melko,

The City of Lincoln is requesting the Placer Airport Land Use Commission (ALUC) make a determination of consistency, per section 2.9.2(b) of the adopted Airport Land Use Compatibility Plan (ALUCP) and Public Utilities Code Section 21676(a), for the following projects within the City of Lincoln:

- Title 18 Zoning Code Amendment – Home Occupations
- General Plan Amendment – Residential Density Increase and Changes to the Floor Area Ratio (FAR) Standard
- Downtown Master Plan + Objective Design and Developments Standards

The City of Lincoln anticipates the ALUC consistency determination and any recommended amendments to our General Plan and the Lincoln Municipal Code will be acted upon by our City Council within 180 days after we receive the consistency determination from the ALUC.

Sincerely,

Efren Sanchez
Senior Planner
Community Development Department
efren.sanchez@lincolnca.gov
INSERT PHONE NUMBER

CC:
Mikaela Noble, Associate Planner mikaela.noble@lincolnca.gov
Rommel Pabalinas, Planning Manager rommel.pabalinas@lincolnca.gov

Exhibit A – Residential Density Increase and Changes to the Floor Area Ratio (FAR) Standard - General Plan Amendment

Amend the *Land Use & Community Design Element*, Section 4.2 – Land Use Diagram and Standards of the City of Lincoln General Plan as follows:
(Note: Additions are shown as red text and deletions are shown in ~~strikeout~~)

Table 4.1. General Plan Land Use Designations and Development Standards

Land Use Designation	Label	Residential Intensity (DU/gross acre)	Non-Residential Intensity – Floor Area Ratio (FAR)
Rural Residential	RR	1 DU per 2 to 5 acres	n/a
Country Estates	CE	1-2.9	n/a
Low Density Residential	LDR	3-5.9	n/a
Medium Density Residential	MDR	6-12.9	n/a
High Density Residential	HDR	~~13 20~~ 13-30	n/a
Planned Development	PD	~~4 20~~ 4-30	2.00
Village	V	Varies (see Village policies)	Varies (see Village policies)
Neighborhood Commercial	NC	n/a	0.35
Community Commercial	CC	n/a	0.35
Mixed Use	MU	~~13 20~~ 13-30	4.00
Regional Commercial	RC	n/a	0.36
Special Use District	SUD	Varies see SUD policies	Varies see SUD policies
Business and Professional	BP	n/a	0.45
Light Industrial	LI	n/a	0.50
Industrial	I	n/a	0.50
Industrial Planned Development	IPD	n/a	0.50
Parks and Recreation	PR	n/a	0.25
Open Space	OS	n/a	0.10
Agricultural	AG	n/a	0.05
Public Facilities	PF	n/a	0.40

Residential Land Use Designations

Low Density Residential (LDR)

The purpose of this designation is to provide areas for single family detached residential uses and activities normally associated with single family neighborhoods. Where found appropriate, innovative single family design alternatives are encouraged. This designation

provides for single family detached and attached homes, secondary residential units, public and quasi- public uses, and similar and compatible uses. Residential densities shall be in the range of 3.0 to 5.9 units per gross acre.

This designation allows a FAR of 0.75 in the Downtown Master Plan area.

Medium Density Residential (MDR)

The purpose of this designation is to provide areas for a variety of moderate intensity single family uses including detached and attached single family housing, mobile home parks, and cluster developments. This designation is applied in areas of predominantly single family character where a greater diversity of housing type is intended. This designation is located in transitional areas between higher intensity uses and lesser intensity single family areas. Residential densities shall be in the range of 6.0 to 12.9 units per gross acre.

This designation allows a FAR of 0.80 in the Downtown Master Plan area.

High Density Residential (HDR)

The purpose of this designation is to allow for multifamily housing at densities greater than other residential designations. This designation is intended to allow for those structural forms that promote moderate and higher density living styles. This designation provides for condominiums, townhouses, triplexes, fourplexes, multi - family residential units, group quarters, and similar and compatible uses. Residential densities shall be in the range of 13.0 to ~~20.0~~ 30.0 units per gross acre.

This designation allows a FAR of 1.00 in the Downtown Master Plan area.

Commercial

Community Commercial (CC)

The purpose of this designation is to provide commercial areas serving multiple neighborhoods or the entire community, including retail and service uses, restaurants, banks, entertainment, and offices. These areas should primarily be developed in shopping center configurations or as infill commercial uses in established community commercial areas. The FAR shall not exceed 0.35.

This designation also allows residential units within the Downtown Master Plan area up to 67.4 dwelling units per acre and an increased FAR of 3.50 in the Downtown Master Plan area.

Business and Professional (BP)

The purpose of this designation is to provide areas for professional and administrative services and offices. Uses permitted under this designation generally include: medical offices and clinics; law firms; accountant offices; insurance, real estate, and financial; governmental offices; social services; and non-profit organizations. Retail commercial

activities that complement or are accessory to the primary uses of the designation are also appropriate. The FAR shall not exceed 0.45.

This designation also allows residential units up to 20 dwelling units per acre within the Downtown Master Plan area and an increased FAR of 1.00 in the Downtown Master Plan area. Residential units in this designation in the Downtown Master Plan Area will meet the requirements for HDR.

Industrial

Light Industrial (LI)

The purpose of this designation is to provide space for manufacturing and industrial uses which show evidence of no or very low nuisance characteristics. The designation is applied to areas where nuisance characteristics of noise, odor, unsightliness, or hazardous materials manufacturing or storage are undesirable. Light Industrial areas typically include high-quality industrial park developments. Uses permitted under this designation include small-scale manufacturing, fabrication, packaging, storage, equipment repair, and similar related uses resulting in a high number of truck traffic. The FAR shall not exceed 0.50.

This designation also allows residential units up to 40.5 dwelling units per acre within the Downtown Master Plan area and an increased FAR of 2.50 in the Downtown Master Plan area.

CHAPTER 18.62 HOME OCCUPATIONS

18.62.010 Definitions~~Home occupation defined~~.

A "home occupation" is a business activity carried on within a dwelling by its inhabitant(s). The activity must be incidental to the residential use of the dwelling and must not change the residential character of the surrounding area by generating more traffic, noise, or storage of material than would otherwise be expected in a residential zone.

A "cottage food operation" is a type of home occupation that has the same meaning as set forth in California Health and Safety Code section 113758, subdivision (a), as may be amended.

(Ord. 464B §1(part), 1984: Ord. 350B §1, 1978)

18.62.020 Home occupation permits.

(1) Except as provided in Section 18.62.060 and Section 18.62.070 ~~subsection 18.62.060(2),~~ no business use of a residential unit shall be conducted within any dwelling unit located within the city. ~~a residential zone.~~

(2) Except as provided in Section 18.62.070, no cottage food operation shall be conducted within any residential dwelling unit.

(Ord. No. 832B, § 1, 2-26-2008; Ord. 464B §1(part), 1984: Ord. 350B §2, 1978)

Editor's note(s)—Ord. No. 832B, § 1, adopted Feb. 26, 2008, change the title of § 18.62.020 from "Conditional use permit required when" to "Home occupation permits." This historical notation has been preserved for reference purposes.

18.62. Prohibited uses.

The following are examples of business activities that are not incidental to or compatible with residential activities, and are, therefore, prohibited as home occupations. This list is not exhaustive.~~:~~

(1) Adult entertainment activities/businesses;

(2) Animal hospital and boarding;

(3) Banks and financial institutions;

(4) Bona fide eating and drinking establishments, including but not limited to bars, nightclubs, and restaurants;

(5) Dismantling, junk, or scrap yards;

(6) Fire arms and/or ammunition sales;

(7) Funeral or chapel home;

(8) Laundry and/or dry-cleaning services;

(9) Medical offices, clinics and/or laboratories that provide in-person services.;

(10) Mortuary;

(11) Vehicle service/repair shops

(12) Warehouse or storage uses;

(13) Welding and machining;

(14) Other uses the Community Development Director determines to be similar to those above.

18.62.030 Findings required for home occupation conditional use permit issuance.

No conditional use permit shall be issued for a home occupation unless the planning commission makes the following findings, in addition to those findings otherwise required for issuance of any conditional use permit:

(1) Such use is customarily incidental to the use of the dwelling unit as a residence;

~~(2) Such use does not constitute retail or wholesale sales with transfer of products to the buyer at the residential sit~~(2) Such use shall be conducted solely by an occupant of the dwelling unit;

(3) No signs shall be placed or erected on the property;

(4) Such use shall be conducted within the dwelling unit, garage, or enclosed accessory structures, ~~and not within a garage or other accessory building,~~ and not ~~or~~ on or within an unenclosed area;

(5) At least one of the findings in Section 15.32.250 of the municipal code is satisfied.

(Ord. 350B §3, 1978; Ord. 464B §1(part), 1984: Ord. No. 832B, § 2, 2-26-2008; Ord. No. 913B, § 6(Exh. D), 6-28-2016)

18.62.040 Specification of permissible uses.

The city council may specify by resolution those uses which are deemed to be permissible home occupations subject to the criteria set forth in this chapter.

(Ord. 464B §1(part), 1984: Ord. 350B §4, 1978)

18.62.050 Business license fee.

Issuance of a conditional use permit for a home occupation shall be conditioned upon payment of a business license fee as set by city resolution, payable at the time of issuance of the permit.

(Ord. No. 832B, § 3, 2-26-2008; Ord. 464B §1(part), 1984: Ord. 350B §5, 1978)

18.62.060 Home occupation clearance, conditions, and limitations.

Except for cottage food operations, t~~T~~he following regulations shall apply to home occupations in dwelling units located in any residential district:

(1) A home occupation shall be permitted without the issuance of a conditional use permit subject to an occupant's compliance with the following conditions and limitations:

a. No more than two home occupations shall be permitted in a dwelling unit.

b. The home occupation(s) shall be operated by no more than two individuals, both of whom shall be inhabitants of the dwelling unit.

c. All home occupation activities shall be conducted indoors within the dwelling, garage, or enclosed accessory structures. No home occupation activity shall occur outside at any time.

d. The use of the dwelling for the home occupation(s) shall ~~not require the use of more than 15 percent of the total floor area of the dwelling unit and such use shall~~ be clearly incidental and subordinate to its ~~to the~~ use of the dwelling as a residence. The home occupation shall not result in any addition to, alteration of, or exterior remodeling of, the dwelling, garage or accessory structures.

e. The home occupation(s) shall not require the elimination of required off-street parking spaces.

~~e. The home occupation(s) shall be conducted solely within the dwelling unit and not within a garage or other accessory building or on or within an unenclosed area.~~

f. Clients or customers are permitted to visit the home occupation residence provided that, on any single day there shall be no more than one client or customer per hour and no more than eight customers or clients visiting the residence in a day. A family unit, such as a parent and one or more children, is considered one client or customer for purposes of this restriction.

g. Retail sales may occur on the premises by appointment only in compliance with Section 18.62.060 (1)(x above), or when conducted by telephone, mail, or internet, with delivery occurring off-site.

h. No signs advertising the home occupation(s) shall be allowed.

i. The home occupation(s) shall not require the storage of flammable or hazardous materials.

j. Vehicles relating to the home occupation(s) shall not be parked at the subject residence if they are larger than a standard pickup or van. Not more than one vehicle specifically for use in conjunction with each home occupation shall be permitted.

k. No equipment or material relating to a home occupation (other than a permitted vehicle) shall be parked or stored outside of the subject residence.

l. The home occupation(s) shall not create adverse levels of noise, dust, odors, or vibrations above the ambient levels in the surrounding neighborhood.

m. The person conducting each home occupation shall pay a business license fee in the amount set by city resolution.

n. The city may, from the hours of 7:00 a.m. to 6:00 p.m., enter the premises for the purpose of inspecting to determine whether or not the conditions of this subsection are being complied with.

o. Home occupation(s) will have limited business hours of 7:00 a.m. to 6:00 p.m. only.

p. No home occupation(s) permit(s) shall be issued which involve commercial food handling, processing, or packing.

q. The delivery of materials to the residence shall not exceed more than two deliveries of products or materials per day. No delivery shall involve the use of commercial vehicles, no delivery shall be by vehicles larger than an automobile, pickup, or typical delivery van, such as, but not limited to, UPS, FedEx, and USPS-type home pickups and deliveries.

(2) Notwithstanding subsection (1) of this section, home occupations located in any residential district that involve the following activities shall require the issuance of a conditional use permit pursuant to Section 18.62.020. Development Standards within Section 18.12.080, 18.14.090, and 18.16.090 shall be excluded from the following:

a. Exceeding one client or customer per hour and/or eight clients or customers visiting the home occupation residence in one day;~~Personal contact with customers at the applicant's residence;~~

b. Any home occupation(s) that do not meet the criteria outlined in Section 18.62.060 (1); ~~The making of merchandise for sale. A use permit may be issued provided that the storage of such merchandise does not exceed total allowable area for home occupations and does not require the transporting of material or finished product by means other than an automobile, pickup, or standard size van, and shall not create adverse levels of noise, dust, odors, or vibrations above the ambient levels in the surrounding neighborhood;~~

c. Reserved.

d. Three or more home occupations in a dwelling unit.

(3) Issuance of a permit for a home occupation shall be conditioned upon payment of a business license fee in the amount set by city resolution, payable at the time of issuance of the permit.

(Ord. No. 832B, §§ 1—22, 2-26-2008; Ord. 464B §1(part), 1984: Ord. 350B §6, 1978; Ord. No. 964B, § 2, 5-8-2018)

18.62.070 Cottage food operation clearance, conditions, and limitations

Cottage food operations shall be permitted without the issuance of a conditional use permit subject to an occupant's compliance with the following conditions and limitations:

(1) Cottage food operations must obtain and maintain all permits, registrations, approvals, or authorizations required by the Placer County Environmental Health Division.

(2) Cottage food operations must comply with all applicable federal, state, and local laws and regulations.

(3) Cottage food operations must be located in a residential dwelling unit.

(4) Only one cottage food operation shall be permitted per residential dwelling unit.

(5) Permits issued to a cottage food operation are not transferable to another operator or residence.

(6) Except for vehicle parking, no outdoor portion of the premises shall be used for the cottage food operation, including outdoor advertising.

(7) Permittee is responsible for ensuring that employee, customer, and delivery traffic and parking comply with the Lincoln Municipal Code and do not create a hazard or nuisance related to pedestrian or vehicle circulation, traffic control, or parking.

(8) Direct sales of products from the site of the cottage food operation shall be conducted by prior appointment only and only between the hours of 7:00 a.m. and 6:00 p.m.

(9) Customers of the cottage food operation shall not be permitted to dine on site.

(10) Deliveries of products, supplies, or materials to or from the residence shall not exceed two deliveries per day.

18.62.0870 Procedures for applying.

Where a home occupation is permitted pursuant to subsection 18.62.060(1) or section 18.62.070, an applicant must complete and sign a form provided by the planning department that acknowledges the conditions and limitations of an approved home occupation. Where the home occupation requires a use permit, an application for such use permit shall be made pursuant to Section 18.62.020 of this chapter.

(Ord. 464B §1(part), 1984: Ord. 350B §7, 1978)

~~18.62.080 Existing home occupations.~~

~~(a) Any person conducting a home occupation within a residential zone at the time of adoption of the ordinance codified in this chapter shall either discontinue such use or apply for a permit as provided in this section within 90 days after the adoption of the ordinance codified in this chapter, and annually thereafter.~~

~~The planning commission shall issue a permit upon making all of the following findings:~~

~~(1) The applicant was conducting a home occupation at the same dwelling for which the permit is requested at the time of the adoption of the ordinance codified in this chapter;~~

~~(2) Except for the first permit issued within 90 days after the passage of the ordinance codified in this chapter, that the applicant has continued to do business at the same dwelling unit during the year since the last permit was obtained;~~

~~(3) There have either been no complaints by surrounding neighbors of noise or other nuisance or such complaints are found by the planning commission to be insubstantial.~~

~~(b) If the commission cannot make the findings in subsection (a) of this section, the applicant must either discontinue conducting a home occupation or apply for a conditional use permit pursuant to Section 18.62.020.~~

~~(c) Issuance of a permit for a home occupation shall be conditioned upon payment of a business license fee in the amount of as set by city resolution $30.00 per year, payable at the time of issuance of the permit.~~

(Ord. 464B §1(part), 1984)

18.62.090 Violations.

Violation of any provision of this chapter or any condition of a use permit issued as provided in this chapter constitutes a misdemeanor. Any such violation is further declared to be a public nuisance and may be abated as provided by law.

(Ord. 464B §1(part), 1984)