

**822 HOME OCCUPATIONS**

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822.01 EXEMPTION

Except as set forth in Section 822, home occupations are exempt from Sections 1000, *Development Standards*, and 1102, *Design Review*.

822.02 DEFINITIONS

The following definitions apply to Section 822:

- A. Accessory Building Floor Space: Any building floor space, other than a dwelling unit, that is used for the home occupation, including, but not limited to, an attached garage, detached garage, or pole building.
- B. Employee: Any on-site person, whether they work full-time or part-time in the home occupation, including, but not limited to, the operator, partners, assistants, and any other persons participating in the operation of the home occupation.
- C. Gross Vehicle Weight Rating: As defined in Oregon Revised Statutes 801.298.
- D. Incidental Use: The use of no more than 25 percent of the floor area of a building or 500 square feet, whichever is less.
- E. Operator: The person who conducts the home occupation, has majority ownership interest in the home occupation, and is responsible for strategic decisions and day-to-day operations of the home occupation.
- F. Vehicle: Any motorized or non-motorized transportation equipment intended for use on public roads and associated with the home occupation, including, but not limited to, a car, van, pickup, motorcycle, truck, bus, recreational vehicle, detached trailer, or a truck tractor with no more than one trailer. Any attached trailer beyond one is a separate vehicle. A detached trailer is categorized as equipment, rather than a vehicle, if it is stored in enclosed accessory building floor space
- G. Vehicle Trip: A vehicular movement either to or from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer vehicle.

822.03 LEVEL ONE MINOR HOME OCCUPATIONS

A level 1 minor home occupation does not require a land use permit and shall be subject to the following standards and criteria:

- A. Employees: No persons other than residents of the dwelling unit in which the home occupation is located shall be employees of the home occupation.

- B. Building Floor Space: The home occupation shall be conducted in a dwelling unit and shall be limited to incidental use thereof. In addition, incidental use of accessory building floor space shall be allowed for storage purposes only.
- C. Noise, Vibration, Glare, Fumes, and Odors: The home occupation shall not create noise, vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.
- D. Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
- E. Storage and Display: No outside storage, display of goods or merchandise visible from outside the enclosed building in which such goods or merchandise are stored, or other external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.03. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.
- F. Signs: Signs shall be permitted pursuant to Section 1010, *Signs*.
- G. Traffic: The home occupation shall not generate more than 10 vehicle trips per day.
- H. Parking: Parking associated with the home occupation shall be regulated as follows:
  - 1. Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way.
  - 2. The maximum number of customer vehicles that are associated with the home occupation and located on the subject property shall not exceed two at any time.
  - 3. The home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight rating of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks. Such deliveries shall be limited to no more than one per day.
  - 4. If customers of the home occupation come to the subject property, two parking spaces shall be provided for them in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. The minimum parking space requirement for the home occupation shall be in addition to the parking spaces required for other permitted uses on the subject property.

- I. Prohibited Uses: The following uses shall be prohibited as a minor home occupation:
1. Bed and breakfast homestays;
  2. Marijuana production;
  3. Marijuana processing;
  4. Marijuana wholesaling; and
  5. Marijuana retailing.

822.04 LEVEL TWO AND THREE MAJOR HOME OCCUPATIONS

A major home occupation requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

- A. Operator: The operator shall reside full-time in a lawfully established dwelling unit on the tract on which the home occupation is located.
- B. Employees: The home occupation shall have no more than five employees.
- C. Noise: Noise shall be regulated as follows:
1. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise detectable to normal sensory perception off the subject property.
    - a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 822.04(C)(1).
    - b. Subsection 822.04(C)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.
  2. A noise study may be required to demonstrate compliance with Subsection 822.04(E)(1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.

- D. Vibration, Glare, Fumes, and Odors: The home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.
- E. Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
- F. Storage and Display: No outside storage, display of goods or merchandise visible from outside the enclosed building space in which such goods or merchandise are stored, or external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.04. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.
- G. Signs: Signs shall be permitted pursuant to Section 1010, *Signs*.
- H. Parking: Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way. Parking spaces needed for employees or customers of the home occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking.
- I. Access: If the subject property takes access via a private road or access drive that also serves other properties, evidence shall be provided, in the form of a petition, that all other property owners who have access rights to the private road or access drive agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.
- J. Type of Buildings: Notwithstanding the definition of home occupation in Section 202, *Definitions*, in the AG/F, EFU, and TBR Districts, the home occupation shall be operated substantially in the operator's dwelling or other buildings normally associated with uses permitted in the applicable zoning district.
- K. Hazardous Materials: Hazardous materials shall not be present on the subject property in quantities greater than those normally associated with the primary uses allowed in the applicable zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.

- L. Level Two and Three Major Home Occupations: Major home occupations are classified as level two or three. A level three major home occupation may be established only if at least 50 percent of the lots of record abutting the subject property are larger than two acres; however, a renewal application shall be evaluated on the basis of the lot size analysis first applied to the home occupation. A lot of record is considered to be abutting if it is contiguous to the tract on which the home occupation is proposed, or if it is directly across an access drive, private road, or public or county road with a functional classification below that of a collector. The following standards differ depending on whether the proposed home occupation is a level two or three:
1. Building Floor Space: The home occupation may be conducted in a dwelling unit, but—except in the case of a bed and breakfast homestay—is limited to incidental use thereof. For a level two major home occupation, a maximum of 500 square feet of accessory building floor space may be used for the home occupation, and for a level three major home occupation, a maximum of 1,500 square feet of accessory building floor space may be used for the home occupation. If only a portion of an accessory building is authorized for use in the home occupation, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the home occupation space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the home occupation space and the remainder of the building.
  2. Traffic: A level two major home occupation shall not generate more than 20 vehicle trips per day, and a level three major home occupation shall not generate more than 30 vehicle trips per day.
  3. Vehicles: Vehicles shall be regulated as follows:
    - a. Level Two: The maximum number of vehicles that are associated with a level two major home occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee and customer vehicles. A level two major home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight rating of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks, and such deliveries shall be limited to no more than one per day.
    - b. Level Three: The maximum number of vehicles that are associated with a level three major home occupation and located on the subject property shall not exceed five at any time, including, but not limited to, employee vehicles, customer vehicles, and vehicles to be repaired. Vehicles to be repaired shall be located within an enclosed building or in an area not visible from off the subject property. No more than one of the five vehicles permitted to be located on the subject property at one time shall exceed a gross vehicle weight rating of 11,000 pounds.

4. Prohibited Uses: The following uses shall be prohibited as a major home occupation:
  - a. Marijuana production;
  - b. Marijuana processing;
  - c. Marijuana wholesaling;
  - d. Marijuana retailing;
  - e. As a level two major home occupation:
    - i. Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, trailers, or boats;
    - ii. Towing and vehicle storage business; and
    - iii. Any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than an automobile repair shop with open flame; and
  - f. As a level three major home occupation, any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than aircraft engine repair.

#### 822.05 EXCEPTIONS

An exception to any of the standards identified in Subsection 822.04 requires review as a Type III application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

- A. The use shall remain compatible with the area. The following factors shall be considered when determining if a use is compatible with the area:
  - a. The number of standards identified in Subsection 822.04 that will be exceeded; it is presumed that the more standards exceeded, the more difficult it will be to demonstrate compatibility;
  - b. The character of the neighborhood, including such factors as the presence of off-site similar and outside storage uses, proximity of off-site dwellings, level of surrounding traffic, size of off-site accessory buildings, and background noise levels;
  - c. The ability to mitigate impacts by driveway and road improvements, screening, landscaping, building location, building design, and other improvements;
  - d. Potential environmental impacts, including effects on air and water quality; and

- e. Provision of adequate and safe access to public, County, or state roads.
- B. Services adequate to serve the proposed use shall be available, including transportation, public facilities, and other services existing or planned for the area affected by the use. At a minimum, compliance with Subsections 1006.03(B), 1006.04(B), and 1006.06(C) (except as set forth in Subsection 1006.07), and 1007.07 is required.
- C. Notwithstanding the remainder of Subsection 822.05:
  - 1. An exception shall not be granted to Subsection 822.04(A), (I), (J), or (L)(4)(a) through (d).
  - 2. Accessory building floor space for the home occupation shall not exceed 3,000 square feet.
  - 3. If the subject property is in an EFU, TBR, or AG/F zoning district, the number of employees shall not exceed five.

#### 822.06 PREEXISTING HOME OCCUPATIONS

Home occupations legally established prior to April 22, 2010, which complied with all provisions of this Ordinance then in effect, including appropriate permits if required, are exempt from the requirements of Section 822. Those preexisting home occupations that were subject to annual permit review shall be reviewed for compliance with the standards in effect at the time of their establishment, on the same schedule as home occupations established under the current provisions of Section 822. Home occupations established prior to the requirement for permit application and review are not subject to automatic review, but must continue to comply with the standards in effect at the time of their establishment. Preexisting home occupations may not be transferred to another operator or be enlarged without satisfying all the requirements of Section 822.

#### 822.07 APPROVAL PERIOD AND RENEWALS

- A. A major home occupation permit is valid for three years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision.
- B. A major home occupation permit may be renewed an unlimited number of times. Renewals also shall be valid for three years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision.

- C. A renewal of a major home occupation permit, including one for a home occupation with one or more previously approved exceptions under Subsection 822.05, requires review as a Type II application pursuant to Section 1307, *Procedures*. However, if the renewal application includes a request for an exception not approved under the prior home occupation permit, the renewal requires review as a Type III application pursuant to Section 1307.

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