

**822 HOME OCCUPATIONS**

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## 822.01 PURPOSE

Section 822 is adopted to:

- A. Encourage economic development in the County by promoting home occupations;
- B. Reduce vehicle miles traveled by providing opportunities for people to work from their homes;
- C. Recognize the differences between residential communities, and provide standards for home occupations consistent with these differences;
- D. Ensure the compatibility of home occupations with other uses permitted in the underlying zoning district;
- E. Maintain and preserve the character of the community and residential neighborhoods; and
- F. Mitigate noise, traffic, and other possible negative effects of home occupations.

## 822.02 DEFINITIONS

Unless specifically defined in Subsection 822.02, words or phrases used in Section 822 shall be interpreted to give them the same meaning as they have in common usage and to give Section 822 its most reasonable application.

- A. Abutting Properties: Properties that are contiguous to the property on which the home occupation is proposed, as well as properties directly across any access drive, or private, public, or county road, provided the functional classification of the road is below that of a collector.
- B. Accessory Space: Any building space, other than the dwelling unit, that is used for the home occupation, including, but not limited to, an attached garage, detached garage, or pole building. Accessory space does not include manufactured dwellings, residential trailers, or recreational vehicles.
- C. 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.
- D. Home Occupation: An occupation or business activity which results in a product or service; is conducted, in whole or in part, in a dwelling unit and/or

an accessory building normally associated with primary uses allowed in the underlying zoning district; is conducted by at least one resident of the dwelling unit; and is clearly subordinate to the residential use of the subject property. Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services unless such sales and/or parties are held more than six times in a calendar year or operate in excess of 24 total days in a calendar year. (5/22/03)

- E. Incidental Use: The use of no more than 25 percent of the floor area of a structure or 500 square feet, whichever is less.
- F. Operator: The person who conducts the home occupation, has majority ownership interest in the home occupation, lives full-time in a dwelling unit on the subject property, and is responsible for strategic decisions and day-to-day operations of the home occupation.
- G. Property: A lot of record.
- H. 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, detached trailer, or a truck tractor with no more than one trailer. An exception may be made for a detached trailer or trailers, which may be categorized as equipment if stored within an enclosed building approved for this use through a home occupation permit. Accessory space utilized for storage of a trailer shall be included in the calculation of total accessory space approved for the home occupation.
- I. 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 or client vehicle.

822.03 LEVEL ONE MINOR HOME OCCUPATION

No land use permit is required for a Level 1 Minor Home Occupation, which shall comply with the following standards:

- 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 Space: The home occupation shall be conducted in a dwelling unit, but is limited to incidental use thereof. In addition, incidental use of accessory space is 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 an enclosed building space, 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.
- 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 or client 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 of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks. Parcel post, United Parcel Service, or similar in-town delivery services shall be limited to no more than one delivery per day.
  - 4. Two parking spaces for customers/clients shall be provided 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 required for other permitted uses on the subject property.

822.04 LEVEL TWO MAJOR HOME OCCUPATION

The Planning Director may approve a Level Two Major Home Occupation, pursuant to Subsection 1305.02, if the applicant provides evidence substantiating compliance with the following standards:

- A. Location: The home occupation shall be located on a property where the majority of abutting properties are equal to or less than two acres. A renewal application shall be evaluated on the basis of the parcel size analysis first applied to the home occupation.
- B. Operator: The operator of the home occupation shall reside in a dwelling unit on the subject property.
- C. Employees: The home occupation shall have no more than five employees.
- D. Building 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. A maximum of 500 square feet of accessory 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.
- E. 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(E)(1).
    - b. Subsection 822.04(E)(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.
- F. 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.

- G. 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.
- H. Storage and Display: No outside storage, display of goods or merchandise visible from outside an enclosed building space, 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.
- I. Signs: Signs shall be permitted pursuant to Section 1010.
- J. Traffic: The home occupation shall not generate more than 20 vehicle trips per day.
- K. 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 vehicles that are associated with the home occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee vehicles and customer/client vehicles.
  - 3. The home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks.
  - 4. Parking spaces needed for employees or customers/clients 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. Parking for the home occupation may be required to comply with Americans with Disabilities Act requirements, as determined by the County Building Codes Division.
- L. Change of Occupancy Classification: If the home occupation will alter the occupancy classification of an existing structure as determined by the County Building Codes Division, then the structure shall be made to conform with the current edition of the Oregon Structural Specialty Code or the Oregon Residential Specialty Code and the requirements of the State Fire Marshal or the local fire district.

- M. Prohibited Uses: The following uses shall be prohibited as a home occupation:
1. Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, trailers, or boats;
  2. Towing and vehicle storage business;
  3. Any other 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
  4. Hazardous materials on the subject property in quantities greater than those normally associated with the primary uses allowed in the underlying zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.
- N. Access: The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement 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.
- O. If the subject property is located in an EFU, TBR, or AG/F zoning district, only structures otherwise allowed in the zoning district shall be used in the operation of the home occupation.

822.05 LEVEL THREE MAJOR HOME OCCUPATION

The Planning Director may approve a Level Three Major Home Occupation, pursuant to Subsection 1305.02, if the applicant provides evidence substantiating compliance with the following standards:

- A. Location: The home occupation shall be located on a property where a minimum of 50 percent of abutting properties are greater than two acres. A renewal application shall be evaluated on the basis of the parcel size analysis first applied to the home occupation.
- B. Operator: The operator of the home occupation shall reside in a dwelling unit on the subject property.

- C. Employees: The home occupation shall have no more than five employees.
- D. Building 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. A maximum of 1,500 square feet of accessory 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.
- E. 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 that is 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 822.05(E)(1).
    - b. Subsection 822.05(E)(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 the noise standards. 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.
- F. 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.
- G. 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.

- H. Storage and Display: No outside storage, display of goods or merchandise visible from outside an enclosed building space, or external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.05. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.
- I. Signs: Signs shall be permitted pursuant to Section 1010.
- J. Traffic: The home occupation shall not generate more than 30 vehicle trips per day.
- K. 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 vehicles that are associated with the home occupation and located on the subject property shall not exceed five at any time, including, but not limited to, employee vehicles, customer/client 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.
  3. 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 of 11,000 pounds.
  4. Parking spaces needed for employees or customers/clients 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. Parking for the home occupation may be required to comply with Americans with Disabilities Act requirements, as determined by the County Building Codes Division.
- L. Change of Occupancy Classification: If the home occupation will alter the occupancy classification of an existing structure as determined by the County Building Codes Division, then the structure shall be made to conform with the current edition of the Oregon Structural Specialty Code or the Oregon Residential Specialty Code and the requirements of the State Fire Marshal or the local fire district.
- M. Prohibited Uses: The following uses shall be prohibited as a home occupation:
1. 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; and

2. Hazardous materials on the subject property in quantities greater than those normally associated with the primary uses allowed in the underlying zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.
- N. Access: The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement 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.
- O. If the subject property is located in an EFU, TBR, or AG/F zoning district, only structures otherwise allowed in the zoning district shall be used in the operation of the home occupation.

822.06 EXCEPTIONS

- A. The Hearings Officer may approve a Level Two or Level Three Major Home Occupation that includes an exception to any of the standards identified in Subsections 822.04(C) through (M) or 822.05(C) through (M), pursuant to Section 1300, if the applicant provides evidence substantiating the following:
1. The subject property takes direct vehicular access to a road with a functional classification of collector, minor or major arterial, or freeway/expressway as identified on Comprehensive Plan Map V-2a or V-2b.
  2. The use remains 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 Subsections 822.04(C) through (M) or 822.05(C) through (M) 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 other similar uses, proximity of other dwellings, the level of surrounding traffic, the size of accessory buildings, background noise levels, and other outside storage uses;
    - c. The ability to mitigate impacts by screening, landscaping, building location, building design, and other property improvements (for example, driveway or road 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.
3. Services adequate to serve the proposed use are available, including transportation, public facilities, and other services existing or planned for the area affected by the use. At a minimum, compliance with Subsections 1006.02(F), 1006.06(B), and 1006.08(C) (except as set forth in Subsection 1006.09), and 1007.09 is required.
- B. Notwithstanding Subsection 822.06(A):
- 1. Maximum accessory space for the home occupation shall not exceed 3,000 square feet; and
  - 2. If the subject property is in an EFU, TBR, or AG/F zoning district, the number of employees shall not exceed five.
- C. A preapplication conference is required, pursuant to Subsection 1301.04, prior to the filing of an application for a home occupation under Subsection 822.06.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

#### 822.07 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.

#### 822.08 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. Renewals of a major home occupation permit, including one for a home occupation with previously approved exceptions under Subsection 822.06, shall be reviewed by the Planning Director pursuant to Subsection 1305.02. However, if the renewal application includes a request for an exception not approved under the prior home occupation permit, the renewal shall be reviewed by the Hearings Officer pursuant to Section 1300.

[Amended by Ord. ZDO-230, 9/26/11]