

File ZDO-221
Proposed
Zoning and Development Ordinance Amendment
Draft Dated 12/16/09

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806 HOME OCCUPATION TO HOST EVENTS (11/30/06)

806.01 APPLICABILITY

Section 806~~This section~~ shall apply in the RR, RA-1, RA-2, RRFF-5, FF-10, FU-10, EFU, TBR, and AG/F zoning districts.

806.02 DEFINITIONS

Unless specifically defined in Subsection 806.02, words or phrases used in Section 806 shall be interpreted to give them the same meaning as they have in common usage and to give Section 806 its most reasonable application.
~~For the purposes of this section, the following definitions shall apply:~~

- A. Employee: Any on-site person, whether they work full-time or part-time in the home occupation business, including, but not limited to, the operator, partners, assistants, and any other persons or family members participating in the operation of the business. This definition does not apply to persons employed by contract to provide services for a single event, such as caterers, photographers, and florists.
- B. Events: Weddings, family reunions, class reunions, company picnics, and similar gatherings.
- C. Operator: The person who conducts the home occupation, has majority ownership interest in the business, lives full-time in a dwelling on the subject property and is responsible for strategic decisions and day-to-day operations of the business.

806.03 CONDITIONAL STANDARDS

A home occupation to host events shall comply with the following standards:

- A. The home occupation shall be sited on a lot of record that contains a lawfully established dwelling.
- B. The operator of the home occupation shall be a resident of the property on which the home occupation~~business~~ is located.
- C. The home occupation shall have no more than five full-time or part-time employees on the site.

D. The home occupation shall be operated substantially in:

1. The dwelling ~~or~~
2. Other buildings or areas which are normally associated with uses permitted in the zoning district in which the subject property is located: ~~or~~
3. One temporary tent. The tent shall be placed on the subject property no more than 24 hours before the event and removed no more than 24 hours after the event.

E. ~~This section shall not permit~~ The construction of any structure that would not otherwise be allowed in the zoning district in which the subject property is located shall be prohibited.

F. In the EFU and AG/F zoning districts, either the subject property, or a portion thereof, shall be located in a Historic Landmark (HL) overlay zoning district, or a winery as defined in Oregon Revised Statutes 215.452 shall be present on the subject property prior to the operation of the home occupation. In the TBR zoning district, the subject property, or a portion thereof, shall be located in an HL overlay zoning district.

1. If the subject property is removed from the HL overlay zoning district, or the winery is discontinued for more than one year, the conditional use approval shall become null and void.
2. If the subject property is partially within an HL overlay zoning district (and does not otherwise qualify for the home occupation based on the presence of a winery), events shall be confined to the area within the HL overlay zoning district. However, office activities, parking, onsite sewage disposal, and other similar elements of the home occupation may occur outside this area.

G. If the subject property is located in or adjacent to an EFU, TBR, or AG/F zoning district, prior to operating the home occupation, the applicant shall record a written irrevocable statement in the deed records of the County binding upon the landowner, and the landowner's successors in interest, acknowledging the right of adjacent and nearby farm and forest operators to employ accepted farm and forest management practices and prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under Oregon Revised Statutes 30.936 or 30.937. Impacts from farming and forest practices may include, but are not limited to: noise, dust, spray, smoke, vibrations, and visual impacts.

H. In the EFU, TBR, and AG/F zoning districts, the evaluation of compliance with Subsection 1203.01(D) shall include consideration of impacts on dwellings even though dwellings are not primary uses in these zoning districts.

- I. During the months of November through March, no event shall take place outside the hours of 9:00 a.m. to 10:00 p.m. During the months of April through October, no event shall take place outside the hours of 8:00 a.m. to 10:00 p.m. These time restrictions do not apply to persons involved in the set-up or clean-up of the facilities.
- J. During the months of November through March, no more than five events shall be allowed per week. During the months of April through October, no more than seven events shall be allowed per week.
- K. A maximum of two events shall be allowed per day, and no more than one event shall occur at any one time.
- L. The maximum number of guests for any single event shall not exceed 300. However, a lower limit may be imposed based on site capacity constraints.
- M. All lighting used during events shall be arranged and shielded so as not to shine onto adjacent properties or rights-of-way.
- N. Noise shall be regulated as follows:
 - 1. From 7:00 a.m. until 10:00 p.m., the average peak sound pressure level of the noise shall not exceed the greater of 60 dB(A) or the ambient noise level when measured off the subject property. Between 10:00 p.m. and 7:00 a.m., the average peak sound pressure level of the noise shall not exceed the greater of 50 dB(A) or the ambient noise level when measured off the subject property.
 - 2. Noise generated by passenger vehicles exiting or entering the subject property shall be exempt from the noise standards, and the off-the-property noise standards shall not apply to public rights-of-way and railroad rights-of-way.
 - 3. A noise study may be required to demonstrate compliance with the noise standards.
 - 4. 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.
 - 5. Outdoor generators and outdoor sound amplification devices or systems shall not be allowed.

- O. The home occupation shall comply with Section 1007, except as modified by this subsection.
1. The minimum parking requirement shall be one space per three guests based on the maximum number of guests permitted for any single event. An additional space shall be provided for each employee.
 2. 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.
 3. On-street parking shall be prohibited on the day of an event.
- P. Restroom facilities shall be regulated as follows:
1. Portable restroom facilities shall include hand-sanitizing or hand-washing facilities.
 2. Portable restroom facilities shall be subject to the standards of the service provider and the County Water Environment Services Department~~Soils~~ Division.
 3. Portable restroom facilities shall be screened from adjacent properties and rights-of-way by sight-obscuring fences or plantings and shall be located a minimum of 50 feet from all property lines.
 4. Use of on-site sewage disposal facilities shall be subject to approval by the County Water Environment Services Department~~Soils~~ Division.
- Q. One temporary sign ~~shall~~may be allowed in addition to signs permitted pursuant to Section 1010. The sign shall not exceed eight square feet in area; shall be placed on private property on the day of the event; shall be removed no more than 24 hours after the event; and shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign.
- R. Equipment, furniture, goods, and other amenities used for events shall be stored indoors on non-event days. The use shall not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature, except for those characteristics normally associated with or allowed for a primary use in the subject zoning district, on non-event days.
- S. The use shall comply with any applicable requirements of the Oregon Liquor Control Commission.