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## Chapter 760 HOME OCCUPATIONS

<b>760.01</b>	<b>Purpose</b>		
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### **760.01 Purpose.**

The purpose of this chapter is to detail the standards and procedures for home occupations. The intent of permitting home occupations is 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.

### **760.02 Type I Minor Home Occupations.**

Type I Minor Home Occupations exhibit no evidence that a business is being conducted from the premises.

A. Type I Minor Home Occupation permits may be obtained via the Type I Procedures outlined in Section 205.04.

B. Type I Minor Home Occupations shall comply with the following standards:

1. Location: Any property in residential use.
2. Scale: A Type I Minor Home Occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling. Incidental use of accessory structure space is allowed, but is limited to, storage purposes only.
3. Character: There shall be no visible evidence of the conduct of a Type I Minor Home Occupation from outside the dwelling except as otherwise allowed by this subsection.
4. Participants: No persons other than members of the immediate family residing on the premises shall be employed in the operation of the Type I Minor Home Occupation.
5. Storage: There shall be no outside storage associated with a Type I Minor Home Occupation.
6. Display of Products: There shall be no display of products visible from outside an enclosed building space.
7. Traffic:
  - a. A Type I Minor 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. Bulk deliveries, parcel post, or similar in-town delivery services

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shall be limited to no more than one delivery per day.

- b. Customer/client traffic shall be limited to a maximum of ten trips per day.

## 8. Parking:

- a. No vehicles associated with a Type I Minor Home Occupation shall be stored, parked, or repaired on public rights-of-way.

- b. The maximum number of customer or client vehicles that are associated with a Type I Minor Home Occupation and located on the subject property shall not exceed two at any time.

- c. Two parking spaces for customers/clients, in addition to required residential parking, shall be provided in defined areas of the subject property. Such areas shall be located behind the front yard setback and be accessible, usable, designed and surfaced for parking.

## 9. Noise, Equipment, and Process Restrictions:

- a. A Type I Minor Home Occupation shall not create noise, vibration, glare, fumes or odor detectable to normal sensory perception off the subject property.

- b. A Type I Minor Home Occupation shall not create visual or audible electrical interference in any radio or television off the subject property or cause fluctuations in line voltage off the subject property.

### **760.03 Type II Major Home Occupations.**

Type II Major Home Occupations may show evidence that a business is being conducted from the premises. ~~Type II Major Home Occupations may be located on properties~~

~~where the majority of abutting properties are equal to or less than two acres.~~

- A. Type II Major Home Occupation permits may be obtained via the Type II Procedures outlined in Section 205.05.

- B. Type II Major Home Occupations shall comply with the following standards:

- 1. ~~Location: Any property where the majority of abutting properties are equal to or less than two acres.~~

- 2. Operator: The operator of the home occupation shall reside in a dwelling on the subject property.

- 3. Employees: There shall be no more than five full or part-time employees.

- 4. Accessory Space: In addition to the incidental use of the dwelling, a maximum of 500 square feet of accessory space may be used for a Type II Major Home Occupation. In the case of a bed and breakfast homestay, use of the dwelling is not required to be limited to incidental use.

- 5. Noise: Between 8:00 a.m. and 6:00 p.m., a Type II Major Home Occupation shall not create noise that, when measured off the subject property, exceeds the greater of 60 dba or the ambient noise level. Between 6:00 p.m. and 8:00 a.m., a Type II Major Home Occupation shall not create noise that is detectable to normal sensory perception off the subject property. Noise generated by passenger vehicles exiting or entering the subject property shall be exempt from these standards. These off-the-property noise standards shall not apply to public rights-of-way and railroad rights-of-way.

- 6. Equipment and Process Restrictions: A Type II Major Home Occupation shall

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not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property. A 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.

7. Outside Storage: No outside storage, display of goods or merchandise or external evidence of a Type II Major Home Occupation shall occur except as specifically allowed by this subsection.
8. Signs: Signs shall be permitted pursuant to Chapter 730.
9. Traffic: A Type II Major Home Occupation shall not generate more than 20 vehicle trips per day.
10. Parking:
  - a. No vehicle associated with a Type II Major Home Occupation shall be stored, parked or repaired on public rights-of-way.
  - b. The maximum number of vehicles that are associated with a Type II Major Home Occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee vehicles and client vehicles.
  - c. A Type II Major 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.
  - d. Parking spaces needed for employees or clients of a Type II Major Home Occupation shall be provided in defined

areas of the subject property. Such areas shall be accessible, usable, designed and surfaced for parking.

11. Hazards: If a Type II Major Home Occupation use will alter the occupancy classification of an existing structure as determined by the building official, then the structure shall be made to conform with the State of Oregon Structural Specialty Code and/or One and Two Family Dwelling Code and the requirements of the State Fire Marshal or the local fire district. However, in no case shall:
  - a. Hazardous material be used or stored on the subject property in quantities not typical of those normally associated with primary uses allowed in the underlying zoning district.
12. Prohibited Uses: The following uses shall be prohibited as a Type II Major Home Occupation:
  - a. Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, trailers or boats;
  - b. Towing and vehicle storage business.
13. Access: The subject property must 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 whose property access is affected agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement.

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## 760.04 Type III Major Home Occupations.

Type III Major Home Occupations may show evidence that a business is being conducted from the premises. Type III Major Home Occupations may be located on properties where the majority of abutting properties are greater than two acres.

A. Type III Major Home Occupation permits may be obtained via the Type III Procedures outlined in Section 205.06. Type III Major Home Occupation permits also require valid Conditional Use Permits per the requirements of Chapter 210.

B. Class III Major Home Occupations shall comply with the following standards:

1. ~~Location: Any property where a minimum of 50 percent of abutting properties are greater than 2 acres in size.~~
2. Operator: The operator of a Type III Major Home Occupation shall reside in a dwelling on the subject property.
3. Employees: There shall be no more than five full- or part-time employees.
4. Accessory Space: In addition to the incidental use of the dwelling, ~~a the~~ maximum ~~of 1,500~~ square feet of accessory space ~~that~~ may be used for a Type III Major Home Occupation ~~shall be determined by the Planning Commission.~~ In the case of a bed and breakfast homestay, use of the dwelling is not required to be limited to incidental use.
5. Noise: Between 8:00 a.m. and 6:00 p.m., a Type III Major Home Occupation shall not create noise that, when measured off the subject property, exceeds the greater

of 60 dba or the ambient noise level. Between 6:00 p.m. and 8:00 a.m., a home occupation shall not create noise that is detectable to normal sensory perception off the subject property. Noise generated by passenger vehicles exiting or entering the subject property shall be exempt from these standards. These off-the-property noise standards shall not apply to public rights-of-way and railroad rights-of-way.

6. Equipment and Process Restrictions: A Type III Major Home Occupation shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property. A Type III Major 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.
7. Outside Storage: No outside storage, display of goods or merchandise or external evidence of a Type III Major Home Occupation shall occur except as specifically allowed by this subsection.
8. Signs: Signs shall be permitted pursuant to Chapter 730.
9. Traffic: A Type III Major Home Occupation shall not generate more than 30 vehicle trips per day.
10. Parking:
  - a. No vehicle associated with a Type III Major Home Occupation shall be stored, parked or repaired on public rights-of-way.
  - b. The maximum number of vehicles that are associated with a Type III Major Home Occupation and located on the subject property shall not exceed ten at

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any time, including, but not limited to, employee vehicles, 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.

- c. No more than three of the ten vehicles permitted to be located on the subject property at one time shall exceed a gross vehicle weight of 11,000 pounds.
  - d. Parking spaces needed for employees or clients of a Type III Major Home Occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed and surfaced for parking.
11. Hazards: If a Type III Major Home Occupation use will alter the occupancy classification of an existing structure as determined by the building official, then the structure shall be made to conform with the State of Oregon Structural Specialty Code and/or One and Two Family Dwelling Code and the requirements of the State Fire Marshal or the local fire district. However, in no case shall:
- a. Hazardous materials be used or stored on the subject property in quantities not typical of those normally associated with primary uses allowed in the underlying zoning district.
12. Access: The subject property must 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 whose property access is affected agree

to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement.

## **760.05 Exceptions.**

- A. A Type II or Type III Major Home Occupation taking direct vehicular access to a road with a functional classification of collector, minor or major arterial, or freeway/expressway as identified in the Baker County Transportation System Plan. The following factors shall be considered when determining if a use is compatible:
  - 1. The number of specific standards provided by this section that will be exceeded; it is presumed that the more standards exceeded the more difficult it will be to demonstrate compatibility;
  - 2. The character of the neighborhood, including such factors as the presence of other similar uses, proximity of other residences, the level of surrounding traffic, the size of accessory buildings, background noise levels, other outside storage uses;
  - 3. The ability to mitigate impacts by screening, landscaping, building location, building design, and other property improvements (for example driveway or road improvements);
  - 4. Potential environmental impacts, including effects on air and water quality;
  - 5. Provision of adequate and safe access to public roadways.
- B. The applicant shall demonstrate the availability of services adequate to serve the proposed use, including transportation, public facilities and other

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services existing or planned for the area affected by the use.

- C. Process: Exceptions shall be processed in conjunction through the Conditional Use Process.
- D. Limitations: The following limitations shall apply to all home occupations:
  - 1. Maximum accessory space for a home occupation shall be determined by the Planning Commission. ~~not exceed 3,000 square feet;~~
  - 2. The number of employees on property zoned Exclusive Farm Use (EFU), or Timber-Grazing (TG) shall not exceed five total;
  - 3. No structure shall be used in the operation of a home occupation in the Exclusive Farm Use (EFU), or Timber-Grazing (TG) zoning districts not otherwise allowed in the zoning district.