

Section 3. FINDINGS. The Board of Commissioners adopts as its findings in support of this amendment as in Exhibit "B" attached and incorporated by reference herein.

Dated this 10th of October 2007

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

- Absent -
MICHAEL M. DALY, CHAIR

[Signature]
DENNIS R. LUKE, VICE CHAIR

[Signature]
TAMMY BANEY, COMMISSIONER

ATTEST:

[Signature]
Recording Secretary

Date of 1st Reading: 24th day of Sept., 2007.

Date of 2nd Reading: 10th day of October, 2007.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Michael M. Daly	_____	_____	_____	<input checked="" type="checkbox"/>
Dennis R. Luke	<input checked="" type="checkbox"/>	_____	_____	_____
Tammy Baney	<input checked="" type="checkbox"/>	_____	_____	_____

Effective date: 18th day of January, 2008.

ATTEST:

[Signature]
Recording Secretary

Chapter 18.116. SUPPLEMENTARY PROVISIONS

- 18.116.010. Authorization of similar uses.
- 18.116.020. Clear vision areas.
- 18.116.030. Off-street parking and loading.
- 18.116.031. Bicycle parking.
- 18.116.035. Bicycle commuter facilities.
- 18.116.040. Accessory uses.
- 18.116.050. Manufactured homes.
- 18.116.070. Placement standards for manufactured homes.
- 18.116.080. Manufactured home or RV as a temporary residence on an individual lot.
- 18.116.090. A manufactured home as a temporary residence for medical condition.
- 18.116.095. Recreational vehicle as a temporary residence on an individual lot.
- 18.116.100. Building projections.
- 18.116.200. Repealed.
- 18.116.120. Fences.
- 18.116.130. Hydroelectric facilities.
- 18.116.140. Electrical substations.
- 18.116.150. Endangered species.
- 18.116.160. Rimrock setbacks outside of LM combining zone.
- 18.116.170. Solar height restrictions.
- 18.116.180. Building setbacks for the protection of solar access.
- 18.116.190. Solar access permit.
- 18.116.200. Repealed.
- 18.116.210. Residential homes and residential facilities.
- 18.116.215. Family childcare provider.
- 18.116.220. Conservation easements on property adjacent to rivers and streams-Prohibitions.
- 18.116.230. Standards for class I and II road projects.
- 18.116.240. Protection of historic sites.
- 18.116.250. Wireless telecommunications facilities.
- 18.116.260. Rock crushing outside the SM zone.
- 18.116.270. Conducting filming activities in all zones.
- 18.116.280. Home Occupations.

18.116.280. Home Occupations.

- A. Home Occupations Uses Permitted Outright In All Zones.
 - 1. Home occupations that operate from within a dwelling, have characteristics that are indistinguishable from the residential use of a dwelling, and meet the criteria in paragraph (A)(2) shall be considered uses accessory to the residential use of a dwelling.
 - 2. Home occupations under this subsection (A) that meet the following criteria are uses permitted outright under Title 18 of the Deschutes County Code, the Deschutes County Zoning Ordinance, in all zones:
 - a. ~~Are carried on~~ Is conducted within a dwelling only by residents of the dwelling;
 - b. ~~Does~~ not serve clients or customers on-site;
 - c. ~~Does~~ not occupy more than 25 percent of the floor area of the dwelling;
 - d. ~~Do not have~~ operating characteristics that produce odor, dust, glare, flashing lights or noise that are detectable off site, and; Does not produce odor, dust, glare, flashing lights, noise smoke or vibrations in excess of that created by normal residential use.
 - e. ~~Does~~ not include the on-premise site advertisement, display or sale of stock in trade.
- B. Types. ~~The following describes the types of home occupations allowed in Deschutes County:~~ In addition to the home occupations allowed in Section A above, three Types of home occupations maybe allowed with limitations on location and intensity of allowed uses. Type 1 allows low intensity uses and Types 2 and 3 allow progressively greater intensity of uses.

- ~~1C.~~ Type 1. Where permitted outright, a Type 1 home occupation does not require a land use permit but shall be subject to the following limitations. Criteria. A Type 1 home occupation is one that:
- 1a. Does not require a minimum parcel size.
 2. ~~Is carried on~~ Is conducted within a dwelling and/or a residential accessory structure only by members of the family who reside in residents of the dwelling;
 4. Does not occupy more than 25 percent of the combined floor area of the dwelling including attached garage and one accessory structure.
 5. ~~Does not generate~~ Creates no more than five (5) trips-trips to the site per day to the site for customers or clients, including parcel delivery services;
 - 6e. May include employees or contractors that work off-site;
 - d7. Does not produce prolonged odor, dust, glare, flashing lights or noise smoke, and vibrations in excess of that created by normal residential use;
 - e8. Does not involve the on-premisesite advertisement display or sale of stock in trade, other than vehicle or trailer signageand;
 9. Does not include building or ground mounted signs.
 10. Does not include outside storage of equipment or materials used in the operation of the home occupation.
 11. Has adequate access and on-site parking for not more than one (1) customer, or delivery vehicle at any given time.
 12. Allows on-site one (1) business-related vehicle or truck not exceeding 15,000 pounds gross vehicle weight and one (1) other non-motorized wheeled

equipment (trailer) which shall not exceed 3,000 pounds gross vehicle weight.

13. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
14. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
15. Does not involve any external changes to the dwelling in which the home occupation will be established that would give the dwelling an outward appearance of a business.
16. Allows for servicing, inspecting, loading, and or dispatching of vehicles and equipment incidental to the home occupation and stored within the dwelling, attached garage or accessory structure.

D. Type 2. A Type 2 home occupation may be allowed as a conditional use with an approved conditional use permit subject to the approval criteria below. A Type 2 home occupation is not subject to the approval criteria for a conditional use permit in DCC Chapter 18.128.015 or a site plan review under DCC Chapter 18.124. 2 home occupations may be allowed as conditional uses with an approved conditional use permit. Such uses Type 2 home occupations are subject to the standards of the zone in which the home occupation will be established and the following criteria. A Type 2 home occupation is not subject to the approval criteria for a

~~conditional use permit in DCC Chapter 18.128 or site plan review under DCC Chapter 18.124.~~ A Type 2 home occupation is one that:

- a1. Is conducted from a property that is at least one-half (1/2) acre in size.
- ~~2.b. Is carried on~~ Is conducted within a dwelling and/or an accessory ~~building structure~~ by residents of the dwelling and no more than two (2) employees who report to the property for work.
- 3. May include employees or contractors that work off site.
- d4. Does not occupy more than 25 percent, up to a maximum of 1,500 square feet, of the combined floor area of the dwelling, including attached garage; and one (1) ~~accessory building~~accessory structure. The ~~maximum amount of floor area that can be devoted to a Type 2 home occupation is 1,500 square feet.~~
- d5. ~~May include~~includes on-site sales of products associated with the home occupation that are incidental and subordinate to the home occupation.
- e6. Creates no more than ten (10) business-related vehicle trips to the site per day by employees, customers or clients, and parcel delivery services.
- f7. Has adequate access ~~and on-site parking for employees and customers for not more than four~~ (4) customer and employee, or delivery vehicles at any given time.
- g8. Is limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, for operation.
- h9. Does not involve any external changes to the dwelling or the ~~accessory building structure~~ in which the home occupation will be established that would give any building an outward

appearance of a business. Any structure on the property where the home occupation is conducted shall be of a type normally associated with the zone where it is located. ~~No structural alterations affecting the residential appearance of a building shall be allowed to accommodate the home occupation except when otherwise required by law, and, then, only after the plans for such alterations have been reviewed and approved by the Deschutes County Planning Division.~~

- i10. ~~Does not use materials or mechanical equipment which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, light, interference with radio or television reception or other factors. Does not produce prolonged odor, dust, glare, flashing lights, noise, smoke, or vibrations in excess of that created by normal residential use.~~
- j11. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
- k12. May have one (1) sign, ground-mounted or wall-mounted, as defined in DCC Chapter 15.08, that is no more than three (3) square feet in area, non-illuminated; The ground-mounted sign and support shall not exceed 6 feet in height and is

located on the property from which the home occupation will operate. Such signs do not require a sign permit under DCC Chapter 15.08, Signs.

- 13. May be subject to an annual inspection, as a condition of an approval, to ensure compliance with the requirements of this section and the conditions of an approved conditional use permit.
- 14. Allows on-site one (1) business-related vehicle or truck not exceeding 15,000 pounds gross vehicle weight and one (1) other non-motorized wheeled trailer which shall not exceed 10,000 pounds gross vehicle weight.
- 15. May Does not include outside storage of equipment or materials used in operation of the home occupation.
- 16. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
- 17. All employee, customer and delivery vehicle parking spaces shall be on-site and shall be located outside of the required zone setbacks.
- 18. Any structure on the property where the home occupation is conducted shall be of a type normally associated with the zone where it is located.
- 19. Does not include structural alterations affecting the residential appearance of a building to accommodate the home occupation except when otherwise required by law, and, then, only after the plans for such alterations have been reviewed and approved by the Deschutes County Planning Division.
- 20. Allows servicing, inspecting, loading, and or dispatching of vehicles and equipment

incidental to the home occupation and stored within the dwelling, attached garage or accessory structure.

21a. The following uses are not allowed as Type 2 home occupations Does not include the following activities:

- ia. Repair, towing, or storage of motorized vehicles and equipment, including but not limited to automobiles, trucks, trailers, recreational vehicles, and boats.
- ib. Detailing, painting, and upholstery of motorized vehicles.
- ic. Businesses that store and use vehicles with a gross vehicle weight rating of greater than or equal to 15,000 pounds or equipment with an operating weight greater than or equal to 310,000 pounds.
- id. Appliance repair.
- ie. Welding or machine shop.

E3. Type 3. Type 3 home occupations may be allowed as conditional uses with an approved conditional use permit. Such uses are subject to the standards of the zone in which the home occupation will be established, the applicable provisions of in DCC Chapter Section 18.128.015, and the following limitations. A Type 3 home occupation is not subject to site plan review under DCC Chapter 18.124.

-A Type 3 home occupation is one that:

- 1. Is conducted from a property that is at least one-half (1/2) acre in size.
- 2a. Is conducted in such a way that it is compatible with the residential character, or in resource zones,

resource-oriented character of its location.

3b. Is carried on Is conducted within a dwelling and/or an accessory building structure by members of the family who reside in residents of the dwelling and no more than two (2) employees who report to the property for work. May have a maximum of five (5) employees at the home occupation located on property in an EFU, MUA10, or RR10 zone and that is at least 10 acres in size.

4. May include employees or contractors that work off site.

~~A home occupation proposed on property that is located in an EFU, Forest, MUA10, or RR10 Zone and that is at least 10 acres in size may have not more than five (5) employees who report to the property for work.~~

5e. Does not occupy more than 35 percent of the combined floor area of the dwelling, including an attached garage; and one (1) accessory building structure.

6. May ~~includes~~ on-site sales of products associated with the home occupation that are incidental and subordinate to the home occupation.

7. Creates traffic that will not be of a volume or frequency that will cause disturbance or inconvenience to nearby land uses. A Type 3 home occupation can ~~Creates~~ no more than twenty (20) business-related vehicle trips to the site per day by employees, customers or clients, including parcel delivery services.

8. Has adequate access and on-site parking for not more than five (5) customer, employee, or delivery vehicles at any given time. ~~Vehicles used by the operator to conduct the home~~

~~occupation that have a gross vehicle weight of 15,000 or more pounds must be parked in a garage, a detached building, or screened according to the requirements of DCC 18.116.280(B)(3)(1)(i) through (v).~~

9. Is limited to the hours and days of operation proposed by an applicant and approved with a conditional use permit.

10.—Does not involve any external changes to the dwelling or accessory structure in which the home occupation will be established that would give the dwelling an outward appearance of a business. Any structure on the property where the home occupation is conducted shall be of a type normally associated with the zone where it is located. No structural alterations affecting the residential appearance of a building shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved by the Deschutes County Planning Division.

11. Does not use materials or mechanical equipment which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors. Does not produce prolonged odor, dust, glare, flashing lights, noise smoke, or vibrations in excess of that created by normal residential use.

12j. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division

and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.

~~k~~13.—May have one (1) sign, ground-mounted or wall-mounted, as defined in DCC Chapter 15.08, that is no more than three (3) square feet in area, non-illuminated. The ground-mounted sign and support structure shall not exceed 6 feet in height and is located on the property from which home occupation will operate. Such signs do not require a sign permit under DCC Chapter 15.08, Signs.

~~l~~14. May include outside storage of equipment and materials on parcels approved for a home occupation, not to be included in the 35 percent of combined floor area. if the subject property is 10 or more acres in size and the applicant shows that adequate setbacks, screening and/or buffering are provided, and will be maintained, to screen materials and equipment from adjacent properties. The form of screening may include, but is not limited to:

- ~~i.~~ A sight-obscuring fence, as defined by this title.
- ~~ii.~~ Intervening mature tree cover.
- ~~iii.~~ Topography.
- ~~iv.~~ Existing buildings on site.
- ~~v.~~ Introduced landscape materials, including, but not limited to, trees and/or shrubs on an earthen berm.

~~15m.~~ The home occupation approval shall be reviewed every 12 months by the planning division to ensure compliance

~~with the requirements of this section and the conditions required for approval of the use. Allows for servicing, inspecting, loading, and or dispatching vehicles and equipment incidental to the home occupation and stored within the buffered and screened outside area.~~

16. Requires review of the home occupation approval every 12 months by the planning division to ensure compliance with the requirements of this section and the conditions required for approval of the use.

17. Conducts all home occupation activities within one or more structures on the property that are of a type normally associated with the zone where it is located.

18. Locates all employee, customer and delivery vehicle parking spaces on-site and outside of the required zone setbacks.

19. Parks all vehicles used by the operator to conduct the home occupation that have a gross vehicle weight of 15,000 or more pounds in a garage, an accessory structure, or within a screened area according to the requirements of DCC 18.116.280(E)(21)(a) through (e).

20. No structural alteration affecting the residential appearance of a building shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved by the Deschutes County Planning Division.

21. Includes no outside storage unless the subject property is 10 or more acres in size and the storage is setback a minimum of 20 feet from all property lines,

and is maintained to screen materials and equipment from residences on adjacent properties. The form of screening may include, but is not limited to:

- a. A sight-obscuring fence, as defined in DCC 18.04.030.
- b. Intervening tree cover.
- c. Topography.
- d. Existing buildings on site.
- e. Introduced landscape materials, including, but not limited to, trees and/or shrubs on an earthen berm.

(Ord 2007-021 § 1, 2007; Ord 2004-002 § 24, 2004)