

**430-63 Home Occupation**

A home occupation is a lawful activity carried on within a dwelling by a member or members of the family who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. Bed and breakfast facilities serving five (5) or fewer persons are permitted as a Type I Home Occupation in all districts except the Institutional, EFU, EFC and AF-20 Districts (Section 430-63.1C does not apply to bed and breakfast facilities). Bed and breakfast facilities serving more than five (5) persons are subject to the standards of Section 430-19 - Boarding House (including Bed and Breakfast facilities for more than five (5) persons).

There are four types of home occupations: exempt (see Section 201-2.18), Type I (Section 430-63.1), Type II (Section 430-63.2) and Type III (Section 430-64.3). The following summarizes the key differences:

**Exempt**

- Same as Type I, but no on-site customers

**Type I**

- Operated within the dwelling (includes one or two-car attached garage)
- No retail sales other than telephone sales
- Limited to five (5) customers or fewer per day
- No employees
- Does not allow any additional parking
- Allows one commuter vehicle with weight limits

**Type II**

- Operated within the dwelling or an accessory building
- Limited retail sales
- Limited to nine (9) customers or fewer per day
- One (1) employee allowed
- Allows additional parking
- Allows one commuter vehicle with weight limits

**Type III**

- Same as Type II, and
- Limited outdoor storage
- Allows one commuter vehicle with no weight limit
- Limited to the AF-5 and AF-10 Districts

430-63.1 Home Occupation (Type I) (not including Type I home occupations that do not require a Development Permit pursuant to Section 201-2.18)

A Type I Home Occupation shall:

- A. Require the applicant to obtain a permit which shall be renewed annually;
- B. Be operated entirely within the applicant's dwelling. The use of detached garages, three-car or more attached garages, accessory structures or outdoor areas is not allowed;

- C. Use not more than twenty-five (25) percent of the floor area used for human occupancy (the basement counts as area used for human occupancy, but the garage does not) or all of a one or two-car attached garage. However, an applicant with a disability may use up to thirty-five (35) percent of the floor area used for human occupancy;
- D. When located in a residential, agricultural or forest district, limit any external evidence of an occupation to one (1) identification sign not to exceed two (2) square feet in area (business identification on a commuter vehicle is exempt from this requirement);
- E. Not involve warehousing or distribution, or the use or storage of vehicles used for the business, other than one commuter vehicle. The commuter vehicle shall not be larger than one-ton manufacturer's rating in the urban area and not be larger than a gross vehicle weight of 26,000 pounds in the rural area. Tandem rear axles, tractor trailers or heavy equipment, such as construction equipment used in a business, are prohibited;
- F. Include no retail sales other than telephone sales;
- G. Not have more than five (5) customers daily entering the premises;
- H. Produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perception outside the structure;
- I. Not require any additional parking;
- J. When located in a commercial or industrial district, limit any external evidence of an occupation to one (1) identification sign not to exceed twenty (20) square feet in area;
- K. Employ no persons who are not permanent residents of the dwelling. For the purposes of this Section, an "attendant", who is employed by an applicant with a disability for assistance with daily living activities, shall not be considered to be an employee.

430-63.2 Home Occupation (Type II)

A Type II Home Occupation shall:

- A. Require the applicant to obtain a permit which shall be renewed annually;
- B. Be operated entirely within a residential structure or permitted accessory structure (outside storage is not allowed). Where a garage is used, additional off-street parking shall be provided in a manner not detracting from the residential character;
- C. Area Allowed for a Home Occupation. (The Review Authority may grant an increase to the following floor area requirements for an applicant with a disability when additional floor area is necessitated as a result of the applicant's disability. The additional floor area shall not be greater than the minimum area needed to accommodate the disability.)

- (1) Inside the UGB
    - (a) Use no more than twenty-five (25) percent of the floor area used for human occupancy (may include the basement) or all of a one or two-car attached garage. A three-car or more attached garage also may be used for the home occupation. The total floor area that may be used in a three-car or more attached garage shall be no more than twenty-five (25) percent of the floor area used for human occupancy, not including the garage; or
    - (b) Use no more than six hundred (600) square feet of allowed accessory structure (including detached garage);
  - (2) Outside the UGB
    - (a) Use no more than twenty-five (25) percent of the floor area used for human occupancy (may include the basement) or all of a one or two-car attached garage. A three-car or more attached garage may also be used for the home occupation. The total floor area that may be used in a three-car or more attached garage shall be no more than twenty-five (25) percent of the floor area used for human occupancy, not including the garage; or
    - (b) Where an accessory building is used, other than storage of farm equipment or vehicles, the home occupation shall be limited to one-thousand (1,000) square feet (including detached garage);
- D. Require no remodeling of the exterior of the dwelling or the accessory structure which changes the residential character;
  - E. When located in a residential, agricultural or forest district, limit any external evidence of an occupation to one (1) identification sign not to exceed two (2) square feet in area (business identification on a commuter vehicle is exempt from this requirement);
  - F. When located in a commercial or industrial district, limit any external evidence of an occupation to one (1) identification sign not to exceed twenty (20) square feet in area;
  - G. Not involve warehousing or distribution, or the use or storage of vehicles used for the business, other than one commuter vehicle. The commuter vehicle shall not be larger than one-ton manufacturer's rating in the urban area and not be larger than a gross vehicle weight of 26,000 pounds in the rural area. Tandem rear axles, tractor trailers or heavy equipment, such as construction equipment used in a business, are prohibited;
  - H. Involve no sales of goods not made, repaired or reconditioned on the premises;
  - I. Produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure;

- J. No have more than nine (9) customers daily entering the premises. The Review Authority may permit additional customers for an applicant with a disability when the increase is necessitated by the applicant's disability;
- K. Employ no more than one (1) person in addition to those who are permanent residents of the dwelling. For the purposes of this Section, an "attendant", who is employed by an applicant with a disability for assistance with daily living activities, shall not be considered to be an employee; and
- L. Provide a plan for any additional parking required which shall be approved if:
  - (1) The residential character of the parcel is not changed; and
  - (2) The parking area does not detract from the visual appearance of the residence.

430-63.3 Home Occupation (Type III)

A Type III Home Occupation shall:

- A. Be only allowed in the AF-5 and AF-10 Districts;
- B. Require the applicant to obtain a permit which shall be renewed annually through the Type II procedure. The Type II renewal permit shall be subject to any conditions imposed through the Type III procedure and the conditions shall only be modified via the Type III procedure;
- C. Area Allowed for a Home Occupation. (The Review Authority may grant an increase to the following floor area requirements for an applicant with a disability when additional floor area is necessitated as a result of the applicant's disability. The additional floor area shall not be greater than the minimum area needed to accommodate the disability.)
  - (a) Use no more than twenty-five (25) percent of the floor area used for human occupancy (may include the basement) or all of a one or two-car attached garage. A three-car or more attached garage may also be used for the home occupation. The total floor area that may be used in a three-car or more attached garage shall be no more than twenty-five (25) percent of the floor area used for human occupancy, not including the garage; or
  - (b) Where an accessory building is used, other than storage of farm equipment or vehicles, the home occupation shall be limited to one-thousand (1,000) square feet (including detached garage);
  - (c) Outside storage of inventory, equipment, vehicles or other items associated with the home occupation shall be limited to six hundred (600) square feet;
- D. Require no remodeling of the exterior of the dwelling or the accessory structure which changes the residential character;

- E. Limit any external evidence of an occupation to one (1) identification sign not to exceed two (2) square feet in area (business identification on a commuter vehicle is exempt from this requirement);
- F. Not involve warehousing or distribution, or the use or storage of vehicles used for the business, other than one commuter vehicle;
- G. Involve no sales of goods not made, repaired or reconditioned on the premises;
- H. Produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure;
- I. Have no more than nine (9) customers daily entering the premises. The Review Authority may permit additional customers for an applicant with a disability when the increase is necessitated by the applicant's disability;
- J. Employ no more than one (1) person in addition to those who are permanent residents of the dwelling. For the purposes of this Section, an "attendant", who is employed by an applicant with a disability for assistance with daily living activities, shall not be considered to be an employee; and
- K. Provide a parking plan which shall be approved if:
  - (1) The residential character of the parcel is not changed;
  - (2) The parking area does not detract from the visual appearance of the residence; and
  - (3) The parking area for a commuter vehicle with a gross vehicle weight more than 26,000 pounds shall be located at least one hundred (100) feet from any property line and be screened with at least a six (6) foot site obscuring fence, or within a permitted accessory structure;
- L. Be located on a lot or parcel that is at least five (5) acres in size and with direct access to a public road (use of an easement or shared driveway is prohibited);
- M. Outdoor storage areas shall be screened with a minimum six (6) foot site obscuring fence and shall be located at least one hundred (100) feet from all property lines.

**430-65 Hospital**

An institution providing health services, primarily for in- patients, and medical or surgical care of sick or injured persons, including as an integral part of the institution such related accessory facilities as laboratories; outpatient departments; training facilities; central service facilities; staff offices; offices and clinics of physicians for private medical practice; residential facilities for patient family members and staff, including nurses' and interns' quarters; and accessory retail facilities for the needs of patients and staff, including gift shop, beauty shop, barber shop, book store, eating facilities, bank, drug store or pharmacy, and other similar retail uses.

- 430-65.1 The minimum lot size shall be fifteen-thousand (15,000) square feet plus one-thousand (1,000) square feet for each bed over fifteen (15);
- 430-65.2 Final lot size and setbacks shall be determined through approval of an overall master plan for the hospital, grounds and ancillary uses, including proposed future expansion of the main building and support uses;
- 430-65.3 The minimum side yard shall be twenty (20) feet;
- 430-65.4 The minimum front and rear yards shall be thirty (30) feet;
- 430-65.5 The maximum lot coverage shall be fifty (50) percent;
- 430-65.6 The maximum sign area shall be:
  - A. For less than one (1) acre - thirty-five (35) square feet;
  - B. For greater than (1) acre - seventy (70) square feet; except as provided otherwise in the Institutional District (Section 330-9).
- 430-65.7 A hospital shall have access onto an arterial and may be required to provide signalization when determined necessary by the County.

**430-67 Housing for Seasonal Farm and Forest Labor**

Housing for seasonal farm or forest labor may be allowed provided the requested use meets the following:

- 430-67.1 The request is for a dwelling customarily required to conduct the proposed farm use after considering:
  - A. Size of parcel;
  - B. Soil type;
  - C. Type of farm use;
  - D. Potential markets;
  - E. Accepted farming practices as that term is defined in ORS Chapter 215; and
  - F. A three (3) year farm management plan which describes the present and proposed farm uses on the parcel.
- 430-67.2 The number of units allowed is based on need as determined by the Review Authority.

**430-69 Hunting and Fishing Preserves**

Hunting and Fishing Preserves shall meet the following:

- 430-69.1 The minimum lot size shall be twenty (20) acres; and

430-69.2 All yards shall be a minimum of two-hundred (200) feet.

**430-71 Industrial Business Park**

Any planned industrial development which occurs on a single lot or parcel or contiguous lots or parcels designed as a coordinated environment for a variety of industrial and industrially related activities, having a development plan that ensures internal compatibility as well as compatibility with adjacent uses which occur on a parcel or contiguous parcels under single ownership or development control.

430-71.1 The following planned development-industrial uses are allowed when they meet the definition of Industrial Business Park above and the standards of Section 430-71.2 below.

- A. Offices for administrative, educational or other related activities; professional offices for accounting, auditing and bookkeeping; architectural, engineering and surveying; law; other professional uses; and offices for financial institutions, banks and credit unions, primarily to serve the Industrial Business Park.
- B. Restaurant, delicatessen or cafeteria (which may function as a separate business) primarily for employees within the Industrial Business Park.
- C. Recreation and day-care facilities (which may function as a separate business) primarily for employees within the Industrial Business Park.
- D. Other office and commercial uses related, accessory to or serving the industrial uses, as approved as part of an industrial park.
- E. Multi-tenant office, commercial, industrial and accessory uses as approved as part of the Industrial Business Park.

430-71.2 Standards:

- A. The planned industrial uses occur within an Industrial Business Park developed on a minimum of ten (10) acres.
- B. No more than fifty (50) percent of the maximum allowable lot coverage within the park may be utilized for the above listed uses.
- C. Restaurants, commercial day-care facilities and recreational uses are:
  - (1) At a scale intended primarily to serve persons working in the development; and
  - (2) Located with access to an interior street within the Industrial Business Park.
- D. Offices for financial institutions such as banks, savings and loans and credit unions shall have access on interior streets within the Industrial Business Park.
- E. Maximum lot coverage within Industrial Business Parks is fifty (50) percent.

**430-72 Infill**

430-72.1 Intent and Purpose

The intent of this Section is to provide a means of developing vacant or underdeveloped, bypassed lands of two (2) acres or less in areas designated R-5 and R-6 by the applicable Community Plans of the Washington County Comprehensive Plan. This Section is intended to ensure, to the extent practicable, considering the allowed density of each district, that new development is compatible with existing developed areas through Development Review that emphasizes building orientation, privacy, buffering, access and circulation and provides for notification to adjacent property owners. Application of the requirements of this Section shall not preclude development to the density allowed by each district.

430-72.2 Applicability

The requirements of this Section shall apply to all properties designated by the applicable Community Plan as R-5 or R-6 which contain two (2) acres or less (excluding existing rights-of-way).

430-72.3 Development of land required to be processed through the infill provisions shall meet the following:

- A. When developed through a subdivision, consider the orientation, landscaping and buffering of proposed uses in order to provide maximum privacy to surrounding existing and future residential structures; or
- B. For all other development (i.e., partitions, development review for attached units) the following standards shall apply:
  - (1) Complies with the intent and purpose of this Section;
  - (2) The applicant shall provide a plan of complete development of the subject property and potential development of adjacent vacant parcels to the density allowed by the district;
  - (3) Parcelization or placement of dwellings shall not preclude development of the subject site and surrounding properties to the density allowed by the district. Consideration shall include but not be limited to:
    - (a) Access;
    - (b) Circulation; and
    - (c) Building location;
  - (4) Buildings shall be oriented to provide maximum privacy to surrounding existing and future residential structures;
  - (5) Maintain the setback requirements of the primary district unless the Review Authority determines, as part of the initial approval, that it is necessary to modify the setbacks to provide more privacy to existing and proposed structures; and

- (6) Landscaping and fencing may be required to maintain the privacy of existing dwellings on adjacent properties.
- C. All required landscaping and fencing between the proposed infill dwelling units and adjacent existing dwelling units shall be installed in accordance with the approved development plans prior to building occupancy and/or final building inspection approval.

#### 430-72.4 Submittal Requirements

In addition to all other submittal requirements, applications shall include:

- A. Site plans showing locations and setbacks of each dwelling unit and, if applicable, detached garage on each new lot or parcel;
- B. A screening and buffering plan showing all existing landscaping and buffering and any additional landscaping and buffering, including fencing, needed to maintain the privacy of existing dwellings on adjacent parcels. The screening and buffering plan may be incorporated into the individual site plans described under Section 430-72.4 A. above; and
- C. An Off-Site Analysis as required by Section 404-1 that includes setbacks of the proposed dwelling units on the subject property from existing dwelling units on adjacent parcels.

#### 430-73 Kennel

A kennel is any premises on which five (5) or more dogs with permanent canine teeth or which are more than six months of age are kept for any purpose whatsoever. Kennels may be allowed provided:

- 430-73.1 The minimum site area shall be five (5) acres;
- 430-73.2 All setbacks shall be no less than one-hundred (100) feet;
- 430-73.3 There shall be a maximum sign area of twelve (12) square feet;
- 430-73.4 A kennel license is obtained from Washington County Dog Control; and
- 430-73.5 All dog waste shall be disposed of in a sanitary manner (not causing a public health nuisance) as approved by the Washington County Department of Health.

#### 430-74 Living History Museum in the EFU and AF-20 Districts

A living history museum is a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. A living history museum, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted

period or the museum administration building, is permitted in the EFU or AF-20 Districts subject to the standards listed below.

430-74.1 A living history museum shall:

- A. Be related to only resource based activities (farm and forest uses);
- B. Be owned and operated by a governmental agency or a local historic society. For the purposes of this section, local historical society means the local historical society, recognized as such by Washington County and organized under ORS chapter 65; and
- C. Be permitted if other areas that are not within the EFU or AF-20 Districts cannot accommodate the use or if the museum administration buildings and parking lot are located within one quarter ( $\frac{1}{4}$ ) mile of the metropolitan urban growth boundary.

430-74.2 In addition to the requirements of Section 501-9, an application for a living history museum shall include a transportation/traffic impact analysis which demonstrates the following. The analysis shall be prepared and certified by a traffic or civil engineer registered in the state of Oregon.

- A. Consistency with the following standards based upon existing and planned conditions (planning horizon of the applicable transportation plan or functional plan):
  - (1) Washington County's functional classification policy (Policy 9) of the Transportation Plan;
  - (2) Washington County's level of service standard, as defined by Section 501-8.8 I.; and
  - (3) The Oregon Department of Transportation (ODOT) functional plans, including *The Oregon Highway Plan* and the *Oregon Transportation Plan*.
- B. Consistency with OAR 660-12-065 (Transportation Improvements on Rural Lands).
- C. Adequacy of traffic safety and traffic operations at the site's access to a public road and within a ten (10) percent impact area as defined by Resolution and Order 86-95 as modified or updated and Section 501-8.5. The applicant shall make necessary improvements, if any, to correct identified deficiencies.
- D. Adequacy of the width and structural integrity, including roadway pavement, base and drainage, of the public access road(s) between the site's access and the nearest Arterial or paved Collector. The roadway width and structural integrity of these access roads shall meet County road standards. The applicant shall make necessary improvements, if any, to correct identified deficiencies. These access roads shall be maintained by the applicant to County standards through a maintenance local improvement district or other methods approved by the Director.

- E. Conformance with the Oregon Department of Transportation's traffic/development review requirements, including but not limited to traffic report, access management, level of service, and traffic safety and operations requirements. The applicant shall make necessary improvements, if any, to mitigate identified deficiencies.
  - F. Adequate traffic management and parking for special events. Off-site parking areas, if any, shall be approved as part of the development application for the museum or through a separate Type II or III application.
- 430-74.3 The applicant shall request a periodic review of conditions at ten (10) year intervals to determine whether additional conditions are needed to lessen the museum's impact on surrounding uses. Periodic review shall be done through a Type II or III procedure. The applicant or Director may initiate a review of conditions at an earlier date if the Director determines there is an unexpected issue(s) which should be addressed sooner.
- 430-74.4 The maximum sign area shall be sixty-four (64) square feet.