

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

**ORDINANCE NO. \_\_\_\_\_**

Amending MCC Chapters 11.15, 33-36 and 38 Relating to Home Occupation; and MCC Chapters 33-36 Relating to Design Review and Off-Street Parking Provisions

(Language ~~stricken~~ is deleted; underlined language is new.)

**The Multnomah County Board of Commissioners Finds:**

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsections 33.0140, 34.0140, 35.0140, 36.0140, 37.0710, and 38.0710 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.
- b. Periodically there is a need to amend the County Land Use Planning Code (Zoning Code) provisions due to changing circumstances or for general housekeeping purposes such as technical corrections, clarifications and consistency. This ordinance incorporates two groups of amendments recommended by the Planning Commission: PC-2011-1398, *Amendments Relating to Home Occupation* and PC-2011-1399, *Relating to Design Review and Off-Street Parking*.
- c. The home occupation provisions in the zoning code date from 1998, and should be amended to add flexibility to provide for business use of rural properties in order to allow appropriately scaled incubator businesses, to provide services needed in rural areas, and allow more options for residents to work at home. Only one home occupation may utilize a property at a time. The zoning code must also provide adequate safeguards to ensure that home occupation activities do not create off site impacts to nearby properties. The zoning code amendments should contain standards that address potential impacts including significant vehicle trips, loud noises, smells or other environmental impacts. Provision for periodic renewal of permits is needed to help ensure that approved business uses continue to operate within their scope of approval.
- d. The zoning code provisions relating to Home Occupations should be amended for all zones in Chapters 33 – 36 and 11.15 to provide three levels of home occupation activities to ensure that the scope of review is appropriate to the intensity of business operation proposed. Type A home occupations may only occur in an existing dwelling and requires the business operator to register the business with Land Use Planning. Type B home occupations may occur in the dwelling and/or accessory building and requires a land use review procedure. The Type C home occupation involves the greatest level of allowable activity associated with the property and requires the review and approval of a conditional use permit after the holding of a public hearing.
- e. Zoning code provisions relating to Home Occupations and Cottage Industries in Chapter 38, the Columbia River Gorge National Scenic Area, should be amended to establish a Type A home occupation use in the various general districts. The Type A home occupation will allow for a home office use through the Type II land use application process. The current Home Occupations and Cottage Industries uses will continue to require approval of a conditional use permit application.
- f. Zoning code provisions for Design Review and Off-Street Parking and Loading should be amended to set an appropriate level of review and standards for rural development. Two levels of Design Review together with reduced improvement requirements will provide flexibility for small-scaled businesses consistent with Framework Plan Policy 19, Community Design. Simplification of the Design Review

submittal requirements will assist customers in preparing application materials. The streamlining of the Design Review process will better align with the Chapter 37 Administrative and Procedures provisions and should reduce processing timelines.

- g. The Planning Commission conducted three public hearings for PC-2011-1398 on March 5, 2012, April 2, 2012 and November 5, 2012. In addition, notice to individual property owners was mailed ("Ballot Measure 56 notice") on February 14, 2012 as regulations are being proposed for PC 2011-1398 that further restrict the use of property. The Planning Commission conducted a public hearing for PC-2011-1399 on May 7, 2012. All interested persons were given an opportunity to appear and be heard. Notice of the Planning Commission hearings, was published in the "Oregonian" newspaper and on the County Land Use Planning Program website.
- h. As stated in Planning Commission Resolution, for each of these matters, the Planning Commission has found that the proposed amendments and additions to Multnomah County Code Chapters 11.15, 33-36 and 38 in this Ordinance are needed and recommends approval. The Board agrees with the Planning Commission's recommendations.

## **Multnomah County Ordains as Follows:**

**Section 1.** MCC 33.0005, 34.0005, 35.0005, 36.0005 and 11.15.0010 are amended as follows:

### **33.0005 Definitions.**

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#### **Home Occupation—**

~~(a) A type A home occupation is one where the residents use their home as a place of work. Type A home occupations may have up to one non-resident employee or customer on the premises at any one time in addition to the resident participant. No new buildings or modifications to existing structures shall be allowed (constructed after March 14, 1998). No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. — 6 p.m. No outdoor storage or displays shall occur (including vehicle parking associated with the Home Occupation). No signage shall be allowed (including temporary signage and those exempted under MCC 33.7420 with the exception of those required under the current "Street Naming and Property Numbering" provisions of Multnomah County, and no noise above 50 dba (decibels adjusted) at the property lines shall be permitted. No repair or assembly of any vehicles or motors can occur as part of a type A home occupation. A type A home occupation may not serve as headquarters or dispatch where employees come to the site. A type A home occupation must have direct access to a public road (no easements). Type A home occupations shall be filed on a form provided by the Planning Director. Type A Home Occupations must be in conformance with all other applicable state codes.~~

~~(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the type A home occupation. Type B home occupations shall be approved as per MCC-33.6300 through 33.6650.~~

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### **34.0005 Definitions**

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#### **Home Occupation—**

~~(a) A type A home occupation is one where the residents use their home as a place of work. Type A home occupations may have up to one non-resident employee or customer on the premises at any one time in addition to the resident participant. No new buildings or modifications to existing structures shall be allowed (constructed after March 14, 1998). No deliveries other than those normally associated with a~~

single family dwelling and between the hours of 7 a.m. — 6 p.m. No outdoor storage or displays shall occur (including vehicle parking associated with the Home Occupation). No signage shall be allowed (including temporary signage and those exempted under MCC 34.7420 with the exception of those required under the current "Street Naming and Property Numbering" provisions of Multnomah County, and no noise above 50 dba (decibels adjusted) at the property lines shall be permitted. No repair or assembly of any vehicles or motors can occur as part of a type A home occupation. A type A home occupation may not serve as headquarters or dispatch where employees come to the site. A type A home occupation must have direct access to a public road (no easements). Type A home occupations shall be filed on a form provided by the Planning Director. Type A Home Occupations must be in conformance with all other applicable state codes.

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the type A home occupation. Type B home occupations shall be approved as per MCC 34.6300 through 34.6650.

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### 35.0005 Definitions

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#### Home Occupation—

(a) A type A home occupation is one where the residents use their home as a place of work. Type A home occupations may have up to one non-resident employee or customer on the premises at any one time in addition to the resident participant. No new buildings or modifications to existing structures shall be allowed (constructed after March 14, 1998). No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. — 6 p.m. No outdoor storage or displays shall occur (including vehicle parking associated with the Home Occupation). No signage shall be allowed (including temporary signage and those exempted under MCC 35.7420 with the exception of those required under the current "Street Naming and Property Numbering" provisions of Multnomah County, and no noise above 50 dba (decibels adjusted) at the property lines shall be permitted. No repair or assembly of any vehicles or motors can occur as part of a type A home occupation. A type A home occupation may not serve as headquarters or dispatch where employees come to the site. A type A home occupation must have direct access to a public road (no easements). Type A home occupations shall be filed on a form provided by the Planning Director. Type A Home Occupations must be in conformance with all other applicable state codes.

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the type A home occupation. Type B home occupations shall be approved as per MCC 35.6300 through 35.6650.

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### 36.0005 Definitions

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#### Home Occupation—

(a) A type A home occupation is one where the residents use their home as a place of work. Type A home occupations may have up to one non-resident employee or customer on the premises at any one time in addition to the resident participant. No new buildings or modifications to existing structures shall be allowed (constructed after March 14, 1998). No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. — 6 p.m. No outdoor storage or displays shall occur (including vehicle parking associated with the Home Occupation). No signage shall be allowed (including temporary signage and those exempted under MCC 36.7420 with the exception of those required under the current "Street Naming and Property Numbering" provisions of Multnomah County, and no noise above 50 dba (decibels adjusted) at the property lines shall be permitted. No repair or

~~assembly of any vehicles or motors can occur as part of a type A home occupation. A type A home occupation may not serve as headquarters or dispatch where employees come to the site. A type A home occupation must have direct access to a public road (no easements). Type A home occupations shall be filed on a form provided by the Planning Director. Type A Home Occupations must be in conformance with all other applicable state codes.~~

~~(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the type A home occupation. Type B home occupations shall be approved as per MCC 36.6300 through 36.6650.~~

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## 11.15.0010 Definitions

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### Home Occupation

- ~~A. A type A home occupation is one where the residents use their home as a place of work. Type A home occupations may have up to one non-resident employee or customer on the premises at any one time in addition to the resident participant. No new buildings or modifications to existing structures shall be allowed (constructed after March 14, 1998). No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. – 6 p.m. No outdoor storage or displays shall occur (including vehicle parking associated with the Home Occupation). No signage shall be allowed (including temporary signage and those exempted under MCC 11.15.7912 with the exception of those required under MCC 11.05.500 – .575), and no noise above 50 dba (decibels adjusted) at the property lines shall be permitted. No repair or assembly of any vehicles or motors can occur as part of a type A home occupation. A type A home occupation may not serve as headquarters or dispatch where employees come to the site. A type A home occupation must have direct access to a public road (no easements). Type A home occupations shall be filed on a form provided by the Planning Director. Type A Home Occupations must be in conformance with all other applicable state codes.~~
- ~~B. Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the type A home occupation. Type B home occupations shall be approved as per MCC 11.15.7105 and .7455.~~

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**Section 2.** MCC 33.0005, 34.0005, 35.0005, 36.0005 and 11.15.0010 are amended to add the following definitions:

**Accessory Use** – A lawful use that is customarily subordinate and incidental to a primary use on a lot.

**Business Operator** – The person who registers for a Type A Home Occupation or obtains approval to conduct a Type B or Type C Home Occupation or a Home Based Business and holds a majority ownership interest in the business, lives full-time in the registered dwelling unit on the lot, and is responsible for strategic decisions and day-to-day operations of the business.

**Customer** – Has its common meaning and includes a client as well as each person visiting the premises of a business for business reasons that is not an employee of the business.

**Employee** – Has its common meaning in addition to which each participant in the promotion of a business constitutes one employee, whether participating full or part time and whether a resident or non-resident of a dwelling unit on the lot authorized for a Type A, Type B or Type C Home Occupation or a Home Based Business use.

**Section 3.** MCC 33.0540, 34.0540, 35.0540, 36.0540 and 11.15.8730 are added as follows:

**33.0540 Type A Home Occupation**

(A) Type A home occupation is a lawful commercial activity that is conducted within a dwelling unit by a business operator, is subordinate to the residential use of the dwelling unit, is registered with the Planning Director by completing and filing a form provided by the Planning Director, and complies with the following:

(1) Type A home occupation shall not exceed 20 percent of the gross floor area of the dwelling and attached garage, or 500 sq. ft., whichever is less.

(2) No more than one non-resident employee or two customers on the premises at any one time. A maximum of eight customer visits may happen per day.

(3) Modifications to the dwelling to facilitate the use shall be limited to the alteration, replacement or addition of windows or doors or other typically used residential appurtenances.

(4) No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. - 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.

(5) No outdoor storage or displays shall occur on the premises. Outdoor parking of the business vehicle, motor vehicle owned by the employee or customer is allowed. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.

(6) No signage shall be allowed, including temporary signage and those exempted under MCC 33.7420 with the exception of property numbers.

(7) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(8) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws. No operation of a dispatch center where employees enter the premises for the purpose of being dispatched to other locations.

(B) Notwithstanding the transfer of approval rights in MCC 37.0770, registration of a Type A home occupation does not run with the land and is not transferred with ownership of the land. Registration of a Type A home occupation is personal to the business operator and specific to the registered dwelling unit. Registration of a Type A home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time in the registered dwelling unit.

(C) Existing Type A Home Occupations that were registered prior to August 18, 2012, which complied with all provisions of the ordinance then in effect, may continue provided any alteration, expansion or establishment of a new home occupation shall be subject to the applicable home occupation regulations. The adoption of this ordinance is not intended to make these existing registrations non-conforming and proposals for alteration, expansion or establishment of a new Type A home occupation on the parcel shall be pursuant to this ordinance.

### **34.0540 Type A Home Occupation**

(A) Type A home occupation is a lawful commercial activity that is conducted within a dwelling unit by a business operator, is subordinate to the residential use of the dwelling unit, is registered with the Planning Director by completing and filing a form provided by the Planning Director, and complies with the following:

(1) Type A home occupation shall not exceed 20 percent of the gross floor area of the dwelling and attached garage, or 500 sq. ft., whichever is less.

(2) No more than one non-resident employee or two customers on the premises at any one time. A maximum of eight customer visits may happen per day.

(3) Modifications to the dwelling to facilitate the use shall be limited to the alteration, replacement or addition of windows or doors or other typically used residential appurtenances.

(4) No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. - 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.

(5) No outdoor storage or displays shall occur on the premises. Outdoor parking of the business vehicle, motor vehicle owned by the employee or customer is allowed. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.

(6) No signage shall be allowed, including temporary signage and those exempted under MCC 34.7420 with the exception of property numbers. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(7) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles.

(8) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws. No operation of a dispatch center where employees enter the premises for the purpose of being dispatched to other locations.

(B) Notwithstanding the transfer of approval rights in MCC 37.0770, registration of a Type A home occupation does not run with the land and is not transferred with ownership of the land. Registration of a Type A home occupation is personal to the business operator and specific to the registered dwelling unit. Registration of a Type A home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time in the registered dwelling unit.

(C) Existing Type A Home Occupations that were registered prior to August 18, 2012, which complied with all provisions of the ordinance then in effect, may continue provided any alteration, expansion or establishment of a new home occupation shall be subject to the applicable home occupation regulations. The adoption of this ordinance is not intended to make these existing registrations non-conforming and proposals for alteration, expansion or establishment of a new Type A home occupation on the parcel shall be pursuant to this ordinance.

### **35.0540 Type A Home Occupation**

(A) Type A home occupation is a lawful commercial activity that is conducted within a dwelling unit by a business operator, is subordinate to the residential use of the dwelling unit, is registered with the Planning Director by completing and filing a form provided by the Planning Director, and complies with the following:

(1) Type A home occupation shall not exceed 20 percent of the gross floor area of the dwelling and attached garage, or 500 sq. ft., whichever is less.

(2) No more than one non-resident employee or two customers on the premises at any one time. A maximum of eight customer visits may happen per day.

(3) Modifications to the dwelling to facilitate the use shall be limited to the alteration, replacement or addition of windows or doors or other typically used residential appurtenances.

(4) No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. - 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.

(5) No outdoor storage or displays shall occur on the premises. Outdoor parking of the business vehicle, motor vehicle owned by the employee or customer is allowed. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.

(6) No signage shall be allowed, including temporary signage and those exempted under MCC 35.7420 with the exception of property numbers.

(7) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(8) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws. No operation of a dispatch center where employees enter the premises for the purpose of being dispatched to other locations.

(B) Notwithstanding the transfer of approval rights in MCC 37.0770, registration of a Type A home occupation does not run with the land and is not transferred with ownership of the land. Registration of a Type A home occupation is personal to the business operator and specific to the registered dwelling unit. Registration of a Type A home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time in the registered dwelling unit.

(C) Existing Type A Home Occupations that were registered prior to August 18, 2012, which complied with all provisions of the ordinance then in effect, may continue provided any alteration, expansion or establishment of a new home occupation shall be subject to the applicable home occupation regulations. The adoption of this ordinance is not intended to make these existing registrations non-conforming and proposals for alteration, expansion or establishment of a new Type A home occupation on the parcel shall be pursuant to this ordinance.

### **36.0540 Type A Home Occupation**

(A) Type A home occupation is a lawful commercial activity that is conducted within a dwelling unit by a business operator, is subordinate to the residential use of the dwelling unit, is registered with the Planning Director by completing and filing a form provided by the Planning Director, and complies with the following:

(1) Type A home occupation shall not exceed 20 percent of the gross floor area of the dwelling and attached garage, or 500 sq. ft., whichever is less.

(2) No more than one non-resident employee or two customers on the premises at any one time. A maximum of eight customer visits may happen per day.

(3) Modifications to the dwelling to facilitate the use shall be limited to the alteration, replacement or addition of windows or doors or other typically used residential appurtenances.

(4) No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. - 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.

(5) No outdoor storage or displays shall occur on the premises. Outdoor parking of the business vehicle, motor vehicle owned by the employee or customer is allowed. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.

(6) No signage shall be allowed, including temporary signage and those exempted under MCC 36.7420 with the exception of property numbers.

(7) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(8) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws. No operation of a dispatch center where employees enter the premises for the purpose of being dispatched to other locations.

(B) Notwithstanding the transfer of approval rights in MCC 37.0770, registration of a Type A home occupation does not run with the land and is not transferred with ownership of the land. Registration of a Type A home occupation is personal to the business operator and specific to the registered dwelling unit. Registration of a Type A home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time in the registered dwelling unit.

(C) Existing Type A Home Occupations that were registered prior to August 18, 2012, which complied with all provisions of the ordinance then in effect, may continue provided any alteration, expansion or establishment of a new home occupation shall be subject to the applicable home occupation regulations. The adoption of this ordinance is not intended to make these existing registrations non-conforming and proposals for alteration, expansion or establishment of a new Type A home occupation on the parcel shall be pursuant to this ordinance.

### **11.15.8730 Type A Home Occupation**



(A) Type A home occupation is a lawful commercial activity that is conducted within a dwelling unit by a business operator, is subordinate to the residential use of the dwelling unit, is registered with the Planning Director by completing and filing a form provided by the Planning Director, and complies with the following:

(1) Type A home occupation shall not exceed 20 percent of the gross floor area of the dwelling and attached garage, or 500 sq. ft., whichever is less.

(2) No more than one non-resident employee or two customers on the premises at any one time. A maximum of eight customer visits may happen per day.

(3) Modifications to the dwelling to facilitate the use shall be limited to the alteration, replacement or addition of windows or doors or other typically used residential appurtenances.

(4) No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. - 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.

(5) No outdoor storage or displays shall occur on the premises. Outdoor parking of the business vehicle, motor vehicle owned by the employee or customer is allowed. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.

(6) No signage shall be allowed, including temporary signage and those exempted under MCC 11.15.7912 with the exception of property numbers.

(7) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(8) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws. No operation of a dispatch center where employees enter the premises for the purpose of being dispatched to other locations.

(B) Notwithstanding the transfer of approval rights in MCC 37.0770, registration of a Type A home occupation does not run with the land and is not transferred with ownership of the land. Registration of a Type A home occupation is personal to the business operator and specific to the registered dwelling unit. Registration of a Type A home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time in the registered dwelling unit.

(C) Existing Type A Home Occupations that were registered prior to August 18, 2012, which complied with all provisions of the ordinance then in effect, may continue provided any alteration, expansion or establishment of a new home occupation shall be subject to the applicable home occupation regulations. The adoption of this ordinance is not intended to make these existing registrations non-conforming and proposals for alteration, expansion or establishment of a new Type A home occupation on the parcel shall be pursuant to this ordinance.

**Section 4.** MCC 33.0550, MCC 34.0550, MCC 35.0550, MCC 36.0550 and 11.15.8735 are added as follows:

### **33.0550 Type B Home Occupation**

(A) Type B home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building on a parcel by a business operator, is subordinate to the residential use of the premises, and complies with the following:

(1) The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and allowed signage. No outdoor storage, business activities or displays shall occur outside of an enclosed building.

(2) Type B home occupation shall not exceed 25 percent of the gross floor area of the dwelling, attached garage and an accessory building, or 1,000 sq. ft., whichever is less.

(3) The home occupation shall not employ more than one non-resident employee. There shall be no more than two customers on the premises at any one time.

(4) No more than a total of 20 vehicle trips per day by customers of the home occupation, delivery service providers serving the home occupation and the employee may be authorized through the review process. No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.

(5) In addition to the required residential parking, the premises has on-site parking pursuant to MCC 33.4100–33.4215 to accommodate the total number of employees and customers proposed to be on the premises at any one time. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.

(6) Notwithstanding MCC 33.7400–33.7505, only one, non-illuminated, identification sign not to exceed two square feet in area may be attached to a building used for the business.

(7) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(8) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws.

(9) No building or structure is proposed to be constructed or modified in a manner that would not otherwise be allowed in the zoning district. Buildings or structures used as part of the home occupation shall not have or require a building code occupancy rating other than R-3 or U as determined by the building official.

(10) In the CFU-1, CFU-2, CFU-5 and EFU zone districts, the home occupation will not unreasonably interfere with other uses permitted in the general district and the use will:

(a) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;

(b) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel.

(B) Each approval issued by the approval authority shall be specific for the particular home occupation and reference the business operator, number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

(C) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of a Type B home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type B home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type B home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time on the authorized premises.

(D) The Type B home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type B home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The Type B home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The Type B home occupation may be renewed an unlimited number of times.

(3) To obtain a renewal of the Type B home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before the expiration date, the business operator may continue the Type B home occupation pending the County's final decision on the renewal request.

(4) A Type B home occupation renewal shall be processed pursuant to the Type II approval process in MCC 37.0530.

(5) The Planning Director may consider minor modifications to the business activities authorized in (B) above and the conditions of approval if requested by the business operator as part of a Type B home occupation renewal application. A minor modification may be approved if it:

(a) Is consistent with the prior approval;

(b) Is consistent with MCC 33.0550(A); and

(c) Does not increase the intensity of use of the premises.

### **34.0550 Type B Home Occupation**

(A) Type B home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building on a parcel by a business operator, is subordinate to the residential use of the premises, and complies with the following:

(1) The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and allowed signage. No outdoor storage, business activities or displays shall occur outside of an enclosed building.

(2) Type B home occupation shall not exceed 25 percent of the gross floor area of the dwelling, attached garage and an accessory building, or 1,000 sq. ft., whichever is less.

(3) The home occupation shall not employ more than one non-resident employee. There shall be no more than two customers on the premises at any one time.

(4) No more than a total of 20 vehicle trips per day by customers of the home occupation, delivery service providers serving the home occupation and the employee may be authorized through the review process. No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.

(5) In addition to the required residential parking, the premises has on-site parking pursuant to MCC 34.4100–34.4215 to accommodate the total number of employees and customers proposed to be on the premises at any one time. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.

(6) Notwithstanding MCC 34.7400–34.7505, only one, non-illuminated, identification sign not to exceed two square feet in area may be attached to a building used for the business.

(7) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(8) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws.

(9) No building or structure is proposed to be constructed or modified in a manner that would not otherwise be allowed in the zoning district. Buildings or structures used as part of the home occupation shall not have or require a building code occupancy rating other than R-3 or U as determined by the building official.

(10) In the EFU zone district, the home occupation will not unreasonably interfere with other uses permitted in the general district and the use will:

(a) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;

(b) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel.

(B) Each approval issued by the approval authority shall be specific for the particular home occupation and reference the business operator, number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

(C) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of a Type B home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type B home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type B home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time on the authorized premises.

(D) The Type B home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type B home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The Type B home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The Type B home occupation may be renewed an unlimited number of times.

(3) To obtain a renewal of the Type B home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before the expiration date, the business operator may continue the Type B home occupation pending the County's final decision on the renewal request.

(4) A Type B home occupation renewal shall be processed pursuant to the Type II approval process in MCC 37.0530.

(5) The Planning Director may consider minor modifications to the business activities authorized in (B) above and the conditions of approval if requested by the business operator as part of a Type B home occupation renewal application. A minor modification may be approved if it:

(a) Is consistent with the prior approval;

(b) Is consistent with MCC 34.0550(A); and

(c) Does not increase the intensity of use of the premises.

### **35.0550 Type B Home Occupation**

(A) Type B home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building on a parcel by a business operator, is subordinate to the residential use of the premises, and complies with the following:

(1) The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and allowed signage. No outdoor storage, business activities or displays shall occur outside of an enclosed building.

(2) Type B home occupation shall not exceed 25 percent of the gross floor area of the dwelling, attached garage and an accessory building, or 1,000 sq. ft., whichever is less.

(3) The home occupation shall not employ more than one non-resident employee. There shall be no more than two customers on the premises at any one time.

(4) No more than a total of 20 vehicle trips per day by customers of the home occupation, delivery service providers serving the home occupation and the employee may be authorized through the review process. No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.

(5) In addition to the required residential parking, the premises has on-site parking pursuant to MCC 35.4100–35.4215 to accommodate the total number of employees and customers proposed to be on the premises at any one time. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.

(6) Notwithstanding MCC 35.7400–35.7505, only one, non-illuminated, identification sign not to exceed two square feet in area may be attached to a building used for the business.

(7) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(8) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws.

(9) No building or structure is proposed to be constructed or modified in a manner that would not otherwise be allowed in the zoning district. Buildings or structures used as part of the home occupation shall not have or require a building code occupancy rating other than R-3 or U as determined by the building official.

(10) In the CFU-3, CFU-4, and EFU zone districts, the home occupation will not unreasonably interfere with other uses permitted in the general district and the use will:

(a) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;

(b) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel.

(B) Each approval issued by the approval authority shall be specific for the particular home occupation and reference the business operator, number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

(C) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of a Type B home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type B home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type B home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time on the authorized premises.

(D) The Type B home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type B home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The Type B home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The Type B home occupation may be renewed an unlimited number of times.

(3) To obtain a renewal of the Type B home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before the expiration date, the business operator may continue the Type B home occupation pending the County's final decision on the renewal request.

(4) A Type B home occupation renewal shall be processed pursuant to the Type II approval process in MCC 37.0530.

(5) The Planning Director may consider minor modifications to the business activities authorized in (B) above and the conditions of approval if requested by the business operator as part of a Type B home occupation renewal application. A minor modification may be approved if it:

(a) Is consistent with the prior approval;

(b) Is consistent with MCC 35.0550(A); and

(c) Does not increase the intensity of use of the premises.

### **36.0550 Type B Home Occupation**

(A) Type B home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building on a parcel by a business operator, is subordinate to the residential use of the premises, and complies with the following:

(1) The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and allowed signage. No outdoor storage, business activities or displays shall occur outside of an enclosed building.

(2) Type B home occupation shall not exceed 25 percent of the gross floor area of the dwelling, attached garage and an accessory building, or 1,000 sq. ft., whichever is less.

(3) The home occupation shall not employ more than one non-resident employee. There shall be no more than two customers on the premises at any one time.

(4) No more than a total of 20 vehicle trips per day by customers of the home occupation, delivery service providers serving the home occupation and the employee may be authorized through the review process. No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.

(5) In addition to the required residential parking, the premises has on-site parking pursuant to MCC 36.4100–36.4215 to accommodate the total number of employees and customers proposed to be on the premises at any one time. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.

(6) Notwithstanding MCC 36.7400–36.7505, only one, non-illuminated, identification sign not to exceed two square feet in area may be attached to a building used for the business.

(7) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises,

but does apply to idling vehicles. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(8) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws.

(9) No building or structure is proposed to be constructed or modified in a manner that would not otherwise be allowed in the zoning district. Buildings or structures used as part of the home occupation shall not have or require a building code occupancy rating other than R-3 or U as determined by the building official.

(10) In the CFU and EFU zone districts, the home occupation will not unreasonably interfere with other uses permitted in the general district and the use will:

(a) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;

(b) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel.

(B) Each approval issued by the approval authority shall be specific for the particular home occupation and reference the business operator, number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

(C) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of a Type B home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type B home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type B home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time on the authorized premises.

(D) The Type B home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type B home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The Type B home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The Type B home occupation may be renewed an unlimited number of times.

(3) To obtain a renewal of the Type B home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before the expiration date, the business operator may continue the Type B home occupation pending the County's final decision on the renewal request.

(4) A Type B home occupation renewal shall be processed pursuant to the Type II approval process in MCC 37.0530.

(5) The Planning Director may consider minor modifications to the business activities authorized in (B) above and the conditions of approval if requested by the business operator as part of a Type B home occupation renewal application. A minor modification may be approved if it:



- (a) Is consistent with the prior approval;
- (b) Is consistent with MCC 36.0550(A); and
- (c) Does not increase the intensity of use of the premises.

### **11.15.8735 Type B Home Occupation**

(A) Type B home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building on a parcel by a business operator, is subordinate to the residential use of the premises, and complies with the following:

- (1) The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and allowed signage. No outdoor storage, business activities or displays shall occur outside of an enclosed building.
- (2) Type B home occupation shall not exceed 25 percent of the gross floor area of the dwelling, attached garage and an accessory building, or 1,000 sq. ft., whichever is less.
- (3) The home occupation shall not employ more than one non-resident employee. There shall be no more than two customers on the premises at any one time.
- (4) No more than a total of 20 vehicle trips per day by customers of the home occupation, delivery service providers serving the home occupation and the employee may be authorized through the review process. No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.
- (5) In addition to the required residential parking, the premises has on-site parking pursuant to MCC 11.15.6100-11.15.6148 to accommodate the total number of employees and customers proposed to be on the premises at any one time. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.
- (6) Notwithstanding MCC 11.15.7902-11.15.7982, only one, non-illuminated, identification sign not to exceed two square feet in area may be attached to a building used for the business.
- (7) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.
- (8) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws.
- (9) No building or structure is proposed to be constructed or modified in a manner that would not otherwise be allowed in the zoning district. Buildings or structures used as part of the home occupation shall not have or require a building code occupancy rating other than R-3 or U as determined by the building official.

(10) In the CFU and EFU zone districts, the home occupation will not unreasonably interfere with other uses permitted in the general district and the use will:

(a) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;

(b) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel.

(B) Each approval issued by the approval authority shall be specific for the particular home occupation and reference the business operator, number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

(C) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of a Type B home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type B home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type B home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time on the authorized premises.

(D) The Type B home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type B home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The Type B home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The Type B home occupation may be renewed an unlimited number of times.

(3) To obtain a renewal of the Type B home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before the expiration date, the business operator may continue the Type B home occupation pending the County's final decision on the renewal request.

(4) A Type B home occupation renewal shall be processed pursuant to the Type II approval process in MCC 37.0530.

(5) The Planning Director may consider minor modifications to the business activities authorized in (B) above and the conditions of approval if requested by the business operator as part of a Type B home occupation renewal application. A minor modification may be approved if it:

(a) Is consistent with the prior approval;

(b) Is consistent with MCC 11.15.8735(A); and

(c) Does not increase the intensity of use of the premises.

**Section 5.** The subchapter title preceding MCC 33.6650, 34.6650, 35.6650, 36.6650 and 11.15.7455 is amended as follows and the Definitions provisions in MCC 33.6650, 34.6650, 35.6650, 36.6650 and 11.15.7455 are deleted as follows:

[33.6650] **TYPE C HOME OCCUPATIONS**  
[34.6650] **TYPE C HOME OCCUPATIONS**  
[35.6650] **TYPE C HOME OCCUPATIONS**  
[36.6650] **TYPE C HOME OCCUPATIONS, CU**  
[11.15.7455] **TYPE C HOME OCCUPATIONS, CU**

**~~33.6650-Definitions~~**

~~(A) *Employee*—One full or part time participant, resident or non-resident, in the business shall constitute one employee.~~

~~(B) *Customers*—Any person visiting the site that is not an employee who is associated with the home.~~

~~(C) *Normal deliveries*—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. These *deliveries* or pick-ups of supplies or products, associated with business activities, are allowed at the home only between 7 a.m. and 6 p.m.~~

~~(D) *Motor vehicles*—Vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines).~~

**~~34.6650-Definitions~~**

~~(A) *Employee*—one full or part time participant, resident or non-resident, in the business shall constitute one employee.~~

~~(B) *Customers*—Any person visiting the site that is not an employee who is associated with the home.~~

~~(C) *Normal deliveries*—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. These *deliveries* or pick-ups of supplies or products, associated with business activities, are allowed at the home only between 7 a.m. and 6 p.m.~~

~~(D) *Motor vehicles*—Vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines).~~

**~~35.6650-Definitions~~**

~~(A) *Employee*—one full or part time participant, resident or non-resident, in the business shall constitute one employee.~~

~~(B) *Customers*—Any person visiting the site that is not an employee who is associated with the home.~~

~~(C) *Normal deliveries*—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. These *deliveries* or pick-ups of supplies or products, associated with business activities, are allowed at the home only between 7 a.m. and 6 p.m.~~

~~(D) Motor vehicles—Vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines).~~

#### **36.6650 Definitions.**

~~(A) Employee—one full or part time participant, resident or non resident, in the business shall constitute one employee.~~

~~(B) Customers—Any person visiting the site that is not an employee who is associated with the home.~~

~~(C) Normal deliveries—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. These deliveries or pick ups of supplies or products, associated with business activities, are allowed at the home only between 7 a.m. and 6 p.m.~~

~~(D) Motor vehicles—Vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines).~~

#### **11.15.7455 Definitions**

~~A. Employee—one full or part time participant, resident or non resident, in the business shall constitute one employee.~~

~~B. Customers—Any person visiting the site that is not an employee who is associated with the home.~~

~~C. Normal deliveries—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. These deliveries or pick ups of supplies or products, associated with business activities, are allowed at the home only between 7 a.m. and 6 p.m.~~

~~D. Headquarters—A business operation where employees come to the site at any time.~~

~~E. Motor vehicles—vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines).~~

**Section 6.** MCC 33.6655, 34.6655, 35.6655, 36.6655, and 11.15.7460 are amended as follows:

#### **33.6655 Purposes**

#### **34.6655 Purposes**

#### **35.6655 Purposes**

#### **36.6655 Purposes.**

#### **11.15.7460 Purposes**

The purposes of the type ~~B-C~~ home occupation section are to address the need for home based business that are small scale businesses (not more than 5 *employees*) and that fit in with the characteristic of the neighborhood or the area. The regulations are designed to:

(A) Protect the individual characteristics of areas in unincorporated Multnomah County and maintain the quality of life for all residents of the communities.

(B) Join in an effort to reduce vehicle miles traveled, traffic congestion and air pollution in the State of Oregon.

**Section 7.** MCC 33.6660, 34.6660, 35.6660, 36.6660 and 11.15.7465 are amended as follows:

**33.6660 Criteria for Approval**

The approval authority shall find that the following standards are met:

(A) A Type C home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building on a parcel by a business operator is subordinate to the residential use of the premises and complies with the following:

~~(E)~~(1) The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and signage. No outdoor storage, business activities or displays shall occur outside of an enclosed building.

(2) Type C home occupation shall not exceed 35 percent of the gross floor area of the dwelling, attached garage and an accessory building, or 1,500 sq. ft, whichever is less.

~~(B)~~(3) The home occupation ~~does~~shall not employ more than ~~5~~five employees.

~~(D)~~(4) No more than a total of 40 vehicle trips per day by customers of the home occupation, delivery service providers serving the home occupation and employees may be authorized through the conditional use process. No deliveries or pick-ups other than those normally associated with a single family dwelling and the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries or pick-ups shall occur on the premises only. The road serving the tract may not be used for loading or unloading purposes.

~~(C)~~(5) In addition to the required residential parking, the site premises has on-site parking as per pursuant to MCC 33.4100–33.4215 to accommodate the total number of employees and customers proposed to be on the premises at any one time. No use, parking or storing on the premises of any vehicle in excess of a gross vehicle weight of 11,000 pounds.

~~(F) No signage (including temporary signage and those exempted under MCC 33.7420) with the exception of those required under the applicable street naming and property numbering provisions in Multnomah County Code.~~

(6) Notwithstanding MCC 33.7400–33.7505, only one sign shall be permitted for the home occupation. The sign may be freestanding or a fascia sign.

(a) The sign shall be a maximum of eight square feet;

(b) A freestanding sign shall not exceed six feet in height;

(c) A fascia sign shall be placed on the building used for the business and shall not exceed the height of the first floor;

(d) The sign shall face the access point to the property. A freestanding sign shall not be placed within the vision clearance area;

(e) Indirect lighting of the sign may occur only during the hours the business is operating.

~~(G)~~ (7) No The combination of all uses on the premises associated with the home occupation will not generate noise above 50 dBA (decibels adjusted) at the property lines between 7 a.m. and 6 p.m. daily. During all other hours, the home occupation shall not create noise detectable at the property line. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.

~~(I)~~ The application has been noticed to and reviewed by the Small Business Section of the Department of Environmental Quality.

(8) The use shall not generate vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

~~(H)~~ (9) No repair or assembly of any motor or motorized vehicles or motors. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws.

~~(K)~~ (10) No building or structure is proposed to be constructed or modified in a manner that would not otherwise be allowed in the zoning district. Buildings or structures used as part of the home occupation shall not have or require a building code occupancy rating other than R-3 or U as determined by the building official.

(11) In the EFU, CFU-1, CFU-2 and CFU-5 zone districts, the home occupation will not unreasonably interfere with other uses permitted in the general district.

~~(A)~~ (12) The standards found approval criteria listed in MCC 33.6315.

~~(J)~~ (B) Each approval issued by a hearings officer shall be specific for the particular home occupation and reference the business operator, number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

(C) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of a Type C home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type C home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type C home occupation terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized premises.

(D) Existing Type C Home Occupations that were approved prior to August 18, 2012, which complied with all provisions of their permit, may continue provided any alteration, expansion or establishment of a new home occupation shall be subject to the above home occupation regulations. The adoption of this ordinance is not intended to make these existing businesses non-conforming and proposals for alteration, expansion or replacement of the Type C home occupation shall be pursuant to this ordinance.

### **34.6660 Criteria for Approval**

~~The approval authority shall find that the following standards are met:~~

(A) A Type C home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building on a parcel by a business operator is subordinate to the residential use of the premises and complies with the following:

~~(E)~~(1) The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and signage. No outdoor storage, business activities or displays shall occur outside of an enclosed building.

(2) Type C home occupation shall not exceed 35 percent of the gross floor area of the dwelling, attached garage and an accessory building, or 1,500 sq. ft, whichever is less.

~~(B)~~(3) The home occupation does shall not employ more than 5-five employees.

~~(D)~~(4) No more than a total of 40 vehicle trips per day by customers of the home occupation, delivery service providers serving the home occupation and employees may be authorized through the conditional use process. No deliveries or pick-ups other than those normally associated with a single family dwelling and the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries or pick-ups shall occur on the premises only. The road serving the tract may not be used for loading or unloading purposes.

~~(C)~~(5) In addition to the required residential parking, tThe site premises has on-site parking as per pursuant to MCC 34.4100–34.4215 to accommodate the total number of employees and customers proposed to be on the premises at any one time. No use, parking or storing on the premises of any vehicle in excess of a gross vehicle weight of 11,000 pounds.

~~(F) No signage (including temporary signage and those exempted under MCC 34.7420) with the exception of those required under the applicable street naming and property numbering provisions in Multnomah County Code.~~

(6) Notwithstanding MCC 34.7400–34.7505, only one sign shall be permitted for the home occupation. The sign may be freestanding or a fascia sign.

(a) The sign shall be a maximum of eight square feet;

(b) A freestanding sign shall not exceed six feet in height;

(c) A fascia sign shall be placed on the building used for the business and shall not exceed the height of the first floor;

(d) The sign shall face the access point to the property. A freestanding sign shall not be placed within the vision clearance area;

(e) Indirect lighting of the sign may occur only during the hours the business is operating.

~~(G)~~(7) NoThe combination of all uses on the premises associated with the home occupation will not generate noise above 50 dBA (decibels adjusted) at the property lines between 7 a.m. and 6 p.m. daily. During all other hours, the home occupation shall not create noise detectable at the property line. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.

~~(I) the application has been noticed to and reviewed by the Small Business Section of the Department of Environmental Quality.~~

(8) The use shall not generate vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

~~(H)~~(9) No repair or assembly of any motor or motorized vehicles or motors. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws.

~~(K)~~(10) No building or structure is proposed to be constructed or modified in a manner that would not otherwise be allowed in the zoning district. Buildings or structures used as part of the home occupation shall not have or require a building code occupancy rating other than R-3 or U as determined by the building official.

(11) In the EFU zone district, the home occupation will not unreasonably interfere with other uses permitted in the general district.

~~(A)~~(12) The standards found approval criteria listed in MCC 34.6315.

~~(J)~~(B) Each approval issued by a hearings officer shall be specific for the particular home occupation and reference the business operator, number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

(C) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of a Type C home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type C home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type C home occupation terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized premises.

(D) Existing Type C Home Occupations that were approved prior to August 18, 2012, which complied with all provisions of their permit, may continue provided any alteration, expansion or establishment of a new home occupation shall be subject to the above home occupation regulations. The adoption of this ordinance is not intended to make these existing businesses non-conforming and proposals for alteration, expansion or replacement of the Type C home occupation shall be pursuant to this ordinance.

### 35.6660 Criteria for Approval

The approval authority shall find the following standards are met:

(A) A Type C home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building on a parcel by a business operator is subordinate to the residential use of the premises and complies with the following:

~~(E)~~(1) The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and signage. No outdoor storage, business activities or displays shall occur outside of an enclosed building.

(2) Type C home occupation shall not exceed 35 percent of the gross floor area of the dwelling, attached garage and an accessory building, or 1,500 sq. ft, whichever is less.

~~(B)~~(3) The home occupation does shall not employ more than 5-five employees.

~~(D)~~(4) No more than a total of 40 vehicle trips per day by customers of the home occupation, delivery service providers serving the home occupation and employees may be authorized through the conditional use process. No deliveries or pick-ups other than those normally associated with a single family dwelling and the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries or pick-ups shall



occur on the premises only. The road serving the tract may not be used for loading or unloading purposes.

~~(C)~~(5) In addition to the required residential parking, the site premises has on-site parking as per pursuant to MCC 35.4100–35.4215 to accommodate the total number of employees and customers proposed to be on the premises at any one time. No use, parking or storing on the premises of any vehicle in excess of a gross vehicle weight of 11,000 pounds.

~~(F) No signage (including temporary signage and those exempted under MCC 35.7420) with the exception of those required under the applicable street naming and property numbering provisions in Multnomah County Code.~~

(6) Notwithstanding MCC 35.7400–35.7505, only one sign shall be permitted for the home occupation. The sign may be freestanding or a fascia sign.

(a) The sign shall be a maximum of eight square feet;

(b) A freestanding sign shall not exceed six feet in height;

(c) A fascia sign shall be placed on the building used for the business and shall not exceed the height of the first floor;

(d) The sign shall face the access point to the property. A freestanding sign shall not be placed within the vision clearance area;

(e) Indirect lighting of the sign may occur only during the hours the business is operating.

~~(G)~~(7) No~~The combination of all uses on the premises associated with the home occupation will not generate noise above 50 dBA (decibels adjusted) at the property lines between 7 a.m. and 6 p.m. daily. During all other hours, the home occupation shall not create noise detectable at the property line. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.~~

~~(I) The application has been noticed to and reviewed by the Small Business Section of the Department Environmental Quality.~~

(8) The use shall not generate vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

~~(H)~~(9) No repair or assembly of any motor or motorized vehicles or motors. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws.

~~(K)~~(10) No building or structure is proposed to be constructed or modified in a manner that would not otherwise be allowed in the zoning district. Buildings or structures used as part of the home occupation shall not have or require a building code occupancy rating other than R-3 or U as determined by the building official.

(11) In the EFU, CFU-3 and CFU-4 zone districts, the home occupation will not unreasonably interfere with other uses permitted in the general district.

~~(A)(12)~~ The ~~standards found approval criteria listed~~ in MCC 35.6315.

~~(B)~~ Each approval issued by a hearings officer shall be specific for the particular home occupation and reference the business operator, number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

(C) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of a Type C home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type C home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type C home occupation terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized premises.

(D) Existing Type C Home Occupations that were approved prior to August 18, 2012, which complied with all provisions of their permit, may continue provided any alteration, expansion or establishment of a new home occupation shall be subject to the above home occupation regulations. The adoption of this ordinance is not intended to make these existing businesses non-conforming and proposals for alteration, expansion or replacement of the Type C home occupation shall be pursuant to this ordinance.

### 36.6660 Criteria for Approval.

The approval authority shall find that the following standards are met:

(A) A Type C home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building on a parcel by a business operator is subordinate to the residential use of the premises and complies with the following:

~~(E)(1)~~ The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and signage. No outdoor storage, business activities or displays shall occur outside of an enclosed building.

(2) Type C home occupation shall not exceed 35 percent of the gross floor area of the dwelling, attached garage and an accessory building, or 1,500 sq. ft, whichever is less.

~~(B)(3)~~ The home occupation ~~does~~shall not employ more than ~~5~~five employees.

~~(D)(4)~~ No more than a total of 40 vehicle trips per day by customers of the home occupation, delivery service providers serving the home occupation and employees may be authorized through the conditional use process. No deliveries or pick-ups other than those normally associated with a single family dwelling and the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries or pick-ups shall occur on the premises only. The road serving the tract may not be used for loading or unloading purposes.

~~(C)(5)~~ In addition to the required residential parking, ~~t~~The site premises has on-site parking as per pursuant to MCC 36.4100–36.4215 to accommodate the total number of employees and customers proposed to be on the premises at any one time. No use, parking or storing on the premises of any vehicle in excess of a gross vehicle weight of 11,000 pounds.

~~(F)~~ No signage (including temporary signage and those exempted under MCC 36.7420) with the exception of those required under the applicable street naming and property numbering provisions in Multnomah County Code.

(6) Notwithstanding MCC 36.7400–36.7505, only one sign shall be permitted for the home occupation. The sign may be freestanding or a fascia sign.

(a) The sign shall be a maximum of eight square feet;

(b) A freestanding sign shall not exceed six feet in height;

(c) A fascia sign shall be placed on the building used for the business and shall not exceed the height of the first floor;

(d) The sign shall face the access point to the property. A freestanding sign shall not be placed within the vision clearance area;

(e) Indirect lighting of the sign may occur only during the hours the business is operating.

~~(G)(7) No~~The combination of all uses on the premises associated with the home occupation will not generate noise above 50 dBA (decibels adjusted) at the property lines between 7 a.m. and 6 p.m. daily. During all other hours, the home occupation shall not create noise detectable at the property line. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.

~~(I) The application has been noticed to and reviewed by the Small Business Section of the Department of Environmental Quality.~~

(8) The use shall not generate vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

~~(H)(9) No repair or assembly of any motor or motorized vehicles or motors. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws.~~

~~(K)(10) No building or structure is proposed to be constructed or modified in a manner that would not otherwise be allowed in the zoning district. Buildings or structures used as part of the home occupation shall not have or require a building code occupancy rating other than R-3 or U as determined by the building official.~~

(11) In the EFU and CFU zone districts, the home occupation will not unreasonably interfere with other uses permitted in the general district.

~~(A)(12) The standards found~~approval criteria listed in MCC 36.6315.

~~(J)(B) Each approval issued by a hearings officer shall be specific for the particular home occupation and reference the business operator, number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.~~

(C) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of a Type C home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type C home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type C home occupation terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized premises.

(D) Existing Type C Home Occupations that were approved prior to August 18, 2012, which complied with all provisions of their permit, may continue provided any alteration, expansion or establishment of a new

home occupation shall be subject to the above home occupation regulations. The adoption of this ordinance is not intended to make these existing businesses non-conforming and proposals for alteration, expansion or replacement of the Type C home occupation shall be pursuant to this ordinance.

### **11.15.7465 Criteria for Approval**

The approval authority shall find that the following standards are met:

(A) A Type C home occupation is a lawful commercial activity that is conducted in a dwelling or accessory building on a parcel by a business operator is subordinate to the residential use of the premises and complies with the following:

~~E.~~(1) The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and signage. No outdoor storage, business activities or displays shall occur outside of an enclosed building.

(2) Type C home occupation shall not exceed 35 percent of the gross floor area of the dwelling, attached garage and an accessory building, or 1,500 sq. ft, whichever is less.

~~B.~~(3) The home occupation ~~does~~shall not employ more than ~~5~~five employees.

~~D.~~(4) No more than a total of 40 vehicle trips per day by customers of the home occupation, delivery service providers serving the home occupation and employees may be authorized through the conditional use process. No deliveries or pick-ups other than those normally associated with a single family dwelling and the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries or pick-ups shall occur on the premises only. The road serving the tract may not be used for loading or unloading purposes.

~~E.~~(5) In addition to the required residential parking, ~~t~~the site premises has on-site parking as per pursuant to MCC 11.15.6100-11.15.6148 to accommodate the total number of employees and customers proposed to be on the premises at any one time. No use, parking or storing on the premises of any vehicle in excess of a gross vehicle weight of 11,000 pounds.

~~F.~~No signage (including temporary signage and those exempted under MCC 11.15.7912) with the exception of those required under the applicable street naming and property numbering provisions in Multnomah Count Code.

(6) Notwithstanding MCC 11.15.7902-11.15.7982, only one sign shall be permitted for the home occupation. The sign may be freestanding or a fascia sign.

(a) The sign shall be a maximum of eight square feet;

(b) A freestanding sign shall not exceed six feet in height;

(c) A fascia sign shall be placed on the building used for the business and shall not exceed the height of the first floor;

(d) The sign shall face the access point to the property. A freestanding sign shall not be placed within the vision clearance area;

(e) Indirect lighting of the sign may occur only during the hours the business is operating.

~~G.~~(7) No~~The combination of all uses on the premises associated with the home occupation will not generate noise above 50 dbadB(A) (decibels adjusted) at the property lines between 7 a.m. and 6 p.m. daily. During all other hours, the home occupation shall not create noise detectable at the property line. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.~~

~~(f) The application has been noticed to and reviewed by the Small Business Section of the Department of Environmental Quality.~~

(8) The use shall not generate vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not. All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

~~H.~~(9) No repair or assembly of any motor or motorized vehicles or motors. A motorized vehicle includes any vehicle or equipment with an engine including automobiles, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, and chain saws.

(10) No building or structure is proposed to be constructed or modified in a manner that would not otherwise be allowed in the zoning district. Buildings or structures used as part of the home occupation shall not have or require a building code occupancy rating other than R-3 or U as determined by the building official.

(11) In the EFU and CFU zone districts, the home occupation will not unreasonably interfere with other uses permitted in the general district.

~~A.~~(12) The standards found approval criteria listed in MCC 11.15.7120.

~~J.-B.~~ Each approval issued by a hearings officer shall be specific for the particular home occupation and reference the business operator, number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

C. Notwithstanding the transfer of approval rights in MCC 37.0770, approval of a Type C home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type C home occupation is personal to the business operator and specific to the authorized premises. Approval of a Type C home occupation terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized premises.

D. Existing Type C Home Occupations that were approved prior to August 18, 2012, which complied with all provisions of their permit, may continue provided any alteration, expansion or establishment of a new home occupation shall be subject to the above home occupation regulations. The adoption of this ordinance is not intended to make these existing businesses non-conforming and proposals for alteration, expansion or replacement of the Type C home occupation shall be pursuant to this ordinance.

**Section 8.** MCC 33.6665, 34.6665, 35.6665, 36.6665, and 11.15.7470 are added as follows:

### **33.6665 Type C Home Occupation Renewal**

(A) The home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type C home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The Type C home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The home occupation may be renewed an unlimited number of times.

(3) To obtain a renewal of the home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before its expiration date, the business operator may continue the home occupation pending the County's final decision on the renewal request.

(4) A Type C home occupation renewal shall be processed pursuant to the Type II approval process in MCC 37.0530.

(B) The Planning Director may consider minor modifications to the Hearings Officer's description required by MCC 33.6660(B) and the conditions of approval if requested by the business operator as part of a Type C home occupation renewal application. A minor modification may be approved if it:

(1) Is consistent with the prior approval.

(2) Is consistent with MCC 33.6660(A).

(3) Does not increase the intensity of use of the premises.

#### **34.6665 Type C Home Occupation Renewal**

(A) The home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type C home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The Type C home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The home occupation may be renewed an unlimited number of times.

(3) To obtain a renewal of the home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before its expiration date, the business operator may continue the home occupation pending the County's final decision on the renewal request.

(4) A Type C home occupation renewal shall be processed pursuant to the Type II approval process in MCC 37.0530.

(B) The Planning Director may consider minor modifications to the Hearings Officer's description required by MCC 34.6660(B) and the conditions of approval if requested by the business operator as part of a Type C home occupation renewal application. A minor modification may be approved if it:

(1) Is consistent with the prior approval.

(2) Is consistent with MCC 34.6660(A).

(3) Does not increase the intensity of use of the premises.

### **35.6665 Type C Home Occupation Renewal**

(A) The home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type C home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The Type C home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The home occupation may be renewed an unlimited number of times.

(3) To obtain a renewal of the home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before its expiration date, the business operator may continue the home occupation pending the County's final decision on the renewal request.

(4) A Type C home occupation renewal shall be processed pursuant to the Type II approval process in MCC 37.0530.

(B) The Planning Director may consider minor modifications to the Hearings Officer's description required by MCC 35.6660(B) and the conditions of approval if requested by the business operator as part of a Type C home occupation renewal application. A minor modification may be approved if it:

(1) Is consistent with the prior approval.

(2) Is consistent with MCC 35.6660(A).

(3) Does not increase the intensity of use of the premises.

### **36.6665 Type C Home Occupation Renewal**

(A) The home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type C home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The Type C home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The home occupation may be renewed an unlimited number of times.

(3) To obtain a renewal of the home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before its expiration date, the business operator may continue the home occupation pending the County's final decision on the renewal request.

(4) A Type C home occupation renewal shall be processed pursuant to the Type II approval process in MCC 37.0530.

(B) The Planning Director may consider minor modifications to the Hearings Officer's description required by MCC 36.6660(B) and the conditions of approval if requested by the business operator as part of a Type C home occupation renewal application. A minor modification may be approved if it:

(1) Is consistent with the prior approval.

(2) Is consistent with MCC 36.6660(A).

(3) Does not increase the intensity of use of the premises.

### **11.15.7470 Type C Home Occupation Renewal**

A. The home occupation may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the Type C home occupation from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

1. The Type C home occupation has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

2. Each renewal period shall be for a three year period from the last expiration date. The home occupation may be renewed an unlimited number of times.

3. To obtain a renewal of the home occupation, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before its expiration date, the business operator may continue the home occupation pending the County's final decision on the renewal request.

4. A Type C home occupation renewal shall be processed pursuant to the Type II approval process in MCC 37.0530.

B. The Planning Director may consider minor modifications to the Hearings Officer's description required by MCC 11.15.7465(B) and the conditions of approval if requested by the business operator as part of a Type C home occupation renewal application. A minor modification may be approved if it:

1. Is consistent with the prior approval.

2. Is consistent with MCC 11.15.7465(A).

3. Does not increase the intensity of use of the premises.

**Section 9.** MCC 33.2020, 33.2220, 33.2420, 35.2020, 35.2220, 36.2020, and 11.15.2054 are amended as follows:

**33.2020 Allowed Uses**

**33.2220 Allowed Uses**

**33.2420 Allowed Uses**

\* \* \* \* \*



(S) Type A home occupations pursuant to ~~MCC 33.0540~~ the definition and restrictions of MCC 33.0005 and 33.2045. Home occupations as defined by MCC 33.0005 do not allow the level of activity defined in ORS 215.448.

\* \* \* \* \*

**35.2020 Allowed Uses**

**35.2220 Allowed Uses**

\* \* \* \* \*

(S) Type A home occupations pursuant to ~~MCC 35.0540~~ the definition and restrictions of MCC 35.0005 and 35.2045. Home occupations as defined by MCC 35.0005 do not allow the level of activity defined in ORS 215.448.

\* \* \* \* \*

**36.2020 Allowed Uses.**

\* \* \* \* \*

(S) Type A home occupations pursuant to ~~MCC 36.0540~~ the definition and restrictions of MCC 36.0005 and 36.2045. Home occupations as defined by MCC 36.0005 do not allow the level of activity defined in ORS 215.448.

\* \* \* \* \*

**11.15.2054 Accessory Uses**

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

- A. Signs, pursuant to the provisions of MCC 11.15.7902-.7982;
- B. Off-street parking and loading as required by MCC .6100 through .6148;
- C. Type A home occupations pursuant to ~~11.15.8730~~ the definition and restrictions of MCC .0010. and .2053. Home occupations as defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and
- D. Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

**Section 10.** MCC 33.2620, 34.2620, 35.2620, and 36.2620 are amended as follows:

**33.2620 Allowed Uses**

\* \* \* \* \*

(Q) Type A home occupation pursuant to ~~MCC 33.0540~~ the definition and restrictions of MCC 33.0005. Home occupations as defined by MCC 33.0005 do not allow the level of activity defined in ORS 215.448.

\* \* \* \* \*

**34.2620 Allowed Uses**

\* \* \* \* \*

(Q) Type A home occupation pursuant to ~~MCC 34.0540~~ the definition and restrictions of MCC 34.0005. Home occupations as defined by MCC 34.0005 do not allow the level of activity defined in ORS 215.448.

\* \* \* \* \*

**35.2620 Allowed Uses**

\* \* \* \* \*

(Q) Type A home occupation pursuant to ~~MCC 35.0540~~ the definition and restrictions of MCC 35.0005.  
~~Home occupations as defined by MCC 35.0005 do not allow the level of activity defined in ORS 215.448.~~  
\* \* \* \* \*

**36.2620 Allowed Uses.**

\* \* \* \* \*  
(Q) Type A home occupation pursuant to ~~MCC 36.0540~~ the definition and restrictions of MCC 36.0005.  
~~Home occupations as defined by MCC 36.0005 do not allow the level of activity defined in ORS 215.448.~~  
\* \* \* \* \*

**Section 11.** MCC 33.2820, 34.2820, 35.2820 and 36.2820 are amended as follows:

**33.2820 Allowed Uses**

\* \* \* \* \*  
(E) Type A home occupations pursuant to ~~MCC 33.0540~~ the definition and restrictions of MCC 33.0005.  
\* \* \* \* \*

**34.2820 Allowed Uses**

\* \* \* \* \*  
(E) Type A home occupations pursuant to ~~MCC 34.0540~~ the definition and restrictions of MCC 34.0005.  
\* \* \* \* \*

**35.2820 Allowed Uses**

\* \* \* \* \*  
(E) Type A home occupations pursuant to ~~MCC 35.0540~~ the definition and restrictions of MCC 35.0005.  
\* \* \* \* \*

**36.2820 Allowed Uses.**

\* \* \* \* \*  
(E) Type A home occupations pursuant to ~~MCC 36.0540~~ the definition and restrictions of MCC 36.0005.  
\* \* \* \* \*

**Section 12.** MCC 33.3120, 34.3120, 35.3120, 36.3120, and 11.15.2214 are amended as follows:

**33.3120 Allowed Uses**

\* \* \* \* \*  
(E) Type A home occupations pursuant to ~~MCC 33.0540~~ the definition and restrictions of MCC 33.0005.  
\* \* \* \* \*

**34.3120 Allowed Uses**

\* \* \* \* \*  
(E) Type A home occupations pursuant to ~~MCC 34.0540~~ the definition and restrictions of MCC 34.0005.  
\* \* \* \* \*

**35.3120 Allowed Uses**

\* \* \* \* \*  
(E) Type A home occupations pursuant to ~~MCC 35.0540~~ the definition and restrictions of MCC 35.0005.  
\* \* \* \* \*

**36.3120 Allowed Uses.**

\* \* \* \* \*  
(F) Type A home occupations pursuant to ~~the definition and restrictions of MCC 36.0540~~0005.

\* \* \* \* \*

#### **11.15.2214 Accessory Uses**

- A. Signs, pursuant to the provisions of MCC 11.15.7902-.7982.
- B. Off-street parking and loading;
- C. Type A home occupations pursuant to MCC 11.15.8730~~the definition and restrictions of MCC 11.15.0010;~~ and
- D. Other structures or uses customarily accessory or incidental to any use permitted or approved in this district; and
- E. Family Day Care.

**Section 13.** MCC 33.3320, 34.3320, 35.3320, 36.3320, 36.3420, and 36.3520 are amended as follows:

#### **33.3320 Allowed Uses**

\* \* \* \* \*

- (E) Type A home occupations pursuant to MCC 33.0540~~the definition and restrictions of MCC 33.0005.~~

\* \* \* \* \*

#### **34.3320 Allowed Uses**

\* \* \* \* \*

- (E) Type A home occupations pursuant to MCC 34.0540~~the definition and restrictions of MCC 34.0005.~~

\* \* \* \* \*

#### **35.3320 Allowed Uses**

\* \* \* \* \*

- (E) Type A home occupations pursuant to MCC 35.0540~~the definition and restrictions of MCC 35.0005.~~

\* \* \* \* \*

#### **36.3320 Allowed Uses**

\* \* \* \* \*

- (E) Type A home occupations pursuant to MCC 36.0540~~the definition and restrictions of MCC 36.0005.~~

\* \* \* \* \*

#### **36.3420 Allowed Uses.**

\* \* \* \* \*

- (E) Type A home occupations pursuant to MCC 36.0540~~the definition and restrictions of MCC 36.0005.~~

\* \* \* \* \*

#### **36.3520 Allowed Uses.**

\* \* \* \* \*

- (E) Type A home occupations pursuant to MCC 36.0540~~the definition and restrictions of MCC 36.0005.~~

\* \* \* \* \*

**Section 14.** MCC 11.15.2566 and 11.15.2606 are amended as follows:

#### **11.15.2566 Primary Uses**

- A. Single family detached dwelling.

For the purposes of this Section, more than one single family detached dwelling may be located on a lot provided that all of the applicable dimensional requirements of this district are met for each such dwelling and its accessory uses.

- B. Public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources.
- C. Actions taken in response to an emergency/disaster event as defined in MCC 11.15.0010 pursuant to the provisions of MCC 11.15.2282. *[Added 2000, Ord. 947 § 1]*
- D. Type A home occupation pursuant to MCC 11.15.8730.

#### **11.15.2606 Primary Uses**

- A. Single family detached dwelling.

For the purposes of this Section, more than one single family detached dwelling may be located on a lot provided that all of the applicable dimensional requirements of this district are met for each such dwelling and its accessory uses.

- B. Public and private conservation areas and structures for the protection of water, soil, open-space, forest and wildlife resources.
- C. Actions taken in response to an emergency/disaster event as defined in MCC 11.15.0010 pursuant to the provisions of MCC 11.15.2282.
- D. Type A home occupation pursuant to MCC 11.15.8730.

**Section 15.** MCC 33.2025, 33.2225, 33.2425, 33.2625, 33.2825, 33.3125, 33.3325, 34.2625, 34.2825, 34.3125, 34.3325, 35.2025, 35.2225, 35.2625, 35.2825, 35.3125, 35.3325, 36.2025, 36.2625, 36.2825, 36.3125, 36.3425, 36.3325, 36.3525, 11.15.2210, 11.15.2568, and 11.15.2608 are amended as follows:

#### **33.2025 Review Uses**

\* \* \* \* \*

(M) A Type B home occupation when approved pursuant to MCC 33.0550.

#### **36.2025 Review Uses.**

\* \* \* \* \*

(M) A Type B home occupation when approved pursuant to MCC 36.0550.

#### **33.2225 Review Uses**

\* \* \* \* \*

(M) A Type B home occupation when approved pursuant to MCC 33.0550.

#### **35.2225 Review Uses**

\* \* \* \* \*

(M) A Type B home occupation when approved pursuant to MCC 35.0550.

#### **33.2425 Review Uses**

\* \* \* \* \*

(M) A Type B home occupation when approved pursuant to MCC 33.0550.

#### **35.2025 Review Uses**

\* \* \* \* \*

(L) A Type B home occupation when approved pursuant to MCC 35.0550.

#### **11.15.2049 Uses Permitted Under Prescribed Conditions**

\* \* \* \* \*

D. A Type B home occupation when approved pursuant to MCC 11.15.8735.

**33.2625 Review Uses**

\* \* \* \* \*

(R) A Type B home occupation when approved pursuant to MCC 33.0550.

**34.2625 Review Uses**

\* \* \* \* \*

(R) A Type B home occupation when approved pursuant to MCC 34.0550.

**35.2625 Review Uses**

\* \* \* \* \*

(R) A Type B home occupation when approved pursuant to MCC 35.0550.

**36.2625 Review Uses.**

\* \* \* \* \*

(S) A Type B home occupation when approved pursuant to MCC 36.0550.

**33.2825 Review Uses**

\* \* \* \* \*

(K) A Type B home occupation when approved pursuant to MCC 33.0550.

**34.2825 Review Uses**

\* \* \* \* \*

(K) A Type B home occupation when approved pursuant to MCC 34.0550.

**35.2825 Review Uses**

\* \* \* \* \*

(K) A Type B home occupation when approved pursuant to MCC 35.0550.

**36.2825 Review Uses.**

\* \* \* \* \*

(J) A Type B home occupation when approved pursuant to MCC 36.0550.

**33.3125 Review Uses**

\* \* \* \* \*

(K) A Type B home occupation when approved pursuant to MCC 33.0550.

**34.3125 Review Uses**

\* \* \* \* \*

(K) A Type B home occupation when approved pursuant to MCC 34.0550.

**35.3125 Review Uses**

\* \* \* \* \*

(K) A Type B home occupation when approved pursuant to MCC 35.0550.

**36.3125 Review Uses.**

\* \* \* \* \*

(J) A Type B home occupation when approved pursuant to MCC 36.0550.

**11.15.2210 Uses Permitted Under Prescribed Conditions**

\* \* \* \* \*

E. A Type B home occupation when approved pursuant to MCC 11.15.8735.

**33.3325 Review Uses**

\* \* \* \* \*

(J) A Type B home occupation when approved pursuant to MCC 33.0550.

**35.3325 Review Uses**

\* \* \* \* \*

(J) A Type B home occupation when approved pursuant to MCC 35.0550

**34.3325 Review Uses**

\* \* \* \* \*

(K) A Type B home occupation when approved pursuant to MCC 34.0550.

**36.3325 Review Uses.**

\* \* \* \* \*

(K) A Type B home occupation when approved pursuant to MCC 36.0550

(L) Type C home occupation as provided for in MCC 36.6655 through 36.6660 and subject to Design Review.

**36.3425 Review Uses.**

Uses listed in this section may be permitted after required review as Type II decisions pursuant to MCC 37.0510 through 37.0800.

\* \* \* \* \*

(D) Type B home occupation as provided for in MCC 36.6650 through 36.6660 pursuant to MCC 36.0550.

\* \* \* \* \*

(J) Type C home occupation pursuant to MCC 36.6655 through 36.6660 and subject to Design Review.

**11.15.2568 Uses Permitted Under Prescribed Conditions**

The uses permitted subject to prescribed conditions for each use are:

\* \* \* \* \*

F. Type B Hhome occupations, as defined in pursuant to MCC 11.15.8735-0010.

\* \* \* \* \*

**11.15.2608 Uses Permitted Under Prescribed Conditions**

The uses permitted subject to prescribed conditions for each use are:

\* \* \* \* \*

H. Type B Hhome occupations, as defined in pursuant to MCC 11.15.8735-0010. [Renumbered 1983, Ord. 402 § 4]

\* \* \* \* \*

**Section 16.** MCC 33.2030, 33.2230, 33.2430, 35.2030, 35.2230, 36.2030 and 11.15.2050 are amended as follows:

**33.2030 Conditional Uses**

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

\* \* \* \* \*

(C) Type ~~B-C~~ home occupations pursuant to all applicable approval criteria, including but not limited to MCC 33.6655~~0~~ through 33.6665~~0~~, and provided:

- ~~(1) That no sale of merchandise is made from the premise;~~
- ~~(2) That noise, odor, smoke, gasses, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~
- ~~(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~
- ~~-~~
- ~~(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU 1-zoning district.~~

### 33.2230 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

\* \* \* \* \*

(C) Type ~~B-C~~ home occupation pursuant to all applicable approval criteria, including but not limited to MCC 33.6655~~0~~ through 33.6665~~0~~, and provided:

- ~~(1) That no sale of merchandise is made from the premise;~~
- ~~(2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~
- ~~(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~
- ~~-~~
- ~~(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU 2-zoning district.~~

### 33.2430 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

\* \* \* \* \*

(C) Type ~~B-C~~ home occupation pursuant to all applicable approval criteria, including but not limited to MCC 33.6655~~0~~ through 33.6665~~0~~ and provided:

- ~~(1) That no sale of merchandise is made from the premise;~~
- ~~(2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~
- ~~(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~

~~(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU 5 zoning district.~~

### 35.2030 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

\* \* \* \* \*

(C) Type ~~B-C~~ home occupations pursuant to all applicable approval criteria, including but not limited to MCC 35.6655~~0~~ through 35.6665~~0~~, and provided:

~~(1) That no sale of merchandise is made from the premise;~~

~~(2) That noise, odor smoke, gasses, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~

~~(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~

-

~~(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU 3 zoning district.~~

### 35.2230 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

\* \* \* \* \*

(C) Type ~~B-C~~ home occupation pursuant to all applicable approval criteria, including but not limited to MCC 35.6655~~0~~ through 35.6665~~0~~ and provided:

~~(1) That no sale of merchandise is made from the premise;~~

~~(2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~

~~(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~

-

~~(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU 4 zoning district.~~

### 36.2030 Conditional Uses.

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

\* \* \* \* \*

(C) Type ~~B-C~~ home occupations pursuant to all applicable approval criteria, including but not limited to MCC 36.6655~~0~~ through 36.6665~~0~~ and provided:

~~(1) That no sale of merchandise is made from the premise;~~

~~(2) That noise, odor smoke, gasses, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~



~~(3) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~

~~-~~

~~(4) That the home occupation will not unreasonably interfere with other uses permitted in the CFU zoning district.~~

### 11.15.2050 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

\* \* \* \* \*

E. Type ~~B-C~~ home occupation pursuant to MCC 11.15.7455 through ~~.11.15.7465~~ and provided:

~~1. That no sale of merchandise is made from the premise; and~~

~~2. That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line.~~

**Section 17.** MCC 33.2630, 34.2630, 35.2630 and 36.2630 are amended as follows:

### 33.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC 33.6300 to 33.6335:

\* \* \* \* \*

(F) Type ~~B-C~~ home occupation as provided for in MCC 33.6655 ~~through 33.6665.~~ and provided:

~~(1) That no sale of merchandise is made from the premise;~~

~~(2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~

~~(3) That a home occupation located on high value farmland may employ only residents of the home;~~

~~-~~

~~(4) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~

~~-~~

~~(5) That the home occupation will not unreasonably interfere with other uses permitted in the EFU zoning district.~~

\* \* \* \* \*

### 34.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC 34.6300 to 34.6335:

\* \* \* \* \*

(F) Type ~~B-C~~ home occupation as provided for in MCC 34.6655 ~~through 34.6665.~~ and provided:

~~(1) That no sale of merchandise is made from the premise;~~

~~(2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~

~~(3) That a home occupation located on high value farmland may employ only residents of the home;~~

~~-~~

~~(4) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~

~~-~~

~~(5) That the home occupation will not unreasonably interfere with other uses permitted in the EFU zoning district.~~

\* \* \* \* \*

### 35.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC 35.6300 to 35.6335:

\* \* \* \* \*

(F) Type ~~B-C~~ home occupation as provided for in MCC 35.6650-6655 through 35.6665. and provided:

~~(1) That no sale of merchandise is made from the premise;~~

~~(2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~

~~(3) That a home occupation located on high value farmland may employ only residents of the home;~~

~~-~~

~~(4) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~

~~-~~

~~(5) That the home occupation will not unreasonably interfere with other uses permitted in the EFU zoning district.~~

\* \* \* \* \*

### 36.2630 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable provisions in MCC 36.6300 to 36.6335 or the criteria listed for the use:

\* \* \* \* \*

(D) Type ~~B-C~~ home occupation as provided for in MCC 36.6650 through 36.6665. and provided:

~~(1) That no sale of merchandise is made from the premise;~~

~~(2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line;~~

~~(3) That a home occupation located on high value farmland may employ only residents of the home;~~

~~-~~

~~(4) That the home occupation is operated substantially in the dwelling or other buildings normally associated with uses permitted in the zoning district; and~~

~~-~~

~~(5) That the home occupation will not unreasonably interfere with other uses permitted in the EFU zoning district.~~

\* \* \* \* \*

**Section 18.** MCC 33.2830, 34.2830, 35.2830 and 36.2830 are amended as follows:

**33.2830 Conditional Uses**

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

\* \* \* \* \*

(D) Type ~~B-C~~ home occupation as provided for in MCC 33.665~~50~~ through 33.666~~50~~.

(E) Large Fills as provided for in MCC 33.6700 through 33.6720.

**34.2830 Conditional Uses**

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

\* \* \* \* \*

(D) Type ~~B-C~~ home occupation as provided for in MCC 34.665~~50~~ through 34.666~~50~~.

(E) Large Fills as provided for in MCC 34.6700. through 34.6720.

**35.2830 Conditional Uses**

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

\* \* \* \* \*

(D) Type ~~B-C~~ home occupation as provided for in MCC 35.665~~50~~ through 35.666~~50~~.

(E) Large Fills as provided for in MCC 35.6700 through 35.6720.

**36.2830 Conditional Uses.**

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

\* \* \* \* \*

(D) Type ~~B-C~~ home occupation as provided for in MCC 36.665~~50~~ through 36.666~~50~~.

(E) Large Fills as provided for in MCC 36.6700 through 36.6720.

**Section 19.** MCC 33.3130, 34.3130, 35.3130, 36.3130 and 11.15.2212 are amended as follows:

**33.3130 Conditional Uses**

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

\* \* \* \* \*

(C) Type ~~B-C~~ home occupation as provided for in MCC 33.665~~50~~ through 33.666~~50~~.

(D) Large Fills as provided for in MCC 33.6700 through 33.6720.

**34.3130 Conditional Uses**

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

\* \* \* \* \*

(C) Type ~~B-C~~ home occupation as provided for in MCC 34.66550 through 34.66650.

(D) Large Fills as provided for in MCC 34.6700 through 34.6720.

### **35.3130 Conditional Uses**

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

\* \* \* \* \*

(C) Type ~~B-C~~ home occupation as provided for in MCC 35.66550 through 35.66650.

(D) Large Fills as provided for in MCC 35.6700 through 35.6720.

### **36.3130 Conditional Uses.**

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

\* \* \* \* \*

(C) Type ~~B-C~~ home occupation as provided for in MCC 36.66550 through 36.66650.

(D) Large Fills as provided for in MCC 36.6700 through 36.6720.

### **11.15.2212 Conditional Uses**

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

\* \* \* \* \*

(C) Type ~~B-C~~ home occupation as provided for in MCC 11.15.7455 through 11.15.7465. [Added 1998, Ord. 900 § III]

(D) Large fills as provided for in MCC 11.15.7350.[Added 1998, Ord. 922 § II]

**Section 20.** MCC 33.3330, 34.3330, 35.3330, 36.3330, 36.3425, 11.15.2570 and 11.15.2610 are amended as follows:

### **33.3330 Conditional Uses**

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards. Commercial and industrial uses shall be limited to small-scale low impact as defined in MCC 33.0005.

\* \* \* \* \*

(D) Type ~~B-C~~ home occupation as provided for in MCC 33.66550 through 33.6665.

### **34.3330 Conditional Uses**

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

\* \* \* \* \*

(E) Type ~~B-C~~ home occupation as provided for in MCC 34.66550 through 34.6665.

(F) Large Fills as provided for in MCC 34.6700. through 34.6720.

### 35.3330 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards. Commercial and industrial uses shall be limited to small-scale low impact as defined in MCC 35.0005.

\* \* \* \* \*

(D) Type ~~B-C~~ home occupation as provided for in MCC 35.665~~50~~ through 35.6665.

### 36.3330 Conditional Uses.

The following uses may be permitted when found by the approval authority to satisfy the applicable approval criteria and ordinance standards. Commercial and industrial uses shall be limited to small-scale low impact as defined in MCC 36.0005.

(A) Community Service Uses pursuant to the provisions of MCC 36.6000 through 36.6230.

(B) The following small-scale low impact Conditional Uses pursuant to the provisions of MCC 36.6300 through 36.6660:

\* \* \* \* \*

~~(8) Type B home occupation as provided for in MCC 36.6650.~~

### 11.15.2570 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable Ordinance standards:

\* \* \* \* \*

D. Type C home occupation as provided for in MCC 11.15.7455 through 11.15.7465.

### 11.15.2610 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable Ordinance standards:

\* \* \* \* \*

F. Type C home occupation as provided for in MCC 11.15.7455 through 11.15.7465.

**Section 21.** MCC 38.0015 is amended to add the following definitions:

**Business Operator** – The person who obtains approval to conduct a Type A home occupation, home occupation or cottage industry, holds a majority ownership interest in the business, lives full-time in the registered dwelling unit on the parcel, and is responsible for strategic decisions and day-to-day operations of the home occupation or cottage industry.

**Customer** – Has its common meaning and includes a client as well as each person visiting the premises of a business for business reasons that is not an employee of the business.

**Employee** – Has its common meaning in addition to which each participant in the promotion of a business constitutes one employee, whether participating full-time or part-time and whether a resident or non-resident of a dwelling unit authorized for a Type A home occupation, and home occupation and cottage industries.

**Section 22.** MCC 38.2025, 38.2030, 38.2225, 38.2230, 38.2425, 38.2430, 38.2825, 38.2830, 38.3025, 38.3030, 38.3225, and 38.3230 are amended as follows:

**38.2025 Review Uses**

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

\* \* \* \* \*

(27) A Type A home occupations in an existing dwelling unit, pursuant to MCC 38.7331 and MCC 38.7310.

(B) The following uses may be allowed on lands designated GSF pursuant to MCC 38.0530 (B) when the use or development will be sited to minimize the loss of land suitable for the production of forest products and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

\* \* \* \* \*

(19) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331 and MCC 38.7310.

\* \* \* \* \*

**38.2030 Conditional Uses**

(A) The following conditional uses may be allowed on lands designated GGF, pursuant to the provisions of MCC 38.0045 and 38.7300:

\* \* \* \* \*

(5) The following uses when found to comply with MCC 38.7310:

(a) Home occupations or cottage industries in an existing ~~residence~~ dwelling unit or accessory ~~structure~~ building, pursuant to MCC 38.7330.

\* \* \* \* \*

(B) The following conditional uses may be allowed on lands designated GSF, pursuant to the provisions of MCC 38.0045.

\* \* \* \* \*

(8) Home occupations or cottage industries in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

\* \* \* \* \*

**38.2225 Review Uses**

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

\* \* \* \* \*

(23) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(B) The following uses may be allowed on lands designated GSA– 40 pursuant to MCC 38.0530 (B), provided that the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

\* \* \* \* \*

(22) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

### 38.2230 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GGA, pursuant to the provisions of MCC 38.0045 and 38.7300.

\* \* \* \* \*

(21) Home occupations or cottage industries in existing ~~residential dwelling unit~~ or accessory ~~structures~~building, subject to MCC 38.7330.

\* \* \* \* \*

(B) The following conditional uses may be allowed on lands designated GSA, pursuant to the provisions of MCC 38.0045 and 38.7300.

\* \* \* \* \*

(7) Home occupations and cottage industries in an existing dwelling unit or accessory building, pursuant to MCC 38.7330. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

\* \* \* \* \*

### 38.2425 Review Uses

The following uses may be allowed on lands designated GGRC, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

\* \* \* \* \*

(R) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

### 38.2430 Conditional Uses

The following conditional uses may be allowed on lands designated GGRC, pursuant to the provisions of MCC 38.0045 and 38.7300:

\* \* \* \* \*

(L) Home occupations or cottage industries in an existing ~~residence~~ dwelling unit or accessory ~~structure~~building, pursuant to MCC 38.7330.

(M) Special uses in historic buildings, subject to MCC 38.7380.

### 38.2825 Review Uses

\* \* \* \* \*

(C) The following uses are allowed on all lands designated GS– PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

\* \* \* \* \*

(15) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

### 38.2830 Conditional Uses

\* \* \* \* \*

(C) The following conditional uses may be allowed on lands designated GS– PR, pursuant to the provisions of MCC 38.0045 and 38.7085:

\* \* \* \* \*

(5) Home occupations and cottage industries in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

\* \* \* \* \*

### 38.3025 Review Uses

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

\* \* \* \* \*

(18) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

(B) The following uses may be allowed on lands designated GSR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

\* \* \* \* \*

(15) A Type A home occupation in an existing dwelling unit, pursuant to MCC 38.7331.

### 38.3030 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GGR, pursuant to the provisions of MCC 38.0045 and MCC 38.7300 (C):

\* \* \* \* \*

(10) Home occupations and cottage industries in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

\* \* \* \* \*

(B) The following conditional uses may be allowed on lands designated GSR, pursuant to the provisions of MCC 38.0045 and 38.7300 (C):

\* \* \* \* \*

(4) Home occupations and cottage industries in an existing dwelling unit or accessory building, pursuant to MCC 38.7330.

(5) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places, pursuant to 38.7335.

### 38.3225 Review Uses

The following review uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

\* \* \* \* \*

(L) A Type A home occupation in an existing dwelling unit pursuant to MCC 38.7331.

### 38.3230 Conditional Uses

The following conditional uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

\* \* \* \* \*

(E) Home occupations or cottage industries in an existing ~~residence~~ dwelling unit or accessory ~~structure~~ building, pursuant to MCC 38.7330.

(F) Special uses in historic buildings, subject to MCC 38.7380.



**Section 23.** MCC 38.7331 is added as follows:

**38.7331 Type A Home Occupations**

A Type A home occupation is a lawful commercial activity that is conducted within a dwelling unit by a business operator, is subordinate to the residential use of the dwelling unit, and complies with the following:

(A) No non-resident employees are allowed. No more than two customers may be on the premises at any one time.

(B) No more than 25 percent of the total actual living space of the existing dwelling unit may be utilized. No new buildings or modifications to an existing dwelling shall be allowed to facilitate the use.

(C) No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m. – 7 a.m. are permitted. Deliveries and pick-ups shall occur on the premises only. The road serving the premises may not be used for loading and unloading purposes. No more than two pick-ups or deliveries shall occur on any given day with a maximum of six vehicle trips generated per week.

(D) There shall be no outside, visible evidence of the home occupation, including outside storage or display on the premises, except for parking associated with the use pursuant to (H) below.

(E) No signage shall be allowed, including temporary signage with the exception of property numbers.

(F) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line. This standard does not apply to vehicles entering or exiting the premises, but does apply to idling vehicles.

(G) No repair or assembly of any motor or motorized vehicles. A motorized vehicle includes any vehicle or equipment with an engine including an automobile, motorcycle, scooter, snowmobile, outboard marine engine, lawn mower, and chain saw.

(H) In addition to the required residential parking, the premises has on-site parking pursuant to MCC 38.4100–38.4215. to accommodate the total number of business vehicles and customers. Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 is prohibited.

(I) No operation of a dispatch center pursuant to which employees enter the premises for the purpose of being dispatched to other locations is allowed.

(J) All storage, use and disposal of chemicals and materials shall be in conformance with all other applicable state pollution control regulations.

(K) No retail sales may occur on the premises.

(L) Notwithstanding the transfer of approval rights in MCC 38.0770, approval of a Type A home occupation does not run with the land and is not transferred with ownership of the land. Approval of a Type A home occupation is personal to the business operator and specific to the authorized parcel. Approval of a Type A home occupation terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized parcel.

**Section 24.** MCC 38.7330 is amended as follows:

### **38.7330 Home Occupations and Cottage Industries**

Home occupations and cottage industries may be established as authorized in various districts consistent with the following:

\* \* \* \* \*

(I) Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas.

(J) A bed and breakfast lodging establishment which is two bedrooms or less is considered a home occupation and shall meet the standards of MCC 38.7335.

(K) Each approval issued by the approval authority shall be specific for the particular home occupation or cottage industry and reference the business operator, description of the business operation on and off-site, the hours of operation, frequency and type of deliveries, and any other specific information needed to define the particular application.

(L) Notwithstanding the transfer of approval rights in MCC 38.0770, approval of a home occupation or cottage industry does not run with the land and is not transferred with ownership of the land. Approval of a home occupation or cottage industry is personal to the business operator and specific to the authorized parcel. Approval of a home occupation or cottage industry terminates automatically, immediately and without notification if the business operator ceases to reside full-time on the authorized parcel.

(M) The home occupation or cottage industry may continue for a period of three years from date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the home occupation or cottage industry from the property expires automatically unless the permit is renewed for an additional three year period pursuant to the following:

(1) The home occupation or cottage industry has been conducted in full compliance with the permit for a preponderance of the time since the prior approval.

(2) Each renewal period shall be for a three year period from the last expiration date. The home occupation or cottage industry may be renewed an unlimited number of times.

(3) To obtain a renewal of the home occupation or cottage industry, the business operator shall use the forms provided by the Planning Director and shall submit the application prior to expiration of the permit. Provided the renewal application is submitted on or before its expiration date, the business operator may continue the home occupation pending the County's final decision on the renewal request.

(4) A home occupation or cottage industry renewal shall be processed pursuant to the Type II approval process in MCC 38.0530.

(5) The Planning Director may consider minor modifications to the Hearings Officer's decision and the conditions of approval if requested by the business operator as part of a home occupation or cottage industry renewal application. A minor modification may be approved if it:

(a) Is consistent with the prior approval;

(b) Is consistent with MCC 38.7330 (A) – (K); and

(c) Does not increase the intensity of use of the premises.

**Section 25.** MCC 33.7015, 34.7015, 35.7015 and 36.7015 are amended as follows:

**33.7015 Exceptions**

\* \* \* \* \*

(B) Type ~~B-C~~ Home Occupations unless located in the BRC district ~~that require the addition of less than 400 square feet of ground coverage to the structure.~~

(C) Type C Home Occupations located in the BRC district that require the addition of less than 400 square feet of ground coverage.

**34.7015 Exceptions**

\* \* \* \* \*

(B) Type B Home Occupations unless located in the RC district ~~that require the addition of less than 400 square feet of ground coverage to the structure.~~

(C) Type C Home Occupations located in the RC district that require the addition of less than 400 square feet of ground coverage.

**35.7015 Exceptions**

(B) Type B Home Occupations unless located in the SRC district ~~that require the addition of less than 400 square feet of ground coverage to the structure.~~

(C) Type C Home Occupations located in the SRC district that require the addition of less than 400 square feet of ground coverage.

**36.7015 Exceptions.**

The provisions of MCC 36.7000 through 36.7065 shall not be applied to the following:

(A) Single family residences.

(B) Type ~~B-C~~ Home Occupations unless located in the OR or PH-RC districts ~~that require the addition of less than 400 square feet of ground coverage to the structure.~~

(C) Type C Home Occupations located in the OR or PH-RC districts that require the addition of less than 400 square feet of ground coverage.

**Section 26.** MCC 33.7020, 34.7020, 35.7020 and 36.7020 are amended as follows:

**33.7020 Application of Regulations**

(A) Except those exempted by MCC 33.7015, the provisions of MCC 33.7000 through 33.7060 shall apply to all conditional and community service uses, and to specified uses, in any district.

(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 33.4205 shall only be subject to the following Design Review approval criteria: MCC 33.7050(A)(1)(a) and (1)(c), (4) and (7), except when located in the BRC general district.

(C) All other uses are subject to all of the Design Review Approval Criteria listed in MCC 33.7050 and 33.7055.

(D) Alteration or modification of the physical development previously reviewed through the Design Review process shall be subject to the Design Review Approval Criteria listed in MCC 33.7050 and 33.7055.

#### **34.7020 Application of Regulations**

(A) Except those exempted by MCC 34.7015, the provisions of MCC 34.7000 through 34.7060 shall apply to all conditional and community service uses, and to specified uses, in any district.

(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 34.4205 shall only be subject to the following Design Review approval criteria: MCC 34.7050(A)(1)(a) and (1)(c), (4) and (7), except when located in the RC zone districts.

(C) All other uses are subject to all of the Design Review Approval Criteria listed in MCC 34.7050 and 34.7055.

(D) Alteration or modification of the physical development previously reviewed through the Design Review process shall be subject to the Design Review Approval Criteria listed in MCC 34.7050 and 34.7055.

#### **35.7020 Application of Regulations**

(A) Except those exempted by MCC 35.7015, the provisions of MCC 35.7000 through 35.7060 shall apply to all conditional and community service uses, and to specified uses, in any district.

(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 35.4205 shall only be subject to the following Design Review approval criteria: MCC 35.7050(A)(1)(a) and (1)(c), (4) and (7), except when located in the SRC zone districts.

(C) All other uses are subject to all of the Design Review Approval Criteria listed in MCC 35.7050 and 35.7055.

(D) Alteration or modification of the physical development previously reviewed through the Design Review process shall be subject to the Design Review Approval Criteria listed in MCC 35.7050 and 35.7055.

#### **36.7020 Application of Regulations.**

(A) Except those exempted by MCC 36.7015, the provisions of MCC 36.7000 through 36.7060 shall apply to all conditional and community service uses, and to specified uses, in any district.

(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 36.4205 shall only be subject to the following Design Review approval criteria: MCC 36.7050(A)(1)(a) and (1)(c), (4) and (7), except when located in the PH-RC, OR, or OCI zone districts.

(C) All other uses are subject to all of the Design Review Approval Criteria listed in MCC 36.7050 and 36.7055.

(D) Alteration or modification of the physical development previously reviewed through the Design Review process shall be subject to the Design Review Approval Criteria listed in MCC 36.7050 and 36.7055.

**Section 27.** MCC 33.7030, 34.7030, 35.7030 and 36.7030 are amended as follows:

**33.7030 Design Review Plan Contents**

**34.7030 Design Review Plan Contents**

**35.7030 Design Review Plan Contents**

(A) ~~Any preliminary or final~~The design review plan application shall be filed on forms provided by the Planning Director and shall be accompanied by ~~such drawings, sketches and descriptions as are necessary to describe the proposed development, a site plan, floor plan, architectural elevations and landscape plan, as appropriate, showing the proposed development.~~

(B) Plans shall include the following, drawn to scale:

~~(B) Contents:~~

~~(1) Preliminary Site Development Plan;~~

~~(2) Preliminary Site Analysis Diagram;~~

~~(3) Preliminary Architectural Drawings, indicating floor plans and elevations;~~

~~(4) Preliminary Landscape Plan;~~

~~(5) Proposed minor exceptions from yard, parking, and sign requirements; and~~

~~(6) Design Review Application Fee, as required under the applicable fee schedule in effect at time of application;~~

~~(C) A preliminary site analysis diagram may be in freehand form and shall generally indicate the following characteristics:~~

~~(1) Relation to adjacent lands;~~

~~(2) Location and species of trees greater than six inches in diameter at five feet;~~

~~(3) Topography;~~

~~(4) Natural drainage;~~

~~(5) Significant wildlife habitat;~~

~~(6) Information about significant climatic variables, including but not limited to, solar potential, wind direction and velocity; and~~

~~(7) Natural features and structures having a visual or other significant relationship with the site.~~

~~(D) A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:~~

~~(1) Access to site from adjacent rights-of-way, streets, and arterials;~~

- (2) Parking and circulation areas;
  - (3) Location, ~~and design, materials and colors~~ of buildings and signs;
  - (4) Orientation of windows and doors;
  - (5) Entrances and exits;
  - (6) ~~Private and shared outdoor recreation spaces~~ Existing topography and natural drainage;
  - (7) Pedestrian circulation;
  - (8) ~~Outdoor play areas~~ Boundaries of areas designated Significant Environmental Concern, Hillside Development and Areas of Special Flood Hazards;
  - (9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
  - (10) Areas to be landscaped;
  - (11) Exterior lighting location and design;
  - (12) Special provisions for handicapped persons; ~~and~~
  - (13) Surface and storm water drainage and on-site waste disposal systems; ~~Other site elements and spaces which will assist in the evaluation of site development.~~
- (E) ~~The preliminary landscape plan shall indicate:~~
- (14) The size, species, and approximate locations of plant materials to be retained or placed on the site; and
  - (15) Proposed ground-disturbance, grading, filling and site contouring.

### **36.7030 Design Review Plan Contents.**

(A) ~~Any preliminary or final~~ The design review plan application shall be filed on forms provided by the Planning Director and shall be accompanied by ~~such drawings, sketches and descriptions as are necessary to describe the proposed development, a site plan, floor plan, architectural elevations and landscape plan, as appropriate, showing the proposed development.~~

(B) Plans shall include the following, drawn to scale:

~~(B) Contents:~~

- ~~(1) Preliminary Site Development Plan;~~
- ~~(2) Preliminary Site Analysis Diagram;~~
- ~~(3) Preliminary Architectural Drawings, indicating floor plans and elevations;~~
- ~~(4) Preliminary Landscape Plan;~~

~~(5) Proposed minor exceptions from yard, parking, and sign requirements; and~~

~~(6) Design Review Application Fee, as required under the applicable fee schedule in effect at time of application;~~

~~(C) A preliminary site analysis diagram may be in freehand form and shall generally indicate the following characteristics:~~

~~(1) Relation to adjacent lands;~~

~~(2) Location and species of trees greater than six inches in diameter at five feet;~~

~~(3) Topography;~~

~~(4) Natural drainage;~~

~~(5) Significant wildlife habitat;~~

~~(6) Information about significant climatic variables, including but not limited to, solar potential, wind direction and velocity; and~~

~~(7) Natural features and structures having a visual or other significant relationship with the site.~~

~~(D) A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:~~

~~(1) Access to site from adjacent rights-of-way, streets, and arterials;~~

~~(2) Parking and circulation areas;~~

~~(3) Location, and design, materials and colors of buildings and signs;~~

~~(4) Orientation of windows and doors;~~

~~(5) Entrances and exits;~~

~~(6) Private and shared outdoor recreation spaces Existing topography and natural drainage;~~

~~(7) Pedestrian circulation;~~

~~(8) Outdoor play areas Boundaries of areas designated Significant Environmental Concern, Hillside Development and Areas of Special Flood Hazards;~~

~~(9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;~~

~~(10) Areas to be landscaped;~~

~~(11) Exterior lighting location and design;~~

~~(12) Special provisions for handicapped persons;~~

(13) Surface and storm water drainage and on-site waste disposal systems; ~~and~~

(14) ~~Other site elements and spaces which will assist in the evaluation of site development.~~

~~(E) The preliminary landscape plan shall indicate:~~

~~(1) The size, species, and approximate locations of plant materials to be retained or placed on the site; and~~

~~(2) Proposed ground-disturbance, grading, filling and site contouring.~~

**Section 28.** MCC 33.7040, 34.7040, 35.7040, and 36.7040 are amended as follows:

### **33.7040 Final Design Review Plan**

Prior to land use approval for building permit review or commencement of physical development where no additional permits are necessary, the applicant shall revise the plans to show compliance with the land use approvals granted, all conditions of approval and required modifications. ~~A~~ Final design review plan shall contain the following, drawn to scale:

(A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 33.7030 ~~(D) and (E)~~, as appropriate;

(B) Architectural drawings, indicating floor plans, sections, and elevations; and

(C) ~~Proposed~~ Approved minor exceptions from yard, parking, and sign requirements; ~~and~~

~~(D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 33.7010 through 33.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.~~

### **34.7040 Final Design Review Plan**

Prior to land use approval for building permit review or commencement of physical development where no additional permits are necessary, the applicant shall revise the plans to show compliance with the land use approvals granted, all conditions of approval and required modifications. ~~A~~ Final design review plan shall contain the following, drawn to scale:

(A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 34.7030 ~~(D) and (E)~~, as appropriate;

(B) Architectural drawings, indicating floor plans, sections, and elevations; and

(C) ~~Proposed~~ Approved minor exceptions from yard, parking, and sign requirements; ~~and~~

~~(D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 34.7010 through 34.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.~~



### **35.7040 Final Design Review Plan**

Prior to land use approval for building permit review or commencement of physical development where no additional permits are necessary, the applicant shall revise the plans to show compliance with the land use approvals granted, all conditions of approval and required modifications. A Final design review plan shall contain the following, drawn to scale:

(A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 35.7030 ~~(D) and (E)~~, as appropriate;

(B) Architectural drawings, indicating floor plans, sections, and elevations; and

(C) ~~Proposed~~ Approved minor exceptions from yard, parking, and sign requirements; ~~and~~

~~(D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 35.7010 through 35.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.~~

### **36.7040 Final Design Review Plan.**

Prior to land use approval for building permit review or commencement of physical development where no additional permits are necessary, the applicant shall revise the plans to show compliance with the land use approvals granted, all conditions of approval and required modifications. A Final design review plan shall contain the following, drawn to scale,:-

(A) Site Development and Landscape Plans drawn to scale, indicating the locations and specifications of the items described in MCC 36.7030 ~~(D) and (E)~~, as appropriate;

(B) Architectural drawings, indicating floor plans, sections, and elevations; and

(C) ~~Proposed~~ Approved minor exceptions from yard, parking, and sign requirements; ~~and~~

~~(D) A narrative and any other evidence needed to demonstrate compliance with the Design Review Criteria in section .7050, and the applicable Standards in .7055 or Minor Exceptions in .7060.~~

**Section 29.** MCC 33.7045, 34.7045, 35.7045 and 36.7045 are added as follows:

### **33.7045 Delay in the Construction of a Required Feature**

When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 33.7010 and 33.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

### **34.7045 Delay in the Construction of a Required Feature**

When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 34.7010 and 34.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

### **35.7045 Delay in the Construction of a Required Feature**

When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 35.7010 and 35.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

### **36.7045 Delay in the Construction of a Required Feature**

When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 36.7010 and 36.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

**Section 30.** MCC 33.7055, 34.7055, 35.7055, and 36.7055 are amended as follows:

**33.7055 Required Minimum Standards**

**34.7055 Required Minimum Standards**

**35.7055 Required Minimum Standards**

**36.7055 Required Minimum Standards.**

\* \* \* \* \*

(C) Required Landscape Areas

The following landscape requirements are established for developments subject to design review plan approval:

(1) A minimum of 15% of the ~~lot~~ development area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.

\* \* \* \* \*

**Section 31.** MCC 33.4165, 34.4165, 35.4165 and 36.4165 are amended as follows:

**33.4165 Design Standards: Scope**

(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single-~~or two-family residential dwelling or mobile home~~ on an individual lot. Any non-residential use approved on a parcel containing a single family dwelling shall meet the design standards of MCC 33.4170 through 33.4200.

(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

#### **34.4165 Design Standards: Scope**

(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single-~~or two~~-family ~~residential dwelling or mobile home~~ on an individual lot. Any non-residential use approved on a parcel containing a single family dwelling shall meet the design standards of MCC 34.4170 through 34.4200.

(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

#### **35.4165 Design Standards: Scope**

(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single-~~or two~~-family ~~residential dwelling or mobile home~~ on an individual lot. Any non-residential use approved on a parcel containing a single family dwelling shall meet the design standards of MCC 35.4170 through 35.4200.

(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

#### **36.4165 Design Standards: Scope.**

(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single-~~or two~~-family ~~residential dwelling or mobile home~~ on an individual lot. Any non-residential use approved on a parcel containing a single family dwelling shall meet the design standards of MCC 36.4170 through 36.4200.

(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

**Section 32.** MCC 33.4180, 34.4180, 35.4180 and 36.4180 are amended as follows:

#### **33.4180 Improvements**

##### **(A) Surfacing**

(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds. Parking areas with fewer than four required parking spaces may be surfaced with four inches of gravel.

(2) Alternate porous surfacing systems which provide a durable dustless surface capable of carrying a wheel load of 4,000 pounds may be used instead of the blacktop or cement materials in (1) above when

approved by the County Engineer. However, approaches to public rights-of-way shall be paved for a minimum distance of 21 feet from the fog line, or for a greater distance when required by the County Engineer.

(23) Large parking fields for intermittent uses such as special events associated with farm stands and public parks, sporting events~~amusement parks, race tracks, stadiums~~, and the like may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised.

#### (B) Curbs and Bumper Rails

(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence except as provided in (3) below.

(3) Except for development within the BRC, CFU-1, CFU-2 and CFU-5 zones, the outer boundary of a parking or loading area with fewer than four required parking spaces may use a five foot wide landscape strip or yard planted with a near-continuous number of shrubs and/or trees. If the outer boundary of the parking area is within 50 feet of a dwelling on an adjacent parcel, the plant materials shall create a continuous screen of at least four feet in height except at vision clearance areas where it shall be maintained at three feet in height.

(C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 33.4120, and such marking shall be continually maintained. Except for development within the BRC zone, a graveled parking area with fewer than four required parking spaces is exempt from this requirement.

\* \* \* \* \*

### **34.4180 Improvements**

#### (A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds. Parking areas with fewer than four required parking spaces may be surfaced with four inches of gravel.

(2) Alternate porous surfacing systems which provide a durable dustless surface capable of carrying a wheel load of 4,000 pounds may be used instead of the blacktop or cement materials in (1) above when approved by the County Engineer. However, approaches to public rights-of-way shall be paved for a minimum distance of 21 feet from the fog line, or for a greater distance when required by the County Engineer.

(23) Large parking fields for intermittent uses such as special events associated with farm stands and public parks, sporting events~~amusement parks, race tracks, stadiums~~, and the like may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised.

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(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence except as provided in (3) below.

(3) Except for development within the RC zones, the outer boundary of a parking or loading area with fewer than four required parking spaces may use a five foot wide landscape strip or yard planted with a near-continuous number of shrubs and/or trees. If the outer boundary of the parking area is within 50 feet of a dwelling on an adjacent parcel, the plant materials shall create a continuous screen of at least four feet in height except at vision clearance areas where it shall be maintained at three feet in height.

(C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 34.4120, and such marking shall be continually maintained. Except for development within the RC zone, a graveled parking area with fewer than four required parking spaces is exempt from this requirement.

\* \* \* \* \*

## 35.4180 Improvements

### (A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds. Parking areas with fewer than four required parking spaces may be surfaced with four inches of gravel.

(2) Alternate porous surfacing systems which provide a durable dustless surface capable of carrying a wheel load of 4,000 pounds may be used instead of the blacktop or cement materials in (1) above when approved by the County Engineer. However, approaches to public rights-of-way shall be paved for a minimum distance of 21 feet from the fog line, or for a greater distance when required by the County Engineer.

(23) Large parking fields for intermittent uses such as special events associated with farm stands and public parks, sporting events, amusement parks, race tracks, stadiums, and the like may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised.

### (B) Curbs and Bumper Rails

(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence except as provided in (3) below.

(3) Except for development within the SRC, CFU-3, and CFU-4 zones, the outer boundary of a parking or loading area with fewer than four required parking spaces may use a five foot wide landscape strip or yard planted with a near-continuous number of shrubs and/or trees. If the outer boundary of the parking area is within 50 feet of a dwelling on an adjacent parcel, the plant materials shall create a continuous screen of at least four feet in height except at vision clearance areas where it shall be maintained at three feet in height.

(C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 35.4120, and such marking shall be continually maintained. Except for development within the SRC zone, a graveled parking area with fewer than four required parking spaces is exempt from this requirement.

\* \* \* \* \*

### **36.4180 Improvements**

#### **(A) Surfacing**

(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds. Parking areas with fewer than four required parking spaces may be surfaced with four inches of gravel.

(2) Alternate porous surfacing systems which provide a durable dustless surface capable of carrying a wheel load of 4,000 pounds may be used instead of the blacktop or cement materials in (1) above when approved by the County Engineer. However, approaches to public rights-of-way shall be paved for a minimum distance of 21' from the fog line, or for a greater distance when required by the County Engineer.

(3) Large parking fields for intermittent uses such as special events associated with farm stands and public parks, sporting events, amusement parks, race tracks, stadiums, and the like may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised.

#### **(B) Curbs and Bumper Rails**

(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence except as provided in (3) below.

(3) Except for development within the PH-RC, OR, OCI and CFU zones, the outer boundary of a parking or loading area with fewer than four required parking spaces may use a five foot wide landscape strip or yard planted with a near-continuous number of shrubs and/or trees. If the outer boundary of the parking area is within 50 feet of a dwelling on an adjacent parcel, the plant materials shall create a continuous screen of at least four feet in height except at vision clearance areas where it shall be maintained at three feet in height.

(C) Marking - All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 36.4120, and such marking shall be continually maintained. . Except for development within the PH-RC, OR, or OCI zones, a graveled parking area with fewer than four required parking spaces is exempt from this requirement.

\* \* \* \* \*

**Section 33.** MCC 33.4195, 34.4195, 35.4195 and 36.4195 are amended as follows:

**33.4195 Design Standards: Setbacks**

(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street perpendicularly.

(B) In the BRC district, off-street parking for new, replacement or expansion of existing commercial or industrial developments on a parcel less than 1 acre shall provide a minimum of 10 foot landscaped front yard or street side setback. All other minimum yard dimensions for parking shall be as required in the Off-Street Parking and Loading Code Section.

~~(B)~~ (C) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.

**34.4195 Design Standards: Setbacks**

(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street perpendicularly.

(B) In the RC district, off-street parking for new, replacement or expansion of existing commercial or industrial developments on a parcel less than 1 acre shall provide a minimum of 10 foot landscaped front yard or street side setback. All other minimum yard dimensions for parking shall be as required in the Off-Street Parking and Loading Code Section.

~~(B)~~ (C) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.

**35.4195 Design Standards: Setbacks**

(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street perpendicularly.

(B) In the SRC district, off-street parking for new, replacement or expansion of existing commercial or industrial developments on a parcel less than 1 acre shall provide a minimum of 10 foot landscaped front yard or street side setback. All other minimum yard dimensions for parking shall be as required in the Off-Street Parking and Loading Code Section.

~~(B)~~ (C) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.

**36.4195 Design Standards: Setbacks.**

(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street perpendicularly.

(B) In the PH-RC, OR or OCI districts, off-street parking for new, replacement or expansion of existing commercial or industrial developments on a parcel less than 1 acre shall provide a minimum of 10 foot landscaped front yard or street side setback. All other minimum yard dimensions for parking shall be as required in the Off-Street Parking and Loading Code Section.

(B~~C~~) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.

**Section 34.** The amendments to Chapter 38 Columbia River Gorge National Scenic Area shall be effective upon notification of approval by the Columbia River Gorge Commission and, if necessary, concurrence by the Secretary of Agriculture.

FIRST READING:

\_\_\_\_\_

SECOND READING AND ADOPTION:

\_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Jeff Cogen, Chair

REVIEWED:

JENNY M. MORF, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Jed Tomkins, Assistant County Attorney

SUBMITTED BY: M. Cecilia Collier, Director, Department of Community Services