

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 900

An Ordinance amending the Multnomah County Comprehensive Framework Plan and the Multnomah County Zoning Ordinance regarding the provisions for home occupations.

(Language in ~~strike through~~ is to be deleted; underlined language is new)

Multnomah County Ordains as follows:

Section I. Findings

(A) On November 18, 1996 the Planning Commission heard testimony regarding the current provisions for home occupations which are not responsive to current business practices.

(B) The Planning Commission subsequently formed a subcommittee to conduct meetings and assist in the preparation of the revisions to the home occupation portion of the Multnomah County Code.

(C) The Subcommittee reported back to the Planning Commission with draft policies and principles to be implemented through the revisions including goals:

(1) Addressing the need for home based business' for those uses that are not large enough and do not have impacts that are associated with uses allowed in the rural center or urban zoning districts.

(2) Protecting the rural character of areas in unincorporated Multnomah County and maintain the quality of life for all residents of the communities.

- 1 (3) Clearly indicating which types or levels of activities are regulated in
- 2 Multnomah County and which are not.
- 3 (4) Joining in an effort to reduce vehicle miles traveled, traffic congestion
- 4 and air pollution in the State of Oregon.
- 5 (5) Providing clear direction for the Planning Staff on interpreting
- 6 regulations regarding home occupations.
- 7 (6) Creating a simple and quick process for prospective applicants for home
- 8 occupations permits.
- 9 (7) Making an enforceable code that does not place additional burdens on the
- 10 code enforcement staff.
- 11 (8) This amendment will allow home occupations only when they are in
- 12 accordance with all other applicable state codes.

13

14 (E) A draft ordinances was presented at a public hearing before the Planning

15 Commission on September 8, 1997.

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17 Section II. Amendment of the Multnomah County Comprehensive Framework Plan

18

19 Policy 27: Commercial Location

20 * * *

21 E. CLASSIFY COMMERCIAL DEVELOPMENTS ACCORDING TO THEIR

22 FUNCTION, TENANT/TENANT MIX, AND SCALE OF OPERATIONS, AS

23 FOLLOWS:

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1 SCALE	2 INTENT AND PURPOSE	3 PRIMARY TENANT/TENANT MIX INCLUDES	4 GROSS LEASABLE AREA (GLA)
5 HOME OCCUPATION	6 TO ALLOW BUSINESS WHICH CAN BE CARRIED ON WITHIN A HOME OR ACCESSORY STRUCTURE AND WHOSE IMPACT WILL NOT AFFECT THE ADJACENT HOMES OR RESOURCE AREAS	7 VARIABLE	8 LESS THAN 20% OF THE HOME NOT 9 <u>APPLICABLE</u>

15 Section III. Amendment of the Multnomah County Zoning Code MCC 11.15

17 MCC 11.15.0010 Definitions

18 * * *

19 Home Occupation – ~~Any lawful activity not otherwise specifically provided for in~~
20 ~~this Chapter commonly carried on within a dwelling unit or accessory building by~~
21 ~~the occupant thereof, no employee or other person being engaged in the same;~~
22 ~~which activity is secondary to the use of the property for residential purposes;~~
23 ~~provided that there is no outside advertising or display of merchandise; that no sale~~
24 ~~of merchandise is made from the premises, and that noise, odor, smoke, gases,~~
25 ~~fallout, vibration, heat or glare resulting from the activity is undetectable at any~~
26 ~~property line. The operation of a Residential Home is not considered a Home~~
27 ~~Occupation.~~

29 (A) Type A: A type A home occupation is one where the residents use their
30 home as a place of work. Type A home occupations may have up to one non-
31 resident employee or customer on the premises at any one time in addition to the

1 resident participant. No new buildings or modifications to existing structures
 2 shall be allowed (constructed after the effective date of this ordinance). No
 3 deliveries other than those normally associated with a single family dwelling
 4 and between the hours of 7 a.m. - 6 p.m. No outdoor storage or displays shall
 5 occur (including vehicle parking associated with the Home Occupation). No
 6 signage shall be allowed (including temporary signage and those exempted
 7 under MCC 11.15.7912 with the exception of those required under MCC
 8 11.05.500-.575), and no noise above 50 dba (decibels adjusted) at the property
 9 lines shall be permitted. No repair or assembly of any vehicles or motors can
 10 occur as part of a type A home occupation. A type A home occupation may not
 11 serve as headquarters or dispatch where employees come to the site. A type A
 12 home occupation must have direct access to a public road (no easements). Type
 13 A home occupations shall be filed on a form provided by the Planning Director.
 14 Type A Home Occupations must be in conformance with all other applicable
 15 state codes.

16 (B): Type B home occupation is one where the residents use their home
 17 site as a place of work but exceeds the standards of the type A home occupation.
 18 Type B home occupations shall be approved as per MCC 11.15.7105 and .7455.

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20 * * *

21 **Exclusive Farm Use Zone**

22 * * *

23 **11.15.2012 Conditional Uses**

24 * * *

25 (F) Type B Hhome occupation as provided for in ORS 215.448 MCC 11.15.7455

26 and provided:

27 ~~(1) That there is no outside advertising or display of merchandise; and~~

28 ~~(2)-(1) That no sale of merchandise is made from the premise; and~~

29 ~~(3)-(2) That noise, odor, smoke, gases, fallout, vibration, heat or glare~~

30 resulting from the activity is not detectable at any property line.

1 A home occupation located on high-value farmland may employ only
2 residents of the home.

3 * * *

4 11.15.2014 Accessory Uses

5 * * *

6 (E) Type A home occupation pursuant to the definition and restrictions of
7 MCC 11.15.0010. Home occupations as defined by MCC 11.15.0010 do
8 not allow the level of activity defined in ORS 215.448.

9 * * *

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11 Commercial Forest Use Zone

12 * * *

13 11.15.2050 Conditional Uses

14 * * *

15 (E) Type B home occupation pursuant to MCC 11.15.7455 and provided:

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

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

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21 * * *

22 11.15.2054 Accessory Uses

23 * * *

24 (C) Type A Hhome occupations pursuant to the definition and restrictions of
25 MCC 11.15.0010. Home occupations as defined by MCC 11.15.0010 do not
26 allow the level of activity defined in ORS 215.448.

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29 Multiple Use Agriculture Zone

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1 11.15.2132 Conditional Uses

2 * * *

3 (D) Type B Home occupation as provided for in MCC 11.15.7455.

4 * * *

5 11.15.2134 Accessory Uses

6 * * *

7 (C) Type A Hhome occupations pursuant to the definition and restrictions of

8 MCC 11.15.0010; and

9 * * *

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11 Rural Residential

12 * * *

13 11.15.2212 Conditional Uses

14 * * *

15 (C) Type B Home occupation as provided for in MCC 11.15.7455.

16 * * *

17 11.15.2214 Accessory Uses

18 * * *

19 (C) Type A Hhome occupations pursuant to the definition and restrictions of

20 MCC 11.15.0010; and

21 * * *

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23 Rural Center

24 * * *

25 11.15.2252 Conditional Uses

26 * * *

27 (C) Type B Home occupation as provided for in MCC 11.15.7455.

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29 11.15.2254 Accessory Uses

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1 (C) Type A Hhome occupations pursuant to the definition and restrictions of
 2 MCC 11.15.0010; and

3 * * *

4 **Urban Low Density Residential LR-40**

5 * * *

6 11.15.2508 Uses Permitted Under Prescribed Conditions

7 * * *

8 (E) Type A Hhome occupations as defined in pursuant to the definition and
 9 restrictions of MCC 11.15.0010.

10 * * *

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12 **Urban Low Density Residential LR-30**

13 * * *

14 11.15.2528 Uses Permitted Under Prescribed Conditions

15 * * *

16 (E) Type A Hhome occupations as defined in pursuant to the definition and
 17 restrictions of MCC 11.15.0010.

18 * * *

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20 **Urban Low Density Residential LR-20**

21 * * *

22 11.15.2548 Uses Permitted Under Prescribed Conditions

23 * * *

24 (E) Type A Hhome occupations as defined in pursuant to the definition and
 25 restrictions of MCC 11.15.0010.

26 * * *

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28 **Urban Low Density Residential LR-10**

29 * * *

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31 11.15.2568 Uses Permitted Under Prescribed Conditions

1 * * *

2 (F) Type A Hhome occupations as defined in pursuant to the definition and
3 restrictions of MCC 11.15.0010.

4 * * *

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6 Urban Low Density Residential LR-7.5

7 * * *

8 11.15.2588 Uses Permitted Under Prescribed Conditions

9 * * *

10 (G) Type A Home occupations as defined in pursuant to the definition and
11 restrictions of MCC 11.15.0010

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14 Urban Low Density Residential LR-7

15 * *

16 11.15.2608 Uses Permitted Under Prescribed Conditions

17 * *

(H) Type A Home occupations as defined in pursuant to the definition and restrictions of MCC 11.15.0010.

20 * *

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22 Urban Low Density Residential LR-5

23

24 11.15.2628 Uses Permitted Under Prescribed Conditions

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(G) Type A Home occupations as defined in pursuant to the definition and restrictions of MCC 11.15.0010

28 * *

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30 **Urban Medium Density Residential MR-4**

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Prescribed Conditions

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as defined in paragraph 0010

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R-40

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al to any of the above definition and re

as provided for in

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R-30

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al to any of the above definition and re

as provided for in

* * *

R-20

* * *

11.15.2748 Uses Permitted Under Prescribed Conditions

(G) Type A Home occupations as defined in pursuant to the definition and restrictions of MCC 11.15.0010

Single Family Residential R-40

11.15.2832 Use

(H) Uses customarily incidental to any of the above uses, including Type A home occupations pursuant to the definition and restrictions of MCC 11.15.0010.

(I) Type B Home occupation as provided for in MCC 11.15.7455.

Single Family Residential R-30

11.15.2842 Use

(H) Uses customarily incidental to any of the above uses, including Type A home occupations pursuant to the definition and restrictions of MCC 11.15.0010.

(I) Type B Home occupation as provided for in MCC 11.15.7455.

Single Family Residential R-20

1 11.15.2852 Use

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3 * * *

4 (H) Uses customarily incidental to any of the above uses, including Type A home
5 occupations pursuant to the definition and restrictions of MCC 11.15.0010.

6

7 (I) Type B Home occupation as provided for in MCC 11.15.7455.

8 * * *

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10 **Single Family Residential R-10**

11 * * *

12 (H) Uses customarily incidental to any of the above uses, including Type A home
13 occupations pursuant to the definition and restrictions of MCC 11.15.0010.

14

15 (I) Type B Home occupation as provided for in MCC 11.15.7455.

16 * * *

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18 **Single Family Residential R-7**

19 * * *

20 (H) Uses customarily incidental to any of the above uses, including Type A
21 home occupations pursuant to the definition and restrictions of MCC
22 11.15.0010.

23

24 (I) Type B Home occupation as provided for in MCC 11.15. 7455.

25 * * *

26 **Significant Environmental Concern**

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28 * * *

29 11.15.6404 Exceptions

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- 1 (H) All type A Home Occupations
 2 (I) Type B Home Occupations that require the addition of less than 400 square
 3 feet of ground coverage to the structure.

4 **Conditional Use**

5 * * *

6 11.15.7127 Design Review Exceptions

7 Exempted from the Design Review criteria of MCC .7805 through .7870 (A)

8 include:

9 (A) Single family residences

10 (B) Type B Home Occupations that require the addition of less than 400 square feet
 11 of ground coverage to the structure.

12 * * *

13 **Home Occupations - CU**

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 15 11.15.7455 Definitions:

16
 17 (A) Employee - one full or part time participant, resident or non-resident, in the
 18 business shall constitute one employee.

19 (B) Customers - Any person visiting the site that is not an employee who is
 20 associated with the home occupation.

21 (C) Normal deliveries - The home occupation shall not involve the use, parking,
 22 storage or repair of any vehicle exceeding a gross vehicle weight of 11,000
 23 pounds, except deliveries by parcel post, United Parcel Service, or similar in-
 24 town delivery service trucks. These deliveries or pick-ups of supplies or
 25 products, associated with business activities, are allowed at the home only
 26 between 7 am and 6 pm.

27 (D) Headquarters - A business operation where employees come to the site at any
 28 time.

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

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2 11.15.7460 Purposes

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

7 The regulations are designed to:

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

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

13

14 11.15.7465 Criteria for Approval

15

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

17

18 (A) The standards found in MCC 11.15. 7120:

19 (B) The home occupation does not employee more than 5 employees.

20 (C) The site has on-site parking as per MCC 11.15.6100 to accommodate the
21 total number of employees and customers.

22 (D) No deliveries other than those normally associated with a single family
23 dwelling and between the hours of 7 a.m. - 6 p.m.

24 (E) No outdoor storage or display

25 (F) No signage (including temporary signage and those exempted under MCC
26 11.15.7912) with the exception of those required under MCC 11.05.500-
27 .575.

28 (G) No noise above 50 dba at the property lines.

29 (H) No repair or assembly of any vehicles or motors.

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

(J) Each approval issued by a hearings officer shall be specific for the particular home occupation and reference the 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.

* * *

Design Review

11.15.7817 Exceptions

The provisions of MCC .7805 through .7865 shall not be applied to the following uses:

(A) Single family residences,

(B) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.

ADOPTED this 12th day of February, 1998, being the date of its second reading before the Board of County Commissioners of Multnomah County.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair

REVIEWED:

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By *Sandra N. Duffy*

Sandra N. Duffy, Chief Assistant County Counsel