

**ORDINANCE NO. 184**

In the matter of: )  
 An Ordinance Relating To Establishment Of )  
 Minor Home Occupations, Home Occupations and Home Businesses )  
 )

**WHEREAS**, The Malheur County Court believes promotion of minor home occupations, home occupations, and home businesses will have several positive effects for the county including economic and quality of life benefits. County residents can work out of their homes. There will be more opportunities for new business start-up. There will be fewer vehicle miles driven leading to less congestion, improved air quality, and reduced road maintenance. The County Court further believes this ordinance will ensure the compatibility of home occupations with the primary permitted and conditional uses in the land use zone; maintain the existing character of the county; and minimize impacts of noise, traffic, and parking on county neighborhoods.

NOW, THEREFORE, BE IT ORDAINED BY THE MALHEUR COUNTY COURT AS FOLLOWS:

**SECTION 1. Repeal and Amendments**

- A. Malheur County Code Chapter 6-6-8-6, Home Occupation, is repealed in its entirety.
- B. Malheur County Code 6-1-3, the definition of Home Occupation is repealed in its entirety.
- C. Malheur County Code 6-3A-3-L is amended in its entirety to read: Home occupations or home businesses as provided in section 6-6-8-6 of this Title and ORS 215.448.
- D. Malheur County Code 6-3A-3-N is amended in its entirety to read: Residential homes as defined in ORS 197.660, in existing dwellings.
- E. Malheur County Code 6-3C-3-M is repealed in its entirety.
- F. Malheur County Code 6-3F-3-L is amended in its entirety to read: Home occupations and home businesses as provided by section 6-6-8-6 of this Title.
- G. Malheur County Code Section 6-1-3, the definition of Day Care Center is amended in

its entirety to read: An establishment that is certified to care for 13 or more children, or an establishment certified to care for less than 13 children that is not located in a residential dwelling or accessory building to the residence that the provider resides in.

H. Malheur County Code Section 6-3C-2-D. is amended in its entirety to read: Registered or certified family owned child care homes operating under provisions of Oregon law.

## **SECTION 2. Definitions**

A. The following definitions shall be added to Malheur County Code 6-1-3:

Minor Home Occupation, Home Occupation and Home Business means an occupation or business activity which results in a product or service; is conducted in whole or in part in a dwelling and/or an accessory structure to the dwelling; is conducted by at least one family member occupying the dwelling; and is clearly subordinate to the dwelling use of the subject property. Home occupations or businesses do not include garage or yard sales, holiday bazaars or home parties which are held for the purpose of the sale or distribution of goods or services if the service is provided three or fewer times per calendar year.

Garage or yard sale: A sale held at a residence or a combination of residences where items to be sold constitute used or handcrafted items generated from participating individual neighborhood households. Garage sales shall not be used as wholesale or retail outlets for new or manufactured goods, other than home generated, handcrafted items. Garage sales may not be conducted in any one residence more than three (3) times during any calendar year. No single garage or yard sale may last for more than three (3) consecutive days. A garage sale as herein above defined is an authorized accessory use to a residence in all zones.

## **SECTION 3. Minor Home Occupations, Home Occupations, and Home Businesses**

### **6-6-8-6 Minor Home Occupations, Home Occupations, and Home Businesses**

A. Minor Home Occupation. A minor home occupation shall comply with the following standards:

1. Location: Any zone, not excluded below, in which a minor home occupation is a conditional use.
2. Scale: A minor home occupation must fit within the dwelling without expanding the structure or within an existing residential garage or accessory building, and must be incidental to the use of the dwelling as a residence and incidental to the original uses of the residential garage or accessory building.
3. Participants: No persons other than family members living on the property shall be engaged in the minor home occupation.
4. Character: The property upon which the minor home occupation exists shall be kept in a clean, neat, orderly fashion. There shall be no visible evidence of the conduct of a minor home occupation from outside the property except as otherwise allowed by this chapter.
5. Storage: All materials associated with the minor home occupation shall be contained within the allowed dwelling, garage or accessory building.
6. Display: There shall be no display of products visible from outside the allowed

dwelling or accessory structure.

7. Signs: Notwithstanding Malheur County Code Title 6 Chapter 7, there shall be no signs advertising or identifying the minor home occupation.

8. Traffic: Customer, client and/or business traffic shall not exceed five trips per day. Business delivery vehicles shall not exceed gross vehicle weight of 11,000 pounds. U.S. Postal Service deliveries are exempt from this requirement.

9. Parking: Vehicles owned, leased or operated by the participants of a minor home occupation shall not be parked or stored on the street or in the public right-of-way.

10. Noise and other nuisance factors:

a. Noise shall be kept to a minimum at all times, especially between the hours of 10:00 P.M. and 8:00 A.M. Equipment that creates a shrill or penetrating sound shall, at all times, be operated only within an enclosure that effectively prevents noise measured at the nearest dwelling exceeding the otherwise ambient noise level of the neighborhood. Where a question arises regarding noise levels, the Planning director's determination shall be final.

b. Odors shall not be detectable from any boundary of a minor home occupation property at any time.

c. Electrical interference. A minor home occupation shall not create visual or audible electrical interference in any radio, television, or other electrical device off the subject property or cause fluctuations in line voltage off the subject property.

B. Home Occupation. A home occupation shall comply with the following standards:

1. Location: Any zone, not excluded below, in which a home occupation is a conditional use.

2. Scale: A home occupation must fit within the dwelling and must be incidental to the use of the dwelling as a residence. If there is no existing accessory structure one may be built, provided the side walls are no higher than ten feet from the elevation of the floor and the building covers no more than eight-hundred square feet in area.

3. Participants: Family members living on the property and a combination of no more than five full-time employees are the only persons that may be employed in a home occupation.

4. Character: The property upon which a home occupation exists shall be and kept in a clean, neat, orderly fashion. There shall be no visible evidence of the conduct of a home occupation from outside the property except as otherwise allowed by this chapter.

5. Storage: All materials associated with a home occupation shall be contained within the allowed dwelling or accessory structure.

6. Display: There shall be no display of products visible from outside the dwelling or allowed accessory structure.

