



Board of Commissioners

216 S. E. 4th Street
Pendleton, OR 97801
541-278-6204

Daniel N. Dorran
541-278-6201

John M. Shafer
541-278-6203

Celinda A. Timmons
541-278-6202

BOARD OF COMMISSIONERS MEETING

Wednesday, June 18, 2025, 9:00am
Umatilla County Courthouse, Room 130

- A. Call to Order
- B. Chair's Introductory Comments & Opening Statement
- C. New Business

TEXT AMENDMENT #T-097-24, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, SECTION 152.617(H) HOME OCCUPATIONS/COTTAGE INDUSTRIES IN THE EXCLUSIVE FARM USE ZONE. The applicant, Jim Whitney, proposes text changes to the Umatilla County Development Code (UCDC) Section 152.617(H), to allow a resident to host commercial gatherings and weddings as Home Occupations in the Exclusive Farm Use Zone. The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755.

- D. Adjournment

**UMATILLA COUNTY
BOARD OF COMMISSIONERS HEARING – JUNE 18, 2025
UMATILLA COUNTY DEVELOPMENT CODE TEXT AMENDMENT
#T-097-24
JIM WHITNEY, APPLICANT
RECONSIDERATION OF DECISION
PACKET CONTENT LIST**

- | | | |
|----|---|-------------|
| 1. | Staff Memo to Board of County Commissioners | Pages 2-3 |
| 2. | Proposed Final Findings | Pages 4-10 |
| 3. | Proposed Text Amendment | Pages 11-13 |
| 4. | Exhibit A: Letter in Opposition, Jeff Kleinman | Pages 14-16 |
| 5. | Exhibit B: Letter in Opposition, Central Oregon Landwatch | Pages 17-21 |
| 6. | Exhibit C: Letter in Opposition, 1000 Friends of Oregon | Pages 22-26 |
| 7. | Exhibit D: LUBA Decision Nos. 2022-085/086
<i>Submitted by Staff</i> | Pages 27-47 |
| 8. | Previously adopted Findings of Fact | Pages 48-57 |
| 9. | Previously adopted County Ordinance 2025-03 | Pages 58-63 |



PLANNING DIVISION

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252

Email: planning@umatillacounty.gov

COMMUNITY &
BUSINESS
DEVELOPMENT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Board of Commissioners
FROM: Megan Davchevski, Planning Division Manager
DATE: June 11, 2025

CODE
ENFORCEMENT

RE: June 18, 2025 Board of Commissioner Hearing
EFU Home Occupation Text Amendment Request
Reconsideration of findings for the Umatilla County Development Code Text
Amendment #T-094-24
Jim Whitney, Applicant

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

Background Information

The applicant is requesting that Umatilla County reconsider the previously adopted text amendment, T-094-24 and supporting Findings of Fact, following the filing of an appeal to the Land Use Board of Appeals (LUBA). Umatilla County previously adopted a permit path and criteria for establishing commercial gatherings and weddings as a Home Occupation in the Exclusive Farm Use Zone with extensive criteria of approval. The applicant requests to amend UCDC 152.617(H) to allow for a subsection of Home Occupations, Host Commercial Gatherings and Weddings by codifying the recently implemented language in OAR 660-033-0130(14)(c) that took effect January 1, 2025.

Two Notices of Intent to Appeal to LUBA were filed on April 11, 2025 by 1000 Friends of Oregon, identified as LUBA Nos. 2025-028 and 2025-029. The appellant later filed a Motion to Consolidate which was granted. Subsequently, Jim Whitney (applicant) and Central Oregon Landwatch filed Motions to Intervene.

On May 1, 2025 Umatilla County filed a Notice of Withdrawal for Reconsideration to amend the decision.

Criteria of Approval

The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755. Applicable Statewide Planning Goals 1-14 have also been evaluated. Oregon Administrative Rule 660-033-0130(14)(c) is also applicable and proposed for codification.

Notice

Community Development Department Staff submitted the required 35-day notice to the Department of Land Conservation and Development on May 13, 2025. Notice of the reconsideration was mailed to previous hearing participants and agencies on May 29, 2025. Notice of the hearing was published in the East Oregonian on June 4, 2025.

Conclusion

The Board has the authority to reconsider the previously adopted Ordinance 2025-03 and Findings of Fact and Conclusion of Law and adopt the language in OAR 660-033-0130(14)(C) as proposed by the applicant.

The decision made by the Board is final unless timely appealed to the Land Use Board of Appeals.

**UMATILLA COUNTY BOARD OF COMMISSIONERS
FINAL FINDINGS OF FACT AND CONCLUSIONS OF LAW
TEXT AMENDMENT, #T-097-24**

**AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, AMENDING LANGUAGE
REGARDING HOME OCCUPATIONS TO ALLOW WEDDINGS AND COMMERCIAL
GATHERINGS IN THE EXCLUSIVE FARM USE ZONE**

1. Request

Applicant, Jim Whitney, is requesting an amendment to Umatilla County Development Code (UCDC) Section 152.617(H) Home Occupations/Cottage Industry.

2. Procedural Matters

A. Categorization of this Matter

This matter is a legislative matter because it proposes to amend the text of the UCDC in a manner that will amend Section 152.617(H) Home Occupations/Cottage Industries in the Exclusive Farm Use Zone.

B. Post-Acknowledgment Amendment

This legislative amendment is an amendment to the County's acknowledged 1983 Zoning Ordinance. ORS 197.610(1) and OAR 660-018-0020(1) require that the County provide notice to the Director of the Oregon Department of Land Conservation and Development ("DLCD") at least 35 days prior to the initial evidentiary hearing. The County provided the 35-day notice to DLCD through DLCD's PAPA online portal on December 18, 2024. Thereafter, the County's decision was appealed to LUBA and the County withdrew the decision for reconsideration. A new 35-day notice was provided to DLCD for the proposal before the Board in this reconsideration request on May 13, 2025. The County has satisfied ORS 197.610(1) and OAR 660-018-0020(1) by submitting the post-acknowledgement amendment notice so that it arrived at the office of the Director of DLCD at least 35 days prior to the initial evidentiary hearing on the original and reconsideration amendments.

The reconsideration of this matter can be achieved by the Board of Commissioners. The Board must make a final decision on reconsideration within 90 days after the date that it filed its Withdrawal for Reconsideration. OAR 660-010-0021(1). The County filed its Withdrawal for Reconsideration on May 1, 2025. That means that the Board must make a final decision on Reconsideration by July 30, 2025.

Notice of the Board of Commissioner's Hearing on Reconsideration was mailed to hearing participants on May 29, 2025 and properly published on June 4, 2025 for the hearing scheduled for June 18, 2025.

The County has satisfied the post-acknowledgement amendment notice required by ORS 197.610(1) and OAR Chapter 660-018-0020(1) and the legal notice of hearing publication in UCDC 152.771(B).

C. Procedure

Neither ORS 197.830(13)(b) nor OAR 660-010-0021 provide the procedures for decisions on reconsideration. The County's code does not provide procedures for decisions on reconsideration. The Board as the governing body is free to adopt the decision on reconsideration which can include reversing its original decision and adopting a new decision. *OPC v. Clatsop County*, 69 Or LUBA 403, 413-14 (2014), *rom LUBA but are free to have the governing body m* 267 Or App 578 (2014); *see Wentland v. City of Portland*, 23 Or LUBA 321, 326-27 (in the absence of local code provisions to the contrary, governing body was free to decide issue on remand and was not required to send the matter back to the hearings officer).

3. Approval Criteria

UCDC 152.751 requires that an amendment to the text of the UCDC shall comply with provisions of the Umatilla County Comprehensive Plan (the "Plan"), the Oregon Transportation Planning Rule (the "TPR"), OAR Chapter 660, division 12, and the Umatilla County Transportation Plan ("Transportation Plan"). The County also finds that because this text amendment is a post-acknowledgment amendment, ORS 197.175(1) requires that the Plan and Map amendment satisfy applicable Statewide Planning Goals (the "Goals") and other applicable administrative rules. The County finds that the UCDC does not contain substantive standards for an amendment to the UCDC text. The remainder of this section addresses the applicable approval criteria.

This UCDC provision sets forth the approval requirements for amendment to the text of the UCDC. This section requires that an amendment satisfy the Plan and the Oregon Transportation Planning Rule (the "TPR"), OAR 660, Division 12, as well as the Umatilla County Transportation Plan.

The County finds this request is to amend the text of the UCDC, specifically to amend Section 152.617(H) Home Occupations/Cottage Industry in the Exclusive Farm Use (EFU) Zone. The TPR, OAR 660-012-0060 (1)-(3), is not implicated by this text amendment and further analysis of the Oregon Transportation Plan and Umatilla County requirements in 152.019 are not required.

The Oregon Land Conservation and Development Commission recently adopted rule changes to Oregon Administrative Rule (OAR) 660-033-0130(14)(c) that took effect January 1, 2025. OAR 660-033-0130(14)(c) applies to home occupation requests in the EFU zone submitted after January 1, 2025. OAR 660-033-0130(14)(c) specifies:

(14) Home occupations and the parking of vehicles may be authorized.

(a) Home occupations shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.

(b) A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located, and shall employ on the site no more than five full-time or part-time persons.

(c) A governing body may only approve a use provided in OAR 660-033-0120 as a home occupation if:

(A) The scale and intensity of the use is no more intensive than the limitations and conditions otherwise specified for the use in OAR 660-033-0120, and

(B) The use is accessory, incidental and subordinate to the primary residential use of a dwelling on the property.

The County adopted amendments to its code that it believed were consistent with these provisions.

4. LUBA Appeal

After the County adopted its decision approving the above referenced amendments, 1000 Friends of Oregon and Central Oregon Landwatch filed appeals at LUBA of the County's decision. The County elected to withdraw the challenged decisions for reconsideration to avoid the expense and delay associated with LUBA appeals.

5. Decision on Reconsideration

On reconsideration, the County chooses to simply adopt verbatim DLCD's new OAR 661-033-0130(14)(c) rule as a part of its code, because there can be no legitimate challenge to doing so. Therefore, the County chooses to repeal Ord 2025-03 and its associated findings and instead adopt Ord 2025-__ and these findings which verbatim import DLCD's new rule in OAR 660-033-130(14)(c) into the County's EFU Home Occupation/Cottage Industry provisions.

A. Applicable Statewide Planning Goals

Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The Umatilla County Comprehensive Plan and Development Code outline the County's citizen involvement program that includes the activities of the Planning Commission and provides for the public hearing process with its required notice provisions. These notice provisions provide for adjoining and affected property owner notice; notice to interested local, state and federal agencies; and allows for public comment to the process. The County held a public hearing on reconsideration that allowed the public and agencies to provide comments to the decision makers.

Goal 2 Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 requires that land use plans and implementing measures be thoughtful, cover particular categories and have input from agencies, such as DLCD. The proposal meets Goal 2 because it is a land use regulation that expressly and only adopts legislation that DLCD authorizes and does so on the specific terms that DLCD authorizes. The proposal meets Goal 2

Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.

Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq. Goal 3 also applies to mixed farm/forest zones, such as Umatilla County's Grazing/Farm (GF) zone. ORS 215 permits Home Occupations in the Exclusive Farm Use (EFU) Zone. OAR 660-033-0130(14) also permits home occupations in the County's EFU zone and provides mandatory standards that are adopted by this ordinance. The proposed text amendment provides

the required specific standards for permitting weddings and commercial gatherings in the EFU zone, with adopting criteria that DLCD requires, thus ensuring compliance with Goal 3.

Umatilla County finds that many farm operators are facing financial hardships with the overall cost of farming which leads to many farms closing, going bankrupt or searching for other mechanisms to keep their family farms operating. Allowing weddings and gatherings as a home occupation will provide a secondary funding stream without negatively impacting farm operations, either those on the subject property or in the surrounding area. Umatilla County has previously approved several wedding venues as Home Occupations, that continue to operate in the County's farm zones without conflict during harvest season or during other farming activities. The proposed text amendment provides a pathway for wedding venues as home occupations, exactly as DLCD allows them. Particular proposed home occupations will be evaluated at the time of application through the Conditional Use Permit process for compliance with standards, which process includes a comment period from neighboring landowners. The Conditional Use Permit process provides allowances for conditioning approvals as appropriate based upon the particular proposal as well as comments received.

Umatilla County finds adopting DLCD's criteria for approving home occupations to include a wedding/gathering will protect farming operations, either those occurring onsite or in the vicinity of the proposed wedding/gathering venue.

Umatilla County finds establishing the criteria DLCD established and adopted herein limits potential impacts to farm operations. Each proposal will be evaluated against the criteria as adopted in order to receive Conditional Use Permit approval.

Umatilla County finds and concludes the proposed text amendment complies with Goal 3.

Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Goal 4 addresses the protection of forest lands. The proposed text amendment would not apply to forest lands; thus it complies with Goal 4.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.

Goal 5 addresses natural, historical and cultural resources with a focus on protecting sites. Goal 5 is not impacted by this request.

Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The proposed text amendment does not seek approval of a specific development but seeks to allow the opportunity for commercial gatherings and weddings as a Home Occupation in the Exclusive

Farm Use Zone, according to the rules adopted by DLCD. Those rules will be applied at the time an applicant requests Home Occupation approval.

Goal 7 Areas Subject to Natural Hazards and Disasters: To protect people and property from natural hazards.

Goal 7 works to address natural hazards and disasters, and through a comprehensive plan amendment process, would seek to determine if there are known natural hazards and seek to mitigate concerns. Natural hazards would be considered as part of the land use processes that would be completed during the conditional use permit process and are not considered for this text amendment application.

Goal 8 Recreation Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

No recreation components are included in this application.

Goal 9 Economy: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. The proposed amendment to add Home Occupations/Cottage Industry to lands within the Exclusive Farm Use Zone fosters this goal by allowing landowners to diversify their small businesses and farming operations to allow weddings and gatherings. By also providing an avenue for permitting weddings and gatherings, the proposed amendment complies with Goal 9 by encouraging residents to utilize local farms rather than travelling outside of the county for their wedding or gathering needs. Umatilla County finds the proposed amendment is compliant with Goal 9.

Goal 10 Housing: To provide for the housing needs of citizens of the state.

Housing is not a direct consideration as part of this application.

Goal 11 Public Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. Goal 11 is not a direct consideration of this amendment request.

Goal 12 Transportation: To provide and encourage a safe, convenient and economic transportation system.

Goal 12 requires local governments to provide and encourage a safe, convenient and economic transportation system, implemented through the Transportation Planning Rule. Although Goal 12 is not a direct consideration of this amendment request, traffic impacts will be considered at the time of a Conditional Use Request and the proposed parking limitations will limit potential impacts.

Goal 13 Energy: To conserve energy.

Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles.

Goal 14 Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Goal 14 prohibits urban uses on rural lands. Goal 14 is not a direct consideration of this amendment request. Umatilla County finds the proposed Home Occupations/Cottage Industry uses are rural uses, are in character and scope of rural uses and do not implicate Goal 14.

Finding: Umatilla County has evaluated Statewide Planning Goals 1-14. The other five goals, 15-19, are not applicable to this application request. Umatilla County finds the goals that are applicable have been satisfied.

B. Applicable Oregon Administrative Rules

Finding: The County finds that the proposal is identical to and so complies with the only applicable administrative rule – OAR 660-033-0130(14).

C. Applicable Plan Policies

The Umatilla County Comprehensive Plan includes the following provisions that are supportive of this application:

(a) Chapter 4, “The Planning Process”

Finding 6: “Other public agencies (e.g. state, federal, county, special district, city) have jurisdiction and /or management responsibilities for land in the County.”

Policy 6: “To insure public agency involvement, the County will endeavor to notify affected agencies through the processes outlined in the Comprehensive Plan and Development Code.”

Finding: The County finds this policy is satisfied where the County coordinated with affected governmental entities in providing notice of the Board of Commissioners' hearing on the proposed text amendment on reconsideration after withdrawal from LUBA. Coordination requires that affected governmental entities be provided with the proposed text amendment, given a reasonable opportunity to comment, and that the County incorporate comments as much as is reasonable.

The County finds that this policy is satisfied.

(b) Chapter 5, “Citizen Involvement”

(1) Policy 1: “Provide information to the public on planning issues and programs, and encourage citizen input to planning efforts.”

Finding: The County finds Chapter 5, Policy 1, is satisfied because notice of the Planning Commission and Board of Commissioners' hearings are in a newspaper of County-wide circulation and

there were two (2) *de novo* hearings along with the reconsideration hearing that allowed the public to testify on the proposed text amendment.

The County finds that this policy is satisfied.

(2) ***Policy 5: “Through appropriate media, encourage those County residents’ participation during both city and County deliberation proceedings.”***

Finding: The County finds, as explained above, the publication of notice of the Planning Commission hearing, the initial Board of Commissioners’ hearing and the reconsideration hearing in a newspaper of County-wide circulation fulfills this requirement.

The County finds that this policy is satisfied.

(c) **Chapter 6, “Agriculture”**

(1) ***Policy 8: “The non-farm uses allowed in ORS 215.283 exist in the county and new ones can be accommodated without major conflict in most of the county’s agricultural regions.”***

Finding: The County finds that State Statute provides allowances for non-farm uses to be sited in the Exclusive Farm Use Zone. Home Occupations are an allowed use under ORS 215.283, the applicant is requesting the County to adopt specific standards for hosting commercial weddings and gatherings, while remaining compliant with the restrictions placed on Home Occupations within ORS 215.283. As found above under Goal 3, the proposed criteria for establishing this type of home occupation will ensure no major conflict exists with farmland as the County is adopting provisions directly from OAR 660-033-0130(14). Each proposed site will be evaluated for conflicts with agricultural operations at the time of application.

The County finds that this policy is satisfied.

5. CONCLUSION

For the reasons contained herein, the County finds the applicable approval criteria for the text amendment on reconsideration after withdrawal from LUBA have been satisfied and the proposed text amendment to allow weddings and gatherings in the Exclusive Farm Use zone as a Home Occupation can be approved.

DATED this ____ day of _____, 2025.

UMATILLA COUNTY BOARD OF COMMISSIONERS

John M. Shafer, *Commissioner*

Celinda A. Timmons, *Commissioner*

Daniel N. Dorran, *Commissioner*

Note: Proposed text changes are shown in a “Mark Up” format with the original text to be removed shown in strikethrough and added text provided in **bold and underlined**. Text shown in **red** is entirely new criteria unique to the applicant’s request and is shown for comparison.

UCDC 152.617(H) Home Occupations/Cottage Industry

(a)

(1) The home occupation/cottage industry shall be secondary to the main use of the property as a residence and shall be operated by the resident or employee of a resident of the property on which the business is located;

(2) The home occupation/cottage industry must be operated completely within the dwelling or in other buildings normally associated with uses permitted within the zone in which the property is located;

(3) The home occupation/cottage industry shall not interfere with other uses permitted in the zone in which the property is located;

(4) There shall be no more than five people employed, including both full and part time employees;

(5) No structural alterations shall be allowed to accommodate the home occupation/cottage industry except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved. Such structural alterations shall not detract from the outward appearance of buildings as an accessory structure to a residence;

(6) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;

(7) Retail sales shall be limited or accessory to a service;

(8) Outside storage of materials, equipment or products related to the home occupation/cottage industry shall not be allowed;

(9) There shall be no display other than a Type 2 sign that will indicate from the exterior that the building is used in whole or part for any purpose other than a dwelling;

(10) A home occupation/cottage industry approved under this division shall be reviewed after one year for compliance with the above conditions and each subsequent year that the home occupation/cottage industry exists.

(11) The existence of a home occupation/ cottage industry shall not be used as justification for any future zone change.

(12) No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle a trailer or the parking of customer vehicles in a manner of frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off street parking;

(13) Customers visiting the home occupation/cottage industry must use

an approved off-street parking area. No more than 10 vehicles from customers/visitors of the home occupation/cottage industry can be present at any given time on the subject parcel. All off-street parking must be provided on the subject parcel where the home occupation/cottage industry is operated. Parking on public roads or easements must not occur at any time.

(14) A property line adjustment may not be approved where the adjustment would separate a home occupation from the dwelling on the parcel.

(b) Home Occupation to Host Commercial Gatherings and Weddings in the Exclusive Farm Use Zone

- (1) This section is not intended to apply to events hosted at such public gathering places as churches, community centers, grange halls, or schools, or similar structures; or to events hosted by non-profit organizations for charitable purposes. Nor is this section intended to apply to events covered by the State's Mass Gathering Statute (ORS 433.735 - 433.770). An activity carried on in conjunction with a marijuana crop is prohibited.
- (2) The home occupation/cottage industry shall be operated substantially within the dwelling or in other buildings normally associated with uses permitted within the zone in which the property is located;
- (3) The home occupation/cottage industry shall not interfere with

other uses permitted in the zone in which the property is located;

- (4) A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located, and shall employ on the site no more than five full-time or part-time persons.
- (5) No structural alterations shall be allowed to accommodate the home occupation/cottage industry except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved. ~~Such structural alterations shall not detract from the outward appearance of buildings as an accessory structure to a residence;~~
- (6) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;
- (7) Retail sales shall be limited or accessory to a service;
- (8) Outside storage of materials, equipment or products related to the home occupation/cottage industry shall not be allowed;
- (9) There shall be no display other than a Type 2 sign that will indicate from the exterior that the building

is used in whole or part for any purpose other than a dwelling;

- (10) A home occupation/cottage industry approved under this division shall be reviewed after one year for compliance with the above conditions and each subsequent year that the home occupation/cottage industry exists.
- (11) The existence of a home occupation/ cottage industry shall not be used as justification for any future zone change.
- (12) No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle ~~a trailer~~ or the parking of customer vehicles in a manner or frequency as to cause unreasonable disturbance or unreasonable inconvenience to nearby residents or so as to necessitate ~~off~~ on-street parking;
- (13) All off-street parking must be provided on the subject parcel where the home occupation/cottage industry is operated. Parking on public roads or easements must not occur at any time.
- (14) A property line adjustment may not be approved where the adjustment would separate a home occupation from the dwelling on the parcel.
- (15) Uses provided in OAR 660-033-0120 may only be approved as

Home Occupation if:

- (a) The scale and intensity of the use is no more intensive than the limitations and conditions otherwise specified for the use in OAR 660-033-0120, and
- (b) The use is accessory, incidental and subordinate to the primary residential use of a dwelling on the property.

UMATILLA COUNTY
COMMUNITY DEVELOPMENT

MAR 05 2025

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March 5, 2025

Via email to megan.davcheski@umatillacounty.gov

Megan Davchevski
Planning Division Manager
Umatilla County
216 SE 4th St.
Pendleton, OR 97801

**Re: EFU Home Occupation Development Code Text Amendment
Request #T-094-24**

Dear Ms. Davchevski,

I represent Susan Byrd and am writing in opposition to the above text amendment. Ms. Byrd owns and resides on farmland in Umatilla County and would be directly and adversely affected by this proposal. The proposed amendment to the text of UCDC Section 152.617(H) Home Occupations/Cottage Industry in the Exclusive Farm Use (EFU) Zone is simply impermissible under state law.

In part to avoid the abuses of EFU statutes and rules regarding home occupations such as that in question here, LCDC has amended Oregon Administrative Rules (OAR) 660-033-0130(14). This amendment affects home occupations as governed by ORS 215.448, and applies to the proposed text amendment. In the provision below, the added language is set out in bold and underscored:

(14) Home occupations and the parking of vehicles may be authorized.

(a) Home occupations shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.

(b) A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located, and shall employ on the site no more than five full-time or part-time persons.

(c) A governing body may only approve a use provided in OAR 660-033-0120 as a home occupation if:

(A) The scale and intensity of the use is no more intensive than the limitations and conditions otherwise specified for the use in OAR 660-033-0120, and

(B) The use is accessory, incidental and subordinate to the primary residential use of a dwelling on the property.

DLCD's legislative history of this rulemaking states:

The proposed rulemaking clarifies that a home occupation business is accessory to a residential use and limits proposals for home occupations to a scale and scope that is no more intensive than would otherwise be allowed for the use were it to be permitted under another provision in ORS 215.213, 215.283 or 215.284.

The notion that up to 50 weddings or other events per year (essentially one every weekend, although they would be more likely to run back-to-back on summer weekends) would ever be "secondary to the main use of the property as a residence" under UCDC 152.617(H)(b)(4) is frankly absurd. Allowing the use of "multiple legally established dwellings" for "overnight accommodations for guests" would create EFU hotels/motels/bungalow colonies, and is similarly not permitted.

The proposed amendment would create a code enforcement nightmare for the county. In this regard, Subsection 33 might as well be revised by making the change below:

(33) At ~~[no time]~~ **all times** shall the Home Occupation activities be allowed to infringe on nor supersede farm use activities on the subject property or nearby farming properties.

Why? Because that is exactly what the county is going to get, including most obviously *vis-a-vis* the proponent and his property.

This text amendment violates all the provisions of OAR 660-033-0130(14)(c) set out above, and most especially Subsection (B). The amendment is intended to, and would in fact, allow uses which are in no way whatsoever "accessory, incidental and subordinate to the primary residential use of a dwelling on the property." That is the core, fundamental nature of the proponent's request and of this amendment.

Megan Davchevski
Planning Division Manager
March 5, 2025
page 3

This is an end run to accommodate a single property owner whose individual application might attract too much public attention. However, it would have widespread , negative impacts upon farming and farm practices throughout the county—a toxic gift that keeps on giving.

Any property owner who wishes to make an individual application for a so-called “home occupation” of this nature is free to do so. No one should be afforded special rights which would jeopardize real farming county-wide. In any event, the amendment before you would not withstand scrutiny on appeal.

Very truly yours,

Jeffrey L. Kleinman

Jeffrey L. Kleinman

JLK:tim
cc: client



RECEIVED

Application File No. T-097-24

MAR 11 2025

Robin Hayakawa <robin@colw.org>
To: megan.davchevski@umatillacounty.gov

Fri, Mar 7, 2025 at 5:57 PM

UMATILLA COUNTY
COMMUNITY DEVELOPMENT

Hi Megan,

I hope things are going well up in Umatilla County.

I have attached here comments in opposition to the above-referenced proposed code amendment. Please add them to the record and notify us of any additional opportunities to comment or decisions on this application.

Our address is 2843 NW Lolo Dr. Ste. 200, Bend, OR 97703.

Thank you.

--

Robin Hayakawa (he/him)
Associate Staff Attorney, [Central Oregon LandWatch](#)
2843 NW Lolo Dr. Ste. 200, Bend, OR 97703

 **COLW Comments_Application File No. T-097-24.pdf**
249K



March 12, 2025

Filed by email: megandavcheski@umatillacounty.gov

Umatilla County Board of Commissioners
% Megan Davcheski, Planning Division Manager
Umatilla County Courthouse
216 SE 4th St.
Pendleton, OR 97801

RECEIVED
MAR 11 2025
UMATILLA COUNTY
COMMUNITY DEVELOPMENT

Re: Application File No. T-097-24

Dear Commissioners Dorran, Shafer & Timmons:

On behalf of Central Oregon LandWatch, thank you for the opportunity to comment on this application. For over 35 years, Central Oregon LandWatch has defended our region's high desert, forests, rivers, communities, and working farms and forestland. In that spirit, Central Oregon LandWatch strongly opposes the proposed amendment to the Umatilla County Development Code to allow up to 50 commercial events per year on farmland.

1. The broad expansion of "Home Occupations" will harm Umatilla County's working farmland.

Like many other nonfarm use exceptions, the allowance of home occupations on land zoned exclusive farm use (EFU) is based in good intentions. In 1977, when the Oregon Legislature first authorized home occupations, the intent was to ensure that the EFU zoning of a property did not prevent homeowners from conducting "accessory occupations" within their home, "such as giving piano lessons or doing some part-time accounting work."¹ In recent decades, however, we have seen the home occupation statute balloon into a blatant loophole frequently exploited by real estate investors and brokers seeking to convert farmland into commercial event venues and rural hotels. In fact, Central Oregon LandWatch and dozens of

¹ Measure Explanation of SB 819 (1977).



others recently appeared at a legislative hearing in Salem to support SB 77 and oppose SB 788—two bills which directly implicate this issue.

Allowing large commercial events on agricultural land through the home occupations loophole would be a bad policy decision for Umatilla County. One of the largest threats to farming and ranching in Oregon is the inflated value of farmland, mostly driven by nonfarm commercial uses permitted within EFU zones. In Umatilla County, for example, the average value of an acre of farmland grew by 33.6% between 2017 and 2022.² During that same period, the average value of a farm grew by 57.2%.³ Rampant inflation of land value is creating an untenable situation for farmers, both old and young, who require access to farmland without having to compete with speculative real estate investors who intend to develop a concert or wedding venue on the property.

Not only does allowing nonfarm commercial use on the County's EFU land drive up land prices, but the impacts of permitting large-scale hospitality and other commercial activities as "home occupations" go far beyond the bounds of a single property. These activities are prone to conflicts with the working farm and forest operators nearby. For example, as proposed, the applicant could be approved for 50 commercial events a year, with each event generating more than 250 one-way vehicle trips. Can farm roads in rural Umatilla County withstand such an increase in traffic? Will farm operators be able to move cattle, equipment, and hay when needed if 125 wedding guests are clogging local roads? Will farmers be able to plow, harvest, burn, spread fertilizer, and spray with a concert or other commercial event occurring nearby?

Finally, the expansion of home occupations in Umatilla County to include commercial events is unnecessary. Umatilla County Development Code and state law already allow events on farmland as conditional uses through Outdoor Mass Gathering permits and Agritourism Permits. UCDC § 152.084(K); UCDC § 152.060(AA). Outdoor Mass Gathering (OMG) permits allow for one-off large events to occur on farmland, while agritourism event permits allow a property owner to host events on EFU so long as the commercial activities are related to and necessary to support the agricultural use of the property. The Board of County Commissioners should consider whether it is good policy to allow a single, well-resourced, self-interested applicant to

² USDA NASS 2022 Census of Agriculture.

³ *Id.*



change the county code specifically designed to protect farmland when alternative pathways already exist.

2. Broad Expansion of Home Occupations is not legal under local and state land use laws.

While the above section outlines the many policy reasons why the Umatilla Board of County Commissions should reject this harmful proposal, the proposed text amendment should also be denied because it is illegal under local and state law.

As a threshold matter, the proposed amendment is contrary to the Statement of Purpose for Umatilla County's EFU zone, which states in part:

The purposes of the EFU, Exclusive Farm Use Zone, are to preserve and maintain agricultural lands for farm use, including range and grazing uses, consistent with existing and future needs for agricultural products, forest and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of air, water and land resources of the county and to establish criteria and standards for farm and non-farm uses and related and supportive uses which are deemed appropriate. UCDC § 152.055

Nothing in the purpose statement of the EFU zone suggests that EFU land should be converted into a wedding venue nearly every weekend. Instead, the purpose statement instructs the County to preserve EFU land for agricultural needs and other uses that are "related and supportive."

Similarly, state administrative rules at OAR 660-033-0130(14)(c)(B) provide that a home occupation is allowable so long as "[t]he use is accessory, incidental and subordinate to the primary residential use of a dwelling on the property." An event or activity is "incidental and subordinate" when the existing farm use remains the predominant use of the tract upon consideration of "relevant circumstances, including the nature, intensity, and economic value of the respective farm and event uses".⁴ Plainly, it is not possible for the farm or residential use of a

⁴ OAR 660-033-0130(42) (Applying to agritourism events under ORS 215.213(11) and ORS 215.283(4), but instructive here.)





4-acre farm property to predominate over a nonfarm commercial use allowing up to 50 weddings, concerts, or conferences with overnight guests per year.

Other concerns held by LandWatch include whether the proposed application is compliant with Chapter 6 of Umatilla County Comprehensive Plan (Agriculture) and Statewide Planning Goals 3 (*Agricultural Lands*), Goal 4 (*Forest Lands*), and Goal 5 (*Open Spaces, Scenic and Historic Areas, and Natural Resources*). We doubt that the proposed text amendment can be considered legally compliant under these applicable criteria and we urge the Board of County Commissioners to deny this application.

Thank you for your attention to these comments.

Respectfully Yours,

Robin Hayakawa
Associate Staff Attorney
Central Oregon LandWatch
2843 NW Lolo Drive Ste 200
Bend, OR 97703





RECEIVED

MAR 11 2025

UMATILLA COUNTY
COMMUNITY DEVELOPMENT

Exhibit C

Megan Davchevski <megan.davchevski@umatillacounty.gov>

1000 Friends' Comments on Proposed Text Amendment #T-094-24

blair@friends.org <blair@friends.org>

Mon, Mar 10, 2025 at 8:18 AM

To: megan.davchevski@umatillacounty.gov

Cc: Dennis Rea <drea@htreafarms.com>, debbiedrycreek44@gmail.com, byrdiesuz@gmail.com, tiranch01@gmail.com, Jim Johnson <jim@friends.org>, FOOTE Hilary * DLCD <Hilary.FOOTE@dlcd.oregon.gov>, "Jeffrey L. Kleinman" <kleinmanjl@aol.com>

Dear Ms. Davchevski,

Attached are 1000 Friends of Oregon's comments on Umatilla County's proposed text amendment #T-094-24, which we understand is scheduled for hearing March 12, 2025.

Please file our comments in the record of proceedings before Wednesday and confirm receipt.

Thank you,

Blair Batson

Staff Attorney

(503) 267-8689



The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.

---Oregon Agricultural Land Use Policy, ORS 215.243



Deborah Lee <debbiedrycreek44@gmail.com>

Mon, Mar 10, 2025 at 8:55 AM

To: blair@friends.org

Cc: megan.davchevski@umatillacounty.gov, Dennis Rea <drea@htreafarms.com>, byrdiesuz@gmail.com, tiranch01@gmail.com, Jim Johnson <jim@friends.org>, FOOTE Hilary * DLCD <Hilary.FOOTE@dlcd.oregon.gov>, "Jeffrey L. Kleinman" <kleinmanjl@aol.com>

Received, thank you. We agree and support this statement. John and Deborah Lee.
Lee Family Oregon Sesquicentennial Farm 1873.

[Quoted text hidden]



1000 Friends of Oregon
340 SE 6th Ave, Portland, OR 97214
www.friends.org
503-497-1000

March 9, 2025

RECEIVED

VIA e-mail to megan.davchevski@umatillacounty.gov

MAR 11 2025

**UMATILLA COUNTY
COMMUNITY DEVELOPMENT**

Commissioner Cindy Timmons
Umatilla County Board of Commissioners
915 SE Columbia Dr.
Hermiston, OR 97838

Re: Home Occupation Text Amendment Request
Umatilla Development Code Text Amendment #T-094-24

Dear Chair Timmons and Commissioners,

1000 Friends of Oregon is a nonprofit, membership organization that works with Oregonians to support livable urban and rural communities, protect family farms, forests and natural areas, and provide transportation and housing choices. Thank you for the opportunity to comment.

Big Weddings | Big Negative Impacts for Farmers and Ranchers

The referenced text amendment would authorize people who own homes in Umatilla County's exclusive farm use zone to host 50 weddings or business events per year as a "home occupation." For properties that are 10 acres or larger, each event could host 300 guests. There is no limit on the number of days in a row an event can last, as long as it occurs between the hours of 7:00am and 10:00pm each day of operation.

Every homeowner on 10 acres or more could host one or two weddings every spring, summer and fall weekend with 300 guests, staff, along with their 125 vehicles at each event. While the events must be operated substantially within the home and surrounding buildings, portable toilets, exterior lighting and signs are allowed. If the events were multi-day affairs, they could continue year-round.

The Proposed Text Amendment Does Not Comply with the Goal 3 Rule for Home Occupations on Agricultural Land

Statewide Planning Goal 3 is to preserve and maintain agricultural lands. The Goal 3 rule that governs what uses are allowed on agricultural land is in Chapter 660, Division 33, of the Oregon Administrative Rules. OAR 660-033-0130(14) provides:

Since our founding in 1974, we have worked with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural areas.

Home occupations and the parking of vehicles may be authorized.

- (a) *Home occupations shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.*
- (b) *A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located, and shall employ on the site no more than five full-time or part-time persons.*
- (c) **A governing body may only approve a use provided in OAR 660-033-0120 as a home occupation if:**
 - (A) The scale and intensity of the use is no more intensive than the limitations and conditions otherwise specified for the use in OAR 660-033-0120, and**
 - (B) The use is accessory, incidental and subordinate to the primary residential use of a dwelling on the property.**

OAR 660-033-0120 authorizes “Agri-tourism and other commercial events or activities that are related to and supportive of agriculture, as described in ORS 215.213(11) or 215.283(4).”

The proposed Text Amendment #T-094-24 does not comply with the requirements of OAR 660-033-0130(14)(c) as the scale and intensity of the proposed use is more intensive than the limitations and conditions specified for agri-tourism and other commercial events and activities in OAR 660-033-0120.

OAR 660-033-0120 incorporates the limitations and conditions for agri-tourism and other commercial events and activities found in ORS 215.213(11) and 215.283(4), the latter of which applies to Umatilla County. ORS 215.283(4) limits the number of agritourism and other commercial events and activities that may be held on a given tract of land in the exclusive farm use zone to 18 per year. If a farmer or rancher wants to host more than 6 events per year, they must also show that the events are incidental and subordinate to existing commercial farm use of the tract and that they are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area. ORS 215.283(4)(d).

In addition, the applicant for the event permit must meet the other requirements of ORS 215.283(4), including that they:

- May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

- Must comply with ORS 215.296 farm impacts test;
- May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area;
- Must comply with list of statutory conditions established for agritourism events in ORS 215.283(4), including traffic management, sanitation and solid waste management, hours of operation, limits on numbers of guests and vehicles, and applicable health, fire and safety requirements; and
- May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;

The proposed Umatilla Development Code Text Amendment #T-094-24 allows up to 50 weddings and other commercial events and activities per year, and does not include the other limitations and conditions required by state law for commercial events and activities on agricultural land zoned for exclusive farm use. The proposed text amendment therefore authorizes a use provided in OAR 660-033-0120 at a much more intensive scale and intensity than the limitations and conditions specified for these types of uses in OAR 660-033-0120. It is therefore not allowed under OAR 660-033-0130(14)(c)(A).

In addition, contrary to the requirements of OAR 660-033-0130(14)(c)(B), the proposed text amendment does not require that the use of the home for weddings and business events be accessory, incidental and subordinate to the primary use of the dwelling, which is residential. It is questionable whether hosting fifty 300-person multi-day weddings and business events each year, with all the attendant planning, preparation, and clean-up, could be considered incidental and subordinate to the residential use of the home. In our view, this would clearly be a case of the commercial “tail” wagging the residential “dog.”

Finally, state law does not allow the use of “multiple legally established dwellings” for “overnight accommodations for guests” on agricultural land zoned for exclusive farm use. farm use. *See generally* OAR 660-033-0120 and 660-033-0130 and ORS chapter 215; *see also* 1000 *Friends of Oregon v. Clackamas County*, 320 Or App 444, 514 P3d 553 (2022).

Thank you for the opportunity to comment.

Very truly yours,



Blair Batson
Staff Attorney

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

1000 FRIENDS OF OREGON
and FRIENDS OF MARION COUNTY,
Petitioners,

vs.

MARION COUNTY,
Respondent,

and

KRISTINA MCNITT,
Intervenor-Respondent.

LUBA Nos. 2022-085/086

FINAL OPINION
AND ORDER

Appeal from Marion County.

Andrew Mulkey filed a petition for review and reply brief and argued on behalf of petitioner 1000 Friends of Oregon.

Kelly Chang filed a petition for review and reply brief and argued on behalf of petitioner Friends of Marion County. Also on the briefs was Meriel Darzen and Crag Law Center.

Cody W. Waltermann, Assistant County Counsel, filed the respondent's brief and argued on behalf of respondent.

T. Beau Ellis filed the intervenor-respondent's brief. Also on the brief was Vial Fotheringham LLP. Andrew Stamp argued on behalf of intervenor-respondent.

1 ZAMUDIO, Board Member; RYAN, Board Chair; RUDD, Board
2 Member; participated in the decision.

3
4 REMANDED 02/16/2023

5
6 You are entitled to judicial review of this Order. Judicial review is
7 governed by the provisions of ORS 197.850.

NATURE OF THE DECISION

Petitioners appeal amendments to the Marion County Code (MCC) to allow an event business as a conditional use home occupation in the Exclusive Farm Use, Special Agriculture, and Farm/Timber zones, which the county identifies as agricultural resource lands.

MOTION TO INTERVENE

Kristina McNitt moves to intervene on the side of respondent in these consolidated appeals. No party opposes the motions and they are allowed.

FACTS

The county adopted legislative changes to its land use regulations to allow event businesses capable of hosting up to 750 people as a conditional use home occupation on agricultural resource land pursuant to the authorization allowed in ORS 215.283(2)(i) for home occupations as provided in ORS 215.448. These appeals followed and we consolidated them for review.

FIRST ASSIGNMENT OF ERROR

Petitioner 1000 Friends of Oregon (1000 Friends) and Petitioner Friends of Marion County (FOMC) (together, petitioners) filed separate petitions for review. Petitioners' arguments under their first assignments of error present essentially the same legal questions and we address them together. Petitioners argue that the county's decision misconstrues the applicable law because an event business use does not qualify as a "home occupation" under state law. We review

1 the county's interpretation and implementation of state law for errors of law.
2 *Gage v. City of Portland*, 319 Or 308, 316-17, 877 P2d 1187 (1994); *Kenagy v.*
3 *Benton County*, 115 Or App 131 (1992), *rev den*, 315 Or 271 (1992); *City of*
4 *Sandy v. Clackamas County*, 28 Or LUBA 316, 319-20 (1994). We will reverse
5 or remand a decision that improperly construes applicable law. ORS
6 197.835(9)(a)(D). We will remand a decision that "improperly construes the
7 applicable law, but is not prohibited as a matter of law." OAR 661-010-
8 0071(2)(d). We will reverse a decision that "violates a provision of applicable
9 law and is prohibited as a matter of law." OAR 661-010-0071(1)(c).

10 Statewide Planning Goal 3 (Agricultural Lands) is "[t]o preserve and
11 maintain agricultural lands." State law restricts the uses that are allowed on
12 agricultural land to farm uses and specified nonfarm uses. *See* ORS 215.203(1)
13 (generally requiring that land within EFU zones be used exclusively for "farm
14 use"); ORS 215.203(2)(a) (defining "farm use"); ORS 215.283 (identifying
15 permitted uses on EFU land). ORS 215.283(2)(i) provides:

16 "The following nonfarm uses may be established, subject to the
17 approval of the governing body or its designee in any area zoned
18 [EFU] subject to ORS 215.296:

19 "(i) Home occupations as provided in ORS 215.448."

20 ORS 215.448 provides, in part:

21 "(1) The governing body of a county or its designate may allow,
22 subject to the approval of the governing body or its designate, the
23 establishment of a home occupation and the parking of vehicles in
24 any zone. However, in an exclusive farm use zone, forest zone or a

1 mixed farm and forest zone that allows residential uses, the
2 following standards apply to the home occupation:

3 “(a) It shall be operated by a resident or employee of a resident of
4 the property on which the business is located;

5 “(b) It shall employ on the site no more than five full-time or part-
6 time persons;

7 “(c) It shall be operated substantially in:

8 “(A) The dwelling; or

9 “(B) Other buildings normally associated with uses
10 permitted in the zone in which the property is located;
11 and

12 “(d) It shall not unreasonably interfere with other uses permitted
13 in the zone in which the property is located.

14 “(2) The governing body of the county or its designate may establish
15 additional reasonable conditions of approval for the establishment
16 of a home occupation under subsection (1) of this section.”

17 OAR 660-033-0130 provides minimum standards applicable to the
18 schedule of permitted and conditional uses on agricultural land. OAR 660-033-
19 0130(14) provides:

20 “Home occupations and the parking of vehicles may be authorized.
21 Home occupations shall be operated substantially in the dwelling or
22 other buildings normally associated with uses permitted in the zone
23 in which the property is located. A home occupation shall be
24 operated by a resident or employee of a resident of the property on
25 which the business is located, and shall employ on the site no more
26 than five full-time or part-time persons.”

27 The challenged decision amends the MCC to allow as a conditional use
28 home occupation in agricultural resource zones “an event business hosting

1 weddings, family reunions, class reunions, company picnics, memorials, and
2 similar gatherings.”¹ Record 10. The property where the event business will
3 operate must be subject to special assessment for farm use. The event business
4 must be operated substantially in the dwelling or other buildings normally
5 associated with uses in the zone. The event business operator must be the property
6 owner and a full-time resident of a dwelling on the property. The property owner
7 may not employ more than five full-time or part-time persons that work at the
8 event business at any one time. A maximum of 18 events per calendar year may
9 be held on the property and each event may not exceed three consecutive days.
10 A maximum number of 750 guests may be permitted on the property at any one
11 time.

12 Petitioners argue that the event business use that the county authorized is
13 not a “home occupation” within the meaning of ORS 215.448 and ORS
14 215.283(2)(i). In interpreting a statute we examine the statutory text, context, and
15 legislative history with the goal of discerning the enacting legislature’s intent.
16 *State v. Gaines*, 346 Or 160, 171-72, 206 P3d 1042 (2009); *PGE v. Bureau of*
17 *Labor and Industries*, 317 Or 606, 610-12, 859 P2d 1143 (1993). We are
18 independently responsible for correctly construing statutes. *See* ORS 197.805
19 (providing the legislative directive that LUBA “decisions be made consistently

¹ The county modeled the amendments on the Clackamas County event code provisions. Record 4.

1 with sound principles governing judicial review”); *Gunderson, LLC v. City of*
2 *Portland*, 352 Or 648, 662, 290 P3d 803 (2012) (“In construing statutes and
3 administrative rules, we are obliged to determine the correct interpretation,
4 regardless of the nature of the parties’ arguments or the quality of the information
5 that they supply to the court.” (Citing *Dept. of Human Services v. J. R. F.*, 351
6 Or 570, 579, 273 P3d 87 (2012); *Stull v. Hoke*, 326 Or 72, 77, 948 P2d 722
7 (1997).)). We presume that the legislature enacts statutes “with full knowledge
8 of the existing condition of the law and with reference to it,” and we construe
9 statutes as “part of a general and uniform system of jurisprudence.” *Coates v.*
10 *Marion County*, 96 Or 334, 339, 189 P 903 (1920). We look to the provisions of
11 the relevant statute and other related statutes and seek to harmonize the statutes
12 so that all “provisions or particulars” have effect. ORS 174.010; *Daly v. Horsefly*
13 *Irr. Dist.*, 143 Or 441, 445, 21 P2d 787 (1933). We interpret the nonfarm uses
14 allowed by ORS 215.283(2) narrowly as opposed to expansively. *Stop the Dump*
15 *Coalition v. Yamhill County*, 364 Or 432, 454-55, 435 P3d 698 (2019); *Craven*
16 *v. Jackson County*, 308 Or 281, 286-87, 779 P2d 1011 (1989); *1000 Friends of*
17 *Oregon v. Clackamas County*, 320 Or App 444, 456, 514 P3d 553 (2022);
18 *Warburton v. Harney County*, 174 Or App 322, 327-29, 25 P3d 987, *rev den*, 332
19 Or 559 (2001).

20 We begin with the text, which is the primary indicator of the legislature’s
21 intent. Petitioners argue that the activities that the county may allow under ORS
22 215.283(2)(i) and ORS 215.448 are confined by the meaning of the terms “home”

1 and “occupation,” which are not defined by statute or administrative rule. Under
2 its plain meaning, when used as an adjective, “home” means “of, relating to, or
3 adjacent to a home.” *Webster’s Third New Int’l Dictionary* 1082 (unabridged ed
4 2002). “Home” as a noun means “the house and grounds with their appurtenances
5 habitually occupied by a family : one’s principle place of residence :
6 DOMOCILE” and “a private dwelling : HOUSE.” *Id.* “Occupation” means “an
7 activity in which one engages” and “a craft, trade, profession or other means of
8 earning a living.” *Id.* at 1560. Therefore, petitioners conclude, and we agree, a
9 “home occupation” is an activity that a person engages in at their principal place
10 of residence to earn a living.

11 Petitioners argue that the term “home” includes an inherent limitation that
12 the activity must be capable of being conducted or carried out within a residence
13 or residential structures that are typically associated with a dwelling such as a
14 garage or shop. 1000 Friends Petition for Review 9-10. 1000 Friends argues that

15 “Although, people can and do host weddings, family reunions,
16 memorials, and gatherings at their home, they do not do so as part
17 of a profession or occupation that invites the general public into their
18 home for the purpose of earning an income on a regular basis. Nor
19 do they do so on the scale that the county’s amendments would
20 allow. As built for residential use, a home or a dwelling is not
21 designed to accommodate or facilitate that kind of regular public use
22 or occupancy.” *Id.* at 10 (citation omitted).

23 1000 Friends’ argument is not supported by the text. First, nothing in the
24 terms “home” and “occupation” quantifiably limit the scale of an activity that
25 might be considered a home occupation. Second, as 1000 Friends recognizes, the

1 legislature specifically provided that a home occupation must “be operated
2 substantially in the dwelling; or other buildings normally associated with uses
3 permitted in the zone in which the property is located.” ORS 215.448(1)(c)(A),
4 (B). The legislature specified where the home occupation may take place and did
5 not limit the activities to those that may take place in a dwelling. Instead, a home
6 occupation may operate out of a nonresidential structure, such as a barn, so long
7 as the structure is normally associated with uses permitted in the zone in which
8 the property is located. Thus, the plain meaning of the word “home” does not
9 narrow the physical scope of the activities that may constitute home occupations.
10 We reject petitioners’ argument that a home occupation activity is limited to
11 activities that are capable of being conducted in a dwelling.

12 1000 Friends argues that accepting the county’s interpretation would
13 render the term “home” null because it would allow any occupation in any zone.
14 That conclusion is inaccurate. The term “home” limits occupations to properties
15 that contain a dwelling. ORS 215.448(1)(a) further limits those occupations by
16 requiring that the operator either reside on the property or be employed by a
17 resident of the property on which the business is located. Thus, the term “home”
18 is not rendered meaningless by an interpretation that does not limit home
19 occupation uses to activities that are capable of being conducted in a dwelling.

20 We conclude that nothing in the phrase “home occupation” prohibits the
21 county from authorizing event businesses as home occupations. ORS 215.448
22 authorizes a broad range of activities that a county may allow in resource zones,

1 limited by the standards set out in that statute. *See White v. Lane County*, 68 Or
2 LUBA 423, 456-57 (2013) (Holstun, concurring) (“The home occupations
3 authorized by ORS 215.448 are not really uses. Rather ORS 215.448 authorizes
4 approval of *any* use, so long as that use [satisfies the standards set forth in the
5 statute]. ORS 215.448 imposes no limits on the kinds of uses that may be
6 approved in resource zones beyond these four limitations.” (Citing *Green v.*
7 *Douglas County*, 63 Or LUBA 200, 208-09, *rev’d and rem’d on other grounds*,
8 245 Or App 430, 263 P3d 355 (2011) (emphasis in *White*)).

9 We proceed to consider the context. “Context includes other related
10 statutes.” *State v. Carr*, 319 Or 408, 411-12, 877 P2d 1192 (1994). Petitioners
11 point out that the legislature provided for event uses on farmland in ORS
12 215.283(4), which allows agritourism and other commercial events or activities.
13 Commercial events allowed under ORS 215.283(4) must be “incidental and
14 subordinate to existing farm use on the tract” and that provision includes limits
15 on the number of events, duration of events, and number of attendees, among
16 other things. ORS 215.283(4) does not include certain limitations applicable to
17 home occupations. For example, ORS 215.284(4) does not limit the allowed
18 number of employees or require that an owner or employee of the owner reside
19 on the property.

20 In its amendments allowing an event business as a conditional use home
21 occupation in agricultural resource zones, the county recognized and adopted
22 some, but not all, of the limitations that appear in the agritourism statute. For

1 example, the county applied the same 18-event limit. Record 4; ORS
2 215.283(4)(d)(D). Differently, ORS 215.283(4) allows between 100 and 500
3 people, while the county's amendments allow up to 750 guests. Moreover, while
4 the county's amendments require that the subject property be in farm use tax
5 deferral status, the county amendments do not require that events be incidental
6 and subordinate to farm use of the property or in any way related to and
7 supportive of agriculture, which are requirements for events under ORS
8 215.283(4).

9 Petitioners argue that ORS 215.283(4) provides statutory context that
10 demonstrates that the more generic category of "home occupation" does not
11 include a nonfarm event business that hosts large public gatherings or events. In
12 other words, we understand petitioners to argue that, because the legislature
13 expressly allows certain agritourism and other commercial events under ORS
14 215.283(4), the legislature intended that counties may not authorize event
15 businesses as home occupations on resource land.

16 Our inquiry is focused on whether the legislature intended to limit the types
17 of businesses that counties may allow as home occupations in exclusive farm use
18 zones. *See Holcomb v. Sunderland*, 321 Or 99, 105, 894 P2d 457 (1995) ("The
19 proper inquiry focuses on what the legislature intended at the time of enactment
20 and discounts later events."). The current language of ORS 215.283(2)(i) was
21 adopted in 1985 and refers to ORS 215.448, which was adopted in 1983 and
22 amended in 1995. ORS 215.283(4) was adopted many years later in 2011. We

1 may refer to later-enacted, related statutes “as indirect evidence of what the
2 enacting legislature most likely intended.” *Halperin v. Pitts*, 352 Or 482, 490,
3 287 P3d 1069 (2012); *see also Gaines*, 346 Or at 177 n 16 (later-enacted statutes
4 “can be of some aid in interpreting an earlier one”); *Schaefer v. Marion County*,
5 318 Or App 617, 624, 509 P3d 718 (2022) (referring to current statutes as
6 context).

7 Petitioners’ context argument is contradicted by ORS 215.283(6)(c),
8 which provides:

9 “The authorizations provided by subsection (4) of this section *are in*
10 *addition to other authorizations that may be provided by law*, except
11 that ‘outdoor mass gathering’ and ‘other gathering,’ as those terms
12 are used in ORS 197.015(10)(d), do not include agri-tourism or
13 other commercial events and activities.” (Emphasis added.)

14 We conclude that, in enacting ORS 215.283(4), the legislature did not
15 intend to displace or preclude event businesses operating as home occupations in
16 resource zones. In enacting ORS 215.283(4), the legislature could have, but did
17 not, contemporaneously amend ORS 215.283(2)(i) to clarify that “home
18 occupations” do not include event businesses and that ORS 215.283(4) is the only
19 path to conducting such events. Instead, the legislature specified that ORS
20 215.283(4) is “in addition to other authorizations that may be provided by law,”
21 expressing the legislature’s intent that ORS 215.283(4) is not the *only* path to
22 conducting lawful events on resource land. ORS 215.283(6)(c).

1 The legislative history of ORS 215.283(4) supports that interpretation. We
2 summarized the legislative history of ORS 215.283(4) in *Friends of Yamhill*
3 *County v. Yamhill County*, 80 Or LUBA 135 (2019), *rev'd and rem'd*, 301 Or
4 App 726, 458 P3d 1130 (2020). We reiterate some of that history here.

5 The 2011 legislature recognized that unpermitted commercial event uses,
6 such as weddings, concerts, and other facility rentals were occurring on farmland.
7 The legislature sought to create a pathway for county review of such nonfarm
8 commercial uses and allow orderly conflict in the land use process. Audio
9 Recording, Senate Committee on Environment and Natural Resources, SB 829
10 and SB 960, Apr 14, 2011, at 39:00 to 40:58 (statement of Governor's Natural
11 Resources Policy Advisor Richard Whitman), <https://olis.leg.state.or.us>
12 (accessed July 31, 2019). Counties took the lead in identifying the primary
13 concerns and proposing legislative solutions. *Id.* at 16:00 (statement of
14 Association of Oregon Counties representative Art Schlack). The Association of
15 Oregon Counties (AOC) Board of Directors created the Farmland Activities Task
16 Force (Task Force) in April 2010. The Task Force studied the issues and conflicts
17 surrounding nonfarm events and activities on farmlands and generated a report
18 and recommendations (Report). Exhibit 6, Senate Committee on Environment
19 and Natural Resources, SB 960, Apr 14, 2011, Task Force Report and
20 Recommendations (December 13, 2010). The Report explained:

21 “Based upon its review of the activities and events that are taking
22 place on farmland and associated issues and concerns, the Task
23 Force concluded that existing law does not clearly provide

1 opportunities to conduct activities and events on farmland. The
2 Farmland Activities Task Force has developed a legislative concept
3 to clarify how activities and events in conjunction with farm use may
4 be permitted on farmland. The legislative concept provides
5 additional opportunities for counties to permit activities and events
6 on farmland.

7 “This proposed legislation is intended to provide county planners
8 with additional tools for their tool boxes. The opportunities provided
9 in the legislation would be used at the option of counties and are in
10 no way meant to be mandatory. The Task Force realizes these
11 recommendations may not provide an opportunity to conduct
12 activities and events on farmland which do not promote farm use.
13 However, we believe it is a good basis for providing balance
14 between the conservation of farmland and the need of farmers to use
15 their land in beneficial yet non-traditional ways.” Report
16 Introduction (internal citation omitted).

17 The Report included a survey that described the counties’ responses
18 regarding the types of activities and events being conducted on farmland and
19 whether and how the counties reviewed those uses. Report Ex B. The counties’
20 responses indicated that at least five counties reviewed event activities such as
21 weddings on farmland as home occupations. (Clackamas, Lane, Polk, Union,
22 Wasco). *Id.* Washington County suggested that the Land Conservation and
23 Development Commission could adopt rules clarifying whether event businesses
24 “fit within existing allowed non-farm uses, or whether it is a new non-farm uses[.]
25 * * * For example, the OARs could clarify whether weddings are allowed as
26 private parks, home occupations, or accessory to a winery. Currently, every
27 county treats them differently.” Report Ex B at 13. Yamhill County suggested
28 that “[i]n most cases, activities should be allowed through the conditional use

1 process and should only be allowed when there is a clear link to the promotion of
2 farm use.” Report Ex B at 14.

3 Even if the legislature in 1985 did not expressly intend to allow event
4 businesses as home occupations on resource land, the context and legislative
5 history of ORS 215.283(4) indicates that the legislature was aware in 2011 that
6 event businesses were being approved and operated as home occupations on
7 resource land in some counties. The legislature could have, but did not, amend
8 ORS 215.283(2)(i) to clarify that “home occupations” do not include event
9 businesses or could have otherwise provided in ORS 215.283 that ORS
10 215.283(4) is the only path to conducting such events. We conclude that, in
11 enacting ORS 215.283(4), the legislature did not intend to preclude counties from
12 authorizing event businesses as home occupations in resource zones. That
13 conclusion is supported by the text of ORS 215.283(6) and the legislative history
14 of ORS 215.283(4).

15 Petitioners cite to the legislative history of ORS 215.448, which includes
16 testimony indicating that the legislature contemplated that home occupations
17 include “cottage industries” such as “candlemakers, stain glass works, carriage
18 works, model builders, people making high tech component parts, people who
19 are appraisers, [and] insurance people who have secretaries.” 1000 Friends’
20 Petition for Review 15 and FOMC’s Petition for Review 11 (citing Audio
21 Recording, House Committee on Environment and Energy, HB 2625, Apr 27,
22 1983, Tape 174, Side A at 3:15 (statement of HB 2625’s sponsor Rep Andersen).

1 We agree that the cited legislative history indicates that the enacting legislature
2 might have had a narrow view of what activities constitute “cottage industries.”
3 However, the legislature did not adopt any specific limitations into ORS 215.448,
4 for example by providing a list of characteristics or examples that could limit the
5 types of activities that could constitute home occupations. Instead, ORS 215.448
6 authorizes approval of any activity that satisfies the standards therein.
7 “[W]hatever the legislative history might show about the legislature’s intentions,
8 those intentions must be reflected in actual statutory wording that, when
9 reasonably construed, is capable of carrying out such an intention.” *State v.*
10 *Patton*, 237 Or App 46, 53, 238 P3d 439 (2010), *rev den*, 350 Or 131 (2011).

11 Even where the legislative history demonstrates that specific
12 circumstances motivated a bill, that history does not necessarily mean that the
13 legislature intended an enactment to address only those circumstances. Often, as
14 with ORS 215.448, the legislature responds to specific issues by enacting a statute
15 that is broader than the initial issue. *See, e.g., Hamilton v. Paynter*, 342 Or 48,
16 55, 149 P3d 131 (2006) (“[T]he statutory text shows that, even if the legislature
17 had a particular problem in mind, it chose to use a broader solution.”); *South*
18 *Beach Marina, Inc. v. Dept. of Rev.*, 301 Or 524, 531, 724 P2d 788 (1986) (“The
19 legislature may and often does choose broader language that applies to a wider
20 range of circumstances than the precise problem that triggered legislative
21 attention.”).

1 The policy preference that petitioners advocate for in this appeal is a matter
2 that may be taken up with the legislature. It is not a limitation found in the
3 statutory interpretation of ORS 215.283 and ORS 215.448.

4 The first assignment of error is denied.

5 **SECOND ASSIGNMENT OF ERROR (1000 Friends)**

6 In their second assignment of error, 1000 Friends argues that we have
7 previously erred in interpreting ORS 215.448(1)(b), which provides that a home
8 occupation “shall employ on the site no more than five full-time or part-time
9 persons.” In *Green v. Douglas County (Green III)*, we concluded that the statute
10 allows an applicant to count the number of persons who are employed on site at
11 any given time rather than the total number of people employed to carry out the
12 use. 67 Or LUBA 234, 244-246, *aff’d*, 258 Or App 534, 311 P3d 527 (2013).
13 Under that interpretation, a business allowed as a home occupation could employ
14 more than five persons, so long as no more than five employees are ever on site
15 at the same time. We revisited and reaffirmed that interpretation in *1000 Friends*
16 *of Oregon v. Clackamas County*, ___ Or LUBA ___ (LUBA No 2020-051, Oct
17 30, 2020) (*Herkamp*) (slip op at 15-16). 1000 Friends appealed our decision in
18 *Herkamp*. The Court of Appeals affirmed our decision. *1000 Friends of Oregon*
19 *v. Clackamas County*, 309 Or App 499, 483 P3d 706, *rev den*, 368 or 347 (2021).
20 1000 Friends argues that interpretation is inconsistent with the language of the
21 statute. Even if we were persuaded to reconsider our prior decisions in *Green III*

1 and *Herkamp*, which we are not, we have no authority to disregard the Court of
2 Appeals' decisions. Accordingly, 1000 Friends has stated no basis for remand.

3 1000 Friends' second assignment of error is denied.

4 **SECOND ASSIGNMENT OF ERROR (FOMC)**

5 The amendments allow the county to permit event businesses that can host
6 events of up to 750 people. As explained above, ORS 215.448(1)(b) provides that
7 a home occupation "shall employ on the site no more than five full-time or part-
8 time persons." LUBA and the Court of Appeals have interpreted that provision
9 to mean that a business allowed as a home occupation could employ more than
10 five persons, so long as no more than five employees are ever on site at the same
11 time. *Green*, 67 Or LUBA at 244-246; *Herkamp*, ___ Or LUBA at ___ (slip op
12 at 15-16).

13 The county decided that the "maximum number of participants is 750;
14 larger events must obtain a mass gathering permit." Record 4-5. The county did
15 not explain how a home occupation event business hosting events of up to 750
16 guests could comply with the five-employee limitation. FOMC observes that the
17 county's reference to mass gatherings suggests that the county decided on 750-
18 guest maximum because that number is the maximum number of guests
19 allowable without constituting a mass gathering. See MC 9.25.030(A) (defining
20 "small gathering," a type of "outdoor mass gathering" for which a permit is
21 required, as "any assembly of persons whose actual number is, or reasonably can

1 be anticipated to be, less than or equal to 3,000 but more than 750 persons at any
2 time”).

3 FOMC argues that the amendments are not supported by adequate findings
4 or an adequate factual base because there is no explanation or evidence that five
5 employees can feasibly support up to 750 event attendees. FOMC points out that
6 an event for 750 guests with five employees on site means that only one employee
7 would be available to serve up to 150 guests, even assuming that no other
8 employees were required on site for other activities (e.g., food preparation,
9 parking, safety, security, sanitation, entertainment).

10 There is no generally applicable requirement that legislative land use
11 decisions be supported by findings. However, the decision and record must be
12 sufficient to demonstrate that applicable criteria were applied and “required
13 considerations were indeed considered.” *Citizens Against Irresponsible Growth*
14 *v. Metro*, 179 Or App 12, 16 n 6, 38 P3d 956 (2002). In addition, Statewide
15 Planning Goal 2 (Land Use Planning) requires that a legislative land use decision
16 be supported by “an adequate factual base,” which is an evidentiary standard that
17 is equivalent to the requirement that a quasi-judicial decision be supported by
18 substantial evidence in the whole record. *1000 Friends of Oregon v. City of North*
19 *Plains*, 27 Or LUBA 372, 378, *aff’d*, 130 Or App 406, 882 P2d 1130 (1994).
20 Substantial evidence exists to support a finding of fact when the record, viewed
21 as a whole, would permit a reasonable person to make that finding. *Dodd v. Hood*

1 *River County*, 317 Or 172, 179, 855 P2d 608 (1993); *Younger v. City of Portland*,
2 305 Or 346, 351-52, 752 P2d 262 (1988).

3 The county responds that the 750-person maximum allowed by the
4 amendments is not allowed by right. Instead, to obtain approval for the 750-
5 person maximum, an applicant would have to satisfy all the conditional use
6 criteria, including the five-employee limit, and FOMC has not met its burden in
7 a facial challenge that the challenged provisions are facially inconsistent with
8 applicable law and are incapable of being applied consistently with controlling
9 law. *Hatley v. Umatilla County*, 68 Or LUBA 264 (2013). Further, the county
10 argues that FOMC has not established that the challenged conditional use home
11 occupation regulations are not capable of being applied consistently with ORS
12 215.448(1)(b). The county does not respond to FOMC's argument the
13 amendments are not supported by an adequate factual base.

14 The county argues that ORS 215.448 sets no express limit on the number
15 of guests. That is true. However, we agree with FOMC that the five-employee
16 limit is an indirect limit on the size and scope of the home occupation activities.
17 While we cannot say as a matter of law that five employees may not feasibly
18 support and manage an event of up to 750 event attendees, we agree with FOMC
19 that the decision and record do not demonstrate that the county considered the
20 five-employee limit in ORS 215.448(1)(b) in adopting a 750-person maximum.
21 We also agree with FOMC that the county's decision and the record do not
22 demonstrate that five employees can support up to 750 event attendees. The

1 county's response that other conditional use criteria will likely limit the permitted
2 event attendees in the future does not resolve this issue. Remand is appropriate
3 for the county to consider the five-employee limit in ORS 215.448(1)(b) in
4 adopting a 750-person maximum and explain how that maximum is consistent
5 with the statute, with that explanation supported by an adequate factual base. We
6 reach this conclusion under the standard of review for an adequate factual base.
7 *See Naumes Properties, LLC v. City of Central Point*, 46 Or LUBA 304, 315 n
8 16 (2004) (explaining that the Goal 2 requirement for an adequate factual base
9 applies to all applicable law because LUBA "must have *something* from the
10 decision or record to base our decision upon" (emphasis in original)).

11 FOMC's second assignment of error is sustained.

12 The county's decision is remanded.

**COMMUNITY &
BUSINESS
DEVELOPMENT**

March 17, 2025

**LAND USE
PLANNING,
ZONING AND
PERMITTING**

Jim Whitney
101 SE 3rd St
Pendleton OR 97801

**CODE
ENFORCEMENT**

**SOLID WASTE
COMMITTEE**

Re: Text Amendment to UCDC 152.617(H) Home Occupations/Cottage Industries to establish criteria for commercial weddings and gatherings as home occupations

**SMOKE
MANAGEMENT**

Dear Mr. Whitney:

**GIS AND
MAPPING**

**RURAL
ADDRESSING**

**LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT**

The Umatilla County Board of Commissioners (BCC), at their March 12, 2025 hearing, approved Umatilla County Development Code Text Amendment #T-097-24, amending the County's home occupation standards listed in UCDC 152.617(H) to include criteria for establishing commercial wedding and gathering hosting as a home occupation in the EFU zone. A copy of Umatilla County Ordinance No. 2025-03 is enclosed.

PUBLIC TRANSIT

The date the findings were signed and mailed commences a statutory 21-day appeal period in which those who participated or testified during the approval process, may appeal the BCC decision to the Land Use Board of Appeals. This appeal period will close on April 7, 2025.

In conclusion, if you have questions please contact me, at (541) 278-6252, or if it is more convenient you may e-mail me at Megan.Davchevski@umatillacounty.gov. Thank you for your cooperation.

Kind Regards,



Megan Davchevski
Planning Division Manager

Enclosure: Ordinance No. 2025-03

CC: hearing participants, see list

**UMATILLA COUNTY BOARD OF COMMISSIONERS
FINAL FINDINGS OF FACT AND CONCLUSIONS OF LAW
TEXT AMENDMENT, #T-097-24**

**AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, AMENDING LANGUAGE
REGARDING HOME OCCUPATIONS TO ALLOW WEDDINGS AND COMMERCIAL
GATHERINGS IN THE EXCLUSIVE FARM USE ZONE**

1. Request

Applicant, Jim Whitney, is requesting an amendment to Umatilla County Development Code (UCDC) Section 152.617(H) Home Occupations/Cottage Industry.

2. Procedural Matters

A. Categorization of this Matter

This matter is a legislative matter because it proposes to amend the text of the UCDC in a manner that will amend Section 152.617(H) Home Occupations/Cottage Industries in the Exclusive Farm Use Zone.

B. Post-Acknowledgment Amendment

This legislative amendment is an amendment to the County's acknowledged 1983 Zoning Ordinance. ORS 197.610(1) and OAR 660-018-0020(1) require that the County provide notice to the Director of the Oregon Department of Land Conservation and Development ("DLCD") at least 35 days prior to the initial evidentiary hearing. The County provided the 35-day notice to DLCD through DLCD's PAPA online portal on December 18, 2024. The County has satisfied ORS 197.610(1) and OAR 660-018-0020(1) by submitting the post-acknowledgement amendment notice so that it arrived at the office of the Director of DLCD at least 35 days prior to the initial evidentiary hearing.

UCDC 152.771(B) requires the County provide a legal notice for the Planning Commission hearing January 23, 2025 and Board of Commissioners hearing March 12, 2025 by publication in a newspaper of general circulation in the County at least ten (10) days prior to the date of the first hearing. The notice was published in the *East Oregonian* newspaper on January 8, 2025. The Board hearing was originally scheduled for March 5, 2025 but was later rescheduled; the March 5th hearing was opened, the hearing continued to March 12th, 2025, and then the March 5th hearing was closed.

The County has satisfied the post-acknowledgement amendment notice required by ORS 197.610(1) and OAR Chapter 660-018-0020(1) and the legal notice of hearing publication in UCDC 152.771(B).

C. Procedure

UCDC 152.752 is entitled "Public Hearings on Amendments." This section provides, in relevant part:

"The Planning Commission shall conduct a public hearing on the proposed amendment according to the procedures in section 152.771 of this Chapter at its earliest practicable meeting after it is proposed. The

decision of the Planning Commission shall be final unless appealed, except in the case where the amendment is to the text of this Chapter, then the Planning Commission shall forward its recommendation to the Board of Commissioners for final action."

The County will hold two (2) hearings for this legislative amendment, one (1) before the Planning Commission and one (1) before the Board of Commissioners.

Additionally, UCDC 152.771(A)(1) provides that a public hearing is required for legislative amendments. The procedures and requirements for a quasi-judicial hearing are not applicable to this hearing. Therefore, UCDC 152.772, which applies to quasi-judicial hearings, is not applicable to this legislative proceeding.

3. Approval Criteria

UCDC 152.751 requires that an amendment to the text of the UCDC shall comply with provisions of the Umatilla County Comprehensive Plan (the "Plan"), the Oregon Transportation Planning Rule (the "TPR"), OAR Chapter 660, division 12, and the Umatilla County Transportation Plan ("Transportation Plan"). The County also finds that because this text amendment is a post-acknowledgment amendment, ORS 197.175(1) requires that the Plan and Map amendment satisfy applicable Statewide Planning Goals (the "Goals") and other applicable administrative rules. The County finds that the UCDC does not contain substantive standards for an amendment to the UCDC text. The remainder of this section addresses the applicable approval criteria.

This UCDC provision sets forth the approval requirements for amendment to the text of the UCDC. This section requires that an amendment satisfy the Plan and the Oregon Transportation Planning Rule (the "TPR"), OAR 660, Division 12, as well as the Umatilla County Transportation Plan.

The County finds this request is to amend the text of the UCDC, specifically to amend Section 152.617(H) Home Occupations/Cottage Industry in the Exclusive Farm Use (EFU) Zone. The TPR, OAR 660-012-0060 (1)-(3), is not implicated by this text amendment and further analysis of the Oregon Transportation Plan and Umatilla County requirements in 152.019 are not required.

The Oregon Land Conservation and Development Commission recently adopted rule changes to Oregon Administrative Rule (OAR) 660-033-0130(14) that took effect January 1, 2025. Although the applicant submitted this legislative amendment prior to January 1, 2025, opponents raised the issue of these rule changes during the hearing process. The new language of OAR 660-033-0130(14)(c) applies to home occupation requests in the EFU zone submitted after January 1, 2025, regardless if the county has codified the new language. Thus, to address issues raised by opponents, the new administrative rule language is evaluated below, and requires home occupations to satisfy the following:

(14) Home occupations and the parking of vehicles may be authorized.

(a) Home occupations shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.

(b) A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located, and shall employ on the site no more than five full-time or part-time persons.

(c) A governing body may only approve a use provided in OAR 660-033-0120 as a home occupation if:

(A) The scale and intensity of the use is no more intensive than the limitations and conditions otherwise specified for the use in OAR 660-033-0120, and

(B) The use is accessory, incidental and subordinate to the primary residential use of a dwelling on the property.

Umatilla County finds that allowing weddings and gatherings, of no more than 50 events per year, and limiting the number of guests to no more than 100 on properties smaller than 10 acres in size, and the number of guests to no more than 300 on properties larger than 10 acres, along with the other criteria adopted with this amendment, ensures that the scale and intensity of the use is no more intensive than those listed in OAR 660-033-0120.

Umatilla County finds that by its definition, a home occupation requires that the owner/operator of the home occupation live on the subject property. This requirement is also captured with the following criteria in this text amendment: (4) The home occupation shall be secondary to the main use of the property as a residence and shall be operated by the resident or employee of a resident of the property on which the business is located; and (6) The home occupation shall not interfere with other uses permitted in the zone in which the property is located. In order to qualify for a home occupation, there first needs to be a dwelling on the subject property, and the resident or their employer must be the operator of the home occupation. Umatilla County finds allowing the resident to host no more than 50 gathering events per year would be accessory, incidental and subordinate to the primary use of the property as a residence, whereas a resident would reside on the subject property seven days a week. Umatilla County also finds that operators of home wedding and gathering venues are typically run by locals, with it being a family business in addition to and secondary to the family owned farming business and residence. These small wedding and gathering family businesses are compatible with adjacent residences and farming operations while also providing a secondary funding stream for residents.

In order to maintain compliance with the Conditional Use Permit criteria, the primary use of the subject property is required to remain residential. If and when, during the annual review process, the primary use is no longer residential, the Conditional Use Permit could be found out of compliance and could be revoked at that time.

Umatilla County finds and concludes the text amendment establishing criteria for approving commercial gatherings and events as a home occupation is compliant with OAR 660-033-0130(14), including the amended rules listed as (c) and in effect on January 1, 2025.

Finding: The County finds that UCDC 152.751 is satisfied.

A. Applicable Statewide Planning Goals

Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The Umatilla County Comprehensive Plan and Development Code outline the County's citizen involvement program that includes the activities of the Planning Commission and provides for the public hearing process with its required notice provisions. These notice provisions provide for adjoining and affected property owner notice; notice to interested local, state and federal agencies; and allows for public comment to the process. The County held two public hearings that allowed the public and agencies to provide comments to the decision makers.

Goal 2 Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their comprehensive plans and development codes. This text amendment is being requested under the Umatilla County Development Code provisions that apply to amendments, meeting the intent of Goal 2.

Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.

Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq. Goal 3 also applies to mixed farm/forest zones, such as Umatilla County's Grazing/Farm (GF) zone. ORS 215 permits Home Occupations in the Exclusive Farm Use (EFU) Zone. The proposed text amendment provides specific standards for permitting weddings and commercial gatherings in the EFU zone, with adopting criteria that ensure compliance with Goal 3.

Umatilla County finds that many farm operators are facing financial hardships with the overall cost of farming which leads to many farms closing, going bankrupt or searching for other mechanisms to keep their family farms operating. Allowing weddings and gatherings as a home occupation will provide a secondary funding stream without negatively impacting farm operations, either those on the subject property or in the surrounding area. Umatilla County previously approved several wedding venues as Home Occupations, prior to establishing the 10-parking space maximum allowed. These wedding venues continue to operate in the County's farm zones without conflict during harvest season or during other farming activities. The proposed text amendment provides a clear pathway for wedding venues as home occupations, with clear side board requirements along with enforcement mechanism that were not available at the time of approval of these "grandfathered" home occupations. Additionally, each proposed home occupation will be evaluated at the time of application through the Conditional Use Permit process, which includes a comment period from neighboring landowners. The Conditional Use Permit process provides allowances for conditioning approvals on necessary additional criteria of approval based on public comments received, or restrictions deemed necessary for that particular site or proposal.

Umatilla County finds several criteria of approval required for permitting a wedding/gathering venue as a home occupation will protect farming operations, either those occurring onsite or in the vicinity of the proposed wedding/gathering venue. Specifically, those numbered 4, 6, 9, 15, 19, 20, 24, 26, 28 and 30-34, provided below for reference.

(4) The home occupation shall be secondary to the main use of the property as a residence and shall be operated by the resident or employee of a resident of the property on which the business is located;

(6) The home occupation shall not interfere with other uses permitted in the zone in which the property is located;

(9) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;

(15) The maximum number of guests shall be based on the capacity of the subject property and shall be specified in the approval. If the subject property is 4 to 10 acres in size, no more than 100 guests are allowed on the site at any given time. If the subject property is 10 acres or larger, no more than 300 guests are allowed at the site at any given time.

(19) All gatherings shall comply with Umatilla County's Noise Ordinance, Chapter 92 of the Code of Ordinances.

(20) Submit an emergency response plan approved by the applicable fire district.

(24) The existence of a home occupation shall not be used as justification for any future zone change.

(26) Customers visiting the home occupation must use an approved off-street parking area. No more than 125 vehicles from guests and employees of the home occupation can be present at any given time on the subject parcel. All off-street parking must be provided on the subject parcel where the home occupation is operated. Parking on public roads or easements must not occur at any time. Each parking space shall be a minimum of nine feet wide and 20 feet in length.

(28) The application shall contain a detailed site plan and accompanying narrative that address the following:

- a. Name of Home Occupation business*
- b. Name of Home Occupation operator/resident*
- c. Designated area and existing structures that will be used for gatherings*
- d. Proposed number of gatherings in a calendar year*
- e. Frequency of events*
- f. Maximum number of guests*
- g. Noise policy*
- h. Safety and Insurance policies*
- i. Infrastructure plan – how electricity and utilities will be provided*
- j. Parking*
- k. Traffic circulation and access plan approved by the local fire district*
- l. Domestic water supply source*
- m. How food will be provided and served*
- n. Number of portable toilets provided and how hand-washing or hand-sanitizing facilities will be provided*

(30) Sign and record a Covenant Not to Sue.

(31) Comply with other conditions necessary, as provided in §152.615.

(32) Comply with EFU Conditional Use Standards, as provided in §152.061.

(33) At no time shall the Home Occupation activities be allowed to infringe on nor supersede farm use activities on the subject property or nearby farming properties.

(34) A home occupation approved under this division shall be reviewed after one year for compliance with the above conditions and each subsequent year that the home occupation exists.

Umatilla County finds establishing the above criteria limits potential impacts to farm operations. Each proposal will be evaluated against the criteria as adopted and will be required to satisfy the

conditions in order to receive Conditional Use Permit approval. Those operations that are identified to impact farming operations would not satisfy the conditions of approval and thus could not be approved.

Umatilla County finds and concludes the proposed text amendment complies with Goal 3.

Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Goal 4 addresses the protection of forest lands. The proposed text amendment would not apply to forest lands; thus it complies with Goal 4.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.

Goal 5 addresses natural, historical and cultural resources with a focus on protecting sites. Goal 5 is not impacted by this request.

Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The proposed text amendment does not seek approval of a specific development but seeks to allow the opportunity for commercial gatherings and weddings as a Home Occupation in the Exclusive Farm Use Zone. Specific development criteria have been drafted in the proposed text amendment language and will be applied at the time an applicant requests Home Occupation approval.

Goal 7 Areas Subject to Natural Hazards and Disasters: To protect people and property from natural hazards.

Goal 7 works to address natural hazards and disasters, and through a comprehensive plan amendment process, would seek to determine if there are known natural hazards and seek to mitigate concerns. Natural hazards would be considered as part of the land use processes that would be completed during the conditional use permit process and are not considered for this text amendment application.

Goal 8 Recreation Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

No recreation components are included in this application.

Goal 9 Economy: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. The proposed amendment to add Home Occupations/Cottage Industry to lands within the Exclusive Farm Use Zone foster this goal by allowing landowners to diversify their small businesses and farming operations to allow weddings and gatherings. By also providing an avenue for permitting weddings and gatherings, the proposed amendment complies with Goal 9 by encouraging residents to utilize local farms rather than travelling outside of the county for their wedding or gathering needs. Umatilla County finds the proposed amendment is compliant with Goal 9.

Goal 10 Housing: To provide for the housing needs of citizens of the state.

Housing is not a direct consideration as part of this application.

Goal 11 Public Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. Goal 11 is not a direct consideration of this amendment request.

Goal 12 Transportation: To provide and encourage a safe, convenient and economic transportation system.

Goal 12 requires local governments to provide and encourage a safe, convenient and economic transportation system, implemented through the Transportation Planning Rule. Although Goal 12 is not a direct consideration of this amendment request, traffic impacts will be considered at the time of a Conditional Use Request and the proposed parking limitations will limit potential impacts.

Goal 13 Energy: To conserve energy.

Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles.

Goal 14 Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Goal 14 prohibits urban uses on rural lands. Goal 14 is not a direct consideration of this amendment request. Umatilla County finds the proposed Home Occupations/Cottage Industry uses are rural uses, are in character and scope of rural uses and do not implicate Goal 14.

Finding: Umatilla County has evaluated Statewide Planning Goals 1-14. The other five goals, 15-19, are not applicable to this application request. Umatilla County finds the goals that are applicable have been satisfied.

B. Applicable Oregon Administrative Rules

Finding: The County finds that there are no Oregon Administrative Rules (OARs) applicable to this request.

C. Applicable Plan Policies

The Umatilla County Comprehensive Plan includes the following provisions that are supportive of this application:

(a) Chapter 4, “The Planning Process”

Finding 6: “Other public agencies (e.g. state, federal, county, special district, city) have jurisdiction and /or management responsibilities for land in the County.”

Policy 6: “To insure public agency involvement, the County will endeavor to notify affected agencies through the processes outlined in the Comprehensive Plan and Development Code.”

Finding: The County finds this policy is satisfied where the County coordinated with affected governmental entities in providing notice of the Planning Commission and Board of Commissioners' hearings on the text amendment. Coordination requires that affected governmental entities be provided with the proposed text amendment, given a reasonable opportunity to comment, and that the County incorporate comments as much as is reasonable.

The County finds that this policy is satisfied.

(b) Chapter 5, “Citizen Involvement”

(1) Policy 1: “Provide information to the public on planning issues and programs, and encourage citizen input to planning efforts.”

Finding: The County finds Chapter 5, Policy 1, is satisfied because notice of the Planning Commission and Board of Commissioners' hearings are in a newspaper of County-wide circulation and there were two (2) *de novo* hearings where the public could testify on the proposed text amendment.

The County finds that this policy is satisfied.

(2) Policy 5: “Through appropriate media, encourage those County residents’ participation during both city and County deliberation proceedings.”

Finding: The County finds, as explained above, the publication of notice of the Planning Commission hearing and the Board of Commissioners’ hearing in a newspaper of County-wide circulation fulfills this requirement.

The County finds that this policy is satisfied.

(c) Chapter 6, “Agriculture”

(1) Policy 8: “The non-farm uses allowed in ORS 215.283 exist in the county and new ones can be accommodated without major conflict in most of the county’s agricultural regions.”

Finding: The County finds that State Statute provides allowances for non-farm uses to be sited in the Exclusive Farm Use Zone. Home Occupations are an allowed use under ORS 215.283, the applicant is requesting the County to adopt specific standards for hosting commercial weddings and gatherings, while remaining compliant with the restrictions placed on Home Occupations within ORS 215.283. As found above under Goal 3, the proposed criteria for establishing this type of home occupation will ensure no major conflict exists with farmland. Each proposed site will be evaluated for conflicts with agricultural operations at the time of application.

The County finds that this policy is satisfied.

5. CONCLUSION

For the reasons contained herein, the County finds the applicable approval criteria for the text amendment have been satisfied and the proposed text amendment to allow weddings and gatherings in the Exclusive Farm Use zone as a Home Occupation can be approved.

DATED this 17th day of March, 2025.

UMATILLA COUNTY BOARD OF COMMISSIONERS


Celinda A. Timmons, Commissioner


Daniel N. Dorran, Commissioner


John M. Shafer, Commissioner



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STATE OF OREGON

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(2) The home occupation/cottage industry must be operated completely within the dwelling or in other buildings normally associated with uses permitted within the zone in which the property is located;

(3) The home occupation/cottage industry shall not interfere with other uses permitted in the zone in which the property is located;

(4) There shall be no more than five people employed, including both full and part time employees;

(5) No structural alterations shall be allowed to accommodate the home occupation/cottage industry except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved. Such structural alterations shall not detract from the outward appearance of buildings as an accessory structure to a residence;

(6) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;

(7) Retail sales shall be limited or accessory to a service;

(8) Outside storage of materials, equipment or products related to the home occupation/cottage industry shall not be allowed;

(9) There shall be no display other than a

Type 2 sign that will indicate from the exterior that the building is used in whole or part for any purpose other than a dwelling;

(10) A home occupation/cottage industry approved under this division shall be reviewed after one year for compliance with the above conditions and each subsequent year that the home occupation/cottage industry exists.

(11) The existence of a home occupation/cottage industry shall not be used as justification for any future zone change.

(12) No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle a trailer or the parking of customer vehicles in a manner of frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off street parking;

(13) Customers visiting the home occupation/cottage industry must use an approved off-street parking area. No more than 10 vehicles from customers/visitors of the home occupation/cottage industry can be present at any given time on the subject parcel. All off-street parking must be provided on the subject parcel where the home occupation/cottage industry is operated. Parking on public roads or easements must not occur at any time.

(14) A property line adjustment may not be approved where the adjustment would separate a home occupation from the dwelling on the parcel.

(b) Home Occupation to Host Commercial Gatherings and Weddings in the Exclusive Farm Use Zone

(1) This section is not intended to apply to events hosted at such public gathering places as churches, community centers, grange halls, or schools, or similar structures; or to events hosted by non-profit organizations for charitable purposes. Nor is this section intended to apply to events covered by the State's Mass Gathering Statute (ORS 433.735 - 433.770). An activity carried on in conjunction with a marijuana crop is prohibited.

(2) The subject property shall be a minimum of 4 acres.

(3) The subject property is zoned Exclusive Farm Use.

(4) The home occupation shall be secondary to the main use of the property as a residence and shall be operated by the resident or employee of a resident of the property on which the business is located;

(5) The home occupation must be operated substantially within the dwelling or in other buildings normally associated with uses permitted within the zone in which the property is located;

(6) The home occupation shall not interfere with other uses permitted in the zone in which the property is located;

(7) There shall be no more than five people employed, including both full and part time employees;

(8) Only structural alterations required by Oregon State Building Codes may be permitted, except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved. Such structural alterations shall not detract from the outward appearance of buildings as an accessory structure to a residence;

(9) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;

(10) Retail sales shall be limited or accessory to a service;

(11) Outside storage of materials, equipment or products related to the home occupation/cottage industry shall not be allowed;

(12) One Type 2 sign is permissible;

(13) One temporary sign may be allowed in addition to an approved Type 2 sign for each event. The sign shall not exceed (8) eight square feet in size and may be placed on the subject property on the day of the wedding or business event and shall be removed within 24 hours of the events' end. Offpremise directional signs are allowed to be placed in

permissible locations 24 hours prior to the event.

(14) Each home occupation is limited to hosting a maximum of 50 events per calendar year. The number of approved events shall be specified in the Conditional Use Permit approval.

(15) The maximum number of guests shall be based on the capacity of the subject property and shall be specified in the approval. If the subject property is 4 to 10 acres in size, no more than 100 guests are allowed on the site at any given time. If the subject property is 10 acres or larger, no more than 300 guests are allowed at the site at any given time.

(16) Subject properties with multiple legally established dwellings may request overnight accommodations for guests within existing dwellings. The home occupation operator must reside in the primary dwelling. Dwellings eligible for overnight guest accommodations shall not have been approved as farm or forest dwellings. Other structures are prohibited from being converted to a dwelling, rooming house or other lodging.

(17) Hours of operation, including setup and take-down of events, are limited between 7:00am and 10:00pm.

(18) Lighting shall not project into adjoining properties. Use of stadium-style or other glaring lighting is prohibited. Lighting of accessible paths may be permitted. Exterior

lighting is subject to 152.615.

(19) All gatherings shall comply with Umatilla County's Noise Ordinance, Chapter 92 of the Code of Ordinances.

(20) Submit an emergency response plan approved by the applicable fire district.

(21) Home Occupation operator shall ensure that only caterers licensed in the State of Oregon are contracted to provide food and that they possess required Umatilla County Environmental Health permits.

(22) Home Occupation operator shall comply with all requirements of the Oregon Liquor Control Commission (OLCC) and obtain necessary permits, if alcohol is served during a gathering.

(23) Toilet facilities shall be portable with available hand-sanitizing or hand-washing facilities. Use of onsite septic facilities permitted for residential purposes are not allowed.

(24) The existence of a home occupation shall not be used as justification for any future zone change.

(25) No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle a trailer or the parking of customer vehicles in a manner of frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off street parking;

(26) Customers visiting the home occupation must use an approved off-street parking area. No more than 125 vehicles from guests and employees of the home occupation can be present at any given time on the subject parcel. All off-street parking must be provided on the subject parcel where the home occupation is operated. Parking on public roads or easements must not occur at any time. Each parking space shall be a minimum of nine feet wide and 20 feet in length.

(27) Obtain appropriate road approach permits from ODOT or Umatilla County Road Department.

(28) The application shall contain a detailed site plan and accompanying narrative that address the following:

- a. Name of Home Occupation business
- b. Name of Home Occupation operator/resident
- c. Designated area and existing structures that will be used for gatherings
- d. Proposed number of gatherings in a calendar year
- e. Frequency of events
- f. Maximum number of guests
- g. Noise policy
- h. Safety and Insurance policies
- i. Infrastructure plan – how electricity and utilities will be provided
- j. Parking
- k. Traffic circulation and access plan approved by the local fire district
- l. Domestic water supply source
- m. How food will be provided and

served

- n. Number of portable toilets provided and how handwashing or hand-sanitizing facilities will be provided

(29) A property line adjustment may not be approved where the adjustment would separate a home occupation from the dwelling on the parcel.

(30) Sign and record a Covenant Not to Sue.

(31) Comply with other conditions necessary, as provided in §152.615.

(32) Comply with EFU Conditional Use Standards, as provided in §152.061.

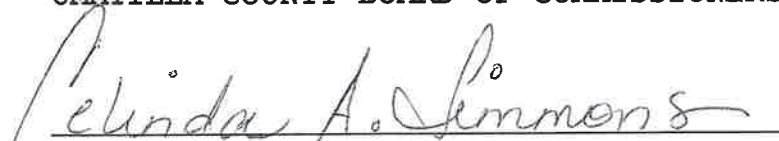
(33) At no time shall the Home Occupation activities be allowed to infringe on nor supersede farm use activities on the subject property or nearby farming properties.


(34) A home occupation approved under this division shall be reviewed after one year for compliance with the above conditions and each subsequent year that the home occupation exists.


FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and effect from and after its adoption.

DATED this 12th day of March, 2025.

UMATILLA COUNTY BOARD OF COMMISSIONERS


Celinda A. Timmons, Chair


Daniel N. Dorran, Commissioner


John M. Shafer, Commissioner

ATTEST:

OFFICE OF COUNTY RECORDS


Records Officer

