



**This is an electronic fillable form.**  
 Place the cursor in grey text boxes and start typing.  
 Left-click twice on the boxes to check or un-check them.  
 If the text appears too small please use the zoom button.

# CITY OF PENDLETON

Planning Department (541) 966-0204 Fax (541) 966-0251  
 500 SW Dorion Avenue, Pendleton, OR 97801

## **HOME OCCUPATION APPLICATION** Type I \_\_\_\_ Type II \_\_\_\_ Type III \_\_\_\_ Fee \$ \_\_\_\_\_

**NOTICE TO APPLICANT:** On original application form, please print legibly using blue or black ink, or type. Applicants are advised to review the list of submittal requirements indicated on each application form prior to submitting an application. **Incomplete applications** will not be acted upon or scheduled for a public hearing until the Planning Department receives all required submittal materials and fees. **Failure to provide complete and/or accurate information may result in delay or denial of your request.**

### SITE LOCATION AND DESCRIPTION

Tax Map #(S) Tax Lot #(s)  
 Tax Map #(S) Tax Lot #(s)  
 Frontage street or address  
 Nearest cross street  
 Current zoning County zoning, if applicable  
 Site size (acres or square feet) Dimensions

**SPECIFIC REQUEST** (Briefly state the nature of the request)

### APPLICANT

Mailing address  
 Phone Fax Email  
 Applicant's interest in property  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

### PROPERTY OWNER

Mailing address  
 Phone Fax Email  
 Adjacent property under same ownership (list tax lot ID)  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

*If same as applicant, mark SAME.* If there is more than one property owner, please attach additional sheets as necessary.

### OFFICE USE ONLY.

This institution is an equal opportunity provider and employer.

120 day time limit Accepted as complete \_\_\_\_\_ Final decision by \_\_\_\_\_  
 Planning Commission hearing date \_\_\_\_\_ Notice mailed \_\_\_\_\_  
 Notice to media Publication date \_\_\_\_\_ Emailed \_\_\_\_\_  
 Notice of Decision Date mailed \_\_\_\_\_ Appeal deadline \_\_\_\_\_  
 Associated applications \_\_\_\_\_

**STRUCTURES** Please indicate the type and number of structures currently on the site, and proposed for construction.

If zero, please mark 0. Please note if any will be used as part of the home occupation.

- |                            |                           |
|----------------------------|---------------------------|
| Single Family Residence(s) | Barn/other Ag building(s) |
| Multi Family Residence(s)  | Commercial building(s)    |
| Manufactured Home(s)       | Industrial Building(s)    |
| Travel Trailer(s)          | Accessory structures      |
| Other residential          | Other                     |

**SERVICE PROVIDERS** Please indicate which of the following services are provided on the property

- Water** City of Pendleton  Well  Other/None   
**Sewer** City of Pendleton  Septic  Other/None   
**Fire** City of Pendleton  RFD  Other/None

**Does the property have access to City streets?**

Yes  No  What and where?

**Does the property have access to County Roads?**

Yes  No  What and where?

**Are any businesses currently operating on the property?**

Yes  No  If yes, please describe.

All businesses operating within the City of Pendleton must obtain a City of Pendleton Business License.

- Total enclosed area of home, including garage** (fill in number of square feet)  
**Proposed Home Occupation will occupy** (fill in number of square feet)  
**Percentage of total square footage** (fill in %)

- 1) Will you produce waste products of a quality or quantity not normally associated with residential use?  
Yes  No
- 2) Will you create noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot?  
Yes  No
- 3) Will the home occupation create visual or audible interference to electrical equipment, radio or television receivers off the premises, or causes fluctuations in the line voltages off the premises?  
Yes  No
- 4) Does the home occupation involve on-site repair or assembly of vehicles or equipment with internal combustion engines (such as autos, chain saws, boat engines) or of large equipment (such as home appliances)?  
Yes  No
- 5) Does the home occupation involve deliveries to or from the property by a commercial vehicle or trailer (except such vehicles as a UPS, postal service truck, or similar vehicle containing) no more than two (2) axles?  
Yes  No
- 6) Will parking of customer, employee, or client vehicles create a hazard or unusual congestion?  
Yes  No
- 7) Will off-street parking spaces be reduced below the minimum requirement, and/or used for a purpose other than parking? (Check with staff to see what your minimum requirement is)  
Yes  No
- 8) Will you be parking vehicles having three (3) or more axles, or pieces of heavy equipment such as construction equipment on the premises or in the street?  
Yes  No
- 9) Will all merchandise, materials, or equipment be stored entirely within the residence or an accessory building?  
Yes  No
- 10) Proposed Home Occupation will employ \_\_\_\_\_ people who are not residents of the premises.
- 11) Will the site will be used as a headquarters for the assembly of employees or for the dispatch of employees for work at other locations?  
Yes  No
- 12) Clients, employees or customers will only visit the site between 7:00 a.m. and 8:00 p.m. (including deliveries).  
Yes  No

**Applicant understands and agrees to abide by the following standards below:**      Yes          No   

Exterior structural alterations or additions or the use of accessory buildings for home occupations shall be designed and built as to maintain or preserve the residential character of the premises. In no event shall such structural alterations or additions exceed the development standards permitted for structures in the zoning district in which the premises are located.

Home occupation signs shall be flush-mounted on the main residential structure, be unlit, and shall not exceed two (2) square feet in area. Such signs shall be made of nonflashing, nonreflective materials, and the legend shall show only the name of the occupant and the type of occupation. Colors shall be consistent with residential character.

Home occupations shall comply with all other local, state, or federal regulations pertinent to the activity pursued, and the requirements or permission granted or implied by this section shall not be construed as an exemption from such regulations. Such regulations include building and fire codes enacted to protect the applicant and surrounding property owners from hazardous conditions. State or local officials may inspect home occupations to ensure fire and life safety codes are met.

Applicants should be aware of any deed restrictions or covenants in effect in a subdivision. It shall be the sole responsibility of the applicant to research said deed restrictions or covenants and determine if they prohibit or regulate home occupations.

**City of Pendleton Unified Development Code (Ord. 3845) Article XI. Zoning and Related Decisions**

**11.02 Home Occupations in Residential Zones**

11.02.1 Purpose. It is the purpose of this Section to:

- A. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal/family income;
- B. Protect residential areas from potential adverse impacts of commercial activities;
- C. Establish criteria and development standards for the use of residentially zoned property for home occupations.
- D. Ensure that any occupation conducted within a home is secondary to the primary residential use.

11.02.2 Classification.

- A. A business conducted within a dwelling unit shall be classified as a Home Occupation if it:
  - 1. Employs persons other than residents of the home; or
  - 2. Anticipates more than 2 clients or customers per day will visit the home; or
  - 3. Includes a sign announcing the business.
- B. Activities not constituting a Home occupation.
  - 1. Businesses conducted in dwelling units that generate less neighborhood impact than Home Occupations shall be considered a dwelling unit for zoning purposes, provided that such activity complies with the criteria of 11.5.3.
  - 2. Instruction of five or fewer persons at one time if the activity generates less neighborhood impact than a Home Occupation that would otherwise require a permit.

11.02.3 **General Requirements and Criteria. All Home Occupations require a permit, and must comply with the following additional criteria and standards:**

- A. Home Occupations shall not occupy more than twenty-five (25%) percent of the total floor area of all structures on the lot, or five hundred (500) square feet, whichever is less.
- B. Employment of more than two (2) persons who are not bona fide residents of the premises is prohibited.
- C. The site shall not be used as a headquarters for the assembly of employees for instructions or other purposes or for the dispatch of employees for work at the other locations.
- D. Clients, employees or customers may visit the site only between the hours of 7:00 a.m. and 8:00 p.m. (including deliveries).
- E. There shall be no change in the Building Code occupancy classification of the dwelling unit or any portion of the dwelling unit or accessory structure(s).
- F. Any activity which may produce waste products of a quality or quantity not normally associated with residential use shall not qualify as a home occupation.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any electrical equipment, radio or television receivers off the premises or causes fluctuations in the line voltages off the premises. On-site repair or assembly of vehicles

or equipment with internal combustion engines (such as autos, chain saws, boat engines) or of large equipment (such as home appliances) is prohibited.

- H. Home occupation signs shall be flush-mounted on the main residential structure, be unlit, and shall not exceed two (2) square feet in area. Such signs shall be made of nonflashing, nonreflective materials. Colors shall be consistent with residential character.
- I. Exterior structural alterations or additions or the use of accessory buildings for home occupations shall be designed and built as to maintain or preserve the residential character of the premises. In no event shall such structural alterations or additions exceed the development standards permitted for structures in the zoning district in which the premises are located.
- J. No materials or commodities shall be delivered to or from the property which are of bulk or quantity to require delivery by a commercial vehicle containing more than two (2) axles or a trailer.
- K. Parking of customer, employee, or client vehicles shall create no hazard or unusual congestion.
- L. Off-street parking spaces shall not be reduced in size or number, below the minimum required in the district, nor used for any purpose other than parking. Parking of vehicles having three (3) axles or more or pieces of heavy equipment such as construction equipment on the premises or in the public right-of-way in the conduct of the home occupation is prohibited.
- M. Storage of merchandise, materials, or equipment shall be entirely within the residential structure or in an accessory building, and shall not be visible from the exterior of the premises
- N. Storage or use of explosive, flammable, radioactive, toxic or other hazardous materials that are not normally found in the home or beyond amounts normally associated with a residence is prohibited. Specific limitations and requirements for the storage of hazardous materials in a residence are regulated by the Uniform Fire Code.
- O. Home occupations shall comply with all other local, state, or federal regulations pertinent to the activity pursued, and the requirements or permission granted or implied by this Section shall not be construed as an exemption from such regulations. Such regulations include building and fire codes enacted to protect the applicant and surrounding property owners from hazardous conditions. State or local officials may inspect home occupations to ensure fire and life safety codes are met.
- P. Applicants should be aware of any deed restrictions or covenants in effect on a property. It shall be the sole responsibility of the applicant to research said deed restrictions or covenants and determine if they prohibit or regulate home occupations.

11.02.4 Procedure. **There shall be two types of Home Occupation applications:**

- A. Type I, ministerial applications shall be approved if an applicant can provide proof that all standards contained in this Section are met or can be met through specific non-discretionary conditions of approval.
- B. Type III, discretionary Home Occupation permits shall require Conditional Use approval for any proposal that cannot show compliance with all standards contained in 11.5.3. In addition to the application requirements for a Conditional Use Permit, the applicant shall provide:
  - 1. A written description of the proposed home occupation;
  - 2. A site plan, not necessarily to scale, of the lot proposed for the home occupation, including:
    - a. The property lines and their dimensions;
    - b. Outlines of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;
    - c. Boundaries and dimensions of driveways and parking areas, indicating areas for use by home occupation employees and customers;
    - d. Outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and
    - e. The buildings and areas of those buildings in which home occupation activities will take place, and identifying which activities will take place in which buildings and areas.
  - 3. Specific details describing which standards contained within this Section can and cannot be met, and why.
  - 4. Specific details showing how the proposed use will not be materially detrimental to the stated purposes of this Code and to other properties in the general vicinity of the subject property;
  - 5. Identification of impacts to surrounding properties and how they will be mitigated;
  - 6. Proof that existing physical and natural systems such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with this Section.

## Article XV. Administrative Provisions

### 15.01 Policy of Nondiscrimination

Age, gender/race or physical disability shall not be an adverse consideration in making a land use decision as defined in Oregon Law.

### 15.02 Duty of Enforcement

It shall be the duty of the City Manager to see that this Ordinance is enforced. No permit for the construction or alteration of any building or part thereof shall be issued unless the plans, specifications and intended use of such building conform in all respects with the provisions of this Ordinance.

### 15.03 Compliance with Ordinance Provisions

15.03.1 The provisions of this Ordinance shall be deemed minimum requirements for the preservation of the public safety, health, convenience, comfort, prosperity and general welfare of the people of the City of Pendleton.

15.03.2 A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this Ordinance permits.

15.03.3 No lot area, yard or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance.

15.03.4 No lot area, yard or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard, or open space for another use.

15.03.5 Development shall not commence until the applicant has received all of the appropriate land use and development permits (including but not limited to a Development Permit and building permits).

### 15.04 Applicability of Zoning Regulations

15.04.1 Private agreements. The zoning regulations are not intended to abrogate, annul, or impair any easement, covenant or other agreement between parties, except that where the zoning regulations impose a restriction or higher standard than that required by such agreement the zoning regulations shall control.

### 15.05 Permit to Run with the Land

A Permit granted pursuant to the provisions of this Section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, except as otherwise provided in this Section.

**The applicant bears the burden of proof to show that the proposed use is compatible with other properties and uses in the zone. Applicants should be prepared to demonstrate that any negative impacts of the proposed use can be mitigated to minimize negative impacts on other properties in the immediate vicinity.**

## **SUBMITTAL REQUIREMENTS**

The following items must be completed upon submittal of a Home Occupation application. If you need assistance completing the forms, please contact the Planning Department. If you do not have a copy of the deed to your property to verify ownership, contact the Umatilla County Office of County Records at (541) 278-6236 or [www.co.umatilla.or.us/records.htm](http://www.co.umatilla.or.us/records.htm).

1. Original, signed **Application form**. This information is public record and must be reproduced so please type or write clearly using dark ink. *Electronic submittals are encouraged.*
2. Detailed **site plan** showing location of building(s), parking, landscaping, vehicular and pedestrian access and circulation, and any other details that will aid in evaluation of the request. Please submit plans to scale if possible; use 1" = 20' or 1' = 40' unless plans are exceptionally large.
3. Any additional information you wish to supply to support your request.
4. The appropriate **fee**.
5. **All Type III Home Occupation applications (those which require Planning Commission review) shall include ten full sets of all application materials for distribution to the Planning Commission.**