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**CHAPTER 20 HOME OCCUPATIONS, COTTAGE INDUSTRIES, BED
& BREAKFAST INNS, COMMERCIAL EVENTS AND SPECIAL
USES IN HISTORIC BUILDINGS**

SECTION 20.100 Home Occupations and Cottage Industries (GMA & SMA)

Home occupations and cottage industries may be established as authorized in specified land use designations and consistent with the following.

- A. A home occupation may employ only residents of the home.
- B. A cottage industry may employ up to three (3) outside employees.
- C. There will be no interference with existing uses on nearby land or with other uses permitted in the zone in which the property is located.
- D. There will be an annual review by the Approving Authority. The approval shall continue if the home occupation or cottage industry continues to comply with the requirements of this Subsection and all conditions of approval.
- E. No more than twenty-five percent (25%) of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.
- F. No more than five hundred (500) square feet of an accessory structure may be utilized for a home occupation or cottage industry.
- G. There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.
- H. Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.
- I. No retail sales may occur on the premises except incidental sales at lodging establishments authorized in this chapter.
- J. One (1) small, non-animated, non-illuminated sign, not exceeding two (2) square feet in area may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.
- K. Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas.

SECTION 20.200 Bed and Breakfast Inns (GMA & SMA)

Bed and Breakfast Inns may be permitted in a lawfully established single family dwelling as authorized in specified zoning designations and consistent with the following:

A. Residential zones (GMA & SMA)

1. Bed and Breakfast Inns with up to two (2) bedrooms may be permitted in all residential zones.
2. Bed and Breakfast Inns with between three (3) and five (5) bedrooms may only be permitted in R-R(5) and R-R(10) and SMA Residential zones.

B. Agricultural and Forest zones (GMA & SMA)

1. Bed and Breakfast Inns with up to two (2) bedrooms may be permitted in specified agricultural and forest zones.
2. Bed and Breakfast Inns with between three (3) and five (5) bedrooms may only be permitted in specified agricultural and forest zones when the dwelling is listed or is eligible to be listed on the National Register of Historic Places or, identified and protected under local landmark status as approved pursuant to Oregon State land use regulations protecting historic structures.
3. The owners or operators of the bed and breakfast inn shall post an 8 1/2" x 11" "NOTICE" that will be located in a conspicuous location inside the bed and breakfast inn. Such "NOTICE" shall generally state:
 - a. In large, one (1) inch tall lettering at the top of the page, "N-O-T-I-C-E"; and
 - b. That the bed and breakfast inn is located in an agricultural or forest area; and
 - c. That guests should use care when out of doors to avoid injury by adjacent and nearby agricultural or forest operations; and
 - d. That adjacent and nearby agricultural or forest operations may from time to time cause noise, odor and sights that are associated with agricultural or forest operations.
 - e. That guests should be aware that adjacent and nearby operators are entitled to carry on accepted agricultural or forest practices on lands designated Agricultural or Forest.

4. Buffer zones should be considered to protect agricultural practices from conflicting uses (SMA Only).
 5. The Bed and Breakfast shall be compatible with agricultural use. (SMA Only)
- C. In the Public Recreation zone Bed and Breakfast Inns with up to five (5) bedrooms may be permitted in the SMA only.
 - D. Guests may not occupy a facility for more than fourteen (14) consecutive days;
 - E. One (1) non-animated, non-illuminated sign, not exceeding four (4) square feet in area, may be authorized on the structure or within the yard containing the facility;
 - F. Parking areas shall be screened so as to not be visible from Key Viewing Areas.
 - G. No retail sales may occur on the premises except incidental sales to the bed and breakfast operation.
 - H. In the SMA, Bed and breakfast inns shall be allowed only in dwellings that are included in, or eligible for inclusion in, the National Register of Historic Places.
 - I. In addition to the criteria above, all proposed Bed and Breakfast Inn with up to two (2) bedrooms shall meet A, E, F, G, H, J and K in Section 20.100.

Section 20.300 Commercial Events (GMA Only)

Commercial events include weddings, receptions, parties and other small-scale gatherings that are incidental and subordinate to the primary use on a parcel and may be allowed except on lands designated Open Space, Industrial Forest, or Agriculture Special, subject to compliance with the following:

- A. The use must be in conjunction with a lawful winery, wine sales/tasting room, bed & breakfast inn, or commercial use. If the use is proposed on a property with a building on or eligible for the National Register of Historic Places, it shall be subject to the provisions of Section 20.400 and not this Section.
- B. The owner of the subject parcel shall live on the parcel and shall operate and manage the use.
- C. A single commercial event shall host no more than 100 guests.
- D. The use shall comply with the following parking requirements:
 - 1. A single commercial event shall include no more than 50 vehicles for guests.
 - 2. All parking shall occur on the subject parcel.
 - 3. At least 200 square feet of parking space shall be required for each vehicle.
 - 4. Parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other imperious materials shall be prohibited.
 - 5. All parking areas shall be fully screened from Key Viewing Areas.
- E. The owner of the subject parcel may conduct 18 single events up to one day in length per year.
- F. The owner of the subject parcel shall notify Wasco County and all owners of land within 500 feet of the perimeter of the subject parcel of each planned event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.
- G. Tents, canopies, portable restrooms and other similar temporary structures necessary for a commercial event may be allowed, provided all such structures are erected or placed on the subject parcel no more than two days before the event and removed no more than two days after the event. Alternatively, temporary structures may remain in place for up to 90 days if they are fully screened from Key Viewing Areas.

- H. To protect any nearby agricultural and forest operations the use may be allowed upon demonstration that it would be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required in "Agricultural Buffer Zones," or designated Commercial Forest Land or Large or Small Woodland, as required in the "Siting of Dwellings on Forest Land" in Chapter 3 of this Ordinance.
- I. Land use approvals for commercial events shall not be valid for more than two years. Landowners must reapply for the use after a land use approval expires.

Section 20.400 Special Uses in Historic Buildings (GMA Only)

- A. Special uses in historic buildings may be allowed as authorized in specified land use designations subject to the provisions of Section 20.400(B), Chapter 5, Chapter 14, as well as any other listed or referenced provisions.
1. For the purposes of this section, the term “historic buildings” refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to B(1)(a) below.
 2. The following review uses may be allowed on parcels with building(s) included on the National Register of Historic Places:
 - a. Public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property. Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner. Criteria B(1)(a) and B(1)(b)(3) & (4) below and the parking limits and associated “Facility Design Guidelines” in the Recreation Intensity Classes are not applicable to this use.
 - b. Former restaurants and/or inns shall be permitted to re-establish these former uses. The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section. Criteria B(1)(a) and B(1)(b)(3) & (4) below are not applicable to this use.
 - c. Commercial events in the building or on the subject parcel. Criterion B(1)(a) below is not applicable to this use.
 3. The following additional review uses may be allowed on parcels with building(s) either on or eligible for the National Register for Historic Places and that was 50 years old or older as of January 1, 2006:
 - a. Establishments selling food and/or beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such establishments shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within approved establishments selling food and/or beverages shall be considered a part of the approved use.

- b. Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of existing rooms in the historic building as of January 1, 2006.
 - c. Commercial events in the building or on the subject property.
 - d. Wineries upon a showing that processing of wine is from grapes grown on the subject parcel or the local region, within a historic building, as the building existed as of January 1, 2006.
 - e. Sales/tasting rooms in conjunction with an on-site winery, within a historic building, as the building existed as of January 1, 2006.
 - f. Conference and/or retreat facilities within a historic building, as the building existed as of January 1, 2006.
 - g. Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.
 - h. Gift shops within a historic building, as the building existed as of January 1, 2006 that are:
 - (1) incidental and subordinate to another approved use included in A(3) above; and
 - (2) no larger than 100 square feet in area.
 - i. Interpretive displays, picnic areas or other recreational day use activities on the subject parcel. The parking limits and associated "Facility Design Guidelines" in the Recreation Intensity Classes are not applicable to this use.
 - j. Parking areas on the subject property to support any of the above uses.
4. Land use approvals for special uses in historic buildings shall be subject to review by Wasco County every five years from the date the original approval was issued. As part of this review, the applicant shall submit documentation to Wasco County on the progress made in implementing the "Protection and Enhancement Plan" required in B(1) below. Wasco County shall submit a copy of the applicant's documentation to the State Historic Preservation Office (SHPO). SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to Wasco County. If Wasco County's determination contradicts comments from the SHPO, Wasco County shall justify how it reached an opposing conclusion. Wasco County shall revoke the land

use approval if the owner has failed to implement the actions described in the "Protection and Enhancement Plan" according to the schedule for completing such actions in this plan. Wasco County may, however, allow such a use to continue for up to one additional year from the date Wasco County determines the applicant has failed to implement the actions if the applicant submits a written statement describing unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule, what progress the applicants have made towards completing such actions, and a proposed revised schedule for completing such actions.

5. Commercial events allowed in this section are not subject to the provisions of Section 20.300. Commercial events allowed in this section are subject to the following:
 - a. Commercial events include weddings, receptions, parties and other gatherings that are incidental and subordinate to the primary use on a parcel.
 - b. The owner of the parcel shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.
 - c. Applications for commercial events shall include all information in the "Operational Plan for Commercial Events" as specified in B(1)(b)(4) below.

B. Additional Resource Protection Provisions for Special Uses in Historic Buildings.

1. Cultural Resources

- a. All applications for uses listed in A(3) above, shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in "Historic Surveys and Reports", Section 14.500(M). The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin "How to Apply the National Register Criteria for Evaluation" [National Park Service, National Register Bulletin #15].

Eligibility determinations shall be made by Wasco County based on input from SHPO. Wasco County shall submit a copy of any historic survey and evaluation of eligibility to SHPO. SHPO shall have 30 calendar days from the

date this information is mailed to submit written comments on the eligibility of the property to Wasco County. If Wasco County's determination contradicts comments from SHPO, Wasco County shall justify how it reached an opposing conclusion.

- b. Applications for Special Uses for Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:
 - (1) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.
 - (2) A statement addressing consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties.
 - (3) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.
 - (4) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:
 - (a) Number of events to be held annually.
 - (b) Maximum size of events, including number of guests and vehicles at proposed parking area.
 - (c) Provision for temporary structures, including location and type of structures anticipated.
 - (d) How the proposed commercial events will contribute to protection and enhancement of the historic resource.
- c. Wasco County shall submit a copy of the "Protection and Enhancement Plan"

to the SHPO. SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to Wasco County. SHPO's comments shall address consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties, and the effect of the proposed use on the historic resource.

- d. Any alterations to the building or surrounding area associated with the proposed use have been determined by Wasco County to be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties. If Wasco County's final decision contradicts the comments submitted by SHPO, Wasco County shall justify how it reached an opposing conclusion.
- e. The proposed use has been determined by Wasco County to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If Wasco County's final decision contradicts the comments submitted by SHPO, Wasco County shall justify how it reached an opposing conclusion.

2. Scenic Resources

- a. New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials shall be prohibited.
- b. New parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordination. New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building's setting.
- c. Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days after the event if the local government determines that they will be visually subordinate from Key Viewing Areas.

3. Recreation Resources

The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

4. Agricultural and Forest Lands

All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland that are within 500 feet of the perimeter of the subject property on which the use is proposed to be located have been notified and given at least 10 days to comment prior to a decision on an application for a Special Use for a Historic Building.