

ARTICLE 73 – HOME OCCUPATION TO HOST WEDDINGS & RELATED EVENTS

Adopted by Hood River County – Ordinance #255 & #261
Article 73, Ordinance #255 – effective July 22, 2004
Section 73.30(M)(1)(e), Ordinance #261 – effective January 20, 2005
Amended October 17, 2012 – Ordinance #311

Section 73.10 - Purpose & Intent

The purpose of this Ordinance shall be to prescribe procedures under which a home occupation to host weddings and related private events may be permitted as a conditional use in Hood River County. This ordinance seeks to protect the character of single family residential neighborhoods and to ensure protection of lands zoned Residential, Rural Residential, Rural Center, Exclusive Farm Use, and Forest, while allowing the orderly and reasonable occurrence of wedding events in Hood River County. The intent of this Ordinance is to recognize and to provide the following: An established Bed & Breakfast (B&B), farm, or winery is allowed to apply for a Conditional Use Permit for a Home Occupation to host weddings and related events as an accessory use to their existing operation (of a B&B, farm, or winery).

The County recognizes the following: local needs and demands generated by the scenic character of the area and related tourism invite Hood River County to accommodate hosted weddings; doing so will assist in diversifying the County's economy. The County's rural land base contains different development characteristics than those noted in urban areas and cities, and therefore its natural amenities attract such events.

The Ordinance 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 Ordinance intended to apply to events covered by the State's Mass Gathering Statute (ORS 433.735 - 433.770).

Section 73.15 – Applicability

This ordinance applies to the following zones: Residential Zone (R-1); Residential Zone (R-2); Rural Residential Zone (RR); Rural Center Zone (RC); Historic Preservation Zone (HP); Forest Zone (F-1); and Exclusive Farm Use Zone (EFU). It also applies to appropriate zones (i.e., where the primary use is allowed) in designated unincorporated communities. In the Hood River Urban Growth Area (UGA), it applies to those zones which allow Bed & Breakfasts (B&Bs); and in the R-1 zone, to B&Bs legally existing as of January 1, 2004.

This ordinance does not apply to land zoned Commercial (C-1); Industrial (M-1); or Light Industrial (M-2); or to land located within the County's Columbia River Gorge National Scenic Area (NSA).

Section 73.20 – Definitions

- A. **Established Bed & Breakfast (B&B)**: A use established as a B&B by a Conditional Use Permit approved under Article 56 (Bed & Breakfast Facilities), or Article 65 (Non-Conforming Use) of the Hood River County Zoning Ordinance, or otherwise lawfully established; and in operation for at least a year. B&Bs are allowed to be run by owners or lessees, only if residents, as per Article 56 (B&B) of the County Zoning Ordinance.
- B. **Established Farm**: A parcel or parcels operating as a farm with a demonstrated capability of meeting Article 3 (Exclusive Farm Use), Sections 3.06(C) and (D) “Primary Farm Dwelling” (high value) of this Ordinance. The farm must be owner-operated.¹
- C. **Established Winery**: A winery which meets the standards established in ORS 215.452, or otherwise lawfully established. The winery must be owner-operated.
- D. **Weddings**: Private wedding events, hosted by the permit holder for a fee.

Section 73.25 - Conditional Uses

The following conditional uses are required to comply with applicable requirements of the zone in which the home occupation is located, as well as with provisions in Article 60 (Administrative Procedures), Article 72 (Planning Director's Review Procedure), and this Article:

- A. A home occupation to host weddings proposed in the following zones shall comply with applicable requirements of the zone in which it is located: Residential Zone (R-1); Residential Zone (R-2); Rural Residential Zone (RR); Rural Center Zone (RC); Historic Preservation Zone (HP); and Urban Growth Area. If the property is located adjacent to a Farm or Forest Zone, prior to operating the proposed event site, the applicant shall record a deed statement acknowledging the right of adjacent farm and nearby forest operators to employ accepted farm and forest management practices. Such practices include, but are not limited to: noise, dust, spray, smoke, etc.
- B. A home occupation to host weddings proposed in the Forest Zone (F-1) and Exclusive Farm Use Zone (EFU) shall comply with the following additional requirements:
 - 1. A home occupation proposed in the Forest Zone (F-1) shall also comply with provisions in Section 5.25 (Conditional Use Criteria) of Article 5 (Forest Zone) of the Hood River County Zoning Ordinance.
 - 2. A home occupation proposed in the Exclusive Farm Use Zone (EFU) shall comply with

¹ Hood River County Ordinance #311.

provisions in Section 3.05 (Conditional Use Review Criteria) of Article 3 (EFU Zone) of this Ordinance, and ORS 215.296.

3. Prior to operating the proposed event site, the applicant shall record a deed statement acknowledging the right of adjacent farm and nearby forest operators to employ accepted farm and forest management practices. Such practices include, but are not limited to: noise, dust, spray, smoke, etc.
4. For farms and wineries, the wedding event site shall be located on property that comprises part of the farm operation or winery. If the approved wedding event site is located on a lot or parcel on which the principal dwelling for the farm or winery is not located, approval for the use of the site shall become null and void if the parcel is sold as a separate and discrete parcel from the farm operation.
5. Approval of a conditional use permit issued under Article 73 does not create an entitlement that would supercede or countermand the right to farm.
6. The use may be affected by ORS Chapter 477 (“Fire Protection of Forests and Vegetation”), which allows the State Forester to permit closures which restrict access in case of fire hazard on forestland.

Section 73.30 - Limitations on Use

In the event a Conditional Use Permit is granted, the following standards and limitations on use shall apply:

- A. Application for this conditional use permit is limited to the following, as defined in Section 73.20:
 1. Established Bed & Breakfast
 2. Established Farm
 3. Established Winery
- B. Frequency of events: No more than one event per day is allowed.
- C. Maximum number of guests: Shall be based on the capacity of the site, and shall be specified in the application. No more than 300 guests maximum are allowed at any one event.
- D. Duration of event: No event shall take place outside the hours of 7:00 am – 10:00 pm.

- E. Lighting: Exterior lighting shall not project into an adjoining residential area. Use of stadium-style, or other glaring lighting is prohibited. Lighting of accessible paths may be required, if necessary.
- F. Noise: It is unlawful for any person to make, continue, or cause to be made or continued, any noise, which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities present in the area.

Factors to consider in evaluating whether a noise is loud, disturbing, or excessive for the purposes of this section, shall include, but not be limited to the following:

- The volume of the noise;
- The intensity of the noise;
- The duration of the noise;
- Whether the noise is recurrent, intermittent, or constant;
- The time of day or night the noise occurs;
- Whether the nature of the noise is usual or unusual;
- Whether the origin of the noise is natural or unnatural;
- The nature and zoning of the area within which the noise emanates and where it is received;
- Whether the noise is produced by a commercial or noncommercial activity.

Noise shall be considered excessive and in violation of this ordinance if it meets one of the following criteria:

1. The noise is plainly audible from within any closed dwelling unit that is not the source of the sound; or
2. The sound peak pressure level of the noise, as measured on the A scale, shall not exceed sixty (60) dB(A) during the hours of 7:00 a.m. until 10:00 p.m. as measured at any of the complainant's property lines within a residential district or near a residential area.

Article 73's noise standards shall supercede the County's Noise Ordinance, if there is a conflict between the provisions in the two.

- G. Parking: It shall be in compliance with Article 51 (Off-Street Parking & Loading) of the Hood River County Zoning Ordinance. Parking in compliance with ADA (Americans with Disability Act) guidelines shall be required as per the Oregon Structural Specialty Code.

- H. Fire & Emergency Vehicle Access: Shall comply with Fire & Life Safety Requirements for Fire Department Access and Water Supplies.
- I. Operator shall ensure that only caterers licensed in the States of Oregon or Washington are contracted to provide food; caterers shall be bonded.
- J. Operator shall comply with all requirements of the Oregon Liquor Control Commission (OLCC), if alcohol is served during an event.
- K. Toilet facilities shall be portable with available hand-sanitizing or hand-washing facilities. Use of the dwelling's on-site septic facilities is not allowed for an event, except by residents or over-night guests of the facility.
- L. One temporary sign may be allowed in addition to the allowed Bed and Breakfast sign. The sign shall not exceed eight (8) square feet in size and shall be placed on private property on the day of the special event and shall be removed within 24 hours after the event.
- M. Additional standards to the above apply to the Hood River Urban Growth Area and Urban Density Residential Zones (includes R-1; R-2; and RC zones located outside the UGA, and in urban density residential zones in designated unincorporated communities). Excluding the Rural Residential Zone.
 - 1. Parking: No on-street parking is allowed, except for some limited parking in the R-1 zone of the Hood River UGA, as described in subsection 'e' below. The applicant shall create a parking plan to accommodate all vehicles based on the maximum number of guests proposed. (In order to calculate parking capacity for the number of guests, provide one space per 3 people; provide one space per regular or contract employee; and retain adequate parking for the primary use.) The following information shall be included in the plan; *incomplete plans will be rejected*:
 - a. The maximum number and type of vehicles anticipated, based on the maximum number of guests allowed (including spaces for the primary use; contract and regular employees; as well as guests of the event).
 - b. The specific locations where vehicles can be lawfully parked and which will be available for parking [on-site, or off-site by formal agreement(s) with non-residential parking lot(s)] or any combination of these methods.

- c. The number of vehicles to be accommodated at each location.
- d. If off-site parking is proposed, include the following:
 - i. A signed statement of consent from the owner of that property(ies), including the terms of usage.
 - ii. Confirmation from the property owner(s) that adequate spaces are reserved for parking by the wedding event site.
 - iii. A parking and circulation plan for the use of that parking lot by the wedding event site, which addresses safety and includes the location for shuttle or valet pick-up.
 - iv. The types of services (valet or shuttle) that will be provided to transport guests to the wedding event site and back to their cars.
- e. In addition to the above, Lakecliff Bed & Breakfast (B&B) may allow parking during weddings on Westcliff Drive west of Lakecliff B&B's eastern property line and east of the I-84 Interchange, with parking on the south side of the street, subject to review and approval by Oregon Department of Transportation (ODOT), as well as applicable local agencies. Any parking for the use on Westcliff Drive shall be located on the south side of the street, outside of the fog lines, off of the paved surface and parallel to the roadway. No head-in or angled parking will be allowed. In addition, the first car parked on Westcliff Drive shall be located 50 feet east of the Westcliff Drive/Cascade Avenue intersection. There shall be a parking attendant. No parking for the use shall be allowed on Westcliff Drive east of Lakecliff B&B's eastern property line. This provision is expressly conditioned upon the applicant obtaining a Conditional Use Permit for a home occupation to host weddings.²

The County and applicable Fire District shall review the plan to determine consistency with these requirements and to determine if sufficient, safe parking is identified. It is the applicant's responsibility to communicate parking instructions consistent with the approved plan to all guests and contract or regular employees prior to the event.

Section 73.40 - Home Occupation Standards

In addition to the above requirements, the following Home Occupation Standards shall apply:

² Hood River County Ordinance #261

- A. As set forth in Section 73.20 (Definitions), the Home Occupation shall be: Operated by a resident or employee of a resident of the property on which the business is located.
- B. It shall employ on the site no more than five full-time or part-time persons.
- C. It shall be operated substantially in:
 - 1. The dwelling; or
 - 2. Other buildings or areas designated in the permit which are normally associated with uses permitted in the zone in which the property is located.
- D. It shall not unreasonably interfere with other uses permitted in the zone in which the property is located.
- E. Nothing in this section authorizes the governing body or its designate to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is to be established.
- F. The existence of a home occupation shall not be justification for a plan and zone change.
- G. It shall be subject to site plan review, as per Section 73.50 of this Article.
- H. It shall comply with Section 73.10 (Purpose & Intent) and 73.20 (Definitions) of this Article.
- I. The home occupation shall be incidental, accessory and subordinate to the primary use as a B&B, winery, or farm. The event site shall cease to operate if the primary use is discontinued.
- J. The use will not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature; except for those characteristics normally associated with or allowed for a winery (if the primary use is a winery).
- K. There shall be no permanent visible evidence of conduct of a home occupation from any road or adjacent property.
- L. Only limited retail sales and sales accessory to services associated with the primary use or home occupation are permitted.

M. ³Approval is personal to the applicant and shall not run with the land except:

1. On an Established Farm: a buyer or a potential buyer of a farm, which has an existing home occupation to host weddings permit, may apply (with the farm owner's permission) for a temporary conditional use permit to host weddings, which may be approved for a two year period commencing upon the date of sale of the tract. At the end of the two year period, the applicant must provide documentation demonstrating that the subject tract continued to produce at least \$80,000 in gross annual income (\$60,000 if not high value farmland) from the sale of farm products (the cost of purchased livestock shall be deducted when determining the gross annual income) for each of the two years. If such documentation is provided to the satisfaction of the County Planning Director, the permit becomes fully effective with no further land use reporting required on this aspect. If such documentation is not provided, the temporary wedding permit expires and operation of the site for weddings and related events must cease unless, as determined by the County Planning Director, conditions existed during one of those two years which precluded the required farm income from being generated, such as regional crop disasters or other broad type of impacts beyond the control of the affected farm. If such conditions are found to have existed, the County Planning Director may extend the temporary permit for a maximum of one additional year to allow the applicant the opportunity to meet the minimum farm income for each year.
2. At an Established Bed & Breakfast: a buyer or a potential buyer of a B&B, which has an existing home occupation to host weddings permit, may apply (with the B&B owner's permission) for a temporary conditional use permit to host weddings, which may be approved for a one year period commencing upon the date of sale of the B&B. At the end of the one year temporary approval period, the applicant must provide documentation demonstrating that the B&B continued to operate during that one year period. If such documentation is provided to the satisfaction of the County, the permit becomes fully effective with no further land use reporting required on this aspect. If such documentation is not provided, the temporary wedding permit expires and operation of the site for weddings and related events must cease.

N. ⁴If sale of the property is contemplated, applicant will inform the County Planning Department. If selling, leasing or allowing another individual to use the property and home occupation occurs, approval of the conditional use permit shall become null and void, except as provided in Sections 73.40M1 and 2 above. Further use by other than the applicant requires additional review and approval by the Hood River County Planning Department.

³ Hood River County Ordinance #311

⁴ Hood River County Ordinance #311

- O. Permanent signage related to weddings and related events may only be included in the principal sign allowed, unless required by the State for the protection of the public's health, safety and welfare.
- P. The use shall not generate additional traffic or parking beyond what is permitted in the Conditional Use Permit.
- Q. The owner shall keep a record of the name and license # of the caterers used for each event for one year, for review upon request by County Environmental Health.

Section 73.50 – Site Plan Review

- A. Applicant shall provide a written narrative and site plan addressing the following issues:
 - 1. Designated area and existing structures to be used for the events
 - 2. Number of events anticipated per season
 - 3. Frequency of events
 - 4. Maximum number of guests intend to serve
 - 5. Noise
 - 6. Infrastructure – How will you provide electricity and utilities to the event?
 - 7. Parking & Circulation – Need to provide one (10' x 20') parking space per vehicle; estimate 3 people per car. See Sections 73.30(G) and (M).
 - 8. Traffic and Access
 - 9. Lighting
 - 10. Environmental Health Aspects
 - a. How will food be provided? Where will it be served?
 - b. What is your domestic water source?
 - c. Indicate how many portable toilets will be provided, as well as how hand-sanitizing or hand-washing facilities will be provided.

11. Safety & Insurance

12. Are alcoholic beverages being served? If so, are OLCC requirements being met?

Section 73.60 - Review of Use

Review of the use shall be subject to the provisions in Article 68 (“Revocation”), Section 68.10 (Periodic Review) of the Hood River County Zoning Ordinance.

Section 73.70 – Amendments

Amendments to an approved conditional use permit for a Home Occupation for Weddings and Related Events shall be processed as a new administrative action, subject to the provisions of this Article.

Section 73.80 – Enforcement

- A. Notify law enforcement if there is a violation (pertaining to noise and parking).
- B. The permit holder is responsible for any violations of their permit.
- C. Unless an extension has been granted to the permit holder, a Conditional Use Permit issued under this Article shall automatically become null and void one year after the date on which it was granted if the use has not commenced.
- D. If the primary use (farm, winery, or B&B) has been discontinued for over one year, or the secondary use (home occupation for weddings & related events) has been discontinued for over two years, the permit shall be considered null and void.
- E. The Board of Commissioners with or without recommendation of the Planning Commission may void the Conditional Use Permit providing the following conditions and procedures are followed:
 - 1. Upon review by the Planning Director a violation of the conditions of the Conditional Use Permit of this ordinance is found. The Planning Director shall inform the applicant by registered or certified letter, and regular mail, of the violation.
 - 2. The Planning Director may refer the matter of the violation to mediation, if all parties to the matter, including the County, consent.
 - 3. If the violation is not corrected, by mediation or otherwise, or if a subsequent violation occurs after issuance of the Planning Director’s notice of violation, the

Planning Director shall inform the Board of Commissioners of the violation together with sufficient data to inform the Board of the character of the violation(s). The Board shall then set a hearing date on the violation.

4. At least 10 days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition, all who are notified of the original application and those who testified shall be notified by regular mail.
 5. The Board of Commissioners shall conduct the public hearing pursuant to the requirements of a hearings body or officer found in Article 60.
- F. In Exclusive Farm Use (EFU) and Forest (F-1) zones, the requirements below supercede Section 73.80(D) if the violation is specific to how the use affects farm or forest practices on surrounding resource lands.
1. A person engaged in farm or forest practices on lands devoted to farm or forest use may file a complaint with the County Planning Director alleging:
 - a. That a condition imposed has been violated;
 - b. That the violation has:
 - A. Forced a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - B. Significantly increased the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 - c. That the complainant is adversely affected by the violation
 2. Upon receipt of a complaint, the local governing body or its designee shall:
 - a. Forward the complaint to the operator of the use;
 - b. Review the complaint in the manner set forth in the section in ORS 215 on Planning and Zoning Hearings & Review; and
 - c. Determine whether the allegations made pursuant to subsection (1) of this section are true.
 3. Upon a determination that the allegations of the complaint are true, the local

governing body or its designee at a minimum shall notify the violator that a violation has occurred, direct the violator to correct the conditions that led to the violation within a specified time period and warn the violator against the commission of further violations.

4. If the conditions that led to a violation are not corrected within the time period specified pursuant to subsection (3) of this section, or if there is a determination pursuant to subsection (2) of this section following the receipt of a second complaint that a further violation has occurred, the local governing body or its designee at a minimum shall assess a fine against the violator.
5. If the conditions that led to a violation are not corrected within 30 days after the imposition of a fine pursuant to subsection (4) of this section, or if there is a determination pursuant to subsection (2) of this section following the receipt of a third or subsequent complaint that a further violation has occurred, the local governing body or its designee shall at a minimum order the suspension of the use until the violator corrects the conditions that led to the violation.
6. If a home occupation for weddings and related events is initiated without prior approval, the local governing body or its designee at a minimum shall notify the user that prior approval is required, direct the user to apply for approval within 21 days and warn the user against the commission of further violations. If the user does not apply for approval within 21 days, the local governing body or its designee shall order the suspension of the use until the user applies for and receives approval. If there is a determination pursuant to subsection (2) of this section following the receipt of a complaint that a further violation occurred after approval was granted, the violation shall be deemed a second violation and the local governing body or its designee at a minimum shall assess a fine against the violator.
7. A person residing in a single-family residential dwelling which was approved under ORS 215.213 (3), 215.284 (1), (2), (3), (4) or (7) or 215.705, which is within an exception area approved under ORS 197.732 or which is within an acknowledged urban growth boundary may not file a complaint under subsection (1) of this section.
8. Nothing in this section shall prevent a local governing body approving a use allowed under ORS 215.213 (2) or 215.283 (2) from establishing standards in addition to those set forth in ORS 215.296(1) or from imposing conditions to insure conformance with such additional standards.