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2009-2010 Development Code Docket
A-10: Amend Development Code to allow flexibility of
road surface standards for home occupations and home
based industries. (Title 20).

Date: February 2, 2010

Public Hearing Date: Tentative Date: to be determined

Prepared by: Scott Longanecker,
Associate Planner

Proponent/Applicant: Thurston County

Action Requested: Amend Development Code to allow
flexibility of road surface standards
for home occupations and home
based industries. (Title 20).

Map Changes Text Changes Both Affects Comprehensive Plans/documents
 Affected Jurisdictions

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ISSUE:

7 Home based businesses are generally classified as a home occupation or a home based industry. Title 20,
8 Chapter 20.54 – Special uses, contains review and approval standards for home based businesses. Currently,
9 home occupations and home based industries in rural Thurston County are required to have access from a paved
0 road meeting County standards. In some cases, a paved road is unnecessary and cost prohibitive, particularly
1 when there is very little traffic generated by the home business.

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3 The proposed change would allow Thurston County to determine when paving would be required, or whether
4 other mitigation such as a road maintenance agreement with Thurston County Public Works is sufficient. This
5 would largely depend on the specific proposal and the amount of traffic potentially generated from employees,
6 shipments and customers.

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BACKGROUND:

9 A current requirement for applicants of home occupations or home based industry permits is that direct
0 vehicular access be provided by a paved road meeting Thurston County standards. In some cases this strict
1 standard would be prohibitively expensive for a new business just starting out. Also, the standard of requiring a
2 paved road may be unnecessary; particularly for a home occupation that generates little or no additional traffic
3 above and beyond pre-existing levels.

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DEPARTMENT ANALYSIS:

6 Amending Thurston County Code as described herein would provide greater flexibility in determining
7 appropriate traffic related mitigation for home based businesses. If approved, the amendment would allow

1 Thurston County Public Works to tailor traffic and road mitigation to address the particular aspects of a project,
2 rather than imposing a condition which may be excessive and cost prohibitive in many situations.
3

4 In the past, some home based business proposals were denied because they were located on unpaved roads.
5 Small businesses of this sort are valuable to the community and in some cases can reduce traffic if rural
6 property owners are able to work at home rather than commuting often great distances to their place of
7 employment. Businesses that generate little or no additional traffic should not be required to pay for road
8 improvements not directly related to their business.
9

0 **ALTERNATIVES:**

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2 Option 1) Amend the Development Code Title 20 TCC to allow flexibility of road surface standards for
3 home occupations and home based industries.
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6 Option 2) Make no change to Title 20 TCC with regard to road surface standards for home occupations and
7 home based industries.
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9 **SEPA:**

0 A SEPA determination has not been made at this time.
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2 **NOTIFICATION:**

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4 Written notice of the public hearing will be published in The Olympian at least twenty (20) days prior to the
5 public hearing.
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7 **DEPARTMENT RECOMMENDATIONS:**

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9 Amending TCC 20.54.070 as suggested would be consistent with other Thurston County Development Codes,
0 including Title 21 (Lacey UGA), Title 22 (Tumwater UGA), and Title 23 (Olympia UGA) and the Thurston
1 County Comprehensive Plan.
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3 The Resource Stewardship Department recommends the Planning Commission forward Development Code
4 Docket item A-10 to the Board of County Commissioners for consideration. The proposed amendment follows.
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6 **Title 20 Zoning would be amended as follows:**

7 Deleted Text: ~~Strikethrough~~ Proposed Changes: Underlined
8 Staff Comments: *Italics* Unaffected Omitted Text: (...)
9

0 **Possible language for Title 20:**

1 Chapter 20.54 – Special use.
2

3 Section 20.54.070 – Use-Specific standards.
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15. Home-Based Industry.

Purpose. To provide for small-scale commercial or industrial activities on residential parcels, subordinate to the primary residential use, if the approval authority finds that such activities can be conducted without substantial adverse impact on the residential environment in the vicinity. The scale of the proposals to be considered through this mechanism is typically greater than could be accommodated through a home occupation permit, but less than would require an outright rezone to industrial or commercial districts.

...

b. Standards.

...

- x. Direct access must be from a paved road meeting county standards improved at minimum to an Appendix 6-A rural road based on Thurston County Road Design Standards. However, if a proposed home based industry increases traffic on a private road to more than 160 trips per day or will likely cause significant hazards or damage to said road, a paved road built to Thurston County Road Design Standards is required. If located on a private road, documentation demonstrating that the applicant is a party to a road maintenance agreement shall be provided. The road maintenance agreement shall be recorded with the Thurston County Auditor and, at minimum, contain the following information:
- (A) the name of the applicant, a notarized signature of all parties to the agreement, as well as the subject property address, parcel number, legal description, and Thurston County project number if applicable;
 - (B) a description of the physical limits of the agreement that, at minimum, provides for maintenance of the road from the property line of the applicant to the nearest County maintained road or State highway and shall also contain the following language:
 - 1. “Thurston County has no responsibility to build, improve, maintain or otherwise service the private road described herein. The building, maintenance, repair, improvement, operation or services on the storm water facilities outside County rights of way are the responsibility of the property owner(s).”
 - 2. “The parties hereby agree on behalf of themselves, their heirs, personal representatives, successors, and assigns, to maintain said road for the life of the project and to perform repairs so as to maintain the road in a good and safe condition in accordance with the standards set forth below unless said maintenance is taken over by the County, a special district, other governmental agency, or a recorded private road maintenance association.”
 - 3. “In the event that the property owner, their agent, customer, business or professional invitee causes damages to the road other than ordinary wear and tear, said property owner shall be required to repair such damage and bear the cost thereof exclusively.”
 - 4. “The terms “maintenance” and “repair” shall include, but are not limited to repairing the road surface, adding gravel, filling pot

1 holes, clearing obstructions, grading or scraping the road as
2 necessary, cleaning or recutting ditches as necessary, trimming
3 brush along the roadside, removing snow, unplugging or opening
4 culverts or drainpipes, and performing any and all other necessary
5 work required to maintain the road in a condition that will allow
6 for reasonable and safe access of standard passenger vehicles.”

7 ...

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9 **16. Home Occupations.**

0 **a.** Home occupations are subordinate to the primary residential use and are permitted in any
1 dwelling unit and include, but are not necessarily limited to, the following:

2 ...

3 **d.** In addition to the standards applicable in the zoning district in which located, all home
4 occupations shall be subject to the following standards:

5 **i.** A home occupation must be conducted within a dwelling which is the bona fide
6 residence of at least one of the persons employed in the occupation or in an
7 accessory building thereto which is normally associated with a residential use.

8 ...

9 **xi.** Direct access must be from a paved road ~~meeting county standards~~ improved at
0 minimum to an Appendix 6-A rural road based on Thurston County Road Design
1 Standards. However, if a proposed home based industry increases traffic on a
2 private road to more than 160 trips per day or will likely cause significant hazards
3 or damage to said road, a paved road built to Thurston County Road Design
4 Standards is required. If located on a private road, documentation demonstrating
5 that the applicant is a party to a road maintenance agreement shall be provided.
6 The road maintenance agreement shall be recorded with the Thurston County
7 Auditor and, at minimum, contain the following information:

8 (A) the name of the applicant, a notarized signature of all parties to the
9 agreement, as well as the subject property address, parcel number, legal
0 description, and Thurston County project number if applicable;

1 (B) a description of the physical limits of the agreement that, at minimum,
2 provides for maintenance of the road from the property line of the
3 applicant to the nearest County maintained road or State highway and
4 shall also contain the following language;

5 1. “Thurston County has no responsibility to build, improve, maintain
6 or otherwise service the private road described herein. The
7 building, maintenance, repair, improvement, operation or services
8 on the storm water facilities outside County rights of way are the
9 responsibility of the property owner(s).”

0 2. “The parties hereby agree on behalf of themselves, their heirs,
1 personal representatives, successors, and assigns, to maintain said
2 road for the life of the project and to perform repairs so as to
3 maintain the road in a good and safe condition in accordance with
4 the standards set forth below unless said maintenance is taken over
5 by the County, a special district, other governmental agency, or a
6 recorded private road maintenance association.”
7

3. “In the event that the property owner, their agent, customer, business or professional invitee causes damages to the road other than ordinary wear and tear, said property owner shall be required to repair such damage and bear the cost thereof exclusively.”
4. “The terms “maintenance” and “repair” shall include, but are not limited to repairing the road surface, adding gravel, filling pot holes, clearing obstructions, grading or scraping the road as necessary, cleaning or recutting ditches as necessary, trimming brush along the roadside, removing snow, unplugging or opening culverts or drainpipes, and performing any and all other necessary work required to maintain the road in a condition that will allow for reasonable and safe access of standard passenger vehicles.”

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Conclusions:

The proposed changes will provide County staff with greater flexibility in applying the Special Use standards in Chapter 20.54.070 –Use-Specific standards, TCC. The proposal will also assist ~~applicants of small scale home occupations and home based industries~~ and allow traffic related impacts to be mitigated depending upon the specific type of business proposed. Some home businesses may generate a moderate amount of traffic while others generate none. This amendment would allow traffic mitigation to match the actual use, rather than imposing cost prohibitive improvements such as major road upgrading and paving. This amendment recognizes that each land use project is different from others in terms of impacts on surrounding infrastructure such as roads and to the environment in general. Staff recommends moving the proposed amendments to the Board of County Commissioners for consideration.

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