



up during the February 2<sup>nd</sup> PC meeting. The proposed amendment is also written with the caveat that staff could determine that paving is necessary even below this threshold (see following proposed language). This could apply depending upon the type of traffic generated by the business, i.e. trucks hauling materials, large equipment etc. which could have a greater impact on the road.

“However, if the estimated traffic related to a proposed home based industry in addition to existing traffic on a private road exceeds 160 trips per day total, or will likely cause significant hazards or damage to said road, a paved road built to Thurston County Road Design Standards is required.”

Additionally, there were concerns expressed regarding impacts to private roads from permitted home based businesses and related impacts to neighboring property owners and responsibility for paying for related road repairs. The proposed language contains road maintenance agreement language required in the event that Thurston County permits a home based business on an unpaved private road. The conditions and responsibilities contained in the proposed road maintenance agreement language are those of the development proponent solely. Others serviced by said private road may join as a party to the road maintenance agreement at their own discretion. However, this would be entirely optional for other parties. The only party required to sign and agree to this road maintenance agreement is the applicant of the home based business. Failure of an applicant to adhere to the road maintenance agreement could result in permit revocation or other enforcement actions by Thurston County. An additional condition was added to the road maintenance agreement stating that if the applicant fails to maintain the road per the agreement, their permit may be revoked. However, in practice permit revocation would be a last resort and they would be given opportunities to correct any problems prior to cancelling their permit to operate.

**ISSUE:**

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

The proposed change would allow Thurston County to determine when paving would be required, or whether other mitigation such as a road maintenance agreement with Thurston County Public Works is sufficient. This would largely depend on the specific proposal and the amount of traffic potentially generated from employees, shipments and customers. To clarify, the new proposed standard would only apply to new proposals. Existing businesses would be vested under previous standards unless they wish to expand beyond the scope of their original permit.

**BACKGROUND:**

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

1 **DEPARTMENT ANALYSIS:**

2 Amending Thurston County Code as described herein would provide greater flexibility in determining  
3 appropriate traffic related mitigation for home based businesses. If approved, the amendment would allow  
4 Thurston County Public Works to tailor traffic and road mitigation to address the particular aspects of a project,  
5 rather than imposing a condition which may be excessive and cost prohibitive in many situations.  
6

7 In the past, some home based business proposals were denied because they were located on unpaved roads.  
8 Small businesses of this sort are valuable to the community and in some cases can reduce traffic if rural  
9 property owners are able to work at home rather than commuting often great distances to their place of  
0 employment. Businesses that generate little or no additional traffic should not be required to pay for road  
1 improvements not directly related to their business.  
2

3 **ALTERNATIVES:**

4  
5 Option 1) Amend the Development Code Title 20 TCC to allow flexibility of road surface standards for  
6 home occupations and home based industries.  
7

8  
9 Option 2) Make no change to Title 20 TCC with regard to road surface standards for home occupations and  
0 home based industries.  
1

2 **SEPA:**

3 A SEPA determination has not been made at this time.  
4

5 **NOTIFICATION:**

6  
7 Written notice of the public hearing will be published in The Olympian at least twenty (20) days prior to the  
8 public hearing.  
9

0 **DEPARTMENT RECOMMENDATIONS:**

1 Amending TCC 20.54.070 as suggested would be consistent with other Thurston County Development Codes,  
2 including Title 21 (Lacey UGA), Title 22 (Tumwater UGA), and Title 23 (Olympia UGA) and the Thurston  
3 County Comprehensive Plan.  
4

5  
6 The Resource Stewardship Department recommends the Planning Commission forward Development Code  
7 Docket item A-10 to the Board of County Commissioners for consideration. The proposed amendment follows.  
8

9 **Title 20 Zoning would be amended as follows:**

0 Deleted Text: ~~Strikethrough~~ Proposed Changes: Underlined  
1 Staff Comments: *Italics* Unaffected Omitted Text: (...)  
2

3 **Possible language for Title 20:**

4 Chapter 20.54 – Special use.  
5

6 Section 20.54.070 – Use-Specific standards.  
7  
8  
9

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 (gravel road) based on Thurston County Road Design Standards. However, if the estimated traffic related to a proposed home based industry in addition to existing traffic on a private road exceeds 160 trips per day total, 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: *Note: added the word "total" to second sentence to clarify that the 160 trips are total for the road and not in addition to background traffic.*
- (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 the standards set forth below unless said maintenance is taken over  
2 by the County, a special district, other governmental agency, or a  
3 recorded private road maintenance association.”

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

9 ...

#### 0 **Conclusions:**

1  
2 The proposed changes will provide County staff with greater flexibility in applying the Special Use standards in  
3 Chapter 20.54.070 –Use-Specific standards, TCC. The proposal will also allow traffic related impacts to be  
4 mitigated depending upon the specific type of business proposed. Some home businesses may generate a  
5 moderate amount of traffic while others generate none. This amendment would allow traffic mitigation to  
6 match the actual use, rather than imposing cost prohibitive improvements such as major road upgrading and  
7 paving. This amendment recognizes that each land use project is different from others in terms of impacts on  
8 surrounding infrastructure such as roads and to the environment in general. Staff recommends moving the  
9 proposed amendments to the Board of County Commissioners for consideration.

0  
1  
2 *o:\track\long range planning\dev code amendments 2009 to 2010\A-10\A-10 staff report.drft.sl.doc*

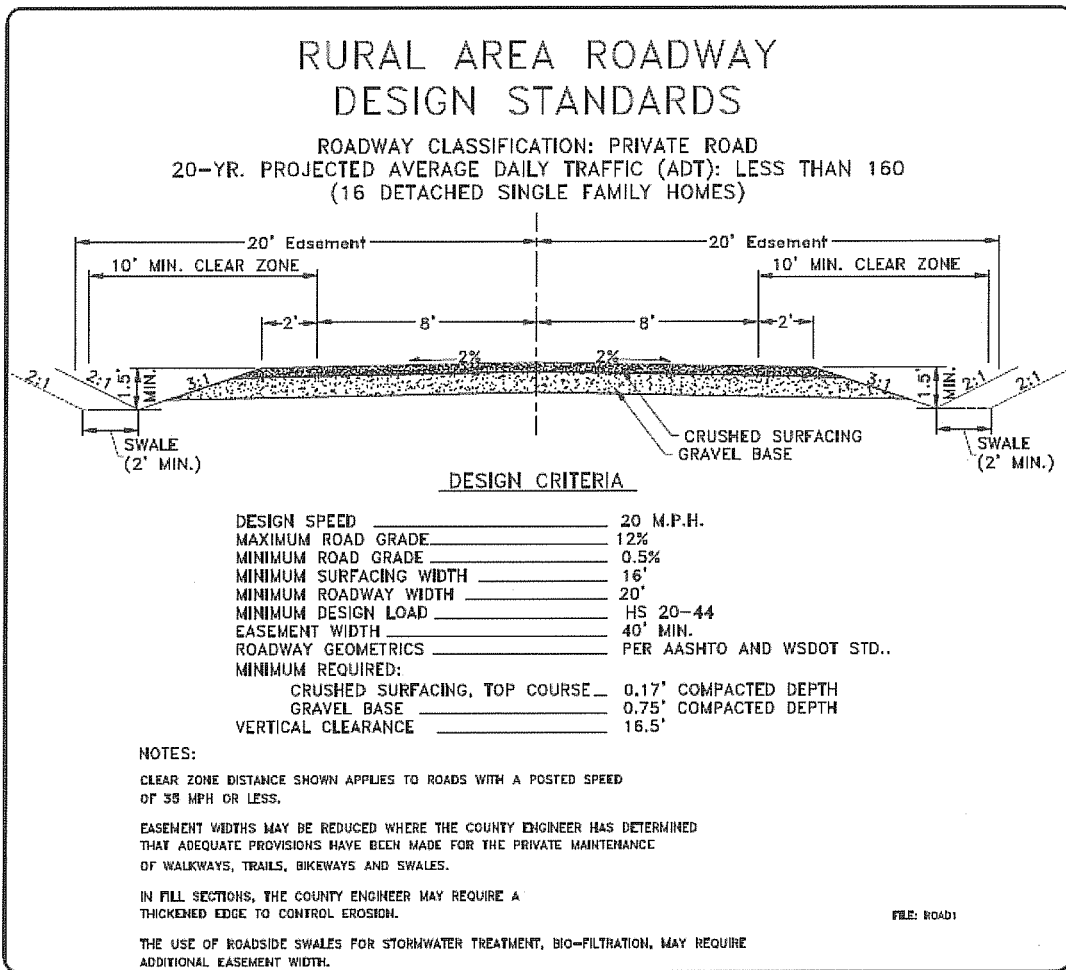
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# ATTACHMENT A:

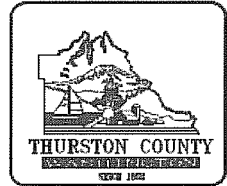
## Thurston County Road Standards – Jan. 1999

### 6.00 ROADWAY BASES, SURFACING AND RESTORATION

#### Appendix 6 - A Private Roadway Section



REVISIONS	DATE



THURSTON COUNTY  
ROADS AND  
TRANSPORTATION  
SERVICES  
DEVELOPMENT  
REVIEW

ROADWAY  
STANDARDS

PRIVATE  
ROADWAY  
SECTION

APPENDIX 6 - A

1  
2 **ATTACHMENT B:**  
3

4 **Thurston County Road Standards**  
5  
6

7 **4.05 Private Roads**  
8

9 A. While community road requirements are usually best served by public  
0 roads, owned and maintained by the County, private roads may be  
1 appropriate for some local access roads for either residential or  
2 commercial properties.

3 B. Private roads are approved only when they are:

- 4 1. Permanently established by tract or easement providing legal  
5 access to each affected lot, dwelling unit, or business and sufficient  
6 to accommodate required improvements, to include provision for  
7 future use by adjacent property owners when applicable; and  
8 2. Built to County Standards, as set forth herein; and  
9 3. Accessible at all times for emergency and public service vehicle  
0 use; and  
1 4. Not obstructing, or part of, the present or future public  
2 neighborhood circulation plan developed in processes such as the  
3 Thurston County Comprehensive Plan, applicable community plan,  
4 or Capital Improvement Program; and  
5 5. Not needed as public roads to meet the minimum road  
6 requirements of these Standards; and  
7 **6. Designed to serve a maximum potential of 16 legal lots** when the  
8 entire length of the private road system to the nearest public road is  
9 considered. The maximum potential is the number of dwelling units  
0 that can possibly be served by the road when physical barriers,  
1 zoning or other legal constraints are considered; and  
2 7. Maintained in accordance with these Standards by a capable and  
3 legally responsible owner or homeowner's association or other  
4 legal entity made up of all benefitted property owners; and  
5 8. Clearly described as a private road on the face of the plat; and  
6 9. Clearly signed at road location as a private road the maintenance  
7 of which the County is not responsible for.

8 C. The County shall not accept private roads into the County road system  
9 until the private road meets all of the requirements of these Standards.  
0 This includes, but not limited to, plan and profile drawings, survey  
1 monumentation, dedication of right-of-way and drainage easements. For  
2 more specific information regarding the dedication process, contact the  
3 County Right-of-Way Section.  
4  
5  
6

**Average single family residence  
generates 10 trips per day. 10  
trips x 16 homes = 160 trips max.  
for private (paved) road.**

>>> Kevin Hughes 12/30/2010 7:38 AM  
>>>

Here's how we look at proposals like this  
and how road surfaces are determined.  
Our threshold for requiring a paved road  
is vehicle trips greater than 160 per day  
(equivalent to greater than 16 homes  
using the roadway). If the proposed  
business raises the total vehicle trips  
over 160 per day, then they would have  
to pave the roadway from their  
commercial entrance out to an existing  
paved roadway.

Kevin Hughes, PE  
Development Review Manager  
Thurston County Public Works  
Phone: (360) 867-2042

**ATTACHMENT C:**

**Table 1 Special Uses—Distribution in County Zoning Districts**  
 Uses listed below are prohibited unless specifically identified as allowable through special use review, or unless listed as a permitted or primary use within an individual zoning district chapter.

USE	R 1/20	R 1/10	RRR 1/5	RR 1/5	UR 1/5	RL 1/2	RL 1/1	RL 2/1	R3-6/1	R4-16/1	LI	RR 1	PI	NC	RC C	A C	H C	S L'	HGS A²	LT A	NA	LT F	P P	H R
1. Academic schools*	X	X	X	X	X	X	X	X	X	X									X					
2. Airfields and landing strips*	A/X	A/X	A/X	A/X		A/X																		
3. Animal/bone black, rendering, bone distillations											X													
3.5 Athletic facilities	X	X	X	X	X	X	X	X	X	X														
4. Boat launch	X	X	X	X	X	X	X	X	X	X									X				X	
5. Camp or recreation ground	X	X	X																				X	
6. Cemeteries			X	X		X	X	X	X	X														
7. Churches	X	X	X	X	X	X	X	X	X	X									X					
8. Community center/community club	X	X	X	X	X	X	X	X	X	X									X					
9.3 Composting facilities	X	X	X	X							X	X								X	X	X		
9.5 Country Inns	X	X	X	X		X	X																	
10. Day-care center	X	X	X	X	X	X	X	X	X	X									X					
11. Drive-in theaters																		X						
11.4 Family day care provider	A	A	A	A	A	A	A	A	A	A				A	A	A	A		A					
11.5 Farm housing (five or more units)	X	X	X		X																X			
12. Feed lots	X	X	X	X		X	X																	
12.2 Forest management activities	X	X	X																					
12.5 Garages																		X						
13. Golf facilities	X	X	X	X		X	X	X	X	X														
14. Greenhouses—retail	X	X	X	X	X	X	X	X	X	X											X			
14.5 Greenhouses—wholesale	A	A			X																	X		
15. Home-based industry	X	X	X	X	X	X	X	X											X	X	X			
16. Home occupations	A	A	A	A	A	A	A	A	A	A									A	A	A	A		
17. Hospitals									X	X							X	X						
17.5 Jails*			X	X							X		X		X	X								
18. Junk yards			X	X																				
18.5 Juvenile detention facilities*			X	X																				
19. Kennels—11 + dogs	X	X	X	X																				
20. Major energy trans./generators*	X	X	X	X																X		X		X
21. Mineral extraction	X	X	X	X																		X		X
21.3 Mobile or manufactured home parks (two–four mobile/manufactured homes per lot)			A	A																				
21.6 Mobile or manufactured home parks (five or more mobile/manufactured homes)			X	X																				
22. Neighborhood convenience commercial			X	X	X	X	X	X		X														
23. Nonprofit handicapped workshop	X	X	X	X	X	X	X	X	X	X														
23.5 Nonresidential use in rural area (expansion)	X	X	X	X	X	X																		
24. Nursing/convalescent home*	X	X		X	X	X	X	X	X	X														
25. Off-site treatment and storage facility*												X		X										
25.5 Parks, trails and preserves (public)²	X	X	X	X	X	X	X	X	X	X		X		X				X				X	X²	X
26. Petroleum products/processing storage											X													
27. Plastics, paints, commercial, chemical—manufacture											X													
27.5 Prison/prerelease*	X	X	X	X																				
29. Public facilities (not schools)³	X	X	X	X	X	X	X	X	X	X		X		X				X				X	X	X
30. Public utilities*	X	X	X	X	X	X	X	X	X	X				X				X	X	X	X	X		X
32. Railroad rights-of-way*	X	X	X	X	X	X	X	X	X	X							X		X					X
32.5 Recycling processing centers	X	X	X	X								X												
33. RV/boat storage—com.	X	X	X	X	X	X	X																	
34. Residential care facilities*			X	X	X	X	X	X	X	X														
34.3 Resorts and retreat facilities			X																					
35. Riding stables/arenas/academies	X	X	X	X		X	X																	
36. Rifle/pistol/archery ranges	X	X	X	X		X	X											X						
37. Sawmills, lumber/planing mills, molding plants											X													
38. Sawmills—large																								
39. Sawmills—temporary on-site	X	X	X	X	X	X	X													X				
39.5 Secure Community Transition Facilities*	X	X	X	X							X	X		X	X							X		X
40. Slaughterhouses											X													
41. Solid waste disposal facilities*	X	X	X	X		X	X	X			X	X												
41.5 Temporary uses	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X	A/X
42. Travel trailer parks/commercial campgrounds	X	X	X	X		X																		
43. Veterinary clinics	X	X	X	X	X	X	X		X															
44.3 Wireless communication facilities (WCFs)—attached or co-located	A/X	A/X	A/X	A/X	A/X	A/X	A/X		A/X		A/X	A/X	A/X	A/X	A/X	A/X		A/X	A/X	A/X	A/X	A/X	A/X	A/X
44.4 WCFs/antenna support structures-remote freestanding*																								
44.6 (WCFs)/antenna support structures-freestanding*	X	X	X	X	X	X	X		X		X	X	X	X	X	X		X	X	X	X		X	X
45. Work release*	X	X	X									X												

**Note: The only Special Uses effected by the proposed changes are item 15. Home-based industries and 16. Home occupations.**

X = Special use permit (approval authority is hearing examiner)  
 A = Administrative special use permit (approval authority is staff)  
 1 = Summit Lake special management area, as defined in the Critical Areas, Chapter 17.15  
 2 = Except as prohibited or limited in Chapter 20.23  
 3 = Applies to uses related to public parks, trails and preserves and not otherwise permitted in Chapter 20.08E  
 \* May qualify as an essential public facility; refer to Section 20.54.065

(Ord. 13884 § 13, 2007; Ord. 13834 § 14, 2007; Ord 13235 § 15, 2004; Ord. 13058 § 47, 2003)  
<http://library.municode.com/index.aspx?clientId=16720&statelid=47&stateName=Washington>

**ATTACHMENT D:**

TCC 20.54.070 Special Uses – Use Specific Standards

**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.

**a.**

The following list of uses is not intended to be exhaustive, but rather is intended to be illustrative of the types of uses which the approval authority may consider:

- i.** Antique and gift shops;
- ii.** Art or photography studios;
- iii.** Auto repair;
- iv.** Bed-and-breakfast with more than six guests;
- v.** Blacksmith shop;
- vi.** Construction office;
- vii.** Furniture repair or refinishing;
- viii.** Pottery shop;
- ix.** Real estate sales office;
- x.** Small restaurants for ten or fewer patrons;
- xi.** Woodworking shop.

**b.**

Standards.

- i.** The business must be owned and operated only by full-time residents of the parcel on which the proposed use is being requested.
- ii.** The business may not employ more than two persons on the site at any one time who reside off the subject property.
- iii.** Only those buildings or areas as specifically approved by the approval authority may be utilized in the conduct of the business.

- iv. Any new building constructed to house the home-based industry shall be limited in scale so that it is in character with neighboring properties. In no case shall more than four thousand square feet of total building area on the property be devoted to the home-based industry.
- v. Any business requiring customers to visit the site shall provide a minimum of three on-site parking spaces in addition to one each for full-time equivalent employees who reside off the subject property and two for the owners of the subject property.
- vi. All activity related to the conduct of the business or industry shall be conducted within an enclosed structure, except that vehicles used in the business may be stored openly as approved on the site plan.
- vii. The approval authority may attach additional conditions or requirements or may make modifications to the site plan where necessary to protect the health, safety and welfare of the public.
- viii. The scale of the proposed use shall be limited in nature.
- ix. The granting of the proposed use shall not, in effect, constitute a rezone.
- x. Direct access must be from a paved road meeting county standards.
- xi. No off-site signage is permitted.
- xii. No business may provide drive-through services.
- xiii. No outside storage of equipment or materials shall be permitted unless screened or fenced so as to not be visible from streets and neighboring properties.
- xiv. No expansions of the approved home-based industry are permitted.

**16.**

Home Occupations.

**a.**

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

- i. Artists and sculptors;
- ii. Authors and composers;
- iii. Dressmakers, seamstresses and tailors;
- iv. Home crafts, such as model making, rug weaving, lapidary work, woodworking and ceramics;
- v. Office facility of a minister, rabbi, priest or other similar person associated with a religious organization;
- vi. Office facility of a salesman, sales representative or manufacturer's representative, architect, artist, broker, dentist, physician, engineer, urban

planner, landscape architect, public relations practitioner, instructor in arts and crafts, insurance agent, land surveyor, lawyer, musician, real estate agent or typist;

vii.

Classes of specialized instruction;

viii.

Barbershops and beauty parlors;

ix.

Bed-and-breakfast with no more than six guests;

x.

Kennels housing four to ten dogs with the following standards:

(A)

Dogs which are let outside unleashed shall be kept in a fenced enclosure.

(B)

The setback standards in Section 20.07.030 for animals housed inside a structure shall apply.

(C)

Visual screening, increased setback, increased lot size, and other conditions may be required taking into account safety, noise and odor factors.

(D)

Kennels within the McAllister geologically sensitive area (MGSA) district shall be subject to a waste management plan approved by the Development Services Department which minimizes the risk of groundwater contamination.

b.

Permitted home occupations do not include the following:

i.

Funeral chapel or funeral home;

ii.

Medical or dental clinic or hospital;

iii.

Riding or boarding stable;

iv.

Veterinary clinic or hospital.

c.

Home occupations operating under the following circumstances are permitted as a matter of right (that is, they are exempt from an approval process), provided all of the other standards of this chapter are met:

i.

No employees;

ii.

No sign;

iii.

All work is done inside the dwelling, not in any accessory buildings; and

iv.

No materials or equipment used in the home occupation are stored, altered or repaired outdoors.

d.

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

i.

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

ii.

1 No alteration to the exterior of the buildings as permitted in subsection (16)(d)(i)  
2 above shall be made which changes the character and appearance as a  
3 residential use.

4 **iii.**

5 No outside storage of equipment or materials shall be permitted unless screened  
6 or fenced so as to not be visible from streets and neighboring properties. Up to  
7 four cords of wood may be stored outdoors in the case of persons engaged in a  
8 home occupation of selling firewood.

9 **iv.**

0 No more than two persons at any one time other than a member of the  
1 immediate family occupying such dwelling shall be employed.

2 **v.**

3 No special use may generate noise at the property line in excess of twenty  
4 continuous minutes for the maximum total of one hour per day if the noise is so  
5 loud as to be annoying.

6 **vi.**

7 If the occupation is the type in which classes are held or instruction given, there  
8 shall be no more than four students allowed in any one class or instruction  
9 period.

0 **vii.**

1 Only those buildings or areas as specifically approved by the approval authority  
2 may be utilized in the conduct of the business.

3 **viii.**

4 Any new construction to house the home occupation shall be limited in scale so  
5 that it is in character with neighboring properties. In no case shall more than one  
6 thousand square feet of total building area on the property be devoted to the  
7 home occupation.

8 **ix.**

9 All activity related to the conduct of the business shall be conducted within an  
0 enclosed structure except that vehicles used in the business may be stored  
1 openly as approved on the site plan.

2 **x.**

3 The approval authority may attach additional conditions or requirements or may  
4 make modifications to the site plan where necessary to protect the health, safety  
5 and welfare of the public.

6 **xi.**

7 Direct access must be from a paved road meeting county standards.

8 **xii.**

9 No off-site signage is permitted.

0 **xiii.**

1 No expansions of approved home occupations are permitted.  
2  
3