



COUNTY COMMISSIONERS

Cathy Wolfe
District One
Sandra Romero
District Two
Karen Valenzuela
District Three

RESOURCE STEWARDSHIP DEPARTMENT

Creating Solutions for Our Future

Cliff Moore
Director

**MEMORANDUM
DRAFT FINDINGS**

TO: Thurston County Planning Commission

FROM: Scott Longanecker, Associate Planner

DATE: May 18, 2011

SUBJECT: 2009/2010 Development Code Docket, Item A-10 – Allow flexibility of road surface standards for home occupations and home based industries (Title 20).

Following the May 18, 2011 Planning Commission hearing, staff was asked to prepare a draft motion and findings for the proposed policy changes to Thurston County Development Code, Title 20. The amendment being recommended by staff is the same as that presented at the last Planning Commission meeting. For your convenience staff has attached the proposed policy changes.

For more information, including the staff report and supporting documents, please go to:

http://www.co.thurston.wa.us/planning/docket/docket_home.htm

2009/2010 Thurston County Development Code Docket, Item A-10 – Allow flexibility of road surface standards for home occupations and home based industries. (Title 20), Amendment Motion and Findings.

Move to recommend approval of amendments to Title 20, Chapter 20.54.070 of the Thurston County Development Code to permit flexibility of road surface standards for home occupations and home based industries in rural Thurston County.

Findings:

1. The proposed amendment is consistent with the Growth Management Act 36.70A RCW.

2. The proposed amendment is consistent with the Thurston County County-Wide Planning Policies.
3. The proposed amendment is consistent with the Thurston County Comprehensive Plan.
4. The proposed amendment is consistent with other sections of the Thurston County Code.
5. The Thurston County Planning Commission held a briefing on February 2, 2011 and April 6, 2011 regarding the proposed amendments.
6. The Thurston County Planning Commission held a duly advertised public hearing on May 18th, 2011 to take public testimony as required by Thurston County Code Chapter 2.05 Growth Management Public Participation.
7. This amendment recognizes that each home based business is different in terms of impacts to roads and traffic patterns and that requiring major road improvements can be cost prohibitive for small businesses.
8. The proposed change will allow traffic related impacts to be mitigated based upon the specific type of home business proposed, while minimizing potential traffic safety and land use conflicts.
9. The proposed change will benefit public health, safety, and general welfare of Thurston County residents by addressing site specific impacts while reducing regulatory barriers for small, family owned businesses.

Attachment A: - Proposed new language:

Title 20 Zoning would be amended as follows:

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

Possible language for Title 20:

Chapter 20.54 – Special use.

Section 20.54.070 – 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.

...

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:
- (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 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.”
5. Failure of an applicant to adhere to the requirements of this road maintenance agreement may result in permit revocation or other enforcement actions.

...

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:

...

- 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.
 - ...
 - xi. 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 occupation 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:
 - (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 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.”
5. Failure of an applicant to adhere to the requirements of this road maintenance agreement may result in permit revocation or other enforcement actions.

...