

# STAFF REPORT AND RECOMMENDATION TO THE CLARK COUNTY PLANNING COMMISSION

**TO:** Clark County Planning Commission

**FROM:** Marty Snell, Planning Director

**PREPARED BY:** Jan Bazala, Planner II, extension 4499

**SUBJECT:** Amendments to the County's Home Business provisions and "multifamily" zoning code

## **PC HEARING**

**DATE:** January 15, 2014

## **REPORT PREPARATION**

**DATE:** January 5, 2015

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## **I. SUMMARY**

Changes are proposed to two sections of Title 40 as follows:

- 1) Amend the County's Home Business provisions (Section 40.260.100) to remove the limit on the maximum number of non-resident employees for Major Home Businesses; and,
- 2) Amend the County's "multifamily" zoning code (Section 40.220.020) to prohibit new single family detached dwelling developments in the R-12, R-18, R-22, OR-15, OR-18, and OR-22 zoning districts

## **II. BACKGROUND**

1) Home Businesses. Home businesses provide an important contribution to the local economy. Currently, all home businesses (both minor and major) are limited to 3 non-residential employees. It's been proposed to remove the limit on non-residential employees for Major home businesses.

Limits on the size of home business structures, the occupancy load, and outdoor "activity areas" will remain in place in order to limit impacts to adjoining neighbors.

- 2) Single Family Detached Dwellings in the R and OR ("multifamily") districts.

Single family individual detached dwellings have been allowed in certain multifamily zoning districts since at least 1994. The minimum lot area for a single family detached home in the R-22 zone is 1,500 square feet, with a minimum lot width 25 feet. Separation between homes can be as little as 8 feet. Homes in these types of developments often have single car garages.

Townhomes (single family **attached** dwellings on separate lots) are also allowed in the multifamily zones, and have comparable lot areas and widths; however, townhomes share common side walls, giving them a more traditional “multifamily” character. The shared wall aspect eliminates some of the arguably wasted narrow space between homes and makes it easier to share driveways.

### III. PROCESS

In the fall of 2014 the Board requested that staff prepare code language to eliminate the cap on non-residential employees for Major home businesses and to prohibit single family detached homes in the R and OR (“multifamily”) zones.

### IV. COMMUNITY OUTREACH

On January 8, 2015, staff met with the Development and Engineering Advisory Board (DEAB) and also held a work session with the Planning Commission.

Approval of amended development regulations are subject to SEPA review. As such, a SEPA determination of non-significance was published in the “Reflector” newspaper on December 31, 2014. An environmental checklist with the potential ramifications of these code changes was sent to SEPA agencies, with a SEPA comment period deadline of January 15, 2015.

A legal notice of the Planning Commission public hearing was published in the “Reflector” newspaper on December 31, 2015.

### IV. RECOMMENDATION

Staff recommends the Planning Commission favorably consider this proposal and forward a recommendation of APPROVAL to the Board of County Commissioners.

*Note: proposed new text is double underlined; text proposed to be removed is ~~struck through~~*

#### **40.260.100.Home Businesses**

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G. Home Businesses – Major.

1. Home businesses that meet the standards in Section 40.260.100(D) and the following standards shall qualify as major home businesses:

a. In urban areas:

- (1) Use of up to nine hundred (900) square feet of an accessory structure;
- (2) ~~Maximum of three (3) nonresident employees, with o~~ One (1) additional parking space on-site for each nonresident employee;
- (3) Customers: up to twelve (12) on-site customers per day;
- (4) No outside storage;
- (5) No heavy equipment; no more than three (3) business-related vehicles;
- (6) Hours of operation: 7:00 a.m. to 8:00 p.m. for on-site businesses;
- (7) Incidental on-site retail sales only;
- (8) Minimum lot size: ten thousand (10,000) square feet.

b. In rural areas:

- (1) Accessory structures: see Table 40.260.100-1;
- (2) ~~Employees: see Table 40.260.100-1, with o~~ One (1) additional parking space for each nonresident employee;
- (3) Customers: see Table 40.260.100-1;
- (4) Activity area, including outside storage: see Table 40.260.100-1;
- (5) Vehicles/heavy equipment: see Table 40.260.100-1;
- (6) Activity area: All outside activity must be located in a defined activity area that is visually screened from adjacent residences either by existing vegetation, terrain, or sight obscuring landscape/screening methods to at least an L3 standard as established in Section 40.320.010, and that is set back a minimum of fifty (50) feet from any property line. Except where terrain provides a sight-obscuring barrier, landscaping and screening shall be located on the subject property. Required landscaping and screening shall be the responsibility of the resident business owner;
- (7) Hours of operation: 7:00 a.m. to 8:00 p.m. for on-site businesses;
- (8) Incidental retail sales only;
- (9) Minimum lot size: two and one-half (2.5) acres, including right-of-way to the extent permitted by Section 40.200.040(C) and/or de minimus standards set forth in Section 40.520.010(G). Calculations to determine eligible activity areas per Table 40.260.100-1 shall be determined based on lot sizes excluding public rights-of-way for perimeter streets.

2. Subject to Section 40.520.020, major home businesses qualifying under this subsection shall be reviewed using a Type II process as specified in Section 40.510.020, demonstrating that the proposal complies with all development and performance criteria in this section.

3. Applications for major home businesses on a private road shall include evidence that safety and maintenance impacts are adequately mitigated.

Impacts to be addressed shall include, but are not limited to: dust, noise, trip generation, and road safety and maintenance.

4. New rural home businesses that include facilities for servicing motor vehicles are considered major, and shall meet the following standards:

- a. An activity area of no more than two (2) percent of the parcel and landscaped and screened to an L3 standard (see Section 40.320.010);
- b. A maximum accessory structure size of one thousand five hundred (1,500) square feet; and

c. Compliance with all building, fire, and environmental code regulations.

5. All structures used in home businesses shall be legally permitted at the time of receipt of a home business permit.

H. Performance Standards.

1. Home-based businesses shall comply with all state and county regulations governing nuisance effects, including Chapter 9.24, Nuisances, and with the following standards:

a. Noise. Home businesses shall comply with state maximum environmental noise levels as defined in Chapter 173-60 WAC.

b. Odors, Lighting, Glare, Dust, Smoke and Vibration. Home businesses shall not cause external effects such as offensive odors, increased lighting or glare, dust, smoke, or vibration detectable to normal sensory perception at the property line.

c. Electromagnetic Radiation and Line Fluctuation. Any business activities or use of equipment that creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited.

2. Any use of hazardous material or disposal of hazardous waste by home-based businesses shall comply with all applicable federal, state and local regulations. Home businesses shall not discharge any liquids or gases in violation of any federal, state or county regulations, including such discharges into private septic systems.

3. A home business permit shall be revoked pursuant to Chapter 32.12 should either of the following occur:

- a. An applicant/operator relocates his or her residence.
- b. The county finds that a home business has failed to comply with the general provisions and standards of this section or with the performance standards required by the permit.

<b>Table 40.260.100-1. Rural Major Home Business Requirements</b>						
Lot size (acres) <sup>1</sup>	≥ 2.5 & < 5	≥ 5 & < 7.5	≥ 7.5 & < 10	≥ 10 & < 15	≥ 15 & < 20	≥ 20
Maximum allowable use of accessory structures (sq. ft.) <sup>2</sup>	2,500	3,000	3,500	4,000	4,500	5,000

<del>((Maximum number of nonresident employees<sup>3</sup></del>	4	4	4	6	6	<del>6</del> )
Maximum activity area <sup>4</sup>	4,000 square feet	2% of parcel size				
Maximum number of vehicles	No limit <sup>5</sup>					
Maximum number of trailers	No limit <sup>5</sup>					
Maximum number of pieces of heavy equipment	No limit <sup>5</sup>					
Maximum average number of customer round trips per day	6	8	10	12	12	12

Footnotes:

<sup>1</sup> Parcels in contiguous ownership may not be added together for purposes of determining parcel size.

<sup>2</sup> 'Accessory structure' is defined in Section 40.100.070, and does not include an attached garage.

<sup>3</sup> Includes contract employees and full-time employee equivalents.)

<sup>4</sup> As defined in Section 40.260.100(C)(4). Activity areas are to be calculated on the basis of lot sizes excluding public rights-of-way for perimeter streets.

<sup>5</sup> Must be kept within the landscaped/screened activity area.

**40.220.020 Residential and Office Residential Districts (R, OR)**

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Table 40.220.020-1. Uses											
	R-12	R-18	R-22	R-30	R-43	OR-15	OR-18	OR-22	OR-30	OR-43	Special Standards
1. Residential.											
a. Accessory uses and structures normal to a residential environment	P	P	P	P	P	P	P	P	P	P	40.260.010
b. Accessory dwelling units	R/A <sup>1</sup>	40.260.020									
c. Boarding houses	R/A	R/A	P	P	P	P	P	P	P	P	
d. Duplex dwellings	P	P	P	P	P	P	P	P	P	P	

e. Multifamily dwellings	P	P	P	P	P	P	P	P	P	P	40.260.150
f. Existing residential use	P	P	P	P	P	P	P	P	P	P	
g. Family day care centers	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	40.260.160
h. Adult family homes	P	P	P	P	P	P	P	P	P	P	40.260.190
i. Home business – Type I	P	P	P	P	P	P	P	P	P	P	40.260.100
j. Home business – Type II	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	40.260.100
k. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	40.260.050
l. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	C	C	C	C	C	C	C	40.260.050
m. Garage sales	P	P	P	P	P	P	P	P	P	P	40.260.090
n. Mobile home parks	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	40.260.140
o. Mobile homes on individual lots	R/A <sup>4</sup>	R/A <sup>4</sup>	R/A <sup>4</sup>	X	X	R/A <sup>4</sup>	R/A <sup>4</sup>	R/A <sup>4</sup>	X	X	40.260.130 40.520.020
p. Residential P.U.D.	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	40.520.020 40.520.080
q. Assisted living facilities	P	P	P	P	P	P	P	P	P	P	40.260.190
r. Single-family attached dwelling units (townhouses)	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	40.260.155
s. Single-family detached dwellings	<del>R/A</del> <u>X</u>	<del>R/A</del> <u>X</u>	<del>R/A</del> <u>X</u>	X	X	<del>R/A</del> <u>X</u>	<del>R/A</del> <u>X</u>	<del>R/A</del> <u>X</u>	X	X	<del>40.260.155</del>
t. Residential care homes and facilities	C	C	C	C	C	C	C	C	C	C	40.260.180

u. Cottage housing	P	P	P	X	X	P	P	P	X	X	40.260.073
v. Staffed residential homes	C	C	C	C	C	C	C	C	C	C	40.260.205
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<sup>1</sup> An accessory dwelling unit may be allowed on any multifamily zoned lot developed with an existing single-family dwelling, except as noted in Section 40.260.020. Type I site plan review is required.

<sup>2</sup> Only in single-family residences.

<sup>3</sup> See Table 40.260.250-1.

<sup>4</sup> Some plats prohibit mobile homes; see Section 40.260.130 for additional information on possible restrictions.