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Ordinance No. 382

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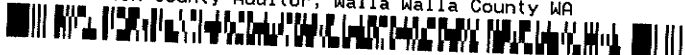
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Karen Martin County Auditor, Walla Walla County WA



**BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON**

ORDINANCE NO. 382

APPROVING A REQUEST BY WALLA WALLA COUNTY TO AMEND WALLA WALLA COUNTY CODE SECTION 17.08.260 AND ESTABLISH SECTION 17.08.261 IN ORDER TO PROVIDE GREATER FLEXIBILITY IN THE PERMITTING OF HOME OCCUPATIONS.

Whereas, it is desirable for the County to have home occupation development regulations be written in a manner that reflects the needs of Walla Walla County's general public;

NOW THEREFORE,

BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

1. Notices of a Walla Walla County Planning Commission Workshop open to the public were published in the Waitsburg Times on September 24, 2009, the Walla Walla Union Bulletin on September 24, 2009 and the Tri-City Herald on September 25, 2009.
2. The Walla Walla County Planning Commission held a public workshop on October 7, 2009.
3. Notices of the Walla Walla County Planning Commission Public Hearings were published in the Waitsburg Times on November 19, 2009 and December 24, 2009, the Walla Walla Union Bulletin on December 24, 2009 and Tri-City Herald on November 20, 2009 and December 24, 2009.
4. The Walla Walla County Planning Commission held public hearings on December 2, 2009 and January 6, 2010.
5. The Walla Walla County Planning Commission recommended approval of revisions to Sections 17.08.260 and 17.08.261.



6. Notices of a Board of County Commissioners' Workshop, open to the public were published in the Waitsburg Times on January 14, 2010 and March 25, 2010, the Walla Walla Union Bulletin on January 13, 2010 and March 25, 2010 and the Tri-City Herald on January 15, 2010 and March 24, 2010.
7. The Board of County Commissioners held workshops open to the public on January 26, 2010 and April 5, 2010.
8. Notices of a Public Informational Meeting were published in the Waitsburg Times on April 8, 2010, the Walla Walla Union Bulletin on April 8, 2010 and the Tri-City Herald on April 9, 2010.
9. The Community Development Department held a Public Informational Meeting on April 21, 2010.
10. Notices of a Board of County Commissioners public hearing were published in the Waitsburg Times on April 22, 2010, the Walla Walla Union Bulletin on April 21, 2010 and the Tri-City Herald on April 25, 2010.
11. The Board of County Commissioners held a public hearing on May 3, 2010 for the purpose of receiving testimony on the proposed revisions.

Section II. The Board of County Commissioners Makes the Following Conclusions of Law:

1. The County has reviewed and evaluated comments received from the public.
2. The proposal meets a definable public need.
3. The defined need conforms to policy directives of the comprehensive plan and countywide planning policies.
4. The proposed revisions are consistent with the County Comprehensive Plan and Growth Management Act.
5. The proposed revisions are in the long term interest of the County.

Section III. Adoption of Amended Section 17.08.260 and New Section 17.08.261:

The amendments to Section 17.08.260 and new section 17.08.261 are adopted as presented to the Board of County Commissioners on this date as attached in Exhibit A.

Section IV. Effective Date and Savings:

This ordinance is effective as of the date of signing.



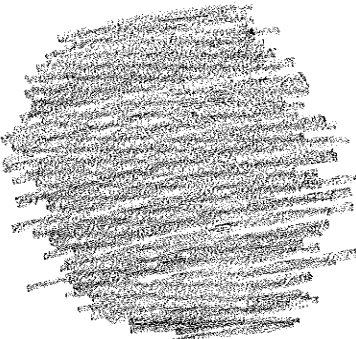
Section V:

If any section, subsection, paragraph, sentence, clause or phase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section VI:

This ordinance will be published by an approved summary consisting of the title.

Passed by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 17th day of May, 2010.



Gregg A. Loney
Gregg A. Loney, Chairman, District 1

Perry L. Dozier
Perry L. Dozier, Commissioner, District 2

absent
Gregory A. Tompkins, Commissioner, District 3

*Constituting the Board of County Commissioners
of Walla Walla County, Washington*

Attest:

Connie R. Vinti
Connie R. Vinti, Clerk of the Board

Approved as to form:

Jesse D. Nolte
Jesse D. Nolte, Deputy Prosecuting Attorney



17.08.260 Home occupation, Type I

"Home occupation" means an occupation customarily conducted entirely within a dwelling or out building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character thereof. Home occupations are subject to the following conditions:

- A. That not more than one non-resident shall be employed on-site in the home occupation.
- B. There shall be no exterior display, no exterior sign, no exterior storage of materials or equipment (excluding one occupation related vehicle) and no variation from the residential character of the principal building. No special equipment different from the normal residential equipment shall be installed to the exterior, and no offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced as a result thereof. Proposed occupations shall be subject to the applicable requirements of Walla Walla County Code Chapter 8.24 – Debris and Excessive Vegetation.
- C. The maximum amount of square footage used by the home occupation is two hundred square feet. Legal lots of record are only allowed one home occupation, multiple home occupations are not allowed on-site.
- D. The home owner submits a letter acknowledging the above conditions. A home occupation shall not occupy more than 400 square feet of any residence or accessory structure. No home occupation shall occupy more than 400 square feet total.
- E. A home occupation in an urban growth area is not allowed on the same lot as an accessory dwelling unit and/or a family day care facility.
- F. No more than one customer per hour is allowed on-site, Monday - Friday, 8 a.m. - 5 p.m., subject to applicable requirements of the International Building Code and International Fire Code adopted by Walla Walla County and the State of Washington. No customers are allowed outside of those hours.
- G. On-site retail sales of goods shall be limited to goods that are produced on-site, or to goods connected with a service provided by the home occupation.
- H. The home occupation permit shall be revoked should either of the following occur:
 - 1. The applicant/operator relocates his or her residence off-site.
 - 2. The county finds that the home occupation has failed to comply with the provisions and standards of this section or with the performance standards required by the code.
- I. Home occupation, Type I proposals shall be subject to Type I Administrative Review described in Walla Walla County Section 14.09.030.
- J. Home Occupations shall not include the following:
 - 1. Clinics, hospitals or other medically related offices;
 - 2. Mortuaries or funeral homes;
 - 3. Commercial print shops;
 - 4. Rental of trailers;
 - 5. Restaurants or cafes;
 - 6. Animal hospitals, public stables or commercial kennels;
 - 7. Vehicle repair, painting or auto detailing shops;
 - 8. Outdoor storage of building or construction materials not intended for immediate use in or on the premises;
 - 9. Family child day care homes providing services for over 12 children; and
 - 10. Metal plating, heavy manufacturing and industrial uses.



17.08.261 Home occupation, Type II

"Home occupation" means an occupation customarily conducted entirely within a dwelling, out building, or designated activity area and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character thereof. Home occupations are subject to the following conditions:

- A. Not more than three non-residents shall be employed on-site in the home occupation. For home occupations employing more than one non-resident on-site, one parking space on-site for each additional non-resident employee shall be provided.
- B. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced as a result thereof. Proposed occupations shall be subject to the applicable requirements of Walla Walla County Code Chapter 8.24 – Debris and Excessive Vegetation.
- C. The maximum amount of square footage that may be used in a residence or accessory building by the home occupation is 800 square feet. No home occupations shall occupy more than 800 square feet combined total within a residence and accessory buildings.
- D. Outdoor activity/storage may only take place in a defined activity area that is visually screened from adjacent residence either by existing vegetation, terrain or site obscuring landscape/screening methods. Landscaping and screening will be the responsibility of the resident business owner. Size of the activity area shall be no larger than 21,780 square feet (1/2 acre). The proposed activity area shall be established on the site plan to be submitted with the home occupation application.
- E. A maximum of two customers per hour are permitted on-site Monday - Friday, 8 a.m. - 5 p.m. , subject to applicable requirements of the International Building Code and International Fire Code adopted by Walla Walla County and the State of Washington. No customers are allowed outside of those hours.
- F. A home occupation in an urban growth area is not allowed on the same lot as an accessory dwelling unit and/or a family day care facility.
- G. On-site retail sales of goods shall be limited to goods that are produced on-site, or to goods connected with a service provided by the home occupation.
- H. The home occupation permit shall be revoked should either of the following occur:
 - 1. The applicant/operator relocates his or her residence off-site.
 - 2. The county finds that the home occupation has failed to comply with the provisions and standards of this section or with the performance standards required by the permit.
- I. Home occupation, Type II proposals shall be subject to Type II Administrative Review described in Walla Walla County Section 14.09.040.
- J. Home Occupations shall not include the following:
 - 1. Clinics, hospitals or other medically related offices;
 - 2. Mortuaries or funeral homes;
 - 3. Rental of trailers;
 - 4. Restaurants or cafes;
 - 5. Animal hospitals, public stables or commercial kennels;
 - 6. Vehicle repair, painting or auto detailing shops;
 - 7. Hotels or motels;
 - 8. Junkyards and auto wrecking yards;
 - 9. Family child day care homes providing services for over 12 children; and
 - 10. Metal plating, heavy manufacturing and industrial uses.
- K. Approval of the Type II home occupation permit shall be valid for a period of one year, requiring annual review and renewal. Approval is valid only for the original applicant of the proposed home occupation. A change in use or in ownership shall require the submission of a new home occupation permit application. Application for renewal shall consist of a letter from the applicant stating the existing home occupation is still in

compliance with the original permit issued by the County. The applicant shall submit the renewal letter to the Community Development Department no earlier than 30 calendar days before the permit expiration date and no later than 30 calendar days after the permit expiration date. No fee shall be required for a timely filed renewal of the approved home occupation. Application for renewal shall be reviewed pursuant to the Type I Administrative review described in Walla Walla County Code Section 14.09.030. A renewal application that is not timely filed shall require the submission of a new home occupation permit application.

- L. All required site improvements shall be completed and confirmed as such in writing by the applicant, prior to the home occupation becoming operational.

17.16.014 Permitted Use Table (Excerpt)

Residential Land Uses

Key
P = Permitted use
C = Conditional use permit required
AC = Administrative conditional use permit required
* = Definition of this specific land use see Chapter 17.08
PA = Primary Agriculture
EA = Exclusive Agreement
GA = General Agriculture
AR = Agriculture Residential
RR = Rural Remote
RA = Rural Agriculture
RRMC-5 = Rural Residential Mill Creek-5
RR = Rural Residential
R-96 = Suburban Residential
R-72 = Single Family Residential
R-60 = Single Family Residential
RM = Multiple Family Residential
RD-R = Rural Development-Residential
RD-CI = Rural Development-Commercial/Industrial
RFC = Rural Farmworker Community
RAC = Rural Activity Center

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Zone	Resource										Rural					Urban Residential					Misc.		
	PA -40	EA- 120	G A- 20	AR -10	RR -40	RR -20	RA -10	RA -5	RR M C- 5	RR -2	RR -5	R- 96	R- 72	R- 60	RM	RD- R	RD- -CI	RD	RF	RA			
Specific Use																							
* Bed & Breakfast Type I	P		P	P	P	P	P	P	P	P	P	P	P	P						P			
* Bed & Breakfast Type II	C		C	C	C	C	C	C	C	C	C	C	C	C						C			
* Hotels/motels																				P			
Mobile/Manufactured Home	AC 1	AC1	AC 1	AC 1	AC 1	AC 1	AC 1	AC 1	AC 1	AC 1	AC 1	AC 1	AC 1	AC 1	AC1			AC 1	AC 1	AC 1			
* Transient Labor Camps	C7		C7	C7	C7	C7	C7	C7	C7	C7	C7	C7	C7	C7						C7			
ACCESSORY USES																							
* Accessory Dwelling Units	P2	P2	P2	P2	P2	P2	P2	P2	P2	P2	P2	P2	P2	P2				P2	P2	P2			
* Accessory Use	P3	P3	P3	P3	P3	P3	P3	P3	P3	P3	P3	P3	P3	P3				P3	P3	P3			
* Home Occupation Type I	AG P4	AG P4	AG P4	AG P4	AG P4	AG P4	AG P4	AG P4	AG P4	AG P4	AG P4	AG P4	AG P4	AG P4	AG P4			AG P4	AG P4	AG P4			
* Home Occupation Type II	AC 4	AC4	AC 4	AC 4	AC 4	AC 4	AC 4	AC 4	AC 4	AC 4	AC 4	AC 4	AC 4	AC 4						AC 4			
* Caretakers Quarters																							
* Farmworker Dwellings	AC 5	AC	AC 5	AC 5	AC 5	AC 5	AC 5	AC 5	AC 5	AC 5	AC 5	AC 5	AC 5	AC 5				AC 5	AC 5	AC 5			

Key
P = Permitted use
C = Conditional use permit required
AC = Administrative conditional use permit required
* = Definition of this specific land use see Chapter 17.08
IA-M = Industrial Agriculture Mixed
IA-H = Industrial Agriculture Heavy
HI = Heavy Industrial
LI = Light Industrial
I/BP = Industrial/Business Park
NC = Neighborhood Commercial
CG = General Commercial
BC = Burbank Commercial
BR = Burbank Residential
PR = Public Reserve

	Zone									
	Industrial and Commercial								Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR
SPECIFIC USE										
DWELLING UNITS										
* One Family	AC								P	
* Two Family (duplex)									P6	
* Multi Family									P6	
* Townhouse									P6	
* Mobile Home, single wide	AC								P	
* Mobile Home, double wide	AC								P	
* Manufactured Home	AC								P	
* Mobile/Manufactured Home Park									C	
GROUP RESIDENCES										
* Adult Family Home									P	
* Long Term Care Facility							P	P	C	
* Senior Citizen Asst. Housing							P	P	AC	
TEMPORARY LODGING										
* Bed and Breakfast Type I									P	
* Bed and Breakfast Type II									C	
* Hotels/Motels					P		P	P		
* Mobile/Manufactured Home	AC1								AC1	
* Transient Labor Camps										



	Zone									
	Industrial and Commercial								Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR
SPECIFIC USE										
ACCESSORY USES										
* Accessory Dwelling Units	P2								P2	
* Accessory Use	P3						P3	P3	P3	
* Home Occupation <u>Type I</u>	AG P4								AGP4	
* Home Occupations <u>Type II</u>	AC4								AC4	
* Caretakers Quarters	P	P	P				P	P		
* Farmworker Dwellings	AC5	AC5	AC5	AC5	AC5	AC5	AC5	AC5	AC5	

4. See the definition of home occupation in ch. 17.08. Proposed home occupations are subject to the review process and requirements described in sections 17.08.260 and 17.08.261.