

CHAPTER 11.49
HOME OCCUPATION

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11.49.010 PURPOSE. This chapter is established to provide a means whereby the conduct of business may be permitted as a use accessory to an established residence within a zoning district that allows residential uses. The purpose is to create an administrative framework to authorize such uses that do not pose a disruption to or conflict with the existing residential environment.

[Ord. 611 (2018) § 203]

11.49.020 APPLICATION. Any person seeking a home occupation permit shall submit the following information to the Planning Department:

- (a) A completed application on a form supplied by the Planning Department;
- (b) A non-refundable application fee as established by resolution of the Board of County Commissioners;
- (c) A scaled site plan detailing the outer boundary and dimensions of the property, all structures located on the property, the

location of the home occupation within the dwelling unit, the square footage of the area (including all storage areas) to be used for the home occupation, and a description of the home occupation; and,

(d) Any additional information as required by the Planning Administrator, in accordance with Title 17 BCC (Permit Review Process).

[Ord. 611 (2018) § 204]

11.49.030 GENERAL CRITERIA. Except for those types of activities identified in BCC 11.49.050, all home occupations that meet the following criteria are allowed within a legally existing dwelling unit upon issuance of a home occupation permit by the Planning Department:

(a) There must be a dwelling unit on the parcel, and a proprietor of the home occupation must reside in the dwelling unit.

(b) No more than two (2) non-resident persons, whether they work on site or not, may be employed by, or be partners or shareholders in the home occupation.

(c) The total area for all home occupations on the premises, including all storage spaces used for such home occupations, shall not occupy more than the lesser of:

(1) thirty (30) percent of the dwelling unit's floor area and any attached garage; or

(2) six hundred (600) square feet within a dwelling unit or attached garage.

(d) No more than one (1) non-illuminating sign, with a maximum area of four (4) square feet, extending a maximum height of six (6) feet above grade, shall be permitted in connection with the home occupation. The posting of such sign is limited to the parcel on which the home occupation is located. On-street (inside the

road right-of-way) sign posting and any sign posting that interferes with the line-of-sight for road intersections are prohibited.

(e) Noise, lighting, dust, smoke and other potential off-site impacts of the home occupation shall be controlled as follows: noise shall not exceed sixty-five (65) decibels at any property line; smoke, spray, airborne dust, noxious odors or other particulate materials shall not migrate to adjacent properties; lights must be hooded to illuminate downward and minimize the impact to adjacent properties; interference with neighborhood radio, TV, or phone reception and transmission shall not occur.

(f) Only one (1) vehicle marked to identify the home occupation is allowed on the parcel at any one time, excluding vehicles parked within an enclosed structure. No other on-site, outside storage of vehicles, equipment, and/or supplies (including building materials and equipment such as lumber, plasterboard, pipe, paint, and heavy equipment) is allowed in connection with a home occupation.

(g) Once a home occupation permit is issued, the Benton County Fire Marshal may require that the parcel be placed on the Fire Marshal's Annual Inspection List.

[Ord. 611 (2018) § 205]

11.49.040 ALLOWABLE USES. The following types of home occupations are allowed:

(a) Art and craft work such as ceramics, painting, photography, sculpture, and similar cottage industries.

(b) Office use activities used by architects, attorneys, contractors, consultants, computer/internet based businesses, and similar uses.

(c) Personalized services or lessons such as music, art, sports, dance, tutors, licensed counseling and massage therapy.

(d) Other uses that the Planning Administrator determines to be similar and compatible in nature to those uses described above.
[Ord. 611 (2018) § 206]

11.49.050 PROHIBITED USES. The following types of home occupations are prohibited:

(a) Repair, bodywork, or painting services on automobiles, motorcycles, marine, off-road vehicles, trailers, heavy equipment, recreational vehicles, or semi-trucks for persons not residing on the premises.

(b) Cabinetwork and mill work.

(c) Veterinary clinic or hospital.

(d) Appliance repair.

(e) Machine and sheet metal shops.

(f) Uses that require a marijuana processor or retailer license from the Washington State Liquor and Cannabis Control Board.

(g) Uses that require the handling of hazardous materials, substances, or wastes except for small unregulated quantities used for woodworking, painting, photography, or in the making of jewelry, ceramics, pottery or sculpture.

(h) Uses that require explosives or highly combustible materials.

(i) Other uses that the Planning Administrator determines to be similar in impact to those listed above.
[Ord. 611 (2018) § 207]

11.49.060 DECISION. The Planning Administrator shall issue or deny the permit. If the Planning Administrator determines that the proposed use is not consistent with BCC 11.49.020 through BCC 11.49.050 the Planning Administrator shall deny the request and inform the applicant in writing the reasons for the denial.
[Ord. 611 (2018) § 208]

11.49.070 APPEAL. Anyone aggrieved by the Planning Administrator's decision shall have fourteen (14) days from the date of decision to appeal to the Hearings Examiner. The Hearings Examiner shall hear the appeal pursuant to BCC 11.53.080.
[Ord. 611 (2018) § 209]

11.49.080 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.
[Ord. 611 (2018) § 249]

11.49.090 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 611 (2018) § 250]