



## **King County**

**Department of Development  
and Environmental Services**  
900 Oakesdale Avenue Southwest  
Renton, WA 98055-1219

### **FINAL CODE INTERPRETATION L04CI003**

#### **Background**

On September 3, 2004, Mr. Paul Carkeek filed a code interpretation request on behalf of Mr. and Mrs. Mike Haukenberry. The request asks for an interpretation of K.C.C. 21A.30.080 relating to home occupations. There are two issues in the request:

1. Do the provisions of K.C.C. 21A.30.080 that limit the number of non-resident employees apply to individuals who work away from the site of the home occupation?
2. Do the provisions of K.C.C. 21A.30.080 that limit the storage of heavy equipment on the site of a home occupation and that limit the number and weight of vehicles used for pickup or distribution of products or materials apply to mobile cranes parked on the site of the home occupation?

The Haukenberrys operate a business on a 1.1 acre parcel zoned RA-5. In addition to the owners, the business employs a non-resident bookkeeper and two crane operators. According to Mr. Carkeek, the crane operators do not work on-site, but do come to the site to either pick up or return the mobile cranes. The bookkeeper “visits the property on a regular basis.”

The mobile cranes are stored on the property, but are regularly transported off-site by the two crane operators.

Since this code interpretation request was filed, K.C.C. 21A.30.080 was amended by the King County Council. See, Ordinance 15032, Section 37. The amended version of K.C.C. 21A.30.080 is set out in full at the end of this interpretation. This interpretation is based on the amended code.

There is a pending code enforcement case relating to the activities covered by this code interpretation. See Case E0400263.

#### **Discussion**

K.C.C. 21A.30.080 and 21A.30.090 establish the standards for home occupations and home industries, respectively. Among the standards are a cap on the area that can be devoted to the business activity, restrictions on where the activities can take place on the property, limitations

on the types of activities that are allowed within urban areas, and restrictions on the number of employees who are not residents.

Number of employees allowed in a home occupation.

K.C.C. 21A.30.080D, as amended in 2004, provides that “No more than one nonresident shall be employed by the home occupation or occupations.” The first question asked by the Haukenberrys is whether this provision applies to employees who do not work on site. Mr. Carkeek states that “K.C.C. 21A.30.080C is conflicted, ambiguous, and needs clarifying. ... A citizen is left to speculate about the language and intent of K.C.C. 21A.03.080 [sic]. Does ‘employment’ mean working all day on site, or meant to encompass only momentary appearances on the site?”

K.C.C. 21A.30.080D states that only one nonresident may be an employee of the home occupation. If read literally, this would limit the home occupation to no more than one non-resident employee, regardless of whether those employees visit the site of the home occupation. The purpose of this limit on non-resident employees, as with other limitations on home occupations, is in part to limit the impacts of the business on neighboring property owners. Employees who visit the home occupation generate traffic and other impacts on the surrounding area. However, a home occupation could employ many non-residents who never visit the site of the home occupation and would not cause the adverse impacts the provisions are intended to prevent. A reasonable interpretation of the limitation in K.C.C. 21A.30.080D on the number of non-resident employees is to that it prohibits more than one non-resident employee who visits the site of the home occupation. This limitation will allow a variety of home occupations to be maintained, while avoiding the impacts the employee limitation is intended to address.

In the present circumstances, the Haukenberrys have other options for maintaining their home occupation. For example, the mobile cranes can be stored off-site where the operators can retrieve them. Or one of the owners or the one non-resident allowed to visit the home occupation site could drive the cranes to the jobsite or some other point where the operators may retrieve them.

Storage and parking of mobile cranes.

K.C.C. 21A.30.080E specifically prohibits auto repair, auto body shops, heavy equipment storage, and building materials storage in urban residential zones. There are no comparable limitations outside urban residential areas. The Haukenberrys refer to Code Interpretation L03CI003 and quote a provision in that interpretation that might be interpreted to mean that these limitations also apply in rural residential zones. They suggest that such an interpretation would be inconsistent with the provisions of K.C.C. 21A.30.080E. This is correct. The provisions in K.C.C. 21A.30.080E only apply to urban residential zones. The activities listed in K.C.C. 21A.30.080E, including parking and storage of heavy equipment, are not prohibited in rural residential zones as a part of a home occupation.

K.C.C. 21A.30.080I limits the types of vehicles that may be used for “pickup of materials used by the home occupation or occupations or the distribution of products from the site.” The limits include no more than one vehicle, a prohibition on parking in setbacks or on adjacent streets, and a vehicle weight capacity based on zoning and lot size.

The Haukenberrys suggest that the mobile cranes are not used for purposes of pickup or distribution of materials and are therefore not covered by these limitations. This is correct.

The 2004 amendments to K.C.C. 21A.30.080 added provisions governing the area that can be devoted to a home occupation in A, F, and RA zones. The amendments limit the outdoor area to one percent of the site, up to a maximum of 5,000 square feet, and requires that “Outdoor storage and parking shall have ten-foot wide Type II landscaping.” K.C.C. 21A.30.080C. Type II landscaping is described in K.C.C. 21A.16.040. These provisions would apply to storage and parking of the two mobile cranes if they are stored or parked outdoors.

### **Decision**

K.C.C. 21A.30.080 establishes standards for home occupations. These standards include limitations on the number of employees, the number and weight of vehicles that may be used for delivery and pickup, and whether and under what conditions heavy equipment may be stored as part of the home occupation.

K.C.C. 21A.30.080D allows only one non-resident employees that be employed by a home occupation. This limitation applies to the number who work at or visit the site of the home occupation. A home occupation may have additional employees who do not work at or visit the site of the home occupation.

K.C.C. 21A.30.080 allows heavy equipment that is not used for delivery or pickup of materials used in the home occupation to be stored or parked on a rural residential property. Amendments to K.C.C. 21A.30.080 adopted in 2004 added requirements that apply to the A, F, and RA zones on the amount of outdoor area that can be used for the home occupation and requires landscape screening for outdoor storage or parking.

### **Appeal of Final Code Interpretations**

This code interpretation does not relate to a development project. Under K.C.C. 2.100.040, if a code interpretation does not relate to a development project, the director shall issue a final code interpretation. For purposes of appeal, this code interpretation is the final agency action.

\_\_\_\_\_/s/\_\_\_\_\_  
Stephanie Warden  
Director  
Development and Environmental Services

November 12, 2004  
Date

SECTION 37. Ordinance 10870, Section 536, as amended, and K.C.C. chapter 21A.30.080 are each hereby amended to read as follows:

**Home occupation.** Residents of a dwelling unit may conduct one or more home occupations as accessory activities, ~~((provided))~~ only if:

A. The total area devoted to all home occupation~~((s))~~ or occupations shall not exceed twenty percent of the floor area of the dwelling unit. Areas with attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation;

B. In urban residential zones, all the activities of the home occupation~~((s))~~ or occupations shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation~~((s))~~ or occupations;

C. In A, F and RA zones:

1. The total indoor area of a home occupation shall not exceed twenty percent of the floor area of the dwelling unit. Areas with attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation.

2. Total outdoor area of a home occupation shall not exceed one percent of the size of the lot up to a maximum of five thousand square feet.

3. Outdoor storage and parking shall have ten-foot wide Type II landscaping.

D. No more than one nonresident shall be employed by the home occupation~~((s))~~ or occupations;

E. The following activities ~~((shall be))~~ are prohibited in urban residential zones only:

1. Automobile, truck and heavy equipment repair;
2. Autobody work or painting;
3. Parking and storage of heavy equipment; and
4. Storage of building materials for use on other properties.

F. In addition to required parking for the dwelling unit, on-site parking ~~((shall be))~~ is provided as follows:

1. One stall for a non~~((-))~~resident employed by the home occupation~~((s))~~; and
2. One stall for patrons when services are rendered on-site~~((-))~~;

G. Sales ~~((shall be))~~ are limited to:

1. Mail order sales; and
2. Telephone sales with off-site delivery~~((-))~~;

H. Services to patrons ~~((shall be))~~ are arranged by appointment or provided off-site;

I. The home occupation~~((s may))~~ or occupations use or store a vehicle for pickup of materials used by the home occupation~~((s))~~ or occupations or the distribution of products from the site ~~((provided))~~ only if:

1. No more than one such a vehicle ~~((shall be))~~ is allowed;
2. ~~((Such))~~ The vehicle ~~((shall))~~ does not park within any required setback areas of the lot or on adjacent streets; and
3. ~~((Such))~~ The vehicle ~~((shall))~~ does not exceed a weight capacity of one ton, except in the A, F and RA zones on lots at least five acres in size, where it is only if the vehicle does not exceed a weight capacity of two and one-half tons ~~((-))~~; and

J. The home occupation(~~((s) shall~~) or occupations do not use electrical or mechanical equipment that results in:

1. A change to the occupancy type of the structure(~~((s))~~) or structures used for the home occupation(~~((s))~~) or occupations;

2. Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or

3. Fluctuations in line voltage off premises(~~(-)~~);

K. Uses not allowed as home occupations may be allowed as a home industry (~~(pursuant to)~~) under K.C.C. chapter 21A.30.