

	<p>FINAL Staff Report & Notice of Decision Rejuvenate Home Occupation Permit (File # 2023-013-HOC)</p>
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PROPOSAL:	The applicant is requesting a home occupation permit to site their massage therapy business, Rejuvenate, LLC within their primary residence.
LOCATION:	822 East Upland Avenue La Center, WA 98629 Legal Description: HCE Lot 69 311951 NE ¼, 502, T4N, R1E Parcel No. 986045603
APPLICANT:	Danica R. Nwerem Rejuvenate, LLC. 822 East Upland Avenue, La Center, WA 98629. Email: dnwerem@gmail.com . Phone: 360-600-7714.
ZONING:	Low Density Residential (LDR-7.5)
APPROVAL CRITERIA:	La Center Municipal Code (LCMC) Chapters 18.30, 18.130, and 18.270.010.
Submittal Date:	April 6, 2023
SEPA:	This project is categorically exempt per WAC 197-11-800(6)(b).
DECISION:	Approval subject to conditions.
DECISION DATE:	May 15, 2023
CITY REVIEWER:	Ethan Spoo, AICP, and Alec Egurrola, Consulting Planners; Tony Cooper, PC, City Engineer; and Bryan Kast, PE, City Public Works Director

CONTACT LIST

OWNER/APPLICANT/APPLICANT'S REPRESENTATIVE

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Overview and Procedural Background

The applicant is requesting a home occupation permit to site their massage therapy business, Rejuvenate, LLC, within their primary residence and to operate Monday through Friday from 9 a.m. to 2 p.m. The home is located in the Heritage County Estates subdivision, which is zoned LDR-7.5. In accordance with LCMC 18.270.010(1)(a), this application will be reviewed under a Type I process consistent with LCMC 18.30.080 and the application is subject to the review criteria of LCMC 18.270.010.

The complete application was submitted to the City on April 6, 2023. In accordance with LCMC 18.30.050, a Type I application without a pre-application conference is to have a technical completeness review issued within 28 calendar days after the application submittal, which is May 4, 2023. The application was determined technically complete on May 2, 2023, or 26 calendar days after the applications was submitted. Pursuant to LCMC 18.30.090(1), the final decision is to be issued within 21 calendar days after the application was determined technically complete, therefore, the final decision is to be issued by May 23, 2023. The final decision was issued May 15 2023, or 13 calendar days since technical completeness.

Approval Criteria

LCMC 18.130.030 LDR-7.5 Permitted Uses

According to Table 18.130.030, home occupations are a limited use in the LDR-7.5 zone and limited uses are subject to a Type II site plan review. However, LCMC 18.270.010(1) states that home occupations shall be reviewed as a Type I application. The intent of the home occupation code is to site in-home businesses or professions in an existing residence and without any structural alterations by limiting burdens on the applicant from City review and requirements. In addition, none of the site plan review applicability thresholds in LCMC 18.215.040 are met; the application does not require a building permit; and the applicant is not making any exterior improvements or proposing new development. The planning director has determined that the application is exempt from site plan review under LCMC 18.215.030(5) because it would not result in an appreciable increase in land use activity or intensity or in an adverse impact. Therefore, the home occupation permit is subject to Type I review procedures under LCMC 18.30.

LCMC 18.270.010 Home Occupations

- (1) *Applicability. The planning director or designee shall review requests for home occupation uses as a Type I review, consistent with LCMC 18.30.080. Uses which do not generate impacts outside of the dwelling are exempt and are not required to obtain a home occupation permit as detailed further in the exemptions section of this code.*
- (2) *Exemptions. Home occupations which do not create any of the following impacts or include the following changes are exempt from this code, but still are required to obtain a business license per Chapter 5.05 LCMC:*
 - (a) *Any increase in traffic over a single-family residence;*
 - (b) *Any changes to the structure of the house or yard, including signage, for the purpose of the business;*
 - (c) *The use of the home to meet with clients, customers, and/or business-related associates;*
 - (d) *The presence of any employees who do not reside in the dwelling; or*
 - (e) *The generation of noise, light, or fumes outside of the dwelling.*

Findings: The applicant's master application states that there will be up to three clients a day for the proposed massage therapy home occupation, resulting in an increase of traffic greater than that generated from a single-family residence. Therefore, the proposal exceeds the exemption threshold requirements of (2)(a and c). No changes to the structure of the house or yard; no signage; no employees

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except for the home occupant; and no generation of noise, light, or fumes outside of the dwelling are proposed.

(3) *Limitations. In addition to the use limitations applicable in the zoning district in which located, all home occupations shall be subject to the following use limitations. If a home occupation permit is granted but the occupant fails to consistently comply with the following limitations, the home occupation permit may be revoked subject to a hearing before the hearings examiner.*

- (a) *Except as qualified in this subsection, a home occupation must be conducted wholly within a dwelling that is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use.*
- (b) *Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises.*
- (c) *No alteration to the exterior of the principal residential building shall be made which changes the character thereof as a dwelling.*

Findings: The applicant states that the proposed home occupation will be sited and conducted wholly within the primary residence on the property and it would not include the display or selling of stock in trade on the property. The proposal would not include any exterior alterations of the primary residential dwelling.

As a **condition of approval**, the applicant shall comply with the requirements of LCMC 18.270.010(3) including conducting all business activities wholly within the dwelling, not displaying or selling stock in trade on the premises, or altering the exterior of the principal residential dwelling.

- (d) *No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy and a district in question under normal circumstances wherein no occupation exists.*
- (e) *No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.*

Findings: The applicant states and staff have determined that the proposed massage therapy home occupation would not produce noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other haze or nuisance greater than usually experienced with a typical residential dwelling. The home occupation would not include any outdoor display of goods or storage associated with the home occupation.

As a **condition of approval**, the applicant shall comply with the requirements of 18.270.010(3) including that the use shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance greater than or more frequently than those usually experienced in a typical residential dwelling. The applicant shall also not display goods or store equipment or materials associated with the home occupation outside of the primary dwelling.

- (f) *No more than one person, other than a member of the immediate family occupying the dwelling, may be employed on the premises.*
- (g) *Only one sign shall be permitted consistent with Chapter 8.60 LCMC.*
- (h) *The use may not increase traffic flow by more than one p.m. peak hour trip.*
- (i) *Schools or special education uses shall not exceed a class size of four people at any given time.*

Findings: The applicant states that only the applicant who is the owner and occupant of the proposed home occupation will be employed for the massage therapy establishment. No additional employees would be on site. The applicant is not proposing exterior signs or advertisements with the home

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occupation permit applicaiton. The use will not increase traffic flow at the p.m. peak hour as the the establishment will be closed at 2 p.m., which is prior to p.m. peak hour traffic. Although not a required limitation under the code, the use will also not increase traffic flow at the a.m. peak hour as the home occupation will open at 9 a.m. or after the a.m. peak hour. The home occupation proposal does not include a school or special education use.

As a **condition of approval**, no employees, other than a member of the immediate family occupying the dwelling, shall be employed on the premises.

As a **condition of approval**, if at a future time the applicant desires an exterior sign for the establishment, the applicant shall obtain a sign permit from the City in accordance with LCMC 8.60.

As a **condition of approval**, the home occupation may not increase traffic flow by more than one p.m. peak hour trip.

- (4) *Homeowner's or Neighborhood Association. The applicant is responsible for meeting any and all requirements and/or conditions set forth by any applicable homeowner's or neighborhood association.*
- (6) *Business license. A business license granted by the city shall also be required for persons conducting home occupations.*

Findings: The applicant has provided a letter from the Heritage Country Estates Homeowners Association dated April 26, 2023, approving the proposed home occupation with the following conditions:

- The home occupation must follow the written guidelines of providing private parking in the driveway for clients;
- No advertisement, signage, noise, or smells; and
- The business cannot disrupt the peaceful enjoyment of neighbors.

The letter provided by the Heritage Country Estates Homeowners Association Board of Directors meets LCMC 18.270.010(4).

As a **condition of approval**, the applicant shall obtain a business license from the City prior to the commencing the home occupation business.

- (7) *Expiration. A permit granted under this chapter shall expire if the home occupation for which it is granted does not operate as a business for a period of 12 consecutive months.*

As a **condition of approval**, the home occupation permit shall expire if the home occupation for which the permit is granted does not operate as a business for a period of 12 consecutive months.

CONCLUSIONS & DECISION

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of La Center's Municipal Code. Therefore, the subject application is hereby **APPROVED** subject to the following conditions of approval:

1. The applicant shall comply with the requirements of LCMC 18.270.010(3) including conducting all business activities wholly within the dwelling, not displaying or selling stock in trade on the premises, or altering the exterior of the principal residential dwelling.
2. The applicant shall comply with the requirements of 18.270.010(3) including that the use shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance greater than or more frequently than those usually experienced in a typical residential dwelling. The applicant shall also not display goods or store equipment or materials associated with the home occupation outside of the primary dwelling.

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3. No employees other than a member of the immediate family occupying the dwelling, shall be employed on the premises.
4. If at a future time the applicant desires an exterior sign for the establishment, the applicant shall obtain a sign permit from the City in accordance with LCMC 8.60.
5. The home occupation may not increase traffic flow by more than one p.m. peak hour trip.
6. The applicant shall obtain a business license from the City prior to commencing the home occupation business.
7. The home occupation permit shall expire if the home occupation for which the permit is granted does not operate as a business for a period of 12 consecutive months.

APPEALS

Decisions on home occupation permits are appealable to the Hearings Examiner per LCMC 18.270.010(3). The applicant or the applicant's representative may appeal the home occupation decision. The appellant shall file the appeal together with the requisite fee and information within 14 calendar days of the date of the decision being appealed. (18.030.130 LCMC.)



Bryan Kast, P.E.
Public Works Director

Attachments

- Attachment A: Home occupation application materials