

## REGULATORY REVIEW COMMITTEE

- MINUTES -

**MEETING DATE:** July 23, 1999

<b>TO:</b> Building Services Division Staff	Land Use Services Division Staff
Lynn Baugh	Mark Carey
Nathan Brown	Lisa Pringle
Pam Dhanapal	Greg Borba
Ken Dinsmore	Lanny Henoch
Chris Ricketts	Gordon Thomson

Caroline Whalen, Deputy Director  
Kevin Wright, Prosecuting Attorney's Office

**FM:** Sophia Byrd, Code Development Coordinator

Present: Jeri Breazeal (Code Enforcement), John Briggs (PA), Nathan Brown, Sophia Byrd, Lanny Henoch, Harold Vandergriff, Susan Marlin (Recorder)

Issue:

1. Concerning a daycare facility located in a shopping complex, a Rezone Condition (July 28, 1993) allows only emergency exit doors at the rear of the building. The question is if these doors may be used for other than emergencies, e.g. to access a playground. (Jeri Breazeal)

Discussion:

The Committee was given a copy of the July 28, 1993 Land Use Services Division File No. 11-89-R. The conditions in the report were discussed specific to the (three) emergency exit doors in question. The group agreed that the intent of condition No. 30 is to limit the uses and access to the rear location of the building. Condition 30 reads (in part): "No exterior lighting, signage or service doors, with the exception of emergency exit doors, shall be located at the rear of the building located on Pad D."

Conclusion:

Using the "emergency exit" doors for other than emergencies would be violating the rezone conditions. Suggest alternative access to daycare facility play area.

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Issue:

2. **Are street trees required for short plats per K.C.C. 21A.16.050(E)? If not, can we remove street tree conditions for approved preliminary short plats without a short plat alteration? (Gordon Thomson)**

Discussion:

The landscaping development standards in K.C.C. chapter 21A.16 reference subdivisions only and do not require street trees for short plats; however, the King County road standards include a reference to street trees. The group agreed that we need to clarify the zoning code to address when street trees should be required as part of a short plat and perhaps draw a distinction between urban and rural. This should be consistent with requirements in the road standards. The Committee agreed that it probably would be appropriate to require trees in an eight-lot "piggy back" short plat in the urban area, and endorsed a future code amendment to this effect.

The Committee did not discuss the second half of the question regarding whether a condition for street trees may be removed without pursuing a formal short plat alteration.

Conclusion:

The Zoning Code does not require street trees for short plats, but may be applied per the road standards. The landscaping chapter of the Zoning Code is not clear and a proposal for an amendment to K.C.C. 21A.16.030 will be added to the code development work program for the future.

Issue:

3. **Under K.C.C. 21A.08.050, a stable is an outright permitted use in R-6 zones (subject to condition 14). The question presented is to the applicability of K.C.C. 21A.08.090 B. (condition 6, "Large livestock allowed only in the R-1 zone."). Does K.C.C. 21A.08.090 prohibit the stabling of horses (large livestock) in R-6? Are horses allowed in R-6 as a legal nonconforming use, limited to the number of animals in existence when the use became nonconforming? (Harold Vandergriff)**

Discussion:

This issue concerns a parcel zoned R-6 and the owner's desire to build a stable and increase the number of horses kept there.

K.C.C. 21A.06.1220 defines stable as "a structure or facility in which horses or other livestock are kept for: boarding, training, riding lessons, breeding, rental, or personal use." The code clearly permits the construction of a stable on property zoned R-6.

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K.C.C. Title 21A does not define "Raising Livestock," but adopts the SIC Manual (Standard Industrial Classification) definition, used to define and group land use classifications. The SIC Manual (Major Group 02) includes horses as livestock and defines "raising livestock" to include farms and ranches engaged in the keeping, grazing or feeding of livestock for purposes of sale, livestock increase, or value increase.

**Following additional review by the PAO, DDES management determined that merely stabling horses is not the same as raising livestock, as that term is defined by the SIC manual and regulated by the zoning code. (Please see attached letter to Rhys Sterling.)** Thus, King County Code does allow residents to stable horses on R-6 zoned property consistent with the livestock management regulations of K.C.C. 21A.30.

In addition, DDES planner Tom Fitzpatrick is currently working with Council staff on an amendment to K.C.C. 21A.08.090 to allow large livestock in R-4 and R-6 zones subject to the livestock management standards of K.C.C. 21A.30. The ordinance already has been introduced and discussed in the Council's Committee on Unincorporated Areas, and is awaiting some fine-tuning.

Conclusion:

Under the present circumstances, the owner may construct a stable for the horses and expand the number of horses consistent with the livestock management provisions of K.C.C. 21A.30.

SB:sm

Attachment

cc: John Briggs, Prosecuting Attorney's Office  
Jeri Breazeal, DDES Code Enforcement Officer

September 28, 1999

Rhys A. Sterling  
P.O. Box 218  
Hobart, WA 98025-0218

RE: Zoning Code Interpretation

Dear Mr. Sterling:

I have reviewed your August 16 letter requesting a zoning code interpretation and find persuasive your argument and supporting evidence that your clients, the Luces, will not be raising livestock as that term is defined by the SIC manual and regulated by the zoning code. On that point, I believe the Department's internal review committee erred in its recommendation. King County Code does allow your clients to build a stable and keep horses on R-6 zoned property consistent with the regulations of K.C.C. 21A.30 regarding livestock management.

However, based on the sworn statement in your brief that the proposed stable would be a commercial/public activity, there are concerns about the scope of that activity and its potential for environmental and neighborhood impacts. As proposed, your clients' project would probably have to undergo SEPA review. K.C.C. 20.44.040.A.1.b exempts certain agricultural structures of 15,000 square feet or less in the R-6 zone from review under the State Environmental Policy Act (SEPA) if the structures are to be used only by the property owner or his agent "in the conduct of farming the property." It appears that your clients propose to use the 15,000-square-foot structure in a manner that would not qualify for the exemption set forth at K.C.C. 20.44.040.A.1.b. If that is the case, your clients' proposal would be subject to SEPA review. If the Luces choose to re-submit the permit application for the use(s) described in your brief, they will need to complete an environmental checklist.

I would be happy to have my staff meet with you and your clients to further discuss the project. Or they may wish to schedule a voluntary pre-application meeting with DDES staff to review the application requirements and the environmental checklist.

Rhys A. Sterling  
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Thank you for bringing your concerns to my attention. If you have any further questions or concerns, please feel free to call me at 206-296-6701.

Sincerely,

Greg Kipp  
Director

SRB:sm

cc: Caroline Whalen, Deputy Director  
Lynn Baugh, Building Services Division Manager  
Mark Carey, Land Use Services Division Manager  
Sophia Byrd, Code Development Coordinator  
John Briggs, Prosecuting Attorney's Office