



**King County**  
**Department of Development and Environmental Services**  
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## REGULATORY REVIEW COMMITTEE

- MINUTES -

**MEETING DATE: March 28, 2001**

**TO:** Building Services Division Staff  
Chris Ricketts  
Jim Chan  
Pam Dhanapal  
Ken Dinsmore

Land Use Services Division Staff  
Joe Miles  
Greg Borba  
Lisa Pringle

Caroline Whalen, Deputy Director  
Harry Reinert, Special Projects Manager  
Kevin Wright, Prosecuting Attorney's Office

**FM:** Lisa Pringle, Co-Chair

Present: Harry Reinert, Caroline Whalen, Greg Borba, Jim Chan, Pam Dhanapal, Ken Dinsmore, Joe Miles, Lisa Pringle, Sheryl Lux, Don Gauthier

Issue:

**1. Do the lot coverage limitations in K.C.C. 21A.24.250C., which exempts certain structures from restrictions in the zero-rise floodway, include all structures on the site or to only the new proposed structures?**

Discussion:

K.C.C. 21A.24.250B. establishes the general policy for the zero-rise floodway that "A development proposal including, but not limited to, new or reconstructed structures shall not cause any increase in the base flood elevation unless ... [specified] requirements are met..."

K.C.C. 21A.24.250C.1. provides that "New residential structures outside the FEMA floodway ... which contain less than 5,000 square feet of buildable land outside the zero-rise floodway and which have a total building footprint of all proposed structures on the lot of less than 2,000 square feet" are presumed not to increase base flood elevations in the zero-rise floodway.

The meaning of this section is ambiguous. One reading would be that it is only the footprint of proposed structures that are considered in the calculation. Under this interpretation, even if there are other buildings on the lot, if the new building is less than 2,000 square feet, the

presumption would be that there would be no increase in the base flood elevation. Another reading would be that the footprint of all buildings on the lot, including the proposed structure, are included in calculating whether the 2,000 square feet of building footprint limitation has been exceeded.

The structure of this section leads to the conclusion that all buildings, including any proposed structures, must be included in the calculation of building footprint. This is supported by the language of the section, which states that it is the "total building footprint of all proposed structures." (Emphasis added.) This interpretation is also consistent with the policy relating to the zero-rise floodway, which is to limit development that increases the base flood elevation. Any other interpretation would allow a property owner to make sequential development proposals, each less than 2,000 square feet of building footprint. The total impact of those activities could result in significantly exceeding the 2,000 square foot limit set forth in K.C.C. 21A.24.250C. Such a result is inconsistent with the intent of the code, as set forth in K.C.C. 21A.24.250B.

Conclusion:

In calculating whether a development proposal meets the requirements of K.C.C. 21A.24.250C, both existing structures and proposed structures are included in determining whether the 2,000 square foot building footprint limit has been exceeded.

The provisions of this section allow varying interpretations. A code revision is needed to clarify its intent.

Issue:

**2. Is an arena contained within the definition of stable? Are one or more arenas and a stable allowed on a single parcel? If so, is the 20,000 square foot size requirement for a Conditional Use Permit (CUP) the aggregate arena area(s) or for each arena?**

Discussion:

The example used is a parcel zoned RA5 that has an existing structure that is 9,800 square foot. It is used for a dressage and the breaking and training of thoroughbreds. Now proposed is a 19,960 square foot structure. One structure will be used for dressage and the other for the breaking and training of thoroughbreds.

K.C.C. 21A.06.1220 defines stable as "a structure or facility in which horses or other livestock are kept for:

- |                    |                  |
|--------------------|------------------|
| A. Boarding;       | D. Breeding;     |
| B. Training;       | E. Rental; or    |
| C. Riding lessons; | F. Personal use. |

K.C.C. 21A.08.050A permitted use table mixes the terms arena and stable. It indicates that stables are allowed outright in the RA zone subject to the following:

“Covered riding arenas are subject to the provisions of K.C.C. 21A.30.030 and shall not exceed twenty thousand square feet provided that; stabling areas, whether attached or detached, shall not be counted in this calculation.”

Any arena over 20,000 square feet must obtain a Conditional Use Permit.

Conclusion:

Based on these considerations, the RRC determined that the uses associated with an arena fall within the definition of stable; that a stable can be a facility and thus can include more than one structure and that the 20,000 square foot SRE limit is for each stable.

It was also concluded that K.C.C. Title 21A should be amended to include:

- a definition of arena
- revised definition of stable to address where animals reside
- revise K.C.C. 21A.08.050A.14 to delete the reference to K.C.C.21A.30.030
- add clarification to differentiate between public and private use stables and arenas

Issue:

**3. Does a dirt track used for riding all-terrain vehicles fall under SIC 7948? If not, what is it defined as? Is it an allowed use in RA5 if it is for a property owner’s children and their friends?**

Discussion:

An applicant obtained a grading permit for property in the RA5 zone to create a dirt track for his sons and their friends to use for riding all-terrain vehicles. The track is not open to the public nor is it advertised for use.

SIC 7948 is for racing, including track operation. It states “promoters and participants in racing activities, including racetrack operators, operators of racing stables, jockeys, ... racetrack operation: *i.e.*, horse, dog, auto.”

After discussion, the group determined that the use does not fall into this category. SIC 7948 is for racing events that are promoted. An entrance fee is charged and the public attends to watch a race. In addition, racetracks are described in K.C.C. 21A.08.100 regional use table.

The group then looked to Title 21A for an appropriate definition as track is not defined. Park was rejected as K.C.C. 21A.06.835 defines park as “a site designed or developed for recreational use by the public...” This does not fit as the site was not designed for use by the public.

The definition that best fits was determined to be K.C.C. 21A.06.1285, Trails “man-made pathways designed and intended for use by pedestrians, bicyclists, equestrians, and/or recreational uses.”

Trails are an outright allowed use in all zones per K.C.C. 21A.08.040A, the use table for recreational/cultural land uses.

Conclusion:

Based on these considerations, the RRC concluded that the use falls under the definition of trail and is thus an outright allowed use.

In order to alleviate the noise issues related to allowing motorized vehicles in all zones, it was concluded that K.C.C. 21A.08.040A should be amended to add a footnote to trails in specific zones. That would limit the use to non-motorized uses. A definition for track should also be added as well as definitions to distinguish between public and private uses.

LP:sm

cc: Tim Barnes, Prosecuting Attorney's Office  
Sheryl Lux, Code Enforcement, Building Services Division  
Don Gauthier, Site Engineering and Planning, Building Services Division