



**King County**

**Department of Permitting  
and Environmental Review**

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## REGULATORY REVIEW COMMITTEE

- MINUTES -

**MEETING DATE: December 13, 2012**

**TO:** Jim Chan Randy Sandin  
Chris Ricketts Steve Bottheim  
Jarrod Lewis Molly Johnson  
Sheryl Lux Kimberly Claussen

John Starbard, Director  
Harry Reinert, Special Projects Manager and RRC Chair  
Devon Shannon, Prosecuting Attorney's Office

**FM:** Harry Reinert, Chair

Present: Steve Bottheim, Kimberly Claussen, Molly Johnson, Jarrod Lewis, Sheryl Lux, Devon Shannon, Randy Sandin, and Harry Reinert

### **1. Proposed redevelopment of several RA zoned properties known as the Gunshy Manor Union Hill Property.**

#### Background

The owners of five parcels totaling approximately 125 acres zoned RA-5 have asked a series of questions about potential redevelopment options in anticipation of a boundary line adjustment and potential sale.

The questions were posed in memorandum from the property owner's attorney and follows upon an initial discussion between the property owners, the attorney, and Permitting staff. The discussion summarizes the questions posed and the Committee's response. A copy of the questions and discussion from the property owner's attorney is attached.

#### Discussion

*Question 1: Is more than one dwelling unit allowed on a lot as long as the density requirements of K.C.C. Chapter 21A.12 are satisfied? Yes, with a conditional use permit. K.C.C. 21A.08.030*

allows multiple detached residences on a lot, consistent with the underlying zoning, with a conditional use permit. See, Subsection B.11.<sup>1</sup>

*Question 2: Is the limit on the number of dwelling units based on the minimum lot size, e.g. 3.75 acres in the RA-5 zone, or on the base density set forth in K.C.C. 21A.12.030 and 21A.12.040?* The maximum number of dwelling units allowed is based on the underlying zoning, not on the minimum lot size for the zone. In the RA-5 zone, the lot is divided by the number “five” to determine the number of dwelling units allowed.

*Question 3: If the property were divided through a condominium, would additional dwelling be allowed?* No. See response to question 2.

*Question 4: Is a helicopter landing pad a permitted use in the RA-5 zone?* The zoning code defines two separate uses related to helicopters: a helistop (K.C.C. 21A.06.595) is an area used only for takeoff and landing of helicopters; and a heliport (K.C.C. 21A.06.050) is a facility used by public carriers or private aircraft for helicopters and other aircraft for landing and taking off. Helistops are not a permitted use in the RA zone. K.C.C. 21A.08.060. Heliports are allowed in the RA zone with a special use permit. K.C.C. 21A.08.100. K.C.C. 21A.08.030B.6.b. allows the storage of aircraft on a lot adjacent to a landing field or a water body as a residential accessory use. Therefore, if a heliport were established on a RA zoned property with a special use permit, residential lots adjacent to the heliport would be allowed to store helicopters as a residential accessory use.

*Question 5: Would access be allowed to 196th Avenue NE (“Red Brick Road”), which has been designated by King County as a Historic Landmark be allowed from a subdivision or short subdivision? If so, would frontage improvements be required to 196<sup>th</sup> Ave NE if there were only a single access point from any lots created through a subdivision or short subdivision? Access to 196<sup>th</sup> Avenue NE from any subdivision or short subdivision would likely not be allowed since there is another access option via NE Union Hill Road. In that case, no frontage improvements to 196<sup>th</sup> Avenue NE would be necessary.*

*Question 6: What road standards would apply to any roads created through the subdivision process? Is there a difference if the roads are private roads and not public roads.?* The current King County Road Design and Construction Standards would apply to any public or private roads created through a subdivision or short subdivision. Any request for a variance from the Road Standards should be addressed to Permitting. These requests are reviewed by a variance committee with representation from the departments of Permitting and Environmental Review and Transportation. Private road variances are approved by the Development Engineer and public road variances are approved by the County Road Engineer.

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<sup>1</sup> There was a mistake renumbering the last time the table was amended. In the row for “single detached dwelling units”, the reference is to condition 12. This should be condition 11. The department has an ordinance pending at Council to make this correction. See Proposed Ordinance 2012-0441.

*Question 7: May a binding site plan be used to create lots on a RA-5 zoned property?* No. The department has a long standing policy of limiting binding site plans on residential properties to those zoned R-12 through R-48 zoned properties. A copy of the policy is attached.

*Question 8: Is a privately owned and operated park considered a commercial use for purposes of determining what accessory uses would be allowed under K.C.C. 21A.06.015?* No. A park is listed in the recreation section of the recreational and cultural use table in K.C.C. 21A.08.040. It would, therefore, be considered a recreational use. The ownership of the park is irrelevant for purposes of its classification.

*Question 9: How are impervious surface standards established for lots created through a subdivision or short subdivision?* The total allowable impervious surface allowed under K.C.C. 21A.12.030 and .040 is established for the project site prior to subdivision.

*Question 10: Is a conditional use permit required for a non-residential use on a RA zoned site that proposes to rely on K.C.C. 21A.12.220 in order to exceed the impervious surface limits in K.C.C. 21A.12.030?* The determination of whether a conditional use permit is required is based on the allowed use tables in K.C.C. Chapter 21A.08. K.C.C. 21A.12.220 does not automatically require a conditional use permit.

*Question 11: Is there a mechanism that would allow for development to occur over a period of time?* RCW 36.70B.170 through .210 authorize King County to enter into development agreements that include phasing and a build-out vesting period. Development agreements must be adopted by ordinance and are subject to a public hearing. RCW 36.70B.200.

### Conclusion

See responses to individual questions. In addition to these questions, there were several questions concerning specific applications or approvals made by the department in the past. These questions should be referred to the department's Records Center.

## **2. Is Production and Storage of Precast Concrete Box Girder Elements allowed on a site zoned M?**

### Background

A company proposes to manufacture precast concrete box girders for use in a Sound Transit Light Rail project on a mining site with M zoning that is undergoing reclamation. The manufacturing process would not involve use of materials from the site.

### Discussion

Concrete manufacturing is governed by SIC 3271 (Concrete Block and Brick), SIC 3272 (all other concrete products), and SIC 3273 (Ready Mixed Concrete). Concrete manufacturing that does not use on-site materials would be treated as a use under SIC 3272.

K.C.C. 21A.08.080 governs manufacturing land uses. In the M zone, concrete manufacturing is not a permitted use.

K.C.C. 21A.08.090 governs resource land uses. In the M zone, SIC 3271 and SIC 3273 are allowed as either a permitted use or as a conditional use.

As a permitted use, SIC 3271 and SIC 3273 uses are allowed

- a. as accessory to a primary mineral extraction use;
- b. as a continuation of a mineral processing only for that period to complete delivery of products or projects under contract at the end of a mineral extraction;

or

- c. for a public works project under a temporary grading permit issued in accordance with K.C.C. 16.82.152.

K.C.C. 21A.08.090B.8.

As a conditional use, SIC 3271 and SIC 3273 are allowed as a “[c]ontinuation of mineral processing and asphalt/concrete mixtures and block uses after reclamation in accordance with an approved reclamation plan.” K.C.C. 21A.08.090B.11.

The proposed project falls within SIC 3272. K.C.C. 21A.08.090 does not list SIC 3272 activities as either a permitted or conditional use in the M zone. Therefore, the proposed use would not be permitted in the M zone under K.C.C. 21A.08.090.

The Clearing and Grading Code includes an alternative for a temporary clearing and grading permit for mining and related activities to support public works projects. K.C.C. 16.82.052 provides for a temporary clearing and grading permit for “excavations, processing, quarrying and mining, and removal of sand, gravel, rock and other natural deposits” related to public works projects. The permit may also authorize concrete-batching plants or other similar uses as an accessory use to the mining activity. In this case, because there would be no mining activity, the accessory use would not be permitted.

### Conclusion

A company proposes to manufacture precast concrete box girders for use on a Sound Transit Light Rail project. The proposed site is a former mining site undergoing reclamation and has M zoning. The proposed activity is a manufacturing use covered by SIC 3272. Under K.C.C. 21A.08.080, the proposed activity is not a permitted use in the M zone. K.C.C. 21A.08.090 governs resource land uses, including mining. Some concrete manufacturing activities are allowed as accessory uses to a mining activity in the M zone, however SIC 3272 is not included in the allowable accessory uses.

The proposed manufacturing of concrete girders could potentially qualify as an accessory use under K.C.C. 16.82.052, which authorizes temporary clearing and grading permits for mining and related accessory uses for public works projects. Since no mining is proposed, the temporary clearing permit is not an option.

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The committee recommends consideration of an amendment to the zoning code that would allow SIC 3272 activities in the M zone under the same circumstances as other concrete manufacturing. The committee does not believe there are any significant differences in impact between the different types of concrete manufacturing activities.