



King County

**Department of Permitting
and Environmental Review**

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REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: October 27, 2016

Minutes finalized December 8, 2016

TO: Jim Chan	Steve Bottheim
Wally Archuleta	Chris Ricketts
Sheryl Lux	Steve Roberge
Ty Peterson	Scott Smith

John Starbard, Director
Lisa Verner, Legislative Coordinator and RRC Co-Chair
Devon Shannon, Prosecuting Attorney's Office

FM: Randy Sandin, Resource Product Line Manager and RRC Co-Chair

Present: Ty Peterson, Devon Shannon, Wally Archuleta, Randy Sandin, Chris Ricketts, Sheryl Lux, Jeri, Breazeal, David Bond

1. Is an arena, not associated with a stable, an allowed use in the Forest (F) zone?

Background

At the August 18, 2016 Regulatory Review Committee meeting. One of the issues reviewed was whether a therapeutic riding arena is allowed in the F (Forest) zone. The RRC determined, consistent with its 2001 review, that uses associated with an arena fall within the definition of "stable". Therefore, a therapeutic riding arena is a form of "stable" and is not permitted in the F Zone. The owner has requested the RRC reconsider this decision.

Discussion

In 2001, RRC considered the question of whether an arena is contained within the definition of stable. K.C.C. 21A.06.1220 defines stable as a "structure or facility in which horses or other livestock are kept for:

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

If the stable was for training thoroughbred race horses it would be expected that the stabling facility might also have an exercise or training track. If the stable were providing riding lessons it might be expected that the stabling facility would also have a riding arena. Under K.C.C. 21A.08.050, stables are allowed in the RA zone and the only limitation on the use is that if the stable includes a covered riding arena, the covered arena could not exceed 20,000 square feet or a conditional use permit would be required. K.C.C. 21.08.050.B.14 also provides that the stabling areas, whether attached or detached, are not included in the square foot calculation. The conclusion of the RRC in 2001 was that the uses associated with an arena fall within the definition of a stable. Put another way, that a stable, as a facility, could include additional structures, such as a covered riding arena. The conclusion of the RRC in August 2016, was that a therapeutic riding arena is a stable. This would only be true if horses were being stabled on the property.

How a riding arena is being used would determine its use designation and where it would fit in the permitted use tables. If the riding arena is for the personal use of the residents of property developed as a single family residence which is an allowed use in the F zone, the riding arena would be a residential accessory use which is also allowed in the F zone.

Conclusion

At the present time, there is not a proposal before DPER to construct or operate a stable. Based upon the October 7, 2016 letter from the property owner, the arena is for her personal/family use which is an allowed accessory residential use in the F zone.

2. Shoreland designations under K.C.C. 21A.25

Background

There is a conflict between how shorelands are defined in K.C.C. 21A.06.1081 and how they are delineated in K.C.C. 21A.25.050. Both of these regulations were amended by ordinance 16985, 2010. The definition of shorelands is consistent with the King County Shoreline Master Program (SMP) policies for designating shoreland areas and is consistent with RCW 90.58.030. K.C.C. 21A.25.050 is not consistent with either the SMP or RCW 90.58.030.

Discussion

Under the Washington State Shoreline Management Act, the minimum extent of shoreline jurisdiction is two hundred feet landward of the ordinary high water mark of the shoreline water body or to edge of the floodway and contiguous floodplain areas landward 200 feet from such floodways. (RCW 90.58.030.2(d)). Since its original SMP was adopted in 1977, King County has chosen to include the entire one-hundred year floodplain within its shoreline jurisdiction. In many cases, shoreline jurisdiction under the state minimum standards are identical to King County's. However, for many river systems, including the White River and portions of the Middle Green and Snoqualmie Rivers, shoreline jurisdiction is much more expansive than the state minimums. In updating its shoreline regulations, King County chose to continue to extend

shoreline jurisdiction to cover the one-hundred year floodplains. (SMP Policy S-106 and K.C.C. 21A.06.1081).

RCW 90.58.030.2(d)(i) includes an allowance for local jurisdictions to designate only a portion of the floodplain as shorelands. Where a local jurisdiction chooses to do a partial designation, they have to include, at a minimum, the floodway and the adjacent land extending landward two hundred feet. This provision allowing partial designation of floodplain is considerably different than the minimum requirements in 2(d) which only includes the floodway and contiguous floodplain landward 200 feet and is probably a drafting error. Since King County elected to designate its entire floodplain as shoreline jurisdiction, subpart RCW 90.58.030.2(d)(i) would not apply. However, in amending K.C.C. 21A.25.050, the code writers inserted a variation of the language from RCW 90.58 rather than the language from the SMP. The unintended consequence of the amendment was to extend shoreline jurisdiction 200 feet up the channel of any stream that flows into the floodplain of a shoreline waterbody. This is clearly not what was intended by the SMP nor what was approved under the Comprehensive Plan. It is also inconsistent with the approved shoreline mapping and would be difficult if not impossible to administer.

Conclusion

Continue to administer the shoreline regulations as defined by SMP policy S-106 and K.C.C. 21A.06.1081 and as mapped. Amend K.C.C. 21A.25.050 to be consistent with SMP.

3. Is a stick-built residence allowed in a mobile home park?

Background

The owner of an RV-trailer located on Space #14 at Alpine Mobile Manor mobile home park has constructed, over many years and without permits, in excess of 1,200 square feet of stick built structure surrounding the RV-trailer, & a 20x20 ft storage building. Based on floorplan provided by the applicant, the RV is no longer mobile. The mobile home park is from the late 60s-early 1970s and was designed to accommodate mobile homes.

Discussion

A mobile home park is a development with two or more improved pads or spaces designed to accommodate mobile homes. (K.C.C. 21A.06.760) A mobile or manufactured home is a structure, transportable in one or more sections, which is built on a permanent chassis for use with or without a permanent foundation. While mobile homes are intended for full-time occupancy they are to remain mobile especially when situated in a park. A recreational vehicle, in contrast, is a vehicle which has its own motive power or is towed by another vehicle and is intended, generally, for recreational camping, travel or seasonal use. Under Washington State law, an RV can be used for year round occupancy within a mobile home park, under certain conditions. The standards for mobile home parks that were developed prior to 1993 are in K.C.C. 21A.14.150. Both insignia and non-insignia mobile homes may be installed within established parks provided that nonstandard mobile homes meet the minimum livability and safety standards in K.C.C. Title 16, Building Code and Construction Standards. There are no provisions in K.C.C. 21A.14.150 that would allow for placement of non-mobile structures within a mobile home park. A nonstandard mobile or manufactured home has to include, at a minimum, a permanent chassis,

and meet the minimum federal standards for manufactured homes. The stick built structure does not have a permanent chasis and is not portable. As a result, it is not allowed within a mobile home park.

Conclusion

Construction of a non-mobile stick built structure in a mobile home park is not allowed under K.C.C. Title 21A.