



King County
**Department of Permitting
and Environmental Review**
35030 SE Douglas St., Ste. 210
Snoqualmie, WA 98065-9266
206-296-6600 TTY Relay: 711
www.kingcounty.gov

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: June 22, 2017
Minutes finalized July 24, 2017

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

John Starbard, Director
Randy Sandin, Resource Product Line Manager and RRC Co-Chair
Devon Shannon, Prosecuting Attorney's Office

FM: Lisa Verner, Legislative Coordinator and RRC Co-Chair

Present: Ty Peterson, Lisa Verner, Wally Archuleta, Randy Sandin, Devon Shannon (by phone), Sheryl Lux, Kim Claussen, Mark Steinkamp, Kevin LeClair and Jeri Breazeal.

- 1. Under KCC 21A.06.610, is a new 5000 sf building to be used for a home occupation be “subordinate” to the “primary use” of the site as a residence on a 38.7 sf lot?**

Background

A home occupation is operated on a 38.7 (approx.) acre property that is zoned RA2.5 on which the property owner lives. Currently there is an existing house (2,470 sf) and a garage/studio (1,800 sf) on the site. There are no P-suffix or special district overlay conditions. Existing access and likely future access is directly from a principal arterial.

The property owner operates a business as a home occupation receiving and delivering packaged meats and cheeses for a large manufacturer. He plans to install a large “refrigerated walk-in” to hold the products. He has three employees who would be working onsite to move orders. He also has three trucks that do deliveries four days of the week; they leave the property and return that same day once during each day.

Discussion

K.C.C. 21A.06.610 Home occupation. Home occupation: a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence

K.C.C. 21A.30.085 Home occupations in the A, F and RA zones. In the A, F and RA zones, residents of a dwelling unit may conduct one or more home occupations as accessory activities, under the following provisions:

A. The total floor area of the dwelling unit devoted to all home occupations shall not exceed twenty percent of the dwelling unit.

B. Areas within garages and storage buildings shall not be considered part of the dwelling unit and may be used for activities associated with the home occupation;

C. Total outdoor area of all home occupations shall be permitted as follows:

1. For any lot less than one acre: Four hundred forty square feet; and

2. For lots one acre or greater: One percent of the area of the lot, up to a maximum of five thousand square feet. (continued)

A home occupation must take place on a lot where the primary use of the site is as a residence. Areas within storage buildings are not considered part of the dwelling unit, may be used for activities of the home occupation and do not have any size limitations associated with the home occupation.

Conclusion

In this case, the new 5,000 sf building will be used to house the packages the property owner/business owner takes in and distributes back out in smaller quantities. The code does not contain an explicit size restriction on storage buildings for home occupations and it does not include a size limit for an accessory use. There is a residence on the property which is occupied by the business owner as the primary use. Considering the size of the property as a whole, the new building is an allowed accessory use under the home occupation standards.

2. How should the parking standards in K.C.C. 21A.18 be applied to property in the Vashon Town Plan?

Background

The Vashon Town Plan includes a Parking Reduction Zone which covers many properties. One property houses a retail building with a proposal to expand the building and locate a pizza shop there. Aerial photos show up to six cars parked haphazardly in the graveled area behind the store. The owner of the building shows four stalls conforming to the parking standards in K.C.C. 21A.18 on the drawings that were submitted with the building plan application.

Discussion

The site plan that was submitted to DPER shows four legal parking stalls on it that meet the current code requirements for diagonal parking stalls. The parking area will need to be paved and meet other County parking requirements.

Conclusion

The four parking stalls shown on the existing building plans meet the County's dimensional requirements. Therefore, four parking stalls are what is located on this site. To be in conformance with County requirements going forward, the applicant will need to show that four legal parking stalls are included with the building permit application in order to proceed with the remodel.

3. Does K.C.C. 21A.24.045.D.23.b.(3) require an applicant to obtain a permit to revegetate an area cleared if noxious weeds under a permit exemption?

Background

A code enforcement action is pending and has brought up the question of interpretation of this section. It is in the interest of all DPER staff to give the same message to all applicants.

Discussion

K.C.C. 16.82.051 Clearing and grading permit exceptions.

A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06 apply to the activities described in this section.

B. The following activities are excepted from the requirement of obtaining a clearing or grading permit before undertaking forest practices or clearing or grading activities, as long as those activities conducted in critical areas are in compliance with the standards in this chapter and in K.C.C. chapter 21A.24. In cases where an activity may be included in more than one activity category, the most-specific description of the activity shall govern whether a permit is required. For activities involving more than one critical area, compliance with the conditions applicable to each critical area is required. Clearing and grading permits are required when a cell in this table is empty and for activities not listed on the table. Activities not requiring a clearing and grading permit may require other permits, including, but not limited to, a floodplain development permit.

(section continues)

K.C.C. 21A.24.045.D.23. Removal of noxious weeds or invasive vegetation. Allowed as follows:

a. if conducted in accordance with an approved forest management plan, farm management plan or rural stewardship plan; or

b. without an approved forest management plan, farm management plan or rural stewardship plan, only if:

(1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment or herbicides or biological control methods;

(2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

- (3) the cleared area is revegetated with native vegetation and stabilized against erosion; and
- (4) herbicide use is in accordance with federal and state law;

Under K.C.C. 16.82.051, clearing of noxious weeds is one of the activities excepted from needing a permit as long as it is done in conformance with K.C.C. 21A.24, the critical areas requirements. K.C.C. 21A.24.045 lists the requirements. For clearing of noxious weeds, Footnote D.23 come into play. As long as the four criteria listed in Footnote D.23 are followed, then the activity is excepted and no permit is required.

Conclusion

A permit is not needed in order to implement K.C.C. 21A.24.045.D.23. If the activity meets the criteria in this section, no permit is needed for the revegetation of the cleared area.

4. Under K.C.C 21A.06.1347, how long may a Recreational Vehicle be used as temporary camping or dwelling on a private piece of property?

Background

Many customers at the DPER counter inquiry about using an RV (recreational vehicle) on vacant property (usually RA or F zoned) they own. They also inquire as to the length of time they might stay on the property.

Discussion

K.C.C. 21A.06.1347 Use, established. Use, established: a use that has been in continuous operation for more than sixty days and that conformed to King County's rules and regulations and to other applicable local and state rules and regulations at the time it began operation and throughout the sixty days.

RVs are not approved as dwellings. A person may not store an RV on vacant property. Health, safety and welfare concerns cover restrooms and sanitation as well as cooking; waste must be disposed of and not dumped on the ground ("pack it in, pack it out"). If used on a site, an RV must still meet the definition of passive recreation.

An RV may not be an established use on a property. Since an established use is defined as one that is place for at least sixty days, an RV may be located on a property for not more than 60 days in every 365 days (per year).

Conclusion

One RV may be used for recreation on a lot for not more than 60 days per every 365 days, provided the definition of passive recreation on the lot is met and the occupant complies with all other regulations, including proper disposal of waste products.

5. How should K.C.C. 21A.08.030.B.9 be read when it has an incorrect International Building Code citation?

Background

The current K.C.C. 21A.08.030.B.9 says the following:

9. Only as accessory to the permanent residence of the operator, and:
 - a. Serving meals shall be limited to paying guests; and
 - b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the International Building Code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night.

The R-1 occupancy allowed bed and breakfasts up to accommodate up to ten persons per night. On July 1, 2013, the state version of the International Building Code (IBC) went into effect. It changed R-1 occupancies to R-3 occupancies. Today, R-1 occupancies allow bed and breakfasts (boarding houses (transient)) with more than ten occupants. R-3 occupancies allow bed and breakfasts (boarding houses (transient)) with ten or fewer occupants.

Discussion

In this case, those in charge of making the annual or bi-annual changes and updates to the IBC changed the numbering for boarding houses. They identified boarding houses with more than ten occupants as R-1. They identified boarding houses with ten or less occupants at R-3. The King County Code, however, didn't make the same changes.

Conclusion

This is a clear case where the K.C.C should be changed at the earliest opportunity. In the meantime, the K.C.C should be read in its pre-2013 context and where the R-1 occupancy addressed boarding houses accommodating up to ten persons per night.