



**King County**  
**Permitting Division**  
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## **Regulatory Review Committee (RRC) Minutes**

**Meeting Date: March 4, 2021**

Minutes finalized: April 13, 2021

**TO:** Jim Chan, Division Director  
Mark Rowe, Deputy Division Director  
Devon Shannon, Assistant Chief Civil Deputy Prosecuting Attorney  
Doug Dobkins, Single Family Residential Product Line Manager  
Sheryl Lux, Code Enforcement Product Line Manager  
Ty Peterson, Commercial Product Line Manager  
Chris Ricketts, Building Official and Fire Marshal  
Scott Smith, Development Engineer

**FM:** Christine Jensen, Legislative/Policy Analyst and RRC Co-Chair  
Kevin LeClair, Principal Subarea Planner and RRC Co-Chair

Attendees: Tracy Cui, Doug Dobkins, Christine Jensen, Kevin LeClair, Sheryl Lux,  
Chris Ricketts, Ty Peterson, Devon Shannon, and Scott Smith.

- 1. Concerning King County Code (K.C.C.)<sup>1</sup> 21A.08.030.B.7 and the square footage limitations for a structure that has both an accessory dwelling unit (ADU) and additional areas for residential accessory uses.**

### Indexes

Subjects: accessory dwelling unit, residential accessory use

Code: 21A.06.020, 21A.06.350, 21A.08.030.B.7.a, 21A.08.030.B.7.d

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<sup>1</sup> [https://www.kingcounty.gov/council/legislation/kc\\_code.aspx](https://www.kingcounty.gov/council/legislation/kc_code.aspx)

Background

Parcel 0725069024 is 23.15 acres in size, is zoned RA-5 (Rural Area, one dwelling unit per five acres) and I-P (Industrial, with a property-specific condition),<sup>2</sup> and has an existing primary residence. The owner wants to build a residential accessory structure that contains:

- 2,436 square feet of heated space on the first floor for a swimming pool and workout area, and
- 993 square feet of heated space on the second floor for an ADU.

Each floor would have separate external entrances, and there is no internal access between the first and second floors.

K.C.C. 21A.08.030 sets square footage limitations for residential accessory uses, including limitations for heated and unheated areas.

**21A.08.030 - residential land uses (excerpt)**

“A. Residential land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL					
SIC #	SPECIFIC LAND USE	A	F	M		RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	<b>ACCESSORY USES:</b>													
*	Residential Accessory Uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	P7	

B. Development conditions.

7.a. Accessory dwelling units are subject to the following standards:

...

(3) The accessory dwelling unit shall not exceed one thousand square feet of heated floor area and one thousand square feet of unheated floor area except:

(a) when the accessory dwelling unit is wholly contained within a basement or attic, this limitation does not apply;

(b) for detached accessory dwelling units, the floor area contained in a basement does not count toward the floor area maximum; or

(c) on a site zoned RA if one transferable development right is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, the accessory dwelling unit is permitted a maximum heated floor area of one thousand five hundred square feet and one thousand five-hundred square feet of unheated floor area;

...

d. Buildings for residential accessory uses in the RA and A zone shall not exceed five thousand square feet of gross floor area, except for buildings related to agriculture or forestry.”

<sup>2</sup> P-Suffix BC-P11: <https://www.kingcounty.gov/depts/local-services/permits/property-research-maps/property-specific-development-conditions/Psuffix/Bear%20Creek/BC-P11>

(Ord. 19146 § 43, 2020: Ord. 19040 § 1, 2019: Ord. 18626 § 1, 2017: Ord. 18427 § 9, 2016: Ord. 17841 § 24, 2014: Ord. 17539 § 26, 2013: Ord. 17191 § 30, 2011: Ord. 16950 § 14, 2010: Ord. 16267 § 19, 2008: Ord. 16040 § 3, 2008: Ord. 15974 § 6, 2007: Ord. 15971 § 93, 2007: Ord. 15606 § 11, 2006: Ord. 15032 § 10, 2004: Ord. 14279 § 1, 2002: Ord. 14199 § 232, 2001: Ord. 14045 § 10, 2001: Ord. 12786 § 2, 1997: Ord. 12596 § 3, 1997: Ord. 12522 § 3, 1996: Ord. 12273 § 1, 1996: Ord. 12243 § 1, 1996: Ord. 11621 § 135, 1994: Ord. 11157 § 11, 1993: Ord. 10870 § 330, 1993).

Because both the heated pool/workout area and the heated ADU are located in the same structure, Permitting staff is seeking clarity regarding whether the heated floor area square footage restrictions for ADUs applies to the whole structure (including the pool/workout area) or just the ADU on the second floor.

### Discussion

K.C.C. 21A.06.020 provides examples of the types of uses that can be accessory to a primary residential use, such as ADUs in subsection A (and as defined by K.C.C. 21A.06.350) and pools in subsection E.

#### **21A.06.020 Accessory use, residential.**

“Accessory use, residential: an accessory use to a residential use, including, but not limited to:

- A. Accessory living quarters and dwellings;
  - B. Fallout or bomb shelters;
  - C. Keeping household pets or operating a hobby cattery or hobby kennel;
  - D. On-site rental office;
  - E. Pools, private docks or piers;
  - F. Antennae for private telecommunication services;
  - G. Storage of yard maintenance equipment;
  - H. Storage of private vehicles, such as motor vehicles, boats, trailers or planes;
  - I. Greenhouses;
  - J. Recreation space areas required under K.C.C. 21A.14.180 and play areas required under K.C.C. 21A.14.190;
  - K. Home occupations and home industries under K.C.C. chapter 21A.30;
- and
- L. Consumer-scale renewable energy systems.”

(Ord. 19146 § 27, 2020: Ord. 17841 § 8, 2014: Ord. 11621 § 29, 1994: Ord. 10870 § 44, 1993).

#### **21A.06.350 Dwelling unit, accessory.**

“Dwelling unit, accessory: a separate, complete dwelling unit attached to or contained within the structure of the primary dwelling; or contained within a separate structure that is accessory to the primary dwelling unit on the premises.”

(Ord. 10870 § 110, 1993).

The committee discussed that pools are allowed as a residential accessory use regardless of whether if there is an ADU. In this case, a pool in a standalone, heated building would be regulated as a residential accessory structure under K.C.C. 21A.08.030 and would be subject to the cumulative 5,000 square feet limitation for accessory uses in subsection B.7.d. If there is also an ADU in a separate building, those ADU square footage limitations would not apply to the building where the pool is located; although, the aforementioned cumulative square footage limitation would apply to both buildings. This would be the case as long as the pool is accessory to the primary residence and not accessory to the ADU.

The committee also discussed an example where a building 1) has a garage on the first floor and an ADU on the second floor and 2) both uses have separate entrances and no internal connectivity. The separate entrances and no internal connectivity make it clear that the garage is a separate use from the ADU use. Therefore, the garage would not be subject to the ADU square footage limitations.

Similarly, if a house had separate entrances for the first floor and second floor and no internal connectivity, the house would be treated as two separate dwelling units.

Following this logic, the committee determined that if there are two separate accessory uses (such as a pool/workout space and an ADU) in the same building and there is no internal connectivity, the uses would be treated under the zoning code the same as if they were separate buildings. As such, the square footage limitations for the two uses would be different, up to the cumulative 5,000 square foot maximum.

### Conclusion

If an ADU and a residential accessory use are located in the same building, the ADU square footage limitations would *not* apply to the residential accessory use if all of the following are met:

- There are separate entrances for the ADU and the residential accessory use area(s).
- There is no internal connectivity between the two areas.
- The residential accessory use must be accessory to the primary residence and not accessory to the ADU.

If these conditions are not met, the ADU regulations, including heated and unheated floor areas, would cumulatively apply to both uses.

All accessory uses, regardless whether they are in the same building, would be subject to the cumulative 5,000 square feet limitation in K.C.C. 21A.08.030.