



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

Regulatory Review Committee (RRC) Minutes

Meeting Date: September 24, 2021

Minutes finalized: October 24, 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: Jim Chan, Warren Claus, Kevin LeClair, Sheryl Lux, Ty Peterson, Chris Ricketts, Devon Shannon, and Scott Smith.

- 1. Concerning King County Code (K.C.C.)¹ 21A.06.610 and K.C.C. 21A.30.085 and if the code allows for outdoor activities as part of a home occupation in the Agricultural (A), Forestry (F), and Rural Area (RA) zones.**

Indexes

Subjects: home occupation
Code: 21A.06.610, 21A.30.085

¹ https://www.kingcounty.gov/council/legislation/kc_code.aspx

Background

Permitting division staff identified a lack of clarity between what is stated in the home occupation definition in K.C.C. 21A.06.610 and the home occupation governing regulations in K.C.C. 21A.30.085, as they relate to outdoor activities.

K.C.C. 21A.06.610 states that the home occupation activities occur "in a dwelling unit or accessory building," which could imply that no outdoor activities are allowed.

21A.30.085 Home occupation (emphasis added)

“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.”

(Ord. 13022 § 8, 1998: Ord. 10870 § 162, 1993).

Subsection C. of K.C.C. 21A.30.085 includes provisions for the "total outdoor area" for the home occupation. Subsection D. specifically address "outdoor storage and parking areas." Lastly, Subsection L also addresses outdoor storage and parking areas. These imply some outdoor home occupation activities may be allowed, which may or may not be limited to only storage and parking.

21A.30.085 Home occupations in the A, F and RA zones (excerpt; emphasis added)

“...
...

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.

D. **Outdoor storage areas and parking areas** related to home occupations shall be:

1. No less than twenty-five feet from any property line; and
2. Screened along the portions of such areas that can be seen from an adjacent parcel or roadway by the:
 - a. planting of Type II landscape buffering; or
 - b. use of existing vegetation that meets or can be augmented with additional plantings to meet the intent of Type II landscaping;

...
...

L. The home occupation or occupations may use or store vehicles, as follows:

1. The total number of vehicles for all home occupations shall be:
 - a. for any lot five acres or less: two;
 - b. for lots greater than five acres: three; and
 - c. for lots greater than ten acres: four;
2. The vehicles are not stored within any required setback areas of the lot or on adjacent streets; and
3. **The parking area for the vehicles shall not be considered part of the outdoor storage area provided for in subsection C. of this section.”**

(Ord. 19030 § 22, 2019; Ord. 17710 § 11, 2013; Ord. 17539 § 61, 2013; Ord. 17191 § 48, 2011; Ord. 16323 § 2, 2008; Ord. 15606 § 20, 2006).

It is unclear how these provisions should be implemented when taken together. This lack of clarity has made it difficult for Permitting Division staff to give consistent direction to customers, especially in code enforcement cases.

The question for the committee is if outdoor activities, including those other than outdoor storage and parking areas, are allowed as part of a home occupation in the A, F, and RA zones.

Discussion

The committee was reminded that the RRC discussed home occupations on September 3, 2015.² At that time the RRC concluded that, “there is no limit on the amount of garage or storage building square footage which may be utilized by a home occupation as long as the home occupation is subordinate to the primary use of the site as a residence.” While this prior discussion was not directly related to outdoor activities, it did highlight one key element of home occupations, which is that the primary use of the property as a residence.

The RRC then discussed that, under K.C.C. 21A.02.060, when two different provisions control a particular activity, the provision that is the most limiting generally controls the activity, unless there is a specific exception granted.

In the case of the home occupation definition, the code states that the home occupation, “*occurs in a dwelling unit or accessory building* (emphasis added) and is subordinate to the primary use of the site as a residence.” This limits the home occupation activities to occur indoors. The standards in K.C.C. 21A.30.085.C., D., and L. grants an exception to this limitation for storage and parking related to the home occupation. However, there is no exception for outdoor areas used for the practice of the home occupation itself.

The committee then discussed that home occupations are intended to allow activities or uses in the A, F, and RA zones that are not expressly permitted in these zones, but only when the activities are undertaken in the residence or accessory buildings and do not change the primary use of the site as a residence. However, when an activity or use exceeds the limitations in K.C.C. 21A.06.610 or K.C.C. 21A.38.085, there are additional provisions in the code that may allow the use if the potential impacts of it can be evaluated and appropriately conditioned. For example, the code allows conditional use permits for home industries in the A and RA zones.

² [RRC minutes 2015_09_03.ashx \(kingcounty.gov\)](#)

Conclusion

Home occupations in the A, F, and RA zones can only be conducted within the residence or accessory buildings, and outdoor areas associated with the home occupation may only be used for storage or parking.

2. Code interpretation CINT21-0002, related to boundary line adjustments of lots not conforming to size or width.

This item was discussed by the RRC. The discussion and conclusion are outlined in the Permitting Division Director's code interpretation decision document and will not be repeated here.