



King County
Department of Development and Environmental Services
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REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: December 12, 2001

TO: Building Services Division Staff
Chris Ricketts
Jim Chan
Pam Dhanapal
Ken Dinsmore

Land Use Services Division Staff
Joe Miles
Greg Borba
Lisa Pringle

Caroline Whalen, Deputy Director
Harry Reinert, Special Projects Manager
Tim Barnes, Prosecuting Attorney's Office

FM: Harry Reinert, Co-Chair

Present: Greg Borba, Ken Dinsmore, Jim Chan, Pam Dhanapal, Caroline Whalen, Lisa Pringle, Priscilla Kaufman, Nancy Hopkins, David Baugh, and Harry Reinert

Issue:

1. Under K.C.C. 21A.14.180, are there circumstances when a recreation area associated with a multifamily development may be non-centrally located? If not allowed under K.C.C. 21A.14.180, do the variance procedures of K.C.C. 21A.44.030 apply? Do the fee-in-lieu provisions of K.C.C. 21A.14.185 apply to the requirement of K.C.C. 21A.14.180E that residential developments provide play equipment and age appropriate facilities?

Background:

In February 2001, the King County Council adopted amendments to the zoning code implementing the 2000 King County Comprehensive Plan. These amendments included changes to the provisions governing requirements for recreational facilities that must be provided as part of certain kinds of residential development. See K.C.C. 21A.14.180 - .200.

K.C.C. 21A.14.180C.4 now requires that any recreation space located outdoors that is not part of a storm water tract shall "be centrally located with good visibility of the site from roads and sidewalks." This provision was added by the February 2001 amendments implementing the 2000 comprehensive plan.

K.C.C. 21A.14.180E requires, in addition to the outdoor recreation space, that developments of five dwelling units or more must provide age appropriate play equipment and facilities to be located in a dedicated recreation space. These are commonly referred to as "tot lots." The size of the development determines the nature and quantity of tot lots and the kind of equipment that is required.

K.C.C. 21A.14.185 allows an applicant to pay a fee-in-lieu of the on-site recreation space required by K.C.C. 21A.14.180.

DDES has received a development proposal for a multi-family residential project. The development site contains some wetlands that limit where development on the site may occur. A stormwater vault is proposed on one end of the site. The applicant proposes to place the required recreation space over and adjacent to the stormwater vault.

Discussion:

Requirement for central location. K.C.C. 21A.14.180C establishes nine standards that apply to outdoor recreation spaces.

C. Any recreation space located outdoors that is not part of a storm water tract developed in accordance with subsection F. of this section shall:

1. Be of a grade and surface suitable for recreation improvements and have a maximum grade of five percent;
 2. Be on the site of the proposed development;
 3. Be located in an area where the topography, soils, hydrology and other physical characteristics are of such quality as to create a flat, dry, obstacle-free space in a configuration which allows for passive and active recreation;
 4. Be centrally located with good visibility of the site from roads and sidewalks;
 5. Have no dimensions less than thirty feet, (except trail segments);
 6. Be located in one designated area, unless the director determines that residents of large subdivisions, townhouses and apartment developments would be better served by multiple areas developed with recreation or play facilities;
 7. In single detached or townhouse subdivisions, if the required outdoor recreation space exceeds five thousand square feet, have a street roadway or parking area frontage along ten percent or more of the recreation space perimeter, except trail segments, if the outdoor recreation space is located in a single detached or townhouse subdivision
 8. Be accessible and convenient to all residents within the development;
- and
9. Be located adjacent to, and be accessible by, trail or walkway to any existing or planned municipal, county or regional park, public open space or trail system, which may be located on adjoining property.

The standards in this subsection are conjunctive, therefore all requirements must be satisfied. In some cases, however, application of the standards may require the exercise of discretion. For example, a central location may not have appropriate topography or soils.

In addition, some of the standards are prescriptive and others allow flexibility. For example, the requirement in subsection C.5. that no dimension of the space can be less than thirty feet is

prescriptive. But the requirement in subsection C.8 that the space “be accessible and convenient to all residents” requires the exercise of discretion.

Siting a required recreation area at one end of the property does not meet the requirement that the recreation area be centrally located.

Variances. A variance is defined to be “an adjustment in the application of standards of a zoning code to a particular property.” K.C.C. 21A.06.1355. The recreational space requirements are standards of the zoning code and may be modified if the requirements for a variance are satisfied. See K.C.C. 21A.44.030. Thus, it would be possible, if the variance criteria are met, to modify the requirement that the recreation area be centrally located.

Fee-in-lieu. The fee-in-lieu authorized by K.C.C. 21A.14.185 is for the outdoor recreation space required by K.C.C. 21A.14.180. The requirement for the outdoor recreation space is found in K.C.C. 21A.14.180A. The requirement for age appropriate play equipment is a separate requirement, found in K.C.C. 21A.14.180E. The fee-in-lieu only refers the requirement for outdoor recreation space. It does not refer to the requirement to provide tot lots.

Conclusion:

K.C.C. 21A.14.180C establishes standards for outdoor recreation spaces in multi-family developments. These standards include a requirement that the recreation space be centrally located. Locating the required recreation space over a stormwater vault at one end of the property does not comply with this standard. K.C.C. 21A.44.030 establishes standards for variances. The outdoor recreation space requirements are development standards that can be modified through the variance process. The applicant for this particular project may want to consider a redesign, however, since it may not be able to meet the variance criteria.

Although an applicant may pay a fee-in-lieu of the requirement for outdoor recreation space, the fee-in-lieu cannot be paid to avoid the requirement to provide tot lots. K.C.C. 21A.14.185 should be amended to make this clear.

Issue:

2. What is the proper land use classification for fraternal organization lodges or meeting halls? Can an Eagles Hall be established in the R-24 zone?

Background:

DDES has received a number of inquiries asking about the land use classification for fraternal lodges or meeting halls. The most recent request involves a property owner who wishes to lease property to the Eagles for a membership hall. The property is zone R-24. The property owner’s attorney has suggested that nearest classification is as a conference center, which would be allowed as a conditional use in R-12 through R-28. See K.C.C. 21A.08.040A.

Discussion:

The SIC manual classifies fraternal organizations under Major Group 86 and Industry No. 8641. Included in this category are fraternal lodges, fraternal associations, veterans organizations, and bars and restaurants owned and operated for members of organizations only.

K.C.C. 21A.06.540 defines general business services according to SIC codes. Included in the definition is SIC Major Group 86 – Membership organizations.

K.C.C. 21A.08.060A provides that a general business service is a permitted use in the NB, CB, RB, O, and I zones. In the I zone the general business service must be an accessory use to another permitted use. K.C.C. 21A.08.060B.16.

Conclusion:

Fraternal organization lodges, halls, and meeting facilities are a permitted use in the NB, CB, RB, O, and I zones. In the I zone the general business service must be an accessory use to another permitted use. K.C.C. 21A.08.060B.16. These facilities are not allowed in any R zone, either as a permitted use or as a conditional use.