



King County
Department of Development
and Environmental Services
900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: August 24, 2006

TO: Building Services Division Staff
Mike Dykeman, Manager
Chris Ricketts
Jim Chan
Pam Dhanapal

Land Use Services Division Staff
Joe Miles, Manager
Lisa Dinsmore
Randy Sandin
Deidre Andrus
Steve Bottheim

Stephanie Warden, Director
Harry Reinert, Special Projects Manager and RRC Co-Chair
Cass Newell, Prosecuting Attorney's Office

FM: Harry Reinert, Co-Chair

Present: Lisa Dinsmore, Pam Dhanapal, Chris Ricketts, Jerri Breazeal, Jim Chan, Cass Newell, Jim Toole, Lamar Reed, Deidre Andrus, and Harry Reinert

1. May a property owner who rents a single family residence as a vacation rental also include a detached building that does not contain kitchen facilities or a bathroom?

Background

A property owner rents out a single family dwelling unit as a vacation cabin. There is a detached building on the same site that has a bed, a couch, other furniture. It appears to be a single room with no kitchen or bathroom.

Discussion

The detached structure does not meet the definition of a dwelling unit, which requires kitchen facilities. K.C.C. 21A.06.345, The closest definition is that of accessory living quarters, which are defined as:

21A.06.010 Accessory living quarters. Accessory living quarters: living quarters in an accessory building for the use of the occupant or persons employed

on the premises, or for temporary use of guests of the occupant. Such quarters have no kitchen and are not otherwise used as a separate dwelling unit.

In the circumstances presented here, the detached structure would be considered to be used by guests of the occupant of the dwelling unit, even though the occupant is not the owner of the dwelling unit. This would be true whether the dwelling unit was occupied by a person on a long term basis or on a short-term basis.

Conclusion

A detached structure without kitchen facilities or a bathroom may be rented as part of a vacation rental of a dwelling unit.

2. May a property owner of a RA-5 zoned lot store inoperable logging equipment for later dismantling and recycling off-site?

Background

On a RA-5 zoned lot, the property owner brought logging equipment to his property in the 1980's and the 1990's. Most of the equipment is either static or inoperable and is stored throughout the property. Over time, the property owner is recycling the machinery into usable equipment for the company he owns. Very little dismantling occurs on this property. The majority of the time a piece of equipment is removed from this site and taken to a remote site to be dismantled.

Discussion

K.C.C. Chapter 21A.08 does not include any specific provisions governing heavy equipment storage or for automobile or heaving equipment dismantling for scrap. K.C.C. 21A.04.070D provides a procedure for establishing whether, on what conditions, a use that is not otherwise listed in the permitted uses table is permitted in a particular zone. For an activity that is not listed on the permitted uses tables, the director may determine how that activity should be addressed.

In the 1987 SIC manual, SIC 5093 – Scrap and Waste Materials includes automotive wrecking for scrap as one of the types of uses covered. This is similar to the activity described here. SIC 5093 is not listed on the permitted uses tables. Other uses that have some similarities that are included in the tables include: “Heavy equipment and Truck Repair” and “Automotive Parking” are permitted uses on the Government/Business Services table in K.C.C. 21A.08.060; and “Heavy machinery and equipment” on the Manufacturing table in K.C.C. 21A.08.080. None of these activities are permitted uses in the RA zone.

In addition, K.C.C. 21A.32.230 generally prohibits the “Open storage of rubbish or junk including, but not limited to, refuse, garbage, scrap metal or lumber” and “Abandoned vehicles, wrecked, dismantled or inoperative vehicles or remnant parts thereof”. These provisions indicate that the zoning code generally disfavors open storage of materials that are difficult to distinguish from junk and debris.

Conclusion

Storing heavy equipment in the open for dismantling at another location is not a permitted use in the RA zone.