

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: April 5, 1996

TO: Bob Derrick
Greg Kipp
Tom McDonald
Mark Carey
Mike Sinsky
Gary Kohler
Lisa Pringle
Pam Dhanapal
Anna Nelson
Ken Dinsmore
Harold Vandergriff

FM: Jerry Balcom

Present: Jerry Balcom, Priscilla Kaufmann, Anna Nelson, Pam Dhanapal, Gary Kohler, Lanny Henoch, Betty Salvati

- 1. Are recreation space and play areas required under KCC 21A.14.180 and KCC 21A.14.190 considered “parks”, and therefore subject to the requirements of KCC 21A.08.040(B)(1), KCC 21A.12.220 (Nonresidential land uses in residential zones), and KCC 21A.16 (Landscaping and water use)? (Lanny Henoch)**

The definition of parks in KCC 21A.06.835 includes, “ B. Outdoor facilities, such as: 1. Playfields; 2. Fishing; or 3. Picnic and related outdoor activity areas ...” (emphasis added). The recreation space and play area requirements of KCC 21A.14.180 and .190 would be considered “parks” as defined in KCC 21A.06.835, although the committee felt that a code amendment to specifically add “required recreation space and play areas” to the park definition would help to avoid future confusion. It was also noted that the phrase “use by the public” in the park definition was included to distinguish park uses from private recreational use of one’s own property, and was not intended to create a distinction between “privately owned parks” and “publicly owned parks”.

The structural setback requirement for parks contained in KCC 21A.08.040(B)(1) is more restrictive than the structural setback requirement for nonresidential land uses contained in KCC 21A.12.220. However the general code interpretation provisions of KCC 21A.02.060 (A), clearly state that requirements “specific to an individual land use shall supercede ... requirements of general application”. In the

case at hand, therefore, parks have a greater setback requirement than other nonresidential uses.

Finally, the committee noted that there are no landscaping requirements for parks in KCC 21A.16 - Landscaping and water use.

Aside from the general question of whether required recreation and play areas are parks, the committee noted that the park setback requirements may be too restrictive if the recreation or play area is small (e.g. a 400 square foot lot containing a piece of play equipment or a park bench). Additionally, if a physical fitness facility is provided to meet the recreation area requirement of KCC 21A.14.180, that facility could be considered a sports club as defined in KCC 21A.06.1215. However "parks" as defined in KCC 21A.06.835 can include a variety of physical fitness facilities such as gymnasiums or swimming pools, and are subject to less restrictive land use permitting in many zones. The committee recommended that both issues be corrected or clarified in an upcoming quarterly amendment package.

2. Legislative Update.

The Council adopted proposed ordinance 96-112, implementing ESHB 1724. The effective date of the ordinance is April 1, 1996. In addition, the Council adopted proposed ordinance 96-111, which makes nominal amendments to Title 19 (Subdivisions). The amendments were limited primarily to those which will bring Title 19 in conformance with ordinance 96-112, with the exception of making preliminary plat approval good for five years, with no option for extension.

The second quarter 1996 ordinance package has been sent to Executive Locke for transmittal to the Council. The package included two ordinances relating to variances and recyclables. The variance ordinance, amending KCC 21A.44.030, eliminates the "deliberate action" criterion and enhances the "public health and safety" criterion to include consideration of the public welfare and impacts upon nearby properties and improvements. The recyclables ordinance, amending KCC 21A.14.210, clarifies standards for on-site storage and collection of recyclables and allows for flexibility in accepting alternative recycling program designs.

Three ordinances implementing the 1995 Comprehensive Plan Amendments were sent to Executive Locke for transmittal to the Council. They include: an ordinance amending KCC 21A.08.050, allowing churches in the RA-10 zone, subject to sewer restrictions. Currently, churches are not allowed in the RA-10 zone; an ordinance amending KCC 21A.08.090, limiting mineral processing in forest zoned areas not yet designated forest production districts. Mineral processing is specifically limited to the processing of minerals found on-site; and

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an ordinance amending KCC 21A.12.030, allowing higher residential density in the RA-2.5 zone when surrounding property is higher density. Base density is raised to one dwelling per 2.5 acres when the property is abutted on three sides by lots of less than five acres. Currently, base density is one dwelling per five acres.

JB:pk

cc: Priscilla Kaufmann, Code Development Planner
Lanny Henoeh, Planner II, Land Use Services Division