



King County

Permitting Division

Department of Local Services

35030 SE Douglas Street, Suite 210

Snoqualmie, WA 98065-9266

206-296-6600 | Relay: 711

<https://kingcounty.gov/permits>

Regulatory Review Committee - Minutes -

Meeting Date: October 24, 2019

Minutes finalized: November 14, 2019

TO: Jim Chan, Director
Mark Rowe, Deputy Director
Devon Shannon, Prosecuting Attorney's Office
Wally Archuleta, Urban Product Line Manager
Steve Roberge, Residential Product Line Manager
Ty Peterson, Commercial Product Line Manager
Sheryl Lux, Code Enforcement Product Line Manager
Chris Ricketts, Building Official and Fire Marshal

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

Present: Steve Roberge, Devon Shannon, Ty Peterson, Fereshteh Dehkordi, Chris Ricketts, Kevin LeClair, Jeri Breazeal, and Christine Jensen.

- 1. Request for Code Interpretation concerning K.C.C. 21A.02.070.D and whether a proposed search and rescue use not specifically listed in a land use table or specifically included within a Standard Industrial Classification (SIC) classification is allowed in the RA-2.5 zone.**

This was the subject of Permitting Division Director's interpretation CINT19-0001. The discussion and conclusion are documented in that decision document and will not be repeated here.

2. Concerning K.C.C. 21A.08.050.B.14 and 21A.06.1220 and the definition of a “stabling area.”

Background

A property owner of a rural area property is proposing to develop a “stable” on their property.

A stable is defined in K.C.C. 21A.06.1220 as:

“a *structure or facility* (emphasis added) in which horses or other livestock are kept for: A. Boarding; B. Training; C. Riding lessons; D. Breeding; E. Rental; or F. Personal use.”

A stable is an allowed use in the RA zone per K.C.C. 21A.08.050, subject to the development conditions in subsection B.14, which states: .

“Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not exceed twenty thousand square feet, but *stabling areas* (emphasis added), whether attached or detached, shall not be counted in this calculation. If the covered riding arena exceeds 20,000 square feet, then a conditional use permit is required.

The footprint of the proposed structure is approximately 29,736 square feet (SF). The structure contains a number of separate use areas covered under a common roof with shared walls that include the following:

- (A) Riding arena 14,400 SF
- (B) Stalls 2,016 SF
- (C) Covered aisles adjacent to stalls 4,464 SF
- (D) Feed and hay storage 864 SF
- (E) Heated tack storage, horse wash bay, washroom, and mudroom 1,920 SF
- (F) Covered picnic area 576 SF
- (G) Personal gym 1,296 SF
- (H) Maintenance shop 1,728 SF
- (I) Covered horse trailer parking 2,304 SF
- (J) Covered deck 168 SF
- (K) Viewing area above space (E) 1,920 SF

The question in front of the committee is what portion of the overall structure should be considered “stabling areas” and whether or not the arena and associated uses, with the stabling areas excluded, exceeds the 20,000-square foot threshold that would require a conditional use permit?

Discussion

The committee discussed the intent of the applicable code sections as indicated by the conditional use permit requirement when the covered riding arena exceeds the 20,000-square foot threshold. The consensus was that the conditional use permit requirement was

included in order to ensure a reasonable public process when a property owner proposed to construct a large accessory or non-residential structure on their property.

The committee recognized that stables, when considered as both a structure and a facility, are an allowed use in the rural area and that a number of ancillary uses are customarily associated with the stable use. Because riding lessons is included as part of the definition for a “stable,” a riding arena is considered as part of the stable. Some examples of ancillary stable uses includes viewing areas, horse trailer parking, and maintenance storage areas. Further, while the code does not define “stabling areas,” some examples may include, the stalls for the animals, storage for feed and equipment, veterinary areas, and office space for equine management.

Conclusion

The code allows for and provides a definition of stables as both a structure and a facility. The code requires a riding arena exceeding 20,000 square feet to obtain a conditional use permit. When the riding arena is combined with stabling areas in the same structure, the code allows for the square footage of the stabling areas to be removed from the total square footage of the arena. By extension, any other non-stabling areas that are combined in the same structure should be included in the square footage of the arena, because the arena is the principle use of that structure and is the greatest contributor to the bulk and scale of the structure.

In this instance, the committee found that the stalls (B); covered aisles (C); feed and hay storage (D); and heated tack storage, wash bay, and rest/mudroom (E) would be included in the “stabling area” which total 9,264 square feet. The remaining areas would then be the picnic area (F), gym (G), shop (H), trailer parking (I), deck (J), and viewing area (K) for a total 7,992 square feet. The committee agreed that these “non-stabling areas” must be considered part of the arena (A), because there were attached in the same structure, are associated with the arena use, and are not excluded as “stabling areas.” Therefore, the total square footage of the arena, including the non-stabling areas, exceeds the 20,000-square foot threshold by 2,392 feet.

The committee recommends that, in the future, the code be revised to clarify the definitions and development conditions for stables, riding arenas, and stabling areas.

Indexes

Code sections: 21A.08.050.B.14, 21A.06.1220
Subjects: Stable, Riding Arena, Stabling Areas

3. Concerning K.C.C. 21A.08.050.B.19 - Specialized Instruction School and the Number of Students Allowed

Background

On March 28, 2019, the Regulatory Review Committee discussed the classification of the use of a rural area property as either a conference center or a specialized instruction school as an accessory use to a residential property. The determination was that the use aligned with the definition of a conference center and did not align with the definition of a specialized instruction school.

The property owner then requested the committee consider the question regarding the number of students allowed at any one time based on the development condition for specialized instruction schools contained in K.C.C. 21A.08.050.B.19.a, as follows:

19. Only as accessory to residential use, and:
 - a. *Students shall be limited to twelve per one-hour session*; (emphasis added)
 - b. Except as provided in subsection B.19.c. of this section, all instruction must be within an enclosed structure;
 - c. Outdoor instruction may be allowed on properties at least two and one-half acres in size. Any outdoor activity must comply with the requirements for setbacks in K.C.C. chapter 21A.12; and
 - d. Structures used for the school shall maintain a distance of twenty-five feet from property lines adjoining rural area and residential zones.

The property owner has asked:

1. Whether this meant that two or more sessions containing 12 students each could be running concurrently, or if this provision only allows for 12 at students any given time.
2. Whether the teacher and 12 students could spend the night in the residence on the property, and still consider the residence a single-family dwelling unit.

Discussion

1. The committee first took up the question of how many students could be instructed at any one time under the provisions for a specialized instructions school. The committee discussed an August 25, 2004, Regulatory Review Committee meeting where a similar, related question was asked about the operation of a Daycare I, which allows a “maximum of 12 adults or children in a 24-hour period” (K.C.C. 21A.06.265). The committee concluded that the main purpose of the limitation is to restrict the number of individuals being cared for at any given time.

Similarly, the committee agreed that the intent of the specialized instruction school limitation is to set the total number of students at the school at a given time. This would mean that two sessions could not be run concurrently, if the total student count exceeds 12 students.

2. The committee then took up the second question about the use of a single-family residence for overnight lodging by an instructor and up to twelve students as part of the specialized instruction school. To evaluate this, the committee discussed the differences in overnight lodging allowances for specialized instruction schools and conference centers.

K.C.C. 21A.06.235 includes overnight lodging as an allowed element of a conference center.

“Conference center: an establishment developed primarily as a meeting facility, including only facilities for recreation, *overnight lodging*, (emphasis added) and related activities provided for conference participants.”

Contrarily, overnight lodging is not an allowed element of specialized instruction schools in either the definition in K.C.C. 21A.06.1200 or the use tables in K.C.C. 21A.08.050. Due to the fact that overnight lodging for specialized instruction schools is not an expressly allowed use, the committee concluded that that overnight lodging is not allowed for the latter.

This is further supported by the requirement in K.C.C. 21A.08.050 that specialized instruction schools be an accessory to a residential use. An “accessory use” is defined by K.C.C 21A.06.013 as:

Accessory use: a use, structure or activity that is:

- A. Customarily associated with a principal use;
- B. Located on the same site as the principal use; and
- C. *Subordinate and incidental to the principal use.* (emphasis added)

Using the house as overnight lodging to support the specialized instruction school, rather than as use as a residential dwelling unit for a family, would not be subordinate and incidental to the principal residential use of the property.

The code requires a dwelling unit to be used by a “family,” and the definition of a family is up to eight unrelated individuals living together as a single housekeeping unit.

K.C.C. 21A.06.345 defines a dwelling unit as:

“one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupants; dwelling units include but are not limited to bachelor, efficiency and studio apartments, factory-built housing and mobile homes.”

K.C.C. 21A.06.450 defines family as:

“an individual; two or more persons related by blood, marriage or state registered domestic partnership under chapter 26.60 RCW; a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood, marriage or state registered domestic partnership under chapter 26.60 RCW, living together as a single housekeeping unit; *a group of eight or fewer residents, who are not related by blood, marriage or state registered domestic partnership under chapter 26.60 RCW, living together as a single housekeeping unit;*

(emphasis added) or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or non-resident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents.”

Use of the residence on the property for overnight lodging by more than eight individuals who are not living together as a single housekeeping unit would no longer meet the definition of a dwelling unit. In this case, this type and intensity of use of a residential structure would also be inconsistent with the requirements in K.C.C. 21A.08.050 that a specialized instruction school be accessory to the primary, residential use.

These determinations are consistent with the prior RRC decision that the scale of proposed uses for this property does not meet the definition of a specialized instruction school and does meet the definition of a conference center.

Conclusion

The use of a Rural Area zoned property as a permitted specialized instruction school only allows for a maximum of 12 students at any given time.

The code does not permit overnight lodging for specialized instruction schools.

Indexes

Code Sections: K.C.C 21A.06.013, 21A.06.1200, 21A.06.345, 21A.06.450, 21A.08.040, 21A.08.050

Subjects: specialized instruction school, conference center