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Regulatory Review Committee (RRC) Minutes

Meeting Date: November 17, 2020

Minutes finalized: December 10, 2020

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
Ty Peterson, Commercial Product Line Manager
Sheryl Lux, Code Enforcement 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: Sheryl Lux, Ty Peterson, Devon Shannon, Scott Smith, Doug Dobkins,
Kevin LeClair, and Christine Jensen.

1. Concerning how long a recreational vehicle (RV) can be located on a property.

Indexes

Subjects: recreational vehicles
Code: 21A.24.240, 21A.24.272

Background

In flood hazard areas, King County Code (K.C.C.)¹ Chapter 21A.24 allow a RV to be located on a property for either 1) up to 180 consecutive days or 2) longer than 180 days if the RV is fully licensed and ready for highway use.

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

21A.24.240 Zero-rise flood fringe - development standards and alterations (excerpt)²

“The following development standards apply to floodplain development and alterations on sites within the zero-rise flood fringe:

...

N. Recreational vehicles must be on site for fewer than one hundred eighty consecutive days or be fully licensed and ready for highway use, which means on their wheels or jacking system, attached to the site only by quick-disconnect-type utilities and security devices and have no permanently attached additions;

....”

(Ord. 19128 § 23, 2020: Ord. 17841 § 40, 2014: Ord. 17539 § 52, 2013: Ord. 16686 § 3, 2009: Ord. 16267 § 44, 2008: Ord. 16172 § 4, 2008: Ord. 15051 § 162, 2004: Ord. 11621 § 76, 1994: Ord. 10870 § 471, 1993).

21A.24.272 Coastal high hazard areas - development standards - exceptions to flood hazard standards (excerpt)

“Within coastal high hazard areas, which includes zone VE and adjacent zone AE areas on the Flood Insurance Rate Maps, the following applies:

...

I. Recreational vehicles placed on sites within zones VE and adjacent AE zones must either:

1. Be on the site for fewer than one hundred eighty consecutive days; or
2. Be fully licensed and ready for highway use, which means on their wheels or jacking system, attached to the site only by quick-disconnect-type utilities and security devices and have no permanently attached additions;

....”

(Ord. 19128 § 28, 2020: Ord. 17173 § 2, 2011).

In 2017 and 2019, the RRC has previously determined³ that an RV may be used for temporary recreation on a lot for only up to 60 days per every 365 days, provided that passive recreation⁴ is the primary use of the property and that all other regulations are complied with.

Permitting Division staff would like to clarify how long a RV can be located on a property and whether the 180-consecutive day (or longer if fully licensed and ready for highway use) allowance for RVs in the flood hazard regulations conforms with the 60-days annually limitation in the previous RRC decisions.

² K.C.C. 21A.24.250 applies to sites within the zero-rise flood fringe. K.C.C. 21A.24.250.A and 21A.24.260.A state that the regulations for the zero-rise flood fringe also apply to the zero-rise floodway and the FEMA floodway.

³ [June 22, 2017](#) and [December 12, 2019](#)

⁴ K.C.C. 21A.06.9585

Discussion

The committee discussed that the amount of time a RV can be on site varies depending on how the RV is being utilized.

The code has two definitions for RVs. The definition in K.C.C. 21A.06.960 applies to all of the zoning code, except for sections K.C.C. 21A.24.223 through 21A.24.272. These code sections constitute King County’s regulations for flood hazard areas, and a separate definition for RVs applies to those regulations as outlined in K.C.C. 21A.24.224. Both definitions state that RVs are for “recreational camping, travel or seasonal use.”

21A.06.960 Recreational vehicle

“Recreational vehicle ("RV"): a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

- A. Travel trailer;
- B. Folding camping trailer;
- C. Park trailer;
- D. Truck camper;
- E. Park trailer;
- F. Motor home; and
- G. Multi-use vehicle.”

(Ord. 10870 § 232, 1993).

21A.24.224 Definitions for K.C.C. 21A.24.223 through K.C.C. 21A.24.272 (excerpt)

“The definitions in K.C.C. chapter 21A.06 and the following definitions apply to K.C.C. 21A.24.223 through K.C.C. 21A.24.272. Where definitions in this section differ from the definitions in K.C.C. chapter 21A.06, the following definitions shall control:

...

I. Recreational vehicle: a vehicle that is:

- 1. Built on a single chassis;
- 2. Four hundred square feet or less when measured at the largest horizontal projection;
- 3. Designed to be self-propelled or permanently towable by a light duty truck; and
- 4. Designed primarily not for use as a permanent dwelling unit but as a temporary living quarters for recreational camping, travel or seasonal use;

...”

(Ord. 19128 § 19, 2020).

In reviewing these definitions, the committee confirmed that RVs are a recreational use and cannot be used as permanent habitation on a property. Given this, a RV would only be located on a site if it is either being 1) actively used for temporary recreational purposes

or 2) stored when not being used for recreation. The committee’s analysis focused on these two purposes.

#1 Recreation Purposes

The committee determined that the amount of time a RV can be on site for *recreation use* varies depending on what the primary use of the property is. K.C.C. Chapter 21A.06 outlines how the primary use of a property is defined.

21A.06.1345 Use

“Use: the purpose for which land or a structure is designed, built, arranged, intended, occupied, maintained, let or leased.”
(Ord. 17841 § 20, 2014; Ord. 10870 § 309, 1993).

K.C.C. 21A.08.040 establishes regulations for recreational use of a RV if it is located in a RV park or a campground as a primary use and as defined in K.C.C. Chapter 21A.06.

21A.06.965 Recreational vehicle parks

“Recreational vehicle parks: the use of land upon which two or more recreational vehicle sites, including hook up facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes.”
(Ord. 10870 § 233, 1993).

21A.06.160 Campground

“Campground: an area of land developed for recreational use in temporary occupancy, such as: tents or recreational vehicles without hook-up facilities.”
(Ord. 10870 § 72, 1993).

21A.08.040 Recreational/cultural land uses (excerpt)

A. Recreational/cultural land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL					
SIC #	SPECIFIC LAND USE	A	F	M		RA	UR	R1-8	R12-48	NB	CB	RB	O	I
*	Recreational Vehicle Park		P19	P19	C2 and 18 P19	C2 P19								
*	Campgrounds		P16 C16 a	P16	P16 C16 a	P16 C16 a								P16 C16 a

“B. Development conditions.

...

2. Recreational vehicle parks are subject to the following conditions and limitations:

- a. The maximum length of stay of any vehicle shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period;

b. The minimum distance between recreational vehicle pads shall be no less than ten feet; and

c. Sewage shall be disposed in a system approved by the Seattle-King County health department.

...

16. Subject to the following conditions:

a. The length of stay per party in campgrounds shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period; and

b. Only for campgrounds that are part of a proposed or existing county park, that are subject to review and public meetings through the department of natural resources and parks.

...

18. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone.

19. Only as an accessory to a recreation or multiuse park.

...”

(Ord. 19040 § 2, 2019: Ord. 18626 § 2, 2017: Ord. 17841 § 25, 2014: Ord. 17539 § 27, 2013: Ord. 17191 § 31, 2011: Ord. 16950 § 15, 2010: Ord. 16333 § 2, 2008: Ord. 16267 § 20, 2008: Ord. 15606 § 12, 2006: Ord. 15245 § 3, 2005: Ord. 15032 § 11, 2004: Ord. 14807 § 4, 2003: Ord. 14185 § 2, 2001: Ord. 14045 § 11, 2001: Ord. 13546 § 3, 1999: Ord. 13278 § 3, 1998: Ord. 13022 § 11, 1998: Ord. 12930 § 1, 1997: Ord. 12596 § 4, 1997: Ord. 12303 § 1, 1996: Ord. 12243 § 3, 1996: Ord. 11821 § 1, 1995: Ord. 11621 § 35, 1994: Ord. 11288 § 1, 1994: Ord. 11177 § 2, 1993: Ord. 10870 § 331, 1993).

These regulations state that using a RV for recreation in an RV Park or campgrounds is limited to 180 per 365-day period, as conditioned above. For such sites that are located within flood hazard areas, this is in conflict with K.C.C. Chapter 21A.24, which allows RVs to be on site for longer periods of time. When there is a conflict between regulations, K.C.C. 21A.02.060.A. directs that specific regulations supersede general regulations. In this case, the regulations for use of RVs in an RV park or campground in a flood hazard area is more specific than the general use of RVs in flood hazard areas. Given this, in such cases, using a RV for recreation is limited to 180 per 365-day period.

21A.02.060 Interpretation: General.

“A. In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

B. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.

C. In case of any ambiguity, difference of meaning, or implication between the text and any heading, caption, or illustration, the text and the permitted use tables in K.C.C. 21A.08 shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.

D. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the

plural, or vice versa. Except for words and terms defined in this title, all words and terms used in this title shall have their customary meanings.”
(Ord. 10870 § 16, 1993).

The committee also reviewed and concurred with the 2017 and 2019 RRC decisions, which allows RVs as a temporary, accessory use for up to 60 days per every 365 days on a site where passive recreation is the primary use of the property. Similar to above, for such sites that are located within flood hazard areas, this is in conflict with K.C.C. Chapter 21A.24, which allows RVs to be on site for longer periods of time. Based on K.C.C. 21A.02.060.A., this 60-day limitation specific to RVs used for recreation on passive recreation sites located in flood hazard areas supersedes the general allowances in the flood hazard regulations.

21A.02.060 Interpretation: General.

“A. In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

B. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.

C. In case of any ambiguity, difference of meaning, or implication between the text and any heading, caption, or illustration, the text and the permitted use tables in K.C.C. 21A.08 shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.

D. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in this title, all words and terms used in this title shall have their customary meanings.”
(Ord. 10870 § 16, 1993).

The committee did not discuss whether or how long RVs can be used beyond RV parks, campgrounds, and passive recreation sites. Other regulations may apply in these cases. Specifically, the committee determined that temporary farm worker housing is regulated separately, including as outlined in K.C.C. 21A.06.025, 21A.06.1274A, and 21A.08.090.

#2 Stored When Not Being Used

Similar to recreational use above, the committee determined that the amount of time a RV can be *stored* on site when not being actively used varies depending on what the primary use of the property is.

The committee determined that if the RV is stored on a lot with no primary use (such as a vacant lot), storage of the RV would become the primary use of the site. In such a case, the site would be subject to the applicable regulations of that use, such as a storage or parking use. The 60-day limitation discussed above does not apply here. If allowed and the site is located within a flood hazard area, the 180-consecutive days limitation (or longer if fully licensed and ready for highway use) in K.C.C. Chapter 21A.24 would apply,

at a minimum. Any additional requirements governing that use would be determined based on the site's conditions and the nature of the RV storage.

The committee then discussed storage of an RV as an accessory use. K.C.C. Chapter 21A.06 outlines how accessory uses are defined.

21A.06.013 Accessory use

“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.”

(Ord. 17841 § 6, 2014).

21A.06.015 Accessory use, commercial/industrial

“Accessory use, commercial/industrial: an accessory use to a commercial or industrial use, including, but not limited to:

- A. Administrative offices;
- B. Employee exercise facilities;
- C. Employee food service facilities;
- D. Incidental storage of raw materials and finished products sold or manufactured on-site;
- E. Business owner or caretaker residence;
- F. Cogeneration facilities;
- G. Ground maintenance facilities; and
- H. Consumer-scale renewable energy systems.”

(Ord. 19146 § 26, 2020: Ord. 17841 § 7, 2014: Ord. 10870 § 43, 1993).

21A.06.020 Accessory use, residential

“Accessory use, residential: an accessory use to a residential use, including, but not limited to:

- A. Accessory living quarters and dwellings;
- B. Fallout or bomb shelters;
- C. Keeping household pets or operating a hobby cattery or hobby kennel;
- D. On-site rental office;
- E. Pools, private docks or piers;
- F. Antennae for private telecommunication services;
- G. Storage of yard maintenance equipment;
- H. Storage of private vehicles, such as motor vehicles, boats, trailers or planes;
- I. Greenhouses;
- J. Recreation space areas required under K.C.C. 21A.14.180 and play areas required under K.C.C. 21A.14.190;
- K. Home occupations and home industries under K.C.C. chapter 21A.30; and
- L. Consumer-scale renewable energy systems.”

(Ord. 19146 § 27, 2020: Ord. 17841 § 8, 2014: Ord. 11621 § 29, 1994: Ord. 10870 § 44, 1993).

21A.06.025 Accessory use, resource

“Accessory use, resource: an accessory use to a resource use, including, but not limited to:

- A. Housing of agricultural workers;
- B. Storage of agricultural products or equipment used on site; and
- C. Consumer-scale renewable energy systems.”

(Ord. 19146 § 28, 2020: Ord. 17841 § 9, 2014: Ord. 10870 § 45, 1993).

In addition to these definitions, the code regulates the allowance of accessory uses as outlined in K.C.C. 21A.08.025 and the land use tables in K.C.C. 21A.08.030 through 21A.08.100.

21A.08.025 Accessory uses prohibited if not expressly permitted

“Any accessory use not expressly permitted by this chapter or by the director shall be prohibited. The director may determine whether any accessory use on a site is incidental or subordinate to a principal use on the same site and whether uses not listed as accessory uses are customarily associated with a principal use. The director shall consider the purpose of the zone in K.C.C. chapter 21A.04 in making these determinations.”

(Ord. 17841 § 23, 2014).

Upon review of these definitions and the land use tables, the committee determined that that storage of a RV could be allowed as an accessory use. Whether this would be allowed on any given site would be determined based on:

- what the primary use of the site is;
- whether the RV storage is incidental and subordinate to, and customarily associated with, that primary use; and
- whether the accessory use is allowed in K.C.C. Chapter 21A.08.

As noted above, on sites located in a flood hazard area, K.C.C. Chapter 21A.24 allows RVs to be located on a property for up to 180 consecutive days (or longer if they are licensed and ready for highway use). The committee determined that this allowance only applies to RVs that are being *stored* as an accessory use on a site in a flood hazard area. The 60-day limitation discussed above only applies if the RV is being used for *recreation* as an accessory use on a passive recreation site. There is no conflict between these two regulations.

For sites located outside of flood hazard areas, storage of an RV as an accessory use would be subject to applicable regulations.

Conclusion

The number of days an RV may be located on a site varies depending on how the RV is being used and the primary use of the property that the RV is located on, as follows:⁵

1. Allowed up to 180 days per 365-day period for recreation in an RV park or campground;
2. Allowed up to 60 days per 365-day period for temporary recreation as an accessory use on a site where the primary use is passive recreation;
3. Allowed up to 180 consecutive days, or longer if fully licensed and ready for highway use, for storage on a non-vacant lot in a flood hazard area if it is an allowed accessory use; or
4. For all other instances, only as allowed by applicable regulations.

⁵ The use must also meet all other applicable regulations.