



King County

**Department of Permitting
and Environmental Review**

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**FINAL CODE INTERPRETATION
CINT19-0001 (Seattle Mountain Rescue)**

Background

On September 17, 2019, Lisa Chalet Raham of Northwest Resource Law PLLC on behalf of Seattle Mountain Rescue (SMR) filed a code interpretation request with the Permitting Division of the Department of Local Services. The request concerns King County Code (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.

SMR is a non-profit, all-volunteer organization that conducts search, rescue and recovery operations in backcountry areas. SMR is evaluating potential purchase of a property located at 26729 SE 76th Place, Issaquah, WA, which is zoned RA-2.5 and is currently being used as a church. The property is located in close proximity to I-90 and in an area with limited residential development.

If the property were to be purchased, SMR intends to use the property to support their search and rescue operations, including a meeting and debriefing location, storage of rescue equipment, a training facility, and a member gathering place. This use is not currently listed in the land use tables in K.C.C. Chapter 21A.08.

K.C.C. 21A.02.070 states that land uses in the tables in K.C.C. Chapter 21A.08 are identified using either SIC classifications or land uses that are defined by K.C.C. Title 21A.

21A.02.070

A. All references to the Standard Industrial Classification (SIC) are to the titles and descriptions found in the Standard Industrial Classification Manual, 1987 edition, prepared by United States Office of Management and Budget which is hereby adopted by reference. The (SIC) is used, with modifications to suit the purposes of this title, to list and define land uses authorized to be located in the various zones consistent with the comprehensive plan land use map.

B. The SIC categorizes each land use under a general two-digit major group number, or under a more specific three- or four-digit industry group or industry number. A use shown on a land use table with a two-digit number includes all uses listed in the SIC for that major group. A use shown with a three-digit or four-digit number includes only the uses listed in the SIC for that industry group or industry.

C. An asterisk (*) in the SIC number column of a land use table means that the SIC definition for the specific land use identified has been modified by this title.

The definition may include one or more SIC subclassification numbers, or may define the use without reference to the SIC.

D. The Director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a SIC classification is allowed in a zone. The director's determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this title and the zone's purpose as set forth in K.C.C. 21A.04, by considering the following factors:

1. The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;
2. Whether or not the use complements or is compatible with other uses permitted in the zone; and
3. The SIC classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use.

In cases where a proposed land use is not listed in the use tables in K.C.C. Chapter 21A.08, either as included in a permitted SIC classification or a permitted use defined in K.C.C. Title 21A, K.C.C. 21A.02.070.D allows the director of the Permitting Division to determine whether the use would be allowed in a zone. Under this provision, the interpretation request seeks a determination from the Director regarding whether SMR's proposed use would be allowed in the RA-2.5 zone.

Discussion & Analysis

The Director is authorized under K.C.C. 21A.02.070.D to determine whether a proposed land use not specifically listed in a land use table or specifically included within a SIC classification is allowed in a particular zone. The director's determination must be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of the zoning code and the zone's purpose as set forth in K.C.C. Chapter 21A.04, by considering the following factors:

1. The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;
2. Whether or not the use complements or is compatible with other uses permitted in the zone; and
3. The SIC classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use.

On May 24, 2018, the Committee considered a similar question regarding a use proposed by the King County Search and Rescue Association (SAR). SAR was a non-profit, all-volunteer organization that conducts search, rescue and recovery operations in backcountry areas. SAR proposed a use to support their search and rescue operations on a property with Rural Area zoning, including serving as a meeting location, storage space, a training facility, and member gathering space. This use proposed by SAR was not listed in the use tables in K.C.C. Chapter 21A.08; therefore, the use was evaluated under K.C.C. 21A.02.070.D.

The 2018 determination was that:

- The proposed SAR is consistent with the rural area zone.
- The condition of the site and the physical characteristics of the use have minimal impact on the surrounding area and the use is compatible with other uses allowed in the Rural Area zone. The sites close proximity to SR-18, SR-202 and I-90 make the site the ideal location for this type of use.
- A comparable SIC classification use category was SIC 83 – Social Services, which is an allowed use in the rural area zone under some conditions.
- A search and rescue association’s use of rural area zoned property to store their equipment, vehicles and a mobile office that is used monthly for specialized training for their members is an allowed use, subject to obtaining all of the required permits.

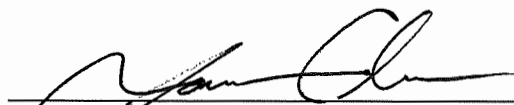
The scope and nature of SMR’s proposed use is consistent with the scope and nature of SAR’s proposed use. Both organizations are non-profit, all-volunteer organizations that conduct search, rescue and recovery operations in backcountry areas. Both propose a use on a Rural Area zoned property with close proximity to freeways and that are in areas that have minimal residential development. Both proposed uses are to support search and rescue operations, including serving as a meeting location, storage space, a training facility, and member gathering space. Therefore, the 2018 determination that SAR’s proposed use is allowed in a Rural Area zone, subject to obtaining all of the required permits, is applicable to SMR’s proposed use.

Decision

A search and rescue association’s use of a Rural Area zoned property to support search and rescue operations, including serving as a meeting location, storage space, a training facility, and member gathering space, is an allowed use, subject to obtaining all of the required permits. Required permits may include those required under the Building Code in K.C.C. Title 16, such as a change of use and/or change of occupancy.

Finality of Code Interpretations

Under K.C.C. 2.100.050.A, the director’s decision on a code interpretation is final. A code interpretation issues by the director governs all staff review and decisions unless withdrawn or modified by the director or modified or reversed on appeal by the King County Hearing Examiner, King County Council or an adjudicatory body (K.C.C. 2.100.040.H).



Jim Chan
Director, Permitting Division
Department of Local Services

11/14/19
Date