



## King County

### Permitting Division

Department of Local Services  
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SEPTEMBER 1, 2023

### FINAL CODE INTERPRETATION CINT23-0003 (Nonconformance)

#### Background

The Department of Local Services, Permitting Division, received a code interpretation application dated June 16, 2023 from Cheryl Paquette representing Remlinger Farm, LLC, concerning whether holding live events at Remlinger Farm would be considered a nonconforming use under King County Code.

Remlinger Farm is located on multiple parcels near the City of Carnation, and events have taken place on parcel 2225079025 (which is located in the City of Carnation) and parcels 2225079012, 2225079027, and 2225079013 (which are located in unincorporated King County and are in the RA-10 zone) every year since at least 1991. Parcel 2225079012 has been used for the events themselves, while Parcels 2225079027 and 2225079013 have been used for parking. There have been 6-34 events per year, with 20 or more events held most years. The events have included private live music events, public live music events, private corporate events, public corporate sponsored events, concerts, and theater and in 29 of the past 32 years, there have been at least 20 events per year. Events have had 100 to 6,000 attendees per event.

Event management provided by Remlinger Farm has typically included: access to restrooms, staff attendants, and setup and clean up services. There is no record of code enforcement complaints having been received by King County.

#### Code Sections Subject to Interpretation:

KCC 21A.06.800 Nonconformance: a use, improvement or structure established in conformance with King County's rules and regulations and other applicable local and state rules and regulations in effect at the time the use, improvement or structure was established that no longer conforms to King County's rules and regulations or other applicable local and state rules and regulations due to changes in the rules and regulations or their application to the subject property.

#### Discussion & Analysis

The applicant is seeking a code interpretation to determine whether the events that have been held since at least 1991 are a nonconforming land use. The applicable code standards for determining whether a land use is a nonconformance would be those adopted at the time the use began. The zoning code in place prior to 1993 was adopted by Resolution 25789<sup>1</sup>, which is therefore understood to be the applicable code.

According to Article 11 of Resolution 25789, permitted uses at the time included "Unclassified Uses as provided in Article 22". Among the uses in this list are "Commercial establishments or enterprises involving large assemblages of people or automobiles as follows... open-air theatres". The use "open-air theatres" fits the live events use Remlinger Farm has been holding.

To be considered a nonconformance, a land use must have been established in conformance with King County's rules and regulations in effect at the time the use was established. Under the zoning code adopted by Resolution 25789, uses such as open-air theatres would not have been permissible if the "intended use would create an incompatible or hazardous condition".

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<sup>1</sup> <https://kingcounty.gov/~media/depts/records-licensing/archives/researchguides/environmental/RES25789-opt.ashx?la=en>

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Remlinger Farm has provided services through its event management to mitigate impacts and avoid creating an incompatible or hazardous condition. Mitigation has been effective enough to have garnered no code enforcement complaints throughout Remlinger Farm's history of holding events. Therefore, the use appears to have conformed with King County's rules and regulations in effect at the time the use was established, consistent with the definition of Nonconformance.


### Decision

The demonstrated unique historical use that has occurred is consistent with "open-air theatre" involving large assemblages of people or automobiles and qualifies as a nonconforming use on Remlinger Farm on parcels 2225079012, 2225079027, and 2225079013 and this use may continue, provided that:

- Events are of a similar size (i.e., up to 6,000 people);
- Events take place only on Parcel 2225079012, and Parcels 2225079027 and 2225079013 are used to support the use only by providing temporary associated event parking;
- Events take place at a similar frequency as they have historically (i.e., up to 34 per year);
- Impacts continue to be mitigated to a level consistent with past use;
- Any modification or expansion of the use complies with nonconformance standards in K.C.C. 21A.32; and
- Larger or more frequent events must be authorized through a Temporary Use Permit.

### Finality of Code Interpretation

Pursuant to K.C.C. 2.100.050.A, the director's decision is the county's final decision, and there is no administrative appeal.

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9/1/2023

**Jim Chan**  
Director, Permitting Division  
Department of Local Services

**Date**