

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: March 1, 1996

TO: Bob Derrick
Greg Kipp
Tom McDonald
Mark Carey
Mike Sinsky
Gary Kohler
Lisa Pringle
Pam Dhanapal
Anna Nelson
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FM: Jerry Balcom

1. Would a “Boys and Girls Club” developed under a conditional Use Permit in the R-6 (Urban Residential) zone be considered a “commercial development” for purposes of KCC 21A.41.010?

Title 21A does not define “commercial development” nor is there a permitted land use table for “commercial land uses”. Title 21A does establish commercial/industrial zones, but the R-6 (Urban Residential) is not considered a commercial/industrial zone. *Black’s Law Dictionary* defines “commercial” as an activity engaged in for profit, while *Webster’s Dictionary* defines “commercial” as related to commerce and viewed with regard to profit. The proposed “Boys and Girls Club” is considered a sports club and is allowed in the R-6 zone subject to a Conditional Use Permit pursuant to KCC 21A.08.040. However this proposal would be submitted by a non-profit organization and is not commercial in nature.

Also, the proposed site is in a residential, not commercial zone. Therefore a non-profit “Boys and Girls Club” would not be considered a commercial development for purposes of KCC 21A.41.010.

The committee did agreed that a “for profit” sports club proposal would be considered a “commercial development” for purposes of KCC 21A.41.010. However it would only be allowed in a commercial/industrial zone pursuant to KCC 21A.08.040. Likewise, if a non-profit sports club was proposed in a commercial/industrial zone, it still would not be considered a “commercial development” for purposes of KCC 21A.41.010 because it would not meet the common definition of a commercial development.

The committee agreed that the commercial limitation of “Commercial Site Development Permits”, as established in KCC 21A.41 should be dropped in future code amendments, and replaced with a general site development permit.

2. **“Campground” is defined as “An area of land developed for recreational use in temporary occupancy, such as : tents or recreational vehicles without hook-up facilities” (KCC 21A.06.160) Is there a limit to duration and frequency for an outright permitted temporary use?**

Title 21A does not define temporary use, however temporary use permits set a limit on duration and frequency pursuant to KCC 21A.32.120. If a use does not require a temporary use permit, there is no limit on duration and frequency. KCC 21A .08.040 needs to be amended to add a footnote to the “campgrounds” land use which would set a limit on duration and frequency of use. The committee agreed that the limit should be shorter than the 180 days allowed for recreational vehicle parks.

3. **Does a “park” as defined in KCC 21A.06.835 allow occupancy of recreational vehicles (without full hookup)? If so, is this confined to a temporary use, and is there a limit on the duration and frequency of use?**

The committee determined that areas for “off-road recreational vehicle users”, as used in KCC 21A.06.835 to define a “park” means an ATV (all terrain vehicle) or ORV (off-road vehicle) designed to be driven on trails or back-country area, and not a “recreational vehicle (“RV”)” as defined in KCC 21A.06.960, which is a vehicle designed primarily for camping, travel or seasonal use. Title 21A lists permitted uses in one and only one place in the permitted use tables. Since “campgrounds” is a separate use from a “park”, camping is not assumed to be a subset of the park definition. Therefore areas for recreational vehicles that are used for camping are not covered in the definition of a park. To make this clear, the definition of “park” should be amended to specifically prohibit overnight camping.

JB:pk

cc: Priscilla Kaufmann, Code Development Planner
Steve Wright, Code Enforcement Officer, Building Services Division
Greg Borba, Planner II, Land Use Services Division

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