

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: December 5, 1997

TO: Building Services Division Staff Land Use Services
Division Staff

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|--------------------|----------------|
| Lynn Baugh | Mark Carey |
| Chris Ricketts | Lisa Pringle |
| Pam Dhanapal | Marilyn Cox |
| Terry Brunner | Lanny Henoch |
| Ken Dinsmore | Gordon Thomson |
| Priscilla Kaufmann | |

Greg Kipp, Deputy Director
Michael Sinsky, Prosecuting Attorney's Office

FM: Sophia Byrd, Code Development Coordinator

Present: Greg Borba, Sophia Byrd, Pam Dhanapal, Lanny Henoch, Priscilla Kaufmann,
Sheri McKee, Dave Sandstrom (Susan Marlin, recorder)

Issue:

1. **Are the following items permitted uses within the required 50% open space in R1 zones:**
 - 1) **Septic drain field area and/or reserve area required by the Health Dept.**
 - 2) **Underground sprinkler system**
 - 3) **Hot tub footing for a hot tub location**
 - 4) **Swimming pool**
 - 5) **Foot path with stone or gravel**
 - 6) **Landscaping, i.e. hedges, etc.**
 - 7) **Fencing for open space area**
 - 8) **Sports court**
 - 9) **Fountains or pools landscaping**
 - 10) **Fire truck access or turnaround****(Greg Borba/Dave Sandstrom)**

The question was brought to the Committee by David Sandstrom for general application as well as assistance in reviewing a two lot short subdivision in the R-1 zone.

Discussion:

The discussion focused on K.C.C. 21A.14.040 C and how the code does not list specific limitations for identifying permitted uses. The purpose for the R1 clustering is to create urban separators and greenbelts and connect buffers. It was discussed how historically open space was meant to be urban separators and as a public benefit, persons could not place certain structures dedicated only to one single-family unit such as a sports court but that uses such as reserve drain field easements, storm water ponds, and trails were acceptable usages. Another question brought up was do we make open space native growth?

The King County Comprehensive Plan policies (Regional Parks, Recreation and Open Space) were consulted for policy guidelines. "PR-102 -- Park and open space lands in King County are defined by three primary functions: Recreational, environmental (ecological) and community shaping." The group discussed what "outdoor recreation" might include in an open space and what would be allowed, e.g. swimming pools, hot tubs, sports courts. Another King County Comprehensive Plan policy noted, to give some guidance on what is allowed in an open space, is the 4 to 1 policy. It includes, in part, "trails, naturally appearing storm water facilities, active recreation uses which are compatible with the functions and values of the open space and are necessary to provide limited low intensity recreation opportunities such as mowed meadows to the adjacent urban area provided that" ... "development for active recreation allowed in the open space may not be used to satisfy the active recreation requirements in K.C.C. 21A."

Further discussion ensued on how to determine what is allowed. The group discussed how uses to be placed "on the surface" of the open space might be things to eliminate. Some questions asked during discussion were as follows: do we allow recreation and is it consistent with K.C.C. 21A.14.040 C?...what is considered allowed recreation?...is a swimming pool the type of active recreation referred to in the 4 to 1 policy?...would a hot tub be considered recreation?...what about fencing requirements?...open space is such a broad term, can something be lawn as opposed to natural vegetation?...what about storm water ponds or drain fields?...if the area is woods, do we allow cutting of trees to put in a community drain field or a pond?...can a sport court be part of an urban separator or green belt? It was suggested that one of the guides would be to determine if the uses would be for the benefit of the individual lot or for the development? Policies speak to connecting and increasing protective buffers. There are some uses that may need to be allowed outright in all circumstances. **It was agreed to take a passive versus an active view toward open space and do reviews on a site specific basis.**

Conclusion:

The group concluded that given the criteria in K.C.C. 21A.14.040 C, reviews must be done on a case by case basis. It was further agreed to propose a code amendment that would aid in determining what is considered to be a native growth area and if not a native growth area then spell out specific permitted uses in open space tracts with the Director's discretion to impose conditions.

2. Legislative Update

The following proposed ordinance is before the Full Council for review and approval:
96-959 DDES Duties

The following proposed ordinances are before the Growth Management Committee for possible action:

- 97-607 Fence Provisions in setbacks
- 97-283 Hearing Examiner Decisions
- 97-292 Livestock

SB:sm