



King County

Department of Development
and Environmental Services

900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: October 13, 2004

TO: Building Services Division Staff Land Use Services Division Staff
Mike Dykeman, Manager Joe Miles, Manager
Chris Ricketts Lisa Dinsmore
Jim Chan Beth Deraitus
Kenneth Dinsmore
Pam Dhanapal

Stephanie Warden, Director
Harry Reinert, Special Projects Manager
Paul Reitenbach, Senior Policy Analyst
Tim Barnes, Prosecuting Attorney's Office

FM: Harry Reinert, Co-Chair

Present: Tim Barnes (via telephone), Beth Deraitus, Kenneth Dinsmore, Nancy Jo Perdue,
Harry Reinert, Holly Sawin and Karen Scharer

- 1. Does the zoning code allow a fire district to construct a maintenance building serving the district's three stations on a residentially zoned site that also will contain a fire station? If not, can the equipment housed on site also be maintained on site?**

Background

A small fire district is proposing to build a fire station that will include a building for maintenance of service equipment located on the site. Service equipment assigned to two other fire stations in the district also would be maintained at the proposed facility. Under K.C.C. 21A.08.060, fire facilities (SIC 9224) are allowed as a conditional use in residential zones. The SIC manual does not specifically refer to maintenance activities as an element of a fire facility. There is no definition of a fire facility in K.C.C. Title 21A. Under K.C.C. 21A.08.060A and K.C.C. 21A.08.060B.27, public

agency or utility yards are allowed outright in the I zone. Utility district yards are allowed in the residential zones if they are located with the utility office.

K.C.C. 21A.08.060B.6 allows fire facilities as a conditional use in residential zones. The use is conditioned as follows:

- 6.a. All buildings and structures shall maintain a minimum distance of twenty feet from property lines adjoining residential zones;
- b. any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of thirty-five feet from such street;
- c. no outdoor storage; and
- d. excluded from the RA-10 and RA-20 zones unless it is demonstrated that no feasible alternative location is possible.

Discussion

SIC 9224 defines a fire facility as a “primarily engaged in firefighting and other related fire protection activities.” Although the zoning code does generally allow in residential zones a service yard associated with a public agency or utility office with a Conditional Use Permit (CUP), there is no specific provision covering maintenance facilities for fire protection equipment.

Since fire facilities are specifically identified under their own SIC code, they are not covered by the provisions governing a public agency or a utility office, even though a fire department is to provide public safety.

Since an integral part of a fire protection is maintenance of fire protection equipment, a fire facility includes maintenance facilities for that equipment. This would include a maintenance yard. The primary purpose of the fire facility must be the provision of fire protection services and the maintenance facilities must be incidental to the provision of the fire protection activities.

The maintenance facility may service equipment belonging to the fire department, including equipment housed at other stations in the fire district. Since the fire facility is allowed only as a CUP, the process will allow the department to establish the appropriate conditions on the facility, including any maintenance yards, to ensure that it is limited in scope to provide services within the district and not as a regional maintenance facility.

Decision

A maintenance facility for fire protection equipment owned or operated by a fire district is considered to be a part of the fire facility. Fire facilities may be located within residential zones with a conditional use permit. The department may use the CUP process to ensure that the fire facilities, including any maintenance facilities, are appropriately sized.

2. Code Interpretation – L04CI003

Issues to be resolved are:

- A. **Do the provisions of K.C.C. 21A.30.080 that limit the number of non-resident employees apply to individuals who work away from the site of the home occupation.**

Background

A code interpretation request was made on behalf of a couple who moved into a residence located on 1.1 acres in a RA-5 zone and began operation of a business from their home. In addition to the owners, the business employs three non-resident employees, who include a bookkeeper and two mobile crane operators. The crane operators work offsite, but the cranes are stored on the property so the two employees go to the site to pick up and return the cranes. The bookkeeper also works offsite but regularly visits to retrieve invoices for accounts payable and receivable. A code enforcement case (E0400263) has been opened for exceeding the limits for a home occupation.

K.C.C. 21A.30.080, which regulates home occupations, was recently amended by the King County Council. Ordinance 15032, Section 37. The Draft Code Interpretation L04C1003 was based on the amended code.

K.C.C. 21A.30.080 provides standards restricting where activities can take place on the property, limitations on the types of activities allowed within urban areas and the number of employees who are not residents. K.C.C. 21A.30.080D. refers to the number of nonresident employees who can work for the home occupation. This section of code states as follows:

D. No more than one nonresident shall be employed by the home occupation or occupations;

Discussion

K.C.C. 21A.30.080D limits a home occupation to one nonresident employee. The purpose of this limitation is to reduce traffic impacts on the surrounding neighborhood. Other provisions governing home occupations have a similar purpose.

The purpose of the code can be accommodated by reading the limitation as applying to employees who visit the site of the home occupation. The home occupation could employ others who do not visit the site. This takes into account the purpose of the limitation, which is to reduce traffic impacts, yet allow for a variety of business types.

Decision

A home occupation can only have one nonresident employee who visits the site. Additional non-resident employees are allowed only if they do not come to the site of the home occupation.

The Committee recommends that the home occupation provisions deserve further review to recognize changing technology.

B. Do the provisions of K.C.C. 21A.30.080 that limit the storage of heavy equipment on the site of a home occupation and that limit the number and weight of vehicles used for pickup or distribution of products or materials apply to mobile cranes parked on the site of the home occupation?

Background

The cranes are picked up each morning and taken to an offsite work location. They are returned to the home occupation headquarters at the end of the workday. The home occupation is located on 1.1 acres in an RA zone.

K.C.C. 21A.30.080E prohibits auto repair, auto body shops, heavy equipment storage and building materials storage in urban residential zones. There are no comparable limitations outside urban residential areas listed in the code. This section, as amended by Ordinance 15032, reads as follows:

E. The following activities are prohibited in urban residential zones only:

1. Automobile, truck and heavy equipment repair;
2. Autobody work or painting;
3. Parking and storage of heavy equipment; and
4. Storage of building materials for use on other properties.

K.C.C. 21A.30.080I limits the types of vehicles that may be used for pickup of materials used by the home occupation or occupations or the distribution of products from the site. The cranes are not used to pickup or distribute materials. This section of code, as amended by Ordinance 15032, reads:

I. The home occupation or occupations use or store a vehicle for pickup of materials used by the home occupation or occupations or the distribution of products from the site only if:

1. No more than one such a vehicle is allowed;
2. The vehicle does not park within any required setback areas of the lot or on adjacent streets; and
3. The vehicle does not exceed a weight capacity of one ton, except in the A, F and RA zones on lots of at least five acres in size, where it is only if the vehicle does not exceed a weight capacity of two and one-half tons; . . .

Discussion

Because storage of heavy equipment is allowed in RA zones, and because the cranes are not being used to pickup and distribute materials for the home occupation, they would be allowed if the storage area met requirements limiting the size of the storage area. K.C.C. 21A.24.080 stipulates that the outdoor area used for storing vehicles cannot exceed 1 percent of the size of the lot up, up to a maximum of 5,000 square feet.

Decision

Heavy equipment, such as the cranes maintained by the owners of the home occupation, can be stored on the property if all other requirements are met.

HR:njp

cc: Holly Sawin
Karen Scharer