



King County

Department of Development
and Environmental Services
900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: June 22, 2006

TO: Building Services Division Staff
Mike Dykeman, Manager
Chris Ricketts
Jim Chan
Pam Dhanapal

Land Use Services Division Staff
Joe Miles, Manager
Lisa Dinsmore
Randy Sandin
Deidre Andrus
Steve Bottheim

Stephanie Warden, Director
Harry Reinert, Special Projects Manager and RRC Co-Chair
Cass Newell, Prosecuting Attorney's Office

FM: Harry Reinert, Co-Chair

Present: Lisa Dinsmore, Chris Ricketts, Jerri Breazeal, Jim Chan, Randy Sandin, Steve Bottheim, Pam Dhanapal, and Harry Reinert

1. Is the operation of a practice football field for a private school an allowed use in the RA-5 zone?

Background

A rural landowner with approximately 20 acres of RA-5 zoned land wants to know if she can use a portion of her land as a practice football field for her son's school's (private) football team. The field would not be used for games, just for practice. The land was cleared and graded under prior permits and is currently in use as pasture. The acreage they would need for the practice field would probably not require any extensive work to prepare the area for use. They anticipate needing the practice field for about five years while the school secures the additional land and permits to construct a field at their school site.

Discussion

This use appears to very closely resemble a "sports club" as that term is defined in K.C.C. 21A.06.1215 and the Standard Industrial Classification Manual. K.C.C. 21A.06.1215 defines sports club as

an establishment engaged in operating physical fitness facilities and sports and recreation clubs, including only uses located in SIC Industry Nos.:

- A. 7991-Physical Fitness Facilities; and
- B. 7997-Membership Sports and Recreation Clubs.

SIC 7997 covers sports and recreation clubs that are restricted to use by members and their guests. Country, golf, tennis, yacht and amateur sports and recreation clubs are included in this industry. Football clubs, except professional and semiprofessional clubs, are specifically listed in SIC 7997.

Webster's Ninth New Collegiate Dictionary defines "club" as an athletic association or team. A private school football team clearly meets the definition of a sports club.

As provided in K.C.C. 21A.08.040, sports clubs are allowed, subject to condition 17, as conditional use in the RA zone, subject to conditions 4 and 18. Condition 17 limits the use to stand alone sports clubs only that are not part of a park. Condition 18 requires review and approval of conditions to comply with trail corridor provisions of K.C.C. 21A.14 when the property is located in an equestrian community. Condition 4 does not allow the use in the RA 10 or RA 20 zones, and is subject to the following additional conditions:

- project must be compatible with residential or rural character of the area;
- gross floor area shall not exceed 10,000 sq ft.; and
- limited to sports clubs providing supervised instructional or athletic programs.

The proposed use is within an RA 5 zone and is not part of a park, so it is consistent with condition 17. Because no buildings are proposed, it appears the use is consistent with the provisions of condition 4. The property is located within an equestrian community, so any development will need to be consistent with the trail corridor provisions of K.C.C. Chapter 21A.14.

Conclusion

A football practice field for a private school meets the definition of a sports club under K.C.C. 21A.06.1215. In the RA zone, this is conditional use, subject to conditions. The proposed use appears to meet the conditions.

- 2. Is a watercraft that has characteristics of a float but that has been registered and licensed by the state as a vessel considered a float or a vessel for purposes of Title 21A and 25?**

Background

A code enforcement case was opened in 2002 for the construction of a float on Ames lake, which is a wetland and shoreline. The property owners applied for an shoreline exemption to allow for a deck, and stairs leading to the float. The shoreline exemption was denied based on the then existing SAO (K.C.C. 21A.24.330J). The float was removed on an inspection and the case closed.

A new complaint was received in 2006 for the same float and new wooden stairs leading to the waterfront. The property owners claimed to have improved the float into a boat. They presented articles and a Vessel registration certification for the boat.

Discussion

The Zoning Code does not regulate vessels, but it does regulate alterations to aquatic areas.

RCW Chapter 88.02 establishes standards for registration of vessels by the state. A vessel is defined as "watercraft use or capable of being used as a means of transportation on the water." RCW 88.02.020. All vessels are required to be registered, with some exceptions. Vessels less than 16 feet in length which have no propulsion mechanism are not required to be registered.

K.C.C. 21A.24.045 allows construction of a new dock or pier on wetlands and lake shorelines under generally the same conditions as they were allowed under the Sensitive Areas Ordinance. The minutes of the March 9, 2006 Regulatory Review Committee meeting contains a detailed discussion of these provisions. Under K.C.C. 21A.24.045, an alteration to a wetland or aquatic area is allowed only if it is on the allowed alterations table and meets the appropriate conditions. A new pier or dock is not allowed on Ames Lake.

The structure in this case might also qualify as a float. K.C.C. Title 21A does not define "floats." King County's Shoreline Master Program does include a definition at K.C.C. 25.08.210 where a float is defined as "a structure or device ... which is moored, anchored, or otherwise secured in the waters of King County and which is not connected to the shoreline." Former K.C.C. 21A.24.330J, which was amended by the Critical Areas Ordinance, included floats as a type of alteration and allowed them under the same conditions as it allowed docks and piers. K.C.C. 21A.24.045 does not specifically mention floats. Rules of statutory construction lead to the conclusion that floats are not an allowed alteration.

Considering these factors, the Committee concluded that nothing in RCW 88.02 or K.C.C. Titles 21A and 25 preclude a registered vessel from also being considered a float.

The Committee also noted that, even though the float is not an allowed alteration under K.C.C. 21A.24.045, it could possibly be allowed as an alteration exception if the property owner can meet the standards of K.C.C. 21A.24.270.

Conclusion

The structure in this case, although licensed as a vessel with the state, also meets the definition of a float for purposes of K.C.C. Title 21A. Under K.C.C. Chapter 21A.24, floats are not allowed alterations in either wetlands or aquatic areas. If the property owner meets the standards for an alteration exception, the float may be allowed under those provisions.