



King County
**Department of Permitting
and Environmental Review**
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REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: July 21, 2016
Minutes finalized August 4, 2016

TO: Jim Chan Steve Bottheim
Wally Archuleta Chris Ricketts
Sheryl Lux Steve Roberge
Ty Peterson Scott Smith

John Starbard, Director
Randy Sandin, Resource Product Line Manager and RRC Co-Chair
Devon Shannon, Prosecuting Attorney's Office

FM: Lisa Verner, Legislative Coordinator and RRC Co-Chair

Present: Laura Casey, Ty Peterson, Lisa Verner, Steve Roberge, Devon Shannon, Sheryl Lux,
and Wally Archuleta.

- 1. Does an existing wall constitute a residential building footprint where a deck has been permitted over the wall? Would the proposed expansion of the residence into the existing deck area increase the footprint of the dwelling unit?**

Background

A property owner on Vashon owns a house within 50 feet of the ordinary high water mark of Puget Sound. The residence is also within the wetland buffers, a Type N aquatic area, an eagle nest wildlife habitat conservation area and the adjacent road right-of-way. The beach house was built in the 1920's with a concrete wall extending waterward from the residence's foundation by about ten feet. A deck was permitted in the 1990's to cover the concrete wall.

Discussion

The property owner is proposing to expand the house towards the water using the pre-existing concrete wall as the foundation. The wall meets the definition of a structure because it is more

than 18” above the ground. The wall also meets the definition of a residential building footprint. King County required a permit to build the deck on the concrete wall because the County considered it within the existing footprint of the house.

21A.06.1255. Structure: anything permanent constructed in or on the ground, or over water; excluding fences six feet tall or less in height, decks less than 18 inches above the ground, paved areas, and structural or non-structural fill.

21A.06.512. Footprint: the area encompassed by the foundation of a structure including building overhangs if the overhangs do not extend more than eighteen inches beyond the foundation and excluding uncovered decks.

Decision

The existing footprint of the house includes the pre-existing concrete wall where a deck has been permitted, using the wall as the foundation for the deck. Expanding the residence into the existing, permitted deck area is not an extension or expansion of the existing footprint of the house.

2. Is Rock Mountain Products LLC one business or two? In either case, is the rock supply business an allowed use?

Background

The RRC reviewed this question at its meeting on July 9, 2015 and determined that “As it exists today, Rock Mountain Products does not meet the definition of “landscape and horticultural services” and is not permitted in the RA-5 zone.

On March 17, 2016, King County received a Code Interpretation Request (CINT16-0001) from Rock Mountain Products. In a letter attached to the Code Interpretation Request, Rock Mountain asked for a determination about whether the business was one business or two. It said it has always sold natural landscape, decorative and garden stone as part of the nursery business.

Discussion

In discussing its 2015 decision, the RRC found that nothing had changed. An inspection of the site found no evidence of a nursery business; it found evidence of a rock supply business. Regardless of whether there are one or two businesses on site, the activities taking place on the property are not permitted in the RA-5 zone.

Decision

The RRC confirms its previous decision of July, 20015. Retail and wholesale marketing and sale of rock products are not allowed outright under KCC 21A.08.060. “Landscape and horticultural services” are permitted only as accessory to retail nursery, garden center and farm supply stores; a rock supply business does not meet either criteria: it is not accessory to a retail nursery and it is not a “landscape and horticultural service.” Rock Mountain is not permitted in the RA-5 zone.