## REVISED STAFF REPORT

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| **Agenda Item:** | 8 | **Name:** | Jake Tracy |
| **Proposed No**.: | 2021-0163 | **Date:** | April 27, 2021 |

**COMMITTEE ACTION**

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| ***Proposed Substitute Ordinance 2021-0163.2 allowing search and rescue facilities in the rural area zone subject to conditions, passed out of committee on April 27, 2021 with a “Do Pass” recommendation. The Ordinance was amended in committee with Amendment 1 to:***   * ***Remove the allowance for heliports*** * ***Allow helicopter fueling, maintenance, and storage with a special use permit*** * ***Remove a reference in the definition to auditoriums, and instead use the term "assembly hall" without fixed seating or permanent stage.*** |

**SUBJECT**

Proposed Ordinance (PO) 2021-0163 would allow for search and rescue facilities in the Rural Area zone in unincorporated King County, subject to a conditional use permit and other specified conditions.

**SUMMARY**

Search and rescue is defined in state code as "the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used." In King County, the King County Sheriff is responsible for search and rescue activities. In accordance with allowances in state law, the sheriff's office partners with volunteer organizations to conduct these activities.

King County's zoning code (21A) does not currently contain an allowance for facilities for the operation of volunteer search and rescue organizations. The proposed ordinance would allow search and rescue facilities in the Rural Area zones, subject to a conditional use permit, a 4.5-acre minimum lot size, and setback and landscaping requirements.

**BACKGROUND**

Search and rescue is defined in state code as "the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used."[[1]](#footnote-1) In each political subdivision, the chief law enforcement officer is responsible for conducting search and rescue activities.[[2]](#footnote-2) For King County, the chief law enforcement official is the King County Sheriff.

Although the sheriff and other law enforcement officers are officially tasked with these duties, state code also allows for the registration of volunteers to assist in search and rescue and other emergency operations.[[3]](#footnote-3) Under the direction of the King County Sheriff, volunteers conduct a variety of search and rescue operations in King County, including mountain rescue, ground search and rescue, ski patrol, search dogs, horseback search and rescue and vehicular operations. In particular, the sheriff's office partners with the King County Search and Rescue Association (KCSARA), a 501(c) nonprofit organization that coordinates, organizes, and speaks for nine volunteer search and rescue units in the county.[[4]](#footnote-4) According to the King County Sheriff's office, over seventy percent of search and rescue operations occur in wilderness areas, which fall outside of the urban growth boundary.

According to a November 20, 2020 memorandum to KCSARA from the director of King County's Permitting Division, the county's zoning code 21A does not currently contain an allowance for a facility though would act as a base of operations for a search and rescue organization such as KCSARA, including space for training, equipment storage, and administrative functions – no classified use in the current code would cover those activities by such an organization.

**ANALYSIS**

PO 2021-0163 would amend King County code to define "search and rescue facility" and to make such a facility an allowed use in the Rural Area (RA) zones, subject to a conditional use permit and other specified conditions.

**Definition.** By definition, a search and rescue facility would be required to be operated by a nonprofit organization or organizations that work with a law enforcement agency to conduct search and rescue operations as described in WAC 118-04. The definition would state that such a facility could include the following areas and facilities, although these would not be exhaustive:

* Indoor and outdoor training areas;
* Administrative offices and associated food preparation and dining facilities;
* Equipment storage and maintenance areas;
* Vehicle storage and maintenance areas;
* Meeting and assembly space, including but not limited to auditoriums; and
* Heliports or helistops.

Heliport and helistop are defined terms in the code.[[5]](#footnote-5) Whereas a helistop is a takeoff and landing facility only, a heliport could also include taxiways, aircraft storage and tie-down areas, hangars, servicing, and passenger and air freight terminals. Which, if any of these uses would be allowed on a given property, and under what conditions, would be determined through the conditional use process. As the specific conditions for a search and rescue facility, which are discussed below, would limit the facility to activities directly relating to its operation or the operations of law enforcement and other public emergency responders, this would likely rule out the possibility of passenger or freight terminals being allowed as part of a heliport at a search and rescue facility.

It should be noted that all of the activities in the bulleted list above could be allowed in the RA zone under the current code. A search and rescue use would be similar to a public agency or utility office, public agency or utility yard, and public agency training facility, all of which are defined in the code and allowed in the RA zone, subject to conditions. However, because a search and rescue organization is a non-profit, not a public agency, it could not be classified as one of those public agency uses for the purposes of the zoning code.

**Use Allowance.** Search and rescue facilities would be allowed in the RA-2.5, RA-5, and RA-10 zones, subject to a conditional use permit.

*Conditional Use Permit.* A conditional use permit (CUP) would be required in order to locate a search and rescue facility. A CUP is a permit granted by the county to locate a permitted use on a particular property subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.[[6]](#footnote-6) In order to receive a CUP, the applicant would have to demonstrate the following to the Permitting Division:

* The conditional use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property;
* The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
* The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
* Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
* The conditional use is not in conflict with the health and safety of the community;
* The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
* The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities; and
* The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of Title 21A.[[7]](#footnote-7)

CUPs are classified in King County Code as Type 2 decision, meaning that they require a preapplication process and public notice, and that the department's decision is appealable to the hearing examiner.

*Specific Conditions.* In addition to meeting the requirements for receiving a conditional use permit, a search and rescue facility would be subject to the following:

* A minimum lot size of four and one half acres.
* Structures and parking would need to maintain a minimum distance of 75 feet from interior lot lines that adjoin RA or R zones.
* Parking requirements would be determined by the director through the conditional use process.
* Twenty feet of Type II landscaping would be required along street frontages, and ten feet of Type II landscaping would be required along interior lot lines. Type II landscaping is a "filtered screen" that acts as a visual separator but not a full visual barrier.
* Use of the facility would be limited to activities directly relating to the search and rescue organization, except that the facility could be used by law enforcement and other public emergency responders for training and operations.

**NEXT STEPS**

The PO requires review through the state environmental policy act (SEPA). If the PO passes committee in the 4/27 meeting, any amendment concepts that may be offered at full Council would need to be known by Tuesday, May 4th in order to be included in the review.

In addition to SEPA, the PO requires a 30-day hearing notice.

**AMENDMENT**

The sponsor is preparing an amendment that would make changes to allowances for helicopter and assembly-related activities at search and rescue facilities.

1. RCW 38.52.010 [↑](#footnote-ref-1)
2. RCW 38.52.400 [↑](#footnote-ref-2)
3. WAC 118-04 [↑](#footnote-ref-3)
4. <https://kingcountysar.org/the-kcsar-association/> [↑](#footnote-ref-4)
5. 21A.06.050 and 21A.06.595 [↑](#footnote-ref-5)
6. K.C.C. 21A.06.230 [↑](#footnote-ref-6)
7. K.C.C. 21A.33.040 [↑](#footnote-ref-7)