



## **ADMINISTRATIVE ORDER #000055 031903**

### **INTERPRETATION OF DEVELOPMENT CODE – FOOD BANKS**

#### **CODE SECTION: 20.40.130, Permitted Uses**

Request for clarification of whether a food bank would be considered an accessory use to a church.

#### **FINDINGS**

##### Shoreline Development Code

##### Definitions:

20.20.014 Church, Synagogue or Temple: *“A place where religious services are conducted, and including accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms,...”*

20.20.010 Accessory Use: *“A use of land or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.”*

##### Other Jurisdictions

A review of eleven King County jurisdictions reveals that there are at least sixteen food banks operating in churches or on church property. The hours of operation range between one and four hours at a time, between one and three days per week, or by appointment. Most of these food banks operate between one and two days per week for one or two hours at a time.

##### Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)

##### **42 U.S.C. 2000cc §2(a)(1):**

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or

institution, unless that government demonstrates that imposition of the burden on the person, assembly, or institution-

(A) is furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling government interest.

## CONCLUSIONS & DECISION

Providing food for the needy is an accepted accessory function of a religious organization. Most churches are physically equipped to handle such operations because they have adequate space and parking facilities for religious services. The distribution of food on a limited basis is no more of an impact than that of a church service which takes place once or twice a week for a few hours at a time. Therefore, a food bank is an accessory use to a church, provided that it serves a population that does not exceed the scope and scale of the normally served congregation.

*original signed by Tim Stewart on 3/19/03*

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Director's Signature

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Date

*title updated 11/15/06*