

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: June 12, 1998

TO: Building Services Division Staff Land Use Services
Division Staff

Lynn Baugh	Mark Carey
Chris Ricketts	Lisa Pringle
Pam Dhanapal	Marilyn Cox
Terry Brunner	Lanny Henoch
Ken Dinsmore	Gordon Thomson
Priscilla Kaufmann	

Greg Kipp, Deputy Director
Kevin Wright, Prosecuting Attorney's Office

FM: Sophia Byrd, Code Development Coordinator

Present: Terry Brunner, Sophia Byrd, Janene Collins, Pam Dhanapal, Lanny Henoch, Nancy Hopkins, Priscilla Kaufmann, Gordon Thomson, Harold Vandergriff, Susan Marlin (Recorder)

Issue:

1. Do we apply the landscape code to remodel or addition projects that are being added to a site with an existing legal use? Are these projects considered "new development" and if not, what are they and how should they be treated? Also, if we decide to apply K.C.C. 21A.16 in these cases, how much site area is subject to landscaping if the project only affects a small portion? (K.C.C. 21A.16.020) (Dave Baugh/Nancy Hopkins)

Discussion:

An example of a proposed additional building in an existing site zoned CB was used for discussion. It was agreed that the additional building is "new development" and that anything new means "new development." The definitions of "Development activity" (K.C.C. 21A.06.300) and "Development proposal" (K.C.C. 21A.06.310) were consulted.

K.C.C. 21A.16.100 (Landscaping - alternative options) was discussed. A project should be viewed as if the addition is the only thing on the site because existing landscaping or the lack of it may be legally nonconforming (see K.C.C. 21A.32.030). Additions or new structures on a site must provide landscaping where the code requires it. This chapter allows flexibility and leaves more room for judgment calls.

Conclusion:

Each time you add new development, you need new landscaping. One must identify the existing development (which may be legal nonconforming), separate out from what's being proposed, and figure the unused portion to not exceed 15 percent of the net developable area (K.C.C. 21A.16.100 A).

Issue:

2. **The definition of Significant Tree was repealed from K.C.C. 21A.06 by Ordinance 11255 (landscaping development regulations); should this definition be added back in to K.C.C. 21A? Regarding K.C.C. 21A.38.230 SDO - significant trees -- Is there authority to waive the requirement for a tree survey? Is there authority to place a "non-disturbance" area condition on a property to protect trees? (Gordon Thomson)**

Discussion:

The definition of "Significant tree" definitely must be added back in to K.C.C. 21A.06. With the addition of the SDO in the zoning code, the significant tree definition needs to be replaced.

Conclusion:

There is no authority to waive the requirement for a tree survey or to place a "non-disturbance" area condition on a property. It was suggested to refer to the community plan.

3. **Follow-up and PAO opinion to issues raised at previous meetings. (Sophia Byrd)**

April 10 meeting -- We requested further review of the SAO tract issue from the Prosecuting Attorney's office. Specifically, we asked whether the term "legal entity" (K.C.C. 21A.24.180) could be limited to something other than a natural person. The PA has responded that DDES' interpretation of "legal entity" as other than a natural person is the best reading of that term, and is clearly defensible.

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March 6 meeting -- What roadway standards are required for apartment and townhouse building permits? Further research into the safety implications of this issue resulted in the attached memorandum dated April 28, 1998.

4. Legislative Update

On Monday, June 1, the full Council adopted three ordinances to comprehensively update King County's drainage standards. The standards are now consolidated in one chapter, K.C.C. 9.04, to be implemented by the Surface Water Design Manual. The adopted ordinances provide the basic policies, fee structure and other code changes necessary for the Executive to adopt an updated Surface Water Design Manual by public rule. DNR predicts that the public rule will be promulgated and the new manual will be fully adopted and effective by September 1, 1998.

On Monday, June 8, the full Council passed Motion 10473 which authorizes the Executive to amend the deed and agreement relating to development rights to enable a temporary mobile home for medical hardship to be located on Farmland Preservation Program farm AUG 214. The motion does not direct DDES to issue the permit; it merely allows the owner to apply. The application is still subject to the review authorized by K.C.C. 21A.32.170.

On Tuesday, June 9, the Committee for Unincorporated Areas discussed DDES' Proposed Ordinance 98-330, fireworks ban. Members agreed the matter should undergo additional public review. Council staff is organizing a task force to review the proposed ordinance and possible alternatives. State law requires one year lead time. If adopted by June 28, 1999, it will become effective in 2000.

SB:sm

Attachment

cc: Janene Collins, Prosecuting Attorney's Office

Attachment to June 12, 1998 Regulatory Review Committee Minutes

April 28, 1998

TO: Section Supervisors

FM: Lynn Baugh, Manager

RE: Roadway Standards and Setbacks for Attached Residential Building Permits

A meeting was held on April 16 between King County staff and industry representatives to resolve the question as to what roadway standards should be applied to attached residential building permits, and whether a building setback should be required for garages fronting on internal circulation roadways.

Attending on behalf of King County were Gary Samek, Department of Transportation, and Pam Dhanapal and Priscilla Kaufmann of DDES. Industry representatives included Allen Bauman, Polygon; Bruce Knoblock, Essex; Patrick McBride, GMS Architects; Mike Reid, Stimson Development; and Don Davis, Master Builders Association.

The conclusion of the group was that the roadway standards for developments consisting entirely of attached residential building permits should use the drive aisle standards contained in K.C.C. 21A.18.110. While the driving aisle is required to be at least 20 feet if it is serving as fire access, the drive aisle width shall be established using the "Minimum Parking Stall and Aisle Dimensions" table in K.C.C. 21A.18.110 when parking stalls are served by the drive aisle.

K.C.C. 21A.06.1070 defines "setback" as "The minimum required distance between a structure and a specified line such as a lot, easement or buffer line that is required to remain free of structures." Since drive aisles do not establish a lot, easement or buffer line, there is no building setback required from drive aisles. In addition, industry representatives stated at the meeting that they have found no safety problem when the parking stalls are located within enclosed garages that front directly on the drive aisle.

Therefore in cases where the parking stall is to be located in an enclosed garage, and the garage has a ninety (90) degree parking angle, the aisle width shall be twenty-four (24) feet, garage door to garage door, and no building setback from the drive aisle is required for the garage.

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The group discussed the problems associated with determining the roadway standards for developments consisting of a combination of attached and detached residential units, as now allowed under Title 21A. Most of these issues will be addressed through the ordinance amending the commercial site development permit, which is in the drafting and early review stage. The industry representatives attending this meeting will be made stakeholders and will have an opportunity to review and comment on this draft ordinance when it is ready to be circulated.

If you have any questions regarding this issue, please call Pam Dhanapal at 296-6731 or Priscilla Kaufmann at 296-7284.

LB:pk

cc: Robert S. Derrick, Director
Sophia Byrd, Code Development Coordinator