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## **Regulatory Review Committee (RRC) Minutes**

**Meeting Date: April 28, 2022**

Minutes finalized: May 18, 2022

**TO:** Jim Chan, Division Director  
Mark Rowe, Deputy Division Director  
Devon Shannon, Assistant Chief Civil Deputy Prosecuting Attorney  
Doug Dobkins, Single Family Residential Product Line Manager  
Sheryl Lux, Code Enforcement Product Line Manager  
Ty Peterson, Commercial Product Line Manager  
Chris Ricketts, Building Official and Fire Marshal  
Scott Smith, Development Engineer

**FM:** Robin Proebsting, Legislative/Policy Analyst and RRC Co-Chair  
Nancy Hopkins, Principal Planner and RRC Co-Chair

Attendees: Tracy Cui, Mark Steinkamp, Mark Rowe, Doug Dobkins, Sheryl Lux, Chris Ricketts, Ty Peterson, Devon Shannon.

- 1. Determination regarding whether the proposed main building shown in a building permit application is a single-family residence or a single-family residence with an attached ADU**

### Indexes

Subjects: accessory dwelling unit, residential accessory use

Code: 21A.06.345, 21A.06.350, 21A.08.030.B.7.a-b.

### Background

Parcel 1321059015 (Zoning: RA5, Size: 4.83 acres) contains an existing residence, which according to the Assessor's Report is 1350 square feet. The proposed scope of work is to convert the existing residence into a detached ADU and construct a new primary residence.

The proposed new primary residence appears, according to a site plan submitted as part of the building permit application, to be two dwelling units separated by fire doors.

According to K.C.C. 21A.08.030.B.7.a(1), only one accessory dwelling per primary single detached dwelling is allowed. The existing residence on the subject property is proposed to become a detached accessory dwelling unit. Therefore, if the proposed construction were to be considered two dwelling units (that is, one primary dwelling unit and one accessory dwelling unit), the proposed scope of work would not be allowed and would therefore need to be redesigned.

### Discussion

The committee discussed past examples of building permits for large houses and how a large house with, for example, multiple kitchens could be distinguished from a primary dwelling plus accessory dwelling.

The committee reviewed the definitions of dwelling unit and accessory dwelling unit and determined that, as drawn, the site plan show two dwelling units, because the plans showed two areas, separated by a fire door, that included all of the elements of a dwelling unit as defined by K.C.C. 21A. 06.345. That is, each area contained:

- One or more rooms designed for occupancy by a person or family for living and sleeping purposes,
- Kitchen facilities
- Rooms with internal accessibility, for use solely by the dwelling's occupants

The two dwelling unit areas were also separated by a locked door precluding internal accessibility between the two areas, meaning the two areas did *not* have internal accessibility, and therefore were not a single dwelling unit.

Therefore, the new building proposed by the building permit application contained two dwelling units, which would not be allowed on the subject property, given the existence of the dwelling unit already on site.

### Conclusion

The scope of work proposed by the subject building permit application does not meet zoning standards, because it shows a building with two dwelling units as defined by K.C.C. 21A. 06.345. Together with the existing dwelling unit on site, the limit of one accessory dwelling unit per primary dwelling unit (K.C.C. 21A.08.030.B.7.a(1)) would be exceeded.