



King County  
Building & Land Development Division  
Parks, Planning and Resources Department  
3600 - 136th Place Southeast  
Bellevue, Washington 98006-1400

June 8, 1992

TO: Greg Kipp  
Lisa Pringle  
Gary Kohler  
Terry Brunner

George McCallum  
Harold Vandergriff  
Lisa Lee  
Ken Dinsmore

FM: Jerry Balcom 

RE: Minutes of the April 3, 1992, Code Interpretation Meeting

Present: Ken Dinsmore, Eileen Duffy, Kyle Evans, Lanny Henoch,  
Gordon Thomson

1. a) In the case of a nonconforming use or building, does the nonconformity extend to the entire site or is it limited to that portion of the site which accommodates the nonconforming use or building? (KCC 21.52.020)

The provisions of 21.52 apply to uses which became nonconforming as a result of the application of Title 21. Consensus was reached that nonconformity therefore extends to that portion of the site which accommodates the nonconforming use or building. In the case of a nonconforming use, the extent of the use is the extent of the nonconformity: it may include part or all of a building or non-building areas. The nonconformity would not extend to any other areas of the site. Similarly for a nonconforming building, the nonconformity extends to the limits of the building.

b) If a nonconforming building accommodating a nonconforming use is destroyed, can a new building be constructed at the same location or in a different location on the property if the use is still nonconforming? (KCC 21.52.030(A))

Regardless of the extent to which nonconformity covers a property, the language of KCC 21.52.030(A) is plain. If any nonconforming building is destroyed or removed, every future use of land on which the building was located shall conform to the provisions of the zoning code. KCC 21.52.040 allows for reconstruction if a nonconforming building is partially (no more than fifty percent of its market value) destroyed. KCC 21.52.050 allows upkeep, maintenance, and repair of nonconforming buildings so long as it does not involve enlargement or an increase in floor area.



In the case of the destruction of a conforming building which accommodated a nonconforming use, the building could be rebuilt and the nonconforming use again accommodated. However, the use could only locate on that portion of the site to which the nonconformity had extended (see 1(a) above). Therefore, if the building were rebuilt on another portion of the site, the nonconforming use could not continue there.

c) Is a nonconforming use permitted if the use had been discontinued for a continuous period of more than twelve months? (KCC 21.52.030)

The language in KCC 21.52.030 is plain. A use may not be permitted if as a nonconforming use it was discontinued for twelve or more months. However, if intent to abandon the use cannot be documented then the use would not be considered "discontinued" and would therefore be permitted.

2. Are sales of bark, landscape rock, top soil and stepping stones and the batching and sale of concrete included in the uses permitted in the C-G zone under KCC 21.30.020 (I) (Building materials stores and yards, retail only)?

Bark, landscape rock, top soil and stepping stones are materials typically sold at building materials stores and yards. Concrete batching, however, is first permitted in the QM zone (KCC 21.42.020(B)), and is also allowed with an Unclassified Use Permit in conjunction with quarrying and mining (KCC 21.44.020(F)(4)). Concrete batching is therefore not included in the list of uses permitted in KCC 21.030.020(I), and would only be permitted in the CG zone under the UUP provisions cited above.

3. Other matters.

A code amendment is required to resolve the inconsistency between KCC 21.54.180(B) and WAC 173-158-070(1)(b). The issue needs further discussion with Don Gauthier, however, and will appear on the April 10, 1992 agenda.

cc: Don Gauthier  
Gordon Thomson  
Henryk Hiller

JB:GT:ib