

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: September 19, 1997

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
Michael Sinsky, Prosecuting Attorney's Office

FM: Sophia Byrd, Code Development Coordinator

Present: Sophia Byrd, Jeff Bunnell, Pam Dhanapal, Ken Dinsmore, Priscilla Kaufmann,
Gordon Thomson

1. Whether development proposals, which include residential dwelling units, can use the commercial site development permit process? (Pam Dhanapal)

The issue was first discussed at the August 8, 1997 RRC meeting. At that time, the Committee determined that a development proposal consisting of attached residential dwelling units may utilize the Commercial Site Development Permit (CSDP) process in K.C.C. 21A.41; however, single detached residential units may not use this process under the current code. The Committee decided to immediately pursue a code interpretation reflecting the above determination. The Committee further decided that it would support future code amendments to allow single-family detached units to use the CSDP or a similar process.

A code interpretation was drafted and circulated. Since then, an amendment was proposed to the draft interpretation which would allow single detached residential dwelling units within a CSDP only when part of a development that combines

townhouse or apartment units with detached units, subject to the issuance of a conditional use permit, and totaling less than 50% of the total number of units.

The Committee discussed the proposed amended interpretation. Although the need for accommodating single detached residential dwelling units is understood, and in fact is the reason why the Committee recommended a code amendment at its August 8, 1997 meeting, some members feel that the amended interpretation has no basis in code. The approach of the interpretation appears to define, by default, single detached residential development as "commercial" so long as the 50% threshold is not exceeded. That the 50% threshold is arbitrary is problematic for some members. Moreover, some members feel that a Director's Interpretation is not the proper tool to create a new definition (note that K.C.C. 21A. has no definition for "commercial").

An option was suggested by those members who did not support the amended interpretation. Instead, it was felt that a memo to staff from the Director regarding pending development proposals would be more appropriate than an insupportable interpretation. Such an option enables the Director to address the particulars of specific CSDP proposals (a function interpretations have never been intended to perform) until a code amendment can be adopted. Such an approach would also avoid establishing a precedent whereby interpretations might become less substantive, reflecting more the desires of the moment instead of the realities of the regulation. No vote of the Committee was taken on this issue.

2. Temporary Growing Structures -- building permits for a commercial greenhouse. (Tom McDonald)

Gail Riseberg, of the Prosecuting Attorney's Office, has done preliminary research on the issue, confirming that King County may require a building permit. However, further issues may remain. The issue is deferred until the next RRC meeting.

3. Other Issues

Minutes from the May 30, 1997 RRC meeting indicate that Building Services Division will be developing a site distance triangle for multi-family private driveways. Priscilla Kaufmann is checking on the status of this.

Minutes from the June 27, 1997 meeting reflect that the Committee determined an interpretation was necessary to address the issue of Residential Density Credits and whether an applicant had to accept bonus density credits. Lanny Henoch will check with Mark Carey to determine if an interpretation is still necessary.

SB:sm

cc: Gail Riseberg, Deputy Prosecuting Attorney
Dave Baugh, Planner, Building Services Division