



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

June 10, 1992

TO: Greg Kipp
Lisa Pringle
Gary Kohler
Terry Brunner

George McCallum
Harold Vandergriff
Lisa Lee
Ken Dinsmore

FM: Jerry Balcom

RE: Minutes of December 20, 1991 Code Interpretation Meeting

Present: Jerry Balcom, Terry Brunner, Kyle Evans, Harold Vandergriff, George McCallum, Susan Storwick, Lisa Lee, Brian Shea, Ken Dinsmore, Julian Hiraki, Jerry Marbett, Fereshteh Dehkordi, Heather Stout

1. General discussion regarding the use of a binding site plan, K.C.C. 19.34, to divide property.

A binding site plan is simply an alternative to the subdivision process for dividing property. It does not in any way waive zoning code requirements for that property, such as landscaping, parking, lot coverage, etc. A binding site plan cannot allow a configuration or use which is not permitted in the zone. Although the binding site plan may be used in lieu of the plat approval process, it cannot be used in lieu of the PUD process if the applicant wishes to gain PUD advantages. A binding site plan can be based on a recorded final PUD, an issued building permit, or, if neither of those are used, a conceptual site plan. K.C.C. 19.34.010(A), 19.34.020-.040.

Note that the binding site plan creates a residential condominium project under RCW 64.32. See K.C.C. 19.34.010(A). In a residential condominium project, land is owned in common while individual "apartments" are owned separately. RCW 64.32.010(1), 64.32.010(6), 64.32.040, 64.32.050.

2. Under K.C.C. 21.54.030(B), when is new construction or related activity connected with an existing single-family residence located "closer" to the stream, wetland or steep slope than the existing structure?

The new construction or related activity must be done so that the linear distance from any point on the addition to the wetland, stream or steep slope hazard area is not less than

the distance to the hazard area from the single point on the existing structure which is closest to that hazard area.

3. **The p-suffix conditions prescribed in the Bear Creek Community Plan to protect sensitive areas are sometimes different from and provide more protection than the restrictions of the SAO. What process must an applicant pursue to get relief from Bear Creek p-suffix conditions relating to sensitive areas?**

The SAO specifies that when there is a conflict between any other chapter of the King County Code and Chapter 21.54, that which provides more protection to the sensitive areas applies unless specifically provided otherwise in 21.54. K.C.C. 21.54.020(A). In the case of Bear Creek p-suffix conditions for stream corridors, there is an administrative procedure whereby an applicant may request a reduction in the required width of a stream corridor. However, administrative rules have not been written to define the procedure. Until rules are written, the procedure is not available. Unless otherwise specified in the plan, the process available to alter any p-suffix condition is a reclassification to amend the p-suffix designation.

4. **How are front yard setbacks determined under K.C.C. 21.04.565 and 21.04.930 for lots with an access panhandle?**

In the past, sections 21.04.565 and 21.04.930 have been misinterpreted when used to determine front yards for lots with access panhandles. The code does not provide more than one method for determining front yard setbacks. It is the same for rectangular-shaped lots as it is for lots with an access panhandle. The front yard begins at the lot front line. The lot front line separates the lot from the street. For a lot with an access panhandle, the front yard may lie only on the portion of the lot containing the panhandle. Note: By including an access panhandle as part of the lot, lots having an access panhandle whose length is greater than one-half the distance between the front and rear property lines may not be able to satisfy lot width requirements.

5. **Can a development proposal that includes an educational institution plus a residential facility in which the students are under supervision 24 hours per day and are restricted from leaving operate as an "educational institution not otherwise permitted" in the AR zone with a Conditional Use Permit? See K.C.C. 21.21A.050(K) and 21.44.030(D). Alternatively, can the development be permitted as a "specialized instruction school" under K.C.C. 21.21A.040(F) and 21.04.792?**

No. The educational institution is part of the larger correctional facility project, so the project cannot be considered an "educational institution" or a "specialized instruction school." The project is not a school open to members of the public; rather, the project is a school and associated restricted residential facility. That type of use is not permitted outright or with a CUP in the AR zone. The project would have to obtain a UUP for a correctional institution under K.C.C. 21.44.020(B).

6. Other matters.

The public hearing on the vesting ordinance has been postponed until January 12, 1992.

cc: Gordon Thomson
Henryk Hiller

JB:STS