



King County
Department of Development
and Environmental Services
3600 - 136th Place Southeast
Bellevue, Washington 98006-1400

TO: Bob Derrick
Greg Kipp
Terry Brunner
Harold Vandergriff
Mike Sinsky
Gary Kohler
Lisa Pringle
Anna Nelson
Ken Dinsmore
Ikuno Masterson

FM: Jerry Balcom *JB 1/9/95*

RE: Minutes of the November 18, 1994 Regulatory Review Committee Meeting

Present: Terry Brunner, Laura Casey, Susan Storwick, Gary Kohler, Ken Dinsmore, Gordon Thomson

1. Does the new zoning code (Title 21A) require a CUP for expansion of an existing, non-conforming school bus base? Does the zoning code establish a threshold for determining when a CUP is necessary?

K.C.C. 21A.32.090 states clearly that a nonconformance may be expanded subject to the approval of a CUP or SUP, whichever, is required by the zone the use would be permitted in. In determining the status of a nonconformance under K.C.C. 21A.32.030 (B) when there has been a change in the required permit review process, there are two approaches. One, if a nonconformance occurs under Title 21A only because of the type of permit required, then the use is not nonconforming. However, a CUP would still be needed to expand the use. Two, if the use is nonconforming under Title 21 and remains nonconforming under Title 21A, then section 030 (B) does not apply.

On the second, the question dealt with the authority to administratively waive the requirement for or to modify the conditions of an approved CUP for "minor alteration." There is no code authority for such action. A code amendment will be required if the department wishes to pursue such authority.

2. To what extent do new development standards apply at the construction permit stage when previous standards were applied to the property at the subdivision stage? Are short plats treated differently than formal plats with respect to this issue?

This is a revisitation of the "five-year" rule addressed in the minutes of the June 5, 1992 RRC meeting. RCW 58.17.170



states that: "Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval...for a period of five years after final plat approval..." Short plats are not covered in the definition of "subdivision" (RCW 58.17.020).

Short plats are not vested under RCW 58.17 for purposes of zoning. Although there has been some question as to whether the RCW vests zoning as well as segregation, we have considered formal plats vested for purposes of zoning. Also note that the new zoning code amended the exceptions section to waive new sensitive area requirements on multiple permit projects where the initial review (under earlier permits) has occurred within the last five years.

cc: Greg Borba
Laura Casey
Gordon Thomson