



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

## REGULATORY REVIEW COMMITTEE - MINUTES -

MEETING DATE: June 2, 1995

TO: Greg Kipp  
Anna Nelson  
Harold Vandergriff  
Mike Sinsky  
Lisa Pringle  
Gary Kohler  
Ken Dinsmore  
Pam Dhanapal

FM: Jerry Balcom *JB 6/14/95*

Present: Harold Vandergriff, Pam Dhanapal, Gary Kohler, Anna Nelson, Lanny Henoch,  
Gloria Chow, Henryk Hiller, Jerry Balcom

1. Do plat conditions expire after a certain period of time? What is the relationship between plat conditions and zoning code requirements when the zoning code requirements are more restrictive? When they are less restrictive?

The consensus of the committee was that plat conditions do not expire unless the conditions themselves contain an expiration date. However, lots that are subject to plat conditions remain subject to the zoning code as well. When a plat condition conflicts with a zoning code provision, the more restrictive of the two applies (see KCC 21A.02.040(C)).

A related question is which zoning code governs the development of the lot. Ordinance 11765, recently adopted by the King County Council, provides that lot owners in subdivisions or short subdivisions may choose to have Title 21 apply to their building permit applications for six years from the date of recording if a complete subdivision or short subdivision application was submitted prior to February 2, 1995. (Ordinance 11765 will be codified at KCC 21A.01.040(D).) After six years, Title 21A applies to the development proposal.

2. **If additional parking is to be added to a nonconforming parking lot, and the additional parking will meet code standards, is this considered an expansion of a nonconformance under KCC 21A.32.090?**

Under KCC 21A.32.090(A), an expansion of a nonconformance may be permitted as long as it does not increase the nonconformance. This means that something can be considered an "expansion" even though the new portion meets the current code (i.e., even though the nonconformance is not increased). As a result, the committee concluded that an enlargement of the existing parking lot would be considered an expansion of the nonconformance even if the new addition meets the current code. However, if the new parking is not connected to the existing parking (having its own entrance, for example, or being located on another side of the building), it would be considered a new development and not an expansion of the existing nonconformance.

The expansion of a nonconformance requires a CUP or SUP in accordance with KCC 21A.32.090.

We will propose a code amendment to clarify what constitutes an "expansion" of a nonconformance. In addition, we will evaluate the policy behind this section and consider whether a CUP/SUP should even be required for the expansion as well as whether and under what circumstances upgrading the existing development should be required when the nonconformance is expanded.

3. **Can landscaping that is otherwise required (e.g., perimeter landscaping) also count toward surface parking area landscaping if it is located adjacent to the parking area?**

No. The surface parking area landscaping is to be provided "within surface parking areas," while perimeter landscaping is to be provided along lot lines and streets (KCC 21A.16.050-.070). These are separate landscaping standards, and each must be complied with. There is no basis in the code for double counting.

It was noted that landscaping around the perimeter of the site that is in addition to the required perimeter landscaping may count toward surface parking area landscaping if it is adjacent to the parking surface.

We will propose a code amendment to clarify the relationship between required perimeter parking and surface parking area landscaping.

**4. Legislative Update.**

- A) Proposed Ordinance 95-243, amending the standards for coal mine hazard areas, was passed out of the GMH&E Committee on May 31, 1995. The proposal is about halfway through the required 60-day notice to the state and will go to the full council when that notice period is complete.
- B) Ordinance 11802 (Proposed Ordinance 95-158), which would remove "building coverage" as a separate standard, amend the impervious surface percentages and setback standards in certain residential zones, and reduce the base density in the RA 2.5 zone to one unit per five acres, was adopted by the County Council on May 30, 1995.
- C) Ordinance 11798 (Proposed Ordinance 95-162), clarifying the minimum density calculation and amending the definition of "Net Buildable Area," was adopted by the County Council on May 30, 1995.

JB:HH

cc: Bob Derrick  
Tom McDonald  
Mark Carey  
Ikuno Masterson  
Lanny Henoeh  
Gloria Chow  
Henryk Hiller