



**King County**

**Department of Permitting  
and Environmental Review**

35030 SE Douglas St., Ste. 210  
Snoqualmie, WA 98065-9266  
**206-296-6600** TTY Relay: 711  
www.kingcounty.gov

## **REGULATORY REVIEW COMMITTEE**

**- MINUTES -**

**MEETING DATE: September 3, 2015**

Minutes finalized October 2, 2015

**TO:** Jim Chan Steve Bottheim  
Wally Archuleta Chris Ricketts  
Sheryl Lux Steve Roberge  
Ty Peterson

John Starbard, Director  
Randy Sandin, Resource Product Line Manager and RRC Co-Chair  
Devon Shannon, Prosecuting Attorney's Office

**FM:** Lisa Verner, Legislative Coordinator and RRC Co-Chair

Present: Laura Casey, Sherie Sabour, Randy Sandin, Ty Peterson, Lisa Verner, Steve Roberge, Devon Shannon, Sheryl Lux, Wally Archuleta and Chris Ricketts.

**1. Is construction of a garage and connecting it to an existing single family residence allowed within an aquatic area buffer as an expansion of an existing structure.**

**Background**

In January 2014, the RRC revisited the question of whether a detached accessory residential structure could be built within an aquatic area buffer. The RRC concluded that the provisions in K.C.C. 21A.24.045.D.7 that allowed for replacement and/or expansion of existing residential structures did not allow for construction of a new detached residential structure within an aquatic area buffer. Since then, DPER staff have been advising prospective applicants that any proposed accessory structures needs to be attached to the existing house. One of the methods for connecting these structures is to construct a breezeway between the two up to ten feet long.

Discussion

K.C.C. 21A.24.045.D.7 allows for replacement and/or expansion of residential structures subject to several conditions. The one under discussion is the following:

7. Allowed only in grazed wet meadows or the buffer or building setback outside a severe channel migration hazard area if:

b.(1) for a legally established dwelling unit, the expansion or replacement, including any expansion of a legally established accessory structure allowed under this subsection B.7.b., does not increase the footprint of the dwelling unit and all other structures by more than one thousand square feet,

Footprint is defined in K.C.C.21A.06.512, as follows:

Footprint: the area encompassed by the foundation of a structure including building overhangs if the overhangs do not extend more than eighteen inches beyond the foundation and excluding uncovered decks.

To qualify as an expansion of an existing structure, the foundation of the existing structure would have to be expanded by no more than 1000 square feet. In the instant case, constructing a 62 foot long covered walkway to connect a proposed new garage with an existing residence would not be considered an extension of the footprint of the existing structure and would not be allowed under K.C.C. 21A.24.045.D.7.

The RRC took up a similar question in 2004 regarding how to determine when an accessory dwelling unit is in the same building as the primary structure. (see 7/14/2004 RRC minutes). The RRC concluded that if the accessory dwelling unit and a primary residence share a common wall, they are considered to be a single building. Where there is an intervening use, such as a garage or covered porch, the connection between the two units must be such that, taken as a whole, the structure functions as a single building. For example, a contiguous roof projection would allow the dwelling units to be physically separated by intervening uses or spaces, but still appear to be a single building. This same analyses would be applicable to this question. To qualify as an expansion of an existing structure, the foundation of the existing needs to be expanded and the connection between the two structures needs to be such that it appears to be a single structure.

Would a walkway or hallway between two structures qualify as an expansion of an existing structure? The International Building Code generally treats structures connected by a pedestrian walkway as separate structures. (see IBC Section 3104.2) The International Residential Code, Table R302.1(1) provides that where there is a minimum separation of ten feet between structures, they can be recognized as separate structures and are not required to have fire rated walls. By extension, separation of less than ten feet could be recognized as a single structure. A walkway of up to ten feet long with a minimum unobstructed width of not less than 36 inches or greater than 30 feet connecting a new structure with an existing structure could be considered an expansion of an existing structure and would be allowed provided the foundation and appearance criteria discussed above are met.

Conclusion

A covered walkway connecting a new structure with an existing structure may be allowed as an expansion provided the walkway is ten feet or less in length, the foundation of the existing structure is expanded to include the foundation of the new structure and the connection between the two and the connection between the two units must be such that taken as a whole, the structure appears to be a single building.

**2. Does KCC 21A.30.085 limit the total area within garages and storage buildings that may be used for activities associated with a home occupation?**

Background

KCC 21A.06.610 defines home occupations as “a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence.”

KCC 21A.30.085 addresses home occupations in the A, F and RA zones. Subsection A says the area devoted to the home occupation shall not exceed 20% of the floor area of the dwelling. Subsection B says garages and storage buildings are not included when calculating the area devoted to the home occupation but may be used for activities associated with the home occupation. Subsection C identifies the size of the outdoor area which may be used for activities associated with the home occupation.

Discussion

Home occupations are allowed uses in all zones. The County allows a business as a home occupation even in a zone where the business is not allowed as an outright, permitted use. Where the business is a permitted use in a zone, the business may operate as a home occupation and does not need to comply with the permitted use conditions.

The “20%” limitation on the floor area that can be used for the home occupation applies to the residence itself. Garages and storage buildings may be used for the activities of the home occupation and are not subject to the 20% limitation.

The caveat is that the home occupation is, and remains, subordinate to the primary use of the site as a residence. It must be an accessory activity. The residence must be occupied by the home occupation owner or a person associated with the business.

Conclusion

There is no limit on the amount of garage or storage building square footage which may be utilized by a home occupation as long as the home occupation is subordinate to the primary use of the site as a residence.

**3. If an applicant is seeking to amend a final short plat, must they comply with all of the criteria in KCC 19A.16.080?**

Background

An application was filed on behalf of clients who own two lots in a four-lot short plat. They are requesting removal of the “non-buildable lot” designation on their two lots. During the pre-application meeting, the applicant was told he needed to obtain the signatures of a “majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject short plat to be altered or any portion to be altered.” (KCC 19A.16.080.B) He argues he needs to comply with only KCC 19A.16.080.E because that section deals with removing non-buildable lot designations.

**19A.16.080 Alterations of final short plats.** Alteration of a final short plat may be approved by the department when consistent with the following requirements:

A. Alterations shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new short plat application, as set forth in this chapter.

B. Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject short plat to be altered or any portion to be altered.

C. If the short subdivision is subject to restrictive covenants that were filed at the time of the approval of the short subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the short subdivision or portion thereof.

D. Notice of alterations shall comply with the notice provisions of K.C.C. Title 20.

E. An alteration may be allowed to remove nonbuilding lot status on short subdivisions provided that no public dedications are required and original conditions of approval do not prohibit conversion of a nonbuilding lot to a building lot. Approval of such alteration requires completion of the original conditions of approval, and the application of new conditions for the lot, consistent with current standards, preparation of a new map page prepared by a land surveyor for recording and payment of all fees required for such review. (Ord. 13694 § 68, 1999).

### Discussion

KCC 19A.16.080 states “alteration of a final short plat may be approved by the department when consistent with the following requirements:...” The term “requirements” is plural and so includes all of the subsections A through E.

Subsection B only requires an applicant obtain a majority of owner signatures on those lots that will be altered by the application. For example, with an application for plat alteration of a four lot short plat where only two lots would be impacted by the proposed alteration, the applicant need only get signatures from the two lots that would be affected by the alteration to meet the requirements of KCC 19A.16.080.B.

### Conclusion

Applicants for alterations to final short plats must comply with all subsections of KCC 19A.16.080.A through E. The requirement for signatures in KCC 19A.16.080.B requires only that an applicant obtain signatures from a majority of those with a property interest within the plat that would be altered by the proposal.