REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: February 13, 1998

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
Chuck Maduell, Prosecuting Attorney's Office

FM: Sophia Byrd, Code Development Coordinator

Present: Terry Brunner, Jeff Bunnell, Pam Dhanapal, Lanny Henoch,
Priscilla Kaufmann, Gordon Thomson, Harold Vandergriff
(Susan Marlin, recorder)

Due to Sophia Byrd's absence and no representation from the Prosecuting Attorney's Office, this meeting was for discussion purposes only.

Issue:

1. Can density be shifted within sites (cross zones)? (K.C.C. 21A.12.200) (Lanny Henoch)

Discussion:

The issue concerns moving density within a project from one side of a zone boundary to another. The RRC Committee discussed the same issue on October 10, 1997. In this case, however, the discussion focused on whether different zoned lots could be combined to utilize the provisions of K.C.C. 21A.12.200. During the discussion the

committee determined that the explicit reference to the term " lot" limited application of the provision to " a physically separate and distinct parcel."

The issue before the committee at the February 13, 1998 meeting was whether the terms " lot," " site" and " parcel" are functionally equivalent for the purpose of applying K.C.C. 21A.12.200.

The committee discussed the definition of " lot" vs. " site."
K.C.C. 21A.06.725 defines " lot" as: " A physically separate and distinct parcel of property that has been created pursuant to K.C.C. Title 19, Subdivision."
K.C.C. 21A.06.1171 defines " site" as: " A single lot, or two or more contiguous lots that are under common ownership or documented legal control, used as a single parcel for a development proposal in order to calculate compliance with the standards and regulations of this title."

Opinion was divided within the committee. Some members felt that the code probably did not intend that density be shifted across " lots" with different zoning and that the interchange of the terms " lot," " parcel" and " site" within the definitions does not imply the elimination of lot lines. The argument is based on explicit reference within the definition of " lot" to distinct property created pursuant to the subdivision code. In the case of a " parcel" or " site" containing multiple lots, it is the lots that have been created pursuant to the subdivision code. It was also noted that the section was written as an effort to show deference to a property owner when they have a lot bisected by zone boundaries. By interpreting that this applies to a site, we are expanding what is allowed.

The alternative argument focuses on the definition of " site." In this case a site is seen as being the same as a parcel or a lot for purposes of applying standards and regulations. Applicants can therefore move density across zone boundaries based upon the definition of site.

Conclusion:
There was no resolution to the issue. However, the committee unanimously agreed that K.C.C. 21A.12.200 needs clarification. Also, an interpretation is needed on how to do lot averaging.

SB:sm