

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: April 10, 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
Kevin Wright, Prosecuting Attorney's Office

FM: Sophia Byrd, Code Development Coordinator

Present: Sophia Byrd, Jim Chan, Pam Dhanapal, Ken Dinsmore,
Lanny Henoch,
Joe Miles; Jon Pederson; Gordon Thomson (Susan Marlin,
recorder)

Issue:

1. **Does a single Sensitive Area tract, created through a subdivision, require an "undivided ownership" between all lots the sensitive area touches? (K.C.C. 21A.24.180) (Gordon Thomson)**

Discussion:

Several short plat applications have brought about the issue of sensitive area tracts and their ownership.

K.C.C. 21A.24.180 (B) states: " Any required sensitive area tract shall be held in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot or shall be held by an incorporated homeowner's association or other legal entity which assures the ownership, maintenance and protection of the tract."

Some applicants have requested the ownership of sensitive area tracts that are completely within the boundary of their proposed lot, and in the past this exception has been made. The argument taken by the applicants is that "other legal entity" could be the owner of the lot on which the sensitive area is located. This exception is not a written policy and as more projects with similar circumstances are being looked at, the need for a policy interpretation is considerable.

The intent of the code is that the sensitive area tract be held in an undivided interest by each owner or other legal entity to ensure protection of the tract. This can not be accomplished if the short plat has two or more lots and the sensitive area is owned by only one property owner. Also, a sensitive area tract must be one single tract and not divided or tied to lots.

It was agreed by the committee that there shall be no exceptions made to K.C.C. 21A.24.180 (B). It was further agreed that we need to define "other legal entity" as not an individual lot owner but a shared interest (e.g. land trust), even when the sensitive area tract is isolated. It would also be of benefit to amend the code to allow for access to sensitive area tracts where maintenance is needed, e.g. removal of hazardous trees.

Conclusion:

It was agreed that we would request an opinion from the Prosecuting Attorney's Office as to the definition of "other legal entity" and prepare an Administrative Interpretation to also clarify that a sensitive area tract must be one tract and not divided with the lots. Sophia will also meet with Jeff Stern and Susan Stewart to see if clarifying changes to K.C.C. 21A.24.180 (B) could be made to the current draft of the SAO.

2. Legislative Update

On Tuesday, April 7, the Growth Management Committee passed out the following proposed ordinances:

- 96-703, which would allow a 10 percent expansion of a legal nonconforming use without a conditional use permit (CUP);
- 98-050, which would extend to two years the time limit for a temporary sales office for a formal subdivision;
- 98-056, which would refine permit processing provisions of Title 20; and
- 98-241, which would amend Title 20 to address state SEPA rule changes.

The first three items likely will be on the full council agenda April 27; the final item likely will be on the full council agenda May 4.

SB:sm