



King County
Building & Land Development Division
Parks, Planning and Resources Department
3600 - 136th Place Southeast
Bellevue, Washington 98006-1400

June 15, 1992

TO: Greg Kipp
Lisa Pringle
Gary Kohler
Terry Brunner
George McCallum
Harold Vandergriff
Lisa Lee
Ken Dinsmore

FM: Jerry Balcom J?

RE: Minutes of February 14, 1992 Code Interpretation Meeting

Present: Jerry Balcom, Rick Bautista, George McCallum, Lisa Lee, Jerry Marbett, Susan Storwick, Ken Dinsmore, Karen Scharer, Brian Shea, Lydia Reynolds

1. (a) Can a development proposal occur on one lot owned by the applicant plus a fraction of an adjacent lot, where the adjacent lot fraction is leased to the applicant?

The requirements of Section 19.08.010 must be met before there can be a "sale, lease or transfer of ownership" of the adjacent lot fraction to the applicant. Under that section, a formal division of the adjacent property is needed to create a new lot out of the fraction to be leased to the applicant unless one of the listed exceptions apply. The exceptions include land divisions for utility facilities and boundary line adjustments that do not create a new lot: in those instances, a formal land division under Title 19 is not necessary. K.C.C. 19.08.010(D), (F).

For the adjacent lot fraction to be transferred to the applicant, then, one of the following must first occur:

(1) a formal division of the adjacent property creates a new lot out of the fraction to be transferred; (2) a boundary line adjustment occurs by which the adjacent fraction becomes part of the applicant's lot; or (3) the adjacent fraction falls under one of the other exceptions in K.C.C. 19.08.010. Once one of these mechanisms has been employed, the applicant can acquire the "fraction" (now actually a separate lot or part of the applicant's lot) by sale, lease, or transfer of ownership.

Note: Once an adjacent fraction has been combined with the applicant's lot to create a single building site, the use permitted on that site (as well as every other code requirement) applies to that entire building site, including



the adjacent fraction. K.C.C. 21.46.030. The entire building site must be maintained as a unit to meet code requirements.

- (b) **Is the lease line considered the lot line for the purpose of determining setbacks?**

Yes. Once the adjacent fraction has become a separate lot and is combined with the applicant's as a building site, or becomes part of the applicant's lot through a lot line adjustment, the "lease line" is a "lot line" and the setbacks are measured from the lot lines of the development site. See K.C.C. 21.04.930.

2. **How are setbacks measured for sites with communication towers?**

Setbacks are measured from the lot line to the outermost "drip line" of the tower, including all overhanging elements.

3. **Is an access easement considered a roadway for determining front yard setbacks?**

Yes. Under Section 21.04.825, a recorded easement that provides a primary means of access to abutting property is a "street." Front yards are measured from the lot front line (K.C.C. 21.04.930) and the "lot front line" is the line separating the lot from the street (K.C.C. 21.04.565).

4. **Does the failure to provide proper notice within 20 days after the county accepts a complete short plat application affect the vesting date?**

The short plat applicant is required to give notice within twenty days after a complete application is accepted by the county. K.C.C. 19.26.070(A). If proper notice has not been made by the specified date, the application is deemed withdrawn. For BALD to continue reviewing an application deemed "withdrawn," a new application date must be assigned to signify that the review process has begun again. That new application date would then become the vesting date for the application.

Part of the notice requirement is for the applicant to submit an affidavit of posting to B.A.L.D. K.C.C. 19.26.070(A). If the affidavit has not been received within a reasonable time after the application is accepted, the applicant may be notified of the need for the affidavit. If the applicant can produce the affidavit, the application review proceeds with the vesting date unchanged. Failure to produce an affidavit, which states that the notice was posted in a timely fashion, results in the application being withdrawn.

5. Can a nonconforming recreational establishment which includes camping activities, recreational vehicles, and mobile homes be legalized by obtaining a CUP under K.C.C. 21.44.030(L)?

Uses established prior to 1958 are legal and may continue. Additions to the facility after 1958 may or may not have been constructed legally. Detailed, historical information, together with an as-built of the existing recreational facility is needed before any determination can be made on individual structures.

6. Is a recreational hang-gliding club permitted outright in the F zone as "dispersed recreation" under K.C.C. 21.37.030(E)? What permits will the club need for a three-day hang-gliding competition?

K.C.C. 21.37.030(E) permits activities such as hang-gliding in the F zone. The county does not issue temporary land use permits. Permits from Public Safety, Licensing, and the Fire Marshal may be required for the competition.

JB:STS

cc: Gordon Thomson
Henryk Hiller