



King County
Department of Development
and Environmental Services
3600 - 136th Place Southeast
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TO: Bob Derrick
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FM: Jerry Balcom JB 1/9/95

RE: Minutes of the December 2, 1994 Regulatory Review Committee Meeting

Present: Jerry Balcom, Terry Brunner, Susan Storwick, Ken Dinsmore, Anna Nelson, Gordon Thomson

1. For the purposes of vesting, can an applicant pick and choose among and/or between codes?

There is no code provision to provide guidance on this issue. Case law apparently varies. Generally, the consensus of the group was that for administrative ease, an applicant should not be allowed to pick and choose among various code requirements. Therefore, if a provision in one code were advantageous to an applicant he/she would have to accept all of the provisions of that code applicable to their proposal. This issue will receive further review, before a departmental position is established.

2. To what extent must a request to vary from the provisions of the zoning code meet K.C.C. 21A.44.030 (D)?

The issue was raised because the provision that the need for the variance not be the result of deliberate action on the part of the applicant or property owner, could be read to mean that the request to vary from the code was in itself a "deliberate" act. Clearly this would obviate any possibility of approving a variance request. For example, someone requesting a side yard setback variance could simply build in conformance to the required setback instead of requesting the variance.

The committee agreed that the reference to "deliberate action" is meant to refer to previous actions and not those planned. A code amendment may be necessary to clarify the language.

3. Legislative Update

a. GMA development regulations were considered by GMHE committee on December 1 and 2, 1994. A hearing before the full council is scheduled for December 12, 1994.

b. The governor's task force on regulatory reform is considering draft bills from the SEPA/GMA subcommittee. The significant proposals would tie SEPA mitigation to development regulations, and would require that permits be processed within specified time periods.

cc: Gordon Thomson