REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: January 30, 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: Lynn Baugh, Jeff Bunnell, Sophia Byrd, Ken Dinsmore, Lanny Henoch, Priscilla Kaufmann, Pete Ramels, Gordon Thomson, Harold Vandergriff
(Susan Marlin, recorder)

Issue:

1. Where are paint ball facilities allowed? (Brenda Wood/Ken Dinsmore)

Discussion:

There is no Standard Industrial Classification (SIC) reference number listed for paint ball facilities. Sophia made an earlier contact and posed this question to the United States Office of Management and Budget. She was told that they have had other inquiries and would place it under SIC 7999 -- Amusement and Recreation Services.

The group discussed whether it best falls within Amusement and Recreation Services or if it could be considered under SIC 7997 -- Membership Sports and Recreation Clubs. Sports clubs are allowed with a Conditional Use Permit in the Rural, Urban Reserve, Urban Residential, and Neighborhood Business zones. They are permitted outright in

the Community Business and Regional Business zones. If the paint ball facility provides membership, it could fall under the Sports clubs classification.

K.C.C. 21A.02.070 speaks to the interpretation of Standard Industrial Classifications. These provisions give the Director the authority to allow uses that are not enumerated in the code. The Director could determine that the paint ball facility be included within SIC 7997 -- Amusement and Recreation Services and require a Conditional Use Permit. K.C.C. 21A.02.070 D. states:

> " The Director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a SIC classification is allowed in a zone. The director's determination shall be based on whether or not permitting the proposed use in a particular zone is consistent with the purposes of this title and the zone's purpose as set forth in K.C.C. 21A.04, by considering the following factors:
>
> 1. The physical characteristics of the use and its supporting structures, including but not limited to scale, traffic and other impacts, and hours of operation;
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> 2. Whether or not the use complements or is compatible with other uses permitted in the zone; and
>
> 3. The SIC classification, if any, assigned to the business or other entity that will carry on the primary activities of the proposed use."

The question was then raised as to the appeal process. What is the appeal process (if any) for a director decision?

Conclusion:
The question to the appeal process will be reviewed closely by Pete Ramels (Prosecuting Attorney's Office). Ken Dinsmore will talk further to the applicant about whether or not his paint ball facility has a membership. We will follow-up on the appeal and membership issues at the next available meeting.

Issue:
2. When a site consisting of more than one lot is developed, do the lot line standards apply to the lot lines within the site? (Priscilla Kaufmann)

Discussion:
The concern arose because under the application of development standards for a commercial site development permit (K.C.C. 21A.41.060), it calls out the ability for the director to modify lot-based or lot line requirements.

The definition of site in K.C.C. 21A.06.1171 is:

> " Site. 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."

To demonstrate common " documented legal control," the department requires multiple owners of multiple lots to designate one " applicant" and indicate by signing a Certificate of Applicant Status. Completion of this form by all owners complies with the requirement of legal control.

The standards are found in Chapters 21A.12 and 21A.30; 21A.12 contain the density and dimensional requirements and 21A.30 contain standards for animals, home occupations, and home industries.

K.C.C. 21A.12.130 speaks to setback modifications and allow buildings to be placed across boundaries.

Conclusion:
When a site consisting of more than one lot is developed, lot line standards within the site may be adjusted, provided that the developing area qualifies as a " site" as defined in K.C.C. 21A.06.1171. If the area being developed is owned by more than one individual or legal entity, then they must demonstrate common " documented legal control" as required by K.C.C. 21A.06.1171.

After a wide circulation for comments and discussion, determination has been made by Division Managers on the following two items:

3. Is a commercial site development permit required for development proposals on a site consisting of more than one lot and more than one owner? (Priscilla Kaufmann)

No. A commercial site development permit is an available option to applicants, but is not required when one or more contiguous lots, under separate ownership, are included in single site under a development proposal, provided there is documented legal control. Documented legal control can consist of, but is not limited to, all property owners signing the Certification of Applicant Status or the Certification and Transfer of Applicant Status. Other methods of documented legal control are also acceptable.

4. Is a proposal vested to the codes in effect as of the date of a pre-application meeting? (Priscilla Kaufmann)

No. This is not a vesting issue. The vesting point is at the time of a completed application.

K.C.C. 20.20.030 (A.2) reads:

> " Information presented at or required as a result of the pre-application conference shall be valid for a period of 180 days following the pre-application conference. An applicant wishing to submit a permit application more than 180 days following a pre-application for the same permit application shall be required to schedule another pre-application conference."

This section of code means that the *interpretation of the code* in effect as of the date of the pre-application meeting is valid for 180 days following the pre-application meeting, but the proposal is not vested to the code in effect as of that date. If the code is changed during the 180 days following the pre-application meeting, the application must comply with those changes.

K.C.C. 20.070 clearly state that " Applications … shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all the requirements of this chapter." Therefore vesting does not occur until (1) an application is received, and (2) the application is determined to be complete.

5. Legislative Update

On January 26 the full Council adopted Proposed Ordinance 97-727, adopting phosphorous standards for the Lake Sammamish drainage basin. The signed ordinance will be distributed pending the Executive's signature.

The Temporary Sales Offices proposed ordinance will go to Council next week. The ordinance eliminates the one year time limit under K.C.C. 21A.32.180.

SB:sm

cc: Pete Ramels, Prosecuting Attorney's Office