



**King County**  
**Department of Development and Environmental Services**  
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## **REGULATORY REVIEW COMMITTEE**

**- MINUTES -**

**MEETING DATE:** August 23, 2000

**TO:** Building Services Division Staff                      Land Use Services  
Division Staff

Chris Ricketts	Joe Miles
Nathan Brown	Greg Borba
Beth Deraitus	Lanny Henoch
Pam Dhanapal	Lisa Pringle
Ken Dinsmore	Gordon Thomson

Caroline Whalen, Deputy Director  
Kevin Wright, Prosecuting Attorney's Office

**FM:** Harry Reinert, Special Projects Manager

Present: Tim Barnes (PA), Ken Dinsmore, Harry Reinert, Susan Marlin (Recorder)

Issue:

- 1. In the Mineral zone, mineral extraction and processing is a permitted use (K.C.C. 21A.08.090). Can the mineral processing be of minerals from off-site? (Ken Dinsmore)**

Discussion:

K.C.C. 21A.08.090A lists Mineral Extraction and Processing as a permitted use in the Mineral zone. In addition, K.C.C. 21A.04.050 states that the purpose of the Mineral Zone is to "provide for the continued extraction and processing of mineral and soil resources...." The use of the word "and" requires that the extraction and processing must be done on the site. Transporting materials from off-site for processing is not allowed. The type of processing may vary by site. In some cases it may involve only transporting materials off site. In others, it may involve crushing rock or other more intensive processing activities.

Conclusion:

In the Mineral Zone, mineral processing is limited to material mined on site.

Issue:

2. If one has a nonconforming use of an interim recycling facility (K.C.C. 21A.06.640) performing only organic waste processing, and wishes to add drop boxes, would this be a modification (K.C.C. 21A.32.055) or an expansion (K.C.C. 21A.32.065) of nonconforming use?

If this is considered to be a modification, what is meant by complying with the review process under K.C.C. 21A.42.010? (Ken Dinsmore)

Discussion:

The issue concerns a particular organic waste processing facility, which is a non-conforming use, and whether the addition of drop boxes would be an expansion or modification. Drop boxes are specifically included as one of the activities allowed at an interim recycling facility (K.C.C. 21A.06.640A).

Under K.C.C. 21A.32.065, the types of activities listed as an expansion of a non-conforming use generally relate to increases in the physical extent of a use, e.g. an increase building square footage or amount of impervious surface. Under K.C.C. 21A.32.055, a modification to a "use, structure, or site improvement" may be approved if the modification does not expand an existing non-conformance or create a new non-conformance. Therefore, a modification to a non-conforming use involves changes that do not increase the physical extent of the use. The addition of drop boxes to an existing interim recycling facility as another means for collection would be a modification of the non-conforming use, not an expansion.

K.C.C. 21A.32.055 requires the department to use the code compliance review process provided for in K.C.C. 21A.42.010 in the review of a proposed modification. The code compliance review process applies to building permits, grading permits, and temporary use permits. Drop box installation in an interim recycling facility does not require any of these permits.

Conclusion:

An interim recycling facility that is a non-conforming use that wishes to install drop boxes must do so as a modification to its existing permit under K.C.C. 21A.32.055. Since the installation of drop boxes does not require a building, grading, or temporary use permit, the provisions of K.C.C. 21A.42.010 are inapplicable.

HR:sm

cc: Tim Barnes, Prosecuting Attorney's Office