



King County
Department of Development
and Environmental Services
3600 - 136th Place Southeast
Bellevue, Washington 98006-1400

TO: Chuck Kleeberg
Greg Kipp
Terry Brunner
Harold Vandergriff
George McCallum

Gary Kohler
Lisa Pringle
Lisa Lee
Ken Dinsmore

FM: Jerry Balcom JB 4/20/94

RE: Minutes of the April 1, 1994 Regulatory Review Committee Meeting

Present: Jerry Balcom, Terry Brunner, Ken Dinsmore, Laura Casey, Gordon Thomson

1. May a family rent an entire residence, including an accessory dwelling unit without violating the "owner-occupier" provisions in K.C.C. 21.08.030 (B)?

The RS zone allows accessory dwelling units, provided the house must be owner-occupied. K.C.C. 21.04.315 defines "dwelling unit" as "one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. A bachelor apartment constitutes a dwelling unit within the meaning of this title." The committee concluded, therefore, that regardless of whether an entire family rents all or part of a dwelling unit, an accessory dwelling unit may only be rented when the primary dwelling unit is occupied by the owner of the residence.

2. Can a new, accessory structure be constructed within the sensitive area buffer if the total footprint of all new construction does not increase the existing structure's footprint by more than 1,000 square feet?

This is an update of the September 27, 1991 minutes which addressed this issue. Since then the issue has been discussed frequently outside of the regular RRC meeting, a code interpretation was drafted and circulated, and an ordinance recently adopted amending certain provisions in 21.54 and 21A.24.

The committee concluded that any new residential construction has to be connected to the primary residential structure to qualify for the exemption under K.C.C. 21.54.030. This is

supported by the clear proviso in the amendment (Ordinance 11273) to the general exemptions section which states: "...modification, addition, replacement or related activity does not increase the existing footprint of the residence..." The exemption, therefore extends only to an increase in the footprint of the existing structure. Ordinance 11273 also amends K.C.C. 21.54.030 and K.C.C. 21A.24. by adding a new allowed alteration for steep slopes, wetlands, and streams. The allowed alteration section accomodates the reconstruction, remodeling, or replacement of existing structures upon another portion of an existing impervious surface which intrudes upon a sensitive area or sensitive area buffer. This provision could allow for the construction of a new accessory structure within a sensitive area or sensitive area buffer if the new accessory structure replaced an existing structure. The allowed alteration amendment, however, will not provide relief in all instances in which an exemption cannot be granted. In most cases, the constrction of new accessory structures within a sensitive area will continue to require a variance or reasonable use exception.

In summary, therefore, a new accessory structure does not qualify for an exemption. A new accessory structure, however, may qualify as an allowed alteration. Once effective, ordinance 11273 and a summary will be circulated amongst DDES staff.

cc: Laura Casey
Gordon Thomson

JB:GT