



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

## REGULATORY REVIEW COMMITTEE - MINUTES -

MEETING DATE: February 24, 1995

TO: Bob Derrick Gary Kohler  
Greg Kipp Lisa Pringle  
Terry Brunner Anna Nelson  
Harold Vandergriff Ken Dinsmore  
Mike Sinsky Ikuno Masterson

FM: Jerry Balcom JB 3/6/95

Present: Chris Treichel, Pam Dhanapal, Susan Storwick, Terry Brunner, Harold Vandergriff, Ken Dinsmore, Henryk Hiller

1. A property's "net buildable area" is defined as the site area less certain other areas, including the following: "Areas required to be dedicated or reserved as open space or active or passive recreation areas" (KCC 21A.06.797).

a) Is required open space the same as "on-site recreation," or does it refer to something else?

The new zoning code does not have a definition of "open space." The areas that constituted "open space" under the old zoning code are now subsumed within "on-site recreation" (see KCC 21.14.180). As a result, the reference to "open space" in KCC 21A.06.797 does not refer to anything other than the on-site recreation areas. We will propose a code amendment to remove references to "open space" in Title 21A.

b) Is a utility easement area included as part of the "net buildable area" under KCC 21A.06.085?

The entire site area (KCC 21A.06.1172) is included in "net buildable area" except for those portions listed in KCC 21A.06.797(A) through (D). None of those provisions specifically refers to utility easements. As a result, a utility easement area would be included within a site's "net buildable area" except to the extent that one of the listed features (such as required on-site recreation) is located within the easement area.



2. A building burned down within the past year but before Title 21A took effect. At the time it burned down, the building conformed to zoning code standards. That same building would now be structurally nonconforming under Title 21A. If the building is now rebuilt, must it conform to Title 21A standards?

If the structure that burned down is considered to be "nonconforming" under Title 21A, it may be reconstructed if a building permit application is submitted within 12 months of its destruction (KCC 21A.32.070). If the structure is not considered to be "nonconforming," it would have to meet current code requirements.

We look to KCC 21A.32.030 to determine whether the structure is considered "nonconforming" under the code. KCC 21A.32.030(A) provides that "any use, structure or other site improvement . . . which was legally established prior to the effective date of this title shall be considered nonconforming if . . . the use does not comply with the density, dimensions, landscaping, parking sign or residential design standards" of Title 21A.

Some committee members felt that a building that has burned down cannot be a "use, structure or other site improvement" under Title 21A because nothing existed on the date the code went into effect. Other committee members felt that even though the building burned down, it was still a structure that was legally established prior to the effective date of Title 21A and so does fall within the criteria of KCC 21A.32.030(A). We therefore decided that a formal interpretation of these provisions is needed and that a code amendment may be necessary to provide a window during the transition to the new code for the reconstruction or re-establishment of structures or uses that had been destroyed or discontinued in the months prior to the effective date of Title 21A.

JB:HH

cc: Pam Dhanapal  
Chris Treichel  
Susan Storwick  
Rick Bautista  
Henryk Hiller