

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: October 3, 1997

TO: Building Services Division Staff

Lynn Baugh
Chris Ricketts
Pam Dhanapal
Terry Brunner
Ken Dinsmore
Priscilla Kaufmann

Land Use Services Division Staff

Mark Carey
Lisa Pringle
Marilyn Cox
Lanny Henoch
Gordon Thomson

Greg Kipp, Deputy Director
Michael Sinsky, Prosecuting Attorney's Office

FM: Sophia Byrd, Code Development Coordinator

Present: Sophia Byrd, Priscilla Kaufmann, Gordon Thomson, Lanny Henoch, Gary Kohler, Michael Sinsky, Fereshteh Dehkordi

1. Density requirement if Residential Incentives are used (K.C.C.21A.36) (Lanny Henoch)

This issue was addressed in part at the June 27, 1997 RRC meeting. The minutes from that meeting reflect that the committee determined that it is optional on the part of a developer to accept increased density. The committee also determined that a Code Interpretation was necessary to clarify the issue. Since then, two additional issues have been raised by staff. They are: 1) Is a benefit required if the proposal is to develop a property with apartments under RDI at or below the base density?, and 2) Can the number of apartment dwelling units be limited by the benefit proposed by the developer?

1) The committee determined that whereas a density increase is optional under RDI, the requirement for a benefit is mandatory, regardless of whether or not the proposed number of dwelling units is at or below base density. However, the committee acknowledged that the code is silent on how to calculate the amount of the benefit.

Under this determination, a developer could propose apartments up to the base density under RDI with no more than a single benefit.

2) The committee determined that the number of apartment dwelling units can not be limited by the amount of the benefit proposed by the developer. Again, the committee determined that the code is silent on the number of units allowed under RDI if the density does not exceed the base density for the zone.

The committee voted 4 to 1 in support of determinations #1 and #2. The committee voted unanimously that a Code Interpretation should include the issues addressed by both determinations. Lanny Henoch and Gordon Thomson are drafting the interpretation.

It was also observed that there is a conflict between the Use Table in K.C.C. 21A.08.030 which indicates the applicability of RDI to the R-1 through R-8 zones under footnote #5, and K.C.C. 21A.34.020(A) which limits application of RDI to the R-4 through R-48 zones. The committee recommended that a code amendment be pursued to correct this error and to clarify the intent of the RDI regarding a requirement for density above the base density, and the amount of benefit required for proposals developing at or below the base density.

2. Significant Trees SDO and the Rural Area (SO-220) (Vaughn Norris)

Vaughn was not able to attend the meeting. The committee deferred the issue until Vaughn may attend and until a map illustrating the location of the Urban/Rural line and the SDO may be obtained from GIS.

3. Commercial Site Development Permit

Upon determining that it would be in keeping with the intent of the code, a decision was made by the Director to pursue a Code Interpretation in support of allowing development of single family residential units under a Commercial Site Development Permit.

4. Legislative Update

The Conversion Option Harvest ordinance was passed by the Council. Copies will be circulated with a description of the amendments.

SB:sm

cc: Fereshteh Dehkordi, Planner, Land Use Services Division
Gary Kohler, Planner, Land Use Services Division