

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: February 6, 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: Pam Dhanapal, Jeff Bunnell, Sophia Byrd, Ken Dinsmore, Lanny Henoch, Priscilla Kaufmann, Pete Ramels, Harold Vandergriff (Susan Marlin, recorder)

Issue:

1. **Continuing discussion from January 30 RRC meeting on where are paint ball facilities allowed? (Brenda Wood/Ken Dinsmore)**

Discussion:

After further review with the applicant, Ken Dinsmore reported that the paint ball facility has no membership and would not be considered under SIC 7997 -- Membership Sports and Recreation Clubs.

Pete Ramels (Prosecuting Attorney's Office) discussed the appeal process when the Director makes the determination to allow uses that are not enumerated in the code (K.C.C. 21A.02.070). The group determined that a Conditional Use Permit (CUP) is required for a use not enumerated in the code and if the property owner disagrees with that decision, there is technically no appeal to that decision. However if the use is established without the required CUP, then the

property owner is subject to the Notice and Order proceeding of K.C.C. 23.12. The Notice and Order may then be appealed pursuant to K.C.C. 23.12.060. If the use is established through a CUP, the decision on the CUP can be appealed pursuant to K.C.C. 20.20.090.

Conclusion:

The group agreed that a future code amendment is needed to clarify the permitted uses under SIC 7999 -- Amusement and recreation services (K.C.C. 21A.08.040 A).

Issue:

**2. Continuing discussion from January 30 RRC meeting on the vesting point of codes in effect as of the date of a pre-application meeting and to what degree DDES is bound by "information" provided at a pre-app meeting.
(Priscilla Kaufmann)**

Discussion:

Pete Ramels (Prosecuting Attorney's Office) reiterated that vesting does not occur until the department determines an application is complete. K.C.C. 20.20.030 (Pre-application conferences) does not bind us to any discussion that occurs at the pre-application conference on the merit of the proposal's compliance with adopted regulations. Rather, the intent of K.C.C. 20.20.030 is to clarify what is needed for a complete application.

Conclusion:

The group agreed that staff must use discretion in discussing the merit of the proposal at the pre-application meeting because the discussion may later be viewed by the applicant as a binding agreement, particularly if written minutes are taken, which is the practice at Building Services Division pre-application meetings. It was further agreed that in-house training is needed for staff participating in pre-application conferences. It was suggested that the department look at amending K.C.C. 20.20.030 A.2, "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" ; to clarify that this is information presented by the applicant, not DDES.

Issue:

3. What roadway standards are required for apartment and townhouse building permits? (Priscilla Kaufmann)

Regulatory Review Committee Minutes

Meeting Date: February 6, 1998

Page 3

It was agreed that this discussion will be delayed until a representative from Roads can attend.

4. Legislative Update

The Growth Management Committee unanimously passed Proposed Ordinance 96-937, awning and projecting sign requirements, on February 3. It will be on the full Council consent agenda within the next few weeks.

Proposed Ordinance 97-281, omnibus first quarter amendments to Title 21A, was discussed and will be an action item on the February 17 GM Committee agenda.

Proposed Ordinance 96-703, nonconforming uses, is scheduled for GM Committee February 17.

Proposed Ordinance 98-050, temporary sales offices, will be on the GM Committee agenda within the month.

SB:sm

cc: Pete Ramels, Prosecuting Attorney's Office