

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: October 9, 1998

TO: Building Services Division Staff

Lynn Baugh
Chris Ricketts
Pam Dhanapal
Ken Dinsmore
Priscilla Kaufmann

Land Use Services Division Staff

Mark Carey
Lisa Pringle
Greg Borba
Lanny Henoch
Gordon Thomson

Greg Kipp, Deputy Director
Kevin Wright, Prosecuting Attorney's Office

FM: Sophia Byrd, Code Development Coordinator

Present: Sophia Byrd, Cheryl Carlson, Jim Chan, Tom Fitzpatrick, Lanny Henoch, Gordon Thomson, Harold Vandergriff, Susan Marlin (Recorder)

Issue:

1. **What is our authority to require MPS fee payment at the preliminary short plat stage and should we be applying MPS retroactively to property already developed? (K.C.C. 14.75.070) (Jim Chan)**

Discussion:

K.C.C. 14.75 says applicants shall pay an MPS fee at issuance of a development permit. However, in the case of plats, short plats, etc., the developer may defer payment until building permits are issued. The group discussed the question that if the Department failed to assess the fee at one of these times, could we require payment at the alternate time. The problem lies when the development occurs in different order than assumed by code, e.g. a building permit is issued first and then a short plat.

Conclusion:

It was agreed that this issue needs to be clarified. Either the fees need to be paid before recording or paid when the building permit is issued. Harold Vandergriff will research the permit center's MPS fee policy. Sophia Byrd will formulate a question for the Prosecuting Attorney's Office response and further discussion will be scheduled for the next RRC meeting.

Addendum:

Harold Vandergriff's research found that there apparently was never any formal or written determination to not charge the fee for accessory units. It has merely become the practice to not charge. The RRC will discuss whether to continue this practice.

Issue:

2. **K.C.C. 21A.12.170 I. allows various structures, including sprinkler systems, electrical and cellular equipment cabinets and other "similar utility boxes and vaults" to be located within setbacks. Does a "secondary hub" for cable TV systems qualify as a "similar utility box or vault?" (Tom Fitzpatrick)**

Discussion:

The code does not address size limitations of utility boxes and vaults.

Conclusion:

This issue will be clarified in a public rule currently being drafted.

SB:sm