



King County
Permitting Division
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Regulatory Review Committee (RRC) - Minutes -

Meeting Date: January 23, 2020

Minutes finalized: February 12, 2020

TO: Jim Chan, Director
Mark Rowe, Assistant Director
Devon Shannon, Prosecuting Attorney's Office
Ramon Locsin, Urban Product Line Manager
Doug Dobkins, Residential Product Line Manager
Ty Peterson, Commercial Product Line Manager
Sheryl Lux, Code Enforcement Product Line Manager
Chris Ricketts, Building Official and Fire Marshal

FM: Christine Jensen, Legislative/Policy Analyst and RRC Co-Chair
Kevin LeClair, Principal Subarea Planner and RRC Co-Chair

Present: Kevin LeClair, Sheryl Lux, Ty Peterson, Wally Archuleta, Ramon Locsin and Scott Smith.

1. Concerning boundary line adjustments of rural area lots that do not meet the minimum lot size in the given zone.

Indexes

Subjects: Boundary line adjustment, minimum lot size, building site, and nonconformance
Code: 19A.04.060, 19A.28, 21A.12, and 21A.32

Background

This issue was prompted by an inquiry from a rural area property owner of two adjacent, developed properties with RA-5 zoning. The property owner wants to request a boundary line adjustment of the two properties in order to make one of the properties comply with

the minimum lot size requirement for a property within the RA-5 zone, which is 3.75 acres per King County Code (K.C.C.) 21A.12.030. The two properties are each currently 2.45 acres in size. The proposal is to adjust the boundary line in such a way that the resulting lots would measure 1.2 acres and 3.75 acres in size.

The stated intention of the property owner is to enlarge one of the properties in order to build a new primary dwelling on the resulting larger parcel and convert an existing structure on the property to a detached, accessory dwelling unit.

The property owner contends that the proposed boundary line adjustment would result in having only one lot that is non-compliant with the minimum lot standard in K.C.C. Chapter 21A.12, where there are currently two non-compliant lots.

Discussion

The committee first discussed the Permitting Division's long-standing practice of not approving boundary line adjustments that would result in lots that do not comply with the minimum lot size of a given zoning classification.

In this case, the owner is arguing that by reconfiguring the lot lines, the result would be one lot that would conform with the minimum lot area and one that does not conform, which would be a net improvement in conformance when taken together. The committee understood the logic of this argument but then discussed that the provisions of nonconformance outlined in K.C.C. Chapter 21A.32 apply to "use, structures, and improvements." The matter of site area is not an issue of conformance per K.C.C. Chapter 21A.32, but rather compliance with the zoning code's dimensional standards in K.C.C. Chapter 21A.12 and the definition of building site in K.C.C. 19A.04.060.

The committee then discussed that Boundary Line Adjustments may only be approved in accordance with K.C.C. Chapter 19A.28 and in conformance with K.C.C. 21A.02.040. K.C.C. 19A.28.020 states that "a boundary line adjustment proposal shall not:... a. Result in a lot that does not qualify as a building site pursuant to this title." K.C.C. 21A.02.040.B, states "Creation of or changes to lot lines shall conform with the use provisions, dimensional and other standards, and procedures of this title and Title 19, Subdivisions." (emphasis added) The resulting lot dimension of one of the resulting parcels would not comply with the minimum lot dimensional standards in K.C.C. Chapter 21A.12. Therefore, the committee does not agree that the code would allow approval of the boundary line adjustment.

Similarly, this same standard has been regularly applied over the years when property owners have attempted to resolve either building setback nonconformities or outright encroachment issues by requesting a boundary line adjustment. When the lots involved do not meet the minimum lot area prescribed for the zone, the Permitting Division does

not approve boundary line adjustments where there is any reduction in square footage of the lots involved.

The committee also spent a short amount of time discussing the rural area in general and its definitions in the King County Zoning Code (K.C.C. 21A.04.060) and the purpose of the rural area as described in the King County Comprehensive Plan.

Conclusion

Although the committee could understand and sympathize with the argument of creating one lot that complied with the minimum lot size as a means of improving conformity, the Division cannot approve a boundary line adjustment of a lot if the resulting lot does not meet the minimum lot area dimensional standard.