

Regulatory Review Committee (RRC) Minutes

Meeting Date: July 27, 2023

Minutes finalized: August 8, 2023

TO: Jim Chan, Division Director
Mark Rowe, Deputy Division Director
Jina Kim, Senior Deputy Prosecuting Attorney
Doug Dobkins, Single Family Residential Product Line Manager
Tom Campbell, Code Enforcement Product Line Manager
Ty Peterson, Commercial Product Line Manager
Chris Ricketts, Building Official and Fire Marshal
Scott Smith, Development Engineer

FM: Robin Proebsting, Legislative/Policy Analyst and RRC Chair

Attendees: Doug Dobkins, Scott Smith, Ty Peterson, Robin Proebsting, Jina Kim, Tom Campbell, Tracy Cui, Sherie Sabour, Jacqueline Reid

1. Concerning P-suffix condition VS-P28 Vashon Town Plan – Town Core, King County Code (K.C.C.)¹ KCC21A.12.040, KCC21A.16.050, Determination on street setback and landscaping requirements along Vashon Hwy SW.

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Subjects: Setbacks, P-suffixes

Code: P-suffix condition VS-P28, KCC21A.12.040, KCC21A.16.050

Background

A permit (COMM22-0016) submitted for review proposes to construct a new building on a site zoned CB-P-SO located on Vashon Hwy SW. The eight existing buildings on this street have 0-foot or minimal setbacks.

Standards that apply to the building site include:

- **P-suffix condition VS-P28²**, which requires that buildings fronting on streets not be set back over 10 feet from property lines, except to provide for landscaping, courtyards and other pedestrian or seating areas, and outdoor eating areas;
- **KCC 21A.12.040**, which requires a minimum setback of 10 feet; and

¹ https://www.kingcounty.gov/council/legislation/kc_code.aspx

² <https://kingcounty.gov/depts/local-services/permits/property-research-maps/property-specific-development-conditions/Psuffix/Vashon/VS-P28.aspx>

- **KCC 21A.16.050**, which requires commercial development to provide 10 feet of landscaping along street frontages.

Since there are two different standards that apply to setbacks for this permit application, there was a question regarding which standard applies (or if both do, resulting in a setback of exactly 10 feet).

Discussion

The King County Code provides guidance in two sections that address code standards that are inconsistent with one another:

1. **21A.04.150 Map classification - property-specific development or P-suffix standards:** The purpose of the property-specific development standards classification (- P suffix to zone's map symbol) is to indicate that conditions beyond the minimum requirements of this title have been applied to development on the property, including but not limited to increased development standards, limits on permitted uses or special conditions of approval.”

The provision indicates that P-suffix standards supersede those in Title 21A, which apply to all properties. The phrases “beyond the minimum requirements” and “increased development standards” imply that the more specific standards provided by the P-suffix should be applied to a project.

2. **21A.02.060(A) Interpretation:** In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

The P-suffix setback standard and the K.C.C. 21A zoning setback and landscaping standards are inconsistent in that they require different standards for the same aspect of design (i.e., the distance a building frontage must be from the adjoining street). While this code section speaks to land uses, the principle behind it is that the regulation that is specific to a subset of applications is the one that applies where there is inconsistency or conflict. Here, there is a regulation that applies to a specific geography (VS-P28, which is specific to the Vashon Town Core); therefore, it supersedes the regulation of general application (K.C.C. 21A.12.040 and 21A.16.050) that is inconsistent or in conflict.

Conclusion

P-suffix condition VS-P28 supersedes zoning standards in 21A. Therefore, based on the applicable conditions, a setback must be 10 feet or less from the street frontage unless it includes landscaping, courtyards and other pedestrian or seating areas, or outdoor eating areas. The provisions for average width of perimeter landscaping in 21A.16.050 are superseded by the P-Suffix when less than a 10-foot street setback is proposed.