

# LEGAL NONCONFORMING BUILDINGS AND STRUCTURES



## REQUEST SUMMARY

How is a building or structure determined to be legal nonconforming?

## INTERPRETATION

A legal nonconforming building or structure is one that met all applicable building codes and development regulations at the time of construction. This includes improvements that were built when under the jurisdiction of King County, prior to the incorporation of the City of Sammamish. Any development approved via variance or exception does not fall within the definition of nonconformance.

*David Pyle 05/24/2024*

[David Pyle 05/24/2024 \(May 24, 2024 08:17 PDT\)](#)

## CONTEXT, FACTS, AND FINDINGS

Sammamish Municipal Code (SMC) [21.04.040.B.241](#) defines Nonconformance as *any use, improvement or structure established in conformance with the City's rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone or to the current development standards of the code due to changes in the code or its application to the subject property.*

Since many homes and commercial shopping centers in Sammamish were built under the jurisdiction of King County prior to the City's incorporation in 1999, much of the City is archived by King County.

Even though King County began issuing building permits in 1941, permit records were not required to be retained until 1972. Then in 1974, the Washington State Senate adopted Senate Bill 2634, also known as the State Building Code Act. This legislation required all cities and counties to enforce building codes to promote the health, safety, and welfare of the general public. Additionally, all cities and counties were required to maintain a record of all issued permits.

Therefore, any structures legally constructed after 1974 would have associated building permits issued by either King County or the City of Sammamish.

### Related Code References

SMC 21.04.040.B.241 – Nonconformance definition

SMC 21.09.130 – Nonconformance regulations

SMC 16.20 – Construction Administrative Code

### Resources

[King County iMap](#)

[Sammamish Property Tool](#)

### Questions?

[Submit Project Guidance](#)

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As regulations within the City of Sammamish have changed multiple times since incorporation, there are homes and other existing development that may not meet current regulations for setbacks, height, or other such standard. However, these improvements are to continue in accordance with [SMC 21.09.130.C](#).

Records that may document that a building or structure is legal conforming may include, but are not limited to, King County permit records, City of Sammamish permit records, historic aerial photographs, insurance records, and King County Assessor's records.

Any development entitled by a variance or exception (such as Zoning Variance, Shoreline Variance, Reasonable Use Exception, or similar approval) is not a "nonconformance" as defined in SMC [21.04.040.B.241](#), since it was not built or constructed in conformance with regulations in effect at time of establishment and is therefore subject to the restrictions imposed through the variance or exception permit approval.