



King County
Building & Land Development Division
Parks, Planning and Resources Department
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FM: Jerry Balcom JB 12/22/92

RE: Minutes of the December 18, 1992 Code Interpretation Meeting

Present: Kyle Evans, George McCallum, Ken Dinsmore, Gordon Thomson, Lisa Lee, Henryk Hiller, Jerry Balcom, Terry Brunner, Mason Bowles, Steve Bottheim, Madelyn Troxclair

1. Sensitive Areas Ordinance Exemption for Emergencies.

- A) What constitutes an "emergency" for purposes of the SAO exemption in K.C.C. 21.54.030(A)?
- B) If part of a phased project is declared an emergency, is the remainder of the project also an emergency?
- C) If a particular type of project is declared an emergency, do all other similar projects become emergencies?

"Emergency" is not defined in the code, so the common dictionary definition would apply: "an unforeseen combination of circumstances or the resulting state that calls for immediate action" (Webster's Seventh New Collegiate Dictionary). The subclass of "emergencies" that are exempted from the SAO are those that threaten public health, safety or welfare (K.C.C. 21.54.030(A)).

During the group discussion, various opinions were expressed regarding whether a planned project can ever be considered an "emergency." It was the consensus of the group that a public rule is needed to set out criteria to be used in evaluating whether a particular project is exempt as an emergency.

It was also the group consensus that a case-by-case approach is best for determining whether a particular project is considered an emergency. However, it is unlikely that the later phases of a phased project will be emergencies just because an earlier phase was. Similarly, it is unlikely that the long-term response to a situation will be an emergency just because the short-term response was.



2. Does the SAO permit "mitigation banking," whereby a wetland or stream is created or enhanced on one site in order to provide mitigation for later wetland or stream alterations on other sites?

A mitigation action (such as creating or enhancing a wetland) must be clearly connected with the project that requires the mitigation (see K.C.C. 21.54.130(A)(5), 21.54.290(B)(2), 21.54.320(C)). If a wetland is created on a particular site, for example, that wetland cannot later be pointed to as "mitigation" for activity on a different site unless there had been a memorandum of understanding with BALD/ED or some other approved connection between the mitigation measure and the later project at the time the wetland was created. If there is no such connection at the time the wetland is created, that wetland cannot be said to be mitigation or compensation for anything that occurs later.

3. Mobile Home Accessory Structures.

- A) If a separate application is made for approval of a mobile home accessory structure that is less than 600 square feet in area, is a fee charged?

Yes (see K.C.C. 27.08.010). K.C.C. 21.09.040(B) currently provides that if the permit application for an accessory structure less than 600 square feet is combined with the application for a mobile home permit, then the fee for the accessory structure is to be waived. Residential and Commercial Sections indicate that this waiver involves a substantial loss of fees, so a code amendment will be proposed to delete the waiver provision.

- B) Is a building permit needed for mobile home accessory structures that are greater than 100 square feet, or only for those greater than 120 square feet?

Under K.C.C. 21.09.030(C)(1), a building permit is required if the accessory structure is greater than 120 square feet; however, under K.C.C. 21.09.040(B), a permit is required if the accessory structure is greater than 100 square feet. These sections accurately reflect the underlying ordinance, which was apparently intended to track the U.B.C. building permit exemption. The U.B.C. exempts structures 120 feet or less from permit requirements (U.B.C. § 301(a)).

A code amendment will be proposed to delete the references to 100 and 120 square feet in the zoning code, thereby allowing the U.B.C. to govern.

- C) Does K.C.C. 21.09.040(B), which provides a list of elements to be included in site plans for mobile home accessory structures, mean that no other building permit requirements apply?

K.C.C. 21.09.040(B) clearly indicates that the site plan for the accessory structure is to be submitted "with an application for a building permit." As a result, the applicant must still submit whatever is normally required for a building permit application.

4. Legislative update.

The Council adoption hearing for the new zoning code remains scheduled for January 7, 1993.

JB:HH

cc: Ann Dold
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Steve Bottheim
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