



King County  
Building & Land Development Division  
Parks, Planning and Resources Department  
3600 - 136th Place Southeast  
Bellevue, Washington 98006-1400

TO: Greg Kipp  
Lisa Pringle  
Gary Kohler  
Terry Brunner  
Kyle Evans  
George McCallum  
Harold Vandergriff  
Lisa Lee  
Ken Dinsmore

FM: Jerry Balcom *JB 12/31/92*

RE: Minutes of the January 10, 1992 Code Interpretation Meeting

Present: Jerry Marbett, Harold Vandergriff, Lisa Lee, Kyle Evans,  
Jerry Balcom, George McCallum, Susan Storwick.

1. Does 21.54.030(B) apply to all structures which predate the Sensitive Areas Ordinance or only those that were built with permits and/or considered legal?

As written, K.C.C. 21.54.030(B) exempts from the provisions of Chapter 21.54 the remodeling, reconstruction, or replacement of all "structures" in existence on November 27, 1990 that do not meet setback or buffer requirements for wetlands, streams, or steep slopes. Members of the committee stated that it was not the intention of the SAO drafters to exempt from review all such structures constructed prior to SAO. Under K.C.C. 21.06.120 and 21.70.020, land uses must comply with current regulation, and existing non-legal structures are not sanctioned by the adoption of new regulation. However, for the SAO to exempt only legally established structures, a text amendment of 21.54.030(B) is needed to change "in existence" to "legally established" or "legally permitted" or "non-conforming structures in existence."

2. K.C.C. 21.04.840 defines "structure" to exclude both fences under 6 feet and paved areas. To construct a fence under 6 feet does not require a building permit.

(A) Do the requirements of the Sensitive Areas Ordinance apply to the construction and location of fences?

The construction of a fence clearly constitutes an "alteration" under the code (K.C.C. 21.04.047). Alterations in sensitive areas can occur only as specifically permitted in the SAO, unless the activity is exempt under K.C.C. 21.54.030. Note that since fences under 6 feet in height are not "structures," the SAO exemption in K.C.C. 21.54.030(B) would not apply to them (it applies only to "structures in existence" on November 27, 1990). It may be that the construction of a fence falls within one of the other exemptions, depending upon the circumstances involved.



(B) K.C.C. 21.54.030(B) allows the footprint of the existing residential structure in a wetland, stream, or steep slope buffer to increase by up to 1000 square feet. Is a patio or paved area part of the structure when determining the existing square footage?

A paved area is not included in the footprint of the existing structure. The footprint is the outer line of the structure, as that term is defined in K.C.C. 21.04.840.

3. If a retirement facility otherwise meets the criteria for a retirement home (including providing meals and other services to residents), but the individual guest rooms also contain kitchenettes (which consist of a sink and a microwave oven), does the project constitute a senior citizen apartment house rather than a retirement home (K.C.C. 21.04.747)?

The facility would still fit the definition of a retirement home, not a senior citizen apartment. Meals and other services are provided. The kitchenettes, as described, are not kitchens. A kitchen must include a stove and refrigerator; a microwave does not substitute for a stove or range. Without a kitchen, the individual room is similar in definition to a sleeping unit (K.C.C. 21.04.787).

4. What are the parking requirements and development standards for a single family residence which is being used as a group home ?

A group home, whose residents meet the definition of a "family" in K.C.C. 21.04.370, has the same land use standards to meet as would a single family home. There may be different building regulations for congregate housing in the uniform codes.

5. In what zone can a school district establish a school bus yard for storage and maintenance of school buses?

A school district can establish a district bus yard in the ML zone (K.C.C. 21.32.020(ZZ)). The yard may also be permitted as an Administrative Conditional Use as part of the support facilities associated with public administrative offices, as long as there is no outdoor storage (K.C.C. 21.04.017, 21.08.062(A)(8)). The storage of buses used for an individual school building may be provided on the same site as the school (in properly permitted parking facilities), but there cannot be storage for the entire district there.

6. Legislative update.

- Vesting Ordinance is on hold until next week
- School Ordinance
- SAO stand alone ordinance is waiting for a SEPA determination
  - Soos Creek Community Plan went into effect 12/30/91

JB:STS:ib

cc: Ann Dold  
Madelyn Troxclair  
Gordon Thomson  
Henryk Hiller