



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

June 3, 1992

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

FM: Jerry Balcom *JB*

RE: Minutes of May 15, 1992 Code Interpretation Meeting

Present: Jerry Balcom, Jeff O'Neill, George McCallum, Nancy Hopkins, Betty Salvati, Ken Dinsmore, Henryk Hiller, Gordon Thomson, Harold Vandergriff

1. If a development proposal is situated on more than one lot, must each lot be evaluated separately for landscaping requirements under KCC 21.51.030(B)?

Yes. The group concluded that landscaping requirements for all internal property lines on a development site must be evaluated at the time that the overall development proposal is under consideration (KCC 21.51.030(A)). Each lot is also required to have legal street access; for some lots on the site this may require an easement across an adjacent lot (even though both lots are part of the development site). The landscaping requirements in K.C.C. 21.51.030(B) may be triggered by such an easement since it would be considered an access street under the 1964 Comprehensive Plan.

The access and landscaping evaluation for the separate lots must be done at the time that the overall development proposal is under consideration, rather than waiting for individual lots to be sold off at a later date. The issue, then, is whether there are separate lots involved in the project, not the ownership of those lots. The group also noted that no landscaping would be required where a building crosses an internal property line (KCC 21.48.070), and that a modification of landscaping requirements may be sought when landscaping is required on more than 15% of the site (KCC 21.51.050(A)(4)).

2. Does KCC 25.24.140(C) prohibit a utility company from removing ground material from a Conservancy Environment wetland in order to install concrete placements on which electrical transmission poles will sit?

Yes. KCC 25.24.140(C) prohibits any excavation or dredging of marshes, bogs or swamps in the Conservancy Shoreline Environment. "Excavation" is broadly defined in KCC 25.08.200 as "the artificial movement of earth material." The group concluded that even though utilities may be generally permitted in the Conservancy Environment under certain conditions (KCC 25.24.110), the specific language of KCC 25.24.140(C) prohibits even utilities from doing any excavation in the wetland. The only possible relief mechanism in Title 25 is the variance procedure in KCC 25.32.040.

It was also noted that the Sensitive Areas Ordinance allows a utility to apply for an exception to SAO prohibitions (KCC 21.54.050). That SAO procedure does not apply in this case, since the more restrictive provisions of Title 25 take precedence over the SAO (see KCC 25.04.050(A)). There was some discussion of the possibility of amending KCC 25.24.140(C) to provide for the same utilities exception procedure as is found in the SAO. Because Shoreline Code amendments also require state concurrence, such an amendment would probably take more time and is possibly subject to state veto.

3. **Written Code Interpretations.** It was noted that written code interpretations are not brought before the Code Interpretation group, but are instead circulated to all section managers for comment. Members of the group will be notified when that occurs. After circulation to the section managers, the interpretation goes to Greg Kipp for signature and is then filed with the Clerk of the Council.

4. **New Zoning Code.** Committee review of the new zoning code is expected to continue through July, with enactment expected in September. However, the new code will only take effect as zoning maps are adopted for each area in the County.