



King County
Department of Development
and Environmental Services
3600 - 136th Place Southeast
Bellevue, Washington 98006-1400

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

FM: Jerry Balcom JB 1/20/93

RE: Minutes of the January 22, 1993 Code Interpretation Meeting

Present: Ken Dinsmore, Jerry Balcom, Terry Brunner, George McCallum, Gordon Thomson, Jon Pederson, Harold Vandergriff, Steve Bottheim, David Sandstrom, Henryk Hiller

1. K.C.C. 16.82.050(A)(15)(b)(5) exempts clearing in sensitive areas from clearing permit requirements if the activity is "normal and routine maintenance of public parks." However, a clearing permit must be obtained if the activity is "to develop or expand" the park facility. If the clearing activity is to clean up a park facility that has been in partial disrepair and little used over the years, with the goal of making the facility more accessible and usable, is that considered "normal and routine maintenance" or "developing or expanding" the park facility?

(Note: The issue before the group was whether a permit is required for certain clearing activity within a sensitive area. However, it should first be determined whether the activity is subject to SAO regulation and, if so, whether it constitutes a permitted alteration. If the activity is permitted under SAO, exempt from the SAO, or permitted under a public agency exception, then the question becomes whether a clearing and grading permit is required. If, however, the activity is not permitted under the SAO, there would be no reason to obtain a clearing permit because the activity cannot be undertaken.)

The group consensus was that any clearing done to enlarge an existing park facility or develop a new facility would require a permit, but no consensus was reached regarding what constitutes development of a new park facility. (For example, different positions were taken regarding whether the initial parks department work on a facility is considered the development of a new facility even if the area had been informally used for that activity in the past.) A code amendment will be proposed to clarify what is meant by an "existing public park." Similarly, no consensus was reached regarding what constitutes "normal and routine" maintenance, and a public rule or interpretation will be written on that issue.



2. Is clearing and grading activity on a pre-1990 fill within a sensitive area (for brush clearance and drainage purposes) exempt from the SAO as the remodelling or reconstructing of an existing structure (K.C.C. 21.54.030(B))?

A "structural fill" (such as that used for roadways, railroad rights-of-way and building pads) that has been properly engineered and monitored meets the zoning code definition of "structure" (K.C.C. 21.04.840). As a result, K.C.C. 21.54.030(B) does exempt the remodelling, reconstruction or replacement of a structural fill in existence on November 27, 1990, provided the new construction or related activity does not further intrude into a stream, wetland, steep slope or associated buffers and is subject to the flood hazard area restrictions for reconstruction. If the structural fill is itself remodelled (through grading activity, for example), the clearing of brush and limbs along the fill would be exempt as "related activity."

Since it is unlikely that structural fills were intended to be included in the exemption at K.C.C. 21.54.030(B), a code amendment will be proposed to clarify the scope of the exemption or amend the definition of "structure."

3. Legislative update.

- A) The Northshore Community Plan was adopted by the council on January 19, 1993, and has gone to the executive for signature.
- B) The addressing ordinance, which will authorize DDES to initiate street redesignations, among other things, is being sent to the executive for transmittal to the council.
- C) The final council committee meeting on the new zoning code is scheduled for February 3, 1993. The full council will probably hold one more hearing and consider adoption of the code in mid-February.

JB:HH

cc: Ann Dold
Randy Sandin
Jon Pederson
David Sandstrom
Madelyn Troxclair

Steve Bottheim
Laura Casey
Gordon Thomson
Henryk Hiller