



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

October 26, 1993

TO: Chuck Kleeberg Gary Kohler
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Harold Vadergriff Ken Dinsmore
George McCallum

FM: Jerry Balcom 

RE: Minutes of August 6, 1993 Regulatory Review Committee Meeting

1. Does the definition of "flood hazard area" allow regulation of development within channel migrating areas outside of the base flood? (K.C.C. 21.04.412, K.C.C. 21.54.190(B))

K.C.C. 21.64.020 (Provisions not affected by headings) states: "Chapter and section headings contained herein shall not be deemed to govern, limit, modify, or in any way affect the scope, meaning or intent of any section hereof." Reference to the "flood fringe" in K.C.C. 21.54.190 is made only in the heading. Subsection "B" of K.C.C. 21.54.190, in reference to channel relocation or meandering contains no restriction on the application of the subsection to flood fringe areas only. Therefore, authority exists to regulate development within channel relocation or meander areas outside of the flood fringe. However, unlike other sections within Chapter 21.54 which provide standards for review of sensitive areas, no such standards exist for channel relocation or meander areas. The authority to regulate development within such areas is therefore limited until standards are developed under a public rule.

The consensus of the group was that subsection B is misplaced and is more appropriately located under K.C.C. 21.54.300 (streams). The group felt that a code amendment should be prepared which: 1) deletes subsection B from K.C.C. 21.54.190, 2) adds a new subsection to K.C.C. 21.54.300 addressing channel relocation and meander areas, and allowing for some development within those areas, the extent to which will be defined by public rule, and 3) adds introductory language to K.C.C. 21.54.190 clarifying the application of the section to areas within the flood fringe. Similar amendments will be proposed for the new zoning code under chapter 21A.24.

JB:GT



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