



King County

**Department of Permitting
and Environmental Review**

35030 SE Douglas Street, Suite 210
Snoqualmie, WA 98065-9266

206-296-6600 TTY Relay: 711

December 21, 2017

Ken Crinklaw
20530 NE 68th Street
Redmond, Washington 98053

RE: Notice of Final Code Interpretation Decision
Application No. CINT17-0002 Date Filed: October 18, 2017

Dear Mr. Crinklaw,

You filed a Code Interpretation request with the Department of Permitting and Environmental Review on October 18, 2017. The request asked for an interpretation of K.C.C. 21A.24.275 and other regulations associated with Severe Channel Migration Zone standards and locating a replacement home in the Severe CMZ.

The Interim Director of the Department of Permitting and Environmental Review issued a final code interpretation on December 21, 2017. A copy of the final code interpretation is attached.

Code interpretations are governed by the provisions of K.C.C. Chapter 2.100. The code interpretation is final when issued by the director. Any appeal of this code interpretation shall be filed with Superior Court.

If you have any questions concerning this code interpretation, please feel free to contact me at 206-477-0304.

Sincerely,

Lisa Verner, FAICP
Legislative Coordinator

cc: Kenny Booth, AICP
750 Sixth Street South
Kirkland, WA 98033



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**FINAL CODE INTERPRETATION
CINT17-0002 (Crinklaw)**

Background

Kenny Booth, AICP, with The Watershed Company, filed this code interpretation request on behalf of his client, Ken Crinklaw. Mr. Crinklaw is the owner of property at 75610 NE 123rd Street, Skykomish, WA 98288 (tax lot 8649400530). The request is to confirm that the proposed project (replacement single family home) does not meet the definition of a substantial improvement (K.C.C. 21A.06.1270) and, therefore, construction of the replacement home partially within the severe Channel Migration Zone (CMZ) is allowed under K.C.C. 21A.24.045.D.6.a.

Discussion

K.C.C 21A.24.275 (Channel Migration Zones – development standards and alterations) says certain development standards apply to development proposals and alterations within CMZs that have been mapped and adopted by public rule. Mr Crinklaw's property is at river mile 18.2 of the South Fork of the Skykomish River; river mile 19.7 to river mile 6.6 of the South Fork of the Skykomish River were adopted into the "King County Public Rules Chapter 21A-24, Critical Areas: Designation, Classification and Mapping of Channel Migration Zones" on September 7, 2017.

It also says development shall follow the standards in K.C.C. 21A.24.365:

- Only alterations identified in K.C.C. 21A.24.045 are allowed;
- Grading in only allowed from May 1 to October 1;
- Moisture-holding capacity of the topsoil layer on all areas not covered by impervious surface should be maintained;
- New structures should avoid creating future hazard trees and minimize groundwater movement impacts; and
- Soil duff layer should not be disturbed; a spatial connection should be provide between vegetation within and outside aquatic area buffers.

Thirdly, it says that only alterations permitted by K.C.C. 21A.24.045 are allowed in a severe CMZ.

This proposal is for an "expansion or replacement of existing building" as allowed in the "Aquatic Area and Buffer and Severe Channel Migration" critical area under K.C.C. 21A.24.045. The applicant has said grading will take place between May 1 and October

1. The applicant has also said that the site is already disturbed and that "soil amendment measures to help restore natural infiltration capabilities" will be used. No existing trees will be disturbed, thus eliminating the potential for creating hazard trees. The original soil duff layer is not present onsite now due to the construction of the existing residence and outbuildings located onsite; again the applicant notes the use of soil amendment measures to help restore natural infiltration capabilities. Therefore the proposal meets the standards of K.C.C. 21A.24.365.

The "expansion or replacement of existing building" identified under K.C.C. 21A.24.045 has a development condition attached to it: .D.6. Replacement of an existing building is allowed within a severe CMZ for an existing legally established primary structure if the building footprint is not increased and there is not a substantial improvement as defined in K.C.C. 21A.06.1270. In this case, the existing building has been there since 1924, prior to the Zoning Code establishment in 1964; therefore it is a legally existing structure. The new house will be 1,260 square feet; the existing house is approximately 1,400 square feet. The new house is located entirely within the floodway and floodplain, beneath the base flood elevation. The proposal is to construct a new house outside the floodway, eliminating the risks of having it in the floodway; additionally, the new house will be constructed on posts and, while it will be in the floodplain, it will be elevated above the base flood elevation. Because it is a replacement house, it meets the criteria in K.C.C. 21A.06.1270.B.1 and is not a substantial improvement under K.C.C. 21A.06.1270.

Decision

As demonstrated above, the new replacement house does meet the criteria in K.C.C. 21A.24.275 and the standards in K.C.C. 21A.24.365. "Replacement residence" is listed as an allowed use in K.C.C. 21A.24.045. The activities proposed (replacement single family home) do not meet the definition of a substantial improvement (K.C.C. 21A.06.1270) and, therefore, construction of the replacement home partially within the severe Channel Migration Zone (CMZ) is allowed under K.C.C. 21A.24.045.D.6.a.

Finality of Code Interpretations

Under K.C.C. 2.100.050.A, the director's decision on a code interpretation is final. A code interpretation issues by the director governs all staff review and decisions unless withdrawn or modified by the director or modified or reversed on appeal by the King County Hearing Examiner, King County Council or an adjudicatory body (K.C.C. 2.100.040.H).



Jim Chan
Interim Director
Department of Permitting and Environmental Review



Date