



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

May 13, 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 the May 8, 1992 Code Interpretation Meeting

Present: Terry Brunner, Ken Dinsmore, Harold Vandergriff, Lisa Lee, George McCallum, Betty Salvati, Laura Kaye, Gordon Thomson

1. **May BALD correct an ordinance drafting error?** The issue deals specifically with the construction of KCC 21.54.270(A). The wetlands buffer averaging provisions appear as a subsection of 21.54.270 (A)(2)(e). Technical Services section believes the buffer averaging provisions should instead appear as a subsection to 21.54.270(A), thereby allowing buffer averaging for all wetlands. It was pointed out that parallel construction and nearly identical language appears under the stream standards section (21.54.310). There was agreement that a drafting error had occurred, and that the wetland buffer averaging provisions (3) were intended as a subsection to section A (Buffers), instead of as a subsection to the lower order section (2)(e) which follows section A. BALD, however, does not have the administrative authority to correct ordinance errors. Two alternative ways of addressing the problem were suggested. One is to include the correction as part of the SAO stand alone ordinance. The other is to propose an emergency ordinance correcting the error if a large enough problem exists because of it. Laura Kaye is following up with data on the number of current cases affected by the error.

2. **Are recreational war games considered "alterations" per KCC 21.04.047? If yes, are they allowed alterations under KCC 21.54.280?** There was much discussion over what activities are included in recreational war games. The biodegradable paint from paint guns used in the game was of no concern to state agencies which have reviewed the issue. The primary impact appears to be from participants running through vegetation which may be part of the wetland buffer or wetland itself. The definition of "alterations," (KCC 21.04.047) specifically excludes walking, passive recreation, fishing or other similar activities. Alterations include but are not limited to a variety of activities associated with clearing, grading, and construction as

May 8, 1992 Minutes
Page 2

well as grazing, and surface water management activities. A broad category including "other human activity that adversely impacts the existing vegetation, hydrology, wildlife or wildlife habitat" is also included.

Consensus was generally reached that running through wetland buffer vegetation does not constitute an alteration for the purposes of 21.04.047. The primary concern was that enforcement would be extremely difficult for existing war game activities, and that the future use of land for such activities would probably require a Conditional Use Permit which would establish use conditions from the outset.

JB:GT:ib