



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

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

FM: Jerry Balcom *JB 10/9/92*

RE: Minutes of the September 18, 1992 Code Interpretation Meeting

Present: Terry Brunner, Ken Dinsmore, Lisa Lee, Jerry Balcom, George McCallum, Jeff O'Neill, Steve Phelps, Harold Vandergriff, Steve Bottheim, Henryk Hiller

- 1a. Are excavations required to be set back or otherwise restricted so as to protect potential future buildings on neighboring properties?
- b. Are there restrictions on the construction of a wall or fence six feet or less in height under K.C.C. 21.48.160(B) so as not to jeopardize building foundations on adjacent properties?

An excavation with a 2:1 slope that daylights at or before the property line is considered safe for the adjoining property and structures. If the slope exceeds 2:1, the cut must be approved by the director and made as safe as a 2:1 slope would have been (K.C.C. 16.82.100(A) and (K)). This can be accomplished in a variety of ways, including the use of setbacks, retaining structures, or a combination of both. The issues to be addressed by the director include the stability of the slope and erosion protection.

An interpretation will be written discussing the relationship between the grading code, zoning code, road standards, and U.B.C. provisions regarding excavations and adjoining property. Note, however, that activities permitted under or exempted by the zoning code must still comply with the grading code, and vice versa.

Note also that the U.B.C. provision on the protection of adjoining property (§ 2903(b)) was specifically repealed by King County in the County's modifications to the 1985 U.B.C., leaving the grading code standards on the protection of adjoining property as controlling law. The modifications to the 1991 U.B.C. have not yet been adopted by the County Council.



2. **Certain zones permit the marketing of agricultural products "raised" or "produced" on the premises. Does the code contain a standard for how long the products must be growing on the premises to be considered "raised" or "produced" there?**

The code does not indicate how long the product must be growing on site to be considered "raised" or "produced" on the premises (see K.C.C. 21.18.020(D)(3), 21.21.020(C), 21.21A.030(E), 21.22.030(C), 21.23.020(D)). Moreover, given the variety of ways that plants and crops may be propagated, an appropriate standard would be difficult to formulate and enforce. As a result, if a growing plant, tree or crop is brought to the site and sold as a living plant (whether from the ground or in a pot), it is considered to be an agricultural product "raised" or "produced" on site.

Note that the marketing of agricultural products raised or produced on the premises would not include bringing in and selling vegetables harvested elsewhere. For plants to be considered an agricultural product produced on site, there must be some growing of the plants on site (which requires that the plants continue to grow for a period of time until they are sold).

3. **Legislative update.**

The council's hearing on the revised zoning code will be held on October 20, 1992, with adoption expected one or two Mondays later.

4. **Minutes Notebooks.**

Now that the minutes notebooks are out, we will be sending around separate updates for them about once per month. The updates will include copies of the minutes issued during that month as well as updated indexes. You can use this memo in the interim as a reminder of how the issues were addressed at the meeting and to make any requests to revisit an issue.

JB:HH

cc: Jeff O'Neill
Steve Phelps
Herb Haines
Steve Bottheim
Randy Sandin
Joe Miles
Steve Townsend
Kyle Evans
Gordon Thomson
Henryk Hiller