



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

TO: Chuck Kleeberg
Greg Kipp
Terry Brunner
Harold Vandergriff
George McCallum

Gary Kohler
Lisa Pringle
Lisa Lee
Ken Dinsmore

FM: Jerry Balcom *JP 6/9/93*

RE: Minutes of the June 4, 1993 Regulatory Review Committee Meeting

Present: George McCallum, Terry Brunner, Lanny Henoch, Jerry Balcom, Gordon Thomson, Henryk Hiller

1. Are PUD's permitted on property zoned RS-5000? If so, what density standard is used?

PUD's are permitted in the RS zone "as provided in Chapter 21.56" (K.C.C. 21.08.020(C)). K.C.C. 21.56.080(A) states that residential PUD's may locate in RS and other zones "when processed and authorized as provided in this chapter." However, PUD density standards are provided only for RS-15000, RS-9600 and RS-7200; no PUD density standard is provided for RS-5000 (see K.C.C. 21.56.160; 21.56.170). It appears that the Council overlooked the need to amend the PUD chapter at the time the RS-5000 classification was added in 1979.

The consensus of the Committee (with a dissenting opinion expressed) was that even though it may not be the intended result, there is no basis in K.C.C. 21.56 to process a PUD in the RS-5000 classification. We cannot read into the code provisions that are not there. However, as a means of correcting what appears to have been an oversight, a code amendment will be proposed to add a PUD density standard for the RS-5000 classification.

2. Legislative update.

The new zoning code is likely to be adopted on June 7, 1993. Fifty-eight amendments were proposed, of which fifteen are still to be considered. The livestock standards have been deferred until July 31, when a new blue ribbon panel will make its recommendations.



The conversion process will start soon after adoption of the code, with the complete conversion package (for the entire county) expected to go to the Council in about a year. Staff training at DDES will probably begin in late summer. When the conversion ordinance is adopted (probably in late 1994), the new code will be in effect for the entire county. Until then, individual property owners will be able to file rezone requests under the new code.

3. Examiner's Decision.

In the Callaway appeal (E92C1090), the Examiner considered whether the general removal of vegetation around a pasture pond is "normal and routing maintenance" of that pond or whether, on the other hand, "normal and routine maintenance" would only include removal of enough vegetation so that the livestock can reach the water to drink (see K.C.C. 21.54.030(C)(5)). The Examiner decided that since DDES has no administrative rules or guidelines to interpret these terms, it would be reasonable for someone to conclude that the general removal of wetland vegetation from the edges of the pond is "normal and routine maintenance."

JB:HH

cc: Ann Dold
Lanny Henoeh
Gordon Thomson
Henryk Hiller