



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 *JB*

RE: Minutes of December 10, 1993 Regulatory Review Committee Meeting

Present: George McCallum, Terry Brunner, Lisa Lee, Jerry Balcom,
Gloria Chow, Henryk Hiller

1. The definition of "alteration" begins by stating that "alteration" means "any human-induced action which adversely impacts the existing condition of a sensitive area" (K.C.C. 21.04.047). The definition then goes on to list activities that constitute alterations, such as grading, clearing, filling, etc. If one of the listed activities will actually be beneficial for a wetland, is that activity considered an "alteration"?

This issue was addressed in the Minutes of the June 5, 1992 meeting. Each of the listed activities, except for the final catch-all category, constitutes an "alteration" by definition. The Council has made the determination that each of these activities, by their nature, "adversely impacts the existing condition of a sensitive area." As a result, there is no basis for staff to determine whether or not the activity will be beneficial for the sensitive area. The listed activities can be undertaken in a sensitive area only if they are permitted alterations or are exempt from the SAO.

The enhancement of wetlands is currently permitted only as mitigation in connection with a development proposal (K.C.C. 21.54.290). (There is a provision permitting stream enhancement independent of a development proposal (K.C.C. 21.54.320(H)).) A code amendment will be proposed to include as a permitted alteration the enhancement of a wetland independent of a development proposal.

The definition of "alteration" in the new zoning code (Title 21A) makes clear that the activities listed in the definition constitute alterations whether or not their impact is beneficial. It includes as alterations "any human activity which results or is likely to result in an impact upon the existing condition of a sensitive area" (K.C.C. 21A.24.190).



2. In the SR zone, no structure can exceed 30 feet (except for certain penthouse or roof features) (K.C.C. 21.20.090). In all R zones and the SE zone, by contrast, building height may exceed a base height for the zone (30 or 35 feet) if additional side yard and open space setbacks are provided (see, e.g., K.C.C. 21.08.130, 21.18.080). If a code amendment is proposed to permit structures to exceed 30 feet in the SR zone with additional side yard and open space setbacks, what should the specific standard be?

In the RS and RD-3600 zones, there is an ultimate building height limit of 50 feet (even with additional side yard and open space setbacks). There is no ultimate height limit in the RM zones or the SE zone. The new zoning code has an ultimate height limit of 75 feet for all residential zones, which is more liberal than the current RS and RD-3600 zones, but more restrictive than the current RM and SE zones.

If the height provision for the SR zone is amended, it would be best for it to be consistent with the new zoning code (an ultimate height limit of 75 feet). This standard would fall between the current standards for the RS zone (50 foot limit) and the SE zone (no ultimate limit), and would ensure that structures in the SR zone will not become nonconforming under the new zoning code.

3. Legislative update.

- A) West Hill Plan. The West Hill Community Plan is expected to go before the full Council for adoption on December 13. The plan uses the new zoning code (Title 21A), although DDES did not do the conversion.
- B) Title 21A Technical Amendments. On December 6, the Council passed a set of technical amendments to the new zoning code (Title 21A). These amendments correct some typographical errors, provide some minor clarifications, and make some last-minute fixes of certain standards. These changes are expected to be incorporated into the next printing of the new code (which we hope to make available in early 1994).
- C) Livestock standards. An ordinance prepared by Council staff to amend the livestock standards in the new zoning code (Title 21A) is expected to be considered by the full Council on December 13.
- D) Road standards. The updated County road standards are expected to go before the full Council on December 13.

- E) Adult daycare. Ordinance 11113, which amends the current zoning code to permit Adult Daycare facilities in the same zones and under the same general conditions as Day Nurseries, was passed by the full Council on November 15, 1993. The ordinance also amends the new zoning code (Title 21A), permitting Daycare I facilities outright in multifamily zones and non-accessory Daycare II facilities in multifamily zones with a CUP.

- F) Preliminary plat approval extensions. Ordinance 11114, which extends preliminary plat approval for up to ten years under certain circumstances and clarifies what constitutes "substantial compliance" was passed by the full Council on November 15, 1993.

- G) SAO exemption for existing structures. Proposed Ordinance 93-817, which would amend the SAO exemption for existing structures, exclude fill from the definition of "structure," and permit certain public trail and road activities and certain reconstruction and remodeling activities within wetland, stream and steep slope buffers, has been assigned to the GMH&E Committee. However, it is not likely to be acted upon anytime soon.

- H) School impact fees. Ordinance 11148, establishing impact fees for the Northshore school district, was passed by the full Council on November 29, 1993 and signed by the Executive on December 9. It will become effective on December 20.

JB:HH

cc: Ann Dold
Randy Sandin
Laura Casey
Steve Bottheim
Mason Bowles
Gordon Thomson
Henryk Hiller