



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

TO: Bob Derrick
Greg Kipp
Terry Brunner
Harold Vandergriff
George McCallum

Gary Kohler
Lisa Pringle
Lisa Lee
Ken Dinsmore

FM: Jerry Balcom JB 7/11/94

RE: Minutes of the July 8, 1994 Regulatory Review Committee Meeting

Present: Jerry Balcom, Ken Dinsmore, Pam Dhanapal, Gordon Thomson

1. Is the proposed code interpretation for "normal and routine maintenance" too restrictive? Also, to what extent do code interpretations on specific citations constitute interpretation of similar language used elsewhere in the code? See 1/22/93 minutes for previous discussion of "normal and routine maintenance."

Regarding restrictiveness of the interpretation, the common meaning of the language is relied upon. So long as the analysis and conclusion of interpretation are not flawed, then the remedy for too restrictive a code requirement is to propose a code amendment.

Regarding applicability of an interpretation to other codes, each interpretation is crafted for a specific code section and issue. If a similar issue or language is used elsewhere in the code, then an interpretation should be done on that issue/language as well. It may be that the conclusion is the same. Again, if we find the code too restrictive, then the remedy is to amend the code.

2. For the purposes of determining lot type and setbacks, should two thirty foot continuous easements be considered differently than a single sixty foot easement?

Yes. So long as the easement can be used as primary access per the definition of street in K.C.C. 21.04.825, the applicable setbacks must be conformed to. In the case of a through lot, the easement would count as street frontage for the purpose of determining setback. The remedy for the property owner is to vacate the easement or apply for a variance from the setback requirement.

3. Legislative Update:

1. Proposed ordinance 94-323 amending the sensitive areas code is being reviewed by executive departments. The ordinance has been proposed by Councilmember Vance, Chair of the GMH&E committee. The ordinance would make extensive amendments to SAO, particularly to the wetlands section, allowing for a director waiver/modification of SAO requirements, use of all class 3 wetlands for R&D, replacement of so-called "low-function/value" class 2 and class 3 wetlands, and allowing for a determination by DDES that a wetlands designation is invalid by virtue of the fact that it was created or enlarged by development activity on an adjacent or "nearby" property.
2. Proposed ordinance 94-290 amending K.C.C. 16.82.050 relating to the definition of "existing public park" was adopted by the Council on Tuesday, July 5, 1994. For the purposes of normal and routine maintenance the ordinance defines existing public park as: "...any real property managed for public use and intended to be used by the public which has been maintained as a park or has been developed as a park..."
3. Proposed ordinance 94-393, amending K.C.C. 16.82. relating to seismic hazard area exemptions is in GMHE. The ordinance exempts clearing and grading activities within a seismic hazard area from grading permit requirements. Executive staff have recommended an amendment which would limit the exemption to the activities no larger than the clearing and grading thresholds established in K.C.C. 16.82.050.
4. Proposed ordinance 94-324 amending K.C.C. 20.24.090 relating to the hearing examiner process is in executive review. This council proposed ordinance makes substantial changes to requirements for appeals and imposing a new standard for standing.
5. Ordinance 11363, including public agency training facilities as a UUP in the forestry zone is now in effect. A copy of the ordinance and summary memo will be circulated to division managers and section supervisors. Please update your staff on this amendment to the zoning code.

cc: Pam Dhanapal
Gordon Thomson

JB:GT