

## REGULATORY REVIEW COMMITTEE

- MINUTES -

**MEETING DATE:** August 22, 1997

**TO:** Building Services Division Staff  
Lynn Baugh  
Chris Ricketts  
Pam Dhanapal  
Terry Brunner  
Ken Dinsmore  
Priscilla Kaufmann

Land Use Services Division Staff  
Mark Carey  
Lisa Pringle  
Marilyn Cox  
Gordon Thomson

Greg Kipp, Deputy Director  
Michael Sinsky, Prosecuting Attorney's Office

**FM:** Sophia Byrd, Code Development Coordinator

Present: Terry Brunner, Sophia Byrd, Craig Comfort, Pam Dhanapal, Ken Dinsmore, Priscilla Kaufmann, Mike Sinsky, Gordon Thomson, Steve Townsend, Harold Vandergriff

- 1. Are golf driving ranges allowed in a rural zone as an accessory to golf courses when the golf course is on one parcel and the driving range is on another parcel? Is it considered "accessory" to add a driving range to an existing golf course? (Ken Grubbs)**

Ken was out sick. The item is deferred to the August 29 meeting.

- 2. What constitutes a floodplain? The Surface Water Design Manual, Special Requirement No. 9, requires a floodplain analysis for streams, lakes, wetlands and closed depressions. However, the zoning code does not limit the definition of flooding by source. Is the SWM manual analysis all that is required, or does any inundated property, regardless of water source, qualify as a floodplain? (Steve Townsend)**

This issue arose out of a complaint against a plat applicant whose property has been flooded by overflow from nearby infiltration ponds, e.g. “sheet flows.” That matter may be resolved through alternate means; however, the general issue remains ripe for the Committee’s review.

The SWM manual requires delineation of 100-year floodplain if a proposed project contains or abuts a stream, lake, wetland or closed depression, *or if other King County regulations require study of flood hazards* (emphasis added). The zoning code (21A.06.475) Flood Hazard Areas definition is not limited to streams, lakes, wetlands and closed depressions; however, neither does it expressly direct floodplain analysis for non-natural sources of flooding. To date, the Department has not required floodplain analysis of non-natural sources of flooding.

The Committee approached this issue with a bifurcated analysis: (1) What is the preferred policy direction? and (2) Does the code support this policy?

(1) The Committee agreed that there was never any legislative intent for the zoning code to require floodplain analysis for non-natural sources of flooding, and that the preferred, common-sense policy is to not require floodplain analysis of non-natural sources of flooding. To do otherwise would unnecessarily burden a process already adequately served by SEPA and the SAO.

(2) The Committee determined that the Code’s ambiguity coupled with the common understanding of what constitutes “flood” supports the above policy, and the Department should maintain current practices.

In addition to the above determination that the Department should maintain its current practices, the Committee agreed that broader discussion of the issue could be instructive. Gordon Thomson will bring this matter to the attention of the planners drafting amendments to the Sensitive Areas Ordinance and to staff at SWM. He will report back to the Committee at a future meeting.

**Addendum:** A conversation between Gordon Thomson and Dave Clark at Water and Land Resources Division (WLRD) revealed that “sheet flow” is considered floodplain per the National Flood Insurance Program (NFIP), and that we should be regulating as the same. Per NFIP, sheet flow is considered anything from ponding to flows of 1-3 feet deep; these fall within NFIP zones 0 through zone 8. Zone X floodplains are less than 1 foot deep and do not require NFIP insurance.

**3. The Director is requesting the Committee to discuss and develop a “training manual” for all DDES staff regarding interpretation and application of the King County Code.**

The Committee agreed that a user-friendly manual would assist both DDES staff and applicants by ensuring consistent code application and appropriate interpretation efforts. As a first step, Sophia will compile existing documents regarding how and when to pursue a public rule, administrative interpretation, or procedure, and will outline other subjects the manual

should address. The Committee agreed that “live” training should accompany the manual. The Committee will discuss this matter again in two weeks.

**4. Legislative update**

(1) Sophia reported that the P-suffix emergency rule was filed with the Clerk of the Council August 18; it will be circulated with a cover memo. Promulgation of the final rule will occur in September and October.

(2) Ken reported that work is continuing on the rewrite of the Title 23, Code Enforcement.