

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: October 23, 1998

TO: Building Services Division Staff	Land Use Services Division Staff
Lynn Baugh	Mark Carey
Chris Ricketts	Lisa Pringle
Pam Dhanapal	Greg Borba
Ken Dinsmore	Lanny Henoeh
Priscilla Kaufmann	Gordon Thomson

Greg Kipp, Deputy Director
Kevin Wright, Prosecuting Attorney's Office

FM: Sophia Byrd, Code Development Coordinator

Present: Sophia Byrd, Cheryl Carlson, Laura Casey, Lanny Henoeh, Randy Sandin, Dave Sandstrom, Jeff Stern, Gordon Thomson, Susan Marlin (Recorder)

Issue:

1. **K.C.C. 21A.24.330.K allows alteration to isolated wetlands (as defined in 21A.06.1410). Does a proponent need to justify the proposed alteration in terms of the mitigation sequencing definition (21A.06.750)? In other words, must they first avoid the impact if possible before they are permitted to fill and compensate? (Laura Casey)**

Discussion:

K.C.C. 21A.24.330.K speaks to alterations to isolated wetlands but only as specifically permitted in the code and it does not require that one go through the mitigation sequencing. The group discussed that where there is no language in the code, we do not have the authority to regulate. It was also indicated that it is not appropriate to draw from the definition. The proposed Sensitive Areas Code amendments make this issue clearer.

Conclusion:

The group agreed that the answer is no, a proponent does not need to justify the proposed alteration in terms of the mitigation sequencing definition. However, it was suggested that we look at the state code and see if there is a conflict. Jeff Stern will research the state code and report back.

Addendum:

Jeff Stern researched the state code and found no directly conflicting requirements. The state requires us to follow the "best available science." The Growth Management Hearings Board has the authority for these decisions. Sophia and the Prosecuting Attorney's Office will research to see if there are any hearings board rulings on "best available science," which bear on this issue.

Issue:

2. **When removing the nonbuilding status from a short plat lot through the short plat alteration process, is the applicant required to comply with all of the provisions stated in K.C.C. 19.26.120 or can the nonbuilding status be removed if the applicant completes the improvements or complies with the conditions of the original short plat? How does the short plat alteration affect the vesting of the original short plat? (Dave Sandstrom)**

Discussion:

The group discussed several questions such as:

- How do we treat vesting of alterations?
- Do alterations have to comply with today's zoning requirements?
- What is the scope of review?

"Alterations" is a new term that Title 19 does not address.

Conclusion:

Sophia Byrd will submit a written request to the Prosecuting Attorney's Office for clarification of this issue. Deputy Prosecutor Cheryl Carlson is researching the matter and will report back in a few weeks.