



King County

Permitting Division

Department of Local Services

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FINAL CODE INTERPRETATION CINT25-0006 (Housman Cabana)

Background

Andrew J. Lewis, on behalf of Mark and Nicole Housman, filed a code interpretation request regarding the applicability of the definition of nonconformance in King County Code (KCC) 21A.06.800 to a shed that the owners built on the property in 2022. The property is located at 15802 Saybrook Dr NE near Woodinville. In October 2024, the Housmans ("Applicants") submitted an application (ADDC24-0646) to build a 446 square foot cabana structure to be attached to their residence. Because this proposed new structure is in the vicinity of mapped critical areas, the County required the Applicants to provide a critical area report (CAR) to delineate wetlands within 300 feet of the property. The report found the presence of a Type N Aquatic Area and a Category I wetland.

Discussion & Analysis

This code interpretation concerns a specific site located at 15802 Saybrook Dr NE (parcel number 757491-0440) that is within the Rural Area 5 (RA-5) zone. The subject of this code interpretation is solely related to the shed, not the proposed cabana. The shed is 166 square feet, which is below the 200 square foot threshold where a building permit is required, per KCC 16.02.240.1.

Specific to the critical areas impacting the property, the CAR notes that Category I wetlands with eight habitat points and a moderate land use require a 225-foot buffer per KCC 21A.24.325, and Type N Aquatic Areas in the Bear Creek Basin require a 100-foot buffer measured from the ordinary high water mark (OHWM) per KCC 21A.24.358.D. As such, the report determined that the 225-foot wetland buffer encumbers the entire property.

The letter submitted with the code interpretation request quotes the nonconforming use definition in KCC 21A.06.800, and then states that "[a]ccordingly, under the KCC a structure that (1) was established in conformance with King County's regulations in effect at the time the use was established, and (2) no longer conforms due to a change in the application of those regulations, meets the definition of a nonconformance under the KCC." It is asserted that the shed should meet this definition because at the time when the shed was constructed, "the Housmans, the general public, and King County government, were unaware of the existence of the wetlands recently delineated by the CAR commissioned by the Housmans."¹

¹ Letter received July 21, 2025, as part of application CINT25-0006.

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The Applicants attempted to take the proper steps prior to constructing the shed by limiting its size to be permit-exempt and using County mapping tools to determine if it was in or near a wetland. While the shed was exempt from requiring a building permit due to its size, this did not mean that other regulations that were in effect at the time did not apply. KCC 16.02.240 states that, "Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction."

King County's critical area regulations have been in effect since 2004, when Ordinance 15051² was adopted by the County. The provisions establishing the applicable critical area wetland buffer distances in KCC 21A.24.325 and 21A.24.358D have been in place and unchanged since 2022 when the shed was built, which is the relevant time period under the nonconformance definition. The shed meets the definition of a structure, per KCC 21A.06.1255. The construction of a nonresidential structure is not permitted in wetland buffers unless it is on a farm (KCC 21A.24.045). Thus, the shed could not have been constructed in its current location.

Additionally, the letter notes that King County's Wetland Inventory did not show the presence of a wetland at the time the shed was constructed. While County mapping tools are a useful starting point for identifying potential critical areas, they do not provide definitive delineations. Use of these mapping tools, including iMap, is accompanied by a disclaimer noting that mapped information is approximate and may not represent actual site conditions.³ It is the responsibility of the property owner or applicant to verify the presence and extent of critical areas through appropriate site investigations, such as a wetland delineation. Wetlands are defined by the characteristics of the land that exist in nature and are not created by map designations (see KCC 21A.06.1391). Regardless of the information available in County systems at the time, the wetland and its associated buffer existed when the shed was built, and the construction took place without consideration of impacts to that critical area.

Decision

The shed was built in violation of regulations in effect at the time of construction, specifically those related to critical areas. The structure was not established in conformance with regulations in effect at the time it was built and fails to qualify as a nonconformance. Furthermore, it cannot be said that the structure no longer conforms

² Ordinance 15051: [\[LINK\]](#)

³ The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County. [\[LINK\]](#)

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due to a change in application of regulations. Confirming the presence of wetlands and associated buffers is not a change in the application of regulations. The wetlands existed in 2022 and critical areas regulations were applicable to the property then as they are now. Therefore, the shed does not meet the definition of a nonconforming structure.

Finality of Code Interpretations

Under KCC 2.100.050.A, the director's decision on a code interpretation is final. A code interpretation issued by the director governs all staff review and decisions unless withdrawn or modified by the director or modified or reversed on appeal by the King County Hearing Examiner, King County Council or an adjudicatory body (KCC 2.100.040.H).

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Jim Chan
Director, Permitting Division
Department of Local Services

Date 9/29/2025

Cc: File CINT25-0004
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