



King County
Building & Land Development Division
Parks, Planning and Resources Department
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JB 12/1/92

RE: Minutes of the August 16, 1991 Code Interpretation Meeting

1. K.C.C. 21.48.160(F) prohibits fences in any public right-of-way. If a plat condition requires a fence to be built along an arterial street for noise attenuation, and the only way to satisfy the condition would be to build the fence within the right-of-way, what can be done?

A variance from K.C.C. 21.48.160(F) and a Right-Of-Way Use Permit are required to build the fence within the right-of-way. For some plats, insulation and noise attenuation within the residences has been substituted for the fence requirement.

2. Can a landscaping business operate in AR or GR zones? If so, is the business permitted outright or subject to a CUP for a cottage industry?

An interpretation needs to be written that defines horticultural nursery and includes the permitted accessory activities such as delivery of the product, the number of employees, and the type of equipment permitted. This issue is raised frequently to Code Enforcement in many zones.

3. Do K.C.C. 21.46.020 and .090 permit a temporary construction building in any zone? Can a temporary construction building be a primary use of property?

Chapter 21.46 has several sections that permit temporary uses in all zones. The purpose of Section 21.46.090 is to permit temporary buildings which house tools and equipment or supervisory offices during construction of permanent buildings. The group concluded that temporary construction buildings must occupy the same site as the building(s) being constructed. To operate a temporary use in an ongoing and continuous manner is the same as establishing an ongoing land use; it is no longer temporary. K.C.C. 21.46.090 also does not establish temporary construction buildings as a primary land use, so such a building must be on the same lot as the building under construction.



4. Update on Examiner's decision regarding code enforcement authority to enforce plat conditions.

On June 19, 1991, the Hearing Examiner responded to a Motion for Reconsideration from Lois Schwennesen regarding the Tott decision. The Examiner maintained his position that Title 23 does not grant Code Enforcement the authority to enforce plat conditions since they have not been codified.

JB:STS

cc: Susan Storwick
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