



King County
Building & Land Development Division
Parks, Planning and Resources Department
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RE: Minutes of the September 6, 1991 Code Interpretation Meeting

1. A potential buyer of an unreclaimed gravel pit, wants a determination as to whether a mining operation can resume as "a grandfathered legal non-conforming use." There has not been active mining at the site since 1975. However, gravel has been hauled out from a stockpile left from previous operations. How is "discontinued for a continuous period of more than one year" as used in 21.52.030 evaluated in respect to mining operations?

Discussion: Attached is a previous prosecutor's opinion which discusses quarries and nonconforming use. As the memo indicates, the courts have generally required more than simple discontinuance of use before voiding nonconforming status. The prosecutor stated that actual abandonment or an indication of intent to abandon is more significant than mere discontinuance of activity. The fact that a mining site has not been actively mined, even for a period of time greater than a year, is not a clear indication that it has been abandoned. There are technical and economic reasons why mining activities might be in abeyance without having the accompanying intent to abandon. The inclination of the group is to agree with the previously rendered opinion, however, we will ask the prosecutor to review the opinion from a current prospective. It was decided that the current case will need a new SEPA determination, a new grading permit and a state mining permit, even if a CUP is not required. Generally, each case needs to be decided on the individual circumstances in an attempt to establish abandonment of use.

2. General discussion on stump grinding; is it allowed in ML under 21.32.020(LL) or only in QM under 21.42.020(G)?

Discussion: Stump grinding as a type of compost processing is permitted in the QM zone, but not in ML. 21.32.020(LL) permits processing of previously prepared wood products, such as, lumber but not raw materials, such as stumps, grass clippings, or other organic debris.

3. Code Update:

The proposed Zoning Code was transmitted by the Executive on September 4. The clerk of the Council has it and is evaluating the accompanying adopting and implementing ordinances. Copies of the Executive version, as well as the transmittal package, will be distributed to the product sections when received from the printers. A blue ribbon citizen committee will be formed next week and meet weekly to discuss the code. There will also be council committee meetings. It is our best guess that the code will be adopted by the Council within one year. Training will occur after adoption and during the conversion year, 1993.

Proposal 91-611: A proposed ordinance exempting telecommunication facilities from a maximum height and a 1:1 setback requirement in the BC, CG, ML, MP, MH, FR, A-10 and A-35 zones.

Ordinance Proposal: Modification of the S-R zone, section 21.20.090. This code amendment will eliminate the exceptions to height as listed in 21.20.090, thereby allowing all uses listed in 21.48.030 to exceed the height limitation in S-R.

SAO Interpretations: Terry Brunner and group has distilled and clarified the list of SAO questions and interpretation requests generated through the previous SAO group. The task of formulating interpretations will be incorporating into this group. When the subject matter warrants their expertise, in-house specialists will be in attendance to give their perspective on the subject.

Enclosure

JB:Sts:ib