



King County
Department of Development
and Environmental Services
3600 - 136th Place Southeast
Bellevue, Washington 98006-1400

TO: Chuck Kleeberg
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Greg Kipp
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George McCallum

FM: Jerry Balcom *JB 2/1/93*

RE: Revised Minutes of the November 15, 1991 Code Interpretation Meeting

Present: Hilda Hammon, Jerry Marbett, Harold Vandergriff, Jerry Balcom, Jon Pederson, George McCallum, Susan Storwick, Lisa Lee, Ken Dinsmore, Heather Stout.

1. Under what circumstances would a grading violation also constitute a violation of sensitive area ordinance regulations?

One of the reasons that this subject is so important is the considerable monetary difference between penalties assessed for normal violations and those authorized by the SAO. If there is a violation of a grading permit reviewed and issued after the effective date of the SAO which also violates the regulations of the SAO, penalties will be assessed for both violations.

Is an action subject to SAO penalties if no permit has been procured either through the omission of the landowner to apply for a necessary permit or because none was required?

Some actions are subject to SAO enforcement whether a permit has been issued or not. However, there is no general rule which can be applied. Phrases from the ordinance such as "alteration of a site" imply a different level of action and permit expectation than "development proposal." Whether an action can be evaluated against SAO standards depends on the language of the code section which applies to the action. It is necessary to review each case to determine whether there is a simple violation or one which involves the SAO.

2. Briefing on the Hearing Examiner decision regarding public agency and utility exception to the SAO (K.C.C. 21.54.050).

One of the basic issues which the Hearing Examiner discussed in his decision is whether an agency exception grants the applicant relief from all of the provisions of the ordinance or only allows the establishment of the facility together with



appropriate mitigations (i.e., exemption vs. exception). The Examiner states that there are parallel sections of the ordinance, such as 21.54.280, which permit the establishment of a utility with appropriate mitigations. The agency applicant must identify the specific provisions from which an exception is requested. Mitigations can be required of agencies in the same manner as any other applicant. It is the obligation of the applicant to propose mitigations for the impacts caused by the proposal.

3. Discussion of locating residential parking spaces within the required setbacks (K.C.C. 21.50.060 (B)(5), King County Road Standards 2.03, Footnote 8).

This issue involves zoning code regulations and use of the plat hearing process to provide flexibility to the code under certain circumstances. A formal interpretation will be written on this subject.

4. The discussion of a Bed-and-Breakfast and wedding reception establishments in the AR zone was postponed to the December 6 meeting.
5. Are the setbacks for a substandard lot in the F zone different from those stated in K.C.C. 21.37.080? (See K.C.C. 21.48.240.)

This discussion was not completed and will be raised again.

JB:STS:ib

cc: Randy Sandin
Ann Dold
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