



King County  
Building & Land Development Division  
Parks, Planning and Resources Department  
3600 - 136th Place Southeast  
Bellevue, Washington 98006-1400

September 9, 1992

TO: Greg Kipp  
Terry Brunner  
Harold Vandergriff  
George McCallum

Gary Kohler  
Lisa Pringle  
Lisa Lee  
Ken Dinsmore

FM: Jerry Balcom *JB*

RE: Minutes of August 21, 1992 Code Interpretation Meeting

Present: Terry Brunner, George McCallum, Harold Vandergriff, Lisa Lee, Laura Casey, Ken Dinsmore, Gordon Thomson, Henryk Hiller

1. Is the installation of a SWM stream maintenance road within the 100 foot buffer for a Class 1 stream permitted under the Sensitive Areas Ordinance?

A stream maintenance road is not permitted in the stream buffer under the SAO (see K.C.C. 21.54.320). However, if SWM itself is building the road, it may apply for a public agency exception to allow the construction under K.C.C. 21.54.050. If a private developer is seeking approval for construction of the road, a variance must be sought.

We have an early draft of an ordinance that will be circulated shortly to amend the SAO and add such facilities as allowed alterations under limited conditions.

2. Is a public trail permitted in the 100 foot stream setback?

K.C.C. 21.54.320(D) permits the construction of public trails in stream buffers only after the adoption of administrative rules. No rules have been adopted at this time (draft rules are now being circulated), so public trails cannot now be approved under K.C.C. 21.54.320(D). Until public rules are adopted, an applicant would have to seek a variance to construct the trail.

It was noted that some community plans may be requiring public trails or maintenance roads in buffers, but these requirements remain subject to the relevant zoning code provisions.



- . **If a public trail is permitted in the 100 foot stream setback, can it overlay the SWM road?**

K.C.C. 21.54.320(D)(1) permits the construction of "multi-purpose" trails with impervious surfaces. The public rule now being drafted will address when a multi-purpose trail can include an access road for stream maintenance.

- . **Is a surface water retention/detention facility permitted within the 100 foot stream setback?**

No. K.C.C. 21.54.320(F) does not permit the retention/detention facility within a Class 1 stream buffer. Subsection (F)(1) only permits certain surface water discharges to cross buffers and enter streams; it does not permit the construction of surface water management structures in the stream or buffer. Subsections (F)(2) and (3) permit certain retention/detention facilities, but only in Class 2 or 3 streams or Class 3 buffers.

- . **Legislative update.**

It was noted that an ordinance to correct the subsection numbering error for wetland buffer averaging has been drafted and is now going through the SEPA process.

B:HH

- 3: Laura Casey  
Tina Miller  
Steve Bottheim  
Ralph Colby  
Gordon Thomson  
✓Henryk Hiller