



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

TO: Greg Kipp Gary Kohler
Terry Brunner Lisa Pringle
Harold Vandergriff Lisa Lee
George McCallum Ken Dinsmore

FM: Jerry Balcom JB 9/15/92

RE: Minutes of the September 4, 1992 Code Interpretation Meeting

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

1. The lot clustering provisions in K.C.C. 21.08.080 and 21.21A.070 exclude "submerged land" from density computations. What constitutes land that is "submerged" for purposes of these density calculations?

The zoning code does not contain a specific definition of "submerged land," so the common and ordinary meaning of the term should be used. The consensus of the group was that "submerged" land includes land areas below the ordinary high water mark (OHWM). An OHWM can be determined for streams, lakes, tidelands, and wetlands with standing water much of the year. If an OHWM can be determined, the land below that OHWM is considered "submerged." Those wetland areas that are just saturated, rather than having standing water as a normal feature, would not have an ordinary high water mark and would not be "submerged."

Note that this is only an issue for development proposals that vested prior to the SAO. For residential projects that are subject to the SAO, the number of allowable units is determined under K.C.C. 21.54.080, where submergence is not an issue.

A zoning code amendment will be proposed to clearly define "submerged" land as land which is below the OHWM.

2. Does a "training structure" to be added to an existing fire station (for use in fire drills and exercises, including use of fire hoses and perhaps a burn room for actual fire conditions) constitute a "public agency training facility" requiring a UUP under K.C.C. 21.44.020(M), or can it be considered part of the "fire station" that is a conditional use under K.C.C. 21.44.030(E)?

A training facility is not a usual feature of a fire station and, because it involves fire trucks, drills, use of fire hoses, and actual fire conditions, the level of impact is different from normal fire station activities. The training facility may be inappropriate for certain sites in light of these impacts, even though a fire station may be appropriate for that same site. In order to fully determine the appropriateness of the training facility for the particular site, "training facilities" are categorized as uses requiring a UUP.

Note that if a fire station needs a CUP for initial construction or expansion, the review for that CUP may be combined with the UUP review for the training facility (although there would still be two permits issued). Since the UUP has the more extensive requirements, the CUP issues would be reviewed during the UUP review process.

3. **Legislative update.**

It was noted that the council hearing on the Revised Zoning Code was scheduled for September 28, 1992, with adoption expected one or two weeks later. (However, subsequent to the meeting, the hearing date was changed to October 20, 1992.) Some issues remain up in the air, including minimum density requirements on properties with sensitive areas and the Master Plan Development concept.

The council is now leaning toward a three-stage conversion process rather than converting the whole county at the same time. In addition, the council is leaning toward having the new code apply immediately to MPD's and toward entertaining individual reclassifications under the new code prior to conversion.

4. **Administrative Interpretations.**

Three interpretations have been signed by the Manager and transmitted to the Clerk of the Council for filing. These concern parking requirements for combined uses, accessory use variances, and excavation in shoreline environments. Notebooks for interpretations will be set up around the division and in the ED, as will notebooks for meeting minutes.

JB:HH

cc: Tina Miller
Laura Casey
Steve Bottheim
Greg Borba
Gordon Thomson
Henryk Hiller