



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

TO: Greg Kipp  
Terry Brunner  
Harold Vandergriff  
Kyle Evans  
George McCallum

Gary Kohler  
Lisa Pringle  
Lisa Lee  
Ken Dinsmore

FM: Jerry Balcom *B 12/17/92*

RE: Minutes of the December 11, 1992 Code Interpretation Meeting

Present: Ken Dinsmore, Jerry Balcom, Lisa Lee, George McCallum,  
Laura Casey, Gordon Thomson, Henryk Hiller

1. If a project is exempt from the SAO, is it exempt from all provisions of that ordinance, subject to any limitations contained in K.C.C. 21.54.030?

Yes. The difference between exemptions and exceptions is discussed in the June 5, 1992 Minutes. Note that most of the exemptions in K.C.C. 21.54.030 contain specific limitations that must be met.

The proposed new zoning code distinguishes between "complete" and "partial" exemptions, with partial exemptions still subject to notice on title and floor hazard area provisions. However, many of the complete and partial exemptions also have limitations similar to those in the current code.

2. If a project is exempt from the SAO as an emergency (K.C.C. 21.54.030(A)), can it be subject to sensitive area review at a later time?

Actions occurring after the emergency has passed would be separate actions subject to whatever review would normally be required.

The proposed new zoning code provides some clarification on reporting emergency activities to the division and the manager's determination that an emergency exists and what mitigation may be required.

3. Are lakes, ponds and other open bodies of water treated as wetlands or streams under the SAO?

Whether a water body is considered a wetland or a stream is determined by the presence or absence of the elements that define those sensitive features (see K.C.C. 21.04.823, 21.04.920). This is the case regardless of how the water body



may be mapped in the Sensitive Areas Map Folio (see K.C.C. 21.54.090(A)). If the water body does not meet the definition for a stream or a wetland, sensitive area regulations would not apply (although shoreline regulations probably would). If, on the other hand, the water body does meet the definition for a stream or a wetland, it should be treated as such under the SAO.

4. In order to grant an SAO variance, staff must be shown that the variance "shall be the minimum necessary to accommodate the permitted uses" (K.C.C. 21.58.020(C)). What is the appropriate way to determine what the "minimum necessary" is for different types of projects?

Sensitive area variance requests are submitted for a particular project. If the criteria in K.C.C. 21.58.020(A) and (B) can be met, the issue under K.C.C. 21.58.020(C) is whether the sensitive area intrusion requested for that particular project is the minimum intrusion necessary to accomplish that project. Staff is not being asked to consider possible alternative projects under 21.58.020(C); instead, the question is whether the sensitive area intrusion is the minimum intrusion necessary to accomplish the proposed project. Note, however, that the project must still meet the requirements of 21.58.020(A) and (B).

5. **Legislative update.**

- A. Two proposed ordinances will be considered by the GMHE Committee on December 16, 1992: (1) to establish an MPD permit; and (2) to clarify the definition of "clearing" activities and to exempt from SAO restrictions those clearing activities that are exempt from clearing permit requirements.
- B. Administrative Services and Code Development plan to have an overview of the new fee ordinance ready for section chiefs and permit techs before the end of the year.

JB:HH

cc: Laura Casey  
Steve Bottheim  
Ralph Colby  
Madelyn Troxclair  
Gordon Thomson  
Henryk Hiller