



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

TO: Chuck Kleeberg
Greg Kipp
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George McCallum
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Ken Dinsmore

FM: Jerry Balcom *JB 4/12/93*

RE: Minutes of the April 9, 1993 Code Interpretation Meeting

Present: Laura Casey, Lisa Lee, George McCallum, Jerry Balcom,
Kyle Evans, Gloria Chow, Henryk Hiller, Bill Vlcek (DPW),
Vicki Shapley (DPW), John Diaz (DPW)

1. If proposed road construction and maintenance work within a wetland buffer area will remain within the existing road prism (pavement and fill shoulders), is the activity exempt from the Sensitive Areas Ordinance?

The SAO does not contain an express exemption for maintenance or other activities connected with roadways. Such an exemption has been proposed at various times in code rewrites (and it is in the proposed new zoning code), but to this point it had not been adopted.

There is an exemption for the remodelling, replacement or reconstruction of "structures" that were in existence on November 27, 1990 (K.C.C. 21.54.030(B)). While some structurally engineered fills may technically meet the zoning code's definition of "structure" (see the January 22, 1993 Minutes), that definition specifically excludes "paved areas" (K.C.C. 21.04.840).

It was noted that K.C.C. 21.46.140 states that zoning code provisions shall not be construed to interfere with the installation or maintenance of streets. However, when there is a conflict between a provision of the SAO and a provision of any other County Code chapter, the one providing more protection to the sensitive areas shall apply unless specifically stated otherwise in the SAO (K.C.C. 21.54.020(A)).

The group was unable to reach a consensus on whether work within an existing road prism is exempt from the SAO (if the work is not exempt, DPW would need a Public Agency Exception under K.C.C. 21.54.050). While the structural fill under the roadway may technically be a "structure" that could be exempt, the fill is not really separable from the paved roadway. If



the paved roadway can be remodelled or replaced, other paved areas may also be exempt.

A code amendment is currently being drafted to address the issue of structural fill. An attempt will be made to address the roadwork issue through that ordinance.

2. Revisions to March 5, 1993 Minutes regarding to adult use establishments:

- 3A) The definition of "adult use establishment" states that adult books, videos, etc. are for the "observation by patrons therein" (K.C.C. 21.04.020). Does this definition require that the books and videos be viewed or read while inside the store?

The clause "for observation by patrons therein" was clearly intended to refer only to "live entertainment, performance or activity." A code amendment will be proposed to clarify this provision.

- 3B) The "adult use establishment" is an enterprise "predominantly" involved in the commercial selling, renting or presenting of adult books, videos, etc. How much of the business is a "predominant" amount?

Whether the enterprise is "predominantly" involved in those activities must be determined on a case-by-case basis.

3. Legislative update.

- A) The full Council hearing on the proposed new zoning code is now scheduled for May 3, 1993. Adoption by the end of May is likely. The current conversion schedule is to do the entire county at one time, which is expected to take ten to twelve months.
- B) The East Sammamish Community Plan update is also expected to come before the Council in May. It appears that the update will not be using the new zoning code.
- C) The proposed ordinance to permit certain limited bulk gas storage facilities in residential zones with a conditional use permit will go before the GMH&E Committee on April 14, 1993.
- D) The ordinance implementing the Bear Creek Basin Plan will go before the GMH&E Committee on April 28, 1993. Some disagreement remains between DDES and DPW over seasonal clearing limits.

- E) It was hoped that the vesting ordinance would come before committee in April, but that now seems unlikely.

JB:HH

cc: Ann Dold
Laura Casey
Steve Bottheim
Gordon Thomson
Henryk Hiller
Gloria Chow
Rick Bautista
Vicki Shapley (DPW)
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