



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

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

FM: Jerry Balcom *JB 9/2/93*

RE: Minutes of the August 13, 1993 Regulatory Review Committee Meeting

Present: Chuck Kleeberg, Lisa Lee, George McCallum, Betty Salvati,
Mason Bowles, Laura Casey, Henryk Hiller

1. Can all or part of a lake be considered a wetland, subject to regulation under the Sensitive Areas Ordinance?

This issue was also addressed in the December 11, 1992 Minutes. As indicated there, a water body is considered a wetland based upon the presence or absence of the elements defining that sensitive feature (see K.C.C. 21.04.920). If the shallow water area of a lake has the soil, vegetation, and hydrological characteristics that define a wetland, it is considered a wetland under the SAO.

It was noted that the definition of "wetland" was written to cover shallow freshwater areas such as marshes, bogs and swamps. However, as it turns out, the definition also applies to parts of lakes (including Lake Washington) and even Puget Sound if those areas meet the wetland criteria.

A formal interpretation of the "wetland" definition will be drafted to fully address this issue. In addition, consideration will be given to amending the definition to more accurately reflect its intended focus.

2. K.C.C. 21.54.110(A) requires that certain sensitive areas be placed in sensitive area tracts as part of a subdivision. Those sensitive area tracts are to be owned by all lot owners in common or by a homeowner's association or other legal entity which assures the ownership and protection of the tract. If an existing structure is located in a sensitive area or buffer that would normally become part of a sensitive area tract, is an SAO variance required to create an individually-owned lot around the structure?

Yes. Since K.C.C. 21.54.110(A) requires that the sensitive area be placed in a sensitive area tract, a variance is needed to create an individually-owned lot out of part or all of that

sensitive area. It was noted that the SAO exemption for existing structures at K.C.C. 21.54.030(B) applies only to the remodelling, replacement or reconstruction of those structures; it does not exempt the sensitive area from the requirements in K.C.C. 21.54.110(A).

3. Legislative update.

The Executive-proposed ordinance to permit parks in the ML zone (Proposed Ordinance 93-528) was tabled by the GMH&E Committee on August 11, 1993. Council staff recommended against passage of the proposal, but staff was relying on a Comprehensive Plan policy that does not actually apply. Follow-up action is being taken, but it is not clear when the proposal will go before the committee again.

JB:HH

cc: Ann Dold
Laura Casey
Mason Bowles
Lanny Henoeh
Randy Sandin
Gordon Thomson
Henryk Hiller