



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

TO: Chuck Kleeberg  
Greg Kipp  
Terry Brunner  
Harold Vandergriff  
George McCallum

Gary Kohler  
Lisa Pringle  
Lisa Lee  
Ken Dinsmore

FM: Jerry Balcom *JB* 3/3/94

RE: Minutes of the February 11, 1994 Regulatory Review Committee Meeting

Present: Jerry Balcom, Terry Brunner, George McCallum, Betty Salvati, Gordon Thomson

1. May a nonconforming structure be reconstructed within a sensitive area after it has been more than fifty percent destroyed? (K.C.C. 21.52.030, K.C.C. 21.54.030)

The issue of non-conformance within a sensitive area was first discussed by the committee. K.C.C. 21.04.615 defines a nonconforming building" as: "a building, or portion thereof, which was legally erected or altered and maintained but which, because of application of this title, no longer conforms to the regulations of the zone in which it is located as defined by this title." (emphasis added) Because the sensitive area regulations in K.C.C. 21.54 are a general provision which constitute a regulation of the zoning code, a structure located within a sensitive area may be nonconforming by reason of its location within the sensitive area alone.

With respect to conformance with sensitive areas regulations, K.C.C. 21.54 addresses the issue of preexisting structures independent of the nonconforming use provisions in K.C.C. 21.52. K.C.C. 21.54.030 provides an exemption from the setback and buffer requirements from wetlands, streams, and steep slopes for structures in existence before November 27, 1990. Therefore, regardless of the extent of destruction, a structure could be remodelled, reconstructed or replaced if in existence before November 27, 1990, and still be in conformance with the provisions of K.C.C. 21.54. As such, the provisions of K.C.C. 21.52 would not even be germane. Additionally, repair, reconstruction, or improvement of a structure within a flood hazard area is allowed consistent with the provisions of K.C.C. 21.54.180 and K.C.C. 21.54.190.



2. Legislative Update.

- A) SAO General Exemptions/Allowed Alterations. The GMHE committee met on February 15, 1994 to continue the discussion of proposed ordinance 93-817. The committee ---
- B) Migrating Rivers Ordinance. Proposed ordinance 94-11 is scheduled for the March 9, 1994 GMHE meeting.
- C) Financial Guarantee Ordinance. Proposed ordinance 93-514 is scheduled for the March 16, 1994 GMHE meeting.

cc: Ann Dold  
Betty Salvati  
Gordon Thomson

JB:GT