



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 *JB 11/20/92*

RE: Minutes of the October 23, 1992 Code Interpretation Meeting

Present: Harold Vandergriff, Randy Sandin, Laura Casey, Gordon Thomson, Henryk Hiller, Kyle Evans, Terry Brunner, Lisa Lee, Luanne Coachman, Jerry Balcom

1. Is a Native American tribe's gathering of medicinal plants in a wetland area exempt from clearing permit and sensitive area requirements? (Further consideration)

The removal or harvesting of vegetation is a land use that is specifically permitted in certain zones (see K.C.C. 21.21A.040(M), 21.37.030(D)). It is distinguished from agricultural harvesting, which is also permitted in those zones (see K.C.C. 21.21A.030(A), 21.37.030(A)).

Even if it is determined that the tribe's gathering activity is a permitted use in a particular zone, it may still be subject to the SAO if it involves a sensitive area. There is no SAO exemption for this type of nonagricultural gathering activity. (The agricultural harvesting exemption in K.C.C. 21.54.030(C)(3) applies only to harvesting the products of agriculture.) The group consensus was that this type of gathering activity, although limited in duration and extent, does constitute an "alteration" under K.C.C. 21.04.047, since it involves cutting and removal of vegetation. Since it does not constitute one of the permitted alterations in a wetland area, the tribe's gathering activity is prohibited under the SAO (K.C.C. 21.54.280).

Note: There is no need to consider whether the activity requires a clearing permit, since the activity itself is prohibited by the SAO.

A code amendment will be proposed to exempt this type of limited gathering activity from the SAO. Some members felt that the zoning code definition of "use" should also be amended so that temporary, innocuous activities would not be considered a land use, effectively permitting those activities outright in all zones.



- 2a. When a lot with a sensitive area is subdivided, is the sensitive area deducted from the overall site except for the density credit allowed under K.C.C. 21.54.080?

Yes, that is the effect of K.C.C. 21.54.080(D). As a general example, consider a 10 acre parcel in a 5 acre zone, of which 1 acre is wetland and .5 acres is buffer. Under K.C.C. 21.54.080, only 100% of the buffer area (and none of the wetland) is included in density calculations, leaving 9 acres. No subdivision is allowed.

- b. Does K.C.C. 21.54.080 similarly apply in the case of a "one-time split" in the GR and G-5 zones (K.C.C. 21.21.050(A) and (C), 21.25.030(B))?

Yes. The "one-time split" provisions establish density standards different from those otherwise provided in the GR and G-5 zones, but they are still subject to the more protective SAO density provision (see K.C.C. 21.54.020(A)). If the deduction of the sensitive area reduces the overall site to less than two acres, no subdivision would be permitted.

3. The third agenda item had already been addressed in the April 17, 1992 minutes, so it was withdrawn from consideration.
4. Legislative update.

The 1991 U.B.C. was adopted by the Council on October 19, 1992, with the modifications as proposed by BALD.

JB:HH

cc: Randy Sandin
Luanne Coachman
Laura Casey
Steve Bottheim
Gordon Thomson
Henryk Hiller