



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

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

FM: Jerry Balcom *JB 2/23/93*

RE: Minutes of the February 19, 1993 Code Interpretation Meeting

Present: Terry Brunner, George McCallum, Jerry Balcom, Lisa Pringle, Kyle Evans, Harold Vandergriff, Ken Dinsmore, Gordon Thomson, Henryk Hiller, Joe Miles, Wally Archuleta, Laura Casey, Greg Borba

1. Are streams the only waterbodies that can have FEMA floodways or zero-rise floodways under the zoning code?

Under K.C.C. 21.04.412, flood hazard areas include streams, lakes, wetlands and closed depressions. A flood hazard area may contain one or more of the following: floodplain, flood fringe, FEMA floodway, and zero-rise floodway. However, both FEMA floodways and zero-rise floodways are defined as being associated only with streams (K.C.C. 21.04.412(C), (D)). As a result, the standards in K.C.C. 21.54.190, .200, and .210 apply only to flood hazard areas associated with streams.

Note that the SAO wetland standards would apply to lakes or closed depressions that meet the definition of a wetland.

Representatives of the Engineering Section of the Land Use Services Division indicated that lakes should have protections similar to those that exist for stream FEMA floodways and zero-rise floodways. A code amendment will be proposed to provide those protections.

- 2A. Stream crossings are permitted under the SAO, subject to the conditions in K.C.C. 21.54.320(B). If a Public Works road project does not involve a stream crossing, but still impacts the stream buffer, is a Public Agency Exception needed?

Yes. If the project does not involve a stream crossing, it is not a permitted alteration (see K.C.C. 21.54.320). A Public Agency Exception is needed (K.C.C. 21.54.050).



- B. If the road runs parallel to the stream, rather than crossing it, does the widening of the roadway require a Public Agency Exception if the project will impact the stream buffer?

Yes. The impact to the buffer is not a permitted alteration under K.C.C. 21.54.320, so a Public Agency Exception is needed.

- C. If the roadway project involves temporary impacts to the stream itself as well as the stream buffer (such as the placement of sand bags in the stream and a catch basin within the buffer), is a Public Agency Exception required?

Yes. The impacts to the stream and buffer are not permitted alterations under K.C.C. 21.54.320, and there is no special rule in the SAO for temporary impacts. A Public Agency Exception is needed.

3. If 12 feet along the perimeter of a lot in an RM zone is required to be dedicated for right-of-way, and there is an existing 60-foot road right-of-way beyond the dedicated area, how much of the dedicated/roadway area is included as part of the site area for determining lot area per dwelling unit?

To determine lot area per dwelling unit in the RM zones, the required minimum lot area per dwelling unit is divided into the "area of the site." The "area of the site" includes all area utilized for public or private streets, except that area on the perimeter of the site required to be dedicated for public street and alley rights-of-way up to thirty feet from the centerline of such rights-of-way (K.C.C. 21.12.040(A), 21.14.040(B), 21.16.040(B)).

As a result, if an area on the perimeter of the site is dedicated for public street or alley right-of-way, only that portion beyond thirty feet from the centerline can be counted as part of the "area of the site." In the example, 12 feet would be counted as part of the "area of the site," since that is the amount beyond thirty feet from centerline.

It was noted that "lot area" is defined to include up to fifty feet but not more than one-half of the right-of-way of any perimeter public or private street whenever the total area exceeds two acres and the right-of-way does not comprise more than thirty percent of the required lot area of the zone (K.C.C. 21.04.560(A)). While this definition would apply to the overall lot area of an RM site (see K.C.C. 21.12.030, 21.14.030, 21.16.030), it does not apply to determining lot

area per dwelling unit in those zones. That is because lot area per dwelling unit has its own standard: it specifically includes in the "area of the site" only those perimeter areas dedicated for street and alley right-of-way that are more than thirty feet from the centerline.

JB:HH

cc: Ann Dold
Joe Miles
Wally Archuleta
Bruce Johnson (SWM)
Laura Casey
Steve Bottheim
Greg Borba
Gordon Thomson
Henryk Hiller