



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

TO: Bob Derrick
Greg Kipp
Terry Brunner
Harold Vandergriff
George McCallum

Gary Kohler
Lisa Pringle
Lisa Lee
Ken Dinsmore

FM: Jerry Balcom JB 4/24/94

RE: Minutes of the May 20, 1994 Regulatory Review Committee Meeting

Present: Terry Brunner, Lisa Lee, Harold Vandergriff, Jon Hanson, Gordon Thomson

1. Does the SAO exemption for agricultural activities (K.C.C. 21.54.030 (D)) in existence "before" November 27, 1990, mean that agricultural activities which existed on the site at any time prior to 11/27/90 are exempt?

Yes. The consensus of the committee was that the amendment from "on" to "before" substantially liberalized the exemption for agricultural activities. It is important to note, however, that the intent of the amendment was not to exempt activities which have been discontinued. The exemption language was initially changed with the adoption of the new zoning code (21A.24) to address a situation in which cyclical agricultural activities were unable to comply with the provision that the activity be in existence "on" 11/27/90. If the activity were temporarily discontinued and fields were fallow on 11/27/90, the exemption did not apply. The committee recognizes that the new language could be problematic. The issue will be addressed within the context of the Title 21A housekeeping ordinance which will be transmitted to the council in late 1994.

2. Do retention/detention ponds have to meet setback requirements? If so, where is the measurement taken from? (K.C.C. 21.04.840)

The committee agreed that the definition of structure includes R&D ponds because they are constructed in the ground. R&D ponds may or may not be lined with concrete or plastic. However, the fact that they are engineered and clearly constructed is most relevant in determining whether they are considered structures. Because R&D ponds are structures they



do have to meet all setback requirements. Measurement of such setbacks is taken from the base on the outside surface of the pond because that is where the structure begins.

3. What constitutes a sign for the purposes of sign size limits in the zoning code? (K.C.C. 21.04.785) In the RM zone in particular, what constitutes the face of the sign? (K.C.C.21.16.020)

The zoning code definition of sign states: "Sign means any visual communication device, structure or fixture, including supporting and component parts..." The entire supporting structure is therefore included in calculating sign area.

In the RM zone, there is a provision which restricts the size of the "face" to 16 square feet (K.C.C. 21.16.020 (K)). There is no distinction in the definition of sign or in the RM zone, however, between "face" and any other part of the sign. Therefore, in the RM zone as well, the entire supporting structure is included in calculating sign area.

4. Legislative Update:

1. Ordinance 11284 amending the SR zone height limits allowing structures up to 75 feet has been distributed to division managers and section supervisors. The new provision requires an additional one foot setback from all yards for every foot above 30 feet.
2. Proposed Ordinance 94-290 defining the phrase "existing public park" as used in a clearing and grading exemption (K.C.C. 16.82.050) is scheduled for action before GMH&E on June 8, 1994.
3. Proposed Ordinance 92-291 including public agency training facilities as a UUP in the F zone (K.C.C. 21.37.060) was passed out of GMH&E on May 25, 1994.
4. Proposed Ordinance 94-311 allowing outdoor dining in the BC zone (K.C.C. 21.28.030) was passed out of GMH&E on May 25, 1994.

cc: Jon Hanson
Gordon Thomson

JB:GT