



King County

Department of Development and Environmental Services

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REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: April 10, 2008

TO: Building Services Division Staff
Jim Chan, Manager
Chris Ricketts
Mark Bergam
Jarrod Lewis

Land Use Services Division Staff
Randy Sandin, Manager
Lisa Dinsmore
Deidre Andrus
Steve Bottheim
Doug Dobkins

Fire Marshal Division Staff
John Klopfenstein, Fire Marshal

Stephanie Warden, Director
Joe Miles, Deputy Director
Harry Reinert, Special Projects Manager and RRC Co-Chair
Cass Newell, Prosecuting Attorney's Office

FM: Harry Reinert, Co-Chair

Present: Mark Bergam, Joelyn Higgins, Lisa Dinsmore, Hillary Jones, Steve Bottheim, Jina Kim, Jim Chan, Jarrod Lewis, Joelyn Higgins, and Harry Reinert

1. Do porous pavers count as impervious surface under NSP-23 and KCC 21A.06.625?

Background

An applicant is proposing a 2 lot short plat in the Holmes Point area, which is governed by NS-P23, which includes limits on total impervious surfaces. Lot 1 has an existing house, garage, and shed, which leave approximately 728 square feet of additional impervious surfaces, which is not enough for a second residence. The applicant has proposed the use of porous pavers for her driveway and wants to exclude that area from being considered an impervious surface.

Discussion.

K.C.C. 21A.06.625 defines impervious surface as “a nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle at natural infiltration rates, including, but not limited to, ... paved, graveled or made of packed or oiled earthen materials such as roads, walkways or parking areas.”

The purpose statement of NS-P23 states:

A. Purpose. The purpose of the minimum site disturbance development standards is to allow infill at urban densities while providing an increased level of protection for the Holmes Point study area, an urban residential area characterized by a predominance of sensitive environmental features including but not limited to steep slopes, landslide hazard areas and erosion hazard areas, and further characterized by a low level of roads and other impervious surfaces relative to undisturbed soils and vegetation, tree cover and wildlife habitat. These standards limit the allowable amount of site disturbance on lots in Holmes Point to reduce visual impacts of development, maintain community character and protect a high proportion of the undisturbed soils and vegetation, tree cover and wildlife, and require an inspection of each site and the area proposed to be cleared, graded and built on prior to issuance of a building permit.

With respect to building coverage, NS-P23 limits “total building coverage and all other impervious surfaces ... within every building lot” based on the lot size. The clear intent of NS-P23 is to limit site disturbance, not just impervious surfaces.

In 2003, the Director issued a code interpretation involving a similar issue with the Grand Ridge Joint Agreement. See <http://www.metrokc.gov/ddes/CodeInterp/PDFs/L03CI005.pdf>. The Grand Ridge Joint Agreement includes limitations on the total amount of impervious surfaces that are allowed. Using a similar analysis, an applicant proposed to use pervious concrete and have areas with that material excluded from the calculation of impervious surfaces. The Director concluded that pervious concrete was still considered to be impervious for purposes of the Grand Ridge Agreement and its limitations on the total amount of impervious surfaces allowed. The analysis in that Code Interpretation is applicable to the present circumstances.

Conclusion.

Under the zoning code and NS-P23, porous pavers, pervious concrete, and similar materials are considered to be an impervious surface.