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

FM: Jerry Balcom \[10/13/92\]

RE: Minutes of the October 9, 1992 Code Interpretation Meeting


1. **Is a Native American tribe’s occasional gathering by hand of medicinal plants in a wetland area subject to the Sensitive Areas Ordinance?**

   This question raises issues regarding what constitutes a "land use" and what constitutes a sensitive area "alteration." The consensus of the group was that there is ambiguity on both issues, but that the occasional gathering by hand of medicinal plants is an activity so limited in intensity that it does not constitute either a wetland "alteration" that would be subject to SAO regulation (K.C.C. 21.04.047, 21.54.260) or a "land use" requiring authorization in a particular zone (K.C.C. 21.46.020).

   However, upon reflection, there is no ambiguity in these areas. "Alteration" expressly includes "cutting, pruning, limbing or topping, clearing, relocating or removing vegetation" (K.C.C. 21.04.047), and "use" is defined as a "type of activity . . . to which land is devoted" (K.C.C. 21.04.910). As a result, this question will be reconsidered at the next meeting.

2. **Legislative Update.**

   a. Ordinance 10578, enacted on October 5, 1992, permits bulk retail businesses with "limited wholesale sales" in the B-C zone. Wholesale sales are "limited" when they constitute less than 100% of the business's sales. Since the wholesale sales must be part of a bulk retail business, they will be "limited" by virtue of the fact that retail sales will also be occurring.
b. Two proposed ordinances will have Determinations of Non-Significance published on October 14, 1992: one permitting certain bulk gas storage facilities in residential zones, and the other clarifying that lot area and parking standards for retirement homes are based upon the total number of living units at the site (dwelling units plus sleeping units).

c. The ordinance to correct the subsection numbering error for wetland buffer averaging has been transmitted to the council.

d. The ordinance to clarify the definition of "clearing" activities and to exempt from SAO restrictions those clearing activities that are exempt from clearing permit requirements (Proposed Ordinance 92-675) is scheduled to be considered by the GMHE later this month.

JB:HH

cc: Randy Sandin
Jim Ballweber
Jon Pederson
Ann Dold
Luanne Coachman
Laura Casey
Steve Bottheim
Gordon Thomson
Henryk Hiller