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

FM: Jerry Balcom 8/2/93

RE: Minutes of the August 13, 1993 Regulatory Review Committee Meeting

Present: Chuck Kleeberg, Lisa Lee, George McCallum, Betty Salvati,
        Mason Bowles, Laura Casey, Henryk Hiller

1. Can all or part of a lake be considered a wetland, subject to
   regulation under the Sensitive Areas Ordinance?

   This issue was also addressed in the December 11, 1992
   Minutes. As indicated there, a water body is considered a
   wetland based upon the presence or absence of the elements
   defining that sensitive feature (see K.C.C. 21.04.920). If
   the shallow water area of a lake has the soil, vegetation, and
   hydrological characteristics that define a wetland, it is
   considered a wetland under the SAO.

   It was noted that the definition of "wetland" was written to
   cover shallow freshwater areas such as marshes, bogs and
   swamps. However, as it turns out, the definition also applies
   to parts of lakes (including Lake Washington) and even Puget
   Sound if those areas meet the wetland criteria.

   A formal interpretation of the "wetland" definition will be
   drafted to fully address this issue. In addition, consideration
   will be given to amending the definition to more
   accurately reflect its intended focus.

2. K.C.C. 21.54.110(A) requires that certain sensitive areas be
   placed in sensitive area tracts as part of a subdivision.
   Those sensitive area tracts are to be owned by all lot owners
   in common or by a homeowner's association or other legal
   entity which assures the ownership and protection of the
   tract. If an existing structure is located in a sensitive
   area or buffer that would normally become part of a sensitive
   area tract, is an SAO variance required to create an
   individually-owned lot around the structure?

   Yes. Since K.C.C. 21.54.110(A) requires that the sensitive
   area be placed in a sensitive area tract, a variance is needed
   to create an individually-owned lot out of part or all of that
sensitive area. It was noted that the SAO exemption for existing structures at K.C.C. 21.54.030(B) applies only to the remodelling, replacement or reconstruction of those structures; it does not exempt the sensitive area from the requirements in K.C.C. 21.54.110(A).

3. Legislative update.

The Executive-proposed ordinance to permit parks in the ML zone (Proposed Ordinance 93-528) was tabled by the GMH&E Committee on August 11, 1993. Council staff recommended against passage of the proposal, but staff was relying on a Comprehensive Plan policy that does not actually apply. Follow-up action is being taken, but it is not clear when the proposal will go before the committee again.

JB:HH

cc: Ann Dold
    Laura Casey
    Mason Bowles
    Lanny Henoch
    Randy Sandin
    Gordon Thomson
    Henryk Hiller