



King County
Department of Development and Environmental Services
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REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: November 15, 2000

TO: Building Services Division Staff	Land Use Services Division Staff
Chris Ricketts	Joe Miles
Nathan Brown	Greg Borba
Beth Deraitus	Lanny Henoch
Pam Dhanapal	Lisa Pringle
Ken Dinsmore	Gordon Thomson

Caroline Whalen, Deputy Director
Kevin Wright, Prosecuting Attorney's Office

FM: Harry Reinert, Special Projects Manager

Present: Tim Barnes (PA), Greg Borba, John Briggs (PA), Nathan Brown, Ken Dinsmore, Harry Reinert, Rose Werelus, Caroline Whalen

Issue:

1. **What classification would an access easement have in the Zoning Code? K.C.C. 21A.06.055 defines "alley." K.C.C. 21A.06.1245 defines "street." (Ken Dinsmore / Rose Werelus)**

Discussion:

Under K.C.C. 21A.06.055, an alley is an improved thoroughfare that provides access to an interior boundary of one or more lots. K.C.C. 21A.06.1245 defines a street as a public or private thoroughfare through a neighborhood and to abutting property. In addition, the King County Road Standards define a driveway as "a privately maintained access to residential, commercial, or industrial properties." K.C. Road Standards 1.10.

The issue was raised in relation to an access easement to two parcels, where one property owner has constructed a garage that would be within the required setback if the access is considered to be a street. As can be seen by reviewing the definitions in the Zoning Code and the Road Standards, the classification of an access easement is dependent on a variety of factors.

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After considerable discussion, the Regulatory Review Committee concluded that it did not have enough information to provide guidance for the particular circumstances presented. The Committee asked the staff to provide additional information at the next Regulatory Review Committee meeting.

Conclusion:

Staff will provided additional information for consideration at the next Regulatory Review Committee meeting.

Issue:

2. Under the definition of "building, hardware and garden materials store" (K.C.C. 21A.06.145), is there any allowance for the manufacture of products on-site to be sold in the store? (Greg Borba)

Discussion:

The Regulatory Review Committee addressed a similar issue at its October 18, 2000 meeting in discussing whether topsoil production is allowed under the building, hardware and garden materials store provision. The Regulatory Review Committee noted that "The types of activities referenced in the definition of building, hardware, and garden materials stores and in the referenced SIC categories involve retail sales and do not involve manufacturing." It was concluded that topsoil production was not allowed in the RA-5 zone.

In this particular case, the business engages in making and selling ornamental landscaping figurines. The products are primarily made out of concrete poured into molds or sculpted from rock. The products are usually painted or stained. The site is in the RA-5 zone which allows a "garden supply store" as a conditional use. K.C.C. 21A.08.070A and B.1.

The Regulatory Review Committee concluded that production of the ornamental landscaping figurines is not allowed, even though this activity might only be a small part of the use. The Committee did discuss other alternatives, including the ability of a resident to conduct a home occupation pursuant to K.C.C. 21A.30.080 or to establish a home industry under K.C.C. 21A.30.090. One potential difficulty facing the resident in this case is that the portion of the property where the business is being conducted is being leased to another person.

Conclusion:

Production of ornamental landscaping figurines is not allowed as a part of a garden supply business in the RA-5 zone. If there is compliance with the applicable provisions of the King County Code, the activity may be able to be conducted as a home occupation or home industry.

The Committee also concluded that there may be a need to review the provisions of the King County Code relating to the activities that may be conducted as part of a conditional use under the garden supply store provision or as a home occupation or and home industry. Some additional flexibility in application of these sections may be appropriate.

Issue:

3. Does K.C.C. 21A.14.030A.4 apply to townhouse lots? The section is titled "Lot segregations - Zero lot line development." (Lanny Henoch)

Discussion:

The Zoning Code defines a townhouse as a building containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other townhouse dwellings by common walls." K.C.C. 21A.06.370. There is no definition of a zero-lot-line development. K.C.C. 21A.14.030 establishes standards for modifying interior setbacks during subdivision or short subdivision review.

Recently enacted legislation provides that section captions are not part of the law, unless a contrary intent is clearly expressed. K.C.C. 1.02.040. The Regulatory Review Committee is not aware of any express intent with respect to K.C.C. 21A.24.030. Thus, the fact that the caption of K.C.C. 21A.14.030 refers to zero-lot-line development is irrelevant.

In reviewing the elements of this section, the Regulatory Review Committee concluded that, except for K.C.C. 21A.14.030A.4, the provisions of the section would not generally apply to the interior units of a townhouse development because there would not be any required interior setbacks. Subsection A.4 only requires the approximate location of buildings to be shown. (Emphasis added.) The Committee was uncertain whether application of this provision to townhouse developments would be problematic.

Conclusion:

K.C.C. 21A.14.030 applies to any subdivision or short subdivision, including those intended to establish townhouse developments. An amendment to the section is necessary to limit its application to zero-lot-line developments as suggested by the section caption.

The Regulatory Review Committee concluded that, in practice, the provisions of K.C.C. 21A.14.030 would not generally have an impact on the interior units of a townhouse development. If the requirement of subsection A.4 that the location of buildings within the standard setback be shown on a final plat or short plat does prove problematic for townhouse developments, a code change should be pursued.

cc: Tim Barnes, Prosecuting Attorney's Office
John Briggs, Prosecuting Attorney's Office