



**King County**  
**Department of Development and Environmental Services**  
900 Oakesdale Avenue SW  
Renton, WA 98055-1219  
(206) 296-6600

## REGULATORY REVIEW COMMITTEE

- MINUTES -

**MEETING DATE:** July 11, 2001

<b>TO:</b> Building Services Division Staff	Land Use Services Division Staff
Chris Ricketts	Joe Miles
Jim Chan	Greg Borba
Pam Dhanapal	Lisa Pringle
Ken Dinsmore	

Caroline Whalen, Deputy Director  
Harry Reinert, Special Projects Manager  
Tim Barnes, Prosecuting Attorney's Office

**FM:** Harry Reinert, Co-Chair

Present: Tim Barnes (PA), Greg Borba, Jim Chan, Pam Dhanapal, Ken Dinsmore, Priscilla Kaufmann, Lisa Pringle, Harry Reinert, Karen Sharer, Caroline Whalen.

### **1. Issue: What uses are allowed as “highway oriented uses” under K.C.C. 13.34.136B, as amended by King County Ordinance 14049?**

#### Background:

K.C.C. 13.34.136, as amended by King County Ordinance 14049, requires most development proposals within the UGA to be served by public sewers. K.C.C. 13.34.136A provides an exemption from this requirement for single family residences meeting specified conditions. This subsection was reviewed by the RRC at its May 23 meeting. K.C.C. 13.34.136B provides an exemption from the requirement to be served by public sewers for development proposals within the North Bend UGA. The section provides:

B. For a proposal located in the North Bend urban growth area ... the director of the department of development and environmental services may authorize on-site sewage treatment and disposal systems given the following findings:

1. The property in the North Bend urban growth area has actual or potential commercial or industrial zoning;

2. The proposed uses for those properties in the North Bend urban growth area are non-retail, resource-based shipping, distributing, and trucking-related uses or highway-oriented uses, that do not require sewers; and

3. The applicant provides an agreement [to connect to public sewers when they are available]; (*emphasis added*)

There is no definition of “highway oriented uses” in K.C.C. Title 13.

Discussion:

There are at least three levels of analysis that must be conducted to determine what uses are appropriate within the North Bend UGA, particularly when highway oriented uses are involved. The first level of analysis involves the underlying zoning provided for the property. K.C.C. chapter 21A.08 sets forth the permitted use tables. Any development proposal must meet these requirements.

The second level of analysis involves the Special District Overlay (SDO) found in K.C.C. 21A.38.180, if applicable. The SDO was established in part to ensure compatibility of uses in the special district with adjacent rural residential and resource land uses. K.C.C. 21A.38.180 provides, in part:

**21A.38.180 Special district overlay - Highway-oriented development.**

A. The purpose of the highway-oriented development special district overlay is to ensure the compatibility of highway-oriented land uses adjacent to rural residential and resource land uses. A highway-oriented special district overlay shall only be established along existing or former state or U.S. highway route corridors and zoned RA, UR, NB, RB or I.

B. Except in the RB zone at highway interchanges, permitted uses in the RA, UR, NB, RB or I zones shall be those in the underlying zone, excluding the following as defined by Standard Industrial Classification (SIC) number and type:

1. SIC 5812, eating places; and
2. SIC 5813, drinking places.

C. Permitted uses in the RB zone at highway interchanges shall be limited to the following highway oriented commercial services for the traveling public, as defined by Standard Industrial Classification (SIC) number and type:

1. SIC 5411, grocery stores (including convenience stores);
2. SIC 5541, gasoline service stations;
3. SIC 5812, eating places; and
4. SIC 7011, hotels and motels.

D. The following development standards shall apply to uses located in highway-oriented overlay districts:

6. All uses shall be evaluated for impacts to ground water quality.

Under the SDO, eating and drinking places are not allowed outside of highway interchanges and only grocery stores, gas stations, eating places, and hotels and motels are permitted at highway interchanges.

The third level of analysis evaluates the conditions required by K.C.C. 13.24.136B. If public sewer is not available to serve a proposed development within the North Bend UGA, that section limits the types of development. The property must have actual or potential commercial or industrial zoning. The uses are limited to “non-retail, resource-based shipping, distributing, and trucking related uses” and “highway oriented uses” that can be served by septic. The determination of what uses can be served by septic is made by the Department of Health.

A proposed use in the North Bend UGA that is permitted by the underlying zoning (K.C.C. 21A.08) and that complies with the SDO may not be allowed if it is not a highway oriented use or a shipping, distributing or trucking related use or, if it is a highway oriented or trucking related use, because it requires a sewer connection.

The SDO for highway oriented uses, adopted for the purpose of regulating uses adjacent to residential and natural resource areas, includes a definition of highway oriented uses that is a reasonable standard for purposes of determining what uses are considered to be "highway-oriented" under K.C.C. 13.24.136B.

Conclusion

K.C.C. 13.24.136 generally requires new development within the UGA to be connected to a sewer system. In the North Bend UGA, on properties with actual or potential commercial or industrial zoning, highway oriented and non-retail shipping, distributing or trucking related uses are allowed even if a sewer connection is not available. The Highway Oriented Development Special District Overlay (K.C.C. 21A.38.180) determines what uses are considered highway oriented. Some of those uses may not be allowed under the exception for the North Bend UGA if those uses require a connection to a sewer. The Department of Health makes that determination.

cc: Karen Scharer, Land Use Services Division  
Priscilla Kaufmann, Land Use Services Division