

of a mixed use development. KCC 21A.12.180.B says “communication transmission and receiving structures” may be erected above the height limits in KCC 21A.12.030-.050. These sections clearly anticipates applying setbacks when height is exceeded, even where the base height exemption applies.

For example, if the new telecommunications tower is 140’ in height, it is 105’ above the base height in the F zone. Therefore, it is required to setback 105’ from the property line.

Conclusion

Emergency telecommunications facilities which are exempt from height limits shall comply with all the other zoning dimensions for the zone in which they are located.

2. Is an access road and camping on the access road allowed on property which is within a severe CMZ?

Background

Two properties are located along the Cedar River and are undeveloped. They are both located in a severe channel migration area which is the predominant reason homes cannot be built on the lots. The lots also are encumbered by aquatic buffer areas and are partially within the floodplain. The properties are zoned RA-5 and in the Rural shoreline environment.

Discussion

Under channel migration regulations in KCC 21A.24.275, only alterations allowed under KCC 21A.24.045 are allowed in the CMZ; if an alteration is not allowed, an exception to the CAO cannot be approved.

Except for agricultural accessory structures, new structures are not allowed within a severe CMZ. A nominal amount of clearing or grading is allowed but only within the portion of the CMZ located outside of aquatic area buffers. The only alterations that are allowed within a severe CMA are construction of an access drive/driveway and/or construction of a trail, subject to conditions KCC 21A.24.045.D.28 and D.47, respectively.

Construction of an access road and/or trail are also allowed within a severe CMZ but would have to comply with the development standards for aquatic area buffers (minimization/mitigation) and flood plain. Under KCC 21A.24.240, recreational vehicles are allowed within the flood fringe for up to 180 days. In the zero-rise floodway (KCC 21A.24.250.E), temporary structures need to be removed during flood season (September 30 to May 1).

Conclusion

Under KCC 21A.24.045.D.28, a driveway with a turnaround may be constructed on this property. A recreational vehicle may use the turnaround for camping purposes outside of flood season.

3. Is an electronic reader board sign allowed on a school located in the R-6 zone?

Background

Alumni of Evergreen High School in the Highline School District recently asked DPER for a permit to install an electronic reader board on the campus as a means to support the community. The exiting sign has to be changed manually. They were told, based on a 2005 RRC decision, that signs for schools in residential zones cannot be directly illuminated and changing message center signs are not allowed in residential zones.

Discussion

The sign code was amended in 2008, 2009 and 2010. Currently, the sign code says “all signs may be illuminated” (KCC 21A.20.060.F.). It says “changing message center signs shall be permitted for all uses only in the NB, CB, RB, O and I zones and only for elementary, middle, junior, secondary and high schools and colleges and universities in the RA zone (KCC 21A.20.060.D.). Changing message center signs have messages that change more frequently than once every three minutes (KCC 21A.06.1095). It also says, under KCC 21A.20.065.B., “in the R, UR, and RA zones community bulletin board signs may not exceed 32 square feet and are only permitted at public schools, police stations, fire stations and other public facilities.”

Conclusion

One free standing sign at each entrance and two additional wall signs are allowed on school sites in R zones (KCC 21A.20.080.A.2.). These signs may be illuminated (KCC 21A.20.060.F.). An electronic reader board sign (KCC 21A.06.1095) meets the definition for “community bulletin board” sign (KCC 21A.06.1100), which are permitted for schools in an R zone. Therefore an illuminated electronic reader board sign that does not change its message more frequently than once every three minutes can be one of the signs permitted for a school located in the R zone.