

## REGULATORY REVIEW COMMITTEE

- MINUTES -

**MEETING DATE:** July 19, 1996

TO: Bob Derrick  
Greg Kipp  
Tom McDonald  
Mark Carey  
Gary Kohler  
Lisa Pringle

Pam Dhanapal  
Ken Dinsmore  
Harold Vandergriff  
Terry Brunner  
Anna Nelson  
Mike Sinsky

FM: Jerry Balcom

Present: Jerry Balcom, Priscilla Kaufmann, Pam Dhanapal, Ken Dinsmore, Harold Vandergriff, Anne Knapp

- 1. Can a retaining wall or rockery in excess of 6 feet be established in a required setback area? (K.C.C. 21A.12.210.A(2) and 21A.12.170.E.) What is the allowable height for a fence on top of a retaining wall? (K.C.C. 21A.14.220.B and C) Does the code differ on the height of the fence if the retaining wall is protecting a cut or a fill? (Pam Dhanapal)**

The code does not allow fences over 6 feet in height, rockeries or retaining walls in a required setback. All of these would meet the definition of a "structure" which is defined as "anything permanently constructed in or on the ground, or over the water; excluding fences less than six feet in height, decks less than 18 inches above grade, paved areas, and structural or non-structural fill." The committee agreed that K.C.C. 21A.12.210.A(2) could be misleading because it set a height limit of 42 inches for "hedges, shrubs, retaining walls, fences" within the sight distance triangle area. However it was acknowledged that a sight distance triangle may contain area outside setbacks where a rockery or retaining wall could be legally located.

K.C.C. 21A.12.170.E, which allows fences less than 6 feet in height to project into any setback, does not grant the authority to allow a rockery or retaining wall within the setback just because a fence is built on top of it. In addition, K.C.C. 21A.14.220.C., which requires the portion of a fence above the height of 6 feet to be an open-work fence if the fence is located on top of a rockery within a required setback applies only to rockery that was legally allowed in a setback, such as an existing nonconformance or established through the variance process.

The code does not make a distinction on how the height of a fence is to be measured if it is on top of a retaining wall or rockery protecting a cut or a fill. While the old zoning code (Title 21) made this distinction, it was not carried forward in Title 21A because it was a standard that was difficult to enforce and because it determined that the distinction was not relevant to the impact that the standard attempted to address (i.e. the visual impact on neighboring properties). The committee agreed that the height limit for a fence, rockery or retaining wall outside of setback areas would be the height limit of the zone.

Finally, the committee noted that the following code amendments are warranted and should be developed: 1) allow rockery and retaining walls to be placed in setbacks; 2) set a height limit for such structures; 3) require fencing once a rockery or retaining wall reaches a certain height; 4) require fencing to be open-work fencing once the rockery or retaining wall reaches a certain height; and 5) determine if fences on rockeries/retaining walls in setbacks areas should be measured any different than such structures located outside of setbacks.

## **2. Legislative Update**

### Council Action

Proposed Ordinance No. 96-346 re-establishing standards for the location and installation of individual mobile homes and commercial coaches was passed by the Council and sent to the Executive for signature.

### In Review

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The Vashon Town Plan action was deferred until Monday, July 22, 1996, for possible action to address concerns raised by the Vashon Fire Chief related to the need for a fire access by-pass road. Conditions which will set limits on allowable uses will be established and applied on a property specific basis.

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The three ordinances which will amend and repeal P-suffix conditions in King County have passed review by the Clerk of the Council and will be scheduled for review by the Growth Management, Housing and Environment Committee. The ordinances contain language which would prohibit application of area-wide P-suffix conditions in the future.

JB:pk

cc: Priscilla Kaufmann, Code Development Planner  
Anne Knapp, Planner II, Land Use Services Division