



King County
Department of Development
and Environmental Services
900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: JULY 21, 2005

TO: Building Services Division Staff
Mike Dykeman, Manager
Chris Ricketts
Jim Chan
Pam Dhanapal

Land Use Services Division Staff
Joe Miles, Manager
Lisa Dinsmore
Randy Sandin
Jeri Breazeal
Steve Bottheim

Stephanie Warden, Director
Harry Reinert, Special Projects Manager and RRC Co-Chair
Cass Newell, Prosecuting Attorney's Office

FM: Harry Reinert, Co-Chair

Present: Steve Bottheim, Jeri Breazeal, Jim Chan, Cass Newell, Nancy Jo Perdue, Harry Reinert, Chris Ricketts, Randy Sandin, and DeAnn Stevens

1. Joint use driveways and private access tracts

1A. Can a residence directly abut a joint use driveway?

Background

An applicant constructing several residences in an urban zoned subdivision proposes to construct residences on lots that abut a joint use driveway.

Discussion

K.C.C. 21A.06.658 defines "joint use driveway" as a jointly owned and maintained vehicle access for two residential properties. K.C.C. 21A.12.030 establishes the required setbacks. In all urban residential zones, the required minimum interior setback is five feet. In addition, for vehicle access to garages, carports, and fenced parking areas, there must be a 26-foot straight-line distance between the center line of the garage to the opposite side of the driveway. K.C.C. 21A.12.030B.16.

Although K.C.C. 21A.12.150 allows structures to be built to the property line abutting an alley, there is no similar provision allowing structures to be built to the property line abutting a joint use driveway. One rationale for this difference is that a joint use driveway provides the primary emergency access to a parcel. An alley is not the primary emergency access. Therefore, a residence on a joint use driveway must meet the interior setback requirements for the zone. In the urban residential zone, this is five feet.

Conclusion

A residence on a joint use driveway must meet the interior setback requirements of K.C.C. 21A.12.030. Condition 16 sets additional setback requirements for vehicle access from garages, carports, and fenced parking areas to the joint use driveway.

1B. What are the setback requirements from private access?

Background

An applicant's plat proposal includes a private access tract for ingress, egress and utilities that is jointly owned by the owners of three lots.

Discussion

K.C.C. Title 21A does not define the term "private access tract." Related terms that are defined include: alley, street, and joint use driveway. The 1993 King County Road Standards (KCRS) define a "private access tract" as a "privately owned and maintained tract providing vehicular access to six or fewer residential properties." KCRS 1.10. Private access tracts are subject to the same standards as urban minor access roads. KCRS 2.09B. Different standards apply to alleys and joint use driveways. KCRS 2.09A and 3.01C.3.

K.C.C. 21A.12.030 and 21A.12.150 include specific provisions relating to setbacks for joint use driveways and alleys. Since joint access tracts are not specifically provided for in K.C.C. Chapter 21A.12 and since the KCRS apply urban minor access road standards to private access tracts, setbacks applicable to streets should also apply to private access tracts.

Conclusion

Private access tracts are subject to the same setback requirements that apply to streets. The committee recommends that Title 21A should be amended to include standards for private access tracts. These are becoming more common in proposed plats.

2. School Signs

A. Does 21A.20.080 limit the size and height of signs for schools located in residential zones?

Background

Prior to an amendment in 1997, the zoning code allowed schools "at least one sign not exceeding 32 square feet if the parking area or vehicular entrances utilize more than one

street or are separated by at least 660 feet.” Former K.C.C. 21A.20.080. Ordinance 12592 amended this provision to provide that “Schools are permitted one sign per school or school facility entrance, which may be located in the setback. Two additional wall signs attached directly to the school or school facility are permitted.” K.C.C. 21A.20.080A.2.

Discussion

K.C.C. 21A.20.080 establishes standards for signs in residential zones.

21A.20.080 Residential zone signs. Signs in the R, UR and RA zones are limited as follows:

A. Nonresidential use:

1. One sign identifying nonresidential uses, not exceeding 25 square feet and not exceeding 6 feet in height is permitted;
2. Schools are permitted one sign per school or school facility entrance, which may be located in the setback. Two additional wall signs attached directly to the school or school facility are permitted;
3. Home occupation and home industry signs are limited to wall signs not exceeding six square feet.

B. Residential use:

1. One residential identification sign not exceeding two square feet is permitted; and
2. One permanent residential development identification sign not exceeding 32 square feet is permitted per development. The maximum height for the sign shall be 6 feet. The sign may be freestanding or mounted on a wall, fence, or other structure.

At the time the King County Council amended this provision, Priscilla Kaufmann advised section supervisors and the senior management team of the change and stated that the ordinance “removes the sign area limit of 32 square feet and allows school signs of any size.” Since this advice came shortly after the council acted, it most likely was informed by the council’s debate on the measure and its conclusions should be given great weight.. in addition, the interpretation is consistent with the code as written.

Subsection A must be read as providing three separate provisions, each unrelated to the other. This means that A.3 applies only to home occupation and home industry signs, A.2. only applies to school signs; and A.1 applies to non-residential signs not covered by A.2 or A.3. A.3 limits home occupations and home industries to wall signs not more than six square feet. A.1 limits all other non-residential uses to signs not more than 25 square feet in size and not more than 6 feet high. A.2 limits school signs in number, but not in size or height. Zoning codes limits on height of structures still apply.

Conclusion.

K.C.C. 21A.20.080A imposes limits on non-residential signs in residential zones. For schools, there are limits on the number and type of signs, but not on height or size. Zoning code limits on height of structures do apply to free standing signs.

B. Are direct illumination or changing message signs for schools allowed in residential zones?

Background

Direct illumination and changing message signs are increasingly common. DDES has received a number of requests for these signs associated with schools located in residential zones.

Discussion

Changing Message Center Signs. K.C.C. 21A.20.060 establishes general sign requirements. K.C.C. 21A.20.060D provides that “Changing message center signs, and time and temperature signs, ... shall be permitted only in the NB, CB, RB, O, and I zones.” A changing message center sign is “an electrically controlled sign that contains advertising messages which changes at intervals of three minutes or greater.” K.C.C. 21A.06.1095.

Changing message center signs are not allowed in residential zones. There is no exception for schools.

Direct Illumination Signs. K.C.C. 21A.20.060F governs sign illumination and glare. In the NB, CB, RB, O, and I zones, all signs may be illuminated. In all other zones, including residential zones, signs may only be indirectly illuminated. K.C.C. 21A.20.060F.1. Therefore, signs for schools located in residential zones may not be directly illuminated.

Conclusion

Schools in residential zones may not use changing message center signs or direct illumination signs.

cc: DeAnn Stevens