



King County
Department of Permitting
and Environmental Review
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REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: December 11, 2014

TO: Jim Chan Molly Johnson
Wally Archuleta Chris Ricketts
Sheryl Lux Steve Roberge
Ty Peterson Steve Bottheim

John Starbard, Director
Randy Sandin, Product Line Manager, Resource and RRC Co-Chair
Devon Shannon, Prosecuting Attorney's Office

FM: Lisa Verner, Legislative Coordinator and RRC Co-Chair

Present: Devon Shannon, Lisa Verner, Sheryl Lux, Randy Sandin, Steve Roberge, Molly Johnson, and Wally Archuleta

- 1. Are privately owned stormwater facilities that serve a subdivision, such as ponds or vaults, considered "utility facilities," allowed in the shoreline environment, and allowed in a zone different from the one in which the subdivision is located?**

This issue was discussed at this RRC meeting. New information has come to light. Further discussion on this issue will occur at a future RRC meeting.

- 2. Is a zoning variance required to construct a shared farm field access drive bridge straddling two adjoining agricultural properties?**

Background

Two farm properties are divided by a Coal Creek; a bridge is needed to cross the stream in order to access the western parts of the two properties. Both farms have approved Farms Plans. The two owners propose a joint, common use bridge/driveway to provide road access to the western portions of their parcels. They prefer to have the bridge straddle the common property line so that both parties share ownership.

The proposed bridge/driveway would be about 10' +/- wide in order to allow a pickup with horse trailer as well as livestock access. It would be about 45' +/- in length.

Relevant Code Sections

K.C.C. 21A.06.451 Farm field access drive. Farm field access drive: an impervious surface constructed to provide a fixed route for moving livestock, produce, equipment or supplies to and from farm fields and structures.

K.C.C. 21A.06.658 Joint use driveway. Joint use driveway: A jointly owned and/or maintained vehicular access to two residential properties.

K.C.C. 21A.06.730 Lot line, interior. Lot line, interior: lot lines that delineate property boundaries along those portions of the property which do not abut a street.

K.C.C. 21A.06.1070 Setback. Setback: the minimum required distance between a structure and a specified line such as a lot, easement or buffer line that is required to remain free of structures.

K.C.C. 21A.06.1255 Structure. Structure: anything permanently constructed in or on the ground, or over the water; excluding fences six feet or less in height, decks less than 18 inches above grade, paved areas, and structural or non-structural fill.

Historically, roads fall under "paved areas" and are not construed as structures as defined in K.C.C. 21A.06.1255.

Discussion

The question here is whether the bridge is a separate structure that may not be located within the side yard (interior) setback of 10 feet without a zoning variance OR whether the bridge is an integral part of the farm field access road, which is not a structure and may be located within side yard setbacks.

The purpose for constructing the farm field access road is to provide access from the eastern side of each of the two properties to the western side. To do this, a way to cross the stream must be constructed over the stream as part of the access drive. In order for the access drive to accomplish what is intended (ie, provide access to the other half of the farm), a bridge is required as part of the access road.

The owners have been working with the Washington State Department of Fish and Wildlife (WDFW) on the bridge location. WDFW finds the bridge needs to be 45' +/- to span Coal Creek and its associated floodplain.

Conclusion

The bridge is an integral part of the access road and access roads are not separate structures for the purposes of zoning setbacks. A zoning variance for a structure in the side yard setback is not required.