



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



REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: August 8, 1997

TO: Building Services Division Staff
Lynn Baugh
Chris Ricketts
Pam Dhanapal
Terry Brunner
Ken Dinsmore
Priscilla Kaufmann

Land Use Services Division Staff
Mark Carey
Lisa Pringle
Marilyn Cox
Gordon Thomson

Greg Kipp, Deputy Director
Michael Sinsky, Prosecuting Attorney's Office

FM: Sophia Byrd, Code Development Coordinator 

Present: Greg Kipp, Priscilla Kaufmann, Pam Dhanapal, Jeff Bunnell, Nancy Hopkins,
Dave Baugh, Sophia Byrd

1. **Can a development proposal consisting entirely of residential dwelling units use the Commercial Site Development Permit process? (Dave Baugh)**

K.C.C. 21A.41 Commercial Site Development Permits states that it is "an optional comprehensive site review process of proposed commercial development..." What constitutes "commercial development?" The code does not define commercial.

The Committee determined that it would be appropriate policy to allow exclusively residential development proposals to use the commercial site development process, which ensures the public at least as much notice and more opportunities for appeal. The matter is being referred to the Prosecuting Attorney's Office for a determination that the code does not preclude such an interpretation.

The Committee decided that, pursuant to a favorable legal review by the Prosecuting Attorney's Office, it will issue a formal Interpretation to allow residential development proposals to use the commercial site development process. The Committee further recommended that the issue also be dealt with in a proposed ordinance, a draft of which is already prepared.

A representative from the Prosecuting Attorney's Office will attend RRC next week to discuss this issue further.

2. How should the Department handle an application to construct a cellular phone tower in a state highway right-of-way? (Greg Kipp, Nancy Hopkins)

The right-of-way is not zoned; it is unclassified. State law (RCW 47.12.120) allows uses as determined by local zoning. The zoning code (K.C.C. 21A.02.110) states that the only permitted uses are "street purposes as defined by law." The law in question is state law, which governs state rights-of-way.

The Committee determined that DDES would defer to the state regarding whether a cell tower is a street purpose. The Department will require the applicant (US West) to obtain documentation from the state. If the state determines this use to be a "street purpose" then DDES will apply the standards of "other zones" in K.C.C. Chapter 21A.26.

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cc: Dave Baugh, Planner, Building Services Division
Jeff Bunnell, Engineer, Building Services Division
Nancy Hopkins, Planner, Land Use Services Division