



**King County**  
**Department of Development and Environmental Services**  
900 Oakesdale Avenue SW  
Renton, WA 98055-1219  
(206) 296-6600

## **REGULATORY REVIEW COMMITTEE**

**- MINUTES -**

**MEETING DATE: May 23, 2001**

**TO:** Building Services Division Staff  
Chris Ricketts  
Jim Chan  
Pam Dhanapal  
Ken Dinsmore

Land Use Services Division Staff  
Joe Miles  
Greg Borba  
Lisa Pringle

Caroline Whalen, Deputy Director  
Harry Reinert, Special Projects Manager  
Tim Barnes, Prosecuting Attorney's Office

**FM:** Harry Reinert, Co-Chair

Present: Tim Barnes (PA), Greg Borba, Jim Chan, Pam Dhanapal, Ken Dinsmore, Priscilla Kaufmann, Joe Miles, Lisa Pringle, Harry Reinert, Caroline Whalen

Issue:

### **1. Horizontal projections of telecommunication antennas.**

Background. K.C.C. 21A.26.390 states, in part, "An antenna shall not extend more than six feet horizontally from any structure to which it is attached." (Emphasis added.) DDES has received applications arguing that on monopoles, the measurement should be made from any framework to which the antenna is attached, such as a mounting platform. Some applicants have also argued that K.C.C. 21A.26.390 only applies to buildings.

Antennae are attached to structures in a number of different ways. In some instances, multiple antenna are attached to a pole by a platform or other supporting structure. In order to maintain separation of the antennae from each other, some antennae on the supporting structure will be closer to the pole than other antennae. If the supporting structure is considered a part of the structure, then the antennae could be mounted six feet from that supporting structure.

Discussion:

The second sentence of K.C.C. 21A.26.390 addresses the horizontal distance that an antenna may extend from any structure. The third sentence addresses vertical height issues and distinguishes between antennas attached to residential structures and antennas attached to non-residential structures. K.C.C. chapter 21A.26 uses the term “structure” to apply to any object to which an antenna might be attached. K.C.C. 21A.06.1320 defines a “transmission support structure.” Limiting the use of the word “structure” in K.C.C. 21A.26.390 to buildings would be inconsistent with the use of the word in other parts of the chapter.

If under K.C.C. 21A.26.390 the measurement of the distance of an antenna from the structure to which it is attached excludes any structures used to support the antenna, the purpose behind K.C.C. 21A.26.390 would be subverted. There are no provisions that limit the distance that such a supporting structure may extend from a structure. This would make the limitation in K.C.C. 21A.26.390 on horizontal extension meaningless.

Conclusion:

Each antenna mounted on a monopole shall extend no more than six feet from the monopole. Supporting structures to which the antenna is attached are not considered part of the structure for purposes of calculating the horizontal extension.

Issue:

**2. Service of development in the UGA (Urban Growth Areas) by public sewers.**

Background. King County Ordinance 14049 amended sections of Title 13 to require all developments in the UGA to be served by public sewers, with some exceptions.

K.C.C. 13.24.136 allows on-site sewage treatment and disposal systems in the urban growth area only for single-family residences or on land in the North Bend urban growth area with actual or potential commercial or industrial zoning, or on land where there is a proposal to redevelop or expand an existing use subject to a vested land use application.

K.C.C. 13.24.136A provides that the single family residence exemption applies only on individual lots if:

- the director determines that application of the requirement would deny all reasonable use, the applicant provides a certificate of sewer availability from the nearest sewer provider and the department determines the requirement to connect to sewer would be unreasonable or unfeasible;
- the applicant provides a certificate of future connection; and
- the abandoned septic system will be modified to collect rooftop runoff.

K.C.C. 13.24.136B provides that the exemption for land in the North Bend UGA requires:

- the property in the North Bend UGA must have actual or potential commercial or industrial zoning;
- the proposed uses are non-retail, resource-based shipping, distributing, and trucking-related uses or highway-oriented uses, that do not require sewers; and
- the applicant provides a certificate for future connection when public sewer is available within 200 feet of the property.

The exemption for a vested land use application for the redevelopment or expansion of an existing use requires only that the applicant provide a certificate for future connection when public sewer is available within 200 feet of the property (K.C.C. 13.24.136B).

The amendments deleted a provision that allowed plats and short plats in the UGA to be served by on-site septic systems if they were located in the Service Planning Area of the UGA. Recent amendments to the Comprehensive Plan (2000 update) eliminated the concept of a "Service Planning Area". The effect of the amendments is to now require all plats and short plats in the UGA to be served by sewers. The reasonable use exception is not applicable to plats and short plats.

Discussion:

*Department of Health Determinations.* One question facing DDES is whether it should accept the determination of Health that an on-site septic system is acceptable as satisfying the requirement that connection to the public sewer is unreasonable or unfeasible.

The Health Department has procedures to determine whether to issue a certificate allowing an on-site sewage disposal system. As a general rule, Health will issue the certificate if public sewer is more than 200 feet from the property. If there is public sewer within 200 feet of the property, Health has a process for determining whether connection would be unreasonable or unfeasible. This process includes review by an advisory committee.

DDES review of an application in these circumstances would duplicate the review conducted by Health, with no additional benefit. DDES can accept the certificate issued by Health as demonstrating that the requirement that connection to sewer would be unreasonable or unfeasible.

*Reasonable Use.* A second question is what the applicant needs to do to demonstrate that all reasonable use has been taken by application of the requirement to connect to public sewer. The amendments to K.C.C. 13.24.136 provide no standards for determining when a reasonable use exception should be provided.

DDES has adopted rules governing application of a similar requirement found in the Sensitive Areas Code, K.C.C. chapter 21A.24. Under K.C.C. chapter 21A.24, an applicant can consider alternative locations, configurations, or site design options that will result in less impact on the sensitive area. There is no similar ability to modify a proposal to comply with the requirements of K.C.C. chapter 13.24. Building a smaller structure, locating it in a different place on the lot, or making similar modifications will not avoid the need for sewage disposal. The only option available to the property owner in these circumstances would be to consider a use that does not require sewage disposal. Properties in these circumstances are zoned for residential uses and most allowed require sewage disposal. As a result, DDES will use the determination that connection to public sewer would be unreasonable or unfeasible as satisfying the requirement that applicant show that application of K.C.C. 13.24.035 would deny all reasonable use.

Discussion of the other provisions of K.C.C. 13.24.036 was postponed until a later meeting.

Conclusion:

DDES will accept the Department of Health's determination that an on-site sewage disposal system is appropriate as meeting the requirements of K.C.C. 13.24.036A, that the applicant demonstrate that application of K.C.C. 13.24.035 will deny all reasonable use and that application of that section would be unreasonable and unfeasible.

HR:sm