



## King County

Department of Development  
and Environmental Services

900 Oakesdale Avenue Southwest  
Renton, WA 98055-1219

# REGULATORY REVIEW COMMITTEE

- MINUTES -

**MEETING DATE: August 11, 2004**

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

Land Use Services Division Staff  
Joe Miles, Manager  
Lisa Dinsmore  
Beth Deraitus

Stephanie Warden, Director  
Harry Reinert, Special Projects Manager  
Paul Reitenbach, Senior Policy Analyst  
Tim Barnes, Prosecuting Attorney's Office

**FM:** Lisa Dinsmore, Co-Chair

Present: Jim Chan, Beth Deraitus, Pam Dhanapal, Kenneth Dinsmore, Lisa Dinsmore, Nancy Hopkins, Nancy Jo Perdue, and Chris Ricketts

- 1. Is K.C.C. 21A.08.050, footnote 27a, applicable to a small, private secondary school for grades 7-12 in an urban neighborhood?**

Background

An applicant wants to convert a detached garage accessory to a residence in the R6 zone in the White Center area into the Sound View Education secondary school. The proposal is for a school for 5 students and one certified teacher to provide instruction for grades 7-12.

High schools are permitted outright in urban residential zones, but there was a question as to whether the proposed school would be considered as a high school, or if it better fits into another definition since it is a private home school.

Under K.C.C. 21A.08.050, a "secondary/high school" is a permitted use in urban residential zones, subject to condition 27, which states in part:

27.a. New high schools shall be permitted in the rural and the urban residential and urban reserve zones subject to the review process in K.C.C. 21A.42.140.

K.C.C. 21A.42.140 establishes an extensive review process for high schools. It states:

A. The School District shall hold a public hearing on the request for a building permit on the proposed high school and may merge the public hearing for environmental review with this hearing. The hearing shall address the proposal's compliance with the applicable development standards and whether the impacts of traffic on the neighborhood have been addressed pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, and/or through the payment of road impact fees. The hearing may be conducted by the Board of Directors, or where authorized by board policy, by a hearing examiner appointed by the School Board. The District shall provide notice of the hearing as follows:

1. By posting the property;
2. By publishing in a school newspaper of general circulation in the general area where the proposed high school is located;
3. By sending notices by first class mail to owners of property in an area within five hundred feet of the proposed high school, but the area shall be expanded as necessary to send mailed notices to at least twenty different property owners; and
4. By sending notices to other residents of the District that have requested notice.

B. At a regularly scheduled or special Board meeting, the Board of Directors shall adopt findings of compliance with applicable King County development standards, including the decision criteria outlined in K.C.C. chapter 21A.44, or adopt proposed actions necessary to reach compliance.

The King County Zoning Code does not distinguish between public and private schools.

Discussion:

K.C.C. 21A.06.1040 defines secondary and high schools as those providing instruction for grades 9 through 12. Grades 6 through 9 fall under the elementary and middle/junior high school category. See K.C.C. 21A.06.1035.

The proposed school does not fit squarely within either definition. An additional complication is added by the requirements set forth in condition 27. That condition refers to K.C.C. 2A.42.140, which refers to procedures for a school district to approve

the siting of a high school. These procedures do not have relevance to a small private home school.

The requirements in K.C.C. 21A.24.140 provide an alternative to the Conditional Use Permit (CUP) process. The school district has the responsibility of informing the public about the proposed high school and considering comments before it makes its decision. As a result of this public process, a Conditional Use Permit is not necessary.

Since the proposed school does not fall specifically within the definitions in the zoning code, other potential classifications such as a specialized instruction school or a home occupation or home industry, were considered.

The school does not fall within the definition of a specialized instruction school, because a full-fledged curriculum would be taught. A specialized instruction school provides instruction in a designated field of study. K.C.C. 21A.06.1200. The proposal would not meet the requirements for either a home occupation or home industry.

School is defined as an institution of learning. The dictionary definition for institution is: "an established organization or foundation as one dedicated to education or culture; the building or buildings housing an institution." It was questioned if a facility with five students could be considered an "institution."

Decision:

Because the proposal includes a high school, the determination was that the proposal must follow P-27. However, because the school is private, it makes it difficult to comply with P-27. Private high schools exist within unincorporated areas of King County although the current code does not provide specifically for the establishment of one. Therefore, the DDES director has the discretion of deciding what zones they are allowed in.

The committee is recommending the director allow the school for five students in grades 7-12. The director's decision applies only to this case, and future proposals for expansion may require a CUP.

It was also recommended that the code needs to be revised to address private schools.