



## King County

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

### FINAL CODE INTERPRETATION L02CI002

#### Background

By letter dated May 14, 2002, Mr. Einar Gundersen, on behalf of Pacific Raceway, made a request for a code interpretation. The request was filed on May 14, 2002. By letter of May 29, 2002, the Department of Development and Environment Services (DDES) acknowledged the request as required under K.C.C. Chapter 2.100.

The request asks whether a car racing track can be classified as a private road under the King County Road Standards § 2.06. Under K.C.C. 16.82.050C, maintenance of an existing driveway or private access road is exempt from the requirement to obtain a clearing and grading permit.

A preliminary application meeting related to the race track was held on May 2, 2002. No development permit application for this activity is pending as of the date of this interpretation. There is an active permit (B02M0887) relating to inspections for repairs, tenant improvements and temporary grandstands.

#### Discussion

K.C.C. 14.42.010 adopts the King County Road Standards, 1993 update (KCRS).

KCRS § 1.10 defines terms used throughout the KCRS. For purposes of this interpretation, the relevant definitions are:

- Driveway – “A privately maintained access to residential, commercial or industrial properties”
- Private street – “A privately owned and maintained access provided for by a tract, easement or other legal means, typically serving three or more potential dwelling units.”
- Right-of-way – “Land, property, or property interest (e.g., an easement), usually in a strip, acquired for or devoted to transportation purposes.”
- Road – “A facility providing public and private access including the roadway and all other improvements inside the right-of-way.”

A common element of these definitions is that they either provide “access” or are for “transportation purposes.” Neither of these terms is defined in the KCRS. The dictionary defines “access” to be “A means of approaching, entering, exiting, or making use of; a passage.” American Heritage College Dictionary, 3<sup>rd</sup> Edition (1993). “Transportation” means “the act or an instance of transporting.” “Transport” means “to carry from one place to another; convey.”

Based on these definitions, a driveway, street, or road provides a way to either enter, exist, or move from one place to another. This is consistent with the definition of “street” in the zoning code, which is defined to mean “a public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property.” K.C.C. 21A.06.1245.

Car race tracks are not defined in the King County Code. The dictionary defines a “race track” to be “a usually oval, specially surfaced course on which races are held.” A car race track would then be a similar course on which car races are held.

The element that distinguishes a car race track from a street is that a race track does not serve a transportation purpose, i.e. it is not intended to provide access to any particular place. Mr. Gunderson’s letter in support of the code interpretation comes to the same conclusion on this point. His request discusses the road standards for a private street found in KCRS § 2.06 in considerable detail. He describes how the car race track meets or surpasses those requirements or why in some cases the standards are not relevant. With respect to the requirement in KCRS § 2.06B.3 that the private street must be accessible at all times for emergency and public purposes, he states that this requirement is not relevant because the race track is not “part of the greater circulation system to neighboring properties ...” Letter from Einar Gunderson to Randy Sandin, p.2 (May 14, 2002).

Since a car race track does not provide access and is not part of the transportation system, it cannot be classified as a street and the King County Road Standards are not applicable.

Whether the race track meets or surpasses the requirements of KCRS § 2.06 is not relevant. KCRS § 2.06 sets forth standards that must be met in order for the King County Department of Transportation to approve a private street. The fact that a race track may have the physical attributes of a street or road does not mean that the race track is a street or a road. In this case, the essential characteristic that is missing is that the race track does not serve a transportation purpose or provide access.

## **Decision**

A private car race track is not a private street or road as defined in the King County Road Standards.

