



King County

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

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: February 17, 2005

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
Steve Bottheim
Randy Sandin

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

FM: Harry Reinert, Co-Chair

Present: Pam Dhanapal, Kenneth Dinsmore, Lisa Dinsmore, Jim Chan, Randy Sandin, Steve Bottheim, Doug Dobkins, and Harry Reinert

Is a new weigh station, scenic pullout, or rest area that is connected to a state highway and located on WSDOT right-of-way considered to be "other structures" that are ancillary to the existing, maintained, improved road right-of-way structure?

Background

The Washington State Department of Transportation (WSDOT) is proposing to construct a rest area along US Highway 2 on WSDOT right-of-way. In the future, WSDOT and KCDOT may want to construct other highway related facilities, such as weigh stations and scenic pullouts.

Discussion

K.C.C. 21A.24.942 defines the public road right of way structure as

The existing, maintained, improved road right-of-way or railroad prism and the roadway drainage features including ditches and the associated surface water conveyance system, flow control and water quality treatment facilities and other structures that are ancillary to those facilities including catch-basins, access holes and culverts."

K.C.C. 21A.24.045 sets forth the standards for when construction of a new public road right of way structures is an allowed alteration in wetland and aquatic areas and when expansion beyond the public road right of way structure is allowed. If an activity is not an allowed alteration under K.C.C. 21A.24.045, it may still be allowed as an alteration exception under K.C.C. 21A.24.070.

A new public road right-of-way structure is an allowed alteration on unimproved right-of-way in aquatic areas and wetlands and their buffers subject to Condition 26. A new right-of-way structure is not an allowed alteration in steep slope hazard areas, landslide hazard areas, and wildlife habitat conservation areas.

Expansion beyond the existing public road right-of-way structure is an allowed alteration in all critical areas, except for wildlife habitat conservation areas. In wetlands and aquatic areas, the expansion is also subject to Condition 26.

Condition 26 provides:

The proposed addition of a rest area to an existing highway qualifies as an expansion of the existing public road right-of-way structure. The rest area will be connected to the highway and is in existing WSDOT right-of-way. Federal law considers these types of additions to be part of the right-of-way structure. In addition, the requirements for approval of an alteration exception are essentially the same as the standards to qualify for an alteration exception under Condition 26. No useful purpose would be served by requiring approval of these kinds of proposals through the alteration exception process.

Decision

A rest area, scenic pullout, weigh station, or similar highway related use on a public highway that is proposed to be constructed in the existing road right-of-way is an expansion of the existing road right-of-way structure under K.C.C. 21A.24.045.

HR

cc: Doug Dobkins