



King County

**Department of Permitting
and Environmental Review**

35030 SE Douglas St., Ste. 210
Snoqualmie, WA 98065-9266
206-296-6600 TTY Relay: 711
www.kingcounty.gov

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: April 25, 2013

TO: Jim Chan Randy Sandin
Chris Ricketts Steve Bottheim
Jarrod Lewis Molly Johnson
Sheryl Lux Kimberly Claussen

John Starbard, Director
Harry Reinert, Special Projects Manager and RRC Chair
Devon Shannon, Prosecuting Attorney's Office

FM: Harry Reinert, Chair

Present: Jarrod Lewis, Chris Ricketts, Devon Shannon, Sheryl Lux, Randy Sandin, and Harry Reinert

1. Is a joint use driveway that is located in an easement considered a street for purposes of setbacks under K.C.C. chapter 21A.12?

Background

An applicant proposes to construct a garage adjacent to a driveway. The driveway provides access to the applicant's lot and to one more lot. The portion of the driveway located on the applicant's lot is located in an access easement that benefits the second property.

Permit Center staff have concluded that a driveway located in an access easement is a street, as defined in 21A.06.1245, and that the interior setbacks under K.C.C. 21A.12.030B would not apply to the driveway.

Discussion

KCC 21A.06.1245 defines a street as "a public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property." The zoning code does not define the term "driveway." The King County Road

Standards (2007) defines a driveway as “A privately maintained access to residential, commercial or industrial properties.” The zoning code does define a joint use driveway as “A jointly owned and/or maintained vehicular access to two residential properties.” K.C.C. 21A.06.658.

The distinction between a street and a driveway hinges on the nature of the access provided. A street is a “thoroughfare ... through neighborhoods ... to abutting ... properties.” A driveway provides access to properties, but not through neighborhoods. A joint use driveway provides access to only two properties.

Therefore, for purposes of determining setbacks, interior setbacks would apply to joint use driveways. This conclusion is bolstered by other provisions of the zoning code. K.C.C. 21A.12.030B.16 applies a condition to interior setbacks related to vehicle access points when a joint use driveway is located on the property line.

This conclusion is consistent with a related discussion by the Regulatory Review Committee at its July 21, 2005 meeting. In that meeting, the RRC concluded that a residence on a joint use driveway had to meet the interior setback requirements. This was in contrast to zoning code provisions that allow a residence to be built on the property line abutting an alley.

Conclusion

For purposes of determining setbacks, interior setbacks are applied to a joint use driveway.