



**King County**  
**Department of Permitting**  
**and Environmental Review**  
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**REGULATORY REVIEW COMMITTEE**  
 - MINUTES -

**MEETING DATE: July 20, 2017**  
 Minutes finalized October 4, 2017

**TO:** Jim Chan Steve Bottheim  
 Wally Archuleta Chris Ricketts  
 Sheryl Lux Steve Roberge  
 Ty Peterson Scott Smith

John Starbard, Director  
 Lisa Verner, Legislative Coordinator and RRC Co-Chair  
 Devon Shannon, Prosecuting Attorney's Office

**FM:** Randy Sandin, Resource Product Line Manager and RRC Co-Chair

Present: Wally Archuleta, Randy Sandin, Devon Shannon, Steve Roberge, Sheryl Lux, and Jeri Breazeal.

**1. Can structures be placed within a drainage easement building setback line established as a condition under a final recorded plat?**

Background

The owner of a piece of property that is encumbered with a drainage easement and a 10' building setback line (BSBL) established under a recorded plat altered the drainage easement on the rear of the property and constructed structures within the 10' BSBL.

King County Department of Natural Resources and Parks, Water and Land Resources Division, proprietor of the drainage easement area, has reached a tentative resolution with the landowner regarding the alterations that were made to the drainage facilities located in the easement. The property owner's attorney wants the BSBL reduced so that his client can obtain the needed permits and allow the structures to remain in the BSBL. Preliminary discussions with Department of Permitting and Environmental Review staff have concluded that a plat alteration would be required to reduce the size of the BSBL.

Discussion

The recorded plat includes a note specific to the drainage easement and associated BSBL that generally prohibits placement of structures, fill and obstructions within the easement and BSBL unless approved by the King County Surface Water Management Division.

Conclusion

A plat alteration would not be required to reduce the BSBL to allow placement of these structures as long as KCDNRP/WLR approves the location of those structures.

**2. How should the sign standards in K.C.C. 21A.20 be applied to an auto sales business located in the Regional Business (RB) zone?**

Background

Code Enforcement is investigating a complaint involving multiple signs at an auto sale business located on an RB zoned property. A) The first issue concerns the placement of “feather flags.” Notwithstanding the fact they are not allowed to be located in the right of way, would they be considered a sign for the purpose of determining compliance with the number and area of signs allowed within the RB zone? B) The second issue concerns a small sign attached to a private light pole located near the front property line. The sign will be moved out of the right of way. Would this pole be considered a utility pole as listed in the prohibited sign section in K.C.C. 21A.20.040?

Discussion

Feather flags are a form of outdoor advertising commonly used for businesses, festivals, performances, street fairs and athletic competitions. These flutter-style banners are built to draw customers from outside into any establishment or event. Many companies implement custom teardrop and flying banners to increase brand recognition, advertise new merchandise or exhibit logos and slogans in an outdoor setting. Sign is defined in K.C.C. 21A.06.1085, as follows:

any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods, or service.

Feather flags are a form of advertisement and meet the criteria for a sign. They would, therefore, be subject to the sign requirements in K.C.C. 21A.20.

Under K.C.C. 21A.20.110, one freestanding sign not exceeding 170 square feet is permitted for each street frontage of a lot. The auto dealership had one freestanding sign located along the street frontage.

Conclusion

Since the auto dealership had the one free standing sign as allowed by code, all of the feather flag signs would need to be removed. Since the sign attached to the light pole would also be

considered a free standing sign and have to be removed, the committee deferred on the question of whether the sign would have been a prohibited utility pole sign.

Note: The committee had a brief discussion on code interpretation request filed on June 29, 2017. A draft response to that inquiry will be circulated for review and comment separately.