



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

January 30, 2001

Ordinance 14033

Proposed No. 2000-0644.3

Sponsors Sullivan

1 AN ORDINANCE relating to code interpretations,
2 describing the process for formal code interpretations of
3 development regulations; and adding a new chapter to
4 K.C.C. Title 2.

5

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Sections 2 through 8 of this ordinance should constitute a new
8 chapter in K.C.C. Title 2.

9 NEW SECTION. SECTION 2. Definitions.

10 A. "Code interpretation" means a formal statement regarding the meaning or
11 requirements of a particular provision in King County's development regulations.

12 B. "Department" means the King County department with primary responsibility
13 for administering or implementing a particular development regulation.

14 C. "Development regulation" means the controls placed on development or land
15 use activities by the county including, but not limited to, zoning ordinances, critical areas
16 ordinances, shoreline master programs, official controls, planned unit development
17 ordinances, subdivision ordinances and binding site plan ordinances, together with any

18 amendments thereto. A development regulation does not include a decision to approve a
19 project permit application, as defined in RCW 36.70B.020, even though the decision may
20 be expressed in an ordinance by the county.

21 D. "Director" means the director or the director's designee of the King County
22 department with primary responsibility for administering or implementing a particular
23 development regulation.

24 E. "Party of record" means a person who has submitted written comments,
25 testified, asked to be notified or is the sponsor of a petition entered as part of the official
26 county record on a specific development proposal.

27 NEW SECTION. SECTION 3. Purpose. This chapter establishes the procedure
28 by which King County will render a formal interpretation of a development regulation.
29 The purpose of such an interpretation includes clarifying conflicting or ambiguous
30 provisions in King County's development regulations.

31 NEW SECTION. SECTION 4. Process for initiating a code interpretation.

32 A. A person may request a code interpretation by submitting a request in
33 accordance with this chapter. The director may also issue a code interpretation on the
34 director's own initiative.

35 B. A request for a code interpretation must be submitted in writing to the director
36 of the department with primary responsibility administering or implementing the
37 development regulation that is the subject of the request. If the person is uncertain as to
38 the appropriate department to which the code interpretation request should be submitted,
39 the person shall submit the request to the director of the department of development and
40 environmental services, who shall make the determination and forward the request to the

41 appropriate department, and notify the person as to which department is responsible for
42 responding to the request.

43 C. A code interpretation request must:

44 1. Be in writing and shall be clearly labeled "Request for Code Interpretation."

45 Failure to satisfy this requirement relieves the director of any obligation to acknowledge
46 or otherwise process the request;

47 2. Identify the person seeking the code interpretation and provide an address to
48 which correspondence regarding the requested code interpretation should be mailed;

49 3. Identify the specific section or sections of King County's development
50 regulations for which an interpretation is requested;

51 4. Identify that parcel or site, if the code interpretation request involves a
52 particular parcel of property or site;

53 5. Be accompanied by the fee required under section 8 of this ordinance; and

54 6. Be limited to a single subject, which may require interpretation of one or
55 more code sections.

56 D.1. Within fifteen business days after receiving a code interpretation request, the
57 director shall acknowledge receipt of the request. The director shall mail the
58 acknowledgment to the person submitting the request at the address provided in the
59 request. The acknowledgment shall include the following information, as applicable:

60 a. If the director determines that the code interpretation request does not
61 contain the information required under this section, the director shall identify in the
62 acknowledgment the deficiencies in the code interpretation request. In such a situation,

63 the director is under no obligation to process the code interpretation request until a code
64 interpretation request complying with this chapter is submitted;

65 b. If the director determines that the code interpretation request is ambiguous
66 or unclear, the director may request that the person making the request to clarify the
67 request. The director is under no obligation to process the code interpretation request
68 until an adequately clarified code interpretation request is submitted;

69 c. The director is not obligated to further process the code interpretation
70 request if the director determines that the code interpretation request presents
71 substantially the same issue as is pending before an adjudicatory body, such as the King
72 County hearing examiner; the King County council, when acting as a quasi-judicial body;
73 any other quasi-judicial agency; or any local, state or federal court. If the director makes
74 such a determination, the director shall so state in the acknowledgment, and the director
75 is then under no obligation to further process the code interpretation request; and

76 d. If a code interpretation is requested regarding an issue that the director has
77 previously addressed through a code interpretation, the director is not obligated to issue
78 another code interpretation and shall so state in the acknowledgment required by this
79 section and shall identify the previous code interpretation.

80 2. If the director determines that the code interpretation request relates to a
81 particular parcel of property, the director shall cause notice of the code interpretation
82 request to be given to the taxpayer of record for the subject parcel.

83 3. If the code interpretation request relates to a specific development project
84 pending before the county, the director shall cause notice of the code interpretation
85 request to be given to all parties of record for that project, including the applicant.

86 4. The notice required under this section must include a copy of the code
87 interpretation request and a copy of the director's acknowledgment. Notice required
88 under this section may be by United States mail or other appropriate method of delivery.

89 NEW SECTION. SECTION 5. Procedure for issuing a code interpretation.

90 A. A person may submit written analysis and supporting documentation to assist
91 the director in analyzing a code interpretation request.

92 B. The director may conduct research or investigation as the director deems
93 necessary to resolve the issue presented in the code interpretation request and may refer
94 the request to department staff and other county staff for review and analysis.

95 C. The director shall determine whether the code interpretation request relates to
96 a specific development project that is currently being reviewed by the county. If the
97 director determines that the code interpretation request relates to such a development
98 project, the code interpretation request shall be processed in accordance with subsection
99 E of this section. If the director determines that the requested code interpretation does
100 not relate to a specific development project that is currently pending before the county,
101 the code interpretation request shall be processed in accordance with subsection F of this
102 section.

103 D. A code interpretation must be in writing, clearly labeled "Code
104 Interpretation," and describe the basis for the interpretation.

105 E. The director shall review a code interpretation request that is determined to
106 relate to a specific development project that is currently pending before the county. The
107 director shall issue a preliminary decision to the person making the request within sixty
108 days after receiving the code interpretation request, unless the director determines that

109 based on the unusual nature of the issue additional time is necessary to respond to the
110 request. If the code interpretation request relates to a specific project for which a
111 development permit is pending before the department of development and environmental
112 services, the code interpretation shall be issued with the department of development and
113 environmental service's final decision on the underlying development project for a type 1
114 or 2 permit or with the department's recommendation on a type 3 or 4 permit.

115 F. If a code interpretation request is determined by the director not to relate to a
116 specific development project that is currently pending before the county, the director
117 shall issue the code interpretation within sixty days after the director receives the code
118 interpretation request, unless the director determines that based on the unusual nature of
119 the issue additional time is necessary to respond to the request.

120 G. The director shall maintain a list of indexed code interpretations for public
121 inspection and post the index and code interpretations on a King County web site and
122 transmit a copy of each code interpretation to the clerk of the King County council.

123 H. For each code interpretation issued under subsection E or F of this section, the
124 director shall also mail copies of the code interpretation to the following:

- 125 1. A person who requested the code interpretation;
- 126 2. If the director determines that the code interpretation relates to a specific
127 development project that is pending before the county, to the applicant and all other
128 parties of record for that project. If the director determines the code interpretation relates
129 to a specific parcel of property, the director shall send a copy of the code interpretation to
130 the taxpayer of record for that parcel; and

131 3. Any person who has submitted written comments regarding the director's
132 review of the code interpretation request.

133 I. A code interpretation issued by the director is final and remains in effect unless
134 rescinded in writing by the director, or modified or reversed on appeal by the hearing
135 examiner, the King County council, or an adjudicatory body.

136 J. A code interpretation issued by the director governs all staff review and
137 decisions unless withdrawn or modified by the director or modified or reversed on appeal
138 by the King County hearing examiner, King County council, or an adjudicatory body.

139 NEW SECTION. SECTION 6. Administrative appeals.

140 A. Except as provided in subsection B of this section, the director's decision is
141 final.

142 B. If the director determines that a code interpretation is necessary for review of
143 a specific development project that is currently before the department, and the
144 development project is subject to an administrative appeal, any appeal of the code
145 interpretation shall be consolidated with and is subject to the same appeal process as the
146 underlying development project. If the King County hearing examiner makes the
147 county's final decision with regard to the underlying permit or other approval type
148 regarding which the interpretation was requested, the hearing examiner's decision
149 constitutes the county's final decision on the code interpretation request. If the King
150 County council, acting as a quasi-judicial body, makes the county's final decision with
151 regard to the underlying permit or other approval type regarding which the interpretation
152 was requested, the King County council's decision constitutes the county's final decision
153 on the code interpretation request.

154 NEW SECTION. SECTION 7. Rules authorized. The director may adopt rules
155 in accordance with K.C.C. chapter 2.98 to implement this chapter.

156 NEW SECTION. SECTION 8. Code interpretation fees. A code interpretation
157 request made under this chapter must be accompanied by payment of a fee in the amount
158 of two hundred fifty dollars. The failure to pay the fee relieves the director of the
159 obligation of issuing a code interpretation until the delinquency is cured.

160 NEW SECTION. SECTION 9. Effective period and evaluation. This
161 ordinance shall be in effect for a period of five hundred forty-eight days after the
162 effective date of this ordinance. Within twelve months of the effective date of this
163 ordinance, the executive shall transmit a report to the chair of the Growth Management

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164 and Unincorporated Areas Committee, evaluating the effectiveness of the ordinance and
165 recommending any necessary revisions to better carry out the intent of the ordinance.

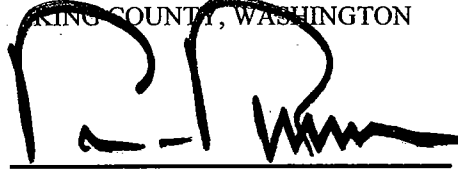
Ordinance 14033 was introduced on 12/4/00 and passed as amended by the Metropolitan King County Council on 1/29/01, by the following vote:

Yes: 13 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz, Mr. McKenna, Ms. Sullivan, Mr. Nickels, Mr. Pullen, Mr. Gossett, Ms. Hague, Mr. Vance and Mr. Irons

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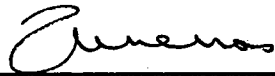
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KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



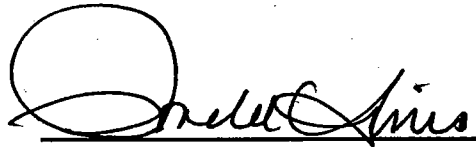
Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 12 day of February, 2001



Ron Sims, County Executive

Attachments None