



Legislation Text

File #: CB 118985, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; amending Sections 23.76.004, 23.76.022, and 23.88.020 of the Seattle Municipal Code to provide that interpretations by the Director of the Seattle Department of Construction and Inspections are not administrative remedies that must be exhausted prior to seeking judicial review.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Table A for Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance

125291, is amended as follows:

23.76.004 Land use decision framework

* * *

<p>Table A for 23.76. 004 LAND USE DECI SION FRA MEW ORK¹</p>
<p>Direct or's and Heari ng Exami ner's Decisi ons</p>

<p>Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020²)</p>	
<p>*</p>	<p>Application of development standards for decisions</p>
<p>*</p>	<p>Uses permitted outright</p>
<p>*</p>	<p>Temporary uses, four weeks or less</p>
<p>*</p>	<p>Renewals of temporary uses, except for temporary uses for construction and transitional encampments</p>
<p>*</p>	<p>Intermittent uses</p>
<p>*</p>	<p>Interim use parking authorized under subsection 23.4</p>
<p>*</p>	<p>Uses on vacant or underused lots pursuant to Section</p>
<p>*</p>	<p>Transitional encampment interim use</p>
<p>*</p>	<p>Certain street uses</p>
<p>*</p>	<p>Lot boundary adjustments</p>
<p>*</p>	<p>Modifications of features bonused under Title 24</p>
<p>*</p>	<p>Determinations of significance (EIS required) except on historic and cultural preservation</p>

*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	Determination of whether an amendment to a proper minor
*	Streamlined design review decisions pursuant to Section 22.220.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a
*	Adjustments to major institution boundaries pursuant to
*	Determination that a project is consistent with a plan
*	Decision to approve, condition, or deny, based on SEU, to be consistent with a planned action ordinance
*	Other Type I decisions that are identified as such in the

TYPE II Direct or's Decision
 (Appealable to Hearing Examiner or Shorelines Hearing Board³)

*	Temporary uses, more than four weeks, except for temporary
*	Variations
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use approval development permit ³
*	Short subdivisions
*	Special exceptions

*	Design review decisions, except for streamlined design development standard departures are requested, and zone pursuant to Section 23.41.020 if no development
*	Light rail transit facilities
*	The following environmental determinations: 1. Determination (required) 2. Determination of final EIS adequacy 3. Determination of historic and cultural preservation 4. A decision to conform with SEPA policies, except for a project determined to be
*	Major Phased Developments
*	Downtown Planned Community Developments
*	Determination of public benefit for combined lot development
*	Other Type II decisions that are identified as such in
TYPE III Hearing Examiner's Decision (No Administrative Appeal)	
*	Subdivisions (preliminary plats)
COUNCIL LAND USE DECISIONS TYPE IV (Quasi-Judicial)	
*	Amendments to the Official Land Use Map (rezone) of errors
*	Public projects that require Council approval

*	Major Institution master plans, including major amen development plan component, and master plans prep acquisition, merger, or consolidation of major institu
*	Major amendments to property use and development
*	Council conditional uses
*	Other decisions listed in subsection 23.76.036.A
TYPE	
V	
(Legisl ative)	
*	Land Use Code text amendments
*	Area-wide amendments to the Official Land Use Ma
*	Corrections of errors on the Official Land Use Map o
*	Concept approvals for the location or expansion of C
*	Major Institution designations and revocations of Ma
*	Waivers or modifications of development standards
*	Adoption of or amendments to Planned Action Ordin
*	Other decisions listed in subsection 23.76.036.C

Footno
tes for
Table
A for
23.76.
004: ¹
Sectio
ns
23.76.
006
and
23.76.
036
establi
sh the
types
of land
use
decisio
ns in
each
catego
ry.
This
Table
A for
23.76.
004 is
intend
ed to
provid
e only
a
genera
l
descri
ption
of land
use
decisio
n
types. ²
Type I
decisio
ns ((

are))
may
be
subject
to
admini
strativ
e
review
throug
h a
land
use
interpr
etation
pursua
nt to
Sectio
n
23.88.
020. ((
if the
decisio
n is
one
that is
subject
to
interpr
etation
-))³
Shorel
ine
decisio
ns,
except
shoreli
ne
special
use
approv
als that
are not
part of
a

shoreli
ne
substa
ntial
develo
pment
permit,
are
appeal
able to
the
Shorel
ines
Hearin
gs
Board
along
with
all
related
enviro
nment
al
appeal
s.

* * *

Section 2. Subsection 23.76.020.A of the Seattle Municipal Code, which section was last amended by Ordinance 124378, is amended as follows:

23.76.022 Administrative reviews and appeals for Type I and Type II Master Use Permits

A. Appealable decisions

1. Type I decisions (~~(listed in subsection 23.76.006.B are)~~) may be subject to administrative review through a land use interpretation pursuant to Section 23.88.020. (~~(if the decision is one that is subject to interpretation.)~~)

2. All Type II decisions listed in subsection 23.76.006.C are subject to an administrative open record appeal as described in this Section 23.76.022.

* * *

Section 3. Subsection 23.88.020.A of the Seattle Municipal Code, which section was last amended by Ordinance 124843, is amended as follows:

23.88.020 Land use interpretations

A. Interpretations generally. A decision by the Director as to the meaning, application, or intent of any development regulation in this Title 23 or in Chapter 25.09, Regulations for Environmentally Critical Areas, as it relates to a specific property, or a decision by the Director upon review of a determination of consistency of a proposed project with a planned action ordinance, is known as an “interpretation.” An interpretation may be requested in writing by any person or may be initiated by the Director. Procedural provisions and statements of policy are not subject to the interpretation process. A decision by the Director that an issue is not subject to an interpretation request is final and not subject to administrative appeal. A request for an interpretation ((,)) and a subsequent appeal to the Hearing Examiner, if available, are not administrative remedies that must be exhausted before judicial review of a decision subject to interpretation may be sought. An interpretation decision by the Director may affirm, reverse, or modify all or any portion of a Type I or Type II land use decision.

* * *

Section 4. Applicability. This ordinance applies to every request for interpretation received by the Department: (1) before the effective date of this ordinance, if the Department has not provided notice of the interpretation to the person requesting it on or before the effective date of this ordinance; or (2) on or after the effective date of this ordinance.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2017, and signed by
me in open session in authentication of its passage this _____ day of _____, 2017.

President _____ of the City Council

Approved by me this _____ day of _____, 2017.

Edward B. Murray, Mayor

Filed by me this _____ day of _____, 2017.

Monica Martinez Simmons, City Clerk

(Seal)