



SEATTLE CITY COUNCIL

Legislative Summary

CB 118985

Record No.: CB 118985

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125387

In Control: City Clerk

File Created: 05/10/2017

Final Action: 08/18/2017

Title: 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.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold,Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	05/10/2017	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	05/15/2017	sent for review	Planning, Land Use, and Zoning Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Planning, Land Use, and Zoning Committee						
	Notes:						
1	Full Council	05/22/2017	referred	Planning, Land Use, and Zoning Committee			
1	Planning, Land Use, and Zoning Committee	06/20/2017	discussed				
	Action Text: The Council Bill (CB) was discussed in Committee.						

Notes:

- 1 Planning, Land Use, and Zoning Committee 07/18/2017 discussed
Action Text: This Council Bill (CB) was discussed in Committee.
- 1 Planning, Land Use, and Zoning Committee 08/01/2017 pass Pass
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:
In Favor: 3 Chair Johnson, Member Herbold, Alternate González
Opposed: 0
- 1 Full Council 08/07/2017 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
Notes:
In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember González, Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien
Opposed: 0
- 1 City Clerk 08/11/2017 submitted for Mayor's signature Mayor
- 1 Mayor 08/18/2017 Signed
- 1 Mayor 08/18/2017 returned City Clerk
- 1 City Clerk 08/18/2017 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
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CITY OF SEATTLE

ORDINANCE 125387

COUNCIL BILL 118985

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

* * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments
*	Intermittent uses
*	Interim use parking authorized under subsection 23.42.040.G
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24

**Table A for 23.76.004
 LAND USE DECISION FRAMEWORK¹**

*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	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 property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*	Other Type I decisions that are identified as such in the Land Use Code
TYPE II Director's Decision (Appealable to Hearing Examiner or Shorelines Hearing Board ³)	
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
*	Variances
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit ³
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for streamlined design review pursuant to Section 23.41.018 if no development standard departures are requested, and except for design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Light rail transit facilities

**Table A for 23.76.004
 LAND USE DECISION FRAMEWORK¹**

*	The following environmental determinations: 1. Determination of non-significance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision to condition or deny a permit for a project based on SEPA policies, except for a project determined to be consistent with a planned action ordinance
*	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 the Land Use Code
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 (rezones), except area-wide amendments and correction of errors
*	Public projects that require Council approval
*	Major Institution master plans, including major amendments, renewal of a master plan’s development plan component, and master plans prepared pursuant to subsection 23.69.023.C after an acquisition, merger, or consolidation of major institutions
*	Major amendments to property use and development agreements
*	Council conditional uses
*	Other decisions listed in subsection 23.76.036.A
TYPE V (Legislative)	
*	Land Use Code text amendments
*	Area-wide amendments to the Official Land Use Map
*	Corrections of errors on the Official Land Use Map due to cartographic and clerical mistakes
*	Concept approvals for the location or expansion of City facilities requiring Council land use approval
*	Major Institution designations and revocations of Major Institution designations
*	Waivers or modifications of development standards for City facilities

**Table A for 23.76.004
LAND USE DECISION FRAMEWORK¹**

* Adoption of or amendments to Planned Action Ordinances

* Other decisions listed in subsection 23.76.036.C

Footnotes for Table A for 23.76.004:

¹ Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types.

² Type I decisions (~~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.~~)

³ Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.

* * *

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.

* * *

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

3 **23.88.020 Land use interpretations**


4 A. Interpretations generally. A decision by the Director as to the meaning,
5 application, or intent of any development regulation in this Title 23 or in Chapter 25.09,
6 Regulations for Environmentally Critical Areas, as it relates to a specific property, or a
7 decision by the Director upon review of a determination of consistency of a proposed project
8 with a planned action ordinance, is known as an “interpretation.” An interpretation may be
9 requested in writing by any person or may be initiated by the Director. Procedural provisions
10 and statements of policy are not subject to the interpretation process. A decision by the
11 Director that an issue is not subject to an interpretation request is final and not subject to
12 administrative appeal. A request for an interpretation ((5)) and a subsequent appeal to the
13 Hearing Examiner, if available, are not administrative remedies that must be exhausted before
14 judicial review of a decision subject to interpretation may be sought. An interpretation decision
15 by the Director may affirm, reverse, or modify all or any portion of a Type I or Type II land
16 use decision.

17 * * *

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

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

4 Passed by the City Council the 7th day of August, 2017,
5 and signed by me in open session in authentication of its passage this 7th day of
6 August, 2017.

7 

8 President _____ of the City Council

9 Approved by me this 18 day of August, 2017.

10 

11 Edward B. Murray, Mayor

12 Filed by me this 18th day of August, 2017.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)