Legislation Details (With Text)

File #:	CB 118985 **Version:** 1	**Name:**	CB 118985
Type:	Ordinance (Ord)	**Status:**	Passed
		In control:	City Clerk
On agenda:	8/7/2017		
Final Action:	8/18/2017	**Ord. No.**	Ord 125387
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.		
Sponsors:	Lisa Herbold, Rob Johnson		
Indexes:			
Attachments:	1. Summary and Fiscal Note, 2. Central Staff Memo (06/20/17), 3. Signed Ordinance 125387, 4. Affidavit of Publication		

Date	Ver.	Action By	Action	Result
8/18/2017	1	City Clerk	attested by City Clerk	
8/18/2017	1	Mayor	returned	
8/18/2017	1	Mayor	Signed	
8/11/2017	1	City Clerk	submitted for Mayor's signature	
8/7/2017	1	City Council	passed	Pass
8/1/2017	1	Planning, Land Use, and Zoning Committee	pass	Pass
7/18/2017	1	Planning, Land Use, and Zoning Committee	discussed	
6/20/2017	1	Planning, Land Use, and Zoning Committee		
5/22/2017	1	City Council	referred	
5/15/2017	1	Council President's Office	sent for review	
5/10/2017	1	City Clerk	sent for review	

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

* * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK[1]

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 r
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary us construction and transitional encampments
*	Intermittent uses
*	Interim use parking authorized under subsection 23.4
*	Uses on vacant or underused lots pursuant to Section

*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except on historic and cultural preservation
*	Temporary uses for relocation of police and fire stati
*	Exemptions from right-of-way improvement require
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development p
*	Determination of whether an amendment to a proper minor
*	Streamlined design review decisions pursuant to Sec departures are requested, and design review decision if no development standard departures are requested
*	Shoreline special use approvals that are not part of a
*	Adjustments to major institution boundaries pursuan
*	Determination that a project is consistent with a plan
*	Decision to approve, condition, or deny, based on SE be consistent with a planned action ordinance
*	Other Type I decisions that are identified as such in t
TYPE II Director's Decision (Appealable to Hearing Examiner or Shorelines Hearing Board[3])	
*	Temporary uses, more than four weeks, except for te
*	Variances

powered by Legistar™

*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use app development permit[3]
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for streamlined desi development standard departures are requested, and zone pursuant to Section 23.41.020 if no developme
*	Light rail transit facilities
*	The following environmental determinations: 1. Det required) 2. Determination of final EIS adequacy 3. historic and cultural preservation 4. A decision to co SEPA policies, except for a project determined to be
*	Major Phased Developments
*	Downtown Planned Community Developments
*	Determination of public benefit for combined lot dev
*	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 (rezones of errors
*	Public projects that require Council approval
*	Major Institution master plans, including major amer 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 (Legislative)	
*	Land Use Code text amendments
*	Area-wide amendments to the Official Land Use Ma
*	Corrections of errors on the Official Land Use Map c
*	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 Ordi
*	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.

* * *

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)