



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 07/18/2017 discussed
Zoning Committee
Action Text: This Council Bill (CB) was discussed in Committee.

- 1 Planning, Land Use, and 08/01/2017 pass Pass
Zoning Committee
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
Mayor's signature
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:

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.

* * *

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

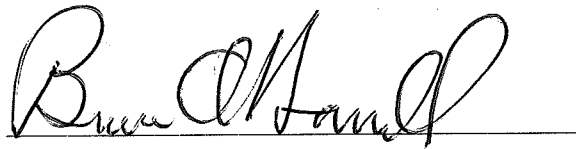
A. Interpretations generally. A decision by the Director as to the meaning, application, or intent of any development regulation in this Title 23 or in Chapter 25.09, Regulations for Environmentally Critical Areas, as it relates to a specific property, or a decision by the Director upon review of a determination 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 7th day of August, 2017,
and signed by me in open session in authentication of its passage this 7th day of
August, 2017.



President _____ of the City Council

Approved by me this 18 day of August, 2017.



Edward B. Murray, Mayor

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



Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--SS.

353143

No.

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125377-387 TITLE ONLY

was published on

08/23/17

The amount of the fee charged for the foregoing publication is the sum of \$224.70 which amount has been paid in full.



Affidavit of Publication

A handwritten signature in black ink, appearing to be "K. J. ...", written over a horizontal line.

Subscribed and sworn to before me on

08/23/2017

A large, stylized handwritten signature in black ink, written over a horizontal line.

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, approved by the City Council on August 7, 2017, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125377

Council Bill 119047

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125378

Council Bill 119044

AN ORDINANCE relating to City employment; authorizing execution of a collective bargaining agreement between The City of Seattle and the Seattle Fire Chiefs Association, IAFF, Local 2898 to be effective January 1, 2016 through December 31, 2018; amending Ordinance 125207, which adopted the 2017 Budget, by increasing appropriations to the Seattle Fire Department for providing the 2015, 2016, and 2017 payments thereof; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 125379

Council Bill 119046

AN ORDINANCE relating to automated fixed camera revenue; amending Ordinance 125207, which adopted the 2017 Budget; changing appropriations to various departments and budget control levels, and from various funds in the 2017 Budget; and amending Sections 5.81.010 and 5.82.010 of the Seattle Municipal Code; all by a 3/4 vote of the City Council.

Ordinance 125380

Council Bill 119019

AN ORDINANCE relating to City employment, commonly referred to as the Second Quarter 2017 Employment Ordinance; establishing new titles and/or salaries; designating positions as exempt from Civil Service status; returning positions to Civil Service status; and ratifying and confirming certain prior acts; all by a 2/3 vote of the City Council.

Ordinance 125381

Council Bill 119020

AN ORDINANCE relating to City employment; adopting a 2017 Citywide Position List.

Ordinance 125382

Council Bill 119023

AN ORDINANCE authorizing, in 2017, acceptance of funding from non-City sources; authorizing the heads of the Executive Department, Department of Education and Early Learning, Department of Parks and Recreation, Human Services Department, Law Department, Information Technology Department, Seattle Fire Department, Seattle Police Department, and Seattle Public Utilities to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

Ordinance 125383

Council Bill 119022

AN ORDINANCE amending Ordinance 125207, which adopted the 2017 Budget, including the 2017-2022 Capital Improvement Program (CIP) (commonly known as the 2nd quarter supplemental); changing appropriations to various departments and budget control levels, and from various funds in the Budget; adding new projects; revising project allocations for certain projects in the 2017-2022 CIP; creating both new exempt and non-exempt positions; making cash trans-

fers between various City funds; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 125384

Council Bill 119029

AN ORDINANCE relating to the Technology Matching Fund Program; making allocations and authorizing implementation of certain Technology Matching Fund projects in 2017; providing that 2017 appropriations for the Technology Matching Fund from the Cable Television Franchise Subfund and from the Information Technology Fund shall automatically carry forward into the 2018 fiscal year; allowing that any unspent funds from an individual project may be applied to another project that meets the goals of the Digital Equity Initiative; and ratifying and confirming certain prior acts.

Ordinance 125385

Council Bill 119040

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent to enter into a Use, Occupancy and Maintenance Agreement with Seattle Public Theater for the provision of theater arts programming, education, and services at the Department of Parks and Recreation's Green Lake Park Bathhouse Theater.

Ordinance 125386

Council Bill 119043

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to enter into a Project Partnership Agreement with the Seattle District United States Army Corps of Engineers for purposes of executing the Alki Coastal Erosion Control Project; and ratifying and confirming certain prior acts.

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.

Date of publication in the Seattle Daily Journal of Commerce, August 23, 2017.

8/23(353143)