



Legislation Text

File #: 2002-0320, **Version:** 1

Clerk 07/15/2002

AN ORDINANCE relating to requests for interpretation of the King County Code; and amending Ordinance 14033, Section 9, and K.C.C. 2.100.900

STATEMENT OF FACTS:

1. Ordinance 14033 was adopted in compliance with the findings and orders contained in a September 11, 2000, King County superior court decision. In the decision, the court determined that the county failed to adopt procedures for rendering administrative interpretations of code as required by RCW 36.70B.030(3) and 36.70B.110(11). The county was ordered to adopt, by ordinance, procedures for administrative interpretations no later than one hundred fifty days from the date of the decision.
2. In its adoption of Ordinance 14033, the council included a provision, contained in Ordinance 14033, Section 9, and codified as K.C.C. 2.100.900, that called for the transmittal within twelve months of the effective date of the ordinance, a report to the chair of the growth management and unincorporated areas committee evaluating the effectiveness of the ordinance and recommending any necessary revisions to better carry out the intent of the ordinance.
3. Although the department of development and environmental services had several inquiries about the code interpretation process during the first year (February 2001-2002) it has been in effect, no formal request for a code interpretation was submitted to any county departments in that period. No evaluation of the effectiveness of the process was possible.
4. In April and May, two requests were received by the department of development and

environmental services. Neither interpretation decision has been issued to date. Based on the limited number of requests submitted to date and the fact that no formal interpretation has been issued on those limited requests, the executive has no recommended changes to the ordinance or process at this time.

5. The need for the subsequent evaluation anticipated at the time of ordinance adoption, is not diminished by the lack of requests for interpretations. Therefore, the deadline for a report should be extended to allow the submittal of additional requests upon which to base an evaluation.

6. Of greater significance is the fact that, in the same section, the council stipulated that the ordinance would be in effect for five hundred forty-eight days after the effective date of the ordinance, which is August 24, 2002.

7. Since Ordinance 14033 was adopted in response to a court order, there is a risk that the county may be found out of compliance with the order if the code interpretation procedure is allowed to expire.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14033, Section 9, and K.C.C. 2.100.900 are each hereby amended to read as follows:

~~((Effective period and e))~~**Evaluation.** ~~((Ordinance 14033 shall be in effect for a period of five hundred forty-eight days after February 22, 2001. Within twelve months of February 22, 2001, t))~~The executive shall transmit a report to the chair of the growth management and unincorporated areas committee by June 1, 2003, evaluating the

effectiveness of ~~((the e))~~Ordinance 14033 and recommending any necessary revisions to better carry out the intent of ~~((the e))~~Ordinance 14033.