



Legislation Text

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Clerk 03/01/2006

AN ORDINANCE relating to code interpretations; amending Ordinance 14033, Section 4, and K.C.C. 2.100.030, Ordinance 14033, Section 5, and K.C.C. 2.100.040 and Ordinance 14033, Section 6, and K.C.C. 2.100.050 and repealing Ordinance 14033, Section 9, as amended, and K.C.C. 2.100.900.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14033, Section 4, and K.C.C. 2.100.030 are each hereby amended to read as follows:

**Requests - acknowledgement - notice.**

A. A person may request a code interpretation by submitting a request in accordance with this chapter. The director may also issue a code interpretation on the director's own initiative.

B. A request for a code interpretation must be submitted in writing to the director of the department with primary responsibility administering or implementing the development regulation that is the subject of the request. If the person is uncertain as to the appropriate department to which the code interpretation request should be submitted, the person shall submit the request to the director of the department of development and environmental services, who shall make the determination and forward the request to the appropriate department, and notify the person as to which department is responsible for responding to the request.

C. A code interpretation request must:

1. Be in writing and shall be clearly labeled "Request for Code Interpretation." Failure to satisfy this requirement relieves the director of any obligation to acknowledge or otherwise process the request;

2. Identify the person seeking the code interpretation and provide an address to which correspondence regarding the requested code interpretation should be mailed;

3. Identify the specific section or sections of King County's development regulations for which an interpretation is requested;

4. Identify ~~((that))~~ the parcel or site, if the code interpretation request involves a particular parcel of property or site;

5. Identify the code enforcement action, if the code interpretation request involves a code enforcement case;

6. Be accompanied by the fee required under K.C.C. 2.100.070; and

~~((6-))~~ 7. Be limited to a single subject, which may require interpretation of one or more code sections.

D.1. Within fifteen business days after receiving a code interpretation request, the director shall acknowledge receipt of the request. The director shall mail the acknowledgment to the person submitting the request at the address provided in the request. The acknowledgment shall include the following information, as applicable:

a. If the director determines that the code interpretation request does not contain the information required under this section, the director shall identify in the acknowledgment the deficiencies in the code interpretation request. In such a situation, the director is under no obligation to process the code interpretation request until a code interpretation request complying with this chapter is submitted;

b. If the director determines that the code interpretation request is ambiguous or unclear, the director may request that the person making the request to clarify the request. The director is under no obligation to process the code interpretation request until an adequately clarified code interpretation request is submitted;

c. ~~((The director is not obligated to further process the code interpretation request i))~~ If the director determines that the code interpretation request presents substantially the same issue as is pending before an adjudicatory body, such as the King County hearing examiner~~((;))~~, the King County council~~((;))~~ when acting as

a quasi-judicial body~~((;)),~~ any other quasi-judicial agency~~((;))~~ or any local, state or federal court~~((,- If the director makes such a determination)),~~ the director shall so state in the acknowledgment~~((, and t)).~~ The director is then under no obligation to further process the code interpretation request; and

d. If a code interpretation is requested regarding an issue that the director has previously addressed through a code interpretation, the director is not obligated to issue another code interpretation and shall so state in the acknowledgment required by this section and shall identify the previous code interpretation.

2. If the director determines that the code interpretation request relates to a particular parcel of property, the director shall cause notice of the code interpretation request to be given to the taxpayer of record for the subject parcel.

3. If the code interpretation request relates to a specific development project pending before the county, the director shall cause notice of the code interpretation request to be given to all parties of record for that project, including the applicant.

4. The notice required under this section must include a copy of the code interpretation request and a copy of the director's acknowledgment. Notice required under this section may be by United States mail or other appropriate method of delivery.

SECTION 2. Ordinance 14033, Section 5, and K.C.C. 2.100.040 are each hereby amended to read as follows:

**Procedure for issuance.**

A. A person may submit written analysis and supporting documentation to assist the director in analyzing a code interpretation request.

B. The director may conduct research or investigation as the director deems necessary to resolve the issue presented in the code interpretation request and may refer the request to department staff and other county staff for review and analysis.

C. ~~((The director shall determine whether the code interpretation request relates to a specific~~

~~development project that is currently being reviewed by the county. If the director determines that the code interpretation request relates to such a development project, the code interpretation request shall be processed in accordance with subsection E of this section. If the director determines that the requested code interpretation does not relate to a specific development project that is currently pending before the county the code interpretation request shall be processed in accordance with subsection F of this section.~~

D.) A code interpretation must be in writing, clearly labeled "Code Interpretation," and describe the basis for the interpretation.

~~(E.)~~ D. The director shall ~~((review a code interpretation request that is determined to relate to a specific development project that is currently pending before the county. The director shall))~~ issue a ~~(( preliminary decision to the person making the request))~~ code interpretation within sixty days after receiving the code interpretation request, unless the director determines that based on the unusual nature of the issue additional time is necessary to respond to the request. If the code interpretation request relates to a specific ~~(( project for which a))~~ development ~~((permit))~~ proposal that is pending before the department of development and environmental services or relates to a code enforcement action that is subject to appeal under K.C.C. chapter 23.36, the code interpretation shall become ~~((issued with))~~ final when the department of development and environmental service~~((s))~~ issues its final decision on the underlying development ~~((project))~~ proposal for a type 1 or 2 ~~((permit))~~ decision, ~~((or with))~~ the department~~((s))~~ makes its recommendation on a type 3 or 4 ~~(( permit))~~ decision or, based on the code interpretation, the department issues a notice and order, citation or stop work order under K.C.C. Title 23. ~~(F.)~~ If the director determines that a code interpretation request ~~((is determined by the director))~~ does not relate to a specific development ~~((project))~~ proposal that is currently pending before the county or to a code enforcement action, the ~~((director shall issue the))~~ code interpretation ~~(( within sixty days after the director receives the code interpretation request, unless the director determines that based on the unusual nature of the issue additional time is necessary to respond to the request))~~ is final when issued by the director.

~~((G.))~~ E. The director shall maintain a list of indexed code interpretations for public inspection and post the index and code interpretations on a King County web site and transmit a copy of each code interpretation to the clerk of the King County council.

~~((H.))~~ F. ~~((For each code interpretation issued under subsection E<sub>2</sub> or F<sub>2</sub> of this section, t))~~ The director shall ~~((also))~~ mail copies of the code interpretation to the following:

1. ~~((A))~~ The person who requested the code interpretation;

2. If the director determines that the code interpretation relates to a specific development ~~((project))~~ proposal that is pending before the county, ~~((to))~~ the applicant and all other parties of record for that ~~((project.))~~ proposal;

3. If the director determines the code interpretation relates to a specific parcel of property, ~~((the director shall send a copy of the code interpretation to))~~ the taxpayer of record for that parcel; and

~~((3.))~~ 4. Any person who has submitted written comments regarding the director's review of the code interpretation request.

~~((I.))~~ G. When it is final, ~~((A))~~ a code interpretation ~~((issued by the director is final and))~~ remains in effect ~~((unless))~~ until it is rescinded in writing by the director~~((s))~~ or it is modified or reversed on appeal by the hearing examiner, the King County council~~((s))~~ or an adjudicatory body.

~~((J.))~~ H. A code interpretation issued by the director governs all staff review and decisions unless withdrawn or modified by the director or modified or reversed on appeal by the King County hearing examiner, King County council, or an adjudicatory body.

SECTION 3. Ordinance 14033, Section 6, and K.C.C. 2.100.050 are each hereby amended to read as follows:

**Administrative appeals.**

A. Except as provided in subsection B<sub>2</sub> of this section, the director's decision is final.

B. If the director determines that a code interpretation is necessary for review of a specific development

((project)) proposal that is currently before the department, and the development project is subject to an administrative appeal, any appeal of the code interpretation shall be consolidated with and is subject to the same appeal process as the underlying development project. If the director determines that a code interpretation request relates to a code enforcement action, any appeal of the code interpretation shall be consolidated with and is subject to the same appeal process as the code enforcement action. If the King County hearing examiner makes the county's final decision with regard to the underlying permit, ((or)) other approval type or code enforcement action regarding which the interpretation was requested, the hearing examiner's decision constitutes the county's final decision on the code interpretation request. If the King County council, acting as a quasi-judicial body, makes the county's final decision with regard to the underlying permit or other approval type regarding which the interpretation was requested, the King County council's decision constitutes the county's final decision on the code interpretation request.

SECTION 4. Ordinance 14033, Section 9, as amended, and K.C.C. 2.100.900 are each hereby repealed.

SECTION 5. Severability. If any provision of this ordinance or its application to

any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Official paper 30 days prior