



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**October 10, 2006**

**Ordinance 15605**

**Proposed No.** 2006-0112.2

**Sponsors** Constantine

1 AN ORDINANCE relating to code interpretations; amending  
2 Ordinance 14033, Section 4, and K.C.C. 2.100.030, Ordinance  
3 14033, Section 5, and K.C.C. 2.100.040 and Ordinance 14033,  
4 Section 6, and K.C.C. 2.100.050 and repealing Ordinance  
5 14033, Section 9, as amended, and K.C.C. 2.100.900.

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7

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

11 **Requests – acknowledgement – notice.**

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

15 B. A request for a code interpretation must be submitted in writing to the director  
16 of the department with primary responsibility administering or implementing the  
17 development regulation that is the subject of the request. If the person is uncertain as to the

18 appropriate department to which the code interpretation request should be submitted, the  
19 person shall submit the request to the director of the department of development and  
20 environmental services, who shall make the determination and forward the request to the  
21 appropriate department, and notify the person as to which department is responsible for  
22 responding to the request.

23 C. A code interpretation request must:

24 1. Be in writing and shall be clearly labeled "Request for Code Interpretation."

25 Failure to satisfy this requirement relieves the director of any obligation to acknowledge or  
26 otherwise process the request;

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

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

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

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

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

36 ~~((6-))~~ 7. Be limited to a single subject, which may require interpretation of one or  
37 more code sections.

38 D.1. Within fifteen business days after receiving a code interpretation request, the  
39 director shall acknowledge receipt of the request. The director shall mail the

40 acknowledgment to the person submitting the request at the address provided in the  
41 request. The acknowledgment shall include the following information, as applicable:

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

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

51 c. ~~((The director is not obligated to further process the code interpretation~~  
52 ~~request.))~~ If the director determines that the code interpretation request presents  
53 substantially the same issue as is pending before an adjudicatory body, such as the King  
54 County hearing examiner~~((;))~~, the King County council~~((;))~~ when acting as a quasi-judicial  
55 body~~((;))~~, any other quasi-judicial agency~~((;))~~ or any local, state or federal court~~((;))~~. ~~If the~~  
56 ~~director makes such a determination~~), the director shall so state in the acknowledgment~~((;~~  
57 ~~and ;))~~. The director is then under no obligation to further process the code interpretation  
58 request; and

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

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

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

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

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

74           **Procedure for issuance.**

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

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

80           C. ~~((The director shall determine whether the code interpretation request relates to~~  
81 ~~a specific development project that is currently being reviewed by the county. If the~~  
82 ~~director determines that the code interpretation request relates to such a development~~  
83 ~~project, the code interpretation request shall be processed in accordance with subsection E~~  
84 ~~of this section. If the director determines that the requested code interpretation does not~~  
85 ~~relate to a specific development project that is currently pending before the county the~~

86 code interpretation request shall be processed in accordance with subsection F of this  
87 section.

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

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

108 ~~unless the director determines that based on the unusual nature of the issue additional time~~  
109 ~~is necessary to respond to the request~~) is final when issued by the director.

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

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

115 1. ~~((A))~~ The person who requested the code interpretation;  
116 2. If the director determines that the code interpretation relates to a specific  
117 development ~~((project))~~ proposal that is pending before the county, ~~((t))~~ the applicant and  
118 all other parties of record for that ~~((project.))~~ proposal;

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

122 ~~((3.))~~ 4. Any person who has submitted written comments regarding the director's  
123 review of the code interpretation request.

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

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

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

133            **Administrative appeals.**

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

136            B. If the director determines that a code interpretation is necessary for review of a  
137 specific development ((project)) proposal that is currently before the department, and the  
138 development project is subject to an administrative appeal, any appeal of the code  
139 interpretation shall be consolidated with and is subject to the same appeal process as the  
140 underlying development project. If the director determines that a code interpretation  
141 request relates to a code enforcement action, any appeal of the code interpretation shall be  
142 consolidated with and is subject to the same appeal process as the code enforcement action.

143 If the King County hearing examiner makes the county's final decision with regard to the  
144 underlying permit, ((or)) other approval type or code enforcement action regarding which  
145 the interpretation was requested, the hearing examiner's decision constitutes the county's  
146 final decision on the code interpretation request. If the King County council, acting as a  
147 quasi-judicial body, makes the county's final decision with regard to the underlying permit  
148 or other approval type regarding which the interpretation was requested, the King County  
149 council's decision constitutes the county's final decision on the code interpretation request.

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

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

**Ordinance 15605**

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153 any person or circumstance is held invalid, the remainder of the ordinance or the  
154 application of the provision to other persons or circumstances shall not be affected.  
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Ordinance 15605 was introduced on 3/13/2006 and passed as amended by the Metropolitan King County Council on 10/2/2006, by the following vote:

Yes: 8 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. Ferguson, Mr. Gossett, Ms. Hague, Mr. Constantine and Ms. Patterson  
No: 0  
Excused: 1 - Mr. Phillips

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Anne Noris

ATTEST:

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Anne Noris

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Anne Noris

**Attachments**      None