



Chapter 19.50 INTERPRETATIONS

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19.50.010 Generally.

A decision by the director of community development as to the meaning, application or intent of any development regulation or procedure in this title is known as an “interpretation.” An interpretation may be requested in writing by any person or may be initiated by the director of community development. This chapter establishes the procedure and criteria that the city will use in deciding upon a written request to interpret the provisions of this title and in issuing any other written interpretation of this title. The interpretation of the provisions of a concomitant agreement will be treated as an interpretation of this title. Any appeals of an interpretation by the director of community development under this chapter may be appealed to the city’s hearing examiner as provided for in this chapter.

(Ord. No. 09-594, § 29, 1-6-09; Ord. No. 00-375, § 10, 10-3-00. Code 2001 § 22-345.)

19.50.020 Purpose.

An interpretation of the provisions of this title clarifies conflicting or ambiguous application, wording, scope, or intent of the provisions of this title. An interpretation of the provisions of this title may not be used to amend this title.

(Ord. No. 09-594, § 30, 1-6-09; Ord. No. 00-375, § 10, 10-3-00. Code 2001 § 22-346.)

19.50.030 Applications.

(1) *Who may apply.* Any person, personally or through an agent, may make application for an interpretation.

(2) *How to apply.* The applicant shall file a completed master land use application along with a written description which at a minimum clearly states:

(a) The interpretation requested;

(b) The applicable Federal Way Revised Code section(s) which the applicant requests the director to interpret; and

(c) Relevant information and arguments which support the requested interpretation.

(3) *Fee.* With the application, the applicant shall submit the fee established by the city. The application shall not be accepted unless it is accompanied by the required fee.

(4) *Director authority.* The director may modify the submittal requirements as deemed appropriate.

(5) *Routing of application.* An application for an interpretation shall be routed to the director. The director may route for comment an application for an interpretation to other staff members or departments.

(Ord. No. 09-594, § 31, 1-6-09; Ord. No. 01-399, § 3, 8-7-01; Ord. No. 00-375, § 10, 10-3-00. Code 2001 § 22-347.)

19.50.040 Interpretations.

The director may, acting on his or her own initiative or in response to a written application, issue interpretations of any of the provisions of this title.

(1) *Applicability.* A code interpretation must be requested prior to a land use decision to which the request relates. Any code interpretation requested after a land use decision shall not affect an issued permit or decision.

(2) *Criteria.* The director shall base an interpretation on:

(a) The defined or the common meaning, as applicable, of the words in the provision;

(b) The general purpose of the provision as expressed in the provision; and

(c) The logical or likely meaning of the provision viewed in relation to the comprehensive plan, this title, the Federal Way Revised Code as a whole, or other plans and studies prepared or adopted by the city.

(3) *Timing.* The director of community development shall issue an interpretation within 28 days of having received a request, unless otherwise agreed by the director and the requestor.

(4) *Effect.* An interpretation of this title will be enforced as if it is part of this title.

(5) *Interpretation file and availability.* The director of community development shall maintain an interpretation file that contains all interpretations of this title that are in effect. The interpretation file shall be available for public inspection and copying in the department during regular business hours.

(6) *Time limitation.* An interpretation of the provisions of this title remains in effect until rescinded in writing by the director of community development or until the subject text of this title has been amended.

(Ord. No. 09-594, § 32, 1-6-09; Ord. No. 01-399, § 3, 8-7-01; Ord. No. 00-375, § 10, 10-3-00. Code 2001 § 22-348.)

19.50.050 Notice.

(1) *Applicability.* Interpretations issued by the director of community development that are related to a land use or subdivision application shall be incorporated into the director's decision on the application and be subject to applicable notice provisions for the decision. Interpretations issued by the director of community development that are not related to a land use or subdivision application shall be subject to the notice provisions under this section.

(2) *Contents.* The director of community development shall prepare a notice of each interpretation that is not related to a land use or subdivision application, containing the following information:

(a) The citation, if any, of the provision(s) of the Federal Way Revised Code that is the subject of the interpretation along with a brief description of the subject provision(s).

(b) A summary statement of the interpretation of the affected provision.

(c) The date of the interpretation.

(d) A statement of the availability of the official file.

(e) A summary of the rights, as established in this chapter, of any person to submit an appeal of the interpretation.

(f) The deadline for filing appeals of the interpretation.

(3) *Distribution.* Upon issuance of the interpretation, the director of community development shall distribute this notice of the interpretation as follows:

(a) A copy of the notice of the interpretation shall be published in the official newspaper of the city.

(b) A copy of the notice will be posted on the city website.

(c) A copy of the notice will be mailed to the person who filed the written request.

(Ord. No. 20-898 § 12, 10-20-20; Ord. No. 09-594, § 33, 1-6-09; Ord. No. 00-375, § 10, 10-3-00. Code 2001 § 22-349.)

19.50.060 Appeals.

(1) Any person who is aggrieved by an interpretation issued by the director may appeal that interpretation.

(2) A written notice of appeal must be delivered to the department of community development services within 14 calendar days after issuance of the decision of the director. The notice of appeal must indicate how the interpretation affects the appellant and present any relevant arguments or information on the correctness of the interpretation. The notice of appeal must be accompanied by cash or a check, payable to the city of Federal Way, in the amount of the fee as established by the city.

(3) Appeals are governed by process IV.

(4) If the interpretation of the director is modified after an appeal, the director shall:

(a) Place the modifying decision in the interpretation file; and

(b) Issue a new interpretation as modified.

(Ord. No. 09-594, § 34, 1-6-09; Ord. No. 01-399, § 3, 8-7-01; Ord. No. 00-375, § 10, 10-3-00. Code 2001 § 22-350.)