



NOTICE OF DEPARTMENT OF COMMUNITY DEVELOPMENT INTERPRETATION #16-02

Citation of Code Provision

By letter dated November 14, 2016, John C. McCullough, Esq. of McCullough Hill Leary PS, on behalf of Federal Way Campus LLC (“Applicant”), requested a formal interpretation of the *Federal Way Revised Code* (“FWRC”) regarding the following issues:

1. Whether Process I, II, III, or IV applications vest developments identified in the Federal Way zoning code and other land use control ordinances in effect on the date the complete applications are submitted, and whether binding site plan and short plat applications vest such developments under those processes.
2. Whether a short subdivision application (in addition to a binding site plan application) may be submitted, accepted, and processed to segregate property that is zoned for commercial, business, office, or industrial development.

Summary Statement of Interpretation

Based upon the analysis set forth in the Interpretation, the Director of Community Development (“Director”) hereby issues the following interpretation in response to the Applicant’s request:

- 2.1** Pursuant to FWRC 19.15.045(4), a fully completed Process I, II, III, or IV application vests the proposal to the zoning codes and other land use control ordinances in effect on the land at the time the application has been submitted to the City; however, applications for binding site plans and short subdivisions are not designated by the City’s code as use process applications under Process I, II, III or IV. Whether and to what extent applications for these categories of local land use approvals trigger vested rights is governed exclusively by state law rather than by the City’s local regulations.
- 2.2** A short subdivision application cannot be used to segregate property zoned for commercial, business, office, or industrial development under the FWRC. Pursuant to FWRC 18.20.010, a binding site plan application is the mandatory and exclusive means by which to segregate properties zoned for these use categories. The City’s code does not contemplate, much less expressly authorize, separate binding site plan and short subdivision applications to be submitted and processed concurrently for the same site.

Date of Interpretation

December 12, 2016

Availability of Official File

The official project file (#16-105859-00-UP) is available for review at the City of Federal Way Department of Community Development (Federal Way City Hall, 33325 8th Avenue South, Federal Way, WA 98063-9718), 253-835-2607, or permitcenter@cityoffederalway.com, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Right to Appeal

Any person who is aggrieved by this interpretation may file a written letter of appeal to the Community Development Director, indicating how the interpretation affects them and present any relevant arguments or information on the correctness of the interpretation, within 14 days of the issuance of the decision. The appellant shall include the appeal fee as established by the city. The appeal will not be accepted unless the required fee accompanies it.

An appeal of this interpretation will be reviewed and decided upon using the process for appeals outlined in FWRC 19.50.060 and Chapter 19.70 FWRC.

Deadline for Filing an Appeal

5:00 p.m., December 27, 2016

City Staff Contact

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