

Ordinance No. 120289

Council Bill No. 113464

The City of Seattle  
Council Bill/Ordinance

AN ORDINANCE repealing Section 7.16.010 of the Seattle Municipal Code that requires that the grantor of any fee title or beneficial interest in real property in a transaction subject to the tax on conveyances provided in RCW Chapter 28A.45 obtain a Certificate of Land Use form prepared by the Director of the Department of Design, Construction and Land Use.

3-6-01 Pass 3

CF No. \_\_\_\_\_

3-19-01 T

Date Introduced:	<u>081 10 2000</u>	
Date 1st Referred:	<u>081 10 2000</u>	
To: (committee)	<u>landlord/Tenant &amp; Land Use Committee</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	<u>3-19-01</u>	
Full Council Vote:	<u>6-0</u>	
Date Presented to Mayor:	<u>3-19-01</u>	
Date Approved:	<u>3/22/01</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
<u>3/23/01</u>	<u>1 pg.</u>	
Date Vetted by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

*Law Department*

Law Dept. Review

The City of Seattle - Legislative Department

NICASTRO

Council Bill/Ordinance sponsored by:

*John A. Nicastro*  
Councilmember

**Committee Action:**

3-6-01 Pass 3-0 UNPSMP

3-19-01 Passed 6-0

(Excused: Licata, McInerney, Willis)

This file is complete and ready for presentation to Full Council.

Committee:

(initial/date)

*Law Department*

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Law Dept. Review

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City Clerk  
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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

**Section 1.** Section 7.16.010 of the Seattle Municipal Code, which was last amended by Ordinance 118409, is hereby repealed.

**Section 2.** This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 19<sup>th</sup> day of march, 2000, and signed by me in open session in authentication of its passage this 19<sup>th</sup> day of march, 2000.

Margaret Ogden  
President of the City Council

Approved by me this 22<sup>nd</sup> day of MARCH, 2000.

Paul Schell  
Paul Schell, Mayor

Filed by me this 23<sup>rd</sup> day of March, 2000.

Janice E. Lipman  
City Clerk

(SEAL)





# City of Seattle

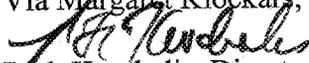
Paul Schell, Mayor

## Department of Design, Construction and Land Use

R. F. Krochalis, Director

### MEMORANDUM

TO: Margaret Pageler, City Council President  
Via Margaret Klockars, Law Department

FROM:   
Rick Krochalis, Director

DATE: October 11, 2000

SUBJECT: Proposed Land Use Code Amendment Related to Certificates of Land Use prepared by the Director of the Department of Design, Construction and Land Use.

#### Transmittal

With this memorandum we are transmitting for City Council consideration, proposed legislation amending the Seattle Municipal Code to remove DCLU's responsibility to require and provide Certificates of Land Use.

#### Background

Current Regulations (SMC 7.16.010) state that any person selling real property must provide to the purchaser a certificate on a form prepared by DCLU and signed by the seller or broker. The certificate is to state the following: existing zoning, established use of the property according to the records, the date and description of the most recent building or use permit, and the amount of any proposed assessments for local improvements.

There are two exceptions to this requirement. No certificate is required when the property being conveyed is improved with a single family dwelling and accessory structures, and the seller represents that it can only be used for such. The second exception allows the purchaser to waive their right to a certificate. The waiver must be separate from the purchase and sale agreement.

At the state level, the information requirement is much less specific. RCW 64.06.020 states that the seller of real property must disclose information that they know about their property. This includes everything from structural defects to pending zoning violations. This code provision does not specifically require DCLU to provide a Certificate of Land Use.



The driving force behind the current proposal is the potential risk associated with issuing Certificates of Land Use. Given that nonconforming uses may be discontinued without permits or notice to the Department, it is inevitable that DCLU will be in the position of issuing Certificates of Land Use based on incomplete or erroneous information. This liability has already been realized and should not be continued.

If DCLU stops issuing Certificates of Land Use, it can still provide zoning and land use information to the public. However, we need not issue "certificates," which may imply something more than a reiteration of the information in our records.

### **Amendment**

The proposed amendment will repeal Section 7.16.010 of the Seattle Municipal Code, which removes DCLU's responsibility to require and provide Certificates of Land Use. The amendment is procedural.

### **Financial Impact**

DCLU charges \$110 for a Certificate of Land Use, which takes anywhere from fifteen minutes to a couple of hours to complete. Between January 1<sup>st</sup> and March 24<sup>th</sup> of this year, we issued 75 Certificates of Land Use. Total time spent was 46 hours, which works out to an average of 36 minutes per certificate. Any loss in revenue will likely be offset by an increase in requests for Development Potential Letters and Rebuild Letters.

### **Environmental Review**

Due to the procedural nature of this amendment, environmental review is not required.

If you have questions about the proposed legislation, please call Shawn Aronow at 684-7689 or by email at [shawn.aronow@ci.seattle.wa.us](mailto:shawn.aronow@ci.seattle.wa.us).



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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129357  
City of Seattle, Clerk's Office

No. FULL ORDINANCE

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:120289 ORDINANCE FULL

was published on

03/29/01

*Valer Walden*

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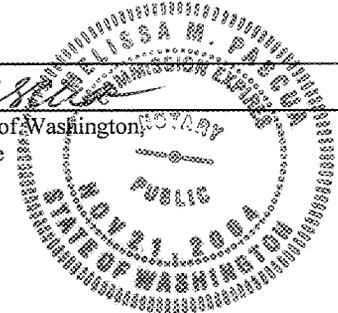
Subscribed and sworn to before me on

03/29/01

*Melissa M. Pascoe*

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Notary public for the State of Washington,  
residing in Seattle



Affidavit of Publication

## State of Washington, King County

### City of Seattle

#### ORDINANCE 129289

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Passed by the City Council the 19th day of March, 2001, and signed by me in open session in authentication of its passage this 19th day of March, 2001.

MARGARET PAGELEN,  
President of the City Council.  
Approved by me this 22nd day of March,  
2001.

PAUL SCHELL,  
Mayor.  
Filed by me this 23rd day of March,  
2001.

(Seal) JUDITH E. PIPPIN,  
City Clerk.  
Publication ordered by JUDITH PIPPIN,  
City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, March 29, 2001. 3/29(129357C1)