CITY OF
SEQUIM

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ADMINISTRATIVE INTERPRETATION
(MUNICIPAL CODE LANGUAGE – SMC 20.01.045)

Summary of Decision:

1. Only those driveways that access a paved street must be made of concrete (if accessing a City street) or concrete or asphalt (if accessing a private street).
2. Driveways accessing private streets must meet the same dimensional requirements as those accessing public streets.
3. If a driveway accesses an unpaved street, the City Engineer will determine if application of this standard is reasonable and necessary; such determination and supporting analysis will be made in writing as part of a Staff Report or condition of approval.
4. The code is silent on driveway length; therefore, the City Engineer will determine the length of paved or concrete driveway that is required, based upon a review of the site and associated conditions. Such determinations will be made in writing as part of a Staff Report or condition of approval.

NATURE OF REQUEST FOR INTERPRETATION

IMPORTANT: ***An interpretation of the provisions of the Sequim Municipal Code (SMC) clarifies conflicting or ambiguous code language or the scope or intent of a code provision until such time as a formal amendment is adopted. It may not be used as, or considered to be, an amendment to the SMC.***

Purpose of Administrative Interpretation:
The purpose of this Administrative Interpretation is to clarify the purpose and intent of SMC 18.48.090(E) related to private driveways.

Pursuant to SMC 20.01.045, the directors of public works or community development, as appropriate, have the responsibility for administration and implementation of the city's land use, zoning, and development regulations. The director's decision must be consistent with the spirit and intent of the applicable titles, including this title, and of the City's Comprehensive Plan. The requirements of this section are the minimum requirements used when interpreting and applying the regulations of this section, unless otherwise stated.

The language at issue and the subject of this interpretation is provided below, emphasis added:

> SMC 18.48.090(E) Driveway Standards. All driveways on public property must be cement concrete driveways as specified and approved by the city engineer in subsection D of this section. The width of driveways must be a minimum of nine feet up to a maximum of 30 feet. Existing curbs and sidewalks over which a driveway is to be placed must be neatly cut and removed. *Driveways on private property must be constructed of concrete or asphalt.*

This language has been interpreted to apply to all driveways, regardless of whether the driveway accesses a paved street and regardless of length. This interpretation results in requiring paved or concrete driveways in areas that may not have similar improvements or requiring concrete or asphalt for an unnecessary length, which results in unnecessary costs and maintenance for property owners. An equally viable interpretation is that the code, as written, was intended to cover only those instances in which the driveway accesses a paved street – not for driveways generally. Because of this ambiguity, it is appropriate to issue a written administrative interpretation to provide clarity and consistency in the application and implementation of this code.

Due to the nature of the City and public interest in this code, Staff have determined that it is appropriate for the Public Works Director to issue this interpretation.

ANALYSIS:

As described above, the existing language allows for two different, yet reasonable interpretations. When there are two reasonable methods of interpreting code language, the legislative history of the relevant code language can be used to determine the legislative intent. Further, there is no definition of "driveway" within the Sequim Municipal Code (SMC), so one refers to the dictionary for its ordinary meaning. Staff's review of the code, legislative history, and the dictionary is provided below[1].

> *"Road, private" means a right-of-way or easement allowing vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties, not including private driveways.* (SMC 18.08.020).
>
> *"Driveway" means a private road giving access from a public way to a building on abutting grounds. (Merriam-Webster* DRIVEWAY Definition & Meaning - Merriam-Webster, accessed Sept. 2, 2025, emphasis added.)

As such, the intended use of the "driveway" term used in SMC 18.48.090 can be determined to be the vehicular access from the edge of a public or private street that serves a structure or parcel.

[1] As expected, Staff did not find helpful or relevance information within the City's adopted Comprehensive Plan to assist with this interpretation.

Evaluation of the legislative history of SMC 18.48.090(E) has not revealed any specific discussions or clarifications on private driveways, except as provided in Ord. 2005-019. The relevant ordinance is summarized below.

> Ord 2005-019 – Established today's code that requires private driveways to be constructed of concrete or asphalt. The code as written then, and as it still is today, provides that "Driveways on private property shall be constructed of concrete or asphalt."

The language of the governing ordinance is related to improvements when accessing public streets and does not clearly support an intent to apply to private driveways accessing any private roads, easements, tracts of land, or common drives. A review of the minutes supports this inference.

> June 8, 2005 CC Minutes – Discussion at this City Council meeting centered around the construction of sidewalks and impact to public infrastructure. The discussion focused on requiring new construction to utilize concrete for quality and maintenance concerns, as well as aesthetics, within or adjacent to the public rights of way; asphalt would be acceptable in other areas not maintained by the City. There was very little mention of driveways other than discussions around the existing 12.08 requirements at the time - which all relate to public property. Some follow up discussions were had surrounding the City's ability to require private developers to use cement for driveways[2].
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> July 6, 2005 CC Minutes – During this meeting, Council discussed a proposed code amendment following the June 8 meeting. The minutes for the meeting indicate that, "Ritchie provided a proposed ordinance for sidewalk construction. It has identified definitions of trail and pathway, and has listed public sidewalks, curbs and gutters, and has dealt with the driveway issue on private property. It amends the code and does what Council requested."
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> July 11, 2005 CC Minutes – Council approved what became Ord 2005-019. A final comment from a Councilor stating, "This will save the City money" does appear to indicate that the intent behind these updates were needed to address impacts to public infrastructure.

Nonetheless, the rules of statutory interpretation do not allow one to ignore or otherwise render the plain language of an adopted ordinance irrelevant and unnecessary. Because every word adopted by the City Council must be given meaning and effect, Staff must determine that the Council did in fact intend to regulate private driveways, not just private sidewalks.

Based upon the information above, the intent of SMC 18.48.090(E) is to provide hardened surfaces from driveways accessing paved streets based on the assessment that hardened (asphalt or concrete) surfaces prevent tracking of gravel and dirt onto the improved roadway, which results in lower costs for cleaning the roadway, less potential impacts to vehicles from rocks

[2] Note that the minutes are unclear whether the private "driveway" discussion referred to sidewalks.

being thrown up into windshields and paint, and less potential for accidents to other roadway users such as cyclists and motorcycles.

INTERPRETATION:

After review of the above information, the standard for SMC 18.48.090(E) relating to private driveways is that only those driveways that access paved streets will need to be concrete or asphalt, as applicable. Further, it is reasonable to expect that private driveways accessing directly onto paved public roads will follow the same dimensional requirements as for driveways from public property. If driveway access is onto an unpaved street, the City Engineer will determine if application of this standard is reasonable and necessary to protect the public interests. SMC 18.48.090(E) is silent on the length dimension of driveways; therefore, the City Engineer will determine what length of paved or concrete driveway is required, based upon a review and written determination of the site and associated conditions.

FINDINGS AND CONCLUSIONS

Based on a review of the history of Council discussion and actions, I find the following:

1) There is no definition within SMC of a "driveway" and the ordinary meaning of "driveway" supports this interpretation and is further qualified with the City's definition of "roads, private".
2) The legislative history is unclear whether Council intended to regulate driveways, but the Council specifically adopted the following language in Ord. 2005-019: "Driveways on private property must be constructed of concrete or asphalt."
3) Staff have written this interpretation to give that language effect, as required by law.
4) Driveways accessing paved streets must be concrete or asphalt, as provided by SMC.
5) Driveways accessing private paved streets will adhere to the same standards as driveways accessing public paved streets.
6) If a private driveway is accessed via unpaved streets, there is not a clear nexus between public impacts and the City's requirement to provide asphalt or concrete surfacing of the driveway.
7) The SMC is silent on the required length of concrete or paved driveways.
8) The City Engineer will make such length and application determinations on a case-by-case or until such times as the City's Engineering Standards address these matters.

Signature: Paul A. Bucich Date: 9/23/25
Printed Name: PAUL A. Bucich
Title: Public Works Director