2L 2-24-91

ORDINANCE No. 112969

Law Department

2L*

COUNCIL BILL No. 105622

AN ORDINANCE relating to land use and zoning; adding new sections 24.60.427 and 24.60.170 to and amending sections 24.60.610, 24.60.445 and 23.84.~~36~~ 360 of the Seattle Municipal Code to establish a procedure for an independent, preliminary shoreline permit decision for uses which are permitted in the Shoreline District only if no reasonable or feasible alternative exists.

COMPTROLLER FILE No.

Introduced: JUL 7 1986	By: STREET
Referred: JUL 7 1986	To: [illegible]
Referred:	To:
Referred:	To:
Reported: JUL 21 1986	Second Reading: JUL 21 1986
Third Reading: JUL 21 1986	Signed: JUL 21 1986
Presented to Mayor: JUL 22 1986	Approved: JUL 31 1986
Returned to City Clerk: JUL 31 1986	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

The City o

Honorable President:

Your Committee on LA

to which was referred the within C
report that we have considered the

Vote

Department

The City of Seattle--Legislative Department

Date Reported and Adopted

REPORT OF COMMITTEE

e President:

mittee on LAND USE

was referred the within Council Bill No. 105822

t we have considered the same and respectfully recommend that the same:

Pass as amended

Vote 6-0 7/15/86

Committee Chair

GFC:pm;ndc
07/07/86
ORD3.1

ORDINANCE 112969

AN ORDINANCE relating to land use and zoning; adding new sections 24.60.427 and 24.60.171 to and amending sections 24.60.610, 24.60.445 and 23.84.040 of the Seattle Municipal Code to establish a procedure for an independent, preliminary shoreline permit decision for uses which are permitted in the Shoreline District only if no reasonable or feasible alternative exists.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That a new section 24.60.427 is added to the Seattle Municipal Code, to read as follows:

24.60.427 Process for determination of feasible or reasonable alternative locations.

A. Plan Shoreline Permits

1. When a use or development is identified in subsection F as being permitted in the Shoreline District only after a determination that no reasonable or feasible alternative exists, the determination as to whether such alternative exists may be made as an independent shoreline permit decision prior to submission of an application for a project-specific shoreline permit for the development. This determination shall be referred to as the "Plan Shoreline Permit." The Plan Shoreline Permit shall be for the purposes of making a feasible or reasonable location decision and determining conditions appropriate to that decision.

2. The process may be used upon a determination by the Director that a proposal for a

development within the Shoreline District is complex, involves the phasing of programmatic and project-specific decisions or affects more than one shoreline site.

3. A Plan Shoreline Permit shall require that a subsequent shoreline permit be obtained with accompanying environmental documentation prior to construction of a specific project in the Shoreline District.

B. Application Requirements for Plan Shoreline Permits

1. Application for a Plan Shoreline Permit shall include the scope and intent of proposed projects within the Shoreline District and the appropriate non-shoreline alternative(s) identified by the applicant or the Director.

2. The application shall be accompanied by the necessary environmental documentation, as determined by the Director, including an assessment of the impacts of the proposed projects and of the non-shoreline alternative(s), according to the State and local SEPA guidelines.

3. For projects within the Shoreline District, the application shall provide the information specified in WAC 173-14-110 and this Title. The application shall include information on the overall system which outlines the inter-relationship of shoreline and non-shoreline facilities. Schematic plans outlining dimensions, elevations, locations on site and

similar specifications shall be provided for projects within the Shoreline District and for the non-shoreline alternative(s) which may be changed at the time of the project-specific shoreline permit(s) within the limitations of subsection G.

C. Type of Decision

The decision on a Plan Shoreline Permit for sewage treatment plants shall be made by the Council as a Council conditional use (Type IV decision) pursuant to Chapter 23.76 of the Land Use Code. The decision as to all other uses shall be made by the Director as a substantial development permit (Type II decision), pursuant to Chapter 23.76 of the Land Use Code. The Council or the Director may grant the Plan Shoreline Permit with conditions, including reasonable mitigation measures, or may deny the permit.

D. Appeal of Decision

The decision of the Council for Type IV decisions, or of the Director for Type II decisions, shall be final and binding upon the City and the applicant. The decision is subject to appeal to the State Shoreline Hearings Board pursuant to Section 24.60.450. If no timely appeal is made, the Plan Shoreline Permit may not later be appealed in conjunction with an appeal of a shoreline permit issued for a specific project at the approved location(s).

E. Criteria for Decision

The decision as to the feasibility or reasonableness of alternatives shall be based upon the goals and

policies of Resolution 25173, the Shoreline Management Act of 1971, as hereafter amended, and a full consideration of the environmental, social and economic impacts on the community.

F. Developments Qualify for Process

Developments for which a Plan Shoreline Permit may be required are: Utilities (Section 24.60.580), Intakes, Outfalls and Sewer Lines (Section 24.60.600), Sewage Treatment Plants (Section 24.60.610), Transportation Facilities (Section 24.60.620).

G. Project-specific Shoreline Permit

Any application for substantial development which is permitted in the Shoreline District after a determination that no feasible or reasonable alternative exists and which relies upon a Plan Shoreline Permit shall be approved only if it complies with the provisions of this Chapter, provides for the reasonable mitigation of environmental impacts and is in substantial conformance with the Plan Shoreline Permit. Substantial conformance shall include, but not be limited to, a determination that all of the following standards have been met:

1. There is no increase in the amount or change in location of landfill on submerged lands;
2. There is no increase in lot coverage over water;
3. There is no net substantial increase in environmental impacts in the Shoreline

District compared to the impacts of the proposed development allowed in the Plan Shoreline Permit; and

4. Conditions included as part of the Plan Shoreline Permit are met.

Section 2. That Section 24.60.610 of the Seattle Municipal Code relating to sewage treatment plants in the Shoreline District is amended to read as follows:

24.60.610 Sewage Treatment Plants

A. Expansion of existing sewage treatment plants or installation of new sewage treatment plants is prohibited in the Shoreline District unless no feasible alternative(s) to expansion or installation at such location exists. The determination as to feasibility shall be based upon the goals and policies of Resolution 25173 as amended, the Shoreline Management Act of 1971, as amended, and a full consideration of the environmental, social and economic impacts on the community.

B. The determination as to feasibility shall be made as a Council conditional use according to the process established in Section 24.60.427, Process for Determination of Feasible or Reasonable Alternative Locations.

((~~B. The application and supporting documentation and the Director's recommendation regarding any proposed sewage treatment plant shall be submitted to the Hearing Examiner who shall conduct a public hearing and render a decision on such application. Such decision may be appealed to the City Council by any interested person in the manner provided in~~

~~Sections 24.71.000 through 24.74.130 for appeals to the Board of Adjustments and the City Council shall make a final decision on such application on the record.~~))

C. The decision on a Project specific substantial development permit for a sewage treatment plant for which a Plan Shoreline Permit has been issued shall be made by the Council as a Council conditional use.

Section 3. That Section 24.60.455 or the Seattle Municipal Code relating to time limits for substantial development permits is amended to read as follows:

24.60.455 Time limits for permit validity

The following time requirements shall apply to all substantial development permits:

A. Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to this chapter must be undertaken within two years after final approval of the permit or the permit shall terminate. If such progress has not been made, a new permit will be necessary; provided that upon written request from the applicant the Director may extend the two year period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits, or as provided in WAC 173-14-060 as now constituted or hereafter amended.

B. If a project for which a permit has been granted pursuant to this chapter has not been completed within five years after approval of the permit, the Director

shall review the permit, and upon a showing of good cause, do either of the following:

1. Extend the permit for one year; or

2. Terminate the permit:

as provided in WAC 173-14-060, as now constituted or hereafter amended.

C. The Plan Shoreline Permit shall be valid for a period of five years or for a longer time period if permitted by WAC 173-14-060. Project-specific shoreline permits must be applied for within that period to be considered pursuant to the determination made under the Plan Shoreline Permit. Development under project-specific permits shall conform to the time limits outlined in subsection A and B.

Section 4. That a new Section 24.60.171 is added to the Seattle Municipal Code to read as follows:

24.60.171 Sewage Treatment Plant

"Sewage Treatment Plant" means a Utility Use in which sanitary or combined sewage is received, treated, and discharged, but does not include: conveyance lines and associated underground storage facilities; pumping stations; or commercial or industrial facilities for "pretreatment" of sewage prior to discharge into the sewer system.

Section 5. That subsection "Utility" of Section 23.84.040 "U" of the Seattle Municipal Code is amended to read as follows:

23.84.040 "U"

* * *

"Utility" means a business establishment in which power, water, communication signals, and other similar items are

provided or transmitted; or sewage or solid waste is stored or treated. Underground pipes and cables and High Impact Uses shall not be considered utilities.

1. "Communication Utility" means a Utility Use in which the means for transfer of information, such as radio or television transmission towers or phone cable vaults, are provided. Communication utility uses do not include communication equipment accessory to residential uses; nor do they include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices.

2. "Power Plant" means a Utility Use in which power in the form of steam or electricity is produced by combustion of materials such as coal, oil, gas, or garbage; and/or steam is produced by combustion or electricity. The concurrent production of electricity and useful heating or mechanical energy, or cogeneration, as well as the recovery of waste heat, shall not be considered a power plant.

3. "Sewage Treatment Plant" means a Utility Use in which <u>sanitary or combined</u> sewage is received, treated, and discharged, <u>but does not include: conveyance lines and associated underground storage facilities; pumping stations; or commercial or industrial facilities for "pretreatment" of sewage prior to discharge into the sewer system.</u>

4. "Solid Waste Transfer Station" means a Utility Use in which discarded materials are collected for transfer to another location for disposal.

5. "Utility Service Use" means a Utility Use which provides the system for transferring or delivering power, water, sewage, storm water runoff, or other similar substances. Equipment for transmitting information, such as television transmission towers, shall be considered communication utilities rather than utility service uses. Examples include electrical substations, pumping stations, and trolley transformers.

Section 6. This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by the Department of Ecology; or thirty days from and after passage and approval if approved by the Mayor, or, if not approved, at the time it shall have become a law under the provisions of the City Charter.

Passed by the City Council the 21st day of July, 1986,

and signed by me in open session in authentication of its passage this 21st day of July, 1986.

[signature]

President Pro Tem of the City Council.

Approved by me this 31 day of July, 1986

[signature]

Mayor.

Filed by me this 31 day of July, 1986

Attest: Norward J. Brooks

City Comptroller and City Clerk.

(SEAL)

Published

By Margaret Carter

Deputy Clerk.

☐ PUBLISH ☐ DO NOT PUBLISH

CITY ATTORNEY _____

CS 8.1.6

GFC:pm;ndc
07/07/86
ORD3.1

ORDINANCE _____

AN ORDINANCE relating to land use and zoning; adding new sections 24.60.427 and 24.60.170 to and amending sections 24.60.610, 24.60.445 and 23.84.36 of the Seattle Municipal Code to establish a procedure for an independent, preliminary shoreline permit decision for uses which are permitted in the Shoreline District only if no reasonable or feasible alternative exists.

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A. Plan Shoreline Permits

1. When a use or development is identified in subsection F as being permitted in the Shoreline District only after a determination that no reasonable or feasible alternative exists, the determination as to whether such alternative exists may be made as an independent shoreline permit decision prior to submission of an application for a project-specific shoreline permit for the development. This determination shall be referred to as the "Plan Shoreline Permit." The Plan Shoreline Permit shall be for the purposes of making a feasible or reasonable location decision and determining conditions appropriate to that decision.

2. The process may be used upon a determination by the Director that a proposal for a

CS 19.2

policies of Resolution 25173, the Shoreline Management Act of 1971, as hereafter amended, and a full consideration of the environmental, social and economic impacts on the community.

F. Developments Qualify for Process

Developments which have a feasible or reasonable alternative decision for which a Plan Shoreline Permit may be requested are: Utilities (Section 24.60.580), Intakes, Outfalls and Sewer Lines (Section 24.60.600), Sewage Treatment Plants (Section 24.60.610), Transportation Facilities (Section 24.60.620).

G. Project-specific Shoreline Permit

Any application for a shoreline permit which is permitted in the Shoreline District only after a determination that no feasible or reasonable alternative exists and which relies upon a Plan Shoreline Permit shall be approved if it complies with the provisions of this Chapter, provides for the reasonable mitigation of environmental impacts and is in substantial conformance with the Plan Shoreline Permit. Substantial conformance shall include, but not be limited to, a determination that all of the following standards have been met:

1. There is no increase in the amount or change in location of landfill on submerged lands;
2. There is no increase in lot coverage over water;
3. There is no net substantial increase in environmental impacts in the Shoreline

District compared to the impacts of the proposed development allowed in the Plan Shoreline Permit; and

4. Conditions included as part of the Plan Shoreline Permit are met.

Section 2. That Section 24.60.610 of the Seattle Municipal Code relating to sewage treatment plants in the Shoreline District is amended to read as follows:

24.60.610 Sewage Treatment Plants

A. Expansion of existing sewage treatment plants or installation of new sewage treatment plants is prohibited in the Shoreline District unless no feasible alternative to such location exists. The determination as to feasibility shall be based upon the goals and policies of Resolution 25173, the Shoreline Management Act of 1971, as amended, and a full consideration of the environmental, social and economic impacts on the community.

B. The determination as to feasibility may be made as a Council conditional use according to the process established in Section 24.60.427, Process for Determination of Feasible or Reasonable Alternative Locations.

((~~B. The application and supporting documentation and the Director's recommendation regarding any proposed sewage treatment plant shall be submitted to the Hearing Examiner who shall conduct a public hearing and render a decision on such application. Such decision may be appealed to the City Council by any interested person in the manner provided in~~

~~Sections 24.71.000 through 24.74.130 for appeals to the Board of Adjustments and the City Council shall make a final decision on such application on the record.~~))

C. Project specific substantial development permits for sewage treatment plants for which a Plan Shoreline Permit has been issued shall be Council conditional uses.

Section 3. That Section 24.60.455 or the Seattle Municipal Code relating to time limits for substantial development permits is amended to read as follows:

24.60.455 Time limits for permit validity

The following time requirements shall apply to all substantial development permits:

A. Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to this chapter must be undertaken within two years after final approval of the permit or the permit shall terminate. If such progress has not been made, a new permit will be necessary; provided that upon written request from the applicant the Director may extend the two year period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits, or as provided in WAC 173-14-060 as now constituted or hereafter amended.

B. If a project for which a permit has been granted pursuant to this chapter has not been completed within five years after approval of the permit, the Director

shall review the permit, and upon a showing of good cause, do either of the following:

1. Extend the permit for one year; or

2. Terminate the permit:

as provided in WAC 173-14-060, as now constituted or hereafter amended.

C. The Plan Shoreline Permit shall be valid for a period of five years or for a longer time period if permitted by WAC 173-14-060. Project-specific shoreline permits must be applied for within that period to be considered pursuant to the determination made under the Plan Shoreline Permit. Development under project-specific permits shall conform to the time limits outlined in subsection A and B.

Section 4. That a new Section 24.60.171 is added to the Seattle Municipal Code to read as follows:

24.60.170 Sewage Treatment Plant

"Sewage Treatment Plant" means a Utility Use in which sanitary or combined sewage is received, treated, and discharged, but does not include: conveyance lines and associated underground storage facilities; pumping stations; or commercial or industrial facilities for "pretreatment" of sewage prior to discharge into the sewer system.

Section 5. That subsection "Utility" of Section 23.84.040 "U" of the Seattle Municipal Code is amended to read as follows:

23.84.040 "U"

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"Utility" means a business establishment in which power, water, communication signals, and other similar items are

development within the Shoreline District is complex, involves the phasing of programmatic and project-specific decisions or affects more than one shoreline site.

3. A Plan Shoreline Permit shall require that a subsequent shoreline permit be obtained with accompanying environmental documentation prior to construction of a specific project in the Shoreline District.

B. Application Requirements for Plan Shoreline Permits

1. Application for a Plan Shoreline Permit shall include the scope and intent of proposed projects within the Shoreline District and the appropriate non-shoreline alternative(s) identified by the applicant or the Director.

2. The application shall be accompanied by the necessary environmental documentation, as determined by the Director, including an assessment of the impacts of the proposed projects and of the non-shoreline alternative(s), according to the State and local SEPA guidelines.

3. For projects within the Shoreline District, the application shall provide the information specified in WAC 173-14-110 and this Title. The application shall include information on the overall system which outlines the inter-relationship of shoreline and non-shoreline facilities. Schematic plans outlining dimensions, elevations, locations on site and

District compared to the impacts of the proposed development allowed in the Plan Shoreline Permit; and

4. Conditions included as part of the Plan Shoreline Permit are met.

Section 2. That Section 24.60.610 of the Seattle Municipal Code relating to sewage treatment plants in the Shoreline District is amended to read as follows:

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City of Seattle

ORDINANCE 112969

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4. Conditions included as part of the Plan Shoreline Permit are met.

Section 2. That Section 24.60.610 of the Seattle Municipal Code relating to sewage treatment plants in the Shoreline District is amended to read as follows:

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A. Expansion of existing sewage treatment plants or installation of new sewage treatment plants is prohibited in the Shoreline District unless no feasible alternative(s) to expansion or installation at such location exists. The determination as to feasibility shall be based upon the goals and policies of Resolution 25173 as amended, the Shoreline Management Act of 1971, as amended, and a full consideration of the environmental, social and economic impacts on the community.

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1. "Communication Utility" means a Utility Use in which the means for transfer of information, such as radio or television transmission towers or phone cable vaults, are provided. Communication utility uses do not include communication equipment accessory to residential uses; nor do they include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices.

2. "Power Plant" means a Utility Use in which power in the form of steam or electricity is produced by combustion of materials such as coal, oil, gas, or garbage; and/or steam is produced by combustion or electricity. The concurrent production of electricity and useful heating or mechanical energy, or cogeneration, as well as the recovery of waste heat, shall not be considered a power plant.

3. "Sewage Treatment Plant" means a Utility Use in which sanitary or combined sewage is received, treated, and discharged, but does not include: conveyance lines and associated underground storage facilities; pumping stations; or commercial or industrial facilities for "pretreatment" of sewage prior to discharge into the sewer system.

4. "Solid Waste Transfer Station" means a Utility Use in which discarded materials are collected for transfer to another location for disposal.

5. "Utility Service Use" means a Utility Use which provides the system for transferring or delivering power, water, sewage, storm water runoff, or other similar substances. Equipment for transmitting information, such as television transmission towers, shall be considered communication utilities rather than utility service uses. Examples include electrical substations, pumping stations, and trolley transformers.

Section 6. This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by the Department of Ecology; or thirty days from and after passage and approval if approved by the Mayor, or, if not approved, at the time it shall have become a law under the provisions of the City Charter.

Passed by the City Council the 21st day of July, 1986, and signed by me in open session in authentication of its passage this 21st day of July, 1986.

JIM STREET,
President Pro Tem of the City Council.

Approved by me this 31st day of July, 1986.

CHARLES ROYER,
Mayor.

Filed by me this 31st day of July, 1986.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.

(Seal) By MARGARET CARTER,
Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, August 4, 1986. (C-383-X)

C-383-X

Affidavit of Publication

STATE OF WASHINGTON
KING COUNTY—SS.

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 refered 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 12th 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

Ordinance No. 112969

was published on August 4, 1986

B. Blair

Subscribed and sworn to before me on

August 4, 1986

Yvonne Summers

Notary Public for the State of Washington, residing in Seattle.