

ORDINANCE No. 116325

COUNCIL BILL No. 109265

AN ORDINANCE relating to land use and zoning, amending Section 23.60.014, Regulations supplemental, Section 23.60.152, General Development, Section 23.60.360, Uses permitted outright in the CR Environment, Section 23.60.394, Height in the CR Environment, Section 23.60.936, "S", Section 23.60.956, Calculation of Lot Depth, and Section 23.60.958, Calculation of Percent of a Lot Occupied by a Specific Use, and adding a new Section 23.60.365, Administrative Conditional Uses in the CR Environment, of SMC Chapter 23.60, Shoreline District, to implement the City's Environmentally Critical Areas Policies.

COMPTROLLER FILE No. _____

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|------------------------------------|---|
| Introduced: AUG 10 1992 | By: DONALDSON |
| Referred: AUG 10 1992 | To: Land Use |
| Referred: | To: |
| Referred: | To: |
| Reported: AUG 11 1992 | Second Reading: AUG 31 1992 |
| Third Reading: AUG 31 1992 | Signed: AUG 31 1992 |
| Presented to Mayor: SEP 1 1992 | Approved: SEP 8 1992 |
| Returned to City Clerk: SEP 8 1992 | Published: |
| Vetoed by Mayor: | Veto Published: |
| Passed over Veto: | Veto Sustained:  |

LS5647

Law Department

The City of Seattle--Legislative

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend

Do pass as amended

Full Council date 8-2

land use, smc, environmental

Committee Chair

Law Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____

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

Do pass as amended ~~2-0~~ 2-0

Full Council vote 8-0

land use, smc, environmental,

Committee Chair

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE 116325

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3 AN ORDINANCE relating to land use and zoning, amending Section
4 23.60.014, Regulations supplemental, Section 23.60.152,
5 General Development, Section 23.60.360, Uses permitted
6 outright in the CR Environment, Section 23.60.394, Height
7 in the CR Environment, Section 23.60.936, "S", Section
8 23.60.956, Calculation of Lot Depth, and Section
9 23.60.958, Calculation of Percent of a Lot Occupied by a
10 Specific Use, and adding a new Section 23.60.365,
11 Administrative Conditional Uses in the CR Environment, of
12 SMC Chapter 23.60, Shoreline District, to implement the
13 City's Environmentally Critical Areas Policies.

14
15 NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS
16 FOLLOWS:

17 Section 1. Section 23.60.014, Regulations Supplemental,
18 is hereby amended to read as follows:

19 23.60.014 Regulations supplemental.

20 * * *

21 C. Standards applicable to environmentally critical areas as
22 provided in Seattle Municipal Code Chapter 25.09, Regulations
23 for Environmentally Critical Areas, shall apply in the
24 Shoreline District. If there are any conflicts between the
25 Seattle Shoreline Master Program and Seattle Municipal Code
26 Chapter 25.09, the most restrictive requirements shall apply.

27 Section 2. Section 23.60.152, General Development, is
28 hereby amended to read as follows:

23.60.152 General Development.

* * *

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1 H. All shoreline developments and uses shall be located,
2 designed, constructed and managed to avoid disturbance
3 ~~((of-and))~~ ~~((to))~~ minimize adverse impacts ~~((to))~~ and protect
4 fish and wildlife ~~((resources-7))~~ habitat conservation areas
5 including, but not limited to, spawning, nesting, rearing and
6 habitat areas, commercial and recreational shellfish areas,
7 kelp and eel grass beds, and migratory routes. Where avoidance
8 of adverse impacts is not practicable, project mitigation
9 measures relating the type, quantity and extent of mitigation
10 to the protection of species and habitat functions may be
11 approved by the Director in consultation with state resource
12 management agencies and federally recognized tribes.

13 * * *

14 R. Within all Shoreline Districts, submerged lands shall not
15 be counted in calculating lot area for purposes of minimum lot
16 area requirements of single family zones or density standards
17 of other zones.

18 Section 3. Section 23.60.360, Uses permitted outright in
19 the CR Environment, is hereby amended to read as follows:

20 23.60.360 Uses permitted outright in the CR Environment.

21 The following uses shall be permitted outright in the
22 Conservancy Recreation Environment as either principal or
23 accessory uses:

24 ~~((A--Single-family-dwelling-units-constructed-partially-or~~
25 ~~wholly-over-water-if-located-on-a-residentially-zoned-and~~
26 ~~privately-owned-lot-established-in-the-public-records-of-the~~

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1 County-of-City-prior-to-March-17-1977-by-deed,-contract-of
2 sale,-mortgage,-plattng,-property-tax-segregation-or-building
3 permit,-and-having-less-than-thirty-feet-(30')-of-dry-land
4 calculated-as-provided-for-in-measurements-Section-23-60-956))

5 ((B-)) A. Shoreline recreation uses except auto-trailer
6 boat launching ramps; and

7
8 ((E-)) B. Aquaculture.

9
10 Section 4. A new Section 23.60.365, Administrative
11 Conditional Uses in the CR Environment, is hereby added to
12 Seattle Municipal Code Chapter 23.60, Seattle Shoreline Master
13 Program, to read as follows:

14 23.60.365 Administrative Conditional Uses in the CR
15 Environment.

16
17 The following use may be authorized by the Director, with the
18 concurrence of the Department of Ecology, as principal or
19 accessory use, if the criteria for administrative conditional
20 uses in WAC 173-14-140 are satisfied:

21 A. Single family dwelling units constructed partially or
22 wholly over water and meeting the following conditions:

23
24 1. If located on a residentially zoned and privately
25 owned lot established in the public records of the County or
26 City prior to March 1, 1977 by deed, contract of sale,
27 mortgage, platting, property tax segregation or building
28 permit; and

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"Submerged land" means all lands (~~which-is-below-the~~
~~elevation~~) waterward of the ordinary high water or mean higher
high water, whichever is higher.

Section 7. Section 23.60.956, Calculation of Lot Depth,
is hereby amended to read as follows:

23.60.956 Calculation of lot depth.

In certain environments, regulation of development differs
according to the depth of the dry-land portion of the lot. To
qualify for some special regulations, a lot must have less than
fifty feet (50') of dry land. To qualify for locating single-
family residences over water, a lot must have less than thirty
feet (30') but at least fifteen feet (15') of dry land.

* * *

B. A lot shall be determined by the Director to have a depth
of less than thirty feet (30') but at least fifteen feet (15')
of dry land if:

1. The lot abuts a street or railroad right-of way
which is generally parallel to the shoreline; and

2. A straight line, parallel to and fifteen feet (15')
waterward of the street or railroad right-of-way and extending
between two (2) lot lines, crosses dry land for more than fifty
percent (50%) of its distance; and

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Section 9. This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by the Washington State Department of Ecology; or thirty days from and after its passage and approval, if approved by the Mayor; or, if not approved by the Mayor, at the time it shall become law under the provisions of the City Charter.

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PASSED by the City Council the 31st day of August,
1992, and signed by me in open session in authentication of its
passage this 31st day of August, 1992.

Geo. W. Benson
President of the City Council

Approved by me this 8th day of September, 1992.

Norman B. Price
Mayor

Filed by me this 8th day of September, 1992.

ATTEST: [Signature]
City Comptroller and City Clerk

BY: Margaret Carter
Deputy

(SEAL)
Published _____

KD/CA-SHORE
7/15/92

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AN ORDINANCE relating to land use and zoning, amending Section 23.60.014, Regulations supplemental, Section 23.60.152, General Development, Section 23.60.360, Uses permitted outright in the CR Environment, Section 23.60.394, Height in the CR Environment, Section 23.60.936, "S", Section 23.60.956, Calculation of Lot Depth, and Section 23.60.958, Calculation of Percent of a Lot Occupied by a Specific Use, and adding a new Section 23.60.365, Administrative Conditional Uses in the CR Environment, of SMC Chapter 23.60, Shoreline District, to implement the City's Environmentally Critical Areas Policies.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.60.014, Regulations Supplemental, is hereby amended to read as follows:

23.60.014 Regulations supplemental.

* * *

C. Standards applicable to environmentally critical areas as provided in Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas, shall apply in the Shoreline District. If there are any conflicts between the Seattle Shoreline Master Program and Seattle Municipal Code Chapter 25.09, the most restrictive requirements shall apply.

Section 2. Section 23.60.152, General Development, is hereby amended to read as follows:

23.60.152 General Development.

* * *

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

9209181976 08:40:00 PM KING COUNTY RECORDS 008 JD

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H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance ~~((of-and))~~ ~~((to))~~ minimize adverse impacts ~~((to))~~ and protect fish and wildlife ~~((resources-7))~~ habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

* * *

R. Within all Shoreline Districts, submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of single family zones or density standards of other zones.

Section 3. Section 23.60.360, Uses permitted outright in the CR Environment, is hereby amended to read as follows:

23.60.360 Uses permitted outright in the CR Environment.

The following uses shall be permitted outright in the Conservancy Recreation Environment as either principal or accessory uses:

~~((A-single-family-dwelling-units-constructed-partially-or wholly-over-water-if-located-on-a-residentially-zoned-and privately-owned-lot-established-in-the-public-records-of-the~~

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County-of-City-prior-to-March-1,-1977-by-deed,-contract-of
sale,-mortgage,-planning,-property-tax-segregation-or-building
permit,-and-having-less-than-thirty-feet-(30')-of-dry-land
calculated-as-provided-for-in-measurements-Section-23-60-9567))

((B-)) A. Shoreline recreation uses except auto-trailer
boat launching ramps; and

((C-)) B. Aquaculture.

Section 4. A new Section 23.60.365, Administrative
Conditional Uses in the CR Environment, is hereby added to
Seattle Municipal Code Chapter 23.60, Seattle Shoreline Master
Program, to read as follows:

23.60.365 Administrative Conditional Uses in the CR
Environment.

The following use may be authorized by the Director, with the
concurrence of the Department of Ecology, as principal or
accessory use, if the criteria for administrative conditional
uses in WAC 173-14-140 are satisfied:

A. Single family dwelling units constructed partially or
wholly over water and meeting the following conditions:

1. If located on a residentially zoned and privately
owned lot established in the public records of the County or
City prior to March 1, 1977 by deed, contract of sale,
mortgage, planning, property tax segregation or building
permit; and

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2. If the lot has less than thirty feet (30') but at least fifteen feet (15') of dry land calculated as provided for in measurements Section 23.60.956; and

3. If the development is limited to the dry land portion of the site, to the greatest extent possible, and particularly to the most level and stable portions of the dry land area.

B. Development standards of the underlying zone applicable to the single family use in a CR environment may be waived or modified by the Director to minimize the amount of development over submerged lands.

Section 5. Section 23.60.394, Height in the CR Environment, is hereby amended to read as follows:

23.60.394 Height in the CR Environment

* * *

B. The maximum height permitted as an administrative conditional use shall be thirty feet (30') except as modified in subsections C through E.

* * *

Section 6. Section 23.60.936, Definitions "S", is hereby amended to read as follows:

23.60.936 "S."

* * *

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"Submerged land" means all lands ((which-is-below-the elevation)) waterward of the ordinary high water or mean higher high water, whichever is higher.

Section 7. Section 23.60.956, Calculation of Lot Depth, is hereby amended to read as follows:

23.60.956 Calculation of lot depth.

In certain environments, regulation of development differs according to the depth of the dry-land portion of the lot. To qualify for some special regulations, a lot must have less than fifty feet (50') of dry land. To qualify for locating single-family residences over water, a lot must have less than thirty feet (30') but at least fifteen feet (15') of dry land.

* * *

B. A lot shall be determined by the Director to have a depth of less than thirty feet (30') but at least fifteen feet (15') of dry land if:

1. The lot abuts a street or railroad right-of way which is generally parallel to the shoreline; and

2. A straight line, parallel to and fifteen feet (15') waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses dry land for more than fifty percent (50%) of its distance; and

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3. A straight line, parallel to and thirty feet (30') waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses submerged land for more than fifty percent (50%) of its distance; or

((3)) 4. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine ((if)) whether the lot has a depth of less than thirty feet (30') but at least fifteen feet (15') of dry land, based on the intent of the Shoreline Master Program.

Section 8. Section 23.60.958, Calculation of Percent of a Lot Occupied by a Specific Use, is hereby amended to read as follows:

23.60.959 Calculation of percent of a lot occupied by a specific use.

The following measurement techniques shall be used to calculate the percentage of a lot occupied by a use for developments other than water-dependent incentive developments in the Urban Harborfront. For water-dependent incentive calculations see Section 23.60.960.

A. For purpose of this section, the "lot" includes all the lot area within the Shoreline District including vacant lands, submerged and dry lands, and lands available for lease from the State Department of Natural Resources and developed or proposed to be developed, but excluding any area required for public access. Submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of single family zones or density standards of other zones.

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* * *

Section 9. This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by the Washington State Department of Ecology; or thirty days from and after its passage and approval, if approved by the Mayor; or, if not approved by the Mayor, at the time it shall become law under the provisions of the City Charter.

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9209181976

PASSED by the City Council the 31st day of August, 1992, and signed by me in open session in authentication of its passage this 31st day of August, 1992.

Leo Benson
President of the City Council

Approved by me this 8th day of September, 1992.

Norman B. Price
Mayor

Filed by me this 8th day of September, 1992.

ATTEST: Norward J. Brooks
City Comptroller and City Clerk

BY: Margaret Carter
Deputy

(SEAL)
Published _____

KD/CA-SHORE
7/15/92

STATE OF WASHINGTON)
COUNTY OF KING) SS
CITY OF SEATTLE)
I, NORWARD J. BROOKS, Comptroller and City Clerk of the City of Seattle, do hereby certify that the within and foregoing is a true and correct copy of the original instrument as the same appears on file, and of record in this department.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of The City of Seattle, this 10th day of September, 1992.

NORWARD J. BROOKS
Comptroller and City Clerk
By: Margaret Carter
Deputy Clerk

8
CLERK
CITY OF SEATTLE

CS 19.2

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Returns:

RUFINO MORALEJA CITY COMPTROLLER
600 - 4th AVENUE ROOM 101
SEATTLE, WA 98104-1892

FILED
CITY OF SEATTLE
92 OCT -9 PM 3:11
CITY CLERK

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ORDINANCE _____

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23.60.152 General Development.

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3 ~~((of-and))~~ ~~((to))~~ minimize adverse impacts ~~((to))~~ and protect
4 fish and wildlife ~~((resources-7))~~ habitat conservation areas
5 including, but not limited to, spawning, nesting, rearing and
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relating the type of quantity and
extent of mitigation to the protection
of species and habitat functions

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25 ~~privately-owned-lot-established-in-the-public-records-of-the~~
26 ~~County-of-City-prior-to-March-1,-1977-by-deed,-contract-of~~
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1 ~~sale, mortgage, platting, property tax segregation or building~~
2 ~~permit, and having less than thirty feet (30') of dry land~~
3 ~~calculated as provided for in measurements Section 23.60.956))~~

4 ((B*)) A. Shoreline recreation uses except auto-trailer
5 boat launching ramps; and

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7 ((C*)) B. Aquaculture.

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20 A. Single family dwelling units constructed partially or
21 wholly over water and meeting the following conditions:

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23 1. If located on a residentially zoned and privately
24 owned lot established in the public records of the County or
25 City prior to March 1, 1977 by deed, contract of sale,
26 mortgage, platting, property tax segregation or building
27 permit; and
28

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TIME AND ~~DATE~~ STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Alma Malden

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

C. S. 20.28

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

21429
City of Seattle

STATE OF WASHINGTON - KING COUNTY

-ss.

No. IN FULL

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 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

ORD: 116325

was published on

09/14/92

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

C. Trent

Subscribed and sworn to before me on

09/17/92

[Signature]

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORD# 116325

DEPARTMENT OF CONSTRUCTION AND LAND USE
MEMORANDUM

1997
AUG 14 PM 4:34
CITY CLERK

TO: Margaret Carter, City Clerk's Office
FROM: Ken Davis, DCLU Code Development *KDM*
DATE: August 14, 1997
SUBJECT: Past Shoreline Approvals from State Department of Ecology

116325

I went through our legislative files and found eight ordinances that amended the Seattle Shoreline Master Program (SSMP) over the past 10 years. I then made a copy of each official approval letter from the Department of Ecology (Ecology) and noted (in red ink) on each letter the ordinance number or numbers it applies to. These letters are attached for your records.

I have modified our procedures so that in the future you will receive a copy of Ecology's official letter once they approve or disapprove amendments to the SSMP.

If you have any questions, please call me at 233-3884.

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*Applying Ord #
116325*

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

February 2, 1993

Mr. R. F. Krochalis, Director
Seattle Department of Construction and Land Use
710 - 2nd Avenue, Suite 700
Seattle, WA 98104-1703

Re: Adoption of City of Seattle Shoreline Master Program Amendments -
Environmentally Critical Areas and Submerged Lands

Dear Mr. Krochalis:

I am pleased to advise you that the Department of Ecology has completed its review of proposed amendments to the City of Seattle's Shoreline Master Program (SMP), WAC 173-19-2521. The amendments to the City of Seattle SMP are intended to protect and regulate development in fish and wildlife habitat conservation areas, including commercial and recreational shellfish areas and kelp and eel grass beds, and to protect water quality within shoreline areas. The amendments also clarify the regulations pertaining to residential development on submerged lands.

The only written or oral comment received regarding the proposal came from the State Department of Fisheries. Fisheries comments focused on the impact of single family residential development on shoreline and aquatic resources. Fisheries recommended that a riparian zone of between 75-100 feet be maintained in shoreline areas, free of buildings, parking lots, and other man-made structures and containing as much native vegetation as possible.

It is the position of Ecology that the concerns raised by Fisheries are not within the limited scope of issues covered in this amendment. In addition, expectations of maintaining a 75-100 foot riparian zone of native vegetation free of man-made structures would not appear to be realistic given the existing highly urbanized, previously platted and built-out character of the City of Seattle's shoreline that these amendments address. As suggested, the requirement for Hydraulic Project Approval prior to start of work is specifically addressed in the critical area regulations referenced in the amendments. As a result, no modifications to the proposal were approved in response to the Department of Fisheries comments.

Our review has found the amendments (as proposed by the City) to be in conformance with the Shoreline Management Act, specifically RCW 90.58.120 and .200 and Chapter 173-16 WAC, Guidelines for Development of Master Programs.

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Mr R. F. Krochalis
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We are pleased to adopt these SMP amendments. If you have questions regarding our adoption of the amendments, please contact Peter Skowlund of my staff at (206) 428-7430. We look forward to the City of Seattle's future management of shoreline areas in accordance with these new amendments to your master program.

Please forward to Ecology five (5) copies of your approved amendments in an insertable form that can serve as the Official State Shoreline Master Program for the City of Seattle. This will allow us to complete our SMP amendment files.

Sincerely,

Terry Husseman
Acting Director

PS:del

cc: Ken Davis, Seattle DCLU
Joseph L. Robel, Department of Fisheries

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