

ORDINANCE No. 118466

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COUNCIL BILL No. 111597

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The City
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AN ORDINANCE relating to land use and zoning, adding a new section to Chapter 25.09 and adding new subsections to Section 23.76.026 to prohibit for ninety days development in landslide-prone areas, waiving the requirements of Section 23.76.062, and declaring an emergency.



Honorable President:

Your Committee on _____

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

Full Cou

COMPTROLLER FILE No. _____

Introduced: JAN - 7 1997	By: PAGELER
Referred: JAN - 7 1997	To: UTILITIES & ENVIRONMENTAL <i>Full Council</i>
Referred:	To: MANAGEMENT COMMITTEE
Referred:	To:
Reported: JAN 13 1997	Second Reading: JAN 13 1997
Third Reading: JAN 13 1997	Signed: JAN 13 1997
Presented to Mayor: JAN 14 1997	Approved: JAN 15 1997
Returned to City Clerk: JAN 15 1997	Published: <i>Full Supp.</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Law Department

The City of Seattle--Legislative Department

Moratorium on Bonds

REPORT OF COMMITTEE

Date Reported
and Adopted

able President:

Committee on

h was referred the within Council Bill No.

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

Full Council Vote 8-0

Committee Chair

ORDINANCE 118466

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3 AN ORDINANCE relating to land use and zoning, adding a new section to Chapter 25.09 and adding
4 new subsections to Section 23.76.026 to prohibit for ninety days development in landslide-prone
5 areas, waiving the requirements of Section 23.76.062, and declaring an emergency.

6 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

7
8 **Section 1.** The City Council hereby makes the following legislative findings and declarations of
9 fact:

10 a. The storms of December, 1996 required the Mayor to proclaim that a civil
11 emergency exists requiring the exercise of emergency powers, which proclamation was ratified and
12 confirmed by the City Council by Resolution 29515.

13 b. The City and its citizens have suffered, and are continuing to suffer, substantial
14 storm-related damage to public and private property from slides occurring on steep slopes.

15 c. The City's Regulations for Environmentally Critical Areas, codified in Seattle
16 Municipal Code Chapter 25.09, regulate development in landslide-prone areas including steep slopes.

17 d. The City and its citizens cannot afford the economic and social costs of
18 development that is vulnerable to damage from slides, or that contributes to the risk of slides on
19 neighboring property.

20 e. The City has begun to assess the damage that has occurred and is occurring from
21 slides. It is essential that new or additional development on steep slopes and other landslide-prone areas
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1 not take place until this assessment is completed and the City determines whether existing regulations
2 are adequate to protect the public health, safety, and welfare.

3 f. Given the gravity of the situation and seriousness of the threat to the public health,
4 safety, and welfare, it is essential that this ordinance take effect immediately.

5
6 **Section 2.** A new section is added to Seattle Municipal Code Chapter 25.09 as follows:

7 25.09.010. Notwithstanding any other provision of this chapter or of Chapter 23.76, all public and
8 private development that is subject to this chapter and proposed for landslide-prone areas, as described
9 in Section 25.09.020.B.1.a, is prohibited during the term of this ordinance, except that the Director may
10 approve the following:

11 A. Work that will not disturb the ground, such as interior repairs to existing structures;

12 B. Work that is necessary to stabilize a site that has been rendered unstable by recent slide
13 activity, so as to lessen the risk of new or additional damage;

14 C. Work that is necessary to repair damaged structures or utilities, as long as the Director is
15 reasonably satisfied that the work will not increase the risk of either short-term or long-term damage to
16 the site or neighboring property;

17 D. Work that would be exempted pursuant to Section 25.09.040, provided that work that
18 would be exempted pursuant to Subsections B, C, and F may be approved only if the Director is
19 reasonably satisfied that the work will not increase the risk of either short-term or long-term damage to
20 the site or neighboring property; and

1 E. Work that would be exempted pursuant to Section 25.09.180.D.1 if the Director is
2 reasonably satisfied that the work will not increase the risk of either short-term or long-term damage to
3 the site or neighboring property.

4
5 **Section 3.** New subsections D and E are added to Seattle Municipal Code Section 23.76.026 as
6 follows:

7 D. Notwithstanding any other provision of this section or this chapter, no application for a
8 permit for development that is subject to Chapter 25.09 and that is proposed for a landslide-prone area as
9 described in Section 25.09020.B.1.a, shall vest during the term of this ordinance unless the Director
10 permits the work pursuant to Subsections A, B, C, D, or E of Section 25.09.010.

11
12 E. Notwithstanding any other provision of this section or this chapter, all development that
13 is subject to Chapter 25.09 and that is proposed for a landslide-prone area as described in Section
14 25.09020.B.1.a, shall have its vested rights suspended as follows during the term of this ordinance:

- 15 1. No notice of the Director's decision on an application for a Master Use Permit
16 shall be published;
- 17 2. No building permit shall issue; and
- 18 3. No approval of the foundation and site of a building or structure ,as required by
19 Section 108.5.2 of the Seattle Building Code, shall be granted.

20 This suspension of vested rights shall not apply to the extent that development is permitted by
21 the Director pursuant to Subsections A, B, C, D, or E of Section 25.09.010.

1 **Section 4.** This ordinance shall remain in effect for a period of 90 days from its effective date
2 or until a superseding ordinance is effective, whichever happens sooner.

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4 **Section 5.** For the reasons stated in Section 1, the requirements of SMC Section 23.76.062
5 are hereby waived and suspended for the adoption of this ordinance. Pursuant to RCW 36.70A.390, the
6 City Council will hold a public hearing within sixty days of the adoption of this ordinance and adopt
7 findings of fact immediately after such public hearing.

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9 **Section 6.** The provisions of this ordinance are declared to be separate and severable. The
10 invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the
11 invalidity of the application thereof to any person or circumstance, shall not affect the validity of the
12 remainder of this ordinance, or the validity of its application to other persons or circumstances.

13
14 **Section 7.** For the reasons stated in Section 1, the City Council finds that an emergency
15 exists for which it is necessary for the immediate preservation of the public peace, health, and safety that
16 this ordinance become effective without delay. By reason of the facts stated in Section 1 and the

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1 emergency that is hereby declared to exist, this ordinance shall become effective immediately upon its
2 approval by the Mayor or passage over his veto, as provided by the Charter of the City.

3 PASSED by three-quarters vote of all the members of the City Council the 13 day of
4 January, 1997, and signed by me in open session in authentication of its passage this 13
5 day of January, 1997.

6
7 Jan Drago
President _____ of the City Council

8 Approved by me this 15 day of January, 1997.

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10 Thomas B. Rice
Mayor

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12 Filed by me this 15 day of January, 1997.

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14 Janice E. Pope
City Clerk

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ORDINANCE _____

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AN ORDINANCE relating to land use and zoning, adding a new section to Chapter 25.09 and adding new subsections to Section 23.76.026 to prohibit for ninety days development in landslide-prone areas, waiving the requirements of Section 23.76.062, and declaring an emergency.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council hereby makes the following legislative findings and declarations of fact:

- a. The storms of December, 1996 required the Mayor to proclaim that a civil emergency exists requiring the exercise of emergency powers, which proclamation was ratified and confirmed by the City Council by Resolution 29515.
- b. The City and its citizens have suffered, and are continuing to suffer, substantial storm-related damage to public and private property from slides occurring on steep slopes.
- c. The City's Regulations for Environmentally Critical Areas, codified in Seattle Municipal Code Chapter 25.09, regulate development in landslide-prone areas including steep slopes.
- d. The City and its citizens cannot afford the economic and social costs of development that is vulnerable to damage from slides, or that contributes to the risk of slides on neighboring property.
- e. The City has begun to assess the damage that has occurred and is occurring from slides. It is essential that new or additional development on steep slopes and other landslide-prone areas

1 not take place until this assessment is completed and the City determines whether existing regulations
2 are adequate to protect the public health, safety, and welfare.

3 f. Given the gravity of the situation and seriousness of the threat to the public health,
4 safety, and welfare, it is essential that this ordinance take effect immediately.

5 ,
6 **Section 2.** A new section is added to Seattle Municipal Code Chapter 25.09 as follows:

7 25.09.010. Notwithstanding any other provision of this chapter or of Chapter 23.76, all public and
8 private proposals for development that are subject to this chapter and proposed for landslide-prone areas,
9 as described in 25.09.020.B.1.a, are prohibited during the term of this ordinance, except that the Director
10 may permit the following:

- 11 A. Work that will not disturb the ground, such as interior repairs to existing structures;
- 12 B. Work that is necessary to stabilize a site that has been rendered unstable by recent slide
13 activity, so as to lessen the risk of new or additional damage; and
- 14 C. Work that is necessary to repair damaged structures or utilities, so long as the Director is
15 satisfied that the work will not increase the risk of either short-term or long-term damage to the site or
16 neighboring property.

17
18 **Section 3.** New subsections D and E are added to Seattle Municipal Code Section 23.76.026 as
19 follows:

20 D. Notwithstanding any other provision of this section or this chapter, no application for a
21 permit for development that is subject to Chapter 25.09 and that is proposed for a landslide-prone area as
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1 described in Section 25.09020.B.1.a, shall vest during the term of this ordinance unless the Director
2 permits the work pursuant to Subsections A, B, or C of Section 25.09.010.

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4 E. Notwithstanding any other provision of this section or this chapter, all development that
5 is subject to Chapter 25.09 and that is proposed for a landslide-prone area as described in Section
6 25.09020.B.1.a, shall have its vested rights suspended as follows during the term of this ordinance:

- 7 1. No notice of the Director's decision on an application for a Master Use Permit
8 shall be published;
- 9 2. No building permit shall issue; and
- 10 3. No approval of the foundation and site of a building or structure ,as required by
11 Section 108.5.2 of the Seattle Building Code, shall be granted.

12 This suspension of vested rights shall not apply to the extent that development is permitted by
13 the Director pursuant to Subsections A, B, or C of Section 25.09.010.

14
15 **Section 4.** This ordinance shall remain in effect for a period of 90 days from its effective date
16 or until a superseding ordinance is effective, whichever happens sooner.

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18 **Section 5.** For the reasons stated in Section 1, the requirements of SMC Section 23.76.062
19 are hereby waived and suspended for the adoption of this ordinance. Pursuant to RCW 36.70A.390, the
20 City Council will hold a public hearing within sixty days of the adoption of this ordinance and adopt
21 findings of fact immediately after such public hearing.

ORDINANCE _____

AN ORDINANCE relating to land use and zoning, adding a new section to Chapter 25.09 and adding new subsections to Section 23.76.026 to prohibit for ninety days development in landslide-prone areas, waiving the requirements of Section 23.76.062, and declaring an emergency.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council hereby makes the following legislative findings and declarations of fact:

- a. The storms of December, 1996 required the Mayor to proclaim that a civil emergency exists requiring the exercise of emergency powers, which proclamation was ratified and confirmed by the City Council by Resolution 29515.
- b. The City and its citizens have suffered, and are continuing to suffer, substantial storm-related damage to public and private property from slides occurring on steep slopes.
- c. The City's Regulations for Environmentally Critical Areas, codified in Seattle Municipal Code Chapter 25.09, regulate development in landslide-prone areas including steep slopes.
- d. The City and its citizens cannot afford the economic and social costs of development that is vulnerable to damage from slides, or that contributes to the risk of slides on neighboring property.
- e. The City has begun to assess the damage that has occurred and is occurring from slides. It is essential that new or additional development on steep slopes and other landslide-prone areas

1 not take place until this assessment is completed and the City determines whether existing regulations
2 are adequate to protect the public health, safety, and welfare.

3 f. Given the gravity of the situation and seriousness of the threat to the public health,
4 safety, and welfare, it is essential that this ordinance take effect immediately.

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6 **Section 2.** A new section is added to Seattle Municipal Code Chapter 25.09 as follows:

7 25.09.010. Notwithstanding any other provision of this chapter or of Chapter 23.76, all public and
8 private proposals for development that are subject to this chapter and proposed for landslide-prone areas,
9 as described in 25.09.020.B.1.a, are prohibited during the term of this ordinance, except that the Director
10 may permit the following:

11 A. Work that will not disturb the ground, such as interior repairs to existing structures;

12 B. Work that is necessary to stabilize a site that has been rendered unstable by recent slide
13 activity, so as to lessen the risk of new or additional damage; and

14 C. Work that is necessary to repair damaged structures, so long as the Director is satisfied
15 that the work will not increase the risk of either short-term or long-term damage to the site or
16 neighboring property.

17
18 **Section 3.** New subsections D and E are added to Seattle Municipal Code Section 23.76.026 as
19 follows:

20 D. Notwithstanding any other provision of this section or this chapter, no application for a
21 permit for development that is subject to Chapter 25.09 and that is proposed for a landslide-prone area as
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1 described in Section 25.09020.B.1.a, shall vest during the term of this ordinance unless the Director
2 permits the work pursuant to Subsections A, B, or C of Section 25.09.010.

3
4 E. Notwithstanding any other provision of this section or this chapter, all development that
5 is subject to Chapter 25.09 and that is proposed for a landslide-prone area as described in Section
6 25.09020.B.1.a, shall have its vested rights suspended as follows during the term of this ordinance:

- 7 1. No notice of the Director's decision on an application for a Master Use Permit
8 shall be published;
- 9 2. No building permit shall issue; and
- 10 3. No approval of the foundation and site of a building or structure, as required by
11 Section 108.5.2 of the Seattle Building Code, shall be granted.

12 This suspension of vested rights shall not apply to the extent that development is permitted by
13 the Director pursuant to Subsections A, B, or C of Section 25.09.010.

14
15 **Section 4.** This ordinance shall remain in effect for a period of 90 days from its effective date
16 or until a superseding ordinance is effective, whichever happens sooner.

17
18 **Section 5.** For the reasons stated in Section 1, the requirements of SMC Section 23.76.062
19 are hereby waived and suspended for the adoption of this ordinance. Pursuant to RCW 36.70A.390, the
20 City Council will hold a public hearing within sixty days of the adoption of this ordinance and adopt
21 findings of fact immediately after such public hearing.

STATE OF WASHINGTON - KING COUNTY

76130
City of Seattle, City Clerk

—ss.

No. **ORDINANCE IN**

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

CT:ORD 118466

was published on
01/21/97

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

[Signature]
Subscribed and sworn to before me on
01/21/97 *[Signature]*

Notary Public for the State of Washington,
residing in Seattle

are added to Seattle Municipal Code Section 23.76.026 as follows:

D. Notwithstanding any other provision of this section or this chapter, no application for a permit for development that is subject to Chapter 25.09 and that is proposed for a landslide-prone area as described in Section 25.09020.B.1.a, shall vest during the term of this ordinance unless the Director permits the work pursuant to Subsections A, B, C, D or E of Section 25.09.010.

E. Notwithstanding any other provision of this section or this chapter, all development that is subject to Chapter 25.09 and that is proposed for a landslide-prone area as described in Section 25.09020.B.1.a, shall have its vested rights suspended as follows during the term of this ordinance:

1. No notice of the Director's decision on an application for a Master Use Permit shall be published;

2. No building permit shall be issued; and

3. No approval of the foundation and site of a building or structure, as required by Section 138.5.2 of the Seattle Building Code, shall be granted.

This suspension of vested rights shall not apply to the extent that development is permitted by the Director pursuant to Sub-

sections A, B, C, D, or E of Section 25.09.010.

SECTION 4. This ordinance shall remain in effect for a period of 90 days from its effective date or until a superseding ordinance is effective, whichever happens sooner.

SECTION 5. For the reasons stated in Section 1, the requirements of SMC Section 23.76.052 are hereby waived and suspended for the adoption of this ordinance. Pursuant to RCW 36.70A.390, the City Council will hold a public hearing within sixty days of adoption of this ordinance and adopt findings of fact immediately after such public hearing.

SECTION 6. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subsection, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

SECTION 7. For the reasons stated in Section 1, the City Council finds that an emergency exists for which it is necessary for the immediate preservation of the public peace, health, and safety that this ordinance become effective without delay. By reason of the facts stated in Section 1 and the emergency that is hereby declared to exist, this ordinance shall become effective immediately upon its approval by the Mayor or passage over his veto, as provided by the Charter of the City.

PASSED by three-quarters vote of all the members of the City Council the 13th day of January, 1997, and signed by me in open session in authentication of its passage this 13th day of January, 1997.

JAN DRAGO,
President of the City Council.
Approved by me this 15th day of January, 1997.

NORMAN B. RICE,
Mayor.
Filed by me this 16th day of January, 1997.

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

Date of official publication in the Daily Journal of Commerce, Seattle, January 21, 1997. 421741301

Approved for the contractor