

ORDINANCE No. 118984

COUNCIL BILL No. 112126

gmc

Law

The City

AN ORDINANCE relating to land use and zoning; amending Section ^{23.45.004, and} ~~23.47.004~~ 23.44.006 of the Seattle Municipal Code to permit existing cemeteries to alter their boundaries while not expanding in size

OK

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No. _____

4-27-98 FOLL COM

Introduced: <u>APR 5 1998</u>	By: <u>DRAGO</u>
Referred: <u>APR 3 1998</u>	To: <u>Business, Economic & Community Development Committee</u>
Referred:	To:
Referred:	To:
Reported: <u>4-27-98</u>	Second Reading:
Third Reading: <u>4-27-98</u>	Signed: <u>4-27-98</u>
Presented to Mayor: <u>4-27-98</u>	Approved:
Returned to City Clerk:	Published: <i>full page</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

NO VSC (T.M.C. 2014)

Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

able President:

ommittee on

h was referred the within Council Bill No.

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

BECA Do approve 50

27-98 Full Council Action Passed 9-0

*8/30
(2014)*

Committee Chair

ORDINANCE 118984

AN ORDINANCE relating to land use and zoning; amending Sections 23.44.006, 23.45.004, and 23.47.004 of the Seattle Municipal Code to permit existing cemeteries to alter their boundaries while not expanding in size. NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.44.006 of the Seattle Municipal Code (SMC), as last amended by Ordinance 117263, is further amended as follows:

23.44.006 Principal uses permitted outright.

The following principal uses shall be permitted outright in single-family zones:

A. Single-family Dwelling Unit. One (1) single-family dwelling unit shall be permitted on a lot, except when an accessory dwelling unit is approved pursuant to Section 23.44.025;

B. Floating Homes. Floating homes shall be permitted uses in single-family zones subject to the requirements of Chapter 23.60;

C. Existing Cemetery. Existing cemeteries shall be permitted to continue in use. No new cemeteries shall be permitted and existing cemeteries shall not be expanded in size; For purposes of this section, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that 1) the change does not increase the net land area occupied by the cemetery, 2) the land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley whether or not improved, and 3) the use of the land being added, as a cemetery, will not result in the loss of housing.

* * *

Section 2. Section 23.45.004 of the Seattle Municipal Code (SMC), as last amended by Ordinance 118362, is further amended as follows:

23.45.004 Principal uses permitted outright.

A. The following principal uses shall be permitted outright in all multifamily zones:

1. Single-family dwelling units;
2. Multifamily structures;
3. Congregate residences;
4. Adult family homes;
5. Nursing homes;
6. Institutions meeting all development standards;

- 1 7. Major Institution and Major Institution uses within Major Institution
2 Overlay Districts subject to Chapter 23.69;
3 8. Public facilities meeting all development standards; and
4 ~~9. Existing cemeteries; and~~
5 ~~10. 9. Public or private parks and playgrounds including customary buildings~~
6 ~~and activities.~~

7 B. In Midrise and Highrise zones certain ground-floor business and commercial uses
8 shall be permitted outright according to the provisions of Section 23.45.110.

9 C. Uses in existing or former public schools:

10 1. Child care centers, preschools, public or private schools, educational and
11 vocational training for the disabled, adult evening education classes, nonprofit libraries,
12 community centers, community programs for the elderly and similar uses shall be permitted
13 in existing or former public schools.

14 2. Other nonschool uses shall be permitted in existing or former public
15 schools pursuant to procedures established in Chapter 23.78, The Establishment of Criteria
16 for Joint Use or Reuse of Schools.

17 D. Existing cemeteries shall be permitted to continue in use. No new cemeteries
18 shall be permitted and existing cemeteries shall not be expanded in size. For purposes of
19 this section, a change in a cemetery boundary is not considered an expansion in size and is
20 permitted provided that 1) the change does not increase the net land area occupied by the
21 cemetery, 2) the land being added to the cemetery is contiguous to the existing cemetery and
22 is not separated from the existing cemetery by a public street or alley whether or not
23 improved, and 3) the use of the land being added, as a cemetery, will not result in the loss of
24 housing (for the living).

25
26
27 Section 3. Section 23.47.004 of the Seattle Municipal Code (SMC), as last amended
28 by Ordinance 118762, is further amended as follows:

29
30 **23.47.004 Permitted and prohibited uses.**

31
32 * * *

33 G. Existing cemeteries shall be permitted to continue in use. No new cemeteries
34 shall be permitted and existing cemeteries shall not be expanded in size. For purposes of
35 this section, a change in a cemetery boundary is not considered an expansion in size and is
36 permitted provided that 1) the change does not increase the net land area occupied by the
37 cemetery, 2) the land being added to the cemetery is contiguous to the existing cemetery and
38 is not separated from the existing cemetery by a public street or alley whether or not
39 improved, and 3) the use of the land being added, as a cemetery, will not result in the loss of
40 housing (for the living).

41
42
43 Section 4. The Commercial Use Chart of Section 23.47.004 of the Seattle Municipal
44 Code, as last amended by Ordinance 118794, is further amended as follows:

1
2
3
4
5

COMMERCIAL USES: CHART A For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
I. COMMERCIAL USE					
A. Retail Sales and Service					
1. Personal and Household Retail Sales and Services					
- Multipurpose convenience stores	P	P	P	P	P
- General retail sales and service	P	P	P	P	P
- Major durables sales, service and rental	P	P	P	P	P
- Specialty food stores	P	P	P	P	P
2. Medical Services	P	P/CU ¹	P/CU ¹	P/CU ¹	P/CU ¹
3. Animal Services²					
- Animal health services	P	P	P	P	P
- Kennels	X	X	X	X	X
- Animal shelters	X	X	X	X	X
4. Automotive Retail Sales and Services					
- Gas Stations	P	P	P	P	P
- Sales and rental of motorized vehicles	X	P	P	P	P
- Vehicle repair, minor	P	P	P	P	P
- Vehicle repair, major	X	P	P	P	P
- Car wash	X	P	P	P	P
- Towing services	X	X	X	P	P
- Automotive parts or accessory sales	P	P	P	P	P
5. Marine Retail Sales and Services					
- Sales and rental of large boats	X	P	P	P	P
- Vessel repair, minor	P	P	P	P	P
- Vessel repair, major	X	X	X	S	S
- Marine service station	P	P	P	P	P
- Dry storage of boats	X	P	P	P	P
- Recreational marinas	S	S	S	S	S
- Commercial moorage	S	S	S	S	S
- Sale of boat parts or accessories	P	P	P	P	P
6. Eating and Drinking Establishments					
- Restaurants without cocktail lounges	P	P	P	P	P
- Restaurants with cocktail lounges	X	P	P	P	P
- Fast-food restaurants (750 square feet and under)	P	P	P	P	P
- Fast-food restaurant (over 750 square feet)	CU	CU	CU	CU	CU
- Tavern	CU	CU	P	P	P
- Brewpub	CU	CU	P	P	P
7. Lodging					
- Hotel	X	X	P	P	P
- Motel	X	X	P	P	P
- Bed and breakfast	P ³	P ³	P	P	P

1
2
3
4
5

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
8. Mortuary Services	X	P	P	P	P
9. Existing Cemeteries ¹⁴	P	P	P	P	P
B. Principal Use Parking	X	P	P	P	P
C. Non-Household Sales and Service					
1. Business support services	P	P	P	P	P
2. Business incubator	P	P	P	P	P
3. Sales, service and rental of office equipment	X	P	P	P	P
4. Sales, service and rental of commercial equipment and construction materials	X	X	P	P	P
5. Sale of heating fuel	X	X	P	P	P
6. Heavy commercial services	X	X	X	P	P
- Construction services	X	X	X	P	P
- Commercial laundries	X	X	X	P	P
D. Offices					
1. Customer service office	P	P	P	P	P
2. Administrative	P	P	P	P	P
E. Entertainment					
1. Places of Public Assembly					
- Performing arts theater	X	P	P	P	P
- Spectator sports facility	X	P	P	P	P
- Lecture and meeting halls	X	P	P	P	P
- Motion picture theater	X	P	P	P	P
- Adult motion picture theater	X	X	X	X	X
- Adult panorams	X	X	X	X	X
2. Participant Sports and Recreation					
- Indoor	P	P	P	P	P
- Outdoor	X	X	X ⁴	P	P
F. Wholesale Showroom	X	X	P	P	P
G. Mini-Warehouse	X	X	P	P	P
H. Warehouse	X	X	P	P	P
I. Outdoor Storage	X	X	X ⁵	P	P

1
2
3
4
5

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

		ZONES				
		NC1	NC2	NC3	C1	C2
J. Transportation Facilities						
1.	Personal transportation services	X	X	P	P	P
2.	Passenger terminals	X	X	P	P	P
3.	Cargo terminals	X	X	X	S	P
4.	Transit vehicle base	X	X	X	CCU ⁶	CCU ⁶
5.	Helistops	X	X	CCU ⁷	CCU ⁷	CCU ⁷
6.	Heliports	X	X	X	X	X
7.	Airport, land-based	X	X	X	X	X
8.	Airport, water-based	X	X	X	X	S
9.	Railroad switchyard	X	X	X	X	X
10.	Railroad switchyard with mechanized hump	X	X	X	X	X
K. Food Processing and Craft Work						
1.	Food processing for human consumption	P	P	P	P	P
2.	Custom and craft work	P	P	P	P	P
L. Research and Development Laboratories		P	P	P	P	P
II. SALVAGE AND RECYCLING						
A.	Recycling Collection Station	P	P	P	P	P
B.	Recycling Center	X	X	X	P	P
C.	Salvage Yard	X	X	X	X	X
III. UTILITIES						
A.	Utility Service Uses	P	P	P	P	P
B.	Major Communication Utility ⁸	X	X	X	CCU	CCU
C.	Minor Communication Utility ⁸	P	P	P	P	P
D.	Solid Waste Transfer Station	X	X	X	X	X
E.	Power Plants	X	X	X	X	X
F.	Sewage Treatment Plants	X	X	X	X	X
G.	solid Waste Incineration Facility	X	X	X	X	X
H.	Solid Waste Landfill	X	X	X	X	X
IV. MANUFACTURING						
A.	Light Manufacturing	X	P	P	P	P
B.	General Manufacturing	X	X	X	P	P
C.	Heavy Manufacturing	X	X	X	X	X

1
2
3
4
5

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

		ZONES				
		NC1	NC2	NC3	C1	C2
V.	HIGH IMPACT USES	X	X	X	X	X
VI.	INSTITUTIONS					
A.	Institute for Advanced Study	P	P	P	P	P
B.	Private Club	P	P	P	P	P
C.	Child Care Center	P	P	P	P	P
D.	Museum	P	P	P	P	P
E.	School, Elementary or Secondary	P	P	P	P	P
F.	College	P	P	P	P	P
G.	Community Center	P	P	P	P	P
H.	Community Club	P	P	P	P	P
I.	Vocational or Fine Arts School	P	P	P	P	P
J.	Hospital	P	P	P	P	P
K.	Religious Facility	P	P	P	P	P
L.	University	P	P	P	P	P
M.	Major Institutions within a Major Institution Overlay District subject to Chapter 23.69	P	P	P	P	P
VII.	PUBLIC FACILITIES					
	Jails	X	X	X	X	X
	Work-Release Centers ⁹	CCU	CCU	CCU	CCU	CCU
VIII.	PARK AND POOL/RIDE LOT					
A.	Park and Pool Lots	P ¹⁰	P	P	P	P
B.	Park and Ride Lots	X	X	CU	CU	CU
IX.	RESIDENTIAL¹¹					
A.	Single-Family Dwelling Units	P/CU ¹²	P/CU ¹²	P/CU ¹²	P/CU ¹²	CU ¹²
B.	Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
C.	Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
D.	Floating Homes	S	S	S	S	S
E.	Mobile Home Park	X	X	X	P	CU
F.	Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
G.	Caretaker's Quarters	P	P	P	P	P
H.	Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
I.	Home Occupations	P ¹³	P ¹³	P ¹³	P ¹³	P ¹³
J.	Nursing Homes	P	P	P	P	P
X.	OPEN SPACE					
A.	Parks	P	P	P	P	P
B.	Playgrounds	P	P	P	P	P

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
XI. AGRICULTURAL USES					
A. Animal Husbandry	X ¹³	X ¹³	X ¹³	X ¹³	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

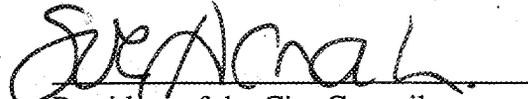
- P - Permitted
- X - Prohibited
- CU - Administrative Conditional Use
- CCU - Council Conditional Use
- S - Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program

1. Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall required administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.
2. The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.
3. In existing structures only.
4. Outdoor participant sports and recreation uses are permitted at the Seattle Center.
5. Outdoor storage is permitted at the Seattle Center, subject to the provisions of Section 23.47.011.
6. New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.
7. Permitted only as an accessory use according to Section 23.47.006.
8. See Chapter 23.57 for regulation of communication utilities.
9. Subject to dispersion criteria in Section 23.47.006
10. Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.
11. Residential uses in mixed-use development are permitted outright in NC1, NC2, NC3 and C1 zones. Single-purpose residential structures, other than nursing homes, are permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses other than nursing homes, in C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed use structure or as a single-purpose residential use, except in Pedestrian-Designated Zones (see Section 23.47.040).
12. An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single-family residences, shall meet the standards listed for accessory dwelling units in Section 23.44.041 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.
13. Permitted only as an accessory use.
14. Subject to criteria in Section 23.47.004.

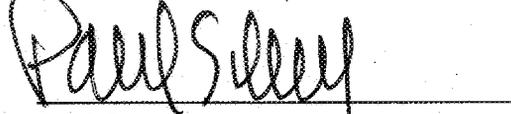
1 Section 5. The provisions of this ordinance are declared to be separate and severable.
2 The invalidity of any particular provision shall not affect the validity of any other provision.
3

4 Section 6. This ordinance shall take effect and be in force thirty (30) days from and
5 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
6 (10) days after presentation, it shall take effect as provided by Municipal Code
7 Section 1.04.020.
8

9 Passed by the City Council the 27th day of April, 1998, and signed in
10 open session in authentication of its passage this 27th day of April, 1998.
11

12 
13 _____
14 President of the City Council

15 Approved by me this 27th day of April, 1998.
16

17 
18 _____
19 Paul Schell
20

21 Filed by me this 29 day of April, 1998.
22

23 
24 _____
25 Clerk
26
27

(SEAL)

Return Address:

Seattle City Clerk's Office

600 4th Avenue, Room 104

Seattle, WA 98104

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transaction contained therein): (all areas applicable to your document must be filled

.1 ORDINANCE # 118983

Re _____ of document.

Grantor(s) (Last name first, then first name and initials)

1. N/A *yesler houses*

2.

3.

4.

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

1. N/A

2.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Additional reference #'s on page _____ of document/ N/A

Assessor's Property Tax Parcel/Account Number/ N/A

Assessor Tax # not yet assigned.

9805151646

9805151646 03/17/08 PM KING COUNTY RECORDER 004 183 11:00

ORDINANCE 118983

1
2 AN ORDINANCE relating to historic preservation, imposing controls upon the Yesler Houses, a
3 Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle
4 Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32
of the Seattle Municipal Code.

5 WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC),
6 establishes a procedure for the designation and preservation of structures and areas
having historical, cultural, architectural, engineering or geographic importance; and

7 WHEREAS, The Landmarks Preservation Board after a public meeting on October 1, 1997,
8 voted to approve the nomination of the Yesler Houses at 103, 107, and 109 23rd Avenue,
in Seattle as a Landmark under SMC Chapter 25.12; and

9 WHEREAS, after a public meeting on November 5, 1997, the Board voted to approve the
10 designation of the Yesler Houses and the site as a Landmark under SMC Chapter 25.12;
and

11 WHEREAS, on March 4, 1998, the Board and the owners of the designated property agreed to
12 controls and incentives; and

13 WHEREAS, the Board recommends to the City Council approval of controls and incentives; and
14 Now Therefore.

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

16 Section 1. DESIGNATION. That the designation by the Landmarks Preservation Board of the
17 Yesler Houses, more particularly described as:

18 H.L. Yesler's First Addition, Block 32, Lots 12, 13, & 14.

19 as a Landmark based upon satisfaction of the following standards of SMC Section 25.12.350:

- 20 D. They embody the distinctive visible characteristics of an architectural style, period, or
method of construction.
- 21 F. Because of their prominence of spatial location, contrasts of siting, age, or scale, they are
22 an easily identifiable visual feature of its neighborhood or the city and contributes to the
23 distinctive quality or identity of such neighborhood or the city;
- 24

9805151646

1 is hereby acknowledged.
2

3 **Section 2. CONTROLS.** The following controls are hereby imposed on the features and
4 characteristics of the Yesler Houses, that were designated by the Board for preservation:

- 5 A. Except as provided in subsection 2.B and 2.C, below, a Certificate of Approval must be
6 obtained from the Landmarks Preservation Board pursuant to SMC 25.12.670 et seq., or
7 the time for denying an application for a Certificate of Approval must have expired,
8 before the owners may make alterations or significant changes to the entire exteriors of
9 the buildings, and the site.
10 B. If after examination of plans and specifications the Historic Preservation Officer
11 determines that any of the following exterior alterations are consistent with the purposes
12 of the Landmarks Preservation Ordinance, the Historic Preservation Officer may approve
13 the alteration without need for further action by the Board: the addition or elimination of
14 ducts, conduits, HVAC vents, grilles, fire escapes, pipes, and other similar wiring or
15 mechanical elements necessary for the normal operation of the building. If the Historic
16 Preservation Officer disapproves such alterations, the owners may submit revised plans
17 and specifications to the Historic Preservation Officer or may apply to the Board for a
18 Certificate of Approval for the alterations.
19 C. No Certificate of Approval shall be required, and any changes may be permitted without
20 further review, for the following:
21 1. Any in-kind maintenance or repairs of the features listed in A. above.

22 **Section 3. INCENTIVES**

- 23 A. Economic incentives may be made available as set forth in the Controls and Incentives
24 Agreement between the Owner and the Board, as they become available in the future.
25 B. SMC Title 23 provides for authorization of uses not normally permitted in a particular
26 zoning classification by means of an administrative conditional use.

27 **Section 4.** Enforcement of this Ordinance and penalties for its violation shall be as provided in
28 Section 25.12.910 of the Seattle Municipal Code.

1 Section 5. The Yesler Houses and the site is hereby added to the Table of Historical Landmarks
2 contained in Chapter 25.32 of the Seattle Municipal Code.

3 Section 6. The City Clerk is hereby directed to record this ordinance with the King County
4 Director of Records and Elections, deliver two copies to the City Historic Preservation Officer, and
5 deliver one copy to the Director of the Department of Construction and Land Use.

6 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its
7 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
8 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

9 PASSED by the City Council the 27th day of April, 1998, and signed by me in
10 open session in authentication of its passage this 27th day of April, 1998.

11
12 [Signature]
13 President of the City Council

14 Approved by me this 27th day of April, 1998.

15 [Signature]
16 Paul Schell, Mayor

17 Filed by me this 29 day of April, 1998.

18 [Signature]
19 City Clerk

20 (Seal)

21 STATE OF WASHINGTON
22 COUNTY OF KING
23 CITY OF SEATTLE

24 I, JENNIFER PETER, CITY CLERK OF THE CITY OF SEATTLE, DO
CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT
COPY Ordinance 118983

THE SAME APPEARS ON FILE, AND OF RECORD IN THIS OFFICE

IN WITNESS WHEREOF, I HAVE HERETOBY SET MY HAND AND SEAL
THIS 11th day of May, 1998

JENNIFER PETER
CITY CLERK
[Signature]
CITY CLERK

9805151646



City of Seattle

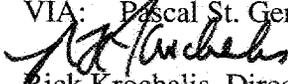
Paul Schell, Mayor

Department of Construction and Land Use

R. F. Krochalis, Director

MEMORANDUM

TO: Sue Donaldson, City Council President
VIA: Pascal St. Gerard, Budget Analyst, Executive Services Department

FROM: 
Rick Krochalis, Director

DATE: March 18, 1998

SUBJECT: Cemeteries in Single Family Zones

TRANSMITTAL

With this memorandum we are transmitting for City Council consideration a proposed ordinance to adopt a Land Use Code text amendment for cemeteries in Single Family zones, as requested by City Council.

BACKGROUND

This amendment is intended to clarify the provision regulating cemeteries in Single Family zones, and to allow a cemetery to reconfigure or change its boundaries so long as the cemetery does not increase its net land area.

Forest Lawn Funeral Home and Cemetery ("Forest Lawn") is the owner of a cemetery and mausoleum located in West Seattle. A portion of Forest Lawn's property is dedicated* as a cemetery and is used for the burial of human remains. Other Forest Lawn property (more recently acquired) is not dedicated for cemetery purposes and therefore cannot be used for the burial of human remains. This undedicated property is adjacent to the dedicated property, and for all purposes appears to be part of the cemetery.

Part of the property that is dedicated for cemetery purposes is not appropriate for cemetery use, due to the steepness of the slope of the property. Forest Lawn asked the Department of Construction and Land Use (DCLU) to approve the removal of the cemetery dedication from that portion of its property that is not appropriate for use as a cemetery and to permit the transfer of the dedication to a portion of the property immediately adjacent to the existing

* The use of the term "dedicated" refers to property established for cemetery use at the time the City Charter provision prohibiting the establishment or platting of new cemeteries, or the extension of existing cemeteries was enacted (1946.)

dedicated, usable portion of the property. The transfer would not result in a net increase in the total cemetery area or the area available for burial of human remains.

The Department of Construction and Land Use declined to permit the transfer and determined that it was an unlawful "extension" of the cemetery, contrary to Article IV, Section 14, Part 18 of the City Charter. The City Charter states in part:

CEMETERIES: The establishment or platting of new cemeteries or the extension of existing cemeteries within the limits of the City of Seattle is hereby prohibited.

The Land Use Code also prohibits the "expansion" of cemeteries. Seattle Municipal Code Section 23.44.006 C states:

C. Existing Cemeteries. Existing cemeteries shall be permitted to continue in use. No new cemeteries shall be permitted and existing cemeteries shall not be expanded in size.

After DCLU made its decision, Forest Lawn commenced an action in King County Superior Court, seeking judicial declaration that the City's interpretation of its Charter provision was in error. The Court concluded that both DCLU's interpretation and Forest Lawn's interpretation were reasonable, but gave deference to the agency authorized to interpret the Charter provision since it was not in error, as a matter of law. DCLU was not opposed to the idea of cemeteries altering their boundaries under certain limitations, however, it felt constrained by the Charter provision and Land Use Code. The Court offered that the City might consider clarifying the Charter provision by amending the Land Use Code to avoid future conflicts.

The Delridge Neighborhood District Council (Delridge) also voted to support Forest Lawn's request to transfer the cemetery property, and prepared a letter to that effect. Delridge found the request was reasonable, and "would enable a long-time West Seattle business to continue to serve the community with no physical expansion of the cemetery."

SEPA

DCLU has completed environmental review of the proposed amendment and issued a Determination of Non-Significance (no environmental impact statement required) on February 26, 1998. The appeal deadline was March 13, 1998. No appeals have been filed.

RECOMMENDATION

The Department of Construction and Land Use, Delridge Neighborhood District Council, and Forest Lawn are in support of the amendment to allow the reconfiguration of cemetery space.



BUDGET IMPLICATIONS

There are no fiscal consequences in approving the proposed amendment. Implementation costs are inconsequential.

The Council's Business, Economic and Community Development (BECD) Committee has scheduled a public hearing for Wednesday, April 8th. If you have questions about the proposed amendment please call Shawn J. Aronow at 684-7689.

RFK:SJA/CemMemo.doc

98-062

City of Seattle
Executive Services Department
City Budget Office



98 MAR 20 11:55

Anne Fiske Zuniga, Budget Director
Dwight Dively, Director, Executive Services
Paul Schell, Mayor

March 20, 1998

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Department of Construction and Land Use

SUBJECT AN ORDINANCE relating to land use and zoning; amending Section 23.44.006 of the Seattle Municipal Code to permit existing cemeteries to alter their boundaries while not expanding in size.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to S.P.O. Any specific questions regarding the legislation can be directed to Pascal St. Gerard at 684-8085.

Sincerely,

Paul Schell
Mayor

by

Pascal St. Gerard for

ANNE FISKE-ZUNIGA
Director

OK, ROT, 3-20-98

h:\legis\lawltr\gerard3

Enclosure

STATE OF WASHINGTON - KING COUNTY

93130
City of Seattle, City Clerk

-s.

No. ORD 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

CT:ORD 118984

was published on
05/14/98

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

H. Patterson

05/14/98 Subscribed and sworn to before me on

[Signature]

Notary Public for the State of Washington
residing in Seattle

Beginning in 1983, the University of Washington entered into sequential agreements with the city along with other approved development on the campus called the Secondary Impact Zones. Between the City of Seattle and the University of Washington, author of Washington Bill 118882 (Council Bill 11 master plan process for and amendment) of the responsibilities of the Community Advisory Commission, cover special events, siting, retail future master plan and an resolution.

Application for the land use permit is being processed by the City of Seattle. The City of Seattle is not responsible for the development of the land use permit. The City of Seattle is not responsible for the development of the land use permit.

Application for the land use permit is being processed by the City of Seattle. The City of Seattle is not responsible for the development of the land use permit. The City of Seattle is not responsible for the development of the land use permit.

City of Seattle

Request for Proposals

HEALTH CARE ORGANIZATION

The City of Seattle and ADN Center are soliciting proposals to provide health care organizations from dual care benefits to the employees of the City of Seattle. The benefit is effective January 1, 1993. The benefit includes dental, vision, medical, drug and vision benefits to approximately 19,000 employees. The majority of these plan members are currently covered by the City of Seattle. The benefit is effective January 1, 1993. The benefit includes dental, vision, medical, drug and vision benefits to approximately 19,000 employees. The majority of these plan members are currently covered by the City of Seattle.

Request for Proposals

HEALTH CARE ORGANIZATION

The City of Seattle and ADN Center are soliciting proposals to provide health care organizations from dual care benefits to the employees of the City of Seattle. The benefit is effective January 1, 1993. The benefit includes dental, vision, medical, drug and vision benefits to approximately 19,000 employees. The majority of these plan members are currently covered by the City of Seattle.

Request for Proposals

HEALTH CARE ORGANIZATION

The City of Seattle and ADN Center are soliciting proposals to provide health care organizations from dual care benefits to the employees of the City of Seattle. The benefit is effective January 1, 1993. The benefit includes dental, vision, medical, drug and vision benefits to approximately 19,000 employees. The majority of these plan members are currently covered by the City of Seattle.

Request for Proposals

HEALTH CARE ORGANIZATION

The City of Seattle and ADN Center are soliciting proposals to provide health care organizations from dual care benefits to the employees of the City of Seattle. The benefit is effective January 1, 1993. The benefit includes dental, vision, medical, drug and vision benefits to approximately 19,000 employees. The majority of these plan members are currently covered by the City of Seattle.

Request for Proposals

HEALTH CARE ORGANIZATION

The City of Seattle and ADN Center are soliciting proposals to provide health care organizations from dual care benefits to the employees of the City of Seattle. The benefit is effective January 1, 1993. The benefit includes dental, vision, medical, drug and vision benefits to approximately 19,000 employees. The majority of these plan members are currently covered by the City of Seattle.

Request for Proposals

HEALTH CARE ORGANIZATION

The City of Seattle and ADN Center are soliciting proposals to provide health care organizations from dual care benefits to the employees of the City of Seattle. The benefit is effective January 1, 1993. The benefit includes dental, vision, medical, drug and vision benefits to approximately 19,000 employees. The majority of these plan members are currently covered by the City of Seattle.

Request for Proposals

HEALTH CARE ORGANIZATION

The City of Seattle and ADN Center are soliciting proposals to provide health care organizations from dual care benefits to the employees of the City of Seattle. The benefit is effective January 1, 1993. The benefit includes dental, vision, medical, drug and vision benefits to approximately 19,000 employees. The majority of these plan members are currently covered by the City of Seattle.

Request for Proposals

HEALTH CARE ORGANIZATION

The City of Seattle and ADN Center are soliciting proposals to provide health care organizations from dual care benefits to the employees of the City of Seattle. The benefit is effective January 1, 1993. The benefit includes dental, vision, medical, drug and vision benefits to approximately 19,000 employees. The majority of these plan members are currently covered by the City of Seattle.

Request for Proposals

HEALTH CARE ORGANIZATION

The City of Seattle and ADN Center are soliciting proposals to provide health care organizations from dual care benefits to the employees of the City of Seattle. The benefit is effective January 1, 1993. The benefit includes dental, vision, medical, drug and vision benefits to approximately 19,000 employees. The majority of these plan members are currently covered by the City of Seattle.