

ORDINANCE No. 121549

COUNCIL BILL No. 114951

MC

The City

AN ORDINANCE relating to off-leash areas; adding a new off-leash area at the Interstate 5 Open Space Project to the list of designated off-leash areas in Subsection 18.12.080 B of the Seattle Municipal Code.

Honorable President:

Your Committee on _____

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

LEGISLATION PASSED

CO

AS

8-2-04 Passed

(Excused)

Law Department

COMPTROLLER FILE No. _____

Introduced: <u>JUL - 6 2004</u>	By: <u>CONLIN</u>
Referred: <u>JUL - 6 2004</u>	To: <u>TRANSPORTATION</u>
Referred:	To:
Referred:	To:
Reported: <u>8-2-04</u>	Second Reading:
Third Reading: <u>8-2-04</u>	Signed: <u>8-2-04</u>
Presented to Mayor: <u>8-2-04</u>	Approved: <u>8/11/04</u>
Returned to City Clerk: <u>8/12/04</u>	Published: <u>Full 3pg.</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

11-2004

Richard Conlin

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported and Adopted

City President:

Committee on

Which was referred the within Council Bill No.

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

LEGISLATION PASSED 3 YRS, DNR

CONLIN, RY, WOOD, ROSTER ~~YES~~ YES

AS AMENDED

(2)

(2)

2-04 Passed As Amended 2-0

(Excused: Della, Steimbueck)

Handwritten notes: "I don't know what you mean. Called to inform..." "Final file to Clerk/Dept" "Committee" "Rostert" "No Salaries" "Appointed" "Called in" "Shirley" "Dora Kelly"

Department

Richard Conlin

7/27/04

Committee Chair

ORDINANCE

121549

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2
3 AN ORDINANCE relating to off-leash areas; adding a new off-leash area at the Interstate 5
4 Open Space Project to the list of designated off-leash areas in Subsection 18.12.080 B of
the Seattle Municipal Code.

5 WHEREAS, Ordinance 118099 established off-leash areas for dogs in City of Seattle Parks; and

6 WHEREAS, there are currently no off-leash areas available within the densely populated Capitol
7 Hill and Eastlake neighborhoods; and

8 WHEREAS, it is the City Council's intent that the Department of Parks and Recreation shall
9 continue to look for a site for an off-leash area on Capitol Hill; and

10 WHEREAS, the off-leash area in Volunteer Park was controversial and sustained impacts
11 inconsistent with the park's intended design; and

12 WHEREAS, City Council Resolution 29628 directed Parks and Recreation to find an alternative
13 to the Volunteer Park OLA; and

14 WHEREAS, Seattle voters approved a \$198.2 million levy lid lift for Parks and Recreation,
15 including \$1.8 million to improve the area under I-5 in Eastlake. The Levy included the
16 project to, "Develop area under I-5 into a neighborhood open space. Consider an off-
leash area, stairs to make pedestrian connections, and other amenities"; and

17 WHEREAS, the Department completed a community planning process that spanned three years,
18 and included four widely advertised public meetings and many committee meetings; and

19 WHEREAS, the Board of Park Commissioners took public testimony and reviewed the I-5 Open
20 Space site plan including the off-leash area, and recommended its acceptance by the
Superintendent; and

21 WHEREAS, the Department completed a SEPA checklist and issued a Determination of Non-
22 Significance on April 21, 2004; NOW, THEREFORE,

23 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

24 Section 1. Effective January 1, 2005, Subsection 18.12.080B4 of the Seattle Municipal
25 Code is amended as follows:
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27
28



1 **18.12.080 Animals running at large prohibited.**

2 ***

3 B. Dogs may be allowed to run at large only in the following areas hereby designated as
4 off-leash areas:

5 ***

6 4. ~~((That portion of Volunteer Park depicted on revised Exhibit 18.12.080 K will~~
7 ~~be extended until October 25, 1998, or until another site on Capitol Hill is secured and opened.~~
8 ~~No later than March 15, 1998, the Department of Parks and Recreation, following consultation~~
9 ~~with the Office of Management and Planning and COLA, shall submit at least three (3)~~
10 ~~alternative sites (one (1) of which may include rotation of the Volunteer Park area) to the Council~~
11 ~~for consideration as a replacement for the Volunteer Park site. After appropriate public hearings~~
12 ~~and review, the Council will make a final decision on a Capitol Hill site no later than July 30,~~
13 ~~1998.)) That portion of I-5 Open Space depicted on Exhibit 18.12.080 U.~~

14 Section 2. Exhibit 1 to this ordinance is hereby added to Section 18.12.080 and is to be
15 labeled Exhibit 18.12.080 U.

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Section 3. This ordinance shall take effect and be in force January 1, 2005, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 2nd day of August, 2004, and signed by me in open session in authentication of its passage this 2nd day of August, 2004.

Kandage
President _____ of the City Council

Approved by me this 11th day of August, 2004.

Gregory J. Nickels
Gregory J. Nickels, Mayor

Filed by me this 12th day of August, 2004.

Jarvis E. Pippin
City Clerk

(Seal)

Exhibit 1: Exhibit 18.12.080 U



EXHIBIT 18.12.080 U

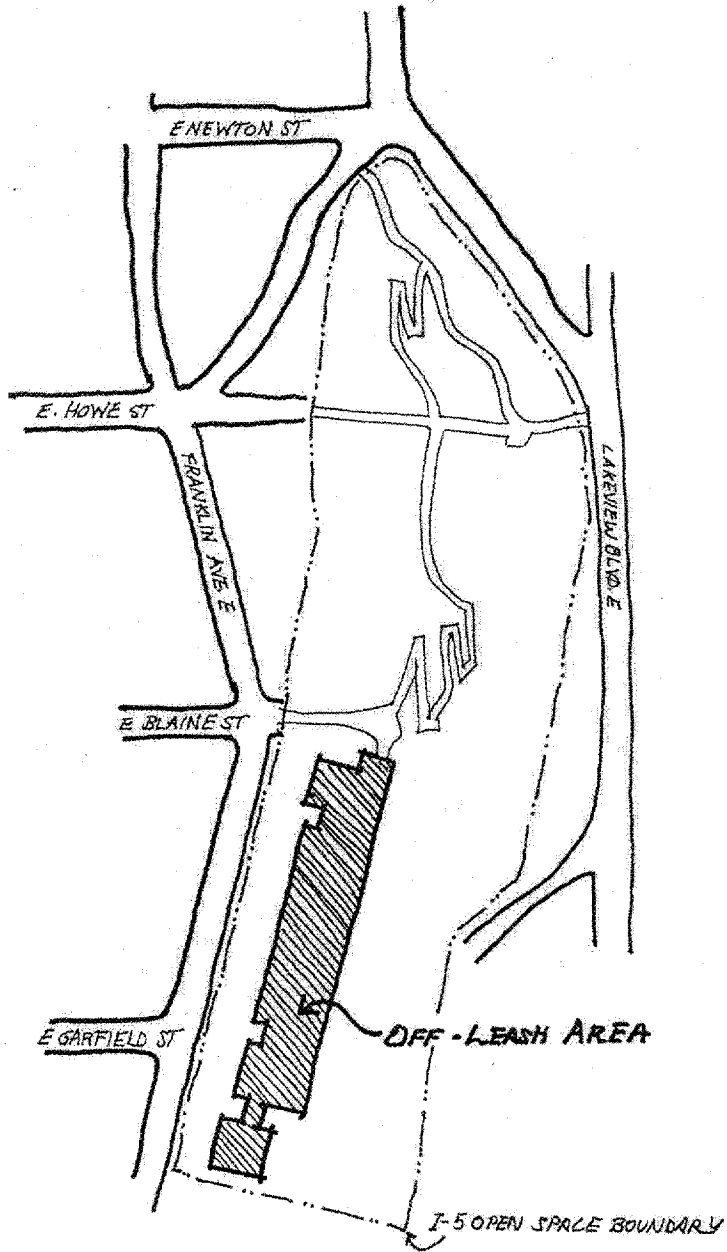


EXHIBIT 1



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Parks and Recreation	Michael Shiosaki, 615-0823	Marilynne Gardner, 233-5109

Legislation Title:

AN ORDINANCE relating to off-leash areas; adding a new off-leash area at the Interstate 5 Open Space Project to the list of designated off-leash areas in Subsection 18.12.080 B of the Seattle Municipal Code.

• **Summary of the Legislation:**

This legislation establishes an off-leash area for dogs at Interstate 5 Open Space Project, effective January 1, 2005. The off-leash area will be managed by the Department of Parks and Recreation (DPR).

The legislation authorizes this use to provide recreation opportunities for dogs and their owners and to improve the utilization of the Interstate 5 Open Space Project by reserving a portion of the open space as an off-leash area. Currently, there are no off-leash areas in the Capitol Hill and Eastlake neighborhoods, and the use is strongly supported by many community members. The impacts of off-leash activities will be reviewed after eighteen months of operation.

Background: There is an existing CIP project (Interstate 5 Open Space – Development, K733057) that leases and develops a 7.8 acre portion of Washington State Department of Transportation property under Interstate 5 immediately south of East Howe Street into open space. The project will develop an off-leash area, stairs to make pedestrian connections between the North Capitol Hill and the Eastlake neighborhoods, mountain biking trails, lighting, landscaping, and other site amenities. This project is funded by the 2000 Parks Levy (Neighborhood Parks, Green Spaces, Trails and Zoo Levy), an eight-year, \$198.2 million levy lid lift approved by Seattle voters in November of 2000.

Uses and Sources for Operation and Maintenance Costs for this Project:



<u>O&M</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Total</u>
Uses							
Start Up	-	-	-	-	-	-	-
On-going	-	8,500	8,670	8,843	9,020	9,200	44,233
Sources (itemize)							
2000 Parks Levy Fund (33850)	-	8,500	8,670	8,843	9,020	-	35,033
To be determined	-	-	-	-	-	9,200	9,200

Notes:

The New Facilities costs listed above represent the maintenance costs for only the off-leash area of the Interstate 5 Open Space Development project. The O&M numbers listed above assume a 2% inflation rate in each successive year. Funding available from the 2000 Parks Levy for project related O&M ends in 2008 and an alternative funding strategy has yet to be determined for the following years. O&M work will include fence maintenance, maintenance of irrigation lines, trimming & mowing, removal of invasive plants, litter and trash pick up, removal of encampments, and other related maintenance work. Citizens for Off-Leash Areas (COLA) will enter into a management agreement with DPR that will include some maintenance and improvements. O&M funding for the full scope of the completed Interstate 5 Open Space Development project has already been identified (\$62,000 annually inclusive of the off-leash element) and is included in the 2004-2009 Adopted CIP.

- Please check one of the following:

This legislation does not have any financial implications. (Stop here and delete the remainder of this document prior to saving and printing.)

This legislation has financial implications. (Please complete all relevant sections that follow.)

Appropriations: Not Applicable. This legislation does not request additional appropriation.

Fund Name and Number	Department	Budget Control Level*	2004 Appropriation	2005 Anticipated Appropriation
TOTAL				

*See budget book to obtain the appropriate Budget Control Level for your department.

Notes:



Anticipated Revenue/Reimbursement: Resulting From This Legislation: Not applicable.

Fund Name and Number	Department	Revenue Source	2004 Revenue	2005 Revenue
TOTAL				

Notes:

Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE

Impact: This legislation will neither create nor abrogate positions. It is expected that maintenance and operations will be achieved using existing positions.

Position Title and Department*	Fund Name	Fund Number	Part-Time/Full Time	2004 Positions	2004 FTE	2005 Positions**	2005 FTE**
TOTAL							

* List each position separately

** 2005 positions and FTE are total 2005 position changes resulting from this legislation, not incremental changes. Therefore, under 2005, please be sure to include any continuing positions from 2004

Notes: There will be no revenues collected in conjunction with this off-leash area. However, the community organization, Citizens for Off-Leash Areas, has stated its intent to solicit contributions to make improvements to the off-leash area. Donations are not estimated at this time, as the community won't develop a fundraising plan until the use is approved. COLA will also contribute to maintenance through work parties.

- **Do positions sunset in the future?**:NA



Spending/Cash Flow: Not applicable.

Fund Name and Number	Department	Budget Control Level*	2004 Expenditures	2005 Anticipated Expenditures
TOTAL				

* See budget book to obtain the appropriate Budget Control Level for your department.

Notes:

- **What is the financial cost of not implementing the legislation?**

The Interstate 5 Open Space Development project could move forward without the off-leash area (OLA) element. However, a lengthy process to identify a replacement for the closed Volunteer Park site in the area did not find acceptable alternative locations. Therefore, re-evaluation of alternative sites for an OLA and designing another off-leash area would require staff time and consultant expenses. DPR has no budget to undertake this effort.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

Consideration of an off-leash area at the Interstate 5 site began when problems arose with a pilot off-leash area at Volunteer Park. In response to concerns about that area, City Council Resolution 29628, which established permanent off-leash areas, also directed the Parks and Recreation to find an alternative to the Volunteer Park Off-Leash Area. DPR considered a number of alternative locations for an off-leash area to serve the north Capitol Hill area between 1998 and 2000. After considering each of these options, DPR staff and the Park Board of Commissioners recommended the I-5 Open Space site as the most viable site for an off-leash area.

During the site planning phases of the Interstate 5 Open Space Development project, several locations within the 7.8 acre site were considered. These included a larger off-leash area at the current location and an off-leash area to the north of the proposed one. The northern area was not selected because it was closer to residents and a larger off-leash area at the proposed site was not feasible because of slope concerns.

- **Is the legislation subject to public hearing requirements:** No.

- **Other Issues** (including long-term implications of the legislation):

The Board of Park Commissioners held a public hearing on August 14, 2003 to take comment on the site plan for the development of the Interstate 5 Open Space Development project, including the OLA. On August 28, 2003, the Board of Park Commissioners



David Goldberg
05/25/04
DPR I-5 Off Leash Ordinance
Version #:4

recommended that DPR adopt the site plan that establishes an off-leash area at Interstate 5 Open Space Development project.

Please list attachments to the fiscal note below:





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

June 7, 2004

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

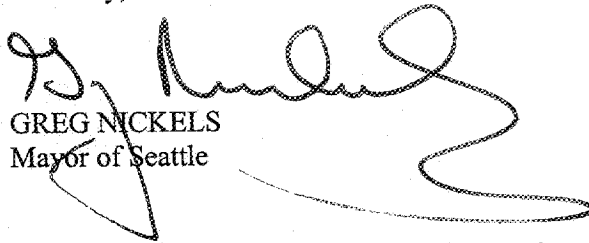
Dear Council President Drago:

I am pleased to transmit the attached Council Bill which establishes an off-leash area for dogs at Interstate 5 Open Space, effective January 1, 2005. This legislation is related to the implementation of an existing 2000 Parks Levy project to develop the off-leash area under the freeway (Interstate 5 Open Space – Development) included in the Department of Parks and Recreation's 2004-2009 Capital Improvement Program. The area established by adoption of this Council Bill will provide recreation opportunities for dogs and their owners, and improve the utilization of the Interstate 5 Open Space.

Currently, there are no off-leash areas in the Capitol Hill and Eastlake neighborhoods, and the proposed usage is strongly supported by many community members. City Council Resolution 29628, that established permanent off-leash areas, also directed the Department to find an alternative to an off-leash area at Volunteer Park that was closed due to usage impacts.

The Interstate 5 Open Space project and the off-leash area will make an important contribution to recreational opportunities in Eastlake and Capitol Hill. Thank you for your consideration of this legislation. Should you have questions, please contact Michael Shiosaki at 615-0823.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



ORDINANCE _____

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6 WHEREAS, there are currently no off-leash areas available within the densely populated Capitol
7 Hill and Eastlake neighborhoods; and

8 WHEREAS, the off-leash area in Volunteer Park was controversial and sustained impacts
9 inconsistent with the park's intended design; and

10 WHEREAS, City Council Resolution 29628 directed Parks and Recreation to find an alternative
11 to the Volunteer Park OLA; and

12 WHEREAS, Seattle voters approved a \$198.2 million levy lid lift for Parks and Recreation,
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14 project to, "Develop area under I-5 into a neighborhood open space. Consider an off-
leash area, stairs to make pedestrian connections, and other amenities"; and

15 WHEREAS, the Department completed a community planning process that spanned three years,
16 and included four widely advertised public meetings and many committee meetings; and

17 WHEREAS, the Board of Park Commissioners took public testimony and reviewed the I-5 Open
18 Space site plan including the off-leash area, and recommended its acceptance by the
Superintendent; and

19 WHEREAS, the Department completed a SEPA checklist and issued a Determination of Non-
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Section 3. This ordinance shall take effect and be in force January 1, 2005, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2004, and signed by me in open session in authentication of its passage this ____ day of _____, 2004.

President _____ of the City Council

Approved by me this ____ day of _____, 2004.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2004.

City Clerk

(Seal)

Exhibit 1: Exhibit 18.12.080 U



STATE OF WASHINGTON – KING COUNTY

--SS.

175910
CITY OF SEATTLE, CLERKS OFFICE

No. ORDINANCE IN FULL

Affidavit of Publication

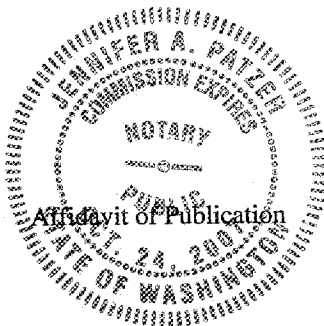
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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:121549 ORD IN FULL

was published on

8/18/2004



[Handwritten Signature]
Subscribed and sworn to before me on
8/18/2004 *[Handwritten Signature]*
Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 121549

AN ORDINANCE relating to off-leash areas; adding a new off-leash area at the Interstate 5 Open Space Project to the list of designated off-leash areas in Subsection 18.12.080 B of the Seattle Municipal Code.

WHEREAS, Ordinance 118099 established off-leash areas for dogs in City of Seattle Parks; and

WHEREAS, there are currently no off-leash areas available within the densely populated Capitol Hill and Eastlake neighborhoods; and

WHEREAS, it is the City Council's intent that the Department of Parks and Recreation shall continue to look for a site for an off-leash area on Capitol Hill; and

WHEREAS, the off-leash area in Volunteer Park was controversial and sustained impacts inconsistent with the park's intended design; and

WHEREAS, City Council Resolution 29625 directed Parks and Recreation to find an alternative to the Volunteer Park OLA;

and

and unless accompanied by a Surety bond, or a certified or cashier's check.

BID GUARANTEE: No bid will be considered unless accompanied by a Surety bond, or a certified or cashier's check.

VIEWING BID DOCUMENTS: A copy of the Drawings and Project Manual may be viewed at the office of the City's Contracting Services Division, Drawings and Project Manuals are also on file at the following locations: Record Center, Data, Information, Construction Data Plan Center, Seattle; Contractor Development and Center, Seattle; Computer Center, Seattle; Association of Subcontractors, Tacoma; Eastside Plan Center, Bellevue; Valley Plan Center, Kent; and Builders Exchange of Washington Inc., Everett.

RECORDS: Records Vault Center, Seattle Public Utilities, Room 4798, Seattle Municipal Tower, 700 Fifth Avenue, Seattle, Washington 98104-5004. (206) 467-4671 FAX (206) 684-7396

OBTAINING BID DOCUMENTS: The Drawings and Project Manual may be obtained by bidders at:

four and South Harvard Street, August 26, 2004, at 10:00 a.m. at 1st Avenue

PRE-BID SITE INSPECTION: A general site inspection will be held on Thursday, August 26, 2004, at 10:00 a.m. at 1st Avenue

South and South Harvard Street

BID SUBMITTAL: Sealed bids will be received for this project by the Contracting Services Division of the City of Seattle, Department of Executive Administration, Seattle, Washington 98124 only up to 2:00 p.m. on Wednesday, September 1, 2004, after which time bids will be publicly opened and numerically read. Bids received after 2:00 p.m. will not be accepted or read.

ESTIMATE: The Engineer's Estimate for this project is \$18,741,000.

HIP SUBMITTAL: Sealed bids will be received for this project by the Contracting Services Division of the City of Seattle, Department of Executive Administration, Seattle, Washington 98124 only up to 2:00 p.m. on Wednesday, September 1, 2004, after which time bids will be publicly opened and numerically read. Bids received after 2:00 p.m. will not be accepted or read.

PRE-BID SITE INSPECTION: A general site inspection will be held on Thursday, August 26, 2004, at 10:00 a.m. at 1st Avenue

South and South Harvard Street

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