

MAPLE LEAF

Ordinance No. 123071

Council Bill No. 116566

AN ORDINANCE relating to environmental protection, amending Attachment 1 to Seattle Municipal Code Section 25.05.675 to add three viewpoints within Seattle Public Utilities' Maple Leaf Reservoir site to the list of public places offering protected views of significant natural and human-made features.

CF No. _____

Date Introduced:	<u>6-22-09</u>	
Date 1st Referred:	<u>6-22-09</u>	To: (committee)
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>8-17-09</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor:	<u>8-17-09</u>	Date Approved: <u>8-20-09</u>
Date Returned to City Clerk:	<u>8-26-09</u>	Date Published: <u>2</u> T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: [Signature]
Councilmember

Committee Action:

8/12/09

SC, TR, TB 3-0

8-17-09 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____ (Initial/date)

Law Department

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 123071

AN ORDINANCE relating to environmental protection, amending Attachment 1 to Seattle Municipal Code Section 25.05.675 to add three viewpoints within Seattle Public Utilities' Maple Leaf Reservoir site to the list of public places offering protected views of significant natural and human-made features.

WHEREAS, Seattle has a magnificent natural setting of greenery, mountains, and water; and

WHEREAS, visual amenities and opportunities are an integral part of the City's environmental quality; and

WHEREAS, the City has developed particular sites for the public's enjoyment of views of mountains, water and skyline and has many public places where such views enhance one's experience; and

WHEREAS, it is the City's policy to protect public views of significant natural and human-made features, including Mount Rainer, the Olympic and Cascade Mountains, the Downtown skyline, Puget Sound, Lake Washington, Lake Union, and the Ship Canal, from public places consisting of the specified viewpoints, parks, scenic routes, and view corridors, identified in Attachment 1 to Seattle Municipal Code Section 25.05.675; and

WHEREAS, Ordinance 122652 enables Seattle Public Utilities to bury and expand the existing water supply reservoir, resulting in 15.7 acres of new open space by 2011 and new sites for the public's enjoyment of views; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Attachment 1 to Subsection 25.05.675 P of the Seattle Municipal Code, as last amended by Ordinance 122578, is amended as follows:

ATTACHMENT 1* * *

Maple Leaf Playground N.E. 82nd and Roosevelt Way N.E.

Maple Leaf Reservoir North Viewpoint N.E. 85th and Roosevelt Way N.E.

Maple Leaf Reservoir Southeast Viewpoint N.E. 85th and Roosevelt Way N.E.

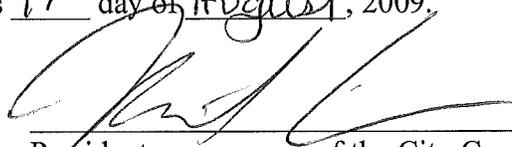


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2 Marshall Park-Betty Bowen Viewpoint-Parsons Gardens Park Seventh W. and W.
3 Highland

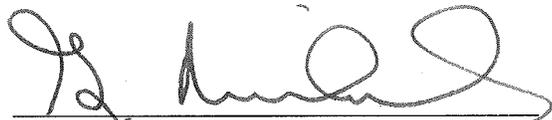
4 * * *

5
6 Section 2. This ordinance shall take effect and be in force thirty (30) days from and
7 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
8 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

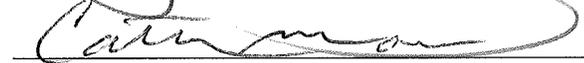
9
10 Passed by the City Council the 17th day of August, 2009, and signed by me in open
11 session in authentication of its passage this 17th day of August, 2009.

12
13
14 
15 _____
16 President _____ of the City Council

17 Approved by me this 20th day of August, 2009.

18 
19 _____
20 Gregory J. Nickels, Mayor

21 Filed by me this 26th day of August, 2009.

22 
23 _____
24 City Clerk Interim

25 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Rebecca Herzfeld/684-8148	NA

Legislation Title:

An ordinance relating to environmental protection, amending Attachment 1 to Seattle Municipal Code Section 25.05.675, to add three viewpoints within Seattle Public Utilities' Maple Leaf Reservoir site to the list of public places offering views of significant natural and human-made features.

- **Summary of the Legislation:**

New projects by Seattle Public Utilities and Seattle Department of Parks and Recreation have, or will create, three new viewpoints at Maple Leaf Reservoir. The SEPA chapter lists public places from which the views are protected. This legislation will add three planned viewpoints at Maple Leaf Reservoir, which is immediately adjacent to the Maple Leaf Playground.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The Maple Leaf Reservoir project will bury the existing reservoir beneath a lid that will be landscaped for public use. The site's topography enables significant territorial views of the Cascades, Mount Rainier, the downtown Seattle skyline, the Space Needle and Olympic Mountains. The reservoir is immediately north of Maple Leaf Playground, separated by a grade change and a row of planted trees. One proposed protected viewpoint is at the northern reach of the property, near the site's highest elevation. Two other viewpoints will be located in and adjacent to the existing tree planting areas and adjacent to the playground. These viewpoints will be designed with park amenities.

The closest private property to the site is approximately 500 feet from any viewpoint. The adjacent properties are zoned Single Family and have a 30 foot height limit, with an additional 5 feet for a pitched roof. The elevation of the view points and the height limits of the surrounding zones make it unlikely that SEPA viewpoint designation will adversely affect development potential in the Maple Leaf neighborhood.

- *Please check one of the following:*

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

Notes:



- **What is the financial cost of not implementing the legislation?** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented.)*

None

- **Does this legislation affect any departments besides the originating department?** • *If so, please list the affected department(s), the nature of the impact (financial, operational, etc.), and indicate which staff members in the other department(s) are aware of this Bill.*

Yes – Department of Planning and Development, Department of Parks and Recreation and Seattle Public Utilities. Mark Troxel of the Department of Planning and Development assisted in the preparation of the legislation.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** *(Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)*

None

- **Is the legislation subject to public hearing requirements?** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*

Yes – a 30 day public hearing notice is required before Committee vote and referral to full Council.

- **List attachments to the fiscal note below:** *(Please include headers with version numbers on all attachments, as well footers with the document's name (e.g., DOF Property Tax Fisc Att A)*

Report of Maple Leaf Reservoir Public Viewpoints



MAPLE LEAF RESERVOIR SITE PUBLIC VIEWPOINTS

I. Introduction and Summary of the Proposal

Our region and our city offer magnificent views due to our topography and our setting between two mountain ranges on picturesque Puget Sound. Seattle Municipal Code Chapter 25.05, *Environmental Policies and Procedures*, sets forth a list of protected public viewpoints. In 2008, the Mayor and Council passed Ordinance 122652, which enabled Seattle Public Utilities to bury and expand the existing Maple Leaf Reservoir. The top of the new underground reservoir will result in 15.7 acres of new open space by 2011. The Maple Leaf Reservoir site's location and elevation create the potential for views that could be obscured by new development if a project were to obtain approval for additional height above what is allowed under current zoning.

Establishing public viewpoints at this time precedes design of the future park addition, which as a City facility, will be subject to a Council concept approval. The Council approves concepts for City facilities to establish policy and manage public lands. Based on a more comprehensive design of the future park, Council will be able to modify the number or location of protected viewpoints.

The proposed legislation would add three viewpoints within Seattle Public Utilities' Maple Leaf Reservoir site to Attachment 1 of Seattle Municipal Code 25.05.675 P, so that their views will be explicitly protected under Seattle regulations implementing the State Environmental Policy Act (SEPA).

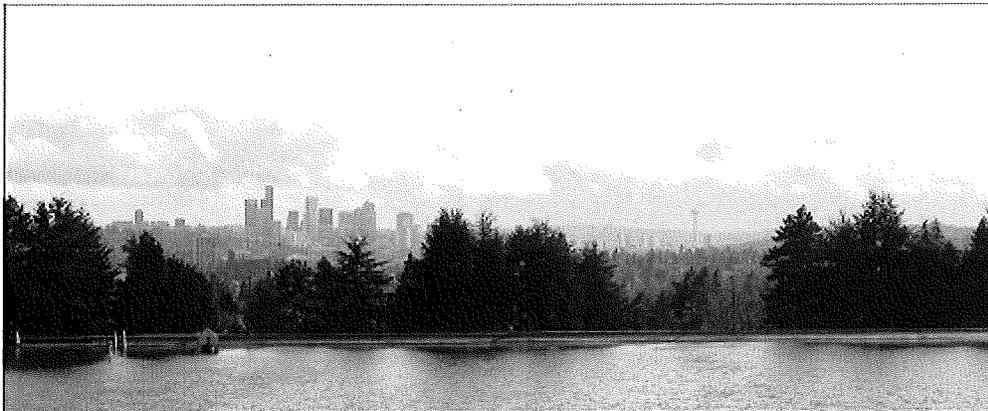


Figure 1. View from northern viewpoint

II. Analysis of the Proposal

SMC 25.05.675, at subsection P.2.a.i. states that

[i]t is the City's policy to protect public views of significant natural and human-made features: Mount Rainer, the Olympic and Cascade Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union and the Ship Canal, from public places consisting of the specified viewpoints, parks, scenic routes, and view corridors, identified in Attachment 1.

If a proposal before the City could have an adverse impact on these public views, the decisionmaker is empowered to impose conditions to eliminate or reduce the impact, or deny the proposal.

Maple Leaf Reservoir. Most of the Maple Leaf Reservoir site is currently devoted to the open reservoir of Seattle Public Utilities' water storage facility. A row of trees along the southern edge of the reservoir anchors a berm that slopes away to the south, down to Maple Leaf Playfield. The terrain rises toward the north of the reservoir, and the northern edge of the site is adjacent to a row of single-family homes along NE 88th St. This higher elevation at the northern edge provides a panoramic view southward of the southern portion of the Cascades, Mount Rainier, the downtown Seattle skyline, the Space Needle, and the southern part of the Olympics.

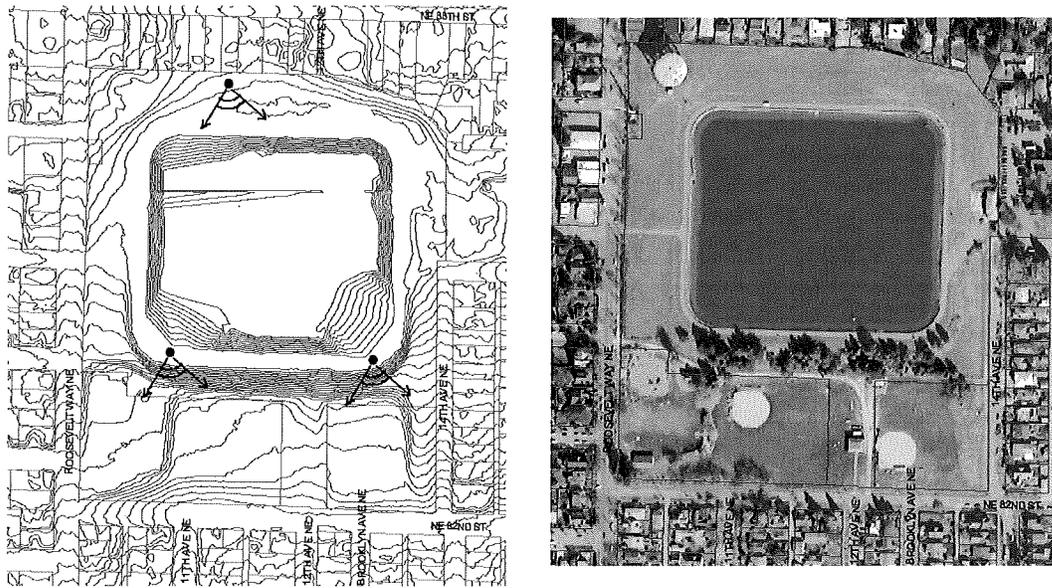


Figure 2. Left: Topographical map showing three proposed viewpoints. Right: Aerial photograph (2005)

Zoning within the Viewshed. Most of the foreground area within the subject viewsheds is currently zoned single family (SF5000) so that development to the maximum allowed height would not interfere with the public view. Permitted height of structures within 500 feet to the south are limited to 35 feet. No proposed rezones that could result in development that would interfere with the public view are currently anticipated.

This proposal identifies three locations as most likely for park amenities intended to enhance the views of Mount Rainier, the Olympic Mountains and the Downtown skyline. These are generally south-facing views, with the Lower Maple Leaf Playfield in the foreground beyond a row of trees. Pruning the lower reaches of the existing trees could improve the view but the site is not accessible to the public due to safety concerns.

Because these are panoramic views, Seattle Parks and Recreation will have some flexibility in the requirements of their vegetation management plan. When the viewshed is wide, vegetation can

enhance the view by framing it, by screening less attractive foreground features, or by being an aesthetically pleasing element in its own right.

III. Recommendation

The proposed amendments to SMC 25.05.675 adding three viewpoints within Seattle Public Utilities' Maple Leaf Reservoir site to Attachment 1 of SMC 25.05.675 P, so that their views will be explicitly protected under Seattle SEPA regulations are recommended, the Department of Planning and Development concurring.



123071

STATE OF WASHINGTON – KING COUNTY

--SS.

244025
CITY OF SEATTLE, CLERKS OFFICE

No.

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.

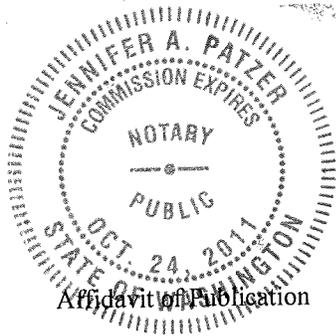
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123071 ORDINANCE

was published on

08/31/09

The amount of the fee charged for the foregoing publication is the sum of \$ 120.28, which amount has been paid in full.



[Signature]

Subscribed and sworn to before me on
08/31/09 *[Signature]*

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

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Passed by the City Council the 17th day of August, 2009, and signed by me in open session in authentication of its passage this 17th day of August, 2009.

Richard Conlin

President of the City Council

Approved by me this 20th day of August, 2009.

Gregory J. Nickels, Mayor

Filed by me this 26th day of August, 2009.

(Seal) City Clerk

Date of publication in the Seattle Daily Journal of Commerce, August 31, 2009.

8/31(244025)