

Ordinance No. 123872

Council Bill No. 117435

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code sections 23.42.030, 23.47A.004, 23.47A.006, 23.50.012, 23.50.014, 23.54.030, and 23.84A.040 to allow a recycling use in a Commercial 2 zone to be located on the same development site as a solid waste management use through administrative conditional use review, to allow access to a solid waste management use through a Commercial 2 zone or Industrial Buffer zone, and to allow limited uses associated with a solid waste management use to be located in Commercial 2 zones and Industrial Buffer zones through administrative conditional use review.

Related Legislation File:

Date Introduced and Referred: 3-26-12	To: (committee): Planning, Land use + Sustainability
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: April 16, 2012	Date Presented to Mayor: April 17, 2012
Date Signed by Mayor: 4.18.12	Date Returned to City Clerk: 4.19.12
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin

Committee Action:

Date	Recommendation	Vote
4/11/12	Pass	3-0

This file is complete and ready for presentation to Full Council. RC 4/11/12

Full Council Action:

Date	Decision	Vote
April 16, 2012	Passed	9-0

Law Department

ORDINANCE 123872

1
2 AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code sections
3 23.42.030, 23.47A.004, 23.47A.006, 23.50.012, 23.50.014, 23.54.030, and 23.84A.040 to
4 allow a recycling use in a Commercial 2 zone to be located on the same development site
5 as a solid waste management use through administrative conditional use review, to allow
6 access to a solid waste management use through a Commercial 2 zone or Industrial
7 Buffer zone, and to allow limited uses associated with a solid waste management use to
8 be located in Commercial 2 zones and Industrial Buffer zones through administrative
9 conditional use review.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

10 Section 1. Section 23.42.030 of the Seattle Municipal Code, which section was enacted
11 by Ordinance 123046, is amended as follows:

23.42.030 Access to Uses

12 Vehicular and pedestrian access may be provided to a use in one zone across property in
13 a different zone(~~(, but only)~~)if:

14 A. ((~~†~~))The use to which access is being provided is permitted, either outright or as a
15 conditional use, in the zone across which access is to be provided; or((~~-~~))

16 B. The use to which access is being provided is a solid waste transfer station use
17 permitted by conditional use in the zone in which it is proposed to be located, and the access for
18 the solid waste transfer station use is across property located in an Industrial or Commercial 2
19 zone. The proposed access is subject to review under the conditional use criteria applicable to
20 the principal use.

21
22
23 Section 2. Section 23.47A.004 of the Seattle Municipal Code, which section was last
24 amended by Ordinance 123378, is amended as follows:

23.47A.004 Permitted and prohibited uses



Table A
for 23.47A.004
Uses in Commercial Zones
PERMITTED AND PROHIBITED USES BY
ZONE(1)

USES	NC1	NC2	NC3	C1	C2	

M.	UTILITY USES					
M.1.	Communication Utilities, major (14)	X	X	X	CCU	CCU
M.2.	Communication Utilities, minor (14)	P	P	P	P	P
M.3.	Power Plants	X	X	X	X	X
M.4.	Recycling	X	X	X	P	P/CU(16)
M.5.	Sewage Treatment Plants	X	X	X	X	X
M.6.	Solid waste management	X	X	X	X	X
M.7.	Utility Services Uses	10	25	P	P	P

KEY

A = Permitted as an accessory use only



1 CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000
2 sq. ft. of any number following a hyphen, pursuant to Section 23.47A.010)

3 CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 sq. ft.
4 of any number following a hyphen, pursuant to Section 23.47A.010)

5 P = Permitted

6 S = Permitted in shoreline areas only

7 X = Prohibited

8 10 = Permitted, business establishments limited to 10,000 sq. ft., pursuant to Section 23.47A.010

9 20 = Permitted, business establishments limited to 20,000 sq. ft., pursuant to Section 23.47A.010

10 25 = Permitted, business establishments limited to 25,000 sq. ft., pursuant to Section 23.47A.010

11 35 = Permitted, business establishments limited to 35,000 sq. ft., pursuant to Section 23.47A.010

12 40 = Permitted, business establishments limited to 40,000 sq. ft., pursuant to Section 23.47A.010

13 50 = Permitted, business establishments limited to 50,000 sq. ft., pursuant to Section 23.47A.010

14 NOTES

15 * * *

16
17
18 (16) A recycling use that is located on the same development site as a solid waste transfer
19 station may be permitted by administrative conditional use, subject to the requirements of
20 Section 23.47A.006.A.7.

21
22 Section 3. Section 23.47A.006 of the Seattle Municipal Code, which section was last
23 amended by Ordinance 123209, is amended as follows:

24 **23.47A.006 Conditional uses**



1 A. The following uses were identified as administrative conditional uses on Table A for
2 ((Section))23.47A.004, or other uses identified in this Section 23.47A.006, may be permitted by
3 the Director when the provisions of both Section 23.42.042 and this subsection 23.47A.006.A are
4 met:

5 * * *

6 7. A recycling use that is located on the same development site as a solid waste
7 transfer station may be permitted as a conditional use in Commercial 2 (C2) zones subject to the
8 following additional provisions:

9 a. Accessory structures including entrance/exit kiosks, walls, screening,
10 and other minor incidental improvements, are permitted;

11 b. A setback of at least 65 feet is provided between any façade of the
12 principal structure containing the recycling use and any lot line that abuts or is across a street
13 from a residentially zoned lot;

14 c. Trucks allowed to access the recycling use to drop off recyclables shall
15 not exceed a maximum of two axles;

16 d. Rooftop features on the principal structure shall not exceed the
17 maximum height limit of the zone;

18 e. All transfer, handling, and compacting of recyclable materials shall be
19 conducted within an enclosed structure;

20 f. Outdoor storage is prohibited.
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1 g. 60 percent of the C2-zoned portion of the development site is
2 maintained as open space. For these purposes, surface parking and driveways are not considered
3 open space.

4 h. Office use and crew space use accessory to a solid waste transfer station
5 use on the same development site may be allowed within a structure containing a recycling use.

6 8. Parking and driveways accessory to a solid waste transfer station. Parking and
7 driveways on property in a C2 zone are permitted as a conditional use accessory to a solid waste
8 transfer station according to the following provisions:

9 a. The parking is on property that is part of the same development site as
10 the solid waste transfer station use;

11 b. The parking meets the criteria of Section 23.50.014.A;

12 c. The parking is subject to analysis in a transportation plan, if a
13 transportation plan is required by the Director pursuant to subsection 23.50.014.B.7.c.

14 d. Surface parking is not across the street from a residentially zoned lot.

15 e. A setback of at least 65 feet is required between surface parking spaces
16 and any lot line that abuts or is across a street from a commercially zoned lot; and

17 f. Driveways providing access to parking or access to the solid waste
18 transfer station are on the same development site as the solid waste transfer station use.

19 Section 4. Section 23.50.012 of the Seattle Municipal Code, which section was last
20 amended by Ordinance 123729, is amended as follows:

21 **23.50.012 Permitted and Prohibited Uses**



A. All uses are permitted outright, prohibited or permitted as a conditional use according to Table A for 23.50.012 and this Section 23.50.012.

**Table A For 23.50.012
 Uses in Industrial Zones**

PERMITTED AND PROHIBITED USES BY ZONE

USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
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M. UTILITY USES

M.1. Communication Utilities, major	CU	CU	CU	CU	CU
M.2. Communication Utilities, minor	P	P	P	P	P
M.3. Power Plants	X	CCU	P	P	P
M.4. Recycling	P	P	P	P	P
M.5. Sewage Treatment Plants	X	CCU	CCU	CCU	CCU

M.6. Solid waste management

M.6.a. Salvage yards	X	X	P	P	P
M.6.b. Solid waste transfer stations	((X))CU(16)	CU	CU	CU	CU



1	M.6.c. Solid waste incineration facilities	X	CCU	CCU	CCU	CCU
2						
3	M.6.d. Solid waste landfills	X	X	X	X	X
4						
5	M.7. Utility Services Uses	P	P	P	P	P

6 KEY

7 CU = Administrative conditional use

8 CCU = Council conditional use

9 EB = Permitted only in a building existing on October 5, 1987.

10 EB/CCU = Administrative conditional use permitted only in a building existing on October 5,
 11 1987.

12 P = Permitted

13 X = Prohibited

14 Notes

15 * * *

16 (16) Subject to subsection 23.50.014.B.7.e

17 Section 5. Section 23.50.014 of the Seattle Municipal Code, which section was last
 18 amended by Ordinance 123046, is amended as follows:

19 **23.50.014 Conditional uses((:))**

20 A. Criteria For All Conditional Uses. All conditional uses ~~((shall be))~~are subject to the
 21 procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use
 22 Decisions, and shall meet the following criteria:
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1 b. Measures to maximize control of rodents, birds and other vectors shall
2 be determined in consultation with the Seattle/King County Department of Public Health. These
3 measures shall be incorporated into the design and operation of the facility;

4 c. The Director may require a transportation plan. The Director shall
5 determine the level of detail to be disclosed in the plan such as estimated trip generation, access
6 routes and surrounding area traffic counts, based on the probable impacts and/or scale of the
7 proposed facility; and

8 d. Measures to minimize other impacts are incorporated into the design
9 and operation of the facility.

10 e. For any portion of the principal structure containing the solid waste
11 management use that is located in an IB zone, the following standards apply:

12 1) The maximum floor area of the principal structure is limited to
13 7,000 square feet.

14 2) A setback of at least 65 feet is required between any façade of
15 the principal structure and any lot line that abuts or is across a street from a residentially zoned
16 lot.

17 f. Accessory structures including scales, scale houses, entrance/exit kiosks,
18 walls, screening, and other minor incidental improvements, including canopies over scales
19 houses and drive lanes, are permitted in IB zones. The total area of all scale houses in IB zones
20 shall not exceed 1,000 square feet.

21 g. A landscaped area at least 20 feet deep is required between any
22 structure or any parking located in an IB zone and the nearest street lot line.



1 the quantity required by Section 23.54.015 is exempt from the requirements of subsections
2 23.54.030.A and 23.54.030.B.

3 * * *

4 D. Driveways. Driveway requirements for residential and nonresidential uses are
5 described below. When a driveway is used for both residential and nonresidential parking, it
6 shall meet the standards for nonresidential uses described in subsection 23.54.030.D.2.

7 * * *

8
9 2. Nonresidential Uses.

10 a. Driveway Widths.

11 1) The minimum width of driveways for one way traffic shall be
12 12 feet and the maximum width shall be 15 feet.

13 2) The minimum width of driveways for two way traffic shall be
14 22 feet and the maximum width shall be 25 feet.

15
16 b. Driveways shall conform to the minimum turning path radius shown in
17 Exhibit B for 23.54.030.

18 c. For driveways that provide access to a solid waste management use the
19 Director may allow both a maximum driveway width greater than the limits set in subsection
20 23.54.030.D.2.a and appropriate turning path radii, as determined necessary for truck
21 maneuvering.

22 * * *

23
24 F. Curb cuts. The number of permitted curb cuts is determined by whether the parking
25 served by the curb cut is for residential or nonresidential use, and by the zone in which the use is
26



1 located. If a curb cut is used for more than one use or for one or more live-work units, the
2 requirements for the use with the largest curb cut requirements shall apply.

3 * * *

4 3. All uses in industrial zones.

5 a. Number and location of curb cuts. The number and location of curb cuts
6 will be determined by the Director.

7 b. Curb cut width. Curb cut width in Industrial zones shall be as follows:

8 1) Except as set forth in subsection 23.54.030.F.3.b.4), ((1))if the
9 curb cut provides access to a parking area or structure, it must be a minimum of 15 feet wide and
10 a maximum of 30 feet wide.

11 2) If the curb cut provides access to a loading berth, the maximum
12 width may be increased to 50 feet.

13 3) Within the minimum and maximum widths established by this
14 subsection 23.54.030.F.3, the Director shall determine the size of the curb cuts.

15 4) If the curb cut provides access to a solid waste management use,
16 the Director may determine the maximum width of the curb cut.

17 4. Curb cuts for access easements.

18 a. If a lot is crossed by an access easement serving other lots, the curb cut
19 serving the easement may be as wide as the easement roadway.

20 b. The curb cut serving an access easement shall not be counted against
21 the number or amount of curb cuts permitted to a lot if the lot is not itself served by the
22 easement.



1 Passed by the City Council the 16th day of April, 2012, and

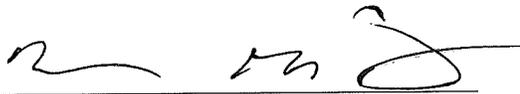
2 signed by me in open session in authentication of its passage this

3 16th day of April, 2012.

4
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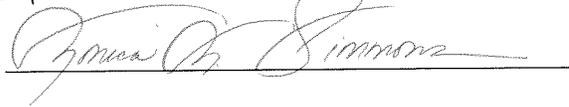
6 President _____ of the City Council

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9 Approved by me this 18th day of April, 2012.

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11 

12 Michael McGinn, Mayor

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14
15 Filed by me this 19th day of April, 2012.

16 

17 Monica Martinez Simmons, City Clerk

18
19
20 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning and Development	Bill Mills/4-8738	Kristi Beattie/4-5266

Legislation Title: An Ordinance relating to land use and zoning, amending Seattle Municipal Code sections 23.42.030, 23.47A.004, 23.47A.006, 23.50.012, 23.50.014, 23.54.030, and 23.84A.030 to allow a recycling use in a Commercial 2 zone to be located on the same development site as a solid waste management use through administrative conditional use review, to allow access to a solid waste management use through a Commercial 2 zone or Industrial Buffer zone, and to allow limited uses associated with a solid waste management use to be located in Commercial 2 zones and Industrial Buffer zones through administrative conditional use review.

Summary of the Legislation: The Department of Planning and Development (DPD) is proposing to amend the Land Use Code to clarify provisions and establish a consistent Administrative Conditional Use approval process for transfer stations as well as allow a recycling use to be located on the same development site. The proposal would apply to zones where these types of facilities are appropriate including: Commercial 2, Industrial Buffer and Industrial Commercial. *See the Director's Report for more details.* The North Transfer Station is expected to be the first, and likely only, facility to be developed under the proposed provisions.

Background: Seattle Public Utilities (SPU) has proposed redevelopment of the North Recycling and Disposal Station (NRDS), also known as the North Transfer Station. The project has been under development for several years. Four properties comprise the project site, located in three zones: Industrial Commercial (IC), Industrial Buffer (IB), and Commercial 2 (C2).

DPD worked closely with SPU and representatives of the neighborhoods near the proposed new NTS in drafting the proposal.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.



b) What is the financial cost of not implementing the legislation?

None

c) Does this legislation affect any departments besides the originating department?

Seattle Public Utilities. For more information on the operational impacts, contact Tim Croll, Director, Solid Waste, 684-7934.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

A legislative rezone of the various properties comprising the NRDS site could be considered. However, the proposed legislation offers a more specific approach to regulation of solid waste transfer stations only than a more general rezone.

e) Is a public hearing required for this legislation?

Yes. The City Council must hold a public hearing, currently scheduled for Thursday March 29, before the Planning, Land Use, and Sustainability (PLUS) Committee

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes. Publication of notice of the Council public hearing was made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin. Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was also made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin.

g) Does this legislation affect a piece of property?

Yes. The legislation is of general application in the City's Industrial Commercial, Industrial Buffer, and Commercial 2 zones, but will facilitate redevelopment of the North Transfer Station at N 34th Street and Woodlawn Avenue North. See attached site plan.

h) Other Issues: None.

List attachments to the fiscal note below: None.



City of Seattle
Office of the Mayor

March 27, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that would amend the Land Use Code to update provisions for solid waste transfer stations. The amendments will facilitate redevelopment by Seattle Public Utilities of the North Recycling and Disposal Station (NRDS), known as the North Transfer Station. To further our environmental goals and policies, the amendments would allow a modern recycling facility to be an integral part of the new transfer station.

A new North Transfer Station has been in the planning stages for several years at the current location on 34th Avenue North in South Wallingford. The proposed legislation has been developed with extensive involvement of both the Fremont and Wallingford neighborhoods. The proposed amendments will allow for a state of the art facility that will also be a good neighbor, as well as provide appropriate land use provisions for future transfer stations, should we ever need another.

Thank you for your consideration of this legislation. Should you have questions, please contact Bill Mills in the Department of Planning and Development at 684-8738.

Sincerely,

Paul S. Amelt
Deputy Mayor for Mayor Mike McGinn

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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STATE OF WASHINGTON – KING COUNTY

--SS.

283887
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:123869-123874 TITLE

was published on

05/08/12

The amount of the fee charged for the foregoing publication is the sum of \$ 104.63, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

05/08/12

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on April 16, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 123869

AN ORDINANCE relating to the First Hill Streetcar project; authorizing the Director of Transportation to acquire, accept, and record, on behalf of the City of Seattle, a permanent easement for street purposes from the Seattle School District No. 1, a municipal corporation of the State of Washington; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123870

AN ORDINANCE relating to a utility tunnel under and across Phinney Avenue North, north of North 34th Street, amending Ordinance 115776, as amended by Ordinances 120814 and 121855, updating the insurance and bond requirements, and amending the annual fee and other terms and conditions of the permit; renewing the term of the permit to the Fremont Dock Co., a Washington Corporation; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123871

AN ORDINANCE relating to the City Employees' Retirement System; amending Chapter 4.36 of the Seattle Municipal Code to clarify eligibility for membership consistent with past practice and interpretation; making technical changes; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123872

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code sections 23.42.030, 23.47A.004, 23.47A.006, 23.50.012, 23.50.014, 23.54.030, and 23.84A.040 to allow a recycling use in a Commercial 2 zone to be located on the same development site as a solid waste management use through administrative conditional use review, to allow access to a solid waste management use through a Commercial 2 zone or Industrial Buffer zone, and to allow limited uses associated with a solid waste management use to be located in Commercial 2 zones and Industrial Buffer zones through administrative conditional use review.

ORDINANCE NO. 123873

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 8102, 8102A, and 8104 Greenwood Avenue North; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; authorizing temporary commercial leasing of the real property; authorizing acquisition by condemnation; increasing appropriations to the Department of Parks and Recreation in the 2012 Adopted Budget; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 123874

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily