

ORDINANCE No.

117945

nb

COUNCIL BILL No.

111046

The City of

AN ORDINANCE relating to regulations for environmentally critical areas, amending Sections 25.09.020A, 25.09.180D and 25.09.300D of the Seattle Municipal Code.

INDEXED

Honorable President:

Your Committee on

PLANNING & REGIONAL DEVELOPMENT

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

COMPTROLLER FILE No.

Introduced: 12-4-95	By: Street
Referred: 12-4-95	To: Planning
Referred:	To:
Referred:	To:
Reported: DEC 11 1995	Second Reading: DEC 11 1995
Third Reading:	Signed: DEC 11 1995
Presented to Mayor: DEC 17 1995	Approved: DEC 13 1995
Returned to City Clerk: DEC 14 1995	Published: Full
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: (OK)

Full

Law Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

City President:

**PLANNING
& REGIONAL AFFAIRS**

Committee on

was referred the within Council Bill No.

111096

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

Pass

2-0

12/5/95

Full Council vote 8-0



Committee Chair

ORDINANCE 117945

AN ORDINANCE relating to regulations for environmentally critical areas, amending Sections 25.09.020A, 25.09.180D and 25.09.300D of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of Section 25.09.020 as adopted by Ordinance 116253 is amended as follows:

SMC 25.09.020 Environmentally critical areas.

A. This chapter is based on and implements the Seattle Environmentally Critical Areas Policies as adopted by Resolution 28559, and as amended from time to time. This chapter shall apply to all development and platting located in environmentally critical areas as defined below and characterized by specific site conditions. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and to not create or otherwise establish or designate any particular person or class or group of persons who will or should be especially protected or benefitted by the terms or provisions of this chapter.

Section 2. Subsection D of Section 25.09.180, as last amended by Ordinance 116976, is amended as follows:

25.09.180 Development standards for steep slopes.

D. Steep Slope Exemptions.

1. Highly Developed Areas. Existing lots, short subdivisions and subdivisions may be exempted by the Director from steep slope regulations when located in highly developed and urbanized areas. Highly developed and urbanized areas include all Downtown and Highrise zones. Sites located in Midrise and Commercial 1 and 2 zones may also qualify for this exemption when surrounding lots contain high-density

1 residential development and/or concentrated commercial
2 development which closely matches the development potential
3 for the zone. This ((~~exception~~)) exemption shall not apply to
4 single-family, lowrise, neighborhood commercial, industrial,
5 or any other zones. If the site is characterized by or
6 adjacent to at least one of the following areas, this
7 exemption shall not apply:

8 a. A wetland over one thousand five hundred (1,500)
9 square feet in size, or a stream or creek designated as a
10 riparian corridor;

11 b. A large undeveloped steep-slope system; or

12 c. Areas designated by the Washington Department of
13 Wildlife as urban natural open space habitat areas or other
14 large areas with significant tree cover that provides valuable
15 wildlife habitat.

16 2. Steep Slopes Resulting from Rights-of-Way Improvements.
17 Steep slopes resulting from street, alley, sidewalk and other
18 typical rights-of-way improvements, including rockeries or
19 retaining walls, may be exempted from compliance with the
20 environmentally critical areas regulations. This exemption
21 shall not extend beyond the cut or fill created by the street,
22 alley sidewalk or other rights-of-way improvement, and does
23 not release the applicant from any applicable geotechnical
24 review requirements under the Stormwater, Grading and Drainage
25 Code. This exemption shall not be allowed for short
26 subdivision or subdivision applications.

27 3. Previously Developed Sites. Sites that have been
28 previously developed may be exempted by the Director from
29 steep-slope requirements under the following conditions:

30 a. If the objectives of the steep slope regulations
31 would not be compromised; and

32 b. If the degree of nonconformity with the
33 environmentally critical areas regulations, if applicable, is

1 not increased. This exemption shall not be allowed for short
2 subdivision or subdivision applications.

3 4. Limited Exemptions. Slopes with a vertical elevation
4 change of up to twenty feet (20') and not part of a larger
5 steep-slope system, or slopes which have been created through
6 previous, legal grading activities, may be exempted by the
7 Director from the steep-slopes regulations based on a
8 geotechnical report demonstrating that no adverse impact will
9 result from the exemption.

10 5. Stabilization of Landslide-prone Area. Certain steep
11 slopes may be exempted from the steep slope regulations upon
12 the Director's determination, based on geotechnical expertise,
13 that application of the regulations would prevent necessary
14 stabilization of a landslide-prone area, subject to the
15 provisions of Section 25.09.080C, Third-Party Review.

16 ((5))6. Any project receiving an exemption shall be
17 subject to steep-slope drainage control and vegetation removal
18 regulations, as well as applicable landslide-prone area
19 regulations of this chapter.

20 Section 3. Subsection D of Section 23.09.300 is amended
21 as follows:

22 **25.09.300 Environmentally critical area exception.**

23 D. ~~((An environmentally critical areas development standard~~
24 ~~may be reduced, waived or otherwise modified only to the~~
25 ~~extent necessary to make the standard reasonable in light of~~
26 ~~all the facts and circumstances of a particular case.)) The
27 relief granted by reduction, waiver, or other modification of
28 an environmentally critical areas development standard shall
29 be the minimum necessary to allow reasonable use of the
30 property. In modifying a development standard, the Director
31 may impose reasonable conditions that prevent or mitigate the
32 same harm that the modified regulation was intended to prevent
33 or mitigate.~~

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

6 Passed by the City Council the 11 day of December,
7 1995, and signed by me in open session in authentication of
8 its passage this 11 day of December, 1995.

9
10 Jim Stuart
President of the City Council

11 Approved by me this 13 day of December, 1995.

12
13 Norman B. Rice
Mayor

14
15 Filed by me this 14 day of December, 1995.

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17 Margaret Carter
Clerk

18 (Seal)
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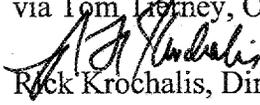
Seattle
Department of Construction and Land Use



R. F. Krochalis, Director
Norman B. Rice, Mayor

MEMORANDUM

TO: Jim Street, City Council President
via Tom Tierney, Office of Management and Planning

FROM: 
Rick Krochalis, Director

DATE: November 29, 1995

SUBJECT: Environmentally Critical Areas Policies and Regulations
Clean-up Ordinance

The Department of Construction and Land Use (DCLU) has completed its recommendations on an ordinance to amend Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas (ECA regulations). This ordinance is the culmination of a coordinated effort between the Law Department, DCLU and the Office of Management and Planning (OMP) to prepare legislation correcting inadvertent errors and clarifying certain sections of the ECA regulations. This legislation does not include any substantive standards which would change the intent of the ECA regulations. We look forward to working with City Council in 1996 to address the concerns of the community and businesses that were raised in our Critical Areas Report to Council in June 1995.

The attached City Council Blue File has been reviewed and approved by the Law Department and OMP. This legislation is expected to be introduced to City Council on Monday, December 4, 1995, and referred to the Planning and Regional Affairs Committee for discussion and Committee vote on Wednesday, December 6, 1995. City Council action is expected the following Monday, December 11, 1995.

The legislation includes several amendments to the ECA regulations. The first section contains new language which clarifies that the ECA regulations implement the ECA Policies. The second section corrects an inadvertent error changing "exception" to "exemption" and clarifies that a steep slope exemption is the appropriate remedy related to necessary stabilization of a landslide-prone area rather than requiring application of the ECA exception. The third section amends the ECA exception criteria by including new language that better articulates the reasonable use standard.

An equal employment opportunity - affirmative action employer.

Seattle Department of Construction and Land Use, 710 - 2nd Avenue, Ste 700, Seattle, WA 98104-1703
DCLU complies with the Americans with Disabilities Act. Accommodations for people with disabilities provided on request.

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After consultation with the Law Department, it has been determined that this non-substantive legislation, aimed at correcting and clarifying the ECA regulations, does not require SEPA environmental review.

We do not anticipate any major effects on the city's budget as a result of adopting the proposed ordinance. However, we do anticipate the following costs to be associated with the adoption of this legislation. Training for staff on the approved legislation would be given by a Land Use Planner during regularly scheduled staff meetings, at an estimated cost of \$440 for preparation and training time. Printing ordinance copies for DCLU staff would add approximately \$28. New SMC Code pages from Book Publishing would cost approximately \$36. The total cost of implementing this legislation is approximately \$504.

If you have any questions about the propose ordinance, please call either Ken Davis of my staff at 233-3884 or Judy Barbour of the Law Department at 684-8251.

Attachments

kd
eca-omp
11/28/95

City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor



November 29, 1995

The Honorable Mark Sidran
City Attorney
City of Seattle

OK
JTB
11-29-95

Dear Mr. Sidran:

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

REQUESTING
DEPARTMENT

Management and Planning

SUBJECT:

AN ORDINANCE relating to regulations for environmentally critical areas, amending Sections 25.09.020A, 25.09.180D and 25.09.300D of the Seattle Municipal Code.

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 OMP. Any specific questions regarding the legislation can be directed to Elma Borbe at 4-8687.

Sincerely,

Norman B. Rice
Mayor

by


Tom Tierney, Director

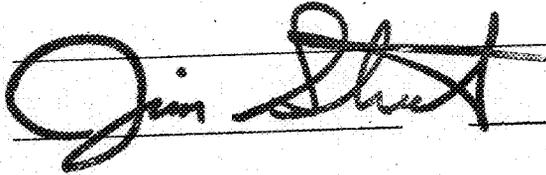
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Enclosure

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:



FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

62926
City of Seattle, City Clerk

—ss.

No. ORDINANCE IN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

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

CT:ORD 117945

was published on

12/26/95

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

Subscribed and sworn to before me on
12/27/95

Notary Public for the State of Washington,
residing in Seattle

W system would help

have explained the plight of extinct salmon runs in Alaska and Oregon. When the Alaska Seafood Institute learned that buyers also were avoiding salmon for fear it too is overfished, it decided to launch a robust official fish as a robust record-setting harvest.

Juracek, the institute's representative for the Pacific Northwest, said she has several fish buyers across several fish markets and wholesalers who want to buy what they was an endangered species. It was the biggest custom- and they don't read their publications," Juracek said. "A lot of dumb ones out there, though most of my customers name the dumb ones."

Institute's other marketing manager, David Woolley in Alaska, says he hasn't come across anyone making that mistake. Says Southerners, who he says usually don't focus on fish come from the South, salmon is salmon. In the South are looking for a mix-up is especially ironic, he said.

Alaska fishermen, who suffer depressed prices brought by too many salmon, not too few for most species have lived in the past five years as fish and huge Alaska compete for market share. Marketing institute, an industry and government-funded effort, is planning a tour of East Coast newspapers to ex-

in her travels she sometimes runs into otherwise worldly professionals who make the mistake. "I got it last year in the Minneapolis area," she says. "They think that's a vice port."

She says she hopes to see more reports from different parts of the country when she writes a when writ-

INDUSTRY

WANGHAL

on't appear to be summer with British and Oregon manufacturers. The Canadian and Oregon fishermen in the 48 fishermen in the Alaska from intercepting pass by on their streams.

fishermen hooked about 214 million to Alaska streams in the first records were set in the 1880s and the first record catch.

The salmon industry is a significant part of Alaska's economy. Last summer's catch was worth about \$400 million, and 40,000 people worked to haul in and process the fish, said Gunnar Knapp, an economist at the University of Alaska Anchorage.

By comparison, billions of dollars have been spent in the Northwest to rebuild salmon stocks destroyed by dammed rivers, logging, overfishing and streamside development. But the money and work haven't been able to restore the once-awesome salmon runs and the region's species remain on the endangered list.