

Ordinance No. 119974

ACC

The City of Seattle Council Bill/Ordinance

Council Bill No. 113168

AN ORDINANCE, relating to land use and zoning, amending Sections 23.76.004, 23.76.006, 23.80.004, 23.84.010, and 23.84.038 of the Seattle Municipal Code to provide for a process to permit light rail transit facilities necessary to support the operation of the Link light rail system.

5-2-00 Briefing
5-16-00 Public Hearing
6-6-00 Pass
AS AMEND

CF No. _____

Date Introduced:	<u>4-24-00</u>	
Date 1st Referred:	<u>4-24-00</u>	
Date Re - Referred:	To: (committee) <u>Joint Landlord/Tenant Land Use and Transportation</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor:	Date Approved: <u>6/16/00</u>	
Date Returned to City Clerk:	Date Published: <u>8/9/00</u>	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

6-12-00 Pass

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by:

Richard J. Peterson
Councillmember

James A.

Committee Action:

5-2-00 Briefing

5-16-00 Public Hearing + Discussion

6-6-00 Pass 5-0 RM, JN, HW, MP, PS
AS Amended

6-12-00 Passed 9-0

This file is complete and ready for presentation to Full Council.

Committee:

_____ (initial/Name)

Law Department

Law Dept. Review

OMP
Review

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City Clerk
Review

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ORDINANCE 119974

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5 23.76.006, 23.80.004, 23.84.010, and 23.84.038 of the Seattle Municipal Code to
6 provide for a process to permit light rail transit facilities necessary to support the
7 operation of the Link light rail system.
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9 WHEREAS, in 1996, pursuant to state law, the Central Puget Sound Regional Transit
10 Authority (known as "Sound Transit") proposed, and Central Puget Sound voters
11 approved, financing for a ten year regional transit system plan known as *Sound*
12 *Move*; and
13

14 WHEREAS, *Sound Move* includes the Link electric light rail line connecting the cities of
15 SeaTac, Tukwila and Seattle, which will provide numerous benefits to Seattle's
16 residents, workers, and visitors, and which will help the City meet its
17 Comprehensive Plan goals for dense, mixed use urban centers and urban villages
18 connected by high-quality public transit; and
19

20 WHEREAS, on November 18, 1999, the Sound Transit Board of Directors, of which two
21 City of Seattle elected officials are members, approved the light rail alignment,
22 station locations, and maintenance base location in the city; and
23

24 WHEREAS, the City Council and Mayor have committed to work cooperatively with
25 Sound Transit to ensure that the light rail system gets built cost effectively, and
26 that it is sensitive to the needs and interests of the citizens of Seattle; and
27

28 WHEREAS, Sound Transit will apply to the City of Seattle for permits for components
29 of the light rail system, both within and outside of public rights of way, for
30 permanent uses and facilities; and
31

32 WHEREAS, currently, the City's Land Use Code (SMC Title 23) does not include an
33 applicable category of use or facility that encompasses the uses and facilities
34 needed to operate and maintain the light rail system; and
35

36 WHEREAS, the City Council wants to add such a category of use or facility to the Land
37 Use Code to accommodate Sound Transit's Link light rail system;
38

39 NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS
40 FOLLOWS:
41

42 Section 1. Exhibit 23.76.004 A of Section 23.76.004 of the Seattle Municipal
43 Code, which Section was last amended by Ordinance 119618, is amended as follows:
44



1
2

Exhibit 23.76.004 A
Land Use Decision Framework
DIRECTOR'S AND HEARING EXAMINER'S
DECISIONS REQUIRING MASTER USE PERMITS

<p align="center">TYPE I Director's Decision (No Administrative Appeal)</p>	<p align="center">Type II Director's Decision (Appealable to Hearing Examiner*)</p>	<p align="center">Type III Hearing Examiner's Decision (No Administrative Appeal)</p>
<ul style="list-style-type: none"> • Compliance with development standards • Uses permitted outright • Temporary uses, four weeks or less • Certain street uses • Lot boundary adjustments • Modifications of features bonused under Title 24 • Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation • Temporary uses, twelve months or less, for relocation of police and fire protection • Exemptions from right-of-way improvement requirements • Special accommodation • Reasonable accommodation • Minor amendment to a Major Phased Development Permit 	<ul style="list-style-type: none"> • Temporary uses, more than four weeks • Variances • Administrative conditional uses • Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals) • Short subdivisions • Special Exceptions • Design review • Northgate General Development Plan • <u>Light rail transit facilities</u> • The following environmental determinations: <ol style="list-style-type: none"> 1. Determination of nonsignificance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) • Major Phased Development 	<ul style="list-style-type: none"> • Subdivisions (preliminary plats)

3



COUNCIL LAND USE DECISIONS

TYPE IV (quasi judicial)	TYPE V (legislative)
<ul style="list-style-type: none">• Land use map amendments (rezones)• Public project approvals• Major Institution master plans• Council conditional uses• Downtown planned community developments	<ul style="list-style-type: none">• Land Use Code text amendments• Rezones to implement new City Policies• Concept approval for City facilities• Major Institution designations• Waive or modify development standards for City facilities• Planned Action Ordinance

Section 2. Subsection C of Section 23.76.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 119904 (Council Bill 113100), is amended as follows:

23.76.006 Master Use Permits required.

* * *

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in SMC Chapter 25.05, Environmental Policies and Procedures):

- a. Determinations of Non-significance (DNSs), including mitigated DNSs;
- b. Determination that a final environmental impact statement (EIS) is adequate; and
- c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations which are appealable to the Shoreline Hearings Board):

- a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in Section 23.42.040E, and excepting the temporary relocation of police and fire stations for twelve (12) months or less;



- 1 b. Short subdivisions;
- 2
- 3 c. Variances; provided that, variances sought as part of a Type
4 IV decision may be granted by the Council pursuant to Section 23.76.036;
- 5
- 6 d. Special exceptions; provided that, special exceptions
7 sought as part of a Type IV decision may be granted by the Council pursuant to Section
8 23.76.036;
- 9 e. Design review;
- 10
- 11 f. Administrative conditional uses; provided that,
12 administrative conditional uses sought as part of a Type IV decision may be approved by
13 the Council pursuant to Section 23.76. 036;
- 14
- 15 g. The following shoreline decisions (supplemental
16 procedures for shoreline decisions are established in Chapter 23.60):
- 17
- 18 (1) Shoreline substantial development permits,
19 (2) Shorelines variances,
20 (3) Shorelines conditional uses;
- 21
- 22 h. Northgate General Development Plan;
- 23
- 24 i. Major Phased Development; ((and))
- 25
- 26 j. Determination of project consistency with a planned action
27 ordinance and EIS;((-)) and
- 28
- 29 k. Establishment of light rail transit facilities necessary to
30 operate and maintain a light rail transit system, in accordance with the provisions of
31 Section 23.80.004.
- 32

33 * * *

34

35 **Section 3.** Section 23.80.004 of the Seattle Municipal Code, as added by
36 Ordinance 117430, is amended to add a new subsection C as follows:

37

38 **23.80.004 Review criteria.**

39

40 A. In reviewing an application for a proposed essential public facility, the
41 decisionmaker shall consider the following:

42

43 1. Interjurisdictional Analysis. A review to determine the extent to
44 which an interjurisdictional approach may be appropriate, including consideration of
45 possible alternative sites for the facility in other jurisdictions and an analysis of the extent
46 to which the proposed facility is of a county-wide, regional or state-wide nature, and
47 whether uniformity among jurisdictions should be considered.

48

1 2. Financial Analysis. A review to determine if the financial
2 impact upon the City of Seattle can be reduced or avoided by intergovernmental
3 agreement.

4
5 3. Special Purpose Districts. When the public facility is being
6 proposed by a special purpose district, the City should consider the facility in the context
7 of the district's overall plan and the extent to which the plan and facility are consistent
8 with the((is)) Comprehensive Plan.

9
10 4. Measures to Facilitate Siting. The factors that make a particular
11 facility difficult to site should be considered when a facility is proposed, and measures
12 should be taken to facilitate siting of the facility in light of those factors (such as the
13 availability of land, access to transportation, compatibility with neighboring uses, and the
14 impact on the physical environment).

15
16 B. If the decisionmaker determines that attaching conditions to the permit
17 approval will facilitate project siting in light of the considerations identified above, the
18 decisionmaker may establish conditions for the project for that purpose.

19
20 C. Light rail transit facilities.

21
22 1. Light rail transit facilities necessary to support the operation and
23 maintenance of a light rail transit system are permitted in all zones within the City of
24 Seattle.

25
26 2. The Director may approve a light rail transit facility pursuant to
27 Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the
28 alignment, transit station locations, and maintenance base location of the light rail transit
29 system have been approved by the City Council by ordinance or resolution.

30
31 3. When approving light rail transit facilities, the Director may
32 impose reasonable conditions in order to lessen identified impacts on surrounding
33 properties. A Master Use Permit is not required for the installation of tracks, below-
34 grade facilities, minor alteration of light rail transit facilities involving no material
35 expansion or change of use, and other minor new construction that, in the determination
36 of the Director, is not likely to have significant adverse impacts on surrounding
37 properties.

38
39 4. When approving light rail transit facilities, the Director may
40 impose conditions to ensure consistency with the Seattle Design Guidelines for Link
41 Light Rail to be developed by the City and Sound Transit.

42
43 5. A master use permit for light rail transit facilities shall not be
44 issued until the Director has received satisfactory evidence that the applicant has obtained
45 sufficient funding (which might include a Full Funding Grant Agreement with a federal
46 agency) to complete the work described in the master use permit application.
47
48



1 3. “Cargo terminal” means a transportation facility in which quantities of
2 goods or container cargo are, without undergoing any manufacturing processes,
3 transferred to other carriers or stored outdoors in order to transfer them to other locations.
4 Cargo terminals may include accessory warehouses, railroad yards, storage yards, and
5 offices.

6 4. “Heliport” means a transportation facility in which an area on a roof or on
7 the ground is used for the takeoff and landing of helicopters or other steep-gradient
8 aircraft, and one (1) or more of the following services are provided: cargo facilities,
9 maintenance and overhaul, fueling service, tie-down space, hangars, and other accessory
10 buildings and open spaces.

11 5. “Helistop” means a transportation facility in which an area on a roof or on
12 the ground is used for the takeoff and landing of helicopters or other steep-gradient
13 aircraft, but not including fueling service, hangars, maintenance, overhaul or tie-down
14 space for more than one (1) aircraft.

15 6. “Passenger terminal” means a transportation facility located on a sea or
16 land transportation line, where people transfer from one (1) mode of vehicular
17 transportation to another or between carriers within the same mode. Such carriers shall
18 have regularly scheduled routes, and may include vans, trains, ships, tour buses or boats,
19 or other types of transportation. Passenger terminals may include ticket counters, waiting
20 areas, management offices, baggage handling facilities, and shops and restaurants. Metro
21 street bus stops and light rail transit stations are not included in this definition.

22 7. “Personal transportation services” means a transportation facility in which
23 either emergency transportation to hospitals, or general transportation by car, van or
24 limousine for a fee is provided. Such uses generally include dispatching offices and
25 facilities for vehicle storage and maintenance.

26 8. “Railroad switchyard” means a transportation facility in which:
27 a. Rail cars and engines are service and repaired; and
28 b. Rail cars and engines are transferred between tracks and coupled to
29 provide a new train configuration.

30 9. “Railroad switchyard with a mechanized hump” means a railroad
31 switchyard which includes a mechanized classification system operating over an incline.





City of Seattle

Paul Schell, Mayor

Department of Construction and Land Use

R. F. Krochalis, Director

MEMORANDUM

To: Margaret Pageler, Council President
Via Margaret Klockars, Law Department

From: Rick Krochalis, Director *MKS we RKK*

Date: April 10, 2000

Subject: Sound Transit Permanent Facilities Ordinance

The attached ordinance is hereby submitted for your review and approval. The proposed ordinance will establish a permit approval process for Link light rail transit facilities. The Land Use Code amendments are necessary to permit and mitigate the impacts of the permanent light rail transit facilities that will be necessary along the light rail system alignment, approved by the Sound Transit Board on November 18, 1999.

The proposed amendments establish the basis for City approval of use permits for structures and uses of sites throughout the alignment. The criteria proposed to review Sound Transit's submittals will allow mitigation of the anticipated impacts of light rail transit facilities on surrounding neighborhoods and businesses. The decision to permit and mitigate light rail transit facilities will be a Type II discretionary decision within the City's Land Use Decision Framework and is appealable to City's Hearing Examiner.

An ordinance that will allow SeaTran to issue permits for permanent light rail facilities within the City street right of way will be jointly considered by Council with the attached Land Use Code amendments.

Environmental review of the proposed amendments to the Land Use Code is covered by the environmental analysis of impacts and mitigation proposed in Sound Transit's Environmental Impact Statement on the light rail system. No further environmental analysis of the text amendments is necessary. The decision to approve the proposed text amendments will take place after Council has scheduled a public hearing at a date yet to be announced.

The proposed legislation is not of a fiscal nature. Costs associated with administration of the new light rail transit facilities permit decision will be borne by the applicant through permit fees. Other anticipated costs to the City for implementation and administration of the proposed amendments are anticipated to be absorbed by the Department within existing sources of revenue and funding.

Further information on the proposed ordinance is available from John Skelton at 233-3883.



ORDINANCE

AN ORDINANCE, relating to land use and zoning; amending Sections 23.76.004, 23.76.006, 23.80.004, 23.84.010, and 23.84.038 of the Seattle Municipal Code to provide for a process to permit light rail transit facilities necessary to support the operation of the Link light rail system.

WHEREAS, in 1996, pursuant to state law, the Central Puget Sound Regional Transit Authority (known as "Sound Transit") proposed, and Central Puget Sound voters approved, financing for a ten year regional transit system plan known as *Sound Move*; and

WHEREAS, *Sound Move* includes the Link electric light rail line connecting the cities of SeaTac, Tukwila and Seattle, which will provide numerous benefits to Seattle's residents, workers, and visitors, and which will help the City meet its Comprehensive Plan goals for dense, mixed use urban centers and urban villages connected by high-quality public transit; and

WHEREAS, on November 18, 1999, the Sound Transit Board of Directors, of which two City of Seattle elected officials are members, approved the light rail alignment, station locations, and maintenance base location in the city; and

WHEREAS, the City Council and Mayor have committed to work cooperatively with Sound Transit to ensure that the light rail system gets built cost effectively, and that it is sensitive to the needs and interests of the citizens of Seattle; and

WHEREAS, Sound Transit will apply to the City of Seattle for permits for components of the light rail system, both within and outside of public rights of way, for permanent uses and facilities; and

WHEREAS, currently, the City's Land Use Code (SMC Title 23) does not include an applicable category of use or facility that encompasses the uses and facilities needed to operate and maintain the light rail system; and

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36 properties. A Master Use Permit is not required for the installation of tracks, below-
37 grade facilities, minor alteration of light rail transit facilities involving no material
38 expansion or change of use, and other minor new construction that, in the determination
39 of the Director, is not likely to have significant adverse impacts on surrounding
40 properties.

41
42 4. In reviewing the design of light rail transit facilities including
43 transit stations, transit station access and supporting passenger service amenities, the
44 Director may impose conditions to promote consistency with applicable urban design
45 guidelines developed by the City and the owner/operator of the light rail transit facility.
46
47

1 3. “Cargo terminal” means a transportation facility in which quantities of
2 goods or container cargo are, without undergoing any manufacturing processes,
3 transferred to other carriers or stored outdoors in order to transfer them to other locations.
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31 switchyard which includes a mechanized classification system operating over an incline.

STATE OF WASHINGTON - KING COUNTY

119861
City of Seattle, City Clerk

—ss.

No. FULL ORD

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:119974 ORDINANCE

was published on

06/30/00

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

H. Patterson

Subscribed and sworn to before me on

06/30/00

McQuinn

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 119974

AN ORDINANCE relating to land use and zoning; amending Sections 23.76.004, 23.76.006, 23.80.004, 23.84.010, and 23.84.038 of the Seattle Municipal Code to provide for a process to permit light rail transit facilities necessary to support the operation of the Link light rail system.

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SECTION 2. Subsection C of Section 23.76.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 119904 (Council Bill 113100), is amended as follows:

23.76.006 MASTER USE PERMITS RE-

when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility with neighboring uses, and the impact on the physical environment).

3. "Cargo terminal" means a transportation facility in which quantities of goods or containers are, without undergoing any manufacturing processes, transferred to other carriers or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, and offices.

4. "Heliport" means a transportation facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep-gradient aircraft, and one (1) or more of the following services are provided: cargo facilities, maintenance and overhaul, fueling service, tie-down space, hangars, and other accessory buildings and open spaces.

5. "Helistop" means a transportation facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep-gradient aircraft, but not including fueling service, hangars, maintenance, overhaul, or tie-down space for more than one (1) aircraft.

6. "Passenger terminal" means a transportation facility located on a sea or land transportation line, where people transfer from one (1) mode of vehicular transportation to another or between carriers within the same mode. Such carriers shall have regularly scheduled routes, and may include vans, trains, ships, tour buses or boats, or other types of transportation. Passenger terminals may include ticket counters, waiting areas, management offices, baggage handling facilities, and shops and restaurants. Metro street bus stops and light rail transit stations are not included in this definition.

7. "Personal transportation services" means a transportation facility in which either emergency transportation to hospitals, or general transportation by car, van or limousine for a fee is provided. Such uses generally include dispatching offices and facilities for vehicle storage and maintenance.

8. "Railroad switchyard" means a transportation facility in which:

- Rail cars and engines are service and repaired; and
- Rail cars and engines are transferred between tracks and coupled to provide a new train configuration.

9. "Railroad switchyard with a mechanized hump" means a railroad switchyard which includes a mechanized classification system operating over an incline.

10. "Transit vehicle base" means a transportation facility in which a fleet of buses (or light rail cars) is stored, maintained, and repaired.

(See also "Fleet vehicles.")

SECTION 5. Any act made consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

SECTION 7. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provisions shall not affect the validity of any other provision.

SECTION 8. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, 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 12th day of June, 2000, and signed by me in open session in authentication of its passage this 12th day of June, 2000.

MARGARET PAGELER,
President of the City Council.
Approved by me this 16th day of June, 2000.

PAUL SCHELL,
Mayor.
Filed by me this 16th day of June, 2000.
(Seal) JUDITH E. PIPPIN,
City Clerk.
Publication ordered by JUDITH PIPPIN,
City Clerk.

((Boldface denotes deletion.))

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