SEATTLE CITY COUNCIL

Legislative Summary

CB 118484

Record No.: CB 118484 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 **124853** **In Control:** City Clerk

File Created: 07/30/2015

Final Action: 09/11/2015

Title: AN ORDINANCE relating to the Cedar River Watershed; authorizing five years of ecological thinning, in accordance with the Cedar River Watershed Habitat Conservation Plan, in Sections 15, 16, 21 and 22, Township 22, North, Range 7, East, W.M., Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 2 and 11, Township 21, North, Range 9, East, W.M.; Sections 34 and 35, Township 22, North, Range 9, East, W.M., Sections 3, 4 and 10, Township 21, North, Range 10, East, W.M., and Sections 32 and 33, Township 22, North, Range 10, East, W.M.; declaring the logs resulting from ecological thinning to be surplus to the City's needs; authorizing the sale of such logs pursuant to applicable City contracting and surplus property sale procedures; and directing deposit of the proceeds therefrom to the Water Fund for the purposes of the Habitat Conservation Plan implementation.

		Date
Notes:	**Filed with City Clerk:**	9/11/2015
	Mayor's Signature:	9/11/2015
Sponsors: Bagshaw	**Vetoed by Mayor:**	
	Veto Overridden:	
	Veto Sustained:	

Attachments:

Drafter: bob.hennessey@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	08/11/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text:	The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk					
	Notes:						
1	City Clerk	08/11/2015	sent for review	Council President's Office			

Action Text: The Council Bill (CB) was sent for review. to the Council President's Office
Notes:

1	Council President's Office	08/12/2015	sent for review	Seattle Public Utilities and Neighborhoods Committee		

Action Text: The Council Bill (CB) was sent for review. to the Seattle Public Utilities and Neighborhoods Committee
Notes:

1	Full Council	08/17/2015	referred	Seattle Public Utilities and Neighborhoods Committee		

Action Text: The Council Bill (CB) was referred. to the Seattle Public Utilities and Neighborhoods Committee
Notes:

1	Seattle Public Utilities and Neighborhoods Committee	08/20/2015	pass		09/08/2015	Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:

In Favor: 3 Chair Bagshaw, Vice Chair Sawant, Member Harrell

Opposed: 0

1	Full Council	09/08/2015	passed			Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
Notes:

In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

1	City Clerk	09/10/2015	submitted for Mayor's signature	Mayor		

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1	Mayor	09/11/2015	Signed			

Action Text: The Council Bill (CB) was Signed.
Notes:

1	Mayor	09/11/2015	returned	City Clerk		

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1	Mayor	09/11/2015	Signed			

Action Text: The Council Bill (CB) was Signed.
Notes:

1	Mayor	09/11/2015	returned	City Clerk		

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1	City Clerk	09/11/2015	attested by City Clerk			

Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 124853

COUNCIL BILL 118484

AN ORDINANCE relating to the Cedar River Watershed; authorizing five years of ecological thinning, in accordance with the Cedar River Watershed Habitat Conservation Plan, in Sections 15, 16, 21 and 22, Township 22, North, Range 7, East, W.M., Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 2 and 11, Township 21, North, Range 9, East, W.M.; Sections 34 and 35, Township 22, North, Range 9, East, W.M., Sections 3, 4 and 10, Township 21, North, Range 10, East, W.M., and Sections 32 and 33, Township 22, North, Range 10, East, W.M.; declaring the logs resulting from ecological thinning to be surplus to the City's needs; authorizing the sale of such logs pursuant to applicable City contracting and surplus property sale procedures; and directing deposit of the proceeds therefrom to the Water Fund for the purposes of the Habitat Conservation Plan implementation.

WHEREAS, in 1999, following several years of technical studies, negotiations with federal and state agencies and review by public groups and individuals, the City Council adopted Resolution 29977 authorizing the Mayor to submit the Final Habitat Conservation Plan (HCP) and other related documents for federal review and issuance of an "incidental take permit" under the federal Endangered Species Act, and to execute on behalf of the City the HCP and related agreements, which together establish the City's long-term commitments regarding watershed habitat protection and mitigation for impacts resulting from the presence and operation of certain City-owned facilities; and

WHEREAS, the HCP describes, among other subjects, the City's planned forest management practices, including the use of ecological thinning on 2,000 acres of second-growth forests to accelerate development of old-growth conditions, improve habitat for species dependent on older forest, and control risks of catastrophic events in certain existing densely-stocked second-growth stands; and

WHEREAS, in 2000, the City received the incidental take permit and executed the HCP and related agreements; and

WHEREAS, in 2002, the City Council passed Ordinance 121040, which clarified certain differences between the forest management policies contained in the Secondary Use Policies (adopted by Ordinance 114632) and those contained in the HCP; prohibited the harvesting of trees for commercial purposes on City-owned land within the Watershed; authorized the cutting of trees for certain limited non-commercial reasons, including ecological thinning; provided limited authority for the sale of logs resulting from such non-commercial cutting; and dedicated the proceeds from such sales for the purpose of offsetting the costs of the HCP; and

WHEREAS, in 2002 and 2005, the City Council passed Ordinances 121039 and 121793, respectively, which authorized two ecological thinning projects under the HCP, which were completed in 2003 and 2008; and

WHEREAS, in 2012, the City Council passed Ordinance 124068, which provided authority for ecological thinning projects over a five year period (2013-2017) under the HCP, and those projects will be completed in 2017; and

WHEREAS, following field surveys and other technical considerations, Seattle Public Utilities staff have recommended additional ecological thinning to meet HCP commitments located in Sections 15, 16, 21 and 22, Township 22, North, Range 7, East, W.M., Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 2 and 11, Township 21, North, Range 9, East, W.M.; Sections 34 and 35, Township 22, North, Range 9, East, W.M., Sections 3, 4 and 10, Township 21, North, Range 10, East, W.M., and Sections 32 and 33, Township 22, North, Range 10, East, W.M.; that consists of

approximately 800 acres of second-growth forest that will receive ecological thinning treatment between 2016 and 2020; and

WHEREAS, this ecological thinning over five years is estimated to result in up to 7,000,000 board feet of merchantable logs from among the vegetation that would be cut; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Director of Seattle Public Utilities is hereby authorized to contract, pursuant to applicable City contracting or surplus property sale procedures for the service of ecological thinning of second-growth forest stands located in Sections 15, 16, 21 and 22, Township 22, North, Range 7, East, W.M., Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 2 and 11, Township 21, North, Range 9, East, W.M.; Sections 34 and 35, Township 22, North, Range 9, East, W.M., Sections 3, 4 and 10, Township 21, North, Range 10, East, W.M., and Sections 32 and 33, Township 22, North, Range 10, East, W.M.; and consisting of approximately 800 acres of second-growth forest that will receive ecological thinning treatment under the principles and procedures described in the Cedar River Watershed Habitat Conservation Plan (HCP), which contract may provide for the sale and removal of merchantable logs down as a result of ecological thinning. The Director of Seattle Public Utilities shall, no later than March 31 of each year, submit to the Mayor and City Council a report for the previous calendar year describing the timber volumes sold and the proceeds derived from sales authorized by this section, an estimate on what tree cutting is anticipated in the next year, and an analysis of the cumulative effects of these projects. A public hearing having been held, the logs resulting from ecological thinning authorized by this ordinance are hereby declared to be surplus to the City's needs. The Director of Seattle Public Utilities is further authorized to conduct all related

monitoring, surveys, and other such activities as may be required by the City's commitments in the HCP and by applicable permit requirements.

Section 2. All proceeds from the sale of logs authorized by Section 1 of this ordinance shall be deposited in the Water Fund (43000) and further dedicated for the exclusive purpose of offsetting the costs of implementing the HCP, including the projects, programs and activities described in the HCP documents and those that educate the public about them.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 8th day of September, 2015, and signed by me in open session in authentication of its passage this 8th day of September, 2015.

President _____ of the City Council

Approved by me this 11th day of September, 2015.

Edward B. Murray, Mayor

Filed by me this 11th day of September, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

328688

No. 124855,854,853,852,851

CITY OF SEATTLE,CLERKS OFFICE

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:TITLE ONLY ORDINANCE

was published on

09/24/15

The amount of the fee charged for the foregoing publication is the sum of $116.25 which amount has been paid in full.

JENNIFER A. BARNES
COMMISSION EXPIRES
STATE OF WASHINGTON

Subscribed and sworn to before me on

09/24/2015

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on September 8th, 2015, 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 124855

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to a sewer facility easement within a portion of property located at 14027 Lake City Way NE as being surplus to the City's utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accept a new easement granted from 14027 Lake City Investors, LLC for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

Ordinance 124854

AN ORDINANCE relating to the management of the South Fork Tolt River Municipal Watershed; authorizing ecological forest thinning projects in accordance with the South Fork Tolt River Watershed Management Plan in Sections 25, 26, 27, 29, 30, 32, 33, 34, and 35, Township 26 North, Range 9 East, W.M.; declaring the logs resulting from said projects to be surplus to the City's needs; authorizing the sale of such logs pursuant to applicable City contracting and surplus property sale procedures; and directing use of the proceeds therefrom to fund Plan implementation.

Ordinance 124853

AN ORDINANCE relating to the Cedar River Watershed; authorizing five years of ecological thinning, in accordance with the Cedar River Watershed Habitat Conservation Plan, in Sections 15, 16, 21 and 22, Township 22, North, Range 7, East, W.M., Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 2 and 11, Township 21, North, Range 9, East, W.M.; Sections 34 and 35, Township 22, North, Range 9, East, W.M., Sections 3, 4 and 10, Township 21, North, Range 10, East, W.M., and Sections 32 and 33, Township 22, North, Range 10, East, W.M.; declaring the logs resulting from ecological thinning to be surplus to the City's needs; authorizing the sale of such logs pursuant to applicable City contracting and surplus property sale procedures; and directing deposit of the proceeds therefrom to the Water Fund for the purposes of the Habitat Conservation Plan implementation.

Ordinance 124852

AN ORDINANCE relating to the Cedar River Municipal Watershed and amending the Secondary Use Policies, adopted by Ordinance 114632, to provide for the limited application of the herbicide Imazapyr to treat invasive knotweed species.

Ordinance 124851

AN ORDINANCE relating to the Landmark Preservation Board; amending Section 25.12.270 of the Seattle Municipal Code to change the qualifications for members of the Board, and making technical corrections.

Date of publication in the Seattle Daily Journal of Commerce, September 24, 2015.

9/24(328688)