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**Council Bill Number:** 115639

**Ordinance Number:** 122198

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AN ORDINANCE related to land use and shorelines; amending Seattle Municipal Code Sections 23.42.040, 23.60.022, 23.60.090 and 23.80.004, and adding a new Section 23.60.023, to authorize light rail facilities in the Shoreline District.

**Status:** Passed

**Note:** Local Transportation Funding Package

**Vote:** 9-0

**Date filed with the City Clerk:** 2006/08/22

**Date of Mayor's signature:** 2006/08/15 ([about the signature date](#))

**Date introduced/referred to committee:** 2006/07/17

**Committee:** Urban Development and Planning

**Sponsor:** STEINBRUECK

**Committee Recommendation:** Pass

**Index Terms:** LAND-USE-CODE, ZONING, SHORELANDS, MASS-TRANSIT, REGIONAL-TRANSIT-AUTHORITY LAND-TRANSPORTATION-FACILITIES, LIGHT-RAIL-TRANSIT

**Fiscal Note:** [Fiscal Note to Council Bill No. 115639](#)

**Electronic Copy:** [PDF scan of Ordinance No. 122198](#)

**Reference:** Amending: Ord 121563

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**Text:**

AN ORDINANCE related to land use and shorelines; amending Seattle Municipal Code Sections 23.42.040, 23.60.022, 23.60.090 and 23.80.004, and adding a new Section 23.60.023, to authorize light rail facilities in the Shoreline District.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.040 of the Seattle Municipal Code, which section was last amended by Ordinance 121563, is amended as follows:

23.42.040 Intermittent and temporary uses.

\* \* \*

F. Light Rail Transit Facility Construction. A temporary structure or use that supports the construction of a light rail transit facility may be authorized by the Director pursuant to a Master Use Permit subject to the requirements of this subsection and subsection 23.60.023 if the structure or use is within the Shoreline District.

1. The alignment, station locations, and maintenance base location of the light rail transit system must first be approved by the City Council by ordinance or resolution.

2. The temporary use or structure may be authorized for only so long as is necessary to support construction of the related light rail transit facility and must be terminated or removed when construction of the related light rail transit facility is completed or in accordance with the MUP.

3. The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding uses and area ~~impacts on surrounding businesses and residences~~, including but not limited to the following:

a. Noise and Grading and Drainage. Noise impacts will be governed by the Noise Control Ordinance (SMC Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the Stormwater, Grading and Drainage Ordinance (SMC Chapters 22.800 through 22.808).

b. Light. To the extent feasible, light should be shielded and directed away from adjoining properties.

c. Best Management Practices. Construction activities on the site must comply with Director's Rule #6-93, Best Management Practices for Construction Erosion and Sedimentation Control Plans.

d. Parking and Traffic.

(1): Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and temporary construction-worker parking, including measures to reduce demand for parking by construction employees, must be included and must be appropriate to the temporary nature of the use.

(2): Temporary parking facilities provided for construction workers need not satisfy the parking requirements of the underlying zone or the parking space standards of SMC 23.54.030.

e. Local Businesses. The applicant must address measures to limit disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.

f. Security. The applicant must address site security and undertake measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal activity to the surrounding neighborhood.

g. Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties.

h. Public Information. Actions should be taken that will inform surrounding residents and businesses of construction activities taking place and their anticipated duration, including a twenty-four (24) hour phone number to seek additional information or to report problems.

i. Weather. Temporary structures must be constructed to withstand inclement weather conditions.

j. Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.

4. Site Restoration.

a. The applicant must also agree, in writing, to submit a restoration plan to the Director for restoring areas occupied by temporary construction activities, uses or structures.

b. The restoration plan must be submitted and approved prior to the applicant vacating the construction site and it must

include proposals for cleaning, clearing, removing construction debris, grading, remediation of landscaping, and restoration of grade and drainage.

- c. Site restoration must generally be accomplished within one hundred eighty (180) days of cessation of use of the site for construction uses and activities, unless otherwise agreed to between the applicant and the Director.
  - d. The Director will approve plans for site restoration in accordance with mitigation plans authorized under this section.
5. A master use permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Agreement with a federal agency) to complete the work described in the Master Use Permit application.

Section 2. Section 23.60.022 of the Seattle Municipal Code, which section was last amended by Ordinance 113466, is amended as follows:

23.60.022 Application when development partly out of Shoreline District.

~~Where a substantial development is proposed which would be partly within and partly without the Shoreline District, a shoreline substantial development permit shall be required for the entire development. The use and development standards of this chapter shall apply only to that part of the development which occurs within the Shoreline District unless the underlying zoning requires the entire development to comply with all or part of this chapter. The use and development standards including measurement techniques for that portion of the development outside of the Shoreline District shall be as provided by the underlying zoning.~~

A. The use and development standards of this chapter apply only to that part of the development that occurs within the Shoreline District unless the underlying zoning requires the entire development to comply with all or part of this chapter.

B. Where a substantial development is proposed that would be partly within and partly without the Shoreline District, a shoreline substantial development permit is required for the entire development, except that a shoreline substantial development permit is not required for a linear transportation use such as light rail transit where the track, track support structure or tunnel portions are outside the Shoreline District. A shoreline substantial development permit also is not required for discrete facilities, such as stations, that are wholly outside the Shoreline District.

C. The use and development standards including measurement techniques for that portion of the development outside of the Shoreline District shall be as provided by the underlying zoning.

Section 3. A new Section 23.60.023 of the Seattle Municipal Code, is adopted to read as follows:

23.60.023 Intermittent and temporary uses for light rail construction.

The Director may grant, deny or condition applications for intermittent or temporary uses not meeting development standards in the Shoreline District for light rail transit facility construction if the use complies with the standards of subsection 23.42.040 F and this section.

A. In addition to complying with the site restoration requirements of subsection 23.42.040 F 4 the Director may require the restoration plan to include:

1. Native vegetation in the landscape plan.
2. Mitigation of impacts to fish and wildlife as a result of stormwater runoff from the site.
3. No increase in impervious surface from the site condition prior to the intermittent or temporary use.

Section 4. Section 23.60.090 of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended to add a new subsection J as follows:

23.60.090 Identification of principal permitted uses.

\* \* \*

J. Light rail transit facilities approved pursuant to subsection 23.80.004 C are permitted uses in all shoreline environments, and light rail bridges and tunnels are water-dependent uses when they must cross a body of water regulated by Chapter 23.60. A temporary structure or use that supports the construction of a light rail transit facility and that is approved pursuant to Section 23.42.040 F is permitted as a temporary structure or use in all shoreline environments.

Section 5. Subsection C of Section 23.80.004 of the Seattle Municipal Code, which section was last amended by Ordinance 121563, is amended as follows:

23.80.004 Review criteria.

\* \* \*

C. Light rail transit facilities.

1. Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones and shoreline environments within the City of Seattle.
2. The Director may approve a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution.
3. When approving light rail transit facilities, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties. A Master Use Permit is not required for the following:
  - a. at-grade, below-grade, or above-grade tracks and their supporting structures;
  - b. below-grade facilities;
  - c. minor alteration of light rail transit facilities involving no material expansion or change of use; and
  - d. other minor new construction that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.
4. When approving light rail transit facilities, the Director may impose conditions to ensure consistency with design guidelines developed for the light rail system by the City and the applicant.
5. The Director may waive or modify development standards applicable to a light rail transit facility if the applicant demonstrates that waiver or modification of a development standard:
  - a. is reasonably necessary to allow the siting or proper functioning of a light rail transit facility; or
  - b. will lessen the environmental impacts of a light rail transit facility on site or on surrounding properties; or
  - c. will accommodate future development that will comply with development standards better than if the development standard waiver or modification were not granted.

6. The Director may impose reasonable conditions on any waiver or modification of development standards to ensure consistency with design guidelines developed for the light rail system by the City and the applicant, and to lessen, to the extent feasible, environmental impacts of a light rail transit facility on site or on surrounding properties.

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

\* \* \*

Section 6. This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by the Department of Ecology; or thirty (30) days from and after its adoption 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 \_\_\_\_ day of \_\_\_\_\_, 2006, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2006. \_\_\_\_\_ President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006. \_\_\_\_\_ Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2006. \_\_\_\_\_ City Clerk

August 4, 2006 Version #2 t