

Council Bill Number: 112853
Ordinance Number: 119673

AN ORDINANCE relating to Seattle Transportation, amending the Street Use Fee Schedule to add a new category of street use permits for shoreline street ends and to provide a fee therefor; amending the Street Use Ordinance (Ordinance 90047, as amended) and Sections 15.02.046, 15.04.35, 15.04.074 of the Seattle Municipal Code; setting forth a priority for use of the fees, and directing Seattle Transportation to draft and implement a plan for enforcement of the requirement for use and occupation permit on shoreline street ends, notification of owners of property abutting shoreline street ends of the increased fee, public education as to fee calculation methodology and of means to reduce the amount of the fee.

Date introduced/referred: August 16, 1999
Date passed: September 27, 1999
Status: Passed As Amended
Vote: 9-0
Date of Mayor's signature*: October 5, 1999

Committee: Transportation
Sponsor: MCIVER

Index Terms: STREET-USE-PERMITS, FEES, STREETS, SHORELANDS,
ADMINISTRATIVE-PROCEDURES

References/Related Documents: Amending: Ord 119260, 117569, 118409

Text

AN ORDINANCE relating to Seattle Transportation, amending the Street Use Fee Schedule to add a new category of street use permits for shoreline street ends and to provide a fee therefor; amending the Street Use Ordinance (Ordinance 90047, as amended) and Sections 15.02.046, 15.04.35, 15.04.074 of the Seattle Municipal Code; setting forth a priority for use of the fees, and directing Seattle Transportation to draft and implement a plan for enforcement of the requirement for use and occupation permit on shoreline street ends,

notification of owners of property abutting shoreline street ends of the increased fee, public education as to fee calculation methodology and of means to reduce the amount of the fee.

WHEREAS, by Resolution 29370, in 1996 the Council adopted policies to guide the development of public access improvements to shoreline street ends, requiring their preservation as public right-of way, setting forth criteria to be employed in evaluating the suitability of a street end for public use improvements, and providing that new private use permits will be granted only when there is no active proposal for a public street improvement; and

WHEREAS, the City Council now wishes to strengthen and clarify these policies, by adopting legislation intended to a) keep adjacent property owners from encroaching on the public's shoreline street-ends; b) encourage people with permitted encroachments to remove them; c) require unpermitted encroachments to be permitted and removed; and d) discourage private use permit applications; and

WHEREAS, the City Council finds that it is in the public interest to classify shoreline street end permits as a separate category of street use permits, and that it is appropriate to add to the Street Use Permit Fee Schedule a new fee to be collected from private shoreline street end permittees, and to direct the proceeds of said fees to Seattle Transportation for administration and management of shoreline street ends; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Street Use Fee Permit Schedule attached to Ordinance 119260 and made a part thereof is hereby amended to clarify the description of Category 7, to add a new category 11 for use of shoreline street ends, to prescribe a fee for such use based on appropriate appraisal methodology, and to add public street end uses to Category 54, as follows:

TYPE OF USE	PERMIT FEE	REQUIREMENTS
7. Structures and overhangs	42 cents/sq. ft./year	Indemnity Agreement
Street areas that are not <u>shoreline street ends</u>	\$68/year <u>minimum</u>	
11. Shoreline street ends (land portions).	<u>Sq. ft. of Use X Demand/</u>	<u>Indemnity Agreement</u>
<u>Uses for structures, overhangs, fences, material or equipment storage, trees, shrubs, lawns.</u>	<u>Probability Factor x Barrier Factor x land value per sq.Ft/ x</u>	
	<u>annualized rate (10%).</u>	

Plus cost of
inspection or
survey time in
excess of one
hour.

54. Miscellaneous uses that are for the use of the public, e.g., a street park, shoreline street end improvements, or plantings in a traffic circle per SMC 15.04.100 (for purposes of record keeping and permission granted as authorized by the Director of Seattle Transportation)

No Fee

Section 2. Section 15.02.046 of the Seattle Municipal Code as last amended by Ordinance 117569 is further amended to add a definition, to be placed in alphabetical order in the section, as follows:

15.02.046 Definitions N through S.

"Shoreline street ends" means the land portions of those street segments that provide the public with visual or physical access to a body of water and its shoreline, or could provide such access if improved, that are listed on Exhibit A to Resolution 29370, a resolution adopting policies to guide the development of public access improvements to shoreline street ends.

Section 3. Section 15.04.035 of the Seattle Municipal Code as last amended by Ordinance 117569 is further amended as follows:

15.04.035 Approval; considerations.

B. Factors for consideration in evaluating an application for a permit include but are not limited to the rights of the applicant (both constitutional liberties and abutter's property rights; the site and its terrain; the public and private benefits of the proposed use; the impact of the proposed use on the following:

- * The paramount purpose of streets for travel and transportation;

- * Utilities; authorized secondary street uses; and any usage being made by the public of the site;

- * Fire access and public safety;

- * Uses under permit; street trees; and other proposed or past uses of the site;

- * Rights of light, air, access and lateral support of abutting properties and on access or easements of properties dependent upon the public place for access;

* The environment;

* Drainage, surface and underground springs and watercourses; and stability of the soils; and

* Where applicable, City land use, transportation, open space, shoreline, and beautification policies and approved neighborhood land use plans.

In addition, where these situations occur, factors for consideration include:

* As to public places under the jurisdiction of the Department of Parks and Recreation, their character as a park drive or boulevard, or as open space;

* As to shoreline street ends, their purpose to provide the public with visual or physical access to the water and the shoreline;

* As to submerged streets, the Harbor Code, Title 16;

* As to environmentally critical areas, the requirements of Chapter 25.09; and

* As to streets in the process of being vacated, the use upon vacation.

Section 4. Section 15.04.074 of the Seattle Municipal Code as last amended by Ordinance 118409 is further amended as follows:

15.04.074 Permit --- Fees.

A. From time to time, the Director of Transportation shall prepare and recommend for adoption by the City Council a schedule of fees applicable to all such permits for public places under the jurisdiction of Seattle Transportation. The Director of the Office of Economic development shall prepare and recommend for adoption by the City Council a schedule of fees applicable to master filming permits. The Superintendent shall prepare and recommend a schedule of fees applicable to permits for use of public places under the jurisdiction of the Department of Parks and Recreation, and the Director of the Department of Design, Construction and Land Use shall recommend a schedule of fees applicable to permits required by Section 15.44.020. The fee schedule, when adopted by ordinance, shall govern the amount of the fee for permits heretofore or hereafter issued. The amount of the fee shall be commensurate with the cost of administration, inspection and policing involved in the issuance and continuance of such permits and the use thereby granted. Fees for use of shoreline street ends may take into consideration City policy of discouraging encroachments inconsistent with the public right of access to shorelines and may be included in the schedule of fees for use of public places under the jurisdiction of Seattle Transportation.

Fees for use of park drives and boulevards may take into consideration City policy of discouraging encroachments inconsistent with their park-like character and may be included in the schedule of fees for use of facilities of the Department of Parks and Recreation.

E. Fees for the use of public places under the jurisdiction of the Department of Parks and Recreation shall be deposited to the credit of the Park and Recreation Fund; beginning January 1, 2001, fees for the use of shoreline street ends shall be deposited to the credit of the Transportation Operating Fund; all other fees shall be deposited to the credit of the General Fund.

Section 5. Seattle Transportation is directed to use the shoreline street end fees credited to the Transportation Operating Fund for the following purposes:

a) Notification to property owners abutting street ends of the need for permits for private use and occupation of shoreline street ends, and of the fee schedule;

b) Administration and inspection of shoreline street end use;

c) Verification of property boundaries and square feet of area of usage;

d) Matching funds for neighborhood improvements of shoreline street

ends for public use;

e) Signage, demarcation and maintenance of shoreline street ends;

f) City-funded street and sidewalk improvements within a half-block radius of any of the 149 shoreline street ends identified in this legislation that directly contribute to public access to the shoreline street end.

Section 6. Seattle Transportation is further directed to draft and implement a plan for enforcing the requirement of SMC 15.04.010 for use and occupation permit on shoreline street ends; providing notification to owners of property abutting shoreline street ends of the increased fee and the fee calculation methodology; and providing public education as to the policy preferences for public access uses of shoreline street ends, as set forth in Resolution 29370, and of means whereby a permittee can reduce the amount of the fee by reducing the amount of private encroachment onto the street end and/or contributing to the maintenance of public access improvements on the street end. Any permits granted shall clearly establish the dates, or circumstances (i.e., property sale) for the removal of encroachments. The Director shall also establish policies requiring liens to be filed against the property owners, should the City be forced to remove any encroachments. During the third quarter of 2000, Seattle Transportation shall report back to the Transportation Committee on its progress implementing the new fee schedule and providing public

education or relief to permit applicants seeking to reduce their fees.

This report shall include a comprehensive review of both the costs and revenues of the program and itemize the improvements made to shoreline streetends.

Section 7. 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 ____ day of _____, 1999, and signed by me in open session in authentication of its passage this ____ day of _____, 1999.

President _____ of the City Council

Approved by me this ____ day of _____, 1999.

Mayor

Filed by me this ____ day of _____, 1999.

City Clerk

September 22, 1999

(Ver. .01)