

ORDINANCE No. 120594

*MC*

COUNCIL BILL No. 113917

The City

AN ORDINANCE relating to the Department of Parks and Recreation and animal control; amending Section 18.12.080(b)3 Exhibit J of the Seattle Municipal Code to modify the upland portion of the designated off-leash area at Sand Point Magnuson Park.

Honorable President:

Your Committee on \_\_\_\_\_

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

*pass 20 SK*

*10-29-01 Passed*

*(Excluded)*

COMPTROLLER FILE No.

Introduced: <i>OCT 15 2001</i>	By: <i>LICATA</i>
Referred: <i>OCT 15 2001</i>	To: <i>CLUBHOUSE &amp; PARKS</i>
Referred:	To:
Referred:	To:
Reported: <i>10-29-01</i>	Second Reading:
Third Reading: <i>10-29-01</i>	Signed:
Presented to Mayor: <i>10-30-01</i>	Approved: <i>11/2/01</i>
Returned to City Clerk: <i>11/5/01</i>	Published: <i>TCHW 3ppp.</i>
Vetted by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

*Law Department* (U)

# The City of Seattle--Legislative Department

## REPORT OF COMMITTEE

Date Reported  
and Adopted

able President:

committee on

h was referred the within Council Bill No.

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

65 20 St. Anselm, Clerk 1929/101 (41)

2901 Passed 8-0

(Excused: Pageler)

Department

(11)

Committee Chair

(2) Approved  
by committee  
10/17/29

ORDINANCE 120594

1  
2 AN ORDINANCE relating to the Department of Parks and Recreation and animal control; amending  
3 Section 18.12.080(b)3 Exhibit J of the Seattle Municipal Code to modify the upland portion of the  
4 designated off-leash area at Sand Point Magnuson Park.

5 WHEREAS, in November 1999 the City Council adopted the Magnuson Park Conceptual Design  
6 (Resolution 30063) which identifies the preferred location and boundaries of both the upland and  
7 the shoreline portions of the Magnuson Park Off Leash Area; and,

8 WHEREAS, Seattle voters approved Proposition 1 (Parks for All Levy) in November 2000 which  
9 included \$700,000 for improvements to the Magnuson Park off leash area in the upland portion  
10 such as primary and secondary shelters, potable water service to both shelters, foot bridges, trail  
11 improvements, fencing and pathway lighting and in the shoreline portion, include a shelter,  
12 pathway lighting, potable water, shoreline improvements, an improved trail and fencing; and,

13 WHEREAS, on July 10, 2000 the Superintendent of the Department of Parks and Recreation determined  
14 that no significant environmental impacts were likely to occur as a result of the change in  
15 boundaries and related improvements to the upland portion of the Magnuson Park Off Leash  
16 Area and on July 10, 2000 issued a Determination of Non-significance (DNS), the DNS was  
17 appealed to the City Hearing Examiner and, following a hearing on the appeal, the City Hearing  
18 Examiner affirmed the Superintendent's Determination of Non-significance, the decision of the  
19 City Hearing Examiner was appealed to the King County Superior Court and, following a hearing  
20 on the appeal, the City Hearing Examiner's decision was affirmed by Order dated June 5, 2001;  
21 and,

22 WHEREAS, The Department of Parks and Recreation is in the process of constructing the  
23 improvements to the upland portion of the off-leash area and will continue such work until  
24 completion; and,

WHEREAS, the Department of Parks and Recreation posted and advertised a "Notice of Action" on  
December 7, 2000 alerting the public that this ordinance would be forthcoming; and,

WHEREAS, The Department of Parks and Recreation is currently working with a consultant team to  
complete, by December 31, 2001, the required environmental review including the preparation of  
necessary environmental documents as well as applications for required federal, state, and local  
permits for improvements and location of the shoreline portion of the off-leash area;

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

Section 1. Section 18.12.080 B of the Seattle Municipal Code is amended as follows:

\*\*\*



1 B. Dogs may be allowed to run at large only in the following areas hereby designated as off-leash areas:

2  
3 \*\*\*

4 3. That portion of Magnuson Park depicted on Exhibit 18.12.080J  
5 (Revision 1) ~~codepics/1812080J.gif/ codepics/1812080J.gif (Note 2)~~  
6 until title to that portion of the Navy property at Sand Point intended for  
7 parks and recreation purposes is transferred to the City and the use plan for  
8 that portion of the property has been completed and adopted;

9 \*\*\*

10 Section 2. Exhibit 18.12.080 J of Section 18.12.080B)3 of the Seattle Municipal Code is hereby  
11 replaced with Exhibit A to this ordinance and is to be labeled Exhibit 18.12.080 J (Revision 1).

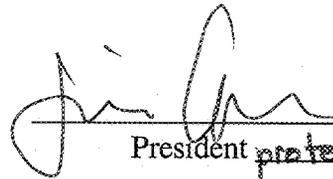
12 Section 3. Any act consistent with the authority and prior to the effective date of this ordinance  
13 is hereby ratified and confirmed.

14 Section 4. Now, Therefore, in accordance with RCW 35.32A.060, by reason of the facts above  
15 stated, this ordinance shall take effect and be in force thirty (30) days from and after its approval by the  
16 Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall  
17 take effect as provided by Municipal Code Section 1.04.020. Provided, however, that this ordinance, as  
18 it pertains to the upland portion of the off-leash area, shall not take effect until the physical changes have  
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24



1 been substantially completed and the Superintendent has taken steps necessary to facilitate transition to  
2 the new off-leash area configuration including consultation with the leadership of the Magnuson Off  
3 Leash Group and the Superintendent has so certified in writing to the City Clerk.

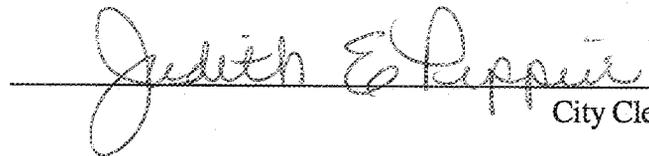
4 Adopted by the City Council the 29<sup>th</sup> day of October, 2001, and signed by me in open  
5 session in authentication of its passage this 29<sup>th</sup> day of October, 2001.

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7  
8   
President ~~pro tem~~ of the City Council

9  
10 Approved by me this 2<sup>nd</sup> day of NOVEMBER, 2001.

11   
Mayor

12  
13 Filed by me this 5<sup>th</sup> day of November, 2001.

14   
City Clerk

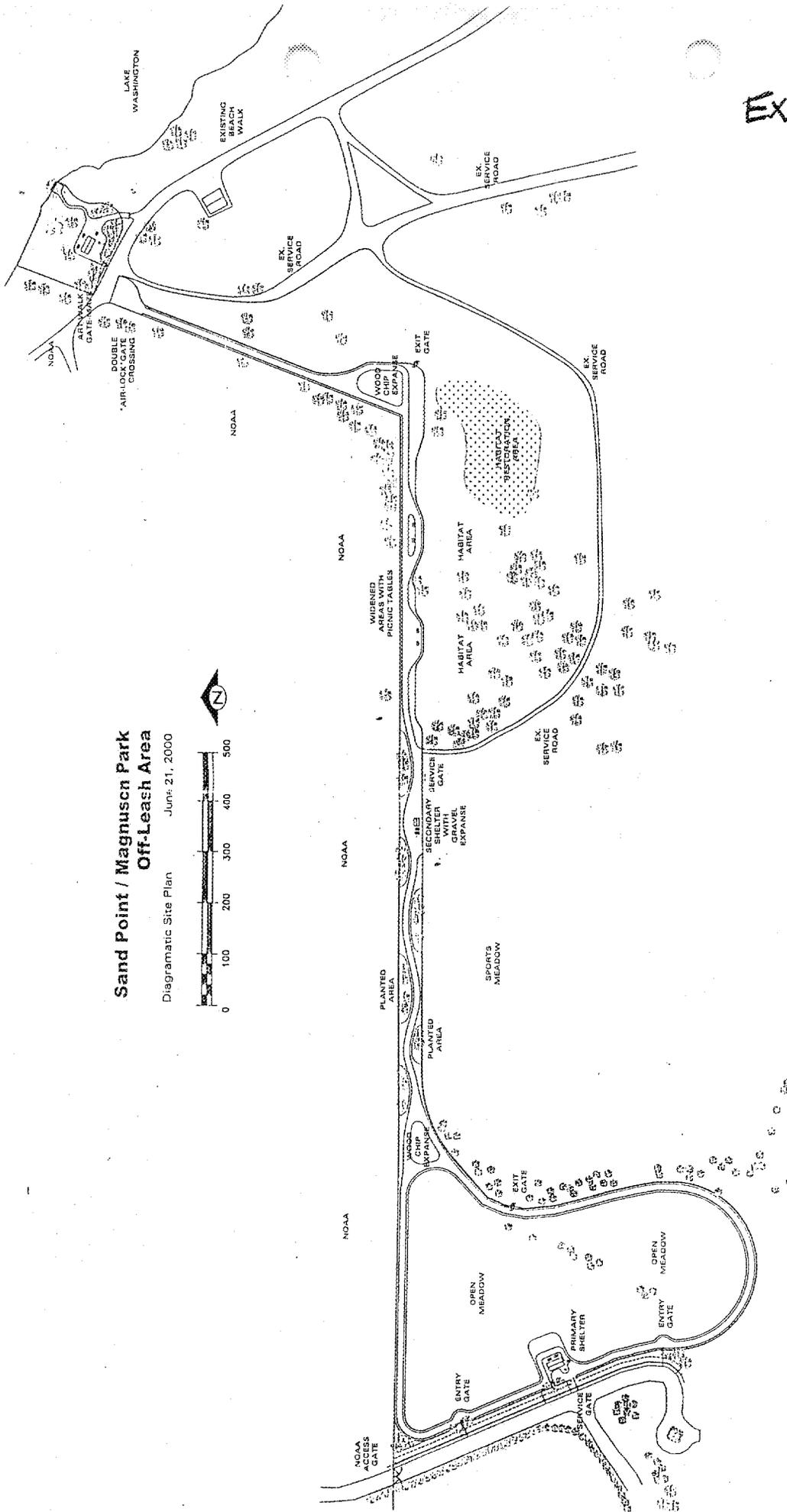
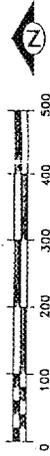
16 (Seal)



EXHIBIT  
18.12.080(J)  
REVISION 1

### Sand Point / Magnuscn Park Off-Leash Area

Diagrammatic Site Plan June 21, 2000





# City of Seattle

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Paul Schell, Mayor

## Seattle Department of Parks and Recreation

Kenneth R. Bounds, Superintendent

September 20, 2001

Seattle City Councilmembers  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor  
Seattle, WA 98104

Dear City Councilmembers:

I am pleased to submit for your consideration an Ordinance modifying the boundaries of the upland portion of the Magnuson Park Off-Leash Area. In November 1999, the Council approved Resolution 30063, which adopted the Magnuson Park Concept Design. The Magnuson Park Conceptual Design delineates the preferred boundaries for the off-leash area. This ordinance is necessary to formalize the new OLA boundary. As you can see in Section 4 of the ordinance, its formal implementation is contingent on completion of the fencing required to delineate the OLA boundaries.

Following approval of the Magnuson Park Conceptual Design, the Department began working closely with a group of citizens interested in the development of the off-leash area. We held a public workshop on March 25, 2000, to gather general public comment on the proposed boundary changes and proposed improvements. On July 10, 2000, Seattle Parks and Recreation issued a Determination of Non-Significance (DNS) covering improvements and changes to the boundary of the upland portion of the off-leash area.

An appeal from the DNS was filed with the City Hearing Examiner and, following a hearing on the appeal, the Hearing Examiner affirmed the Determination of Non-Significance. The decision of the Hearing Examiner was appealed to King County Superior Court, which upheld the decision of the Hearing Examiner in an Order entered June 5, 2001. Seattle Parks and Recreation posted and advertised a "Notice of Action" on December 7, 2000, alerting the public that this ordinance would be forthcoming.

Please note that this ordinance only affects the upland portion of the OLA. It does not alter the shoreline portion of the OLA. The Department's Determination of Non-Significance also only pertains to the upland portion and does not include improvements to the shoreline portion of the OLA. Because the two sections of the OLA are physically and functionally separate, we are able to move ahead with improvements to the upland portion while we more closely review possible improvements along the shoreline that may have ESA issues and implications for shoreline permitting.

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100 Dexter Avenue North, Seattle, WA 98109-5199

Tel: (206) 684-4075, TDD: (206) 233-7061 Internet: <http://www.ci.seattle.wa.us/parks>

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The Department has been working diligently to implement improvements to the OLA. Work on the new parking area is nearly complete. Grading for the new section of OLA trail has been completed and the trail surface is being installed. Fence posts for the new permanent fence have been installed along the new boundaries of the OLA with the rails and fence fabric installation underway. The Department is also proceeding with installation of the new amenities including water service, picnic shelters and the paved gathering area. We expect this work to be completed in early October, at which time the new OLA will be ready for full use. As stated in the ordinance, I will certify the completion of the necessary improvements to the City Clerk and the new OLA boundaries will become effective. The Department is also preparing the required application to the Army Corps of Engineers for OLA improvement work being proposed in wetland areas.

Design for the shoreline portion of the OLA and lighting is also underway. We have been meeting regularly with the leadership of the Magnuson Off Leash Area User Group to develop a preferred design for presentation and discussion at a public meeting on October 16, 2001, and to provide the basis for the environmental review. Depending on the environmental review timing and the permit review process, we expect to implement those improvements in 2002.

It is exciting to finally be able to provide the OLA users a permanent area with improved facilities.

Sincerely,



Kenneth R. Bounds  
Superintendent

Attachments

cc: Mayor Paul Schell  
C. David Hughbanks  
Eric Friedli





# City of Seattle

Paul Schell, Mayor

## Seattle Department of Parks and Recreation

Kenneth R. Bounds, Superintendent

October 10, 2001

Seattle City Councilmembers  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor  
Seattle, WA 98104

RECEIVED

OCT 12 2001

MARGARET PAGELEN  
COUNCIL MEMBER

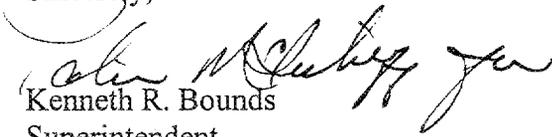
Dear City Councilmembers:

Last week we submitted for your consideration an ordinance regarding the boundaries of the upland portion of the Magnuson Park Off Leash Area (OLA). The Culture, Arts and Parks Committee has scheduled the ordinance for consideration at its October 24<sup>th</sup> meeting, and it will go before the full Council on October 28<sup>th</sup>, pending the Committee's approval. The ordinance does not alter the shoreline portion of the OLA. I would like to clarify Parks and Recreation's intent on the shoreline portion of the OLA.

The design for improvements to the shoreline portion of the OLA is under way, and we anticipate we will complete those improvements in 2002. We have been meeting regularly with the leadership of the Magnuson Off Leash Area User Group to develop a preferred design for presentation and discussion at a public meeting on October 16, 2001, and to provide the basis for the environmental review. We intend to implement those improvements as soon as the required environmental review process has run its course.

The Department and our consultant team anticipate completing the design for the shoreline portion of the OLA and the required SEPA process, and then submitting applications for any required permits by the end of 2001. When these steps are complete and we have received all the required permits and approvals, we will submit for your consideration an ordinance establishing the boundaries of the shoreline portion of the OLA consistent with Resolution 30063 and the environmental review.

Sincerely,

  
Kenneth R. Bounds  
Superintendent

cc: Mayor Paul Schell  
C. David Hughbanks,  
Eric Friedli

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Tel: (206) 684-4075, TDD: (206) 233-7061

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**STATE OF WASHINGTON - KING COUNTY**

--SS.

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138347  
City of Seattle, Clerk's Office

No. ORDINANCE TITLES

**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 12<sup>th</sup> 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

CTOT:120589,90,92-594

was published on

11/19/01

*J. Stedman*

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Subscribed and sworn to before me on

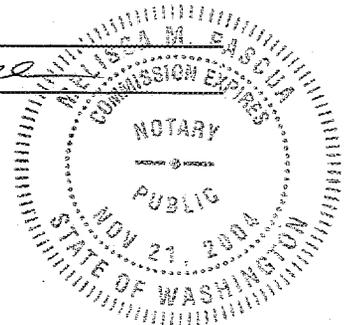
11/19/01

*Melissa M. Pascoe*

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Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication



# State of Washington, King County

## City of Seattle

### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on October 29, 2001, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

#### ORDINANCE NO. 120589

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to proceed with reconstruction of the Carkeek Park Environmental Education Center Annex and construction of related Carkeek Park elements; appropriating funds from the Cumulative Reserve Subfund therefor; and approving acceptance to funds to reimburse the Cumulative Reserve Subfund for the project; all by a three fourths vote of the City Council.

#### ORDINANCE NO. 120590

AN ORDINANCE relating to the Seattle Center Department; authorizing execution of an agreement with Northwest Folklife for the presentation of Northwest Folklife Festivals at Seattle Center.

#### ORDINANCE NO. 120592

AN ORDINANCE relating to the Department of Neighborhoods; authorizing the Department of Neighborhoods to accept grant funding from the State of Washington's Division of Developmental Disabilities for the Involving All Neighbors program; and increasing the Department of Neighborhoods' expenditure authority in the 2001 Budget; all by a three-fourths vote of the City Council.

#### ORDINANCE NO. 120593

AN ORDINANCE, relating to the Department of Parks and Recreation; authorizing acceptance of funds from Groundswell Off Broadway and Seattle Central Community College, transmitted through Friends of Seattle's Olmsted Parks, and execution of a Memorandum of Agreement with Groundswell Off Broadway and Friends of Seattle's Olmsted Parks; increasing the expenditure allowance of the Department of Parks and Recreation 2001 Adopted Budget; and making reimbursable appropriations from the Cumulative Reserves Subfund-Unrestricted Subaccount; all by a three-fourths vote of the City Council.

#### ORDINANCE NO. 120594

AN ORDINANCE relating to the Department of Parks and Recreation and animal control; amending Section 18.12.080(b)3 Exhibit J of the Seattle Municipal Code to modify the upland portion of the designated off-leash area at Sand Point Magnuson Park.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, November 19, 2001.

11/19/138347CD