

ORDINANCE NO. _____

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Title 16A of the SeaTac Municipal Code, regarding development regulation procedures

WHEREAS, from time to time, the City considers amendments to the Municipal Code in order to provide clarification and greater efficiencies; and

WHEREAS, certain procedures can be improved to provide greater certainty to the public and development community; and

WHEREAS, on August 17, 2017, City staff transmitted a copy of the proposed code amendments to the Washington State Department of Commerce for review and comment, pursuant to RCW 36.70A.106, and no comments were received from any state agency; and

WHEREAS, this proposed code amendment is exempt from SEPA review pursuant to WAC 197-11-800 (19)(a)(b); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing regarding these proposed changes on September 19, 2017, after which it rendered a recommendation of approval on the proposed amendments contained herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:

Section 1. SeaTac Municipal Code Title 16A is hereby amended as follows:

**Chapter 16A.03
GENERAL PROVISIONS**

Sections:

- 16A.03.010 Purpose
- 16A.03.020 Definitions
- 16A.03.030 Administration and Review Authority
- 16A.03.040 Permit Assistance Staff

16A.03.010 Purpose

These procedures describe how the City of SeaTac will process applications for project and other construction and land use permits. This title applies to all Type I, II and III permits for development, as outlined on Appendix I. These procedures are intended to implement, and shall be applied in a manner consistent with Chapter 36.70B RCW. It is the intent of these procedures to provide for the effective processing and review of project permits and to inform the public about how and when to provide timely comment during their consideration. (Ord. 03-1020 § 2)

16A.03.020 Definitions

A. "Applicant" means the property owner and/or the person or entity who submits a permit application.

~~B. "Closed record appeal" means an administrative appeal on the record to the Hearing Examiner or City Council, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.~~

~~C.~~ "Days" means calendar days, unless otherwise specified.

~~D. "DRC" or "Development Review Committee" means a group comprised of staff from the City's Public Works, Planning, Fire, and Police Departments who review and comment on potential projects at preapplication meetings. This group may also convene to review a development application after application submittal if requested by staff or the applicant to facilitate project review.~~

~~E.~~ "Development standards" means standards, rules and regulations set forth in the following titles of the SeaTac Municipal Code:

1. SMC Title 12, Public Utilities.
2. SMC Title 13, Buildings and Construction.
3. SMC Title 14, Subdivisions.
4. SMC Title 15, Zoning Code.
5. SMC Title 17, Crime Prevention Through Environmental Design.
6. SMC Title 18, Shorelines Management Code.

FD. “Open record hearing” means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government’s record through testimony and submission of evidence and information under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government’s decision on a project permit to be known as an “open record predecision hearing.” An open record hearing may be held on an appeal, to be known as an “open record appeal hearing,” if no open record predecision hearing has been held on the project permit.

GE. “Preapplication meetings” (~~also called Development Review Committee meetings—DRC~~) means meetings between ~~the DRCCity staff,~~ and affected agencies, and an applicant or their representatives prior to formal submission of a detailed application. They are intended to acquaint the applicant with an overview of the regulatory requirements, application process and procedural submission requirements.

HF. “Procedural submission requirements” means requirements for the submittal of a permit application, as specified by this and other applicable ordinances regulating the application.

IG. “Project permit or project permit application” means any land use or environmental permit required for a project action, such as building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by the City’s critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan or other Type I through III permits listed in Appendix II, excluding mechanical, electrical, plumbing, and fire code permits. (Adoption or

amendment of a comprehensive plan, subarea plan or development regulation are also not considered project permits.)

JH. “Public meeting” means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government’s decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government’s project permit application file.

KI. Type of Permit. Permits are divided into category based on the required review process. See Appendix II for a list of permits by types.

1. Type I permits are permits and actions not required to provide notice to the public under State law, such as building permits where environmental review is not required or was done under another permit application (see Appendix I).
2. Type II permits are permits required under State law to provide a notice of application to surrounding properties.
3. Type III permits are permits that require a public hearing before the City’s Hearing Examiner, by City ordinance. (Ord. 03-1020 § 2)

16A.03.030 Administration and Review Authority

Responsibility for the administration, application and interpretation of City development standards and these procedures rests with the applicable City department as outlined in the SeaTac Municipal Code and Appendix I, and as follows:

- A. The Building Official or designee for those sections of the City of SeaTac Municipal Code or other development regulations under his/her responsibility such as, but not limited to, those pertaining to building, sign, electrical, plumbing, and mechanical permits.
- B. The City-Engineer Review Manager or designee for those sections of the City of SeaTac Municipal Code or other development regulations under his/her responsibility such as, but not

limited to, those pertaining to grading and drainage, erosion and sediment control, stormwater utility, right-of-way use and improvement permits, and King County Road Standards.

C. The Director of Community and Economic Development for those sections of the City of SeaTac Municipal Code and other development regulations under his/her responsibility, including Chapter 16A.23 SMC, Environmental Rules and Procedures, SMC Title 14, Subdivisions, ~~and~~ SMC Title 15, Zoning Code, SMC Title 18, Shorelines Management Code and approvals and permits authorized by these sections such as short plats, lot line adjustments, shoreline exemption permits and permits or approvals required by the critical areas ordinance.

D. The City Manager shall determine the review authority where it is not apparent or when organizational changes modify the above responsibilities.

The City Manager or designee shall also review and act on the following:

1. Variances to the provisions of SMC Titles 14 and 15 where the change does not exceed twenty percent (20%) of the distance, area, or other measure of the requirement of City Code, pursuant to the criteria in SMC 15.115.010(C);
2. Minor conditional use permits (CUP) which conform to the criteria in SMC 15.115.020(B).

E. The City Council shall review and act on development agreements, ~~final planned unit developments, final subdivisions,~~ rezones initiated by the City, and may review and act on essential public facilities as determined by the City Council.

F. The Planning Commission shall review and make recommendations on amendments to the Comprehensive Plan, amendments to ~~Chapter 16A.23 SMC, Environmental Rules/Procedures~~ this title, amendments to SMC Title 14, Subdivisions, ~~and~~ amendments to SMC Title 15, Zoning Code, and amendments to Title 18, Shorelines Management Code ~~the Official Zoning Map~~.

G. The Hearing Examiner shall review and act on Type III permits, and appeals of Type I and Type II permits.

H. Requests for code interpretations shall be made in writing to the responsible City official. Interpretations of regulations will be issued by the City within thirty (30) days of a written

request for such an interpretation. (Ord. 16-1007 § 30; Ord. 11-1002 § 3; Ord. 04-1011 § 1; Ord. 04-1008 § 9; Ord. 03-1020 § 2)

16A.03.040 Permit Assistance Staff

The City shall designate permit assistance staff pursuant to RCW 36.70B.220, whose function it is to assist permit applicants. Permit assistance staff designated under this section shall:

- A. Make available to permit applicants all current regulations and adopted policies of the City of SeaTac that apply to the subject application. The City shall provide counter copies thereof and, upon request, provide copies according to Chapter 42.17 RCW. The City shall also make available procedures, checklists and information to facilitate the permit process; and
- B. Establish and make known to the public the means of obtaining the handouts and related information; and
- C. Provide assistance regarding the application of the regulations adopted by the City of SeaTac in particular cases.

Chapter 16A.05 PROJECT PERMIT APPLICATIONS

Sections:

- 16A.05.010 General
- 16A.05.020 Preapplication Meetings
- 16A.05.030 Procedural Submission Requirements and Submittal
- 16A.05.040 Expiration of Application
- 16A.05.050 Standard of Review

16A.05.010 General

A. Project permit applications shall be processed as Type I, II, or III applications. A current listing of permit applications subject to these procedures is contained in Appendix I. The following generally describes the permit types:

1. Type I permits are permits and actions not required to provide notice to the public, under State law such as building permits, where environmental review is not required or was done under another permit application (see Appendix I).
2. Type II permits are permits required under State law to provide a notice of application to surrounding properties.
3. Type III permits are permits that require a public hearing before the City's Hearing Examiner, by City ordinance.

B. Where a project action requires more than one application, all applications required may be submitted at one time under a consolidated review process specified in Chapter 16A.19 SMC. (Ord. 03-1020 § 2)

16A.05.020 Preapplication Meetings

~~A. Applicability. Applicants for all Type II and III permits are required to attend a preapplication meeting. Additionally, applicants for some Type I permits may be required, or may request, to undergo preapplication review, depending on the magnitude and impact of the proposal.~~

~~B. Description. Preapplication meetings are informal meetings between potential applicants and the development review committee (DRC). The DRC is made up of staff from the Public Works, Engineering, Planning, Fire and Police departments who typically review development applications. The pre-application meeting is intended to acquaint the applicant with applicable City regulations and other plans or proposals which may impact the proposal. Preapplication meetings are not intended to provide an exhaustive review of all regulations or potential issues for a given application. The procedures do not prevent the City from later applying other relevant laws to an application.~~

~~C. Procedures. The general procedures for preapplication meetings are:~~

- ~~1. An appointment for the preapplication meeting must be made with the Building Division.~~
- ~~2. At the time of reserving the appointment, six (6) copies of preliminary or concept plans for the proposal must be submitted to the Building Division.~~

3. ~~The applicant or agent must be present at any preapplication meeting. (Ord. 03-1020 § 2)~~

16A.05.030 Procedural Submission Requirements and Submittal

A. A completed application for a project permit, which meets the procedural submission requirements, shall be submitted to the City on forms and/or in a manner provided by the City.

B. General procedural submission requirements are defined in SMC 16A.07.030(B). Application forms for each project type and specific submittal requirements related to each application are available from the responsible City department. (Ord. 03-1020 § 2)

16A.05.040 Expiration of Application

Absent statute or ordinance provisions to the contrary, any application ~~for which a determination of completeness has been issued and~~ for which no substantial step has been taken to meet project approval requirements for a period of one hundred eighty (180) days after ~~issuance of the determination of completeness receipt,~~ or for a period of one hundred eighty (180) days after the City has requested additional information studies, will expire by limitation and become null and void. The City may grant a one hundred eighty (180) day extension on a one-time basis per application if the failure to take a substantial step was due to circumstances beyond the control of the applicant. (Ord. 03-1020 § 2)

16A.05.050 Standard of Review

Absent statute or ordinance provisions to the contrary, the regulations in effect on the date a complete application is submitted and applicable fees are paid will be the standard of review.

**Chapter 16A.07
DETERMINATION OF COMPLETENESS**

Sections:

- 16A.07.010 Applicability
- 16A.07.020 Contents
- 16A.07.030 Procedural Submission Requirements

16A.07.010 Applicability

This section shall apply to all Type I, II and III permit applications ~~received by the City~~. (Ord. 03-1020 § 2)

16A.07.020 Contents

Within twenty-eight (28) days after submission of a permit application, the City shall provide a written determination (determination of completeness) to the applicant, stating either:

- A. That the application is complete; or
- B. The application is incomplete and what is necessary to make the application complete. (Ord. 03-1020 § 2)

16A.07.030 Procedural Submission Requirements

A. A permit application is complete for the purposes of this section when it meets the procedural submission requirements of the City and is sufficient for continued processing even though additional information may be required subsequently. Note that once a permit application is submitted, substantial project modifications may require submittal of a new permit application. The determination of completeness shall not preclude the City from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur. The issuance of a determination of completeness shall not be construed to mean the permit application or any of its components have been approved.

B. A project application shall be declared complete only when it contains all of the following minimum materials:

- 1. A fully completed, signed, and acknowledged permit application with all required materials and information and all applicable review fees. The property owner and/or applicant shall provide all the information as specified on the applications checklists and forms as provided by the City. In all cases, the City shall determine if the information being submitted with an application is sufficient and in such detail as to warrant the acceptance of the application.

2. A fully completed, signed and acknowledged environmental checklist for projects subject to review under the State Environmental Policy Act.

3. The information specified for the desired project ~~in the appropriate chapters of the SeaTac Municipal Code as established by the Director.~~

4. ~~For Type II and III permit applications:~~

a. ~~A County Assessor's map(s) showing a five hundred (500) or one thousand (1,000) foot radius around the exterior property boundaries of the subject property (see Chapter 16A.09 SMC regarding notification of adjacent property owners).~~

b. ~~A stamped, legal sized envelope addressed to each property owner within five hundred (500) or one thousand (1,000) feet of the subject property as determined by the King County Assessor's database as of the date of application with the return address for the City of SeaTac Department of Community and Economic Development. A return address stamp is available for the property owner's or his/her representative's use. The applicant shall provide two (2) sets of these envelopes. Additional sets of envelopes may be required as necessary dependent on the project proposal. This shall also include a receipt for the cost of the stamps, envelopes, and address labels for those properties between five hundred (500) or one thousand (1,000) feet. The City shall reimburse the applicant for those costs.~~

e. ~~A photocopy or printout for the names and addresses.~~

54. Any supplemental information or special studies identified as necessary for the review.

C. An application shall be deemed complete if the City does not provide a written determination to the applicant that the application is incomplete as provided in this section.

D. Within fourteen (14) days after an applicant has submitted additional information identified by the City as being necessary for a complete application, the City shall notify the applicant whether the application is complete or what additional information is necessary. (Ord. 11-1002 § 2; Ord. 03-1020 § 2)

Chapter 16A.09
NOTICE OF APPLICATION

Sections:

- 16A.09.010 General
- 16A.09.020 Contents
- 16A.09.030 Distribution

16A.09.010 General

A. Applicability. Within fourteen (14) days after issuance of a determination of completeness, a notice of application (NOA) shall be provided for Type II and Type III project permit applications in accordance with this section.

B. If the City has made a SEPA threshold determination under Chapter 43.21C RCW concurrently with the notice of application, the notice of application may be combined with the SEPA threshold determination and/or the scoping notice for a determination of significance (DS). Nothing in this section prevents a DS and scoping notice from being issued prior to the notice of application. (Ord. 03-1020 § 2)

16A.09.020 Contents

The NOA shall include the following:

- A. The designation of the City contact person, associated telephone numbers, date of application submittal, date the determination of completeness was issued, and the date of the notice of application;
- B. The place, days, and times where information about the application and studies may be examined;
- C. The name, address and telephone number of the applicant and/or agent;
- D. A description of the proposed project action, a list of project permits included with the application, a list if applicable of any further studies requested by the City, and identification of other permits not included in the application, to the extent known by the City;
- E. A description of the site, including current zoning classification, nearest road intersection and site address, if available, reasonably sufficient to inform the reader of the general location;

F. Identification of existing environmental documents that evaluate the proposed project and the location where such documents can be reviewed if other than that of the City;

G. A statement of the comment period, inviting the public and agencies to comment on the application within fourteen (14) days of the notice date, and stating that any person has a right to receive notice and participate in any hearings, to request a copy of the decision once made, and describing any appeal rights, along with the deadline for submitting a SEPA appeal (if applicable). Additionally, the statement should include a notice that this may be the only comment period if the optional determination of nonsignificance (DNS) process for combined notice of application and the DNS comment period identified in WAC 197-11-355 is used;

H. Any other information determined appropriate by the City; ~~and~~

I. ~~The date, time, place and type of hearing, if applicable. (Ord. 03-1020 § 2)~~

16A.09.030 Distribution

The notice of ~~development~~ application shall be distributed as follows:

A. The NOA shall be posted on the subject property. The notice on the property shall be posted on a “notice board” at a conspicuous place. It must be visible from the public right-of-way and to persons passing by the property. Such “notice board” may be located adjacent to the property upon approval of the City Manager ~~or~~ his designee.

1. The City Manager ~~or~~ his designee may require additional notice boards when a site does not abut a public right-of-way or as determined to be necessary.
2. The posting shall be on site for at least thirty (30) days.
3. The “notice board” shall be of a size and design as specified by the City Manager or designee.
4. The property owner or his/her representative shall be responsible for the installation of the “notice board.” An affidavit shall be submitted to the City by the property owner or his/her representative stating when the “notice board” has been installed and the location of the “notice board.”

5. Failure to post a site in accordance with these provisions for the required time frame may require extending the comment period and/or the re-initiation of the notice process.
- B. The NOA shall be posted in three (3) public places where ordinances are posted.
- C. The NOA shall be published once in a newspaper of general circulation.
- D. The NOA shall be mailed via first class mail to adjacent property owners within three hundred (300), five hundred (500) or one thousand (1,000) feet of the exterior property line, based on the standards set forth ~~below and~~ in Appendix B.

~~1. For the following actions, adjacent property owners within three hundred (300) feet shall be notified:~~

~~a. All actions normally exempt from SEPA review, but which require SEPA review due to occurring on lands partially or wholly covered by water;~~

~~b. Variances, sign variances, minor or administrative conditional use permits, and special home occupations.~~

~~2. For the following actions, adjacent property owners within five hundred (500) feet shall be notified:~~

~~a. Conditional use permits, planned unit developments, owner-initiated rezones, site plan review of SEPA applications, preliminary short plats, preliminary subdivisions and shoreline substantial development permits; provided, that for a conditional use permit for an essential public facility, adjacent property owners within one thousand (1,000) feet shall be notified.~~

~~3. If more than one hundred eighty (180) days have passed since the submittal, the City may require updated property owner mailing information from the applicant.~~

41. The City may exercise discretion to expand the mailing to include areas adjacent to access easements and to areas on the opposite sides of rights-of-way, streams, and other physical features.

§2. The notice shall be deemed mailed when deposited in the U.S. mail, postage prepaid and properly addressed.

E. The notice shall additionally be distributed by the City to:

1. The applicant and/or agent;
2. Such internal review offices as needed;
3. Adjacent municipal corporations or organizations which may be affected by the proposal;
4. Other persons, organizations or entities the City may determine or who request in writing such notice. (Ord. 14-1001 § 2; Ord. 03-1020 § 2)

Chapter 16A.11 PERMIT APPLICATION REVIEW

Sections:

- 16A.11.010 General
- 16A.11.020 Review for Consistency
- 16A.11.030 SEPA Review

16A.11.010 General

A. The purpose of the application review process is to review complete applications for consistency and conformance with applicable development regulations prior to proceeding to hearing or rendering permit decisions.

B. Additional information, corrected or revised plans, or studies may be requested during the review, if determined to be needed. Any time period during which the applicant has been requested to provide such information is excluded from the time frames outlined in Chapter 16A.15 SMC. (Ord. 03-1020 § 2)

16A.11.020 Review for Consistency

A. A proposed project's consistency with the City's development standards and regulations adopted under Chapter 36.70A RCW, or, in the absence of applicable development regulations,

the appropriate elements of the Comprehensive Plan adopted under Chapter 36.70A RCW, shall be determined by the City during project review by consideration of:

1. The type of land use;
2. The level of development, such as units per acre or other measures of density;
3. Infrastructure, including public facilities and services needed to serve the development;
4. The characteristics of the development, such as building design standards and adherence to all applicable life safety standards; and
5. The design of the project in conformity with the City's standards.

Upon determination by the City that a complete application contains sufficient information to determine consistency and conformance with City regulations, the project permit application will be reviewed and can proceed to hearing or a project permit decision rendered administratively.

During project review, the City or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in this section, except for issues of code interpretation. Nothing in this section limits the City's authority to approve, condition, or deny a project as provided in its development regulations and its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, or other measures, to mitigate a proposal's probable adverse environmental impacts, if applicable.

B. Review Procedure. The general procedure for review of an application is for the receiving department to route the application to all other departments that will contribute to the review. After each department has reviewed the application with respect to their applicable regulations and standards, comments will be compiled and a comment letter sent to the applicant. Subsequent reviews will be required until all comments have been addressed in revised plans and documents.

For procedures specific to a permit type, please see instructions attached to the permit application. (Ord. 03-1020 § 2)

16A.11.030 SEPA Review

A. Development subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed in accordance with the policies and procedures contained in Chapter 16A.23 SMC.

B. Timing of Review. SEPA review will generally be conducted at the preliminary design phase of a project, allowing for site plan review prior to the submittal of detailed building plans. This will allow the applicant to integrate required mitigations into the project design with less cost.

Despite the general advantage to an applicant of submitting for SEPA review at the preliminary design phase, prior to submittal of detailed building plans, the City will accept and review building permit applications concurrently with SEPA review if a developer chooses to sign a specific authorization for such joint review.

~~C. Site Plan Review Permit. Development projects or activities undergoing SEPA review shall go through a Site Plan Review Permit process, unless there is another Type II or III permit associated with the project or activity. The Site Plan Review Permit shall expire after two (2) years. (Ord. 04-1008 § 10; Ord. 03-1020 § 2)~~

Chapter 16A.13 PUBLIC HEARINGS

Sections:

16A.13.010 Notice of Public Hearing

16A.13.020 Procedure for Public Hearing

16A.13.010 Notice of Public Hearing

A. A notice of public hearing is required for all Type III project permits. Notice shall be provided at least fourteen (14) days prior to the scheduled hearing.

B. The written notice shall consist of only that information approved and provided by the City. The notice shall include the following information:

1. The application/project file number;

2. Project summary/description of each project permit application;
3. The date, time and place of the hearing and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the Hearing Examiner~~hearing body or City~~;
4. General project location, vicinity and address and parcel number(s), if applicable;
5. The name, address and telephone number of the owner, applicant and designated contact;
6. The SEPA threshold determination or description thereof (determination of nonsignificance (DNS) or mitigated determination of nonsignificance (MDNS) if other than a DS), shall be contained in the notice, along with any appropriate statement regarding any shared or divided lead agency status and phased review, and stating the end of any final comment period;
- ~~7. The deadline (date, time and place) for submitting an appeal;~~
- ~~8. A statement regarding the appeal process, including any SEPA appeal; and~~
9. The date when the staff report will be available and the office where it can be reviewed.

C. Distribution.

1. The public hearing notice shall be posted on the property and mailed to adjacent property owners pursuant to the procedures described in SMC 16A.09.030.
2. Failure to properly post the site or complete the required notice may result in re-initiation of the notice process. (Ord. 03-1020 § 2)

16A.13.020 Procedure for Public Hearing

A. Public hearings shall be conducted in accordance with the hearing ~~body's~~ examiner's rules of procedure and shall serve to create or supplement an evidentiary record upon which the ~~body examiner~~ examiner will base ~~its~~ his/her decision. ~~The hearing body shall open the public hearings and, in general, observe the following sequence of events:~~

1. ~~Staff presentation, including submittal of any administrative reports. The hearing body may ask questions of staff.~~
 2. ~~Applicant presentation, including submittal of any materials. The hearing body may ask questions of the applicant.~~
 3. ~~Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the hearing body at its discretion.~~
 4. ~~Rebuttal, response or clarifying statements by the staff and the applicant.~~
 5. ~~The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it. The hearing body shall have ten (10) working days to make its decision.~~
- B. ~~Continuations. If, for any reason, a hearing on a pending action cannot be completed on the date set in the public notice, the hearing may be continued to a date certain and no further notice under this section is required. The continuance will be included in the record of the public hearing. (Ord. 03-1020 § 2)~~

Chapter 16A.15 NOTICE OF DECISION

Sections:

- 16A.15.010 General
- 16A.15.020 Contents
- 16A.15.030 Distribution

16A.15.010 General

- A. **Applicability.** The City will issue a notice of decision for all Type II ~~through and~~ III permit applications.
- B. A notice of decision is issued by a City department or the Hearing Examiner ~~or City Council~~ at the conclusion of the permit application review process. The notice of decision may be the decision report or the issuance of the project permit ~~or the signed ordinance or resolution of the~~

~~City Council~~. The purpose of the notice of decision is to inform the applicant and any person who, prior to rendering of the decision, requested notice of the decision, or submitted comments on the application. The notice of decision also marks the beginning of any appeal period which may be set forth herein or in other ordinances governing the project permit.

1. Except as provided in subsection (B)(3) of this section, a notice of decision on a project permit should be issued as soon as possible but no more than one hundred twenty (120) days after issuance of the determination of completeness.

a. The issuance of a Type I ~~or~~ II permit or administrative decision will constitute a notice of decision.

b. If a determination of significance is issued, then the City or Hearing Examiner shall issue a project permit decision not sooner than seven (7) days after a final environmental impact statement is issued.

c. The applicant may agree in writing to extend the time frame for issuance of a decision.

2. In general, a Notice of Decision shall be issued within one hundred twenty (120) days after a determination of completeness has been issued, unless an alternative time period is otherwise specified in the SeaTac Municipal Code. ~~In determining the number of days that have elapsed after the review authority has issued the determination of completeness, the following periods shall be excluded from the maximum one hundred twenty (120) day decision period:~~

a. ~~Any period during which the applicant has been requested by the review authority to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the City notifies the applicant of the need for additional information until the earlier of (i) the date the review authority determines whether the additional information satisfies the request for information; or (ii) fourteen (14) days after the date the information has been provided to the review authority.~~

~~b. — If the review authority determines that the information submitted by the applicant is insufficient, the applicant shall be notified and the procedures under subsection (B)(2)(a) of this section shall apply as if a new request for studies had been made.~~

~~e. — Any period of time during which an environmental impact statement is being prepared, which time shall not exceed one (1) year from the issuance of the determination of significance, unless the review authority and applicant have otherwise agreed in writing to a longer period of time. If no mutual written extension agreement is completed, then the application shall become null and void after the one (1) year period unless the review authority determines that delay in completion is due to factors beyond the control of the applicant and agent.~~

~~d. — Any extension of the time mutually agreed upon by the applicant and the City.~~

3. The time limits established by subsections (B)(1) and (2) of this section do not apply if a project permit application:

a. Requires an amendment to the comprehensive plan or a development regulation;

b. Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 6.70A.200;

c. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under Chapter 16A.07 SMC.

~~d. — Is a wireless communication facility (WCF). A notice of decision on a WCF project permit should be issued as soon as possible but no more than ninety (90) days after issuance of the determination of completeness.~~

4. If the review authority is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. (Ord. 10-1015 § 1; Ord. 03-1020 § 2)

16A.15.020 Contents

The following must be included on all notices of decision except when the issuance of a permit serves as the notice of decision:

- A. A notice of decision shall include a statement of the decision and that the decision and SEPA determination made under Chapter 43.21C RCW are final but may be appealed.
- B. The appeal closing date shall be listed.
- C. The statements shall include how a party may appeal the project permit decision and/or the SEPA determination.
- D. The notice of decision may be optionally included in the written decision, a decision on the permit application or provided as a separate document.
- E. The notice of decision shall also state that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. (Ord. 03-1020 § 2)

16A.15.030 Distribution

- A. The review authority shall provide notice of decision by first class mail to the applicant and to any person who prior to the rendering of the decision, requested notice of the decision or submitted comments on the application or testified at the public hearing.
- B. The review authority shall also provide the notice of decision to the County Assessor's Office. (Ord. 03-1020 § 2)

Chapter 16A.17 APPEALS

Sections:

- 16A.17.010 Standing
- 16A.17.020 State Environmental Policy Act (SEPA) Appeals
- 16A.17.030 Appeal of Administrative Interpretations, Approvals and Project Permit Decisions

- 16A.17.040 Appeal of Hearing Examiner Decisions
- 16A.17.050 Appeal to the City Council – Filing
- 16A.17.060 Contents
- 16A.17.070 Appeal Briefs
- 16A.17.080 Notice of Appeal Hearings
- 16A.17.090 Motion for Reconsideration
- 16A.17.100 Judicial Appeal

16A.17.010 Standing

Standing to appeal a decision pursuant to this section is limited to the following:

- A. The applicant or owner to which the permit or decision is directed.
- B. A person aggrieved or adversely affected by the permit decision or action, or who would be aggrieved or adversely affected by a reversal or modification of the permit or decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - 1. The permit decision or action has prejudiced or is likely to prejudice that person; and
 - 2. That person's asserted interests are among those that the decision maker was required to consider when the decision was made; and
 - 3. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the decision; and
 - 4. The petitioner has exhausted his or her administrative remedies to the extent required by law. (Ord. 03-1020 § 2)

16A.17.020 State Environmental Policy Act (SEPA) Appeals

An appeal of a SEPA decision shall be governed by SMC ~~13.30.250~~ 16A.23.150-240. (Ord. 03-1020 § 2)

16A.17.030 Appeal of Administrative Interpretations, Approvals and Project Permit Decisions

Administrative interpretations, administrative approvals, and Type I and Type II permit decisions may be appealed to the Hearing Examiner. Such appeals shall be filed with the City Clerk only on forms provided by the City Clerk, together with the required filing fee, within fourteen (14) days of the date of the decision. (Ord. 03-1020 § 2)

16A.17.040 Appeal of Hearing Examiner Decisions

A.—~~The following decisions of the Hearing Examiner may be appealed, by applicants or parties of record, from the Hearing Examiner to the City Council:~~

- 1.—~~Preliminary subdivisions;~~
- 2.—~~Preliminary planned unit developments;~~
- 3.—~~Rezoning not initiated by the City.~~

B.—~~All other d~~Decisions of the Hearing Examiner may be appealed to King County Superior Court pursuant to this section. (Ord. 03-1020 § 2)

16A.17.050 Appeal to the City Council — Filing

~~Every appeal to the City Council shall be filed with the City Clerk within fourteen (14) days after the date of the decision of the matter being appealed. Appeals to the City Council are governed by SMC 1.20.230 through 1.20.280. (Ord. 03-1020 § 2)~~

16A.17.060 Contents

The notice of appeal shall contain a concise statement identifying:

- A. The decision being appealed;
- B. The name and address of the appellant and his/her interest(s) in the matter;
- C. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
- D. The desired outcome or changes to the decision;
- E. The appeals fee. (Ord. 03-1020 § 2)

16A.17.070 Appeal Briefs

If a notice of appeal has been filed, the appellant shall file with the City Clerk any supplemental written reports, arguments, or briefs within twenty-one (21) days of filing the appeal. (Ord. 03-1020 § 2)

16A.17.080 Notice of Appeal Hearings

If an administrative decision is appealed to the Hearing Examiner, ~~or a Hearing Examiner decision is appealed to the City Council,~~ notice of the appeal hearing shall be provided a minimum of thirty (30) days in advance of an appeal hearing. The notice shall be distributed to the applicant, appellant, and parties of record. The notice may be distributed to other parties listed under subsection SMC 16A.09.030(E), as deemed necessary by the City. Additionally, the notice shall be posted on the notice board if required to be displayed on site pursuant to Chapter 16A.09 SMC. (Ord. 03-1020 § 2)

16A.17.090 Motion for Reconsideration

A party may seek reconsideration of a final decision by filing a written request with the ~~decision maker~~ Hearing Examiner within five (5) working days of the final decision. The ~~decision maker~~ (Hearing Examiner or City Council) shall consider the request at its next regularly scheduled meeting, without public comment or argument by the party filing the request and issue a decision within ten (10) working days of receipt. If the request is denied, the previous action shall become final. If the request is granted, the ~~Council or~~ Hearing Examiner may immediately revise and reissue ~~its~~ his/her decision. Reconsideration ~~should~~ may be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision. (Ord. 03-1020 § 2)

16A.17.100 Judicial Appeal

A. A final land use decision of the Hearing Examiner ~~or City Council~~ may be appealed to King County Superior Court within twenty-one (21) days by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW.

B. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the City Clerk, City Manager or his designee, and City Attorney within the applicable time period. This requirement is jurisdictional.

C. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the City Clerk prior to the preparation of any records an advance fee deposit in the amount specified by the City Clerk. Any overage will be promptly returned to the appellant. (Ord. 03-1020 § 2)

Chapter 16A.19 OPTIONAL CONSOLIDATED PROJECT REVIEW PROCESS

Sections:

16A.19.010 General

16A.19.020 Contents

16A.19.010 General

This optional process allows for the consideration of all discretionary land use, environmental, engineering and building permits issued by the City, together with project permits requiring a public hearing as a single project, if so desired and requested in writing by the applicant. Permit decisions of other agencies are not included in this process; but public meetings and hearings for other agencies may be coordinated with those of the City. (Ord. 03-1020 § 2)

16A.19.020 Contents

Where multiple permits are required for a single project, the optional consolidated project review process is available and is composed of the following:

A. A preapplication meeting.

The preapplication meeting process will be adapted by the review authority to accommodate the consolidated project permit review of applications. The consolidated process will generally follow the path of the highest level type permit application.

B. A permit coordinator, designated from the most appropriate department based on the applications submitted.

C. A single application packet based on the project permits requested to be consolidated.

D. A single determination of completeness.

Upon acceptance of a consolidated application, all appropriate City staff and relevant other agency staff may meet to determine, within twenty-eight (28) days, whether the accepted application is complete and whether a consolidated determination of completeness should be issued consistent with Chapter 16A.07 SMC.

E. A single notice of application.

When the application is deemed complete, a consolidated notice of application will be issued and/or posted consistent with the provisions of Chapter 16A.09 SMC.

F. A single comment period.

The combined, affected staff may meet as needed with the applicant and/or interested public prior to the issuance of a decision.

G. A consolidated administrative decision for applicable Type I or Type II project permit.

The review authority will issue decisions for Type I and Type II nonhearing administrative permits. Any administrative decisions will be issued with sufficient time for appeal period(s) to place appeals on the same Hearing Examiner agenda date as any companion Type III land use permit requiring a public hearing. Appeals of Type I or Type II administrative permits will be heard in a single, consolidated open record appeal hearing before the Hearing Examiner, unless otherwise specified by statute.

H. A single notice of hearing and open record public hearing, if required.

1. A consolidated report and recommendation will be developed for the Type III open record hearing portion of the project permit application;
2. A consolidated report will be developed which will summarize Type I or Type II administrative project permit decisions (if any) and provide an appropriate consolidated response to any appeals of administrative Type I or Type II project permits. To the extent possible, appeal hearings of administrative Type I or Type II project permits shall be consolidated with open record public hearings for Type III project permit applications.

If the Hearing Examiner's deliberations include an open record appeal hearing or an appeal of an engineering or building/construction administrative permit, the Hearing Examiner may keep the record open for a period not to exceed ninety (90) days, unless agreed to in writing by both the Hearing Examiner and the applicant, and may request submission of a recommendation from one or more neutral, technical advisory boards or other sources chosen by the Hearing Examiner. Alternatively, technical issues may, by statute, necessarily be heard by special boards.

I. A single consolidated public hearing decision.

1. The Hearing Examiner will issue a consolidated decision and a consolidated notice of decision regarding all administrative Type I and Type II project permit applications requiring an open record public hearing, consistent with the provisions of these procedures.

2. The Hearing Examiner's decision is appealable only to Superior Court ~~except where the Hearing Examiner Ordinance requires certain actions be appealable to the City Council.~~ Shoreline permit appeals are appealable only to the State Shoreline Hearings Board. (Ord. 03-1020 § 2)

**Chapter 16A.21
DEVELOPMENT REGULATIONS – AMENDMENT PROCEDURES**

Sections:

16A.21.010 Development Regulations

16A.21.020 Development Regulations – Review Procedures

16A.21.010 Development Regulations

The City shall consider suggested amendments to its development regulations by any interested person, including applicants, citizens, the SeaTac Hearing Examiner, and staff of other agencies, pursuant to the requirements of RCW 36.70A.130.

A. "Development regulations," as stated in RCW 36.70A.130, means the controls placed on development or land use activities by a County or City including, but not limited to:

1. Zoning ordinances.

2. Critical areas ordinances.
3. Shoreline master programs.
4. Official controls.
5. ~~Planned unit development ordinances.~~
6. Subdivision ordinances.
7. ~~Binding site plan ordinances.~~

B. A development regulation does not include a project permit or project permit application as defined in RCW 36.70B.020, including:

1. Building permits.
2. Subdivisions.
3. Binding site plans.
4. Planned unit developments.
5. Conditional uses.
6. Shoreline substantial development permits.
7. Site plan review.
8. Permits or approvals required by critical area ordinances.
9. Site-specific rezones. (Ord. 03-1020 § 2)

16A.21.020 Development Regulations – Review Procedures

A. Suggested amendments from interested persons, including citizens, applications, the SeaTac Hearing Examiner and the staff of other agencies shall be docketed and considered on ~~an annual~~ a biennial basis. The Department of Community and Economic Development shall establish a procedure for review that generally implements the following:

1. Provides public notice of the opportunity to propose amendments.
2. Evaluates the proposed list of changes against preliminary criteria.
3. Eliminates proposed amendments that do not satisfy preliminary criteria.
4. Prepares a final list of proposed changes.
5. Evaluates the final list against final criteria and conduct additional review (including SEPA) on the proposed amendments.
6. Adopts proposed amendments by action of the City Council.

B. Suggested amendments by the City Council, Planning Commission, and City staff need not be docketed under this procedure, and may be considered on a more frequent basis than provided under this procedure. (Ord. 11-1002 § 2; Ord. 03-1020 § 2)

Chapter 16A.23 ENVIRONMENTAL RULES/PROCEDURES

Sections:

- 16A.23.010 Authority
- 16A.23.020 Adoption by Reference
- 16A.23.030 Additional Definitions
- 16A.23.040 Responsible Official Designated
- 16A.23.050 Timing of Environmental Review
- 16A.23.060 Determination of Categorical Exemption
- 16A.23.065 Critical Areas Categorical Exemptions – No Longer Exempt
- 16A.23.070 Environmental Checklist Required
- 16A.23.075 Fees and Costs
- 16A.23.080 Environmental Impact Statement
- 16A.23.090 Public Notice
- 16A.23.100 Internal Circulation of Environmental Documents
- 16A.23.110 Timing of Decision on Nonexempt Action
- 16A.23.120 Authority to Condition or Deny Proposals

- 16A.23.130 Substantive Authority
- 16A.23.140 City Responsibilities as Consulted Agency
- 16A.23.150 Environmental Appeals
- 16A.23.155 Content of Appeals
- 16A.23.160 Time Limitation on Appeals
- 16A.23.170 Fee to Accompany Notice of Appeal
- 16A.23.180 Notice of Hearing
- 16A.23.190 Public Hearing
- 16A.23.200 Testimony – Recording
- 16A.23.210 Substantial Weight – Burden of Proof
- 16A.23.220 Decision of the Hearing Examiner
- 16A.23.230 Dismissal of Appeal
- 16A.23.240 *Repealed*
- 16A.23.250 Superior Court Review – Limitations for Appeal

16A.23.010 Authority

These procedures are adopted under authority of the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. (Ord. 04-1008 § 2; Ord. 90-1061 § 1. Formerly 13.30.010)

16A.23.020 Adoption by Reference

The following sections of Chapter 197-11 of the Washington Administrative Code (WAC), as presently existing and as may subsequently be amended, are hereby adopted by reference, as if fully set forth herein:

WAC

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.

- 197-11-100 Information required of applicants.
- 197-11-158 GMA project review – Reliance on existing plans, laws and regulations.
- 197-11-164 Planned actions – Definition and criteria.
- 197-11-168 Ordinances or resolutions designating planned actions – Procedures for adoption.
- 197-11-172 Planned actions – Project review.
- 197-11-210 SEPA/GMA integration.
- 197-11-220 SEPA/GMA definitions.
- 197-11-228 Overall SEPA/GMA integration procedures.
- 197-11-230 Timing of an integrated GMA/SEPA process.
- 197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
- 197-11-235 Documents.
- 197-11-238 Monitoring.
- 197-11-250 SEPA/Model Toxics Control Act integration.
- 197-11-253 SEPA lead agency for MTCA actions.
- 197-11-256 Preliminary evaluation.
- 197-11-259 Determination of nonsignificance for MTCA remedial action.
- 197-11-262 Determination of significance and EIS for MTCA remedial actions.
- 197-11-265 Early scoping for MTCA remedial actions.
- 197-11-268 MTCA interim actions.
- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.

- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping.
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuances of DEIS.
- 197-11-460 Issuances of FEIS.
- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-510 Public notice.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.
- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement – Procedures.
- 197-11-625 Addenda – Procedures.
- 197-11-630 Adoption – Procedures.
- 197-11-635 Incorporation by reference – Procedures.
- 197-11-640 Combining documents.

197-11-650 Purpose of this part.
197-11-655 Implementation.
197-11-660 Substantive authority and mitigation.
197-11-680 Appeals.
197-11-700 Definitions.
197-11-702 Act.
197-11-704 Action.
197-11-706 Addendum.
197-11-708 Adoption.
197-11-710 Affected tribe.
197-11-712 Affecting.
197-11-714 Agency.
197-11-716 Applicant.
197-11-718 Built environment.
197-11-720 Categorical exemption.
197-11-721 Closed record appeal.
197-11-722 Consolidated appeal.
197-11-724 Consulted agency.
197-11-726 Cost-benefit analysis.
197-11-728 County/city.
197-11-730 Decision maker.
197-11-732 Department.
197-11-734 Determination of nonsignificance (DNS).
197-11-736 Determination of significance (DS).
197-11-738 EIS.
197-11-740 Environment.
197-11-742 Environmental checklist.
197-11-744 Environmental document.
197-11-746 Environmental review.
197-11-750 Expanded scoping.
197-11-752 Impacts.
197-11-754 Incorporation by reference.
197-11-756 Lands covered by water.

197-11-758 Lead agency.
197-11-760 License.
197-11-762 Local agency.
197-11-764 Major action.
197-11-766 Mitigated DNS.
197-11-768 Mitigation.
197-11-770 Natural environment.
197-11-772 NEPA.
197-11-774 Nonproject.
197-11-775 Open record appeal.
197-11-776 Phased review.
197-11-778 Preparation.
197-11-780 Private project.
197-11-782 Probable.
197-11-784 Proposal.
197-11-786 Reasonable alternative.
197-11-788 Responsible official.
197-11-790 SEPA.
197-11-792 Scope.
197-11-793 Scoping.
197-11-794 Significant.
197-11-796 State agency.
197-11-797 Threshold determination.
197-11-799 Underlying governmental action.
197-11-800 Categorical exemptions.
197-11-880 Emergencies.
197-11-890 Petitioning DOE to change exemptions.
197-11-900 Purpose of this part.
197-11-902 Agency SEPA policies.
197-11-908 Critical areas.
197-11-916 Application to ongoing actions.
197-11-920 Agencies with environmental expertise.
197-11-922 Lead agency rules.

- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.
- 197-11-950 Severability.
- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance (DS) and scoping notice.
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

(Ord. 04-1008 § 2; Ord. 98-1052 § 1; Ord. 90-1061 § 2. Formerly 13.30.020)

16A.23.030 Additional Definitions

In addition to those definitions set forth in SMC 16A.23.020, the following words and terms shall have the following meanings, unless the context indicates otherwise:

- A. “Advisory body” means any body, established by the City Council, the responsibilities of which include review of development proposals for the purpose of making recommendations to the Council.
- B. “Department” means the Department of Community and Economic Development.

C. "Development" means the rezoning of property, the subdivision of land, the construction of buildings, or any physical alteration of the land which is subject to City approval and to the requirements of SEPA.

D. "Hearing Examiner" means the City Hearing Examiner as established by Ordinance No. 90-1045, codified in Chapter 1.20 SMC, as amended by Ordinance No. 90-1051 or subsequent ordinances.

E. "SEPA" means Chapter 43.21C RCW, as now existing or as may subsequently be amended.

F. "SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology, as now existing or as may subsequently be amended.

G. "Final staff evaluation of checklist" means that documentation and report of City staff's analysis of the checklist and any identified impacts. The report identifies any necessary findings, policies and the type of determination. (Ord. 11-1002 § 2; Ord. 04-1008 § 2; Ord. 90-1061 § 3. Formerly 13.30.030)

16A.23.040 Responsible Official Designated

The City Manager, or designee, shall be the SEPA responsible official for the City, and shall carry out the duties and functions of the City when it is acting as the lead agency or as a consulted agency under SEPA and the SEPA rules. (Ord. 04-1008 § 2; Ord. 95-1012 § 1; Ord. 90-1061 § 4. Formerly 13.30.040)

16A.23.050 Timing of Environmental Review

A. Subject to the provisions of subsection (B) of this section, the timing of environmental review shall be determined by the responsible official on a case-by-case basis, consistent with the requirements of SEPA and the SEPA rules. In general, the environmental review process shall take place at the conceptual stage of a project, rather than at the detailed design stage. If the City's only action will be a decision on a building permit or other license that requires detailed project plans and specifications, the applicant or prospective applicant shall be given the opportunity for environmental review under SEPA prior to submittal of such detailed project plans and specifications. An applicant or prospective applicant wishing to take advantage of the opportunity for preapplication environmental review shall submit a completed environmental checklist to the department, except as otherwise provided by WAC 197-11-315(a).

B. At the latest, the City shall begin the environmental review process when a completed application for City approval of a nonexempt action has been received. ~~The official responsible shall make a threshold determination on a completed application within ninety (90) days after the application and supporting documentation are complete and received. The applicant may request an additional thirty (30) days for the threshold determination.~~ (Ord. 04-1008 § 2; Ord. 92-1056 § 1; Ord. 90-1061 § 5. Formerly 13.30.050)

16A.23.060 Determination of Categorical Exemption

A. Any City department which receives an application for a proposal, or initiates a proposal which is potentially subject to the requirements of SEPA, shall forward that proposal to the Responsible Official, who shall make the following determinations:

1. Whether the proposal is an “action” as defined by WAC 197-11-704; and
2. If the proposal is an “action,” whether it is categorically exempt from the requirements of SEPA; and
3. If the proposal is a nonexempt action, whether appropriate environmental review of the project has been conducted or commenced.

~~B. The responsible official or the responsible official’s designee shall assist any department in making the determinations required by this section, upon request by the department.~~

~~C. The City of SeaTac recognizes that the list of categorical exemptions included in the SEPA rules cannot be relied upon as the final determination of whether a proposed project, regardless of its environmental impact, must comply with SEPA and this chapter. Where the responsible official determines that a proposal has a reasonable likelihood of causing more than a moderate adverse impact on environmental quality, whether that impact is direct, indirect or cumulative, environmental review under SEPA shall be conducted.~~

DB. It is recognized that a particular development or land use, though otherwise consistent with City regulations and policies, may create adverse impacts upon facilities, services, natural systems or the surrounding area when aggregated with the impacts of prior or reasonably anticipated future developments. The City shall evaluate such cumulative environmental impacts and make its environmental determinations and substantive decisions accordingly.

EC. Proposed actions shall be categorically exempt from threshold determinations and EIS requirements if they do not exceed the levels of activity identified in WAC 197-11-800(b), except as provided as follows, to respond to the local conditions and needs:

1. The construction or location of nine (9) detached single-family residential units.
2. The construction or location of twenty (20) multi-family residential units.
3. The construction of an office, school, commercial, recreational, service or storage building with twelve thousand (12,000) square feet of gross floor area, and with associated parking facilities designed for fifty (50) automobiles. This exemption includes stand-alone parking lots.
4. Any landfill or excavation of seven hundred fifty (750) cubic yards throughout the total lifetime of the fill or excavation. (Ord. 14-1001 § 1; Ord. 04-1008 § 2; Ord. 93-1043 § 1; Ord. 90-1061 § 6. Formerly 13.30.060)

16A.23.065 Critical Areas Categorical Exemptions – No Longer Exempt.

The following categorical exemptions, listed under WAC 197-11-800 and 197-11-908, shall not apply if there are critical areas located on-site as defined in SMC Title 15:

WAC

- 197-11-800(1)
- 197-11-800(2)(a)
- 197-11-800(2)(b)
- 197-11-800(2)(d)
- 197-11-800(2)(e)
- 197-11-800(2)(f)
- 197-11-800(2)(g)
- 197-11-800(6)(a)
- 197-11-800(14)(c)
- 197-11-800(24)(a) through (g)

(Ord. 04-1008 § 2; Ord. 98-1052 § 2. Formerly 13.30.065)

16A.23.070 Environmental Checklist Required

A. Whenever the department determines that a proposal is a nonexempt action for which appropriate environmental review has not been conducted or commenced, the department shall prepare or shall require the action proponent to prepare and submit an environmental checklist.

~~—Upon completion or receipt of a completed environmental checklist, the department shall immediately transmit the following to the responsible official, or designee:~~

- ~~1. The original, signed copy of the environmental checklist;~~
- ~~2. A copy of any completed application form in the department's possession relating to the proposal;~~
- ~~3. A copy of any project description, conceptual plan or plot plan which may have been prepared or submitted;~~
- ~~4. Any additional information in the department's possession addressing the proposed action's environmental impacts.~~

B. The environmental review process shall not begin until a complete application (an environmental checklist and requested supporting materials) is received by the responsible official. Incomplete environmental checklist applications will be returned to the applicant for completion as directed by the responsible official.

C. A department initiating a nonexempt City action may request that the responsible official, or designee, assist the department in preparing the necessary environmental checklist.

D. The provisions of this section shall not apply when the responsible official and the proponent of a nonexempt action agree in writing that the proposal is likely to have significant adverse environmental impacts, and further agree that an environmental impact statement (EIS) will be prepared.

E. The responsible official may determine that the City will complete all or part of an environmental checklist for a private proposal with its own staff, or may contract with one or more consultants to prepare or assist in preparation of a checklist, and may charge and collect

fees from the applicant to cover costs incurred by the City in preparation of the checklist, if either of the following circumstances exist:

1. The City has technical information on a question or questions that is unavailable to the applicant; or
2. The applicant has provided inaccurate or incomplete information on previous proposals or on proposals currently under consideration.

If fees are to be collected, the applicant shall be advised of the estimated costs and shall be required to make payment of such costs prior to the actual preparation of all or part of the environmental checklist. (Ord. 04-1008 § 2; Ord. 90-1061 § 7. Formerly 13.30.070)

16A.23.075 Fees and Costs

In addition to the fees and costs provided in SMC 16A.23.070 and elsewhere in this chapter, the applicant shall be responsible for and shall reimburse the City for all costs and expenses incurred by the City in enforcing the provisions of this chapter relative to his/her application or permit, and for any legal costs, including attorney's fees, incurred by the City in taking steps to defend or support a position or decision in connection with his/her application for or issuance of a permit pursuant to this chapter. (Ord. 04-1008 § 2; Ord. 93-1043 § 2. Formerly 13.30.075)

16A.23.080 Environmental Impact Statement

A. Whenever the responsible official has issued a determination of significance (DS) for a nonexempt action, it shall be the responsibility of the individual, corporation, agency or City department initiating or proposing the action to prepare a draft EIS and a final EIS under the supervision of the responsible official. Consultants shall be selected based on their expertise and knowledge related to the scoped environmental elements to be analyzed in the EIS documents. Regardless of who prepares an EIS, it is the EIS of the City and the responsible official must be satisfied that the EIS complies with this chapter, with SEPA and with the SEPA rules prior to issuance of the EIS.

B. The responsible official may determine that City staff will complete all or part of an EIS for a private proposal, or the City may contract with one or more consultants to prepare or assist in

preparation of an EIS, and may charge and collect fees from the applicant to cover costs incurred by the City in preparation of the EIS, if one or more of the following circumstances exist:

1. The City has technical information on a question or questions that is unavailable to the applicant;
2. The applicant has provided inaccurate or incomplete information on previous proposals or on proposals currently under consideration;
3. The responsible official and the applicant agree that the City will be responsible for completing the EIS.

If fees are to be collected, the applicant shall be advised of estimated costs, and shall be required to secure payment of such costs prior to the actual preparation of the EIS. (Ord. 04-1008 § 2; Ord. 90-1061 § 8. Formerly 13.30.080)

16A.23.090 Public Notice

A. Whenever public notice is required under the SEPA rules, the responsible official shall cause notice to be given in the following manner:

1. By posting the subject property as directed by the Planning Director (site specific proposals only); and
2. By publishing notice in the official newspaper of the City.

B. Additional public notice may be provided for proposals having, or potentially having, unusually widespread, unique or significant adverse impacts, or, for other proposals, at the discretion of the responsible official.

~~C. Where notice is required for an action which has been proposed or initiated by a party other than the City or a City department, the cost of newspaper publication of such notice or notices shall be borne by the proponent or applicant. (Ord. 04-1008 § 2; Ord. 90-1061 § 9. Formerly 13.30.090)~~

16A.23.100 Internal Circulation of Environmental Documents

Relevant environmental documents shall accompany proposals through existing City project review processes. The responsible official shall ensure that environmental documents are provided to decision makers in the following manner:

A. Where a nonelected City official is to make a final decision on a nonexempt action, the responsible official shall provide that deciding official with a copy of a final staff evaluation, a determination of nonsignificance (DNS), a mitigated determination of nonsignificance (MDNS) or a final EIS upon issuance of the DNS or FEIS.

B. Where the Hearing Examiner ~~or other advisory body~~ is to make a ~~recommendation~~ decision ~~to the Council~~ on a nonexempt action, the responsible official shall transmit to ~~each member of the Examiner~~ the advisory body a copy of the following:

1. Environmental checklist.
2. A final staff evaluation of the checklist. The final environmental determination, except for when a Determination of Significance (DS) has been issued, both a copy of the Draft and Final Environmental Impact Statements shall be provided.
3. ~~Determination of nonsignificance (DNS).~~
4. ~~Mitigated determination of nonsignificance (MDNS).~~
5. ~~Draft environmental impact statement (DEIS).~~
6. ~~Final environmental impact statement (FEIS). (Ord. 04-1008 § 2; Ord. 90-1061 § 10. Formerly 13.30.100)~~

16A.23.110 Timing of Decision on Nonexempt Action

A. For nonexempt actions, the procedural requirements of SEPA, the SEPA rules and this chapter shall be completed prior to the City's issuance of a license, permit, or other approval, and prior to the City committing to a particular course of action, or prior to the City making a decision which would either have adverse environmental impacts, or limit the choice of reasonable alternatives.

B. A final decision on a nonexempt action for which a DNS has been issued or an EIS has been required shall not be made until after expiration of the environmental appeal period.

Notwithstanding the foregoing, a final decision need not be made during pendency of any appeal if deemed appropriate by the City or if an injunction be issued by a court of competent jurisdiction. (Ord. 04-1008 § 2; Ord. 00-1036 § 2; Ord. 90-1061 § 11. Formerly 13.30.110)

16A.23.120 Authority to Condition or Deny Proposals

A. The policies and goals set forth and referenced by this chapter are supplementary to other zoning, land use, and regulatory ordinances of the City.

B. The City may attach conditions to a permit or approval so long as:

1. Such conditions are necessary to mitigate probable significant adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
2. Such conditions are in writing; and
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
4. The City has considered whether other local, state, or federal mitigation measures applicable to the proposal are sufficient to mitigate the identified impacts; and
5. Such conditions are based on one or more policies, plans, rules or regulations designated in SMC ~~16A.23.030~~ 16A.23.130 as a basis for the exercise of substantive SEPA authority, and cited in the license, permit, ordinance, or other decision document.

C. The City may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approval would result in probable significant adverse environmental impacts which are identified in a final EIS prepared pursuant to this chapter; and
2. A finding is made that there are no reasonable mitigation measures capable of being accomplished which are sufficient to make the identified impacts nonsignificant; and

3. The denial is based on one or more policies, plans, rules, or regulations designated in SMC ~~16A.23.030~~ 16A.23.130 as a basis for the exercise of substantive SEPA authority, and cited in the license, permit, ordinance or other decision document.

D. If the ~~lead agency~~ City determines, after the initial review of a project, that a proposed action could not comply with adopted plans, policies, rules or regulations, and where the City has authority other than SEPA to deny the proposal, the project can be denied outright without making a threshold determination, which denial shall be in writing. Proposed actions which are subsequently modified, amended, or deemed to be consistent with adopted plans, policies, rules or regulations shall not receive final approval until the proposed action is in full compliance with SEPA, the SEPA rules, and this chapter.

E. Where the responsible official has issued a mitigated DNS, the decision maker shall not approve the proposal until:

1. The proponent has modified the proposal, either through modification of plans and other application materials or through a separate written instrument attached to the application, such that the mitigating measures of the mitigated DNS become part of the proposal; or
2. The decision maker has incorporated the mitigating measures of the mitigated DNS into the license, permit, ordinance or other approval; or
3. A combination of the aforesaid.

F. Where mitigating measures are agreed to, or imposed, and where the proponent fails to implement such mitigating measures, the City shall have the authority to revoke any permit, license or other approval granted on the basis of such mitigating measures. (Ord. 04-1008 § 2; Ord. 90-1061 § 12. Formerly 13.30.120)

16A.23.130 Substantive Authority

The City adopts by reference the following policies, plans, rules and regulations, as now existing or as may subsequently be amended, as a basis for the exercise of substantive authority to approve, condition or deny proposed actions under RCW 43.21C.060 of SEPA:

- A. City of SeaTac Comprehensive Plan;
- B. City of SeaTac Shoreline Management Master Program;
- C. City of SeaTac Municipal Code;
- D. King County Surface Water Design Manual, together with City of SeaTac Addendum;
- E. King County Road Construction Standards;
- F. Des Moines Creek Restoration Plan;
- G. State Growth Management Legislation or Initiatives;
- H. City of SeaTac Parks, Recreation and Open Space Plan;
- I. City of SeaTac ~~Comprehensive~~-Transportation Master Plan;
- J. SeaTac Subarea Plans and Policies. (Ord. 14-1007 § 1; Ord. 04-1008 § 2; Ord. 90-1061 § 13. Formerly 13.30.130)

16A.23.140 City Responsibilities as Consulted Agency

In carrying out the City's duties as a consulted agency, the responsible official shall request information from any department potentially affected by or having expertise on a proposal. Information timely received by the responsible official in response to such request shall be transmitted to the lead agency. The responsible official may transmit such information by forwarding copies of any department responses, or by consolidating all department responses into a single City response. (Ord. 04-1008 § 2; Ord. 90-1061 § 14. Formerly 13.30.140)

16A.23.150 Environmental Appeals

Any person aggrieved by a final threshold determination of significance, final determination of nonsignificance, or inadequacy of a final EIS may file an appeal with the City of SeaTac Hearing Examiner. Appeal of intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed. (Ord. 04-1008 § 2; Ord. 90-1061 § 15. Formerly 13.30.150)

16A.23.155 Content of Appeals

All appeals shall be in writing and contain the following information:

- A. The basis for the appellant's standing, including:
 - 1. How the appellant's interests are arguably within the zone of interests protected by SEPA; and
 - 2. How the SEPA decision being appealed will cause the appellant injury-in-fact. If the alleged injury-in-fact has not already occurred, the appellant must set forth facts establishing the immediate, concrete, and specific future injury-in-fact that will occur to the appellant as a result of the SEPA determination under appeal.
- B. The specific alleged errors in the SEPA decision being appealed;
- C. The relief requested; and
- D. The signature, address, and phone number of the appellant and the name and address of the petitioner's designated representative, if any. (Ord. 04-1008 § 2; Ord. 98-1052 § 3. Formerly 13.30.155)

16A.23.160 Time Limitation on Appeals

A written notice of appeal identifying the grounds for appeal must be filed with the City Clerk within ten (10) days of the date of issuance of the final threshold determination of significance, final determination of nonsignificance, or final EIS.

- A. An appellant intending to offer additional written documentation in support of its position must file any such material with the City Clerk's office within fourteen (14) days of filing the initial appeal. Documents not so filed with the City Clerk's office shall not be admitted at the time of the hearing.
- B. Any party, other than the appellant, wishing to submit written documentation either in support of, or in opposition to, the appeal shall file any written material with the City Clerk's office within ten (10) days of publication of the public hearing notice. (Ord. 04-1008 § 2; Ord. 03-1020 § 13; Ord. 00-1036 § 3; Ord. 98-1052 § 4; Ord. 90-1061 § 16. Formerly 13.30.160)

16A.23.170 Fee to Accompany Notice of Appeal

A fee as specified in the City's schedule of fees shall accompany the written notice of appeal and be filed within the appeal period with the City Clerk. No notice of appeal shall be accepted unless accompanied by full payment of the filing fee. This fee shall be utilized to cover publication costs, mailing, and other costs directly associated with the appeal. (Ord. 04-1008 § 2; Ord. 00-1036 § 4; Ord. 98-1052 § 5; Ord. 90-1061 § 17. Formerly 13.30.170)

16A.23.180 Notice of Hearing

Notice of appeal, timely filed, shall be transmitted by the City Clerk to the Hearing Examiner and the SEPA responsible official. ~~The Hearing Examiner shall determine the date, time, and place of a public hearing to consider the appeal, and shall notify the parties thereof.~~ The public hearing notice shall be published, posted, and mailed to parties of record, and, if applicable, to adjacent property owners, not less than thirty (30) days prior to the public hearing. (Ord. 04-1008 § 2; Ord. 00-1036 § 5; Ord. 90-1061 § 18. Formerly 13.30.180)

16A.23.190 Public Hearing

A public hearing upon appeal of a threshold determination shall be conducted by the Hearing Examiner. (Ord. 04-1008 § 2; Ord. 90-1061 § 19. Formerly 13.30.190)

16A.23.200 Testimony – Recording

All testimony taken at any public hearing shall be taken under oath. The hearing shall be recorded electronically. (Ord. 04-1008 § 2; Ord. 90-1061 § 20. Formerly 13.30.200)

16A.23.210 Substantial Weight – Burden of Proof

A threshold determination by the responsible official is entitled to substantial weight. The burden shall be on the appellant to establish that the determination is in error. (Ord. 04-1008 § 2; Ord. 90-1061 § 21. Formerly 13.30.210)

16A.23.220 Decision of the Hearing Examiner

Upon the basis of all of the information received in public hearing, and all information relied upon by the responsible official, the Hearing Examiner shall prepare a written decision, including findings of fact and conclusions. (Ord. 04-1008 § 2; Ord. 90-1061 § 22. Formerly 13.30.220)

16A.23.230 Dismissal of Appeal

The Hearing Examiner may summarily dismiss an appeal without hearing when such appeal is determined by the Hearing Examiner to be without merit on its face, frivolous, or brought merely to impede a proposal or secure a delay. (Ord. 04-1008 § 2; Ord. 90-1061 § 23. Formerly 13.30.230)

16A.23.240 Council Review—Limitations for Appeals

Repealed by Ord. 98-1052. (Ord. 90-1061 § 24. Formerly 13.30.240)

16A.23.250 Superior Court Review – Limitations for Appeal

The decision of the Hearing Examiner on appeal from a threshold determination may be appealed only to Superior Court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075, the State Environmental Policy Act. Any such appeal must be brought within the timelines specified in RCW 36.70C.040. (Ord. 04-1008 § 2; Ord. 03-1020 § 14; Ord. 98-1052 § 7; Ord. 90-1061 § 25. Formerly 13.30.250)

**Chapter 16A.25
COMPREHENSIVE PLAN**

Sections:

- 16A.25.010 Purpose
- 16A.25.020 Comprehensive Plan Adopted
- 16A.25.030 Early and Continuous Public Participation
- 16A.25.040 Amendments and Exceptions

16A.25.010 Purpose

The City of SeaTac Comprehensive Plan establishes the principles, goals, objectives and policies guiding future development of the City in compliance with Chapter 36.70A RCW, the Washington State Growth Management Act. The purpose of this chapter is to identify those elements that comprise the Comprehensive Plan and to provide for the establishment of procedures for review and amendment of the Plan. (Ord. 14-1007 § 2)

16A.25.020 Comprehensive Plan Adopted

A. The City of SeaTac Comprehensive Plan, initially adopted in December 1994 to comply with the Growth Management Act and as periodically amended thereafter, is hereby adopted by reference.

B. The Comprehensive Plan consists of the following:

1. City of SeaTac Comprehensive Plan, Volumes 1 and 2;
2. City of SeaTac Shoreline Master Program;
3. City Center Plan, ~~December 1999~~;
4. South 154th St. Station Area Action Plan;
5. Angle Lake District Station Area Plan;
56. City of SeaTac Parks, Recreation and Open Space Plan;
76. City of SeaTac ~~Comprehensive~~ Transportation Master Plan. (Ord. 14-1007 § 2)

16A.25.030 Early and Continuous Public Participation

A. The City of SeaTac encourages early and continuous public participation in the comprehensive planning process and in other City-initiated planning programs that may be carried out under the overall framework of the plan.

B. The Community and Economic Development Director shall establish and broadly disseminate information regarding the Comprehensive Plan amendment process. (Ord. 14-1007 § 2)

16A.25.040 Amendments and Exceptions

A. Pursuant to Resolution 97-001, the Comprehensive Plan may only be amended pursuant to procedures established by the Community and Economic Development Director and no more frequently than once each calendar year, except as provided in subsection (C) of this section.

B. All amendments shall be considered concurrently so as to assess their cumulative impact.

C. Exceptions. Pursuant to Chapter 35A.70 RCW, under the following circumstances, amendments to the Comprehensive Plan may be processed separately and in addition to the established amendment cycle:

1. If an emergency exists, which is defined as an issue of community-wide significance that addresses the public health, safety, and general welfare;
2. To resolve an appeal of a comprehensive plan filed with the Growth Management Hearings Board or with the court;
3. To adopt or amend the Shoreline Master Program under the procedures set forth in Chapter 90.58 RCW;
4. The initial adoption of a subarea plan or new element to the Comprehensive Plan;
5. An amendment of the Capital Facilities Plan may occur concurrently with the adoption or amendment to the City budget. (Ord. 14-1007 § 2)

APPENDICES

Appendix I – City of SeaTac Permits by Department and Type

Permits/Actions	Type I	Type II	Type III
Building Services Division			
Electrical	X		
Mechanical	X		
Plumbing	X		
Building	X		
Engineering Review Division			
Grading and Drainage (STE permit)	X		
Right-of-Way Use	X		
Engineering Variance	<u>X</u>		

Permits/Actions	Type I	Type II	Type III
Fire Department			
Fire Alarm Permits	X		
Fire Suppression System	X		
Fuel Storage Tank	X		
Other Fire Code Permits	X		
Planning Division			
Home Occupation	X		
Lot Line Adjustment	X		
Separate Lot <u>Determination</u>	X		
<u>Shorelines Exemption</u>	<u>X</u>		
Sign	X		
Site Plan Review, Type I	X		
Temporary Use	X		
Administrative Variance		X	
Conditional Use Permit (CUP) Minor, Administrative		X	
Shoreline Exemption Preliminary Site Plan	X	-X	
<u>Public Utility Exception to CAO</u>		<u>X</u>	
Short Plat		X	
Site Plan Review, Type II	-	X	-
<u>Special Home Occupation (SHOP)</u>		<u>X</u>	
<u>Reasonable Use Exception to CAO</u>		<u>X</u>	
Conditional Use Permit (CUP) Major			X
CUP – Essential Public Facility (EPF)			X

Permits/Actions	Type I	Type II	Type III
Planned Unit Development (PUD)			X
Rezone: Owner-Initiated			X
Shoreline Substantial Development			X
Special Home Occupation	-	-	X
Subdivision			X
Variance			X
Variance (Sign)			X

Appendix II – City of SeaTac Permit Review and Public Notice Procedures

Permit Type	Permits/Actions	Determination of Completeness		Notice of Application		Notice of Public Hearing		Decision Made by		Notice of Decision		Appeal Heard by
		RCW	36.70B.070	RCW	36.70B.110	SMC	16A.13.010	Decision Made by	RCW	36.70B.130		
Type I	Electrical	No		No		N/A		City staff	No		Hearing Examiner	
	Fire Code Permits	No		No		N/A		City staff	No		Hearing Examiner	
	Fuel Storage Tank	No		No		N/A		City staff	No		Hearing Examiner	
	Mechanical	No		No		N/A		City staff	No		Hearing Examiner	
	Plumbing	No		No		N/A		City staff	No		Hearing Examiner	
	Building	No		No		N/A		City staff	No		Hearing Examiner	

Permit Type	Determination of Completeness	Notice of Application	Notice of Public Hearing	Decision Made by	Notice of Decision		Appeal Heard by
					RCW	SMC	
Permits/Actions	RCW 36.70B.070	RCW 36.70B.110	SMC 16A.13.010	Decision Made by	RCW 36.70B.130		
Grading and Drainage	No	No	N/A	City-staff	No		Hearing Examiner
Right-of-Way Use	No	No	N/A	City-staff	No		Hearing Examiner
Home-Occupation	No	No	N/A	City-staff	No		Hearing Examiner
Lot-Line Adjustment	No	No	N/A	City-staff	No		Hearing

Permit Type	Determination of Completeness	Notice of Application	Notice of Public Hearing	Decision Made by	Notice of Decision		Appeal Heard by
					RCW	RCW	
Permits/Actions	RCW 36.70B.070	RCW 36.70B.110	SMC 16A.13.010	Decision Made by	RCW 36.70B.130		
Separate Lot Determination	No	No	N/A	City-staff	No		Hearing Examiner
Shoreline Exemption	No	No	N/A	City-staff	No		Hearing Examiner
Sign	No	No	N/A	City-staff	No		Hearing Examiner
Site Plan Review—Planning review of Type I permits that do not require SEPA	No	No	N/A	City-staff	No		Hearing Examiner
Temporary Use	No	No	N/A	City-staff	No		Hearing Examiner
Administrative Variance	Yes	within 300 feet	N/A	City staff	Yes		Hearing Examiner

Permit Type	Permits/Actions	Determination of Completeness		Notice of Application		Notice of Public Hearing		Decision Made by		Notice of Decision		Appeal Heard by	
		RCW	36.70B.070	RCW	36.70B.110	SMC	16A.13.010	Decision Made by	RCW	36.70B.130	RCW	36.70B.130	Hearing Examiner
	Conditional Use Permit (CUP) Minor	Yes		within 300 feet	N/A	City-staff	Yes	Hearing Examiner					
	Short Plat	Yes		within 300 feet	N/A	City-staff	Yes	Hearing Examiner					
	Site Plan Review - Planning review of all Type I permits requiring SEPA	Yes		within 300 feet	N/A	City-staff	Yes	Hearing					
Type III	Binding Site Plan	Yes		within 500 feet	within 500 feet	Hearing Examiner	Yes	Superior Court					

Permit Type	Determination of Completeness	Notice of Application		Notice of Public Hearing		Decision Made by	Notice of Decision		Appeal Heard by
		RCW	RCW	SMC	SMC		RCW	RCW	
Permits/Actions	RCW 36.70B.070	36.70B.110	16A.13.010	Decision Made by	RCW 36.70B.130	Yes	Yes	Superior Court	
Conditional Use Permit (CUP) Major	Yes	within 500 feet	within 500 feet	Hearing Examiner	Yes	Yes	Superior Court		
CUP—Essential Public Facility (EPF)	Yes	within 1,000 feet	within 1,000 feet	H. E. or City Council	Yes	Yes	Superior Court		
Planned Unit Development (PUD)*	Yes	within 500 feet	within 500 feet	Hearing Examiner	Yes	Yes	City Council		
Rezone: Owner-Initiated	Yes	within 500 feet	within 500 feet	Hearing Examiner	Yes	Yes	City Council		
Shoreline Substantial Development	Yes	within 500 feet	within 500 feet	Hearing Examiner	Yes	Yes	Superior Court		
Special Home Occupation	Yes	within 500 feet	within 500 feet	Hearing Examiner	Yes	Yes	Superior Court		
Subdivision*	Yes	within 500 feet	within 500 feet	Hearing Examiner	Yes	Yes	City Council		

Permit Type	Permits/Actions	Determination of Completeness		Notice of Application		Notice of Public Hearing		Decision Made by		Notice of Decision		Appeal Heard by
		RCW	36.70B.070	RCW	36.70B.110	SMC	16A.13.010	Decision	Made by	RCW	36.70B.130	
				feet		feet		Examiner				
	Variance	Yes		within 500 feet		within 500 feet		Hearing Examiner	Yes		Superior Court	
	Variance (Sign)	Yes		within 500 feet		within 500 feet		Hearing Examiner	Yes		Superior Court	

*For planned unit developments and subdivisions, the notices shown are for the preliminary plat. The final plat does not have separate DOC or NOA notices. The decision of whether to approve the final plat is made by the City Council at a public meeting (not a formal public hearing) and is appealable to Superior Court.

Section 2. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Commerce within ten (10) days after its adoption, and to the King County Assessor.

Section 3. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

ADOPTED this ____ day of _____, 2017, and signed in authentication thereof on this _____ day of _____, 2017.

CITY OF SEATAC

Michael Siefkes, Mayor

ATTEST:

Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney

