

PERMIT PROCESSING CODE AMENDMENTS

SUMMARY OF CODE AMENDMENTS IN THIS DOCUMENT:

Along with the Growth Management Act (RCW 36.70A), the Local Project Review Act (RCW 36.70B) provides a guide to jurisdiction on how to conduct planning activities. The Local Project Review Act is focused on how permits (construction and land use decisions) are reviewed. In 2023, Senate Bill 5290 updated portions of the Local Project Review Act (RCW 36.70B) with the intent to strengthen and improve review and permitting, with an emphasis on housing development.

SB 5290 sets a deadline of January 1, 2025, for cities to adopt updates to its processing codes to meet this new legislation. These proposed permit processing code amendments are included in the Public Review Draft document for the Envision 2044 project to meet this deadline. Additional process related changes beyond those required by the State are being proposed to create more clarity and efficiency in the permitting process.

OVERVIEW OF KEY AMENDMENTS:

- 1. Complete Application Review:** All applications will be reviewed for completeness by the Permit Center within 28 days of submittal on our LAMA database portal. Applications will be deemed complete if all the items listed on the application checklist are provided.
- 2. Development Review Timelines:** Project permits are subject to a strict deadline for review based on how much public notice is required for the project. This ranges from 85 days to 170 days of city review. This does not include time when the project is back with the application for corrections. Project permits are typically land use cases such as short plats, preliminary site plan review, conditional use permits.
- 3. Expiration of Applications and Permits:** Consistent and clear expiration provisions are provided for all development review cases. This includes incomplete applications and issued permits.
- 4. Appeals:** All appeals are heard by the Hearing Examiner.
- 5. Out-of-date provisions:** Many of the city's permit processing code has not been updated in more than 10 years, nor does the current code reflect the technology of electronic plan and permit review. Out of date processes are removed or re-vamped to meet existing operations.

Title 16A

DEVELOPMENT REVIEW CODE

Table of Contents

16A.03	General Provisions
16A.05	Project Permit Applications
16A.07	Determination of Completeness
16A.09	Notice of Application
16A.11	Permit Application Review
16A.13	Public Hearings
16A.15	Notice of Decision
16A.17	Appeals
16A.19	Optional Consolidated Project Review Process
16A.21	Development Regulations – Amendment Procedures
16A.23	Environmental Rules/Procedures
16A.25	Comprehensive Plan
	Appendix I
	Appendix II

Chapter 16A.03

GENERAL PERMIT PROCESSING 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 0, 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.

16A.03.020 Definitions

Definitions in this section apply to Title 16A.

- A. “Applicant” means the property owner and/or the person or entity who submits a permit application.
- B. “Construction permit” means those permits and approvals that authorize construction work.
- C. “Days” means calendar days, unless otherwise specified.

~~C-D.~~ “Development standards” means standards, rules and regulations set forth in the following titles of the SeaTac Municipal Code:

1. Chapter 11.05 SMC, Road Standards
2. Chapter 11.10 SMC Right-of-Way use Code
- ~~3.~~ SMC Title 12, Public Utilities.
- ~~4.~~ SMC Title 13, Buildings and Construction.
- ~~3-5.~~ SMC Title 14, Subdivisions.
- ~~4-6.~~ SMC Title 15, Zoning Code.
- ~~5-7.~~ SMC Title 17, Crime Prevention Through Environmental Design (CPTED).
- ~~6-8.~~ SMC Title 18, Environmental Code.

E. “Director” means the Community and Economic Development Director or his/her designee.

~~D-F.~~ “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.

~~E-G.~~ “Preapplication meetings” means meetings between City staff, 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.

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

~~G.I.~~ “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 I ~~H, 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.)~~ Project permits do not authorize construction.

~~H.J.~~ “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.

~~I.~~ 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.

16A.03.030 Administration and Review Authority

The Director is Responsibility responsible 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 II, 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 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/Procedures, SMC Title 14, Subdivisions, SMC Title 15, Zoning Code, Chapter 18.05 SMC, Shoreline Master Program, 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 and 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 this title, amendments to SMC Title 14, Subdivisions, amendments to SMC Title 15, Zoning Code, and amendments to Chapter 18.05 SMC, Shoreline Master Program.~~

~~G.A.~~ The Hearing Examiner shall review and act on Type III permits, and appeals of Type 0, I and Type II permits.

~~H.B.~~ Requests for code interpretations shall be made in writing to the ~~responsible City official~~ Director. Interpretations of regulations will be issued by the City within ~~thirty (30)~~ eighty-five (85) days of a written request for such an interpretation. Code interpretations may be appealed to the Hearing Examiner pursuant to SMC 16A.17.

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 AND CONSTRUCTION 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~~ Vesting of Applications

16A.05.010 General

A. ~~Project p~~ Permit applications shall be processed as Type 0, I, II, or III applications, consistent with this Title and Appendix II. A current listing of permit applications subject to these procedures is contained in Appendix I. The following generally describes the permit types:

1. Type 0 permits are construction permits required by SMC Title 13 Buildings and Construction and Chapter 11.10 Right-of-Way use Code.

~~1.2.~~ Type I permits are project permits ~~and actions~~ not required to provide notice to the public under State law such as building permits and, where environmental review is not required or was done under another permit application (see Appendix I).

~~2.3.~~ Type II permits are project permits required under State law to provide a notice of application to surrounding properties the public.

~~3.4.~~ Type III permits are project permits that require a public hearing before the City's Hearing Examiner.

B. Where a project ~~action~~ requires more than one (1) Type I, II, or III application, all applications required may be submitted at one (1) time under a consolidated review process specified in ~~Chapter 16A.19 SMC subsection C of this section~~.

C. Consolidated Review Process. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or may be processed individually under each of the application procedures identified in Appendix II. The applicant may determine whether the application will be processed collectively or individually. If the applications are processed individually, the highest numbered type procedure shall be undertaken first, followed by the other procedures in sequence from the highest numbered to the lowest.

D. Applications processed in accordance with subsection C of this section which have the same procedure number, but are assigned to different decisionmakers, shall be heard collectively by the Hearing Examiner.

16A.05.020 Preapplication Meetings

Applicants for all Type III permits are required to attend a preapplication meeting. Additionally, applicants for some Type 0, I and II permits may be required, or may request, to undergo preapplication review, depending on the magnitude and impact of the proposal.

16A.05.030 Procedural Submission Requirements and Submittal

A. A completed application for a construction or 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 materials for each project type and specific submittal requirements related to each application are available from the responsible City department.

16A.05.040 Expiration of Application

A. Absent statute or ordinance provisions to the contrary, any ~~complete project permit~~ application for which ~~no substantial step has been taken to meet project approval requirements~~ has been nonresponsive per SMC 16.15.010 for a period of ~~one hundred eighty (180)~~ ninety (90) days after receipt, or for a period of ~~one hundred eighty (180)~~ ninety (90) 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 (1) time basis per application if the failure to take a substantial step was due to circumstances beyond the control of the applicant. The extension request must be requested prior to the expiration date.

B. For any applications and permits required by Title 11 or Title 13, expiration of applications shall be governed by Section 13.100.

16A.05.050 ~~Standard of Review~~ Vesting of Applications

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~~ vest the application.

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 chapter shall apply to all Type 0, I, II and III permit applications.

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.

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. The applicant for a permit shall have the burden of demonstrating that the proposed development complies with the applicable regulations and decision criteria.

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

1. A fully completed, ~~signed, and~~ acknowledged, and submitted 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 and submitted environmental checklist for projects subject to review under the State Environmental Policy Act.
- ~~3. The information specified for the desired project as established by the Director.~~
- ~~4. Any supplemental information or special studies identified as necessary for the review.~~
3. Payment of all fees required at the time of application.

C. Determination of Completeness. An application shall be deemed complete as follows:

1. Upon issuance of a Determination of Completeness by the city;
2. A permit application shall be deemed procedurally complete on the 29th day after submittal of a permit application if the City does not provide a written determination to the applicant that the application is incomplete as provided in this section; or,

3. Fourteen (14) days after the applicant has submitted additional information identified by the City as being necessary for a complete application, provided the City has not issued a notice of incomplete application as provided in subsection (D).

D. Incomplete Applications.

1. Whenever the applicant receives a determination from the city that the application is incomplete per SMC 16A.070.020 (B) the applicant shall have 28 days to submit the necessary information.
2. 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. If additional information is necessary, the city will provide the applicant with a final notice of an incomplete application.
3. If the applicant does not submit the additional information requested within twenty-eight (28) days after the final notice of incomplete applications, the application will expire by limitation and become null and void.
4. If, upon request for fee payment, an applicant fails to pay within twenty-eight (28) days, the application will expire by limitation and become null and void.

E. For purposes of this Section “submitted” means when either the “application submitted” or “correction submitted” event status is LAMA permit database is changed from pending to complete. This correlates to when the applicant clicks the submit button on the LAMA permit portal.

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.

16A.09.020 Contents

In addition to the requirements of RCW 36.70B.110, 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.

16A.09.030 Distribution

The notice of 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 Director](#) or his/[her](#) designee.

1. The City Manager Director or his/her 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~~until the end of the comment period, or after the public hearing or appeal period if applicable.
3. The “notice board” shall be of a size and design as specified by the City Manager Director or designee.
4. The ~~property owner or his/her representative~~applicant 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~~applicant 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 based on the standards set forth below and in Appendix II.

1. 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.

Chapter 16A.11

PROJECT 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 project permit 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.

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 pursuant to Chapter 16A.07 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-correction 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.—~~

C. Decisions. Decisions on project permit applications shall be issued in accordance with Chapter 16A.15 SMC.

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-construction permits. 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.~~

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;
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 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.

16A.13.020 Procedure for Public Hearing

A. Public hearings shall be conducted in accordance with the Hearing Examiner's rules of procedure and shall serve to create or supplement an evidentiary record upon which the Examiner will base his/her decision.

B. Before rendering a decision on any application or appeal, the Hearing Examiner shall hold a public hearing.

C. Whenever a project requires more than one (1) project permit or approval, the Hearing Examiner shall order a consolidation of and conduct the required public hearings to avoid unnecessary costs or delays. Decisions of the Hearing Examiner to order and conduct consolidated hearings shall be final in all cases.

D. **Department Report.** When an application or appeal has been set for public hearing, the Department shall coordinate and assemble the reviews of other City departments and governmental agencies having an interest in the subject application or appeal and shall prepare a report summarizing the factors involved and the Department's findings and recommendation or decision. At least seven (7) days prior to the scheduled hearing, the report, and in the case of appeals, any written appeal arguments submitted to the City, shall be filed with the Hearing Examiner and copies thereof shall be transmitted to all persons of record who have not previously received said materials.

E. Hearing Examiner Decisions.

1. Each decision of the Hearing Examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision.
2. The Hearing Examiner’s findings and conclusions shall implement and enforce applicable State laws and regulations and the regulations, policies, objectives and goals of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other official laws, policies and objectives of the City, and that the decision will not be unreasonably incompatible with, or detrimental to, affected properties and the general public.
3. The Hearing Examiner shall accord substantial weight to the Director’s recommendation.

F. Hearing Examiner Actions. Within ten (10) working days of the conclusion of a hearing or rehearing, the Hearing Examiner shall render a written recommendation or decision and shall transmit a copy thereof to the Department. The Department shall then transmit a copy of the decision to all parties of record.

1. The Examiner’s decision may be to grant or deny the application or appeal, or the Hearing Examiner may grant the application or appeal with such conditions, modifications, and restrictions as he/she finds necessary to make the application or appeal compatible with the environment, and carry out applicable State laws and regulations, and the regulations, policies, objectives and goals of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other ordinances, policies and objectives of the City.
2. Performance bonds or equivalent measures may be required to ensure compliance with the conditions, modifications and restrictions of this code.

Chapter 16A.15

NOTICE OF DECISION

Sections:

- 16A.15.010 General
- [16A.15.015 Time Limit for Decisions](#)
- 16A.15.020 Contents
- 16A.15.030 Distribution
- [16A.15.040 Duration and Expiration of Decisions](#)

16A.15.010 General

A. Applicability. The City will issue a notice of decision for all Type I, II and III permit applications.

B. A notice of decision is issued by a City department or the Hearing Examiner at the conclusion of the permit application review process. The notice of decision may be the decision report, [administrative decision](#), or the issuance of the project permit. 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 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.~~

~~e.— 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.~~

~~3.— The time limit 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 36.704.350, 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;~~

~~e.— 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.~~

~~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.~~

16A.15.015 Time Limits for Decision

A. A notice of decision will be issued within the time period specified below, except as provided for in subsections (B-D) of this section:

1. Type I Project Permits: Within eighty-five (85) calendar days of determination of complete application.
2. Type II Project Permits: Within one hundred and thirty-five (135) calendar days of determination of complete application.
3. Type III Project Permits: Within one hundred and seventy (170) calendar days of determination of complete application.
4. For multiple project permits that have been consolidated for review under SMC 16A.05.010(C): Within one hundred and seventy (170) calendar days of determination of complete application.

B. The following time periods shall be exempt from the calculation of the time limits in subsection (A) of this section:

1. Any period between the day that the city has notified the applicant, in writing, that additional information, plan correction, or studies are required to further process the application and the day when responsive information is resubmitted by the applicant.
2. Any period after an applicant informs the city, in writing, that they would like to temporarily suspend review of the application until the time that the applicant notifies the local government, in writing, that they would like to resume the application. The city may set conditions for the temporary suspension of the application.
3. Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal for the city to issue the decision.
4. Any extension for any reasonable period of time mutually agreed upon in writing between the applicant and the city.

C. Any written notice from the city to the applicant that additional information is required to further process the application will include a notice that nonresponsiveness for 60 consecutive days will result in 30 days being added to the time for review. For the purposes of this subsection, "nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the city, or that there is no ongoing communication from the applicant to the city on the applicant's ability or willingness to provide the additional information.

D. An additional 30 days will be added to the time limits of subsection A, if:

1. At any time, an applicant informs the local government, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or
2. If an applicant is not responsive for more than 60 consecutive days after the city has notified the applicant, in writing, that additional information is required to further process the application.

E. The time limits established by subsections (A) of this section do not apply if a project permit application:

1. Requires an amendment to the comprehensive plan or a development regulation.
2. Requires approval of a new fully contained community as provided in RCW 36.704.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in SMC 15.115.040 and RCW 6.70A.200.
3. Is substantially revised by the applicant, in which case the time period shall start over from the date at which the revised project application is determined to be complete under Chapter 16A.07 SMC. This includes if the applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use.

E. 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.

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/or 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.

16A.15.030 Distribution

- A. The review authority shall provide the notice of decision by first class mail or email 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.

16A.15.040 Duration and Expiration of Decision

- A. Unless otherwise provided for in the SeaTac Municipal Code, a Notice of Decision shall be valid for three (3) years.
- B. For multiple project permits that have been consolidated for review under SMC 16A.05.010(C), the project permit with the longest approval duration shall govern all project permits.
- C. All project permit decisions become null and void and expire at the end of the approval period if, on the date the decision expires, a complete application for subsequent construction permit has not been submitted.
- D. A complete application for subsequent construction permit(s) will extend the validity of said project permit if the construction permit(s) have not expired.
- E. For project permits which do not require a construction permit, the project permit does not expire if the use allowed by the project permit has been legally established prior to the expiration date of the project permit.
- F. Once a use or development has been legally established, the project permit will remain valid as long as the use and development are in compliance with the terms of the project permit.

Chapter 16A.17

APPEALS

Sections:

16A.17.010	Standing
16A.17.015	Notice of Appeal to Hearing Examiner
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.17.060	Contents
16A.17.070	Appeal Briefs
16A.17.080	Notice of Appeal Hearings
16A.17.085	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 chapter 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.

16A.17.015 Notice of Appeal to Hearing Examiner.

All notices of appeal regarding any decision being appealed to the Examiner shall be filed with the City Clerk only on forms provided by the City Clerk within fourteen (14) days from the date of the decision, unless a longer period is provided for in the municipal code, together with a filing fee in the amount specified in the City's schedule of fees by resolution of the City Council.

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

An appeal of a SEPA decision shall be governed by SMC 16A.23.150 through 16A.23.250.

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

Administrative interpretations, administrative approvals, and Type 0, 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.~~

16A.17.040 Appeal of Hearing Examiner Decisions

Decisions of the Hearing Examiner may be appealed to King County Superior Court pursuant to this chapter, except that decisions relating to matters governed by the State Shorelines Management Act shall be appealed to the State Shorelines Hearing Board as specified in SMC 18.05.490.

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 appeal fee.

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.

16A.17.080 Notice of Appeal Hearings

If an administrative decision is appealed to the Hearing Examiner, 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 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.

16A.17.085 Appeal Hearings

A. The procedures for an appeal hearing shall be the same as for a public hearing in SMC 16A.13.020, unless the Hearing Examiner provides alternative procedures in writing to all parties of the appeal.

B. The appeal hearing shall be electronically recorded and each party shall have the right to call and cross-examine witnesses.

16A.17.090 Motion for Reconsideration

A party may seek reconsideration of a final decision by filing a written request with the Hearing Examiner within five (5) working days of the final decision. The Hearing Examiner shall consider 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 Hearing Examiner may immediately revise and reissue his/her decision. Reconsideration 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.

16A.17.100 Judicial Appeal

A. A final land use decision of the Hearing Examiner 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.

~~Chapter 16A.19~~

~~OPTIONAL CONSOLIDATED PROJECT REVIEW PROCESS~~

~~Sections:-~~

~~16A.19.010 — General~~

~~16A.19.020 — Contents~~

Chapter is repealed.

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, but not limited to, applicants, citizens residents, 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~~030, 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. Subdivision ordinances.

B. A development regulation does not include a project-construction permit or project permit application as defined in RCW 36.70B.020 SMC 16A.03.020, including but not limited to:

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 Zone Reclassifications (rezones) consistent with SMC 15.115.

16A.21.020 Development Regulations – Review Procedures

A. Suggested amendments from interested persons, ~~including citizens, applicants, the SeaTac Hearing Examiner and the staff of other agencies~~ shall be docketed and considered on 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 conducts 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.

Chapter 16A.23

ENVIRONMENTAL RULES/PROCEDURES

Sections:

16A.23.010	Authority
16A.23.020	Adoption by Reference
16A.23.030	Additional Definitions – CHANGES TO THIS SECTION ONLY
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 - CHANGES TO THIS SECTION ONLY
16A.23.110	Timing of Decision on Nonexempt Action
16A.23.120	Authority to Condition or Deny Proposals
16A.23.130	Substantive Authority - CHANGES TO THIS SECTION ONLY
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 - CHANGES TO THIS SECTION ONLY
16A.23.170	Fee to Accompany Notice of Appeal
16A.23.180	Notice of Hearing
16A.23.190	Public Hearing - CHANGES TO THIS SECTION ONLY
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.23.250	Superior Court Review – Limitations for Appeal

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 codified in Chapter 1.20 SMC.
- 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.~~

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~~ [the environmental checklist](#), 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 is to make a decision on a nonexempt action, the responsible official shall transmit to the Examiner a copy of the following:
1. Environmental checklist.
 2. 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.

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 Transportation Master Plan;
- J. SeaTac Subarea Plans and Policies.
- [K. City of SeaTac Stormwater Comprehensive Plan](#)
- [L. City of SeaTac Housing Action Plan](#)

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)~~ [twenty-one \(21\)](#) 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.

16A.23.190 Public Hearing

A public hearing upon appeal of a threshold determination shall be conducted by the Hearing Examiner. [The appeal hearing shall be consolidated with any open record hearing on the project permit.](#)

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

NO CHANGES PROPOSED

APPENDICES

Appendix I – City of SeaTac Permits by Department Division and Type

Permits/Actions	<u>Type 0</u>	Type I	Type II	Type III
Building Services Division				
Electrical	<u>X</u>	X		
Mechanical	<u>X</u>	X		
Plumbing	<u>X</u>	X		
Building	<u>X</u>	X		
Engineering Review Division				
Grading and Drainage (STE permit)	<u>X</u>	X		
Right-of-Way Use	<u>X</u>	X		
Noise Variance	<u>X</u>			
<u>Wireless Communication Facilities – Small Wireless Facilities</u>	<u>X</u>			
Engineering Variance		X		
Concurrency Determination		X		
Fire Department				
Fire Alarm Permits	<u>X</u>	X		
Fire Suppression System	<u>X</u>	X		
Fuel Storage Tank	<u>X</u>	X		
Other Fire Code Permits	<u>X</u>	X		
Planning Division				
<u>Zoning Compliance Letter</u>	<u>X</u>			
Departures		X		
Home Occupation		X		
Lot Line Adjustment		X		
Separate Lot <u>Legal Lot Separation</u>		X		
Shorelines Exemption		X		
Sign		X		
Temporary Use		X		
<u>Final Plat for a short plat, subdivision or binding site plan</u>		<u>X</u>		
<u>Wireless Communication Facilities – Eligible Facilities Request</u>		<u>X</u>		
<u>Wireless Communication Facilities – Macro Wireless Facilities</u> (1) <u>Permit type dependent on type of facility, see SMC 15.480.030</u>		<u>X(1)</u>	<u>X(1)</u>	
Administrative Variance			X	

Permits/Actions	Type 0	Type I	Type II	Type III
Conditional Use Permit (CUP) Minor, Administrative			X	
Preliminary Site Plan			X	
Public Utility Exception to CAO			X	
Short Plat			X	
Unit Lot Subdivisions			X	
Special Home Occupation (SHOP)			X	
Reasonable Use Exception to CAO			X	
Binding Site Plan			X	
Conditional Use Permit (CUP) Major				X
CUP – Essential Public Facility (EPF)				X
Planned Unit Development (PUD)				X
Zone Reclassification (Rezone)- Owner Initiated				X
Shoreline Substantial Development				X
Shoreline Conditional Use				X
Shoreline Variance				X
Subdivision				X
Plat Alteration/Vacation				X
Variance				X
Variance (Sign)				X

Appendix II – City of SeaTac Permit Review and Public Notice Procedures¹

Permit Type	Determination of Completeness	Notice of Application	Notice of Public Hearing	Decision Made by	Notice of Decision	Appeal Heard by
	RCW 36.70B.070 SMC 16A.07	RCW 36.70B.110 SMC 16A.09	SMC 16A.13.010		RCW 36.70B.130 SMC 16A.15	
Type 0	Yes	No	N/A	City staff	No	Hearing Examiner
Type I	Yes	No	N/A	City staff	Yes	Hearing Examiner
Type II	Yes	within 300 feet	N/A	City staff	Yes	Hearing Examiner
Type III	Yes	within 500 feet	within 500 feet	Hearing Examiner	Yes	Superior Court

¹ See [SMC 18.05 Article VIII](#) for additional Shoreline Master Program permitting procedures.

Chapter 1.20

HEARING EXAMINER SYSTEM

Sections:

- 1.20.010 Purpose.
- 1.20.020 Office created.
- 1.20.030 Appointment and terms.
- 1.20.040 Removal.
- 1.20.050 Qualifications.
- 1.20.060 Examiner pro tem.
- 1.20.070 Freedom from improper influence.
- 1.20.080 Decisions appealable to the Council.
- 1.20.090 Recommendations to the Council.
- 1.20.100 Decisions of the Examiner which are final.
- 1.20.110 Hearing procedures.
- 1.20.120 Public hearing.
- 1.20.130 Appeal hearing.
- 1.20.140 Examiner actions.
- 1.20.150 Appeal to Examiner – Notice and content and supplemental information.
- 1.20.160 Appeal to Council – Notice.
- 1.20.170 Appeal to Council – Content.
- 1.20.180 Appeal to Council – Consideration.
- 1.20.190 Appeal to Council – Council action.
- 1.20.200 Reconsideration of final action.
- 1.20.210 Review of final decisions.

1.20.010 Purpose.

The purpose of this chapter is to establish a hearing examiner system under the provisions of Chapter 35A.63 RCW to hear and decide certain land use applications and other matters as specifically assigned by ordinance.

1.20.020 Office created.

The office of Hearing Examiner is hereby created to act on behalf of the City Council by considering and applying zoning and regulatory ordinances to the land as provided herein. The Examiner shall also exercise administrative powers and such other quasi-judicial powers as may be granted by ordinance.

1.20.030 Appointment and terms.

The Examiner shall be appointed by the City Manager, subject to confirmation by the Council, to serve for a term of two (2) years.

1.20.040 Removal.

The Examiner may be removed from office at any time for just cause by the affirmative vote of a majority of the whole membership of the Council.

1.20.050 Qualifications.

The Examiner shall be appointed solely on the basis of qualifications for the duties of the office with special reference to training, actual experience in, and knowledge of administrative or quasi-judicial hearings on zoning, subdivision and other land use regulatory enactments as may be granted by ordinance.

1.20.060 Examiner pro tem.

In the event of the absence or the inability of the Examiner to act on an application, a Hearing Examiner pro tem may be appointed, in the manner specified in SMC 1.20.030, for such application or period of absence, and shall have all the duties and powers of the Examiner.

1.20.070 Freedom from improper influence.

Individual Councilmembers, City officials or any other persons shall not interfere or attempt to interfere with the performance of the Examiner's designated duties.

1.20.080 Power and Authority.

A. The examiner shall have the exclusive authority to hold public hearings and make recommendations and decisions on all applications, permits, approvals, or appeals as provided for in the GHMC. Unless otherwise specified in the GHMC, all appeals shall be governed by the process set forth in Chapter 16A.17 SMC.

B. The examiner shall have the power and authority to:

1. Receive and examine available information;
2. Conduct hearings in accordance with SMC Title 16A, Chapter 42.32 RCW and all other applicable law, and to prepare a record thereof;
3. Administer oaths and affirmations;
4. Issue subpoenas and examine witnesses; provided, that no person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law;
5. Regulate the course of the hearing;
6. Make and enter written findings of fact and conclusions to support his or her decisions;
7. At the examiner's discretion, hold conferences for the simplification of the issues;
8. Conduct discovery;
9. Dispose of procedural requests or similar matters;
10. Take official notice of matters of law or material facts;
11. Issue summary orders in supplementary proceedings;
12. Dismiss an appeal or take other appropriate action when the examiner determines that he/she has no jurisdiction, the appeal is completely without merit, or where a party or representative fails to appear at a hearing;
13. Take any other action authorized by or necessary to carry out this chapter; and
14. Adopt Rules of Procedure.

C. The above authority may be exercised on all matters for which jurisdiction is assigned to the examiner by city ordinance, code or other legal action of the city council. The nature of the examiner's decision shall be as specified in this chapter and in each ordinance or code which grants jurisdiction to the examiner.

~~1.20.080 — Decisions appealable to the Council.~~

~~For the following cases, the Examiner shall receive and examine available information, conduct public hearings, prepare records and reports thereof, and make decisions, which shall be given the effect of an administrative decision appealable to the Council:~~

~~A. Preliminary subdivisions;~~

~~B. Preliminary planned unit developments;~~

~~C. Rezone(s) initiated by the property owner(s);~~

~~D. Other applications or appeals which the Council may refer by ordinance, specifically declaring that the Hearing Examiner's decision shall be appealable to the Council.~~

~~1.20.090 — Recommendations to the Council.~~

~~For the following cases, the Examiner shall receive and examine available information, conduct public hearings, prepare records and reports thereof, and make a recommendation to the City Council:~~

~~A. Other applications or matters which the Council may refer by ordinance specifically declaring that the Hearing Examiner shall make a recommendation to City Council.~~

1.20.1001.20.090 Decisions of the Examiner which are final.

Decisions made by the Examiner shall be final and conclusive unless otherwise specified in the municipal code or state law.

~~For the following cases, the Examiner shall receive and examine available information, conduct public hearings or appeal hearings, prepare records and reports thereof, and make decisions, which shall be final and conclusive:~~

- ~~A. Applications for major conditional use permits;~~
- ~~B. Applications for variances;~~
- ~~C. Applications for shoreline substantial development permits, conditional use permits or shoreline variances;~~
- ~~D. Appeals from the decision of the City Manager or designee on applications for short subdivisions and lot line adjustments;~~
- ~~E. Appeals from threshold determinations;~~
- ~~F. Appeals from notices and orders issued as code enforcement actions;~~
- ~~G. Appeals from decisions regarding the abatement of nonconforming uses;~~
- ~~H. Appeals from administrative decisions or determinations by City officials where the governing ordinance provides for an appeal to the Examiner;~~
- ~~I. Other applications or appeals which the Council may prescribe by ordinance;~~
- ~~J. Appeal for a sign amortization extension;~~
- ~~K. Appeals from administrative decisions regarding minor conditional use permits;~~
- ~~L. Conditional use permit—essential public facilities (CUP-EPF).~~

1.20.1101.20.100 Hearing procedures.

~~The Examiner shall have the power to prescribe procedures for the conduct of hearings subject to confirmation of the Council; and also to issue summons and subpoena to compel the appearance of witnesses and production of documents and materials, to order discovery, to administer oaths, and to preserve order.~~

- ~~A. Public hearings held by the Examiner shall be conducted pursuant to SMC Chapter 16A.13, Public Hearings.~~
- ~~B. Appeal hearings held by the Examiner shall be conducted pursuant to SMC Chapter 16A.17, Appeals.~~

1.20.120—Public hearing.

~~A. Before rendering a decision on any application, the Examiner shall hold a public hearing which shall be electronically recorded. For applications subject to Council action, the public hearing by the Examiner shall constitute a hearing by the Council.~~

~~B. Whenever a project requires more than one permit or approval, the Examiner shall order a consolidation of and conduct the required public hearings to avoid unnecessary costs or delays. Decisions of the Examiner to order and conduct consolidated hearings shall be final in all cases.~~

1.20.130—Appeal hearing.

~~The appeal hearing shall be electronically recorded and each party shall have the right to call and cross-examine witnesses.~~

1.20.140—Examiner actions.

~~Within ten (10) days of the conclusion of a hearing or rehearing, the Examiner shall render a written recommendation or decision and shall transmit a copy thereof to the City, which shall then transmit the decision to all parties of record.~~

~~A. The Examiner’s decision may be to grant or deny the application or appeal, or the Examiner may grant the application or appeal with such conditions, modifications and restrictions as the Examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable State laws and regulations and the regulations, policies, objectives and goals of the Comprehensive Plan, the zoning code, the subdivision code and other ordinances, policies and objectives of the City.~~

~~B. The conditions, modifications and restrictions that the Examiner may impose include additional setbacks, screenings in the form of landscaping or fencing, covenants, easements and dedications of additional road right-of-way. Performance bonds or equivalent measures may be required to insure compliance with the conditions, modifications and restrictions.~~

1.20.150 — Appeal to Examiner — Notice and content and supplemental information.

~~A. All notices of appeal regarding any decision being appealed to the Examiner shall be filed with the City Clerk only on forms provided by the City Clerk within fourteen (14) days from the date of the decision, together with a filing fee in the amount specified in the City’s schedule of fees by resolution of the City Council.~~

~~B. An appellant must file any supplemental written reports, arguments, or briefs within twenty-one (21) days of filing the appeal.~~

1.20.160 — Appeal to Council — Notice.

~~Decisions by the Examiner may be appealed to the Council by an aggrieved party by filing a notice of appeal with the City Clerk within fourteen (14) calendar days of the Examiner’s written decision, together with a filing fee as may be specified by resolution of the City Council. If no appeal is filed within fourteen (14) calendar days, the Examiner’s decision shall be considered as final and conclusive.~~

1.20.170 — Appeal to Council — Content.

~~If a notice of appeal has been filed, the appellant shall file any written arguments within twenty-one (21) calendar days of the date of filing the appeal. The written arguments should specify the basis for the appeal and any arguments in support of the appeal. If appeal arguments are not timely filed, the Examiner’s decision shall be considered as final and conclusive.~~

1.20.180 — Appeal to Council — Consideration.

~~Consideration by the Council of the appeal shall be based upon the record of the Examiner’s public hearing and upon written appeal statements based upon the record; provided the Council may allow parties a period of time for oral argument based on the record. If, after consideration of the record, written appeal statements and any oral argument the Council may:~~

~~A. Affirm the decision of the Examiner; or~~

~~B. Determine that an error in fact or procedure may exist or additional information or clarification is desired, the Council shall remand the matter to the Examiner; or~~

~~C. Determine that the recommendation of the Examiner is based on an error in judgment of conclusion, the Council may modify or reverse the decision of the Examiner.~~

1.20.190 — Appeal to Council — Council action.

~~The Council shall take final action by ordinance or resolution on an Examiner’s recommendation or on any appeal of an Examiner’s decision and when doing, the Council shall make and enter findings of fact and conclusions from the record which support its action. Said findings and conclusions shall set forth and demonstrate the manner in which the action is consistent with, carries out and helps implement objectives and goals of the Comprehensive Plan, the zoning code, the subdivision code and other official laws, policies and objectives of the City. The Council may adopt as its own all or portions of the Examiner’s findings and conclusions.~~

1.20.200 — Reconsideration of final action.

~~The Council may reconsider any action after it has become final if:~~

~~A. The action was based in whole or in part on erroneous facts or information;~~

~~B. The action when taken failed to comply with existing laws or regulations applicable thereto; or~~

~~C. An error or procedure occurred which prevented consideration of the interests of persons directly affected by the action.~~

1.20.210 — Review of final decisions.

~~A. Decisions of the Council shall be final and conclusive unless appealed pursuant to Chapter 16A.17 SMC; provided, no development or related action may occur during said twenty (20) day, or thirty (30) day for plat approvals, appeal period.~~

~~B. Decisions of the Examiner in cases identified in SMC 1.20.100 shall be final and conclusive, unless appealed pursuant to Chapter 16A.17 SMC; provided, no development or related action may occur during said appeal period.~~

~~C. Notwithstanding the foregoing provisions of this section, final decisions of the Council relating to matters governed by the State Shorelines Management Act shall be appealed to the State Shorelines Hearing Board as specified in the said Act.~~

Chapter 11.10

RIGHT-OF-WAY USE CODE

Sections:

- 11.10.010 *Repealed.*
- 11.10.020 Short title.
- 11.10.030 Purpose.
- 11.10.040 Territorial application.
- 11.10.050 Definitions. - CHANGES TO THIS SECTION ONLY**
- 11.10.060 Powers of the Director.
- 11.10.070 Permit requirements.
- 11.10.080 Right-of-way use permits. - CHANGES TO THIS SECTION ONLY**
- 11.10.090 Application and processing of permits. - CHANGES TO THIS SECTION ONLY**
- 11.10.100 Permit fees and charges.
- 11.10.105 Permits for expressive activities. - CHANGES TO THIS SECTION ONLY**
- 11.10.110 Specifications.
- 11.10.120 Permit exception.
- 11.10.130 Revocation of permits.
- 11.10.140 Renewal of permits.
- 11.10.150 Performance deposits, security devices, and insurance.
- 11.10.160 Hold harmless.
- 11.10.170 Guarantee.
- 11.10.180 Inspections.
- 11.10.190 Correction and discontinuance of unsafe, nonconforming, or unauthorized conditions.
- 11.10.200 Warning and safety devices.
- 11.10.210 Protection of adjoining property and access.
- 11.10.220 Preservation of monuments.
- 11.10.230 Protection from pollution and noise.
- 11.10.240 Excavated material.
- 11.10.250 Backfilling.
- 11.10.260 Right-of-way restoration.
- 11.10.270 Coordination of right-of-way construction.
- 11.10.280 Billings and collections.
- 11.10.290 Appeals.
- 11.10.300 Violation – Penalty.

11.10.050 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

- A. “Citation and notice” means a written document initiating a criminal proceeding issued by an authorized peace officer in accordance with the Criminal Rules for Courts of Limited Jurisdiction.
- B. “Department” means the [Public Works](#) Department ~~of Community and Economic Development~~.
- C. “Directive memorandum” means a letter from the City to a right-of-way use permittee, notifying the recipient of specific nonconforming or unsafe conditions and specifying the date by which corrective action must be taken.
- D. “Director” means the Director of the [Public Works](#) Department ~~of Community and Economic Development~~.
- E. “Expressive activity” means the conduct of activity for which the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political or religious opinion, views, or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. For purposes of this chapter, expressive activity also includes activities related to

freedom of the press, including but not limited to press conferences and press coverage of breaking news. For purposes of this chapter, expressive activity does not include fairs, festivals, concerts, performances, athletic events, fundraising events, commercial advertising, or events the principal purpose of which is entertainment.

F. “Franchised utilities” means utilities that have City approval to use City rights-of-way for the purpose of providing their services within the City, whether by written franchise or otherwise.

G. “Hazardous waste” includes any and all such materials as defined by RCW 43.200.015 (radioactive wastes) and RCW 70.105.010(5), (6) and (15) (other hazardous wastes).

H. “Nonprofit” means for charitable purposes and not for monetary gain.

I. “Notice of violation” means a document mailed to a permittee or unauthorized user and posted at the site of a nonconforming or unsafe condition.

J. “One-way trip” means a construction activity related truck trip, whether loaded or empty, engaged in a qualifying material haul that passes a single point in a single direction on a haul route segment. Each passage of the single point in a single direction constitutes a single one-way trip.

K. “Permit” means a document issued by the City granting permission to engage in an activity not allowed without a permit.

L. “Private use” means use of the public right-of-way, other than as a thoroughfare for ordinary transit of vehicles, pedestrians, or equestrians, for the benefit of a particular person or entity.

M. “Qualifying material” means construction materials to include but not be limited to soil, concrete, gravel, building materials and asphalt.

N. “Right-of-way” means all public streets, alleys, and property granted or reserved for, or dedicated to, public use for streets and alleys, together with public property granted or reserved for, or dedicated to, public use for walkways, sidewalks, trails, shoulders, drainage facilities, bike ways and horse trails, whether improved or unimproved, including the air rights, subsurface rights, and easements related thereto.

O. “Security device” means any and all types of bonds, deeds of trust, security agreements, or other similar instruments.

P. “Stop work notice” means a notice posted at the site of an activity that requires all work to be stopped until the City approves continuation of work.

Q. “Underground location service” means the underground utilities location center that will locate all underground utilities prior to an excavation.

R. “Unsafe condition” means any condition which the Director reasonably determines is a hazard to health, or endangers the safe use of the right-of-way by the public, or does or may impair or impede the operation or functioning of any portion of the right-of-way, or which may cause damage thereto.

11.10.080 Right-of-way use permits.

The following classes of right-of-way use permits are hereby established.

A. Class A and B – Short-Term.

1. Class A and B permits may be issued for use of a right-of-way for seventy-two (72) or less continuous hours for the purposes which do not involve the physical disturbance of the right-of-way. These classes of use may involve disruption of pedestrian and vehicular traffic or access to private property and may require inspections, cleanup, and police surveillance. For periods longer than seventy-two (72) hours, these uses will be considered Class D, long-term and permanent.

2. Class A permits [are for events and activities that may temporarily close a street, and](#) include but are not limited to the following:

- a. Assemblies;
- b. Bicycle races;
- c. Block parties;
- d. Parades;
- e. Parking;
- f. Processions;
- g. Nonmotorized vehicle races;
- h. Street dances;
- i. Street runs and walks;
- [j. Roadway disturbances which require minor traffic control;](#)
- [h. Temporary sales of goods.](#)

3. Class B permits include but are not limited to the following:

- ~~a. Fairs~~
- ~~a.b.~~ House or other large structure moves other than those which require a Class E permit;
- [c. Delivery of oversized loads, including construction equipment or materials.](#)
- ~~e. Temporary sale of goods;~~
- ~~d. Temporary street closures.~~

B. Class C – Disturbance of City Right-of-Way.

~~1. [Duration, extension, expiration and renewal of](#) Class C permits [shall be governed by SMC 13.100.060.](#) ~~may be issued for use of a right-of-way, for a period not in excess of one hundred eighty (180) days, for activities that may alter the appearance of or disturb the surface or subsurface of the right of way on a temporary or permanent basis. For those projects associated with a building permit, Class C permit duration may be extended by the Director or designee to a maximum of two years in order to match building permit duration.~~~~

2. Class C permits include but are not limited to:

- a. Boring;
- b. Culverts;
- c. Curb cuts;
- d. Paving;
- e. Drainage facilities;
- f. Driveways;

- g. Fences;
- h. Landscaping;
- i. Maintaining or removing street trees;
- j. Painting;
- k. Sidewalks;
- l. Street trenching;

m. Franchise and non-franchise utility construction;

n. Work associated with frontage improvements required by SMC 13.200;

o. Bus shelters and stops.

C. Class D – Long-Term and Permanent.

1. Class D permits may be issued for use of a right-of-way, ~~for a period not in excess of one hundred eighty (180) days~~, for activities for extended periods of time but which will not physically disturb the right-of-way.

2. The use of a right-of-way for structures, facilities, and uses that involve capital expenditures and long-term commitments of use require this type of permit.

3. Uses in the right-of-way which will remain for periods longer than one-hundred eighty (180) days will require a Revocable Use Agreement.

4.3. Class D permits include but are not limited to:

a. Air rights and aerial facilities;

~~b. Bus shelters and stops;~~

~~c. Access to construction sites and haul roads;~~

~~b. d.~~ Loading zones;

~~c. e.~~ Newspaper sale, distribution, and storage facilities;

~~d. f.~~ Recycling facilities;

~~e. g.~~ Sales structures;

~~f. h.~~ Sidewalk cafes;

~~g. i.~~ Special and unique structures, such as: awnings, benches, clocks, decorations, flagpoles, fountains, kiosks, marquees, private banners, public mailboxes, and street furniture;

~~h. j.~~ Underground rights;

~~k. Utility facilities;~~

~~l. Waste facilities.~~

D. Class E – Potential Disturbance of City Right-of-Way.

1. Class E permits may be issued for use of a right-of-way, for a period not in excess of one hundred eighty (180) days or as specified on the permit by the Director or designee, for those activities that have the potential of altering the appearance of or disturbing the surface or subsurface of the right-of-way on a temporary or permanent basis.

2. Class E permits include but are not limited to:

a. Frequent use hauling involving an average of six (6) vehicles per hour during any eight (8) hour period in one (1) day, for two (2) or more consecutive days;

b. Any hazardous waste hauling.

3. Class E permits may be issued to a general contractor to authorize construction, excavation and fill hauling activities by the said general contractor and by subcontractors.

4. Access Routes and Hours. All hauls in excess of fifty thousand (50,000) CY or hauling more than one hundred (100) working days will be required to use the following routes. The following roadways are limited for use as haul routes and the maximum number of one-way trips per hour is identified by time of day.

Roadway Segments and Hours	Maximum One-Way Trips
a. South 188th Street, West of Tunnel	
6:00 a.m. – 8:00 a.m.	45
8:00 a.m. – 3:30 p.m.	45
3:30 p.m. – 5:30 p.m.	45 westbound 18 eastbound with no lane closure allowed
5:30 p.m. – 6:00 a.m.	45
b. South 188th Street, between SR99 and Tunnel	
6:00 a.m. – 8:00 a.m.	18
8:00 a.m. – 3:30 p.m.	30
3:30 p.m. – 5:30 p.m.	18 with no lane closure allowed
5:30 p.m. – 6:00 a.m.	30
c. South 188th Street, East of SR99	
6:00 a.m. – 8:00 a.m.	6
8:00 a.m. – 3:30 p.m.	12
3:30 p.m. – 5:30 p.m.	6 with no lane closure allowed
5:30 p.m. – 6:00 a.m.	6
d. International Blvd. (SR99), South of South 188th Street	
6:00 a.m. – 8:00 a.m.	6
8:00 a.m. – 3:30 p.m.	12
3:30 p.m. – 5:30 p.m.	6 with no lane closure allowed
5:30 p.m. – 6:00 a.m.	12
e. International Blvd. (SR99), North of South 188th Street	
6:00 a.m. – 8:00 a.m.	6

Roadway Segments and Hours	Maximum One-Way Trips
8:00 a.m. – 3:30 p.m.	6
3:30 p.m. – 5:30 p.m.	6 with no lane closure allowed
5:30 p.m. – 6:00 a.m.	12

5. Work Hour Limitations. Any hauling operation within the following hours will require a noise variance application submittal and approval from the Department prior to implementation:

10:00 p.m. to 7:00 a.m.	Monday to Friday
10:00 p.m. to 9:00 a.m.	Saturday and Sunday

11.10.090 Application and processing of permits.

A. ~~To obtain a right-of-way use permit the applicant shall file an application with the Department. Right-of-way permits shall be processed as a Type 0 permit pursuant to SMC Title 16A.~~

B. Every application shall include the location of the proposed right-of-way use, a description of the use, the planned duration of the use, applicant contact information, and all other information which may be required as specified in the procedures adopted under this chapter, and shall be accompanied by payment of the required fees.

C. All Class E applications shall also include numbers and sizes of hauling trucks (single or double beds).

D. The Director or designee shall examine each application submitted for review and approval to determine if it complies with the applicable provisions of this chapter and procedures adopted under this chapter. Other departments that have authority over the proposed use or activity may be requested to review and approve or disapprove the application. The Director or designee may inspect the right-of-way proposed for use to determine any facts which may aid in determining whether a permit should be granted. If the Director or designee finds that the application conforms to the requirements of this chapter and procedures adopted under this chapter that the proposed use of such right-of-way will not unduly interfere with the rights and safety of the public, and if the application has not been disapproved by a department with authority, the Director or designee shall approve the permit, and may impose such conditions thereon as are reasonably necessary to protect the public health, welfare, and safety and to mitigate any impacts resulting from the use.

E. All applications for permits will be submitted at least fifteen (15) days before the planned need for the permit, or such greater period as may be reasonably required by the Director or designee. If unforeseen conditions require expedited processing the City will attempt to cooperate, but additional fees to cover additional costs to the City may be charged.

F. Notwithstanding subsection (E) of this section, an application for a permit to conduct an expressive activity shall be submitted at least seventy-two (72) business hours in advance of the proposed event, unless good cause exists for a shorter time period. Additionally, if a permit request is due to a spontaneous event occasioned by news or affairs coming into public knowledge within forty-eight (48) hours, the applicant shall make application to the City at least twenty-four (24) hours in advance, or as soon as practicable prior to such event.

~~G. Upon submittal of a completed application, the Department shall collect from the applicant an application fee as provided in SMC 11.10.100(A).~~

11.10.105 Permits for expressive activities.

A. When a Class A ~~or Class B~~ permit is sought for an expressive activity the following provisions shall apply:

1. Where the expressive activity will not require street closures, cost recovery shall be limited solely to a nonrefundable application fee pursuant to SMC 11.10.100(A).
2. The deposit, security device, and insurance requirement of SMC 11.10.150 shall be waived, provided that the applicant has filed with the application a verified statement that he or she intends the purpose of the activity to be an expressive activity.

3. Where the expressive activity will require temporary street closures requiring the City to provide services in the interests of public health, safety, and welfare, the Director or designee may condition the issuance of the permit upon an agreement to pay actual direct costs incurred by the City to a maximum of five hundred dollars (\$500.00), which will be waived if the applicant provides evidence of an inability to pay.
4. Where a permit is requested for an expressive activity, the permit shall presumptively issue except that the City may deny a Class A ~~or Class B~~ permit for an expressive activity if the Director or designee makes written findings explaining how any of the following conditions will exist and cannot be reasonably accommodated:
 - a. The expressive activity will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route; or
 - b. The expressive activity will cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility; or
 - c. The expressive activity will block traffic lanes or close streets during peak commute hours on weekdays between 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 7:00 p.m. on streets classified as principal arterials or minor arterials by the City's Public Works Department; or
 - d. The expressive activity will result in the concentration of persons, animals, or vehicles that will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets; or
 - e. The expressive activity will substantially interfere with another activity or event for which a permit has already been granted or with the provision of City services in support of other scheduled activities or events; or
 - f. The expressive activity will have significant safety impact upon residential or business access and traffic circulation.
5. With regard to the permitting of expressive activities where the provisions in this section conflict with the provisions in any other section of this chapter, the provisions of this section shall prevail.

Chapter 13.190

CLEARING AND GRADING CODE

Sections:

13.190.010	Purpose.
13.190.020	Definitions. - CHANGES TO THIS SECTION ONLY
13.190.030	Hazards.
13.190.040	Clearing and grading permit required – Exceptions.
13.190.045	Permit exception criteria.
13.190.050	Temporary permits.
13.190.060	Applications – Complete applications. - CHANGES TO THIS SECTION ONLY
13.190.070	Permit requirements. - CHANGES TO THIS SECTION ONLY
13.190.080	Liability insurance required – Exception.
13.190.090	Operating conditions and standards of performance.
13.190.100	Land restoration.
13.190.110	Shorelines.
13.190.120	Enforcement.
13.190.130	Forest practices.
13.190.140	Clearing standards. - CHANGES TO THIS SECTION ONLY
13.190.150	Financial guarantees authorized.

13.190.010 Purpose.

A. This chapter is intended to regulate clearing and removal of vegetation, excavation, grading and earthwork construction including cuts and fills, gravel pits, dumping, quarrying and mining operations within City of SeaTac in order to protect public health, safety and welfare by:

1. Minimizing adverse stormwater impacts generated by the removal of vegetation and alteration of landforms;
2. Protecting water quality from the adverse impacts associated with erosion and sedimentation;
3. Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;
4. Protecting sensitive areas from adverse clearing and grading activities;
5. Facilitating and encouraging long-term forest practice and agricultural production operations where appropriate;
6. Minimizing the adverse impacts associated with quarrying and mining operations;
7. Preventing damage to property and harm to persons caused by excavations and fills;
- ~~8. Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of clearing and grading operations; and~~
- ~~9-8.~~ Providing penalties for the violation of this chapter.

B. This chapter establishes administrative procedures that supplement those contained in SMC 13.100 for issuance of clearing and grading permits.

B-C. Conflicts. In case of a conflict between these provisions and those relating to clearing and grading found in any of the other technical codes adopted by this title, these provisions shall apply.

13.190.060 Applications – Complete applications.

~~See SMC Chapter 16A.07, Determination of Completeness.~~

~~A. For the purposes of determining the application of time periods and procedures adopted by this chapter, applications for permits authorized by this chapter shall be considered complete as of the date of submittal upon determination by the Director that the materials submitted comply with SMC Title 16A and contain the following:~~

~~1. For clearing and grading permits:~~

- ~~a. A legal description and boundary sketch of the property;~~
- ~~b. A one to two thousand (1:2,000) scale vicinity map with a north arrow;~~
- ~~c. Grading plans on a sheet no larger than twenty four (24) inches by thirty six (36) inches and including:

 - ~~i. A horizontal scale no smaller than one (1) inch equals thirty (30) feet;~~
 - ~~ii. Vertical scale;~~
 - ~~iii. Size and location of existing improvements within fifty (50) feet of the project, indicating which will remain and which will be removed;~~
 - ~~iv. Existing and proposed contours at two (2) foot intervals, and extending for one hundred (100) feet beyond the project edge;~~
 - ~~v. At least two (2) cross sections, one (1) in each direction, showing existing and proposed contours and horizontal and vertical scales;~~
 - ~~vi. Temporary and permanent erosion sediment control facilities;~~
 - ~~vii. Permanent drainage facilities prepared per SMC 12.10.010;~~
 - ~~viii. Structures to be built or construction proposed in landslide hazard areas; and~~
 - ~~ix. Proposed construction or placement of a structure.~~~~

~~2. A completed environmental checklist, if required by Chapter 15.700 SMC, Critical Areas.~~

~~3. Satisfaction of all requirements for grading permits under SMC 13.190.070.~~

~~B. Applications found to contain material errors shall not be deemed complete until such material errors are corrected.~~

~~C. The Director may waive specific submittal requirements determined to be unnecessary for review of an application.~~

13.190.070 Permit requirements.

A. Except as exempted in SMC 13.190.040, no person shall do any clearing or grading without first obtaining a clearing and grading permit from the Director. A separate permit shall be required for each site and may cover both excavations and fills.

~~B. Application. To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. The Director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter and the requirements of SMC Title 16A, Development Review Code.~~

In addition to the requirements of SMC ~~Chapter 16A.07 Title 16A~~, every application shall:

1. Identify and describe the work to be covered by the permit for which application is made;

2. Describe the land on which the proposed work is to be done, by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed site;
3. Identify and describe those environmentally sensitive areas, as defined in SMC Title 15, on or adjacent to the site;
4. Indicate the estimated quantities of work involved;
5. Identify any clearing restrictions contained in SMC 13.190.140, wildlife habitat corridors pursuant to SMC Title 15, critical drainage areas established by administrative rule or property-specific development standards pursuant to SMC Title 15;
6. Be accompanied by plans and specifications as required in subsections (B) and (C) of this section;
7. Designate who the applicant is, on a form prescribed by the Department, except that the application may be accepted and reviewed without meeting this requirement when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three (3) requirements are met:
 - a. The name of the agency or public or private utility is shown on the application as the applicant;
 - b. The agency or public or private utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the Department; and
 - c. The form designating the applicant is submitted to the Department prior to permit issuance; and
8. Give such other information as may be required by the Director.

C. Plans and Specifications. When required by the Director, each application for a grading permit shall be accompanied by four (4) sets of plans and specifications and other supporting data as may be required. The plans and specifications shall be prepared and signed by a civil engineer registered to practice in the State of Washington when required by the Director; provided, the Director may require additional studies prepared by a qualified geotechnical engineer. If the plans and specifications are returned as a result of permit denial or any other reason, they shall be returned to the applicant.

D. Information on Plans and in Specifications. Plans shall be drawn to an engineer's scale upon substantial paper or mylar and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this chapter and all other relevant laws, rules, regulations and standards. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared. The plans shall include the following minimum information:

1. General vicinity of the proposed site;
2. Property limits and accurate contours of existing ground and details of terrain and area drainage;
3. Limiting dimensions, elevations or finished contours to be achieved by the grading, and proposed drainage channels and related construction;
4. Location of all proposed cleared areas, including areas for soil amendment;
5. Location of any open space tracts or conservation easements if required pursuant to:
 - a. SMC 13.190.140;
 - b. SMC Title 15;
 - c. Critical drainage area; or

- d. Property-specific development standards pursuant to SMC Title 15;
- 6. Calculations of the total proposed area cleared on site as a percentage of the total site area;
- 7. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains;
- 8. A determination of whether drainage review applies to the project pursuant to Chapters 12.05 and 12.30 SMC, and, if applicable, all drainage plans and documentation consistent with City of SeaTac Surface Water Design Manual (SMC 12.10.010) requirements;
- 9. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifty (50) feet of the property or which may be affected by the proposed grading operations;
- 10. Landscape and rehabilitation plan as required by SMC 13.190.100;
- 11. Other information as may be required by the Director; and
- 12. If the clearing or grading is proposed to take place in or adjacent to a sensitive area as regulated in SMC Title 15, provide information as required by that title.

E. Granting of Permits.

- 1. The Director shall determine if the proposed grading will adversely affect the character of the site for present lawful uses or with the future development of the site and adjacent properties for building or other purposes as indicated by the Comprehensive Plan, the Shoreline Master Program, and the Zoning Code.
- 2. After an application has been filed and reviewed, the Director shall also ascertain whether such grading work complies with the other provisions of this chapter. If the application and plans so comply, or if they are corrected or amended so as to comply, the Director may issue to the applicant a grading permit. ~~A grading permit shall be valid for the number of days stated in the permit but in no case shall the period be more than two (2) years; provided, that when operating conditions have been met, the permit may be renewed every two (2) years, or less if a shorter approval and/or renewal period is specified by the Director.~~
- 3. No grading permit shall be issued until approved by Federal, State and local agencies having jurisdiction by laws or regulations.
- 4. Upon approval of the application and issuance of the grading permit, no work shall be done that is not provided for in the permit. The Director is authorized to inspect the premises at any reasonable time to determine if the work is in accordance with the permit application and plans.
- ~~5. The permits from the Director shall be required regardless of any permits issued by any other department of City government or any other governmental agency who may be interested in certain aspects of the proposed work. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining the permit, the violator shall be subject to such civil penalties as provided in Chapter 1.15 SMC. However, the payment of such civil penalties shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed thereon.~~

A. Class IV Forest Practice. Under a Class IV forest practice, all clearing not otherwise exempted under this chapter shall be subject to the requirements of this chapter. All such clearing shall be subject to the State Environmental Policy Act, Chapter 43.21C RCW, and City of SeaTac shall accept or assume lead agency status. The review of the Class IV application shall be consolidated with the review of the associated City of SeaTac development permit or approval. Clearing independent of permit or approval shall require a separate clearing and grading permit pursuant to this chapter which meets any applicable clearing standards as defined by SMC 13.190.140. City of SeaTac will also combine its SEPA review of Class

13.190.140 Clearing standards.

A. For clearing and grading permits issued under this chapter, the current clearing standards contained in this section and in the following regulations shall apply:

1. Environmentally sensitive areas, SMC Title 15, and its adopted administrative rules;
2. Property-specific development standards pursuant to SMC Title 15;
3. Critical drainage area designations identified by adopted administrative rule;
4. Wildlife habitat corridors pursuant to SMC Title 15; and
5. Stormwater management, including LID principles and LID BMPs, as identified in the Surface Water Design Manual.

[6. Title 18, Environmental Code](#)

B. Within environmentally sensitive areas designated pursuant to SMC Title 15, uses shall be limited to those specified in that chapter. Within any other areas subject to clearing restrictions referenced or contained in this section, the following uses are allowed under a clearing permit:

1. Timber harvest in accordance with a timber harvest management plan and clearing permit approved by the Director. Administrative rules specifying the contents of, and the submittal requirements and approval criteria for, timber harvest management plans shall be promulgated in consultation with the City of SeaTac Department of Community and Economic Development prior to any permit approvals for timber harvest within these tracts or easements;
2. Passive recreation uses and related facilities, including pedestrian, equestrian community and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, if either cleared areas or areas of compacted soils, or both, associated with these uses and facilities do not exceed eight percent (8%) of the area of the tract or easement. Within wildlife habitat corridors, trail widths shall be the minimum allowed under adopted trail standards and no other recreation uses shall be permitted in the one hundred fifty (150) foot minimum width of the corridor;
3. Utilities and utility easements, including stormwater facilities, if the uses are within or adjacent to existing road or utility easements whenever possible. Within wildlife habitat corridors, existing or multiple utility uses within established easements shall be allowed within the one hundred fifty (150) foot minimum setback from the habitat corridor. Vegetated LID BMPs are allowed within the wildlife corridor buffer setback. Development of new utility corridors shall be allowed within wildlife habitat corridors only when multiple uses of existing easements are not feasible and the utility corridors are sited and developed using City-approved BMPs to minimize disturbance; and
4. Removal of either dangerous trees or damaged trees, or both.

Chapter 13.200

OFF-SITE AND ON-SITE IMPROVEMENTS

Sections:

13.200.010 Purpose and administration. - CHANGES TO THIS SECTION ONLY

13.200.020 Off-site improvements. - CHANGES TO THIS SECTION ONLY

13.200.030 Bonds and other security for off-site and on-site improvements.

13.200.010 Purpose and administration.

A. The purpose of this chapter is to identify when and what type of off-site improvements are required as a condition of development, and bonding requirements for both off-site and on-site improvements. Specific regulations and construction standards for off-site improvements are generally set forth in Chapter 11.05 SMC.

B. This chapter shall be administered by the Public Works Director or designee.

C. The review of off-site and on-site improvements shall be through SMC 11.10.080, Right-of-way use permits and SMC 13.190.040 Clearing and grading permit required - Exceptions, as applicable.

13.200.020 Off-site improvements.

A. The installation of off-site improvements is required as a condition of development in order to incorporate transportation improvements that are reasonably necessary to mitigate the direct impacts of the following types of development:

1. Creation of a subdivision, short subdivision, or binding site plan;
2. Construction of a duplex or multi-family building (as defined in Chapter 15.105 SMC);
3. Construction of a building to be used for public assembly, commercial purposes, or industrial purposes;
4. Expansion of an existing building encompassing more than fifty percent (50%) of the gross floor area (GFA), or by increasing the GFA by more than one thousand (1,000) square feet. However, this subsection does not apply to construction or expansion of a single-family dwelling or accessory dwelling unit (as defined in Chapter 15.105 SMC);
5. Construction of a new “parking lot” or “parking lot, public/private” (as defined in Chapter 15.105 SMC), where the project value is in excess of ~~seventy-five ninety thousand dollars (\$75,00090,000)~~; or
6. Expansion of an existing “parking lot” or “parking lot, public/private” (as defined in Chapter 15.105 SMC), where the project value is in excess of ~~seventy-five ninety thousand dollars (\$75,00090,000)~~.

B. Off-site improvements shall be installed along the entire street frontage of the property at the sole cost of the applicant as directed by the Director. Off-site improvements may include, but not be limited to, curb, gutter, sidewalk, storm drainage, street lighting, public utility relocation, franchise utility relocation, landscaping strip, street trees and landscaping, irrigation, on-street parking, street pavement widening, bicycle lanes, safety railings, street signs, pavement marking, and channelization. Beyond the property frontage, the applicant shall provide ramps or other appropriate transition from the new sidewalk or walkway to the existing shoulder, and pavement and channelization tapering back to the existing pavement and channelization as needed for safety. The off-site improvements shall be continued beyond the street frontage of the property if and to the extent necessary to provide a safe, accessible transition.

C. Required off-site improvements shall be complete prior to the earlier of:

1. Issuance of any certificate of occupancy (including any phased occupancy); or
2. Finalization of a development permit in which the off-site improvements are a requirement;

unless financial security has been established as allowed by this chapter.

D. If the Director determines that the off-site improvements required by this section cannot or should not be constructed concurrent with the proposed development, the applicant shall, prior to issuance of a building permit or final approval for subdivisions, short subdivisions, or binding site plans:

1. Pay to the City an amount equal to the applicant's cost of installing the required off-site improvements, as authorized by and in a manner consistent with RCW 82.02.020. The cost of installing the required off-site improvements shall be based on engineering cost estimates, as approved by the Director.

Chapter 14.20

LONG SUBDIVISION

Sections:

- 14.20.010 Purpose
- 14.20.030 Preliminary Plat Format and Content Requirements
- 14.20.050 Preliminary Review of Long Subdivision
- 14.20.055 Criteria for Review of Long Subdivisions
- 14.20.057 Hearing Examiner Review
- 14.20.060 Final Administrative Review for Long Subdivisions
- 14.20.070 Final Hearing Examiner Review of Long Subdivision
- 14.20.080 Effective Period for Terms of Approval
- 14.20.090 Certification of Plat for Recording
- 14.20.100 Substantial Modification to Approved Subdivisions

14.20.010 Purpose

This chapter establishes specific review procedures and approval criteria for the division of land into ten (10) or more lots. This chapter shall at a minimum implement the requirements of State law.

14.20.030 Preliminary Plat Format and Content Requirements

A. The preliminary plat shall serve as the primary reference by which the City evaluates any proposal for subdivision, and as the basis for any subsequent conditions for approval.

B. The preliminary plat shall be prepared by a professional land surveyor in accordance with the standards established by the Director.

14.20.050 Preliminary Review of Long Subdivision

Where a long subdivision or binding site plan is proposed, the City shall publish a written report summarizing its own findings, comments and recommendations, and those of any other agency or district that has previously reviewed the proposal. This report shall specifically address the criteria established by SMC 14.20.055 and shall document any conditions of approval or the factual basis for denial.

14.20.055 Criteria for Review of Long Subdivisions

In addition to project evaluation required under SMC 14.17.080, the staff report shall specifically consider any and all supplementary provisions, conditions and fees required to ensure the public health, safety, and general welfare as related to:

A. Streets shall conform in effect to the City of SeaTac Comprehensive Transportation Plan as adopted and/or to the general pattern of the street system of SeaTac.

B. Adequate storm drains and stormwater facility improvements shall be provided in accordance with Chapter 12.10 SMC.

C. Sidewalks or walkways shall be required for all proposed streets including perimeter streets in business and residential subdivisions.

D. Pedestrian circulation is provided for children for access to school facilities or school bus stops.

E. All lots conform to the minimum lot area and width requirements of the Zoning Code.

F. Water and sewer service is available to the subdivision.

G. Variances and Exceptions. Variations and exceptions from the dimensional standards and improvement requirements, as herein set forth, may be made by the Director in those instances where it is deemed that hardship,

topography, or other factual deterrent conditions prevail, and in such manner as the Director considers necessary to maintain the intent and purpose of these regulations and requirements.

H. Bonding of improvements.

I. Subdivision layout and design.

Where appropriate, staff recommendations shall recommend conditions for approval or document any factual basis for denial.

14.20.057 Hearing Examiner Review

A. Following comprehensive administrative review and notice of any application for long subdivision, and within ninety (90) days of the project determination of completeness (unless a longer time period is requested by the applicant), the Hearing Examiner shall conduct a public hearing and issue a notice of decision (NOD) on the preliminary long subdivision. The notice of decision shall include specific review of all criteria listed in SMC 14.17.080 and 14.20.055. The Hearing Examiner shall address any other issue raised in the staff report or by the applicant. Within the notice of decision, the Hearing Examiner shall:

1. Approve the application; or
2. Approve the application with conditions; or
3. Deny the application; or
4. Return the application to the applicant for additional information or modifications.

B. Where the notice of decision requires additional information or modifications, deadlines shall be set forth in writing for both the applicant's return of the revised application and the timing of the subsequent decision by the Hearing Examiner. The latter decision shall only consider approval, approval with conditions, or denial of the application. The Hearing Examiner shall not thereafter return the application to the applicant for modifications.

14.20.060 Final Administrative Review for Long Subdivisions

A. The applicant shall file for final plat approval within five (5) years of preliminary approval. The ~~Hearing Examiner~~ Director may approve a one (1) time extension, not exceeding one (1) year, to file the final plat, subject to the following criteria:

1. The applicant has applied for permits and has begun substantial work to install improvements as conditioned by the preliminary plat approval; or
2. The applicant has bonded for all improvements.

B. In addition to any other requirements established under Chapter 14.17 SMC, the applicant will also submit with the final plat:

1. Certification by the County that all taxes have been paid in accordance with RCW 58.17.160(4).
2. All final subdivisions shall be recorded with surveys consistent with Chapter 58.09 RCW. All lot corners shall be staked correctly on the ground. In all subdivisions, at least two (2) off-site existing or newly set monuments shall be referenced in the survey.

C. Upon receipt of a final plat and all supporting documents, the Department shall forward those documents to applicable staff for review. Each department shall determine if the final plat remains in compliance with the preliminary approval for long subdivision, the required improvements and conditions, and applicable City codes.

D. Final plats shall be administratively approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period.

~~D. Upon notice from each applicable City department that the final plat complies with the preliminary conditions for approval, the Director shall place the final subdivision on the next available Hearing Examiner agenda.~~

~~E. Prior to the date at which the Hearing Examiner will consider the final subdivision, the Department shall issue a report and recommendation to the Hearing Examiner concerning the conformity of the final subdivision with the established conditions for preliminary approval.~~

E. The Director shall not approve a proposed long subdivision without written findings that the applicant has adequately addressed each of the criteria and issues listed under SMC 14.17.080 and 14.20.055.

14.20.070 — Final Hearing Examiner Review of Long Subdivision

~~A. The Hearing Examiner shall have the sole authority to finalize long subdivisions. Following review of staff reports, the original application and the final plat, the Hearing Examiner shall approve, disapprove, or return the proposed final subdivision to the applicant for further modifications or corrections.~~

~~B. The Hearing Examiner shall not approve a proposed long subdivision without written findings that the applicant has adequately addressed each of the criteria and issues listed under SMC 14.17.080 and 14.20.055.~~

14.20.08070 Effective Period for Terms of Approval

A. A long subdivision shall be governed for a period of five (5) years by any and all conditions established for it on the date of preliminary approval. The five (5) year period shall begin on the date of final approval pursuant to RCW 58.17.170.

B. Pursuant to RCW 58.17.170, the City reserves the authority to alter any original conditions for subdivision approval should a serious threat to the public health or safety arise.

14.20.09080 Certification of Plat for Recording

In addition to the departmental signatures required under SMC 14.17.090, the ~~City Manager~~ Director shall sign the final plat of each long subdivision to certify approval by the Hearing Examiner.

14.20.100 Substantial Modification to Approved Subdivisions

A. Where an applicant requests substantial modifications to an approved preliminary or unrecorded final subdivision, and where those substantial modifications are not in response to staff review or public appeal, that request shall be treated as a new application for the purpose of vesting. The City shall determine modifications to be substantial wherever the applicant proposes:

1. The creation of additional lots; or
2. The reduction or elimination of open space; or
3. Changes to conditions of approval on an approved preliminary subdivision.

B. Where the City determines a substantial modification has been proposed, the applicant may proceed with the original plat, request lesser modifications, or abandon the original application for a new proposal.

C. Any applicant seeking substantial modifications through a new action shall initiate and complete the application process required under this title as if no earlier application had been made.

D. The City shall review no more than one (1) subdivision and/or binding site plan application on any property at one (1) time. In seeking substantial modification under a new proposal, the applicant abandons all prior applications.

Chapter 14.22

BINDING SITE PLANS

Sections:

- 14.22.010 Purpose
- 14.22.020 General Provisions, Requirements and Limitations
- 14.22.030 Vacation or Dissolution
- 14.22.040 Graphic Site Plan
- 14.22.050 Permissive Variations in Requirements
- 14.22.060 Substantial Modifications to Approved Binding Site Plans

14.22.010 Purpose

This chapter is established to:

A. Provide an optional subdivision process by which consolidated commercial, industrial, mobile home or condominium uses may be developed in a manner that is qualitatively equivalent to, or better than, traditional lot-by-lot development.

~~B. — Integrate planned unit development procedures specified under Chapter 15.215 SMC with a complementary subdivision process so that resulting lots, tracts, or parcels may be better planned and operated as parts of a single commercial, industrial, mobile home or condominium development.~~

~~C.B.~~ Allow the Director flexibility in the application of specific zoning and lot configuration requirements as they may apply interior to the site, provided all resulting development is consistent with applicable health, fire and building codes.

~~D.C.~~ Allow the Director to authorize the sharing of open space, parking, access and other improvements between contiguous properties where developed for the same purpose.

~~E.D.~~ Minimize the need for variances or other special regulatory procedures where development sites are characterized by peculiar geographic, topographic or dimensional features.

14.22.020 General Provisions, Requirements and Limitations

~~A. Except as provided in this chapter, the review procedures and criteria established under Chapter 14.20 SMC shall apply to binding site plan applications. Binding site plan applications shall be processed as a Type II permit.~~

B. Each lot established or modified consistent with this chapter shall be considered a legal lot of record under this title.

C. A binding site plan establishes or alters lots, tracts, or parcels and determines specific requirements for their future coordinated development. Approval of a binding site plan shall not in itself authorize the establishment of any specific use thereon.

D. Binding site plan applications may be considered for either vacant properties or for the redevelopment of sites that support ongoing uses.

E. Binding site planning shall result in no less than two (2) contiguous lots.

F. The binding site plan shall ensure that the collective lots continue to function as one (1) site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.

G. The approved lot configuration of a binding site plan, and all associated provisions, conditions and requirements, shall be legally enforceable upon each current and subsequent owner, purchaser, lessee or other person acquiring an ownership interest of any subject lot, parcel, or tract.

H. The site plan shall be supported by written covenants, descriptions and similar instruments, in a format determined by the Director. These instruments shall set forth all applicable limitations and conditions, including dedications of property, and shall contain provisions assuring that any development of the site shall remain in conformity with the approved binding site plan.

~~I. The applicant's decision to participate in binding site planning is optional. The City may ask binding site plan applicants to provide a written waiver of the ninety (90) day time limit for review associated with subdivisions. In such a case, the City and applicant shall arrive at a written agreement as to the appropriate duration of site plan review. Nothing in this provision shall be construed as compelling the applicant to provide such a waiver.~~

14.22.030 Vacation or Dissolution

A. Where a binding site plan is considered concurrently with a planned unit development, pursuant with Chapter 15.215 SMC, the applicant must receive preliminary approval of the binding site plan no later than the date on which a first phase development plan or comprehensive development plan is submitted to the City. Failure to meet this requirement shall void any approval under this chapter.

B. Where any portion of a concurrent planned unit development or building permit expires or is otherwise voided, the corresponding binding site plan shall be vacated in direct proportion.

C. Where any portion of a binding site plan is vacated, expires or is otherwise voided, that vacated portion shall constitute a single and legally separate lot. This lot shall revert to the original zoning of the site and all associated standards shall apply.

D. Once a binding site plan is recorded, the approved lot configuration and all related provisions shall apply until such time as a subsequent subdivision or binding site plan is approved for the site. The City shall not consider a subsequent subdivision or binding site plan application for five (5) years following the original date of recording.

E. Any subdivision or binding site plan application under subsection (D) of this section shall require the written consent of parties representing no less than sixty-six percent (66%) ownership interest in the entire site.

14.22.040 Graphic Site Plan

~~Graphic site plans shall serve substantively the same functions as the preliminary and final plats of a proposed subdivision.~~ The applicant shall submit a preliminary graphic site plan to the City to provide for review ~~by staff and the Hearing Examiner.~~ The site subject to an approved binding site plan shall be surveyed by a professional land surveyor. The professional land surveyor shall prepare a final graphic binding site plan for recording. Binding sSite plans shall portray:

A. All items of information required of a preliminary or final subdivision plat.

B. Proposed topography and landscaping of the entire site.

C. The delineation of all potential building envelopes or proposed footprints.

D. The location and area of all proposed utilities, drainage features, general improvements, open space, environmentally sensitive areas, water bodies and streams, setbacks, buffers and any other elements required by this title and the SeaTac Municipal Code.

E. Inscriptions, certifications, references or attachments prescribing all use limitations and conditions established under the binding site planning process.

F. All other items necessary to ensure conformity of development with the approved site plan.

G. One (1) of the following statements shall be recorded on the face of every final binding site plan.

1. Regarding commercial, industrial or mobile home site plans:

ALL DEVELOPMENT AND USE OF THE LAND DESCRIBED HEREIN SHALL BE IN
ACCORDANCE WITH THIS BINDING SITE PLAN, AS IT MAY BE AMENDED WITH THE

APPROVAL OF THE CITY, AND IN ACCORDANCE WITH SUCH OTHER GOVERNMENTAL PERMITS, APPROVALS, REGULATIONS, REQUIREMENTS, AND RESTRICTIONS THAT MAY BE IMPOSED UPON SUCH LAND AND THE DEVELOPMENT AND USE THEREOF. UPON COMPLETION, THE IMPROVEMENTS ON THE LAND SHALL BE OWNED BY AN ASSOCIATION OR OTHER LEGAL ENTITY IN WHICH THE OWNERS OF UNITS THEREIN OR THEIR OWNERS' ASSOCIATIONS HAVE A MEMBERSHIP OR OTHER LEGAL OR BENEFICIAL INTEREST. THIS BINDING SITE PLAN SHALL BE BINDING UPON ALL NOW OR HEREAFTER HAVING ANY INTEREST IN THE LAND DESCRIBED HEREIN.

2. Regarding condominium site plans:

ALL DEVELOPMENT AND USE OF THE LAND DESCRIBED HEREIN SHALL BE IN ACCORDANCE WITH THIS BINDING SITE PLAN, AS IT MAY BE AMENDED WITH THE APPROVAL OF THE CITY, AND IN ACCORDANCE WITH SUCH OTHER GOVERNMENTAL PERMITS, APPROVALS, REGULATIONS, REQUIREMENTS, AND RESTRICTIONS THAT MAY BE IMPOSED UPON SUCH LAND AND THE DEVELOPMENT AND USE THEREOF. UPON COMPLETION, THE IMPROVEMENTS ON THE LAND SHALL BE INCLUDED IN ONE OR MORE CONDOMINIUMS OR OWNED BY AN ASSOCIATION OR OTHER LEGAL ENTITY IN WHICH THE OWNERS OF UNITS THEREIN OR THEIR OWNERS' ASSOCIATIONS HAVE A MEMBERSHIP OR OTHER LEGAL OR BENEFICIAL INTEREST. THIS BINDING SITE PLAN SHALL BE BINDING UPON ALL NOW OR HEREAFTER HAVING ANY INTEREST IN THE LAND DESCRIBED HEREIN.

~~14.22.050 — Permissive Variations in Requirements~~

~~An applicant may negotiate for permissive variations in the underlying dimensional standards, consistent with the standards established for planned unit developments under SMC 15.215.170 through 15.215.250.~~

14.22.060 **Substantial Modifications to Approved Binding Site Plans**

A binding site plan shall be substantially modified when it exceeds the criteria outlined as follows.

- A. Any modification to a binding site plan that will, in the judgment of the Director, cause any one (1) lot to function separately from the whole with respect to lot access and circulation, open space, landscaping, drainage facilities, facility maintenance or parking; and/or
- B. Any modification of a binding site plan that, in the judgment of the Director, would provide for an activity not anticipated by the original site plan agreement.

Chapter 14.17

General Standards and Procedures

Sections:

- 14.17.010 Purpose
- 14.17.020 General Provisions
- 14.17.030 Lot Configuration and Access
- 14.17.040 Complete Application Required - CHANGES TO THIS SECTION ONLY**
- 14.17.050 Public Notice Requirements
- 14.17.060 General Application Review
- 14.17.080 Criteria for Approval of Subdivision Application
- 14.17.090 Filing
- 14.17.095 Time Limits on Preliminary Approval – Long Subdivision and Binding Site Plan
- 14.17.100 Variances
- 14.17.110 Appeals

14.17.040 Complete Application Required

- A. A complete application shall be required before taking review action on any proposed subdivision.
- B. All applications ~~shall be subject to the application requirements established by SMC Title 16A. for subdivision shall be submitted on the appropriate forms to the Department. The Department shall prescribe the format of all application forms and shall provide the same to applicants. The application shall include all information deemed necessary by the Director to make a decision consistent with State and City standards.~~
- C. ~~In addition to any other submissions required under SMC 16A.07.030, applications for subdivision shall be considered complete only after the City verifies that the applicant has provided all items required by the application checklist.~~

Chapter 15.100

AUTHORITY, PURPOSE, INTERPRETATION AND ADMINISTRATION

Sections:

15.100.005	Title
15.100.010	Authority to Adopt Code
15.100.015	Purpose
15.100.020	Requirement of Code Conformity
15.100.030	Minimum Requirements
15.100.040	Development Agreements
15.100.050	Interpretation – General
15.100.060	Interpretation – Boundaries
15.100.070	Administration and Review Authority
15.100.080	Severability

15.100.005 Title

This title shall be known as the City of SeaTac Zoning Code, hereinafter referred to as “the code.”

15.100.010 Authority to Adopt Code

The code is adopted by City of SeaTac ordinance, pursuant to Article XI, Section 11 of the Washington State Constitution.

15.100.015 Purpose

- A. To implement the SeaTac Comprehensive Plan’s policies and objectives and the goals of the State Growth Management Act (GMA);
- B. To protect health, safety and general welfare;
- C. To provide for the economic, social, and aesthetic advantages of orderly development and redevelopment through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
- D. To provide for adequate public facilities and services in conjunction with development;
- E. To ensure public safety by restricting development of lands containing physical hazards and to minimize the adverse environmental impacts of development; and
- F. To ensure that land use decisions are made in accordance with the public interest and applicable laws of the State of Washington, including the Growth Management Act and subsequent amendments.

15.100.020 Requirement of Code Conformity

A. No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with the Municipal Code. Site planning and design shall consider stormwater management, especially the design and integration of LID BMPs, as early as possible in the project planning phase. Where feasible, locate buildings away from soils that provide effective infiltration; site LID BMPs (as defined in Chapter 12.10 SMC) in areas with good infiltration capacity; reduce impervious surfaces; and retain native vegetation.

1. *Repealed by Ord. 18-1001.*
2. *Repealed by Ord. 18-1001.*

3. **Exemptions from Permit Requirements.** The following actions are exempt from any permit requirements, although they must still meet the requirements of the code:

- a. Construction of an accessory building of less than one hundred twenty (120) square feet;
 - b. Fences of six (6) feet or less in height;
 - c. The cutting of one (1) or more trees by the owner of a single-family property on which is an existing single-family home, unless such trees are in a steep slope, wetland, or other sensitive area, or sensitive area buffer, or unless such trees are required to be retained by covenants on the property.
- B. Creation of, or changes to, lot lines shall conform with the use provisions, dimensional and other standards, and procedures of the code and SMC Title 14, Subdivisions.
- C. All land uses and development authorized by the code shall comply with all other regulations and requirements of the code or any other local, State or Federal agency that has jurisdiction over land uses and development. Where a difference exists between the code and other regulations, the more restrictive requirements shall apply.
- D. Where more than one (1) part of the code applies to the same aspect of a proposed use or development, the more restrictive requirements shall apply.

15.100.030 Minimum Requirements

In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of the code. Additionally, the Director shall issue an interpretation on areas of question as set forth in SMC 15.100.050, Interpretation – General.

15.100.040 Development Agreements

~~A. — If it is determined, as a discretionary matter, that particular and demonstrable public benefits will accrue to the City, development agreements may be entered into by and between the City and persons and entities having ownership or control of real property, pursuant to RCW 36.70B.170 through 36.70B.200 to establish development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of specific real property, to engender funding or providing of services, infrastructure, and other facilities, including potential reimbursement over time for private financing of public facilities, and to permit imposition of impact fees, inspection fees, dedications, other financial contributions, and mitigation measures where the same are expressly authorized by provisions of State law.~~

~~B. — The terms of any such development agreement shall be consistent with the Comprehensive Plan and with the development regulations of this code, and shall conform to the purpose of SMC 15.115.005, Purpose, and the criteria set forth in SMC 15.115.030, Development Agreements. Development agreements are subject to the public hearing notice requirements contained in SMC 16A.13.010, Notice of Public Hearing.~~

~~C. — The Director is hereby authorized and directed to cause the Official Zoning Map to be amended to notate properties subject to approved development agreements, and to update the zoning map upon adoption of future agreements. A notation shall be placed upon the Official Zoning Map and on appropriate GIS databases to provide notice of the development agreement. The notation shall reference an appendix to the Zoning Code which shall identify the development agreement and any other details deemed appropriate.~~

15.100.050040 Interpretation – General

- A. Regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.
- B. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.
- C. Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
- D. The word “shall” is mandatory and the word “may” is discretionary.

E. Unless the context clearly indicates otherwise, words in the present tense shall include past and future words defined in this title; all words and terms used in this code shall have their customary meanings.

F. The Director shall issue administrative interpretation on the Zoning Code in order to clarify the intent and standards. The interpretation shall have the stated issue, findings of fact, and conclusions and shall be considered during the annual review of the code for inclusion as a standard.

G. This title does not allow any use which is in violation of any local, State, or Federal laws, regulations, codes and/or ordinances.

~~15.100.060 Interpretation—Boundaries~~

~~Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:~~

~~A.—Where the boundaries are not clearly designated in regard to rights of way, the Director shall determine the nearest lot line to be the boundary for a zone boundary;~~

~~B.—Where boundaries are indicated as following lines of ordinary high water, or government or meander line, the lines shall be considered to be the actual boundaries, and if these lines should change, the boundaries shall be considered to move with them;~~

~~C.—Where a public right of way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged; and~~

~~D.—If none of the rules of interpretation described in subsections (A) through (C) of this section apply, then the zoning boundary shall be determined by map scaling.~~

~~15.100.07050 Administration and Review Authority~~

~~A.—The Hearing Examiner shall have the authority to hold public hearings and make decisions and recommendations on reclassification, subdivisions and other development proposals and appeals as set forth in City ordinances, including Chapter 15.115 SMC, Land Use Actions and Procedures, and subsequent amendments.~~

~~B.—The Director shall have the authority to grant, condition or deny commercial and residential building permits, grading and clearing permits, in violation or noncompliance with this code.~~

~~C.—The Director shall have the sole authority to issue official interpretations of the Zoning Code, in accordance with the criteria set forth in SMC 15.100.050, Interpretation—General. Such decisions shall be considered administrative decisions which can be appealed through the Hearing Examiner.~~

See SMC Section 16A.03.030.

~~15.100.080060 Severability~~

Should any chapter, section, subsection, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this title.

Chapter 15.115

Land Use Actions and Procedures

Sections:

15.115.005	Purpose
15.115.010	Variance
15.115.020	Conditional Use Permit (CUP) – CHANGES TO THIS SECTION ONLY
15.115.030	Development Agreements – CHANGES TO THIS SECTION ONLY
15.115.040	Essential Public Facilities
15.115.050	Zone Reclassification (Rezone)
15.115.055	Preliminary Site Plan – CHANGES TO THIS SECTION ONLY
15.115.060	Hearing Examiner Development Review Process – CHANGES TO THIS SECTION ONLY
15.115.070	Appeal Process

15.115.020 Conditional Use Permit (CUP)

A. **Major Conditional Use Permit.** A major conditional use permit (CUP) is a permit granted by the Hearing Examiner, which sets special conditions regarding a use in a zone where the use is not permitted outright due to the nature of impacts created by the use.

B. **Minor Conditional Use Permit.** A minor conditional use permit may be granted by the Director to allow specified uses as listed under subsection (E) of this section.

C. The CUP process is a means of imposing special conditions and requirements on development, so that the compatibility of uses shall be maintained considering other existing and potential uses within the general area where the conditional use is proposed. Conditions imposed on a CUP will reasonably assure that a nuisance or hazard to life or property will not occur. The CUP process is not a means to reduce the requirements of a zone classification where the conditional use is proposed.

D. The applicant must show that the proposed development satisfies all of the following criteria for approval by the Hearing Examiner or Director:

1. The proposed use is listed as a conditional use under SMC 15.205.040, Use Chart;
2. The site is adequate in size and shape for the proposed project and the use conforms to the general character of the neighborhood;
3. The unique character of topography, arterial streets and adjacent land use complement the proposed conditional use;
4. The conditional use would not be detrimental to surrounding land use;
5. Modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this code;
6. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
7. The conditional use will be supported by adequate public facilities or services, and will not adversely affect public services to the surrounding area unless conditions can be established to mitigate adverse impacts.

E. A minor conditional use permit may be granted by the Director only in the following situations:

1. The minor conditional use must conform to the criteria as set forth in this section and all other requirements of this code.

2. To allow the expansion of an existing, legal conditional use which has previously been permitted within the zone classification, provided the requested expansion of the existing conditional use is either:
 - a. No greater than twenty percent (20%) of the gross floor area of the existing conditional use; and
 - b. Exempt from environmental review under the State Environmental Policy Act (SEPA).
3. To allow location of a new concealed freestanding macro facility in a low intensity zone, subject to the requirements set forth in Chapter 15.480 SMC, Wireless Communication Facilities.
4. To allow subsidiary uses in:
 - a. School facilities or City facilities within the residential zones and Park zone; and
 - b. Religious use facilities in residential zones.

See criteria in Chapter 15.470 SMC, Subsidiary Uses.

~~5. To allow location of permanent supportive housing and transitional housing consistent with Chapter 15.205 SMC, Land Use Chart, and subject to the requirements set forth in SMC 15.465.350, Supportive Housing Facilities Standards.~~

15.115.030 Development Agreements

~~A. If it is determined, as a discretionary matter, that particular and demonstrable public benefits will accrue to the City, development agreements may be entered into by and between the City and persons and entities having ownership or control of real property, pursuant to RCW 36.70B.170 through 36.70B.200 to establish development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of specific real property, to engender funding or providing of services, infrastructure, and other facilities, including potential reimbursement over time for private financing of public facilities, and to permit imposition of impact fees, inspection fees, dedications, other financial contributions, and mitigation measures where the same are expressly authorized by provisions of State law.~~

~~B. The terms of any such development agreement shall be consistent with the Comprehensive Plan and with the development regulations of this code, and the provisions of this section. Development agreements are subject to the public hearing notice requirements contained in SMC 16A.13.010, Notice of Public Hearing.~~

~~A. A person or entity having ownership or control of real property within the City may file an application for a development agreement with the Department, solely and exclusively on the current form approved by the said Department, together with the filing fee set forth in the current edition of the City's Fee Schedule as adopted by resolution of the City Council.~~

~~B.C. Terms of the proposed development agreement shall be subject to the preapplication meeting process set forth at SMC 16A.05.020, Preapplication Meetings, and such other provisions of SMC Title 16A, Development Review Code, as may be deemed appropriate by the City.~~

~~C.D. The Director is authorized, but not required, to negotiate acceptable terms and conditions of the proposed development agreement with due regard for the following criteria:~~

1. The development agreement conforms to the existing Comprehensive Plan policies.
2. The terms of the development agreement are generally consistent with the development regulations of the City then in effect.
3. Appropriate project or proposal elements such as permitted uses, residential densities, and nonresidential densities and intensities or structure sizes are adequately provided, to include evidence that the site is adequate in size and shape for the proposed project or use, conforms to the general character of the neighborhood, and would be compatible with adjacent land uses.

4. Appropriate provisions are made for the amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of State law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications.
5. Adequate mitigation measures, development conditions, and mitigation requirements under Chapter 43.21C RCW are provided.
6. Adequate and appropriate design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features are provided.
7. If applicable, targets and requirements regarding affordable housing are addressed.
8. Provisions are sufficient to assure requirements of parks and open space preservation.
9. Interim uses and phasing of development and construction is appropriately provided. In the case of an interim use of a parcel of property, deferments or departures from development regulations may be allowed without providing a demonstrated benefit to the City; provided, that any departures or deferments to the code requested for a final use of the property shall comply with criteria No. 11 below. The agreement shall clearly state the conditions under which the interim use shall be converted to a permanent use within a stated time period and the penalties for noncompliance if the interim use is not converted to the permanent use in the stated period of time.
10. Where a phased development agreement is proposed, a site plan shall be provided and shall clearly show the proposed interim and final use subject to the agreement.
11. In the case of a development agreement where the proposed use would be the final use of the property, it shall be clearly documented that any departures to the standards of the code, requested by the applicant, are in the judgment of the City, offset by providing a benefit to the City of equal or greater value relative to the departure requested. In no case shall a departure to the code be granted if no benefit to the City is proposed in turn by the applicant.
12. Conditions are set forth providing for review procedures and standards for implementing decisions.
13. A build-out or vesting period for applicable standards is provided.
14. Any other appropriate development requirements or procedures necessary to the specific project or proposal are adequately addressed.
15. If appropriate, and if the applicant is to fund or provide public facilities, the development agreement shall contain appropriate provisions for reimbursement over time to the applicant.
16. Appropriate statutory authority exists for any involuntary obligation of the applicant to fund or provide services, infrastructure, impact fees, inspection fees, dedications, or other service or financial contributions.

D.E. If the Director deems that an acceptable development agreement has been negotiated and recommends the same for consideration, the City Council shall hold a public hearing and then may take final action, by resolution, to authorize entry into the development agreement. In addition, the Council may continue the hearing for the purpose of clarifying issues, or obtaining additional information, facts, or documentary evidence.

E.F. The decision of the Council shall be final immediately upon adoption of a resolution authorizing or rejecting the development agreement.

F.G. Following approval of a development agreement by the Council, and execution of the same, the development agreement shall be recorded with the King County Recorder.

G.H. Because a development agreement is not necessary to any given project or use of real property under the existing comprehensive plan and development regulations in effect at the time of making application, approval of a

development agreement is wholly discretionary and any action taken by the City Council is legislative only, and not quasi-judicial.

I. The Director is hereby authorized and directed to cause the Official Zoning Map to be amended to notate properties subject to approved development agreements, and to update the zoning map upon adoption of future agreements. A notation shall be placed upon the Official Zoning Map and on appropriate GIS databases to provide notice of the development agreement. The notation shall reference an appendix to the Zoning Code which shall identify the development agreement and any other details deemed appropriate.

15.115.055 Preliminary Site Plan

A. **Purpose.** Preliminary site plan provides an administrative process by which a development project is reviewed to ensure conformance with applicable policies, codes and development standards. The process is separate from and precedes initial building or engineering permit review and issuance.

B. Authority and Application.

1. **Projects Which Require SEPA.** At a minimum, preliminary site plan review is required for all projects subject to SEPA review per Chapter 16A.23 SMC; ~~provided, that no other land use approval is required.~~ SEPA review shall occur concurrently with the preliminary site plan review process.

2. **Projects Which Do Not Require SEPA.** The Director may establish administrative standards for projects to be subject to preliminary site plan review versus those more minor projects which can be approved through standard permit review/issuance.

3. **Interior Alterations.** Preliminary site plan review is not required for interior alterations, provided the proposed interior alterations do not result in the following:

a. **Additional sleeping quarters or bedrooms**

b. **Nonconformity with federal emergency management agency substantial improvement thresholds;**
or

c. **Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.**

For purposes of this section, “interior alterations” include construction activities that do not modify the existing site layout or its current use and involve no exterior working adding to the building footprint.

4. **Supportive Housing.** Preliminary site plan review is required for the location of emergency shelter, emergency housing, permanent supportive housing and transitional housing consistent with Chapter 15.205 SMC, Land Use Chart, and subject to the requirements set forth in SMC 15.465.350, Supportive Housing Facilities Standards.

C. **Approval.** Upon the filing of a complete application, the Director or designee shall have the authority, subject to the provisions of this section, to approve, approve with conditions or deny a preliminary site plan application. Approval may be subject to conditions as deemed necessary to ensure conformance with policies, codes and development standards.

D. **Notice of Decision.** Upon completion of review of the application, a written notice of decision shall be issued pursuant to Chapter 16A.15 SMC. The date of the decision constitutes the date of approval of the preliminary site plan.

E. **Voiding of Approval.** A preliminary site plan approval shall become null and void if a complete application for a building permit, or ~~engineering construction~~ permit when no building permit is required, is not filed within ~~one~~ ~~(+) three (3)~~ years of the date of approval.

F. **Appeals.** The applicant or any party of record may appeal the Director’s decision pursuant to Chapter 16A.17 SMC.

G. **Extensions.** Upon written request of the property owner or his/her authorized representative, the Director may grant an extension of time up to but not exceeding six (6) months. Such extension shall be based upon finding that there has been no material change of applicable policies, codes and development standards, and that granting an extension would not be detrimental to the public health, safety or general welfare.

~~15.115.060—Hearing Examiner Development Review Process~~

A.—~~See Chapter 1.20 SMC.~~

~~B.—Public Hearings.~~

~~1.—Before rendering a decision on any application or appeal, the Hearing Examiner shall hold a public hearing thereon. For applications subject to City Council action, the public hearing by the Hearing Examiner shall constitute a hearing by the City Council.~~

~~2.—Whenever a project requires more than one (1) permit or approval, the Hearing Examiner may order a consolidation of and conduct the required public hearings to avoid unnecessary costs or delays. Decisions of the Hearing Examiner to order and conduct consolidated hearings shall be final in all cases.~~

~~C.—Procedural Notice Requirements.~~ Notice of public hearings shall be provided as specified in Chapter 16A.13 SMC.

~~D.—Department Report.~~ When an application or appeal has been set for public hearing, the Department shall coordinate and assemble the reviews of other City departments and governmental agencies having an interest in the subject application or appeal, and shall prepare a report summarizing the factors involved and the Department's findings and recommendation or decision. At least fourteen (14) days prior to the scheduled hearing, the report, and in the case of appeals, any written appeal arguments submitted to the City, shall be filed with the Hearing Examiner and copies thereof shall be mailed to all persons of record who have not previously received said materials.

~~E.—General Criteria for Examiner Decisions.~~

~~1.—Each decision of the Hearing Examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision.~~

~~2.—The Hearing Examiner's findings and conclusions shall carry out and help implement applicable State laws and regulations and the regulations, policies, objectives and goals of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other official laws, policies and objectives of the City, and that the decision will not be unreasonably incompatible with, or detrimental to, affected properties and the general public.~~

~~3.—The Hearing Examiner shall accord substantial weight to the recommendation of the Department.~~

~~F.—Examiner Actions.~~ Within ten (10) working days of the conclusion of a hearing or rehearing, the Hearing Examiner shall render a written recommendation or decision and shall transmit a copy thereof to the Department. The Department shall then transmit a copy of the decision to all parties of record.

~~1.—The Examiner's decision may be to grant or deny the application or appeal, or the Hearing Examiner may grant the application or appeal with such conditions, modifications and restrictions as he/she finds necessary to make the application or appeal compatible with the environment, and carry out applicable State laws and regulations, and the regulations, policies, objectives and goals of the Comprehensive Plan, the Zoning Code, the Subdivision Code and other ordinances, policies and objectives of the City.~~

~~2.—The conditions, modifications and restrictions that the Hearing Examiner may impose include additional setbacks, screening in the form of landscaping or fencing, covenants, easements and dedications of additional road rights of way. Performance bonds or equivalent measures may be required to insure compliance with the conditions, modifications and restrictions of this code.~~

~~15.115.070060~~ **Appeal Process**

See Chapter 16A.17 SMC.

Chapter 15.215

Planned Unit Development (PUD)

Sections:

- 15.215.005 Purpose
- 15.215.010 Initiation of Project – Application
- 15.215.015 Procedure for Approval – CHANGES TO THIS SECTION ONLY**
- 15.215.020 Phased Development
- ~~15.215.025 Combined Applications – CHANGES TO THIS SECTION ONLY~~
- 15.215.030 Preliminary Development Plan – CHANGES TO THIS SECTION ONLY**
- 15.215.040 Final Development Plan – CHANGES TO THIS SECTION ONLY**
- 15.215.050 Zoning Map Revision
- 15.215.060 Building Permits – Certificates of Occupancy
- 15.215.070 Subdivision Requirements
- 15.215.080 Sale of Lots
- 15.215.090 Lots Subject to Final Development Plan
- 15.215.100 Adjustments – Procedures – CHANGES TO THIS SECTION ONLY**
- 15.215.110 Termination of Final Planned Unit Development – Failure to Commence or Continue Construction
- 15.215.120 Extension of Time for Construction – CHANGES TO THIS SECTION ONLY**
- 15.215.130 Applicability of Provisions
- 15.215.140 Location – Uses Permitted
- 15.215.150 Access to Development
- 15.215.160 Common Open Space – Requirements
- 15.215.170 Permissive Variations in Requirements
- 15.215.180 Yards
- 15.215.190 Distance Between Buildings
- 15.215.200 Building Height
- 15.215.210 Number of Dwelling Units
- 15.215.220 Residential Density Incentives
- 15.215.230 Site Coverage
- 15.215.240 Off-Street Parking
- 15.215.250 Common Walls
- ~~15.215.260 Notice of Public Hearing – CHANGES TO THIS SECTION ONLY~~
- ~~15.215.270 Judicial Review – CHANGES TO THIS SECTION ONLY~~

15.215.015 Procedure for Approval

~~A PUD shall be processed as a Type III project permit consistent with SMC Title 16A. The procedure to be followed for approval of a PUD shall be composed of two (2) steps:~~

- ~~A. Review of the development plan by the Hearing Examiner who shall make a recommendation to City Council; and~~
- ~~B. Review of the recommendation of the Hearing Examiner by City Council.~~

~~**15.215.025 Combined Applications**
In all cases:~~

- ~~A. An applicant may file a concurrent subdivision application, meeting the requirements of the Subdivision Code which shall be processed concurrently with the PUD application.~~
- ~~B. The applicant may also file a concurrent rezone application, meeting the requirements of SMC 15.115.050, Zone Reclassification (Rezone), which shall be processed concurrently with the other application(s).~~

15.215.030 Preliminary Development Plan

A. **Preliminary Development Plan – Filing Requirements.** The applicant shall file a preliminary development plan with the Director including, at a minimum, the following information:

1. A legal description and site location map of the property;
2. A proposed site plan and/or drawings with five (5) foot contour intervals showing the principal topographic contours; individual trees over eight (8) inches in diameter measured three (3) feet above the base of the trunk in areas to be developed or otherwise disturbed; designated placement, location, and principal dimensions of buildings, streets, parking areas, recreation areas and other open space and landscaping areas; and all property within the area determined by the Director to be relevant for comprehensive planning and environmental assessment purposes; together with a conceptual plan for its development;
3. Drawing and/or text showing scale, bulk, and architectural character of structures;
4. Special features;
5. Text describing conditions or features which cannot be adequately displayed on maps or drawings;
6. A description of plans for covenants, uses and continuous maintenance provisions for the project;
7. A conceptual landscape plan;
8. A circulation diagram indicating the proposed movement of vehicles and pedestrians within the PUD, and to and from existing and programmed thoroughfares; and special engineering features and traffic regulating devices needed to facilitate or ensure the safety of this circulation pattern.

B. **Preliminary Development Plan – Staff Recommendation to the Hearing Examiner.** After receiving the preliminary development plan, the Director shall route the same to all appropriate City departments, and each department shall submit to the Director comments and recommendations. After receiving such information from the City departments, the Director shall present recommendations and conclusions before the Hearing Examiner at the public hearing for the preliminary development plan.

C. **Preliminary Development Plan – Hearing.** The preliminary development plan will be considered at a public hearing before the Hearing Examiner after notice is given in the manner required by ~~SMC 15.215.260~~ [SMC 16A.13.010](#), Notice of Public Hearing.

D. **Preliminary Development Plan – Hearing Examiner Review.** The Hearing Examiner shall use the following minimum criteria when making a decision:

1. The proposed project will not be detrimental to present and potential surrounding land use;
2. Land surrounding the proposed development can be planned in coordination with the proposed development and can be developed so as to be mutually compatible;
3. Streets and sidewalks, existing and proposed, are in accordance with adopted City development standards to carry anticipated traffic within the proposed project and in the vicinity of the proposed project, in light of the criteria set forth in SMC 15.215.150, Access to Development;
4. Utility services and other improvements, existing and proposed, are adequate for the development and are to be completed by the estimated completion date of the PUD;
5. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, recreation spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment. Such requirements may be reduced through requested permissive variations as outlined in SMC 15.215.170, Permissive Variations in Requirements; provided, that the proposed development sustains a desirable and stable environment;

6. The project conforms with the basic intent of this code;
7. The project conforms to the SeaTac Comprehensive Plan, and any applicable area plan that has been adopted by the City pursuant to ordinance or resolution; and
8. If a subdivision application is being processed concurrently, conformance with the requirement of the Subdivision Code.

Following the public hearing, the Hearing Examiner may approve the application as proposed, approve with modifications and/or conditions, or deny the application and the accompanying development plan.

15.215.040 Final Development Plan

A. Final Development Plan – Failure to File, Termination.

1. In the event the development plan or any required attendant papers are not filed within twelve (12) months for permits in the applicable phases, the approval of the development plan shall lapse, and the approval shall be deemed null and void and without force or effect.
2. When it is determined as part of the PUD approval that the development plan is to be phased, then the development plan for the first phase must be submitted within twelve (12) months. In no case shall the total phasing of the project exceed five (5) years from the time of the development plan.
3. The time period for filing of final development plans shall not include periods of time during which progress on the final development plan is reasonably halted or delayed due to the filing and pendency of legal actions challenging an approval granted by the City pursuant to this chapter; provided, that in all cases when more than two (2) years have elapsed subsequent to the date of approval of a preliminary plan, whether due to the pendency of litigation, City-approved extensions of time for filing or otherwise, the permittee shall be required to comply with all current building, construction, subdivision and other applicable standards of the City prior to being granted approval of the final development plan.

B. Final Development Plan – Extension of Time for Filing. For good cause shown, the [City Council Director](#) in ~~his~~ [his/her](#) discretion, may grant a one (1) year extension of time for filing the final development permits and required accompanying papers.

C. Final Development Plan – Hearing Examiner Approval. After the public hearing, the Hearing Examiner shall approve or deny the final development plan. The Hearing Examiner shall enter reasons for such action in the records. The Hearing Examiner shall approve the final development plan if determined that it conforms to the standards, including minor changes approved pursuant to SMC 15.215.100, Adjustments – Procedures. For the purpose of this section, “substantially conforms” means that, as compared to the preliminary development plan, the final development plan contains no significant revisions in density, uses, design or development standards in the site plan, and that there is not such a quantity of insignificant revisions that the cumulative effect thereof constitutes, in the Hearing Examiner opinion, a significant revision.

D. Final Development Plan – Bond Required. No final development plan shall be implemented until the applicant files with the City an approved bond executed by a surety company authorized to do business in the State of Washington or other equivalent security approved by the City, in an amount equal to one hundred fifty percent (150%) of the Department’s estimate of the cost of all public improvements, utilities, and all landscaping portions of the final development plan, conditioned upon the permittee’s completion of such portions of the project according to the submitted final development plan and the provisions of this chapter, and, in addition, providing that no change, extension of time, alteration or addition to the project will in any way affect the obligation on bond. Said bond, or an additional bond or other equivalent security, shall also be conditioned upon full restoration of the site in the event that grading, clearing or any other site preparation or work is begun and abandoned, and in the determination of the City, it will better serve the public health, welfare, and safety to restore the site rather than to require completion of public improvements, utilities and landscaping. If the PUD is also being subdivided, the bonds required to be posted by the Department policies/standards, to the extent that they satisfy the requirements of this section, shall be accepted as full or partial fulfillment of the requirements hereof.

E. **Installation of Improvements.** In lieu of providing a bond or other suitable security for all required improvements, the applicant may install all such improvements in a manner as approved by the Department.

F. **Final Development Plan – Effect.** Approval by the Hearing Examiner of the final development plan for a PUD and filing of the bond for installation of improvements as provided in subsection (D) of this section, Final Development Plan – Bond Required, and subsection (E) of this section, Installation of Improvements, shall authorize the owner(s) of the parcel(s) to be developed as a unit to proceed with the project, acting in concert, and shall bind such owner(s) to the implementation of such final development plan and to the construction and maintenance of the PUD in strict accordance with such approved plan and the provisions of this chapter.

15.215.100 Adjustments – Procedures

No major changes in the approved final development plan such as rearrangement of lots (except as applied to binding site plans), blocks, streets, building locations or development standards, or other such changes, may be made subsequent to final development plan approval except upon application to the Department, and approval consideration by the Hearing Examiner, ~~and approval by the City Council.~~

15.215.120 Extension of Time for Construction

For good cause shown, the City Council Director, in its his/her discretion, may grant a one (1) year extension of time for commencement or continuation of construction subsequent to approval of the final development plan.

~~15.215.260 Notice of Public Hearing~~

~~A. — Notice shall be given at least fourteen (14) days in advance of the public hearing by the posting of notices on the property of the PUD application and at SeaTac City Hall. Notice shall be published once in a newspaper of general circulation, and shall be mailed to all owners of property located within five hundred (500) feet of the exterior boundaries of the subject property, as shown on the records of the King County Treasurer, and to at least one (1) resident of each property which is contiguous to the subject property or separated from it by only a public right of way at least fourteen (14) days prior to the public hearing. The applicant shall provide the City with a list of the names and addresses of all such persons. The notice shall generally identify the property affected thereby, set forth the action requested, and the date, hour, place and staff member assigned by the Director for the hearing thereon. Continued hearings may be held at the discretion of the body considering the application, but no additional notices need be given if the hearing is continued to a specified date. When a subdivision application is being processed concurrently with the planned unit development, the notice requirements shall be met.~~

~~B. — No person who has received actual notice of a public hearing, to which the notice requirements of this section apply, shall have standing to challenge the legal validity of the action taken at or after said hearing on the basis that the notice requirements of this section were not complied with.~~

~~15.215.270 Judicial Review~~

~~Any legal action to review a decision of the City Council or the Hearing Examiner under this chapter shall be filed in King County Superior Court within thirty (30) days of the decision, notwithstanding the effective date of any ordinance passed or proposed to effectuate said decision.~~

MISCELLANEOUS APPEAL and REFERENCE CODE CLEAN-UP

From Chapter 5.05 Business Licenses and Regulations

5.05.160 Procedures for an appeal of a notice of denial, suspension or revocation.

I. The decision of the Hearing Examiner is considered final and conclusive per SMC 1.20.~~100(H)~~.

From Chapter 5.35 Fireworks

5.35.050 Public or religious displays of fireworks

J. The denial by the fire code official of a permit issued under this chapter may be appealed to the Hearing Examiner, as set forth in SMC 13.100.100(B). The decision of the Hearing Examiner shall be final and conclusive in accordance with SMC 1.20.~~100(H)~~.

From Chapter 7.35 Graffiti Removal

SMC 7.35.060 Appeal.

Within ten (10) days from the mailing or from personal service of the notice of intent to remove graffiti, the owner or person occupying or controlling the premises affected may appeal the matter to the [SeaTac City Council Hearing Examiner](#). Filing of an appeal will stay, during the pendency of the appeal, any enforcement or actions by the City to abate the graffiti nuisance.

From Chapter 11.40 Designation of Street Names and Numbers

SMC 11.40.090 Appeals

Any party aggrieved by the designation or redesignation of a street may appeal such final action as an appeal from an administrative decision pursuant to SMC 1.20.~~110~~.

From Chapter 11.50 Transportation Concurrency Management

SMC 11.50.150 Reconsiderations and appeals

D. Appeals.

4. The concurrency determination appeal will be consolidated with any other administrative appeals [of permit decisions for the development subject to the concurrency determination, as provided for in SMC 16A.19.020\(G\)](#).

From Chapter 13.270 Building Addresses

SMC 13.270.060 Appeals

Any party aggrieved by the assignment or reassignment of a building address may appeal such final action as an appeal from an administrative decision [to the Hearing Examiner](#) pursuant to SMC [Chapter 1.20.110](#).

From Chapter 14.16 Definitions (Subdivision Code)

SMC 14.16.178 Reviewing Authority

The Departments of Community and Economic Development, Parks and Recreation, Police Services, Fire Services and the Hearing Examiner where applicable ~~under SMC 1.20.090~~.

From Chapter 14.25 Alterations and Vacations

14.25.010 Alterations to a Recorded Subdivision

C. The City shall consider no application for alteration that would in its effect substitute an appeal under [Chapters 15.115 and 16A.17 SMC](#).

14.25.030 Vacation of a Final Plat

B. All plat vacation applications shall be referred to the Hearing Examiner for public hearing and consideration pursuant to SMC 1.20.090 and RCW 58.17.212. Following the public hearing the hearing examiner shall determine if the proposed plat vacation is consistent with the required findings of RCW 58.17.212.
