



City Ordinances Archive

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ORDINANCE NO. 09-1001

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the execution of an interlocal agreement relating to the South Correctional Entity Facility and the formation of the South Correctional Entity Facility Development Authority.

WHEREAS, the City of SeaTac, Washington (the “City”) is authorized by chapter 70.48 RCW to contract for, establish and maintain correctional facilities in furtherance of public safety and welfare; and

WHEREAS, the City currently contracts with other local governments within the State of Washington for correctional services at a great expense to the City; and

WHEREAS, chapter 39.34 RCW, the Interlocal Cooperation Act, authorizes municipalities in Washington to enter into agreements for the joint undertaking of certain projects as provided therein; and

WHEREAS, the Cities of Auburn, Federal Way, Des Moines, Renton, Tukwila, Burien, and SeaTac, Washington (the “Member Cities”) recognize and find that there is a public need for a new correctional facility to serve the south King County region and to provide correctional services at a lower total cost to the participating Member Cities than currently available alternatives or than the participating Member Cities could individually provide; and

WHEREAS, the Member Cities now desire to enter into an interlocal agreement (the “Interlocal Agreement”) to form a governmental administrative agency known as the South Correctional Entity (“SCORE”) to establish and maintain a consolidated correctional facility (the “SCORE Facility”) to serve the Member Cities and federal and state agencies and other local governments that may contract with SCORE in the future to provide correctional services essential to the preservation of the public health, safety and welfare; and

WHEREAS, the Member Cities are considering the formation of a public corporation for the purpose of issuing and servicing bonds that are secured by the full faith and credit of the Member Cities in order to provide for the financing of the SCORE Facility; and

WHEREAS, the City of Renton, Washington, has agreed to act as the host city for the formation of the public corporation, subject to the approval of each Member City; and

WHEREAS, the establishment and maintenance of the SCORE Facility will be of substantial benefit to the Member Cities and the public in general;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Approval of Interlocal Agreement. The City Manager is hereby authorized to execute the interlocal agreement with the Cities of Renton, Auburn, Federal Way, Des Moines, Tukwila, and Burien, Washington, substantially in the form as attached hereto as Exhibit A and incorporated herein by this reference (the “Interlocal Agreement”), for the creation of a governmental administrative agency pursuant to RCW 39.34.030(3) to be known as the South Correctional Entity (“SCORE”). The City Manager and other appropriate officers of the City are authorized and directed to take any and all such additional actions as may be necessary or desirable to accomplish the creation of SCORE.

Section 2. Approval of Formation of the Authority. Pursuant to chapter 39.34 RCW and RCW 35.21.730 through RCW 35.21.755, the City hereby approves the creation of a public corporation by the City of Renton, Washington, to be designated as the South Correctional Entity Facility Public Development Authority (the “Authority”). The purpose of the Authority is to provide an independent legal entity under State law to issue debt to finance and refinance the acquisition, construction, improvement and equipping of a correctional facility (the “SCORE Facility”). Such debt may be issued in one or more series, may be in the form of bonds, notes or other evidences of indebtedness to provide interim and permanent financing for the SCORE Facility and thereafter, to finance or refinance equipment, completion, expansion and other capital improvements essential to maintain the SCORE Facility’s functionality. Such bonds, notes, and other evidences of indebtedness are collectively referred to herein as the “Bonds.” The proposed form of ordinance to be considered by the City Council of the City of Renton, Washington, along with the Charter and the Bylaws of the Authority, drafts of which are attached hereto, as Exhibits B, C and D, respectively, are hereby approved. The City Council hereby approves the formation by the City of Renton, Washington, of the Authority by the approval of such ordinance, Charter and Bylaws substantially in the forms presented to this Council.

Section 3. Limited Liability; Independent Obligations. The Authority shall be an independent legal entity exclusively responsible for its own debts, obligations and liabilities. All liabilities incurred by the Authority shall be satisfied exclusively from the assets and credit of the

Authority. No creditor or other person shall have any recourse to the assets, credit, or services of the City on account of any debts, obligations, liabilities, acts, or omissions of the Authority.

Section 4. City Contributions to Operations and Bonds. The Member Cities shall pay an allocable portion of the budgeted expenses of maintenance and operation of the SCORE Facility not paid from other sources, which allocable portion shall be determined as provided in the Interlocal Agreement. In addition to the foregoing commitment, each Member City shall contribute funds in the percentages provided for in the Interlocal Agreement, which for the City is equal to 3%, to pay debt service on Bonds as the same shall become due and payable and to pay administrative expenses of the Authority with respect to the Bonds (the "Capital Contribution"). The authorization contained in this ordinance is conditioned upon the issuance of Bonds not exceeding the aggregate principal amount of \$100 million (not including any bonds or notes to be refunded with proceeds of such Bonds) without obtaining additional Council approval.

No Member City shall be obligated to pay the Capital Contribution of any other Member City; the obligations of the City with respect to the Bonds shall be limited to its 3% allocable share of such obligations; all such payments shall be made by the City without regard to the payment or lack thereof by any other jurisdiction; and each Member City shall be obligated to budget for and pay its Capital Contribution unless relieved of such payment in accordance with the Interlocal Agreement. All payments with respect to the Bonds shall be made to SCORE in its capacity as administrator and servicer of the Bonds to be issued by the Authority. The obligation of the City to pay its Capital Contribution shall be an irrevocable full faith and credit obligation of the City, payable from property taxes levied within the constitutional and statutory authority provided without a vote of the electors of the City on all of the taxable property within the City and other sources of revenues available therefor. The City hereby obligates itself and commits to budget for and pay its Capital Contribution and to set aside and include in its calculation of outstanding nonvoted general obligation indebtedness an amount equal to the principal component of its Capital Contribution for so long as Bonds remain outstanding.

Section 5. Preliminary Costs; Reimbursement. The City is hereby authorized to finance costs associated with the design, acquisition, construction, improvement and equipping of the SCORE Facility prior to the issuance of Bonds by the Authority pursuant to the terms of the Interlocal Agreement. Pursuant to U.S. Treasury Regulation Section 1.150-2(e), the City reasonably expects to be reimbursed for such expenditures with proceeds of Bonds issued by the Authority. The maximum principal amount of Bonds expected to be issued for the SCORE Facility described in Section 2 of this Ordinance is \$100 million.

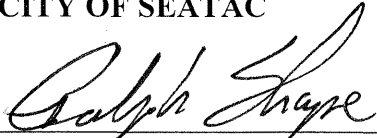
Section 6. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 7. Codification. This Ordinance shall not be codified.

Section 8. Effective Date. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.


ADOPTED this 13th day of January, 2009, and signed in authentication thereof on this 13th day of January, 2009.

CITY OF SEATAC



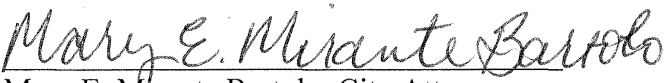
Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 1-24-09]

[SCORE Interlocal Agreement]

ORDINANCE NO. 09-1002

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating portions of the rights-of-way within North SeaTac Park.

WHEREAS, the Port of Seattle has requested vacation of certain portions of the City street and right-of-way within the boundary of North SeaTac Park, as shown on the map attached as Exhibit A to this Ordinance; and

WHEREAS, SMC 11.05.090 adopts the street vacation procedures of Chapter 35.79 RCW; and

WHEREAS, RCW 35.79.010 authorizes the City Council to initiate street vacation by resolution setting a public hearing which was, in this case, established by Resolution No. 08-022 fixing the public hearing for January 13, 2009, to be followed by Council action; and

WHEREAS, no apparent municipal use of the said rights-of-way exists; and

WHEREAS, no objections to vacation were filed prior to the hearing, and the Council finds that no person has demonstrated special injury due to substantial impairment of access to such person's property; and

WHEREAS, the Council finds that vacation of the aforesaid portion of the right-of-way, as legally described on Exhibit B and as depicted on the map marked Exhibit A to this Ordinance, is in the public interest;

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

Section 1. Vacation of Rights-of-Way. The portions of the rights-of-way within the boundary of North SeaTac Park legally described on Exhibit B to this Ordinance, and depicted on the map marked Exhibit A to this Ordinance, within the City of SeaTac, is hereby vacated, subject to reserving easements and payment pursuant to Sections 2 and 3, below.

Section 2. Reservation of Easements. Notwithstanding Section 1 of this Ordinance, a utility easement shall be granted for any utilities located within the rights-of-way being vacated by this ordinance. Failure to deliver to the City of SeaTac the easements described in this Section by January 31, 2010, shall void the vacation of right-of-way as described in Section 1 of this Ordinance.

Section 3. Compensation Required. In accordance with the City of SeaTac and Port of Seattle 2006 ILA, the Port of Seattle, which is the sole landowner of property abutting the aforesaid rights-of-way, has compensated the City in full plus interest. The Port shall pay a processing fee, which is to be the total sum of \$250.00.

Section 4. Codification. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 5. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder following the effective date hereof.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon 1) the City's receipt of the easements described in Section 2 of this Ordinance and 2) the City's receipt of the compensation required by Section 3 of this Ordinance. In no event shall the Ordinance be in full force and effect sooner than thirty (30) days after passage.

ADOPTED this 13th day of January, 2009, and signed in authentication thereof on this 13th day of January, 2009.

CITY OF SEATAC

Ralph Shape, Mayor

ATTEST:

Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney

[Effective Date: _____]

[Vacation of Streets within North SeaTac Park.]

ORDINANCE NO. 09 -1003

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to employment and employees, adopting a cost of living adjustment, and amending the Classification and Compensation Plan for non-represented employees.

WHEREAS, Chapter 2.65 of the SeaTac Municipal Code provides for a Classification and Compensation Plan for City employees, and for annual review and re-adoption thereof; and

WHEREAS, review and adoption of the Plan is intended to ensure that City salaries are competitive with those offered by other public and private employers and to avoid loss of purchasing power resulting from inflation or increased costs of living; and

WHEREAS, the City Council has, since 1993, expressed and followed its intent to provide cost of living increases for non-represented employees of the City by tying the same to the cost of living adjustment granted annually to the employees of the City represented by the Washington State Council of County and City Employees (WSCCCE), American Federation of State, County and Municipal Employees (AFSCME), Local 3830; and

WHEREAS, a current collective bargaining agreement provides a cost of living adjustment for the year 2009 to the said represented employees; and

WHEREAS, in order to address the need for a reasonable and fair compensation to non-represented City employees, and in accordance with long established policy, it is appropriate that the same cost of living adjustment be granted to non-represented employees of the City, and that modification of the Classification and Compensation Plan be made accordingly;

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

Section 1. The salary ranges within the Classification and Compensation Plan for the various positions of the non-represented employees of the City shall be increased by the amount of 5.0% percent over current levels as a cost of living adjustment equal to 95% of the CPI-W for Seattle-Tacoma-Bremerton (June to June index), with a minimum of 2% and a maximum of 5%, to be effective as of January 1, 2009.

Section 2. The provisions of the Classification and Compensation Plan, as previously amended, shall remain in full force and effect except as inconsistent herewith.

Section 3. Effective for medical premiums paid beginning January 2009, non-represented employees shall pay a portion of the medical insurance premium for the Association of Washington Cities (AWC) Medical Plan B according to the following table. The City shall pay the balance of the premium.

Coverage	January 1, 2009 Medical Premium (mo.)
Employee Only	\$41
Employee & Spouse	\$91
E, S + 1 Dependent	\$115
E, S + 2 or > Dependents	\$135
Employee and 1 Dependent	\$64
Employee and 2 Dependents	\$84


For employees who choose the Group Health medical plan, the City shall pay up to the dollar amount paid for employees and their dependents on the AWC Medical Plan B.

Section 4. This Ordinance shall not be codified within the SeaTac Municipal Code.

Section 5. This Ordinance shall be in full force and effect five (5) days after passage and publication.

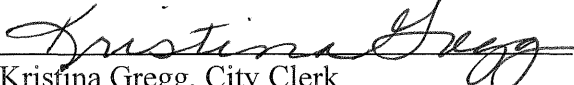
ADOPTED this 12th day of January, 2009, and signed in authentication thereof on this 12th day of January, 2009.

CITY OF SEATAC



 Ralph Shape, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary E. Mirante-Bartolo, City Attorney

[Effective Date: 1-24-09]

ORDINANCE NO. 09- 1004

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to employee benefits and increasing the monthly contribution to the City's VEBA medical, dental and vision expense plan, in lieu of certain health insurance coverage, for Council members and eligible participating employees.

WHEREAS, by Resolution No. 96-001, the City Council authorized the City Manager to implement a Voluntary Employee Beneficiary Association (VEBA) medical, dental and vision expense plan as an optional benefit; and

WHEREAS, the VEBA Plan offered is currently administrated by REHN & Associates, Inc., formally entitled the "Voluntary Employees' Beneficiary Association for Public Service Employers in the Northwest", but also referred to as the "HRA VEBA", and

WHEREAS, this benefit was made available to all Council members in lieu of the AWC Plan B medical insurance coverage and dental and vision coverage; and

WHEREAS, the benefit was also made available to all employees able to terminate City-provided medical insurance (but not dental and vision coverage) by reason of such employees maintaining a policy of medical insurance in addition to that provided by the City; and

WHEREAS, the plan diverts all or a portion of the insurance premium which the City would otherwise pay for applicable health insurance to the VEBA Health Reimbursement Arrangement Plan on behalf of each Councilmember and participating employee; and

WHEREAS, based solely upon representations of VEBA Service Group, LLC the City contribution to the VEBA Plan is payroll deductible on a tax-free basis and money in each account can be used by Council members and participating employees to pay out-of-pocket

medical, dental, and vision expenses which qualify pursuant to Internal Revenue Service Publication 502; and

WHEREAS, all Council members currently participate in the HRA VEBA; and

WHEREAS, the City contribution on behalf of each participant is currently a monthly sum of \$846.50, which is equivalent to the premium for AWC Plan B medical coverage for an employee and spouse in 2008 and, for Council members only, an additional monthly sum of \$177.27, which is equivalent to the 2008 full family premium for dental and vision coverage; and

WHEREAS, the Council deems it appropriate to increase the City contribution on behalf of each participant to the monthly sum of \$923.20, which is equivalent to the 2009 City paid premium for AWC Plan B (management employees) medical coverage for an employee and spouse, and for Council members only, to contribute an additional monthly sum of \$177.27, which is equivalent to the 2009 full family premium for dental and vision coverage.

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

Section 1. The City shall contribute the sum of \$923.20 per month to the HRA VEBA Plan on behalf of each eligible and participating employee in lieu of medical insurance coverage but not in lieu of dental and vision coverage, commencing with the first pay period of January 2009.

Section 2. The City shall contribute the sum of \$1100.47 per month to the HRA VEBA Plan on behalf of each Councilmember in lieu of medical, dental, and vision insurance coverage commencing with the first pay period of January 2009.

Section 3. On an annual basis during the annual budget process, a review of any changes in the premiums paid by the City for employee medical, dental, and vision insurance coverage shall be conducted for the purpose of adjusting the VEBA Trust contributions by a similar amount to ensure parity.

Section 4. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 5. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

Section 5. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.


ADOPTED this 13th day of January, 2009, and signed in authentication thereof on this 13th day of January, 2009.

CITY OF SEATAC



Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante-Bartolo, City Attorney

[Effective Date: 1-24-09]
[VEBA Contributions]

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the City Manager to execute a contract with King County 4Culture to complete a Performing Arts Center Feasibility Study, and amending the 2009 Annual City Budget.

WHEREAS, the SeaTac City Council has reviewed Agenda Bill 3037 submitted by the Parks and Recreation Department, requesting authorization to enter into a contract with King County 4Culture to complete a Performing Arts Center Feasibility Study; and

WHEREAS, the estimated cost to conduct this feasibility study is \$20,000, with the entire amount to be reimbursed to the City by King County 4Culture; and

WHEREAS, amendment to the City's 2009 Annual City Budget is necessary to provide additional appropriation authority for the Parks and Recreation Department budget in the General Fund in the amount of \$20,000 to pay for the study, and increase estimated revenue to the General Fund in the amount of \$20,000 to account for the reimbursement from King County 4Culture;

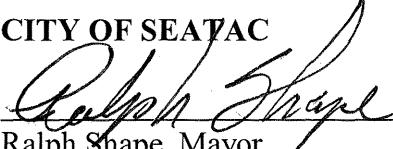
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. The City Manager is authorized to enter into a contract with King County 4Culture to complete a Performing Arts Center Feasibility Study.

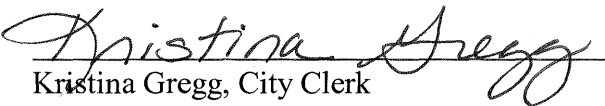
Section 2. The 2009 Annual City Budget shall be amended to increase revenue and expenditures in the General Fund by \$20,000.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.


ADOPTED this 13th day of January, 2009, and signed in authentication thereof on this 13th day of January, 2009.

CITY OF SEATAC

Ralph Shape, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary Mirante Bartolo, City Attorney
[Effective Date: 1-24-09]

ORDINANCE NO. 09-1005

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the City Manager to execute a contract with King County 4Culture to complete a Performing Arts Center Feasibility Study, and amending the 2009 Annual City Budget.

WHEREAS, the SeaTac City Council has reviewed Agenda Bill 3037 submitted by the Parks and Recreation Department, requesting authorization to enter into a contract with King County 4Culture to complete a Performing Arts Center Feasibility Study; and

WHEREAS, the estimated cost to conduct this feasibility study is \$20,000, with the entire amount to be reimbursed to the City by King County 4Culture; and

WHEREAS, amendment to the City's 2009 Annual City Budget is necessary to provide additional appropriation authority for the Parks and Recreation Department budget in the General Fund in the amount of \$20,000 to pay for the study, and increase estimated revenue to the General Fund in the amount of \$20,000 to account for the reimbursement from King County 4Culture;

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

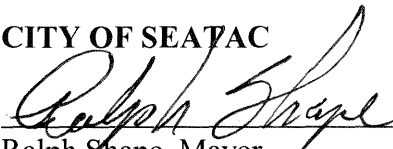
Section 1. The City Manager is authorized to enter into a contract with King County 4Culture to complete a Performing Arts Center Feasibility Study.

Section 2. The 2009 Annual City Budget shall be amended to increase revenue and expenditures in the General Fund by \$20,000.


Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 13th day of January, 2009, and signed in authentication thereof on this 13th day of January, 2009.


CITY OF SEATAC


Ralph Shape, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary Mirante Bartolo, City Attorney

[Effective Date: 1-24-09]

ORDINANCE NO. 09-1006

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the City Manager to enter into an agreement with King County for Phase II Habitat Restoration along Des Moines Creek and associated storm water management work in connection with the Des Moines Creek Basin Restoration Plan, and amending the 2009 Annual City Budget.

WHEREAS, the SeaTac City Council has reviewed Agenda Bill 3045 submitted by the Public Works Department, requesting authorization to enter into an agreement with King County for Phase II Habitat Restoration along Des Moines Creek and associated storm water management work, as part of the Des Moines Creek Basin Plan Restoration Project; and

WHEREAS, the City of SeaTac is acting as Treasurer for the Des Moines Creek Basin Committee and, as Treasurer, SeaTac approves capital improvement contracts on behalf of the Committee; and

WHEREAS, as Treasurer, the City of SeaTac has already been paid for the cost of the work by the Basin Committee, and is responsible for paying King County for this work; and

WHEREAS, the estimated cost to complete this work is \$1,176,557, and the work is scheduled to occur in 2009 and 2010; and

WHEREAS, amendment to the City's 2009 Annual City Budget is necessary to provide additional appropriation authority for the Surface Water Management Construction Fund #406 in the amount of \$1,176,557; and

WHEREAS, any portion of this amount not expended in 2009 will be carried over to the 2010 Annual City Budget to complete this project;

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

Section 1. The City Manager is authorized to enter into an agreement, in substantially similar form as attached hereto as Exhibit A, with King County for Phase II Habitat Restoration along Des Moines Creek and associated storm water work as part of the Des Moines Creek Basin Plan Restoration Project.

Section 2. The 2009 Annual City Budget shall be amended to increase expenditures in the Surface Water Management Construction Fund #406 by \$1,176,557.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 27th day of January, 2009, and signed in authentication thereof on this 27th day of January, 2009.

CITY OF SEATAC

Ralph Shape
Ralph Shape, Mayor

ATTEST:

Kristina Gregg
Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo for
Mary Mirante Bartolo, City Attorney

[Effective Date: 2-07-09]

[Phase II Habitat Restoration Agreement and Budget Amendment]

Technical Services Agreement Scope of Services

Phase II

Des Moines Creek Basin Restoration Projects

BACKGROUND

Since 1995, the Des Moines Creek Basin Committee (Basin Committee), comprised of the Port of Seattle, the cities of Des Moines and SeaTac, Washington State Department of Transportation (WSDOT), and King County has been working cooperatively to plan and implement a series of Des Moines Creek watershed improvements, including the following significant Capital Improvement Projects (“Projects”):

- a regional retention/detention facility at Tyee Golf Course;
- a surface water high-flow bypass system to Puget Sound;
- low-flow augmentation by well water withdrawal; and
- habitat restoration by in-channel improvements,

Via interlocal agreement between the jurisdictions, King County provided technical support with the project planning, environmental studies, analysis, design, permitting, construction, monitoring, and oversight compliance. By agreement of the jurisdictions, King County withdrew as a participant in the interlocal agreement but will continue to provide a range of technical services to support the implementation of the Projects. The mechanism for provision of these services is the preexisting interlocal agreement between King County and the City of SeaTac for provision of surface water management-related services, executed in 1992 and effective in perpetuity unless terminated by either party. SeaTac will recover its expenses through terms of the continuing interlocal agreement between SeaTac, WSDOT, Des Moines, and the Port.

Provided below are descriptions of the Projects.

Regional Detention Facility

In 2006, The Basin Committee constructed the Des Moines Regional Detention Facility (RDF) which is located in Tyee golf course at the southern end of Sea-Tac Airport. The RDF consists of two new stormwater detention ponds, the Northwest Ponds and the Approach Light Road Pond. In addition, the diversion and bypass pipelines are proposed to carry flow from the existing Tyee Regional Stormwater Pond to the Northwest Ponds, and from the Tyee Pond to Puget Sound, respectively. The project is designed to mitigate increased runoff associated with urbanization in the Des Moines Creek watershed and to reduce the rate of erosion in the Des Moines ravine located in the lower reaches of the watershed. Per the permit conditions, King County staff is preparing and providing monthly status reports to the Washington State Department of Ecology. The monthly status report can be discontinued after the permits are closed later in 2009.

Bypass Pipeline

The Bypass Pipeline system was constructed in 2007. This pipeline receives flows from Tyee Pond via an outlet control structure when storm flows are greater than the six-month interval rate. This new system was developed by constructing 2500 feet of new pipeline and connecting it to an existing 24-inch concrete pipe network, providing conveyance until its confluence with Puget Sound. The Bypass Pipeline project utilizes an abandoned sewerage pipeline owned by Midway Sewer District. King County staff will prepare an Operation and Maintenance Manual for this project.

Low-Flow Augmentation

The low-flow augmentation system would use groundwater to increase baseflow in the stream during periods of extreme low flow. The goal would be to maintain a minimum of one cubic foot per second of flow at all times. Implementation of the low-flow augmentation is contingent upon the Basin Committee securing water rights and allocating necessary funding; therefore services for the low-flow augmentation system are not included in this Scope of Work.

Habitat Restoration Phase-II

During the planning phase of the habitat restoration projects, Des Moines Creek between South 200th Street and its mouth on Puget Sound was divided into eight sub-reaches as Reaches A through H (Figure 1). In 2007, King County constructed phase-I of the Habitat Restoration project which included placement of Large Woody Debris (LWD) in Des Moines Creek between Midway Sewer Treatment Plant and the upstream end of the Marine View Drive Bridge. Invasive plants were removed and native vegetations were planted along the stream buffer.

In phase-II, the fish passage and habitat for high priority areas of the stream will be enhanced. The Habitat projects will be designed to enhance fish habitat by scientifically placing logs, boulders, and other stream enhancement elements. The stream restoration projects will also be designed to stabilize the channel to mitigate in-stream erosion. Ecological studies, reports, and other supporting documents for obtaining permits will be prepared. Projects will be constructed per the plans, specifications, and the permit conditions. The following is a general summary of projects that will be analyzed, design, permitted, and constructed through this scope of work:

- I. **Reach G (downstream of Marine View Drive):** This reach has great potential habitat value because of the extent of spawning gravel and its immediate connection to Puget Sound. Habitat conditions in the upper portion of this reach could be dramatically improved by placement of LWD to create pool habitat and provide cover. It would also be useful to cooperate with and support ongoing community planting efforts in this reach. This improves physical habitat along the creek while fostering stewardship in the community.
- II. **Reach D (Midway Sewage Treatment Plant Reach):** Some of the weirs may need maintenance or repair. It is possible that passage, especially for juvenile salmonids, could be improved by modifications to some weirs. Placing LWD to provide cover over the large existing pools would improve the habitat value of those pools.
- III. **Reach C:** This reach is of lower gradient and somewhat less constrained than Reach B, and may therefore respond well to LWD and/or boulder addition. This reach currently is very homogenous and has limited LWD, so naturally occurring examples of wood/channel interactions are not available. However, KCDT believe that addition of

LWD and/or boulders at selected locations could produce morphological features such as scour pools and tailouts that would be beneficial to salmonids.

IV. **Reach B:** The steepness and confinement of the channel in this reach precludes significant spawning, rearing, or refuge habitat. To a significant extent, these circumstances must have existed under pristine conditions. Human alteration, including increased peak flows and construction of the adjacent sewer line, has exacerbated these circumstances but did not create them. Even with significant channel enhancement work, the channel character, as controlled by topography, would remain. Adding roughness elements might improve passage conditions and might reduce production of fine sediment through channel erosion, but it is unclear that either of these is a significant problem. The benefits of conducting channel enhancement/stabilization in this reach will be revisited when more immediately valuable projects in other reaches are completed. KCDT will evaluate the benefits of placement of LWD and gravels in this reach.

V. **Invasive Species Control**

Des Moines Creek is heavily infested with invasive plant species. These plants, including Himalayan blackberry, English ivy, and Japanese knotweed, displace native species and reduce habitat diversity by creating large monoculture patches. Complete elimination of these species is probably not feasible because of their continual reintroduction from the surrounding environment. One-time removal projects are of limited value because of the speed at which these species recolonize. A more effective approach to invasive plant control is to establish a program that provides continuing invasive monitoring and control. This type of ongoing effort can be effective in reducing the extent and spread of invasive species. An initial phase of invasives control was initiated in Reach E during 2007 and 2008. It will be beneficial to implement a follow-up invasive control in 2009 from South 200th Street to the mouth of Des Moines Creek.

VI. **Native Plantings**

Planting native plants is an inexpensive way of increasing channel cover and riparian diversity. Establishing a dense native plant community is one of the best ways of preventing colonization of an area by invasive species. Planting events provide an opportunity for citizens to participate in meaningful habitat enhancement work while fostering community stewardship. The wide applicability, scalability, and simplicity of native planting projects lends to supporting and facilitating them programmatically rather than on a project-by-project basis. In 2007 and 2008, KCDT organized several volunteer events to plant native vegetations along the buffer of the creek. However, a large portion of the buffer along the creek was not accessible for planting due to the presence of the sediment control fence along the right bank of the creek from Reach D through Reach G. In 2009, the City of Des Moines expects to remove the sediment control fence. Once the fence is removed the KCDT will implement buffer planting along this reaches.

VII. **Monitor Fish Distribution and Habitat Use**

Removal of the fish migration barrier at Marine View Drive should allow anadromous fish greatly enhanced access to upstream reaches of Des Moines Creek. To help document the benefits of this project and to better focus future enhancement efforts KCDT recommend studying how salmonids use this newly accessible area. Study of their use of upstream reaches, especially their ability and willingness to pass through the

high-energy environments of Reach B to the more hospitable conditions in Reach A may guide future enhancement efforts.

SCOPE OF WORK

This Scope of Work describes tasks to be completed by King County Department of Natural Resource and Parks (KCDNRP) staff (and in some instances sub-contractors) to move the Projects through the design, permitting, construction, monitoring, and oversight compliance phases. Tasks will be performed between January 1, 2009 and December 31, 2010.

CAPITAL PROJECTS:

Tasks

1. **General Project Administration.** This task includes a variety of ongoing efforts needed to ensure communication and coordination within the KCDNRP staff and with the Basin Committee members, consultants, permitting agencies and with other groups, necessary for successful completion of design, permitting, construction, monitoring, and oversight compliance. This task and the following sub-tasks apply to all the Projects.

1.1 **Project Management.** This task includes all work efforts associated with typical project management, including but not limited to management and direction of the design team; scheduling team meetings; and tracking the progress of the project, the project schedule, and the project budget.

Deliverables: Quarterly updates on work progress, schedule, and budget.

1.2 **Scope/Schedule/Budget Preparation/Billings.** This task includes preparation of and minor revisions if needed to the scope, schedule, budget, and billings. The schedule will be created using Microsoft Project software. The budget will be presented as a spreadsheet using Excel software. Billings for completed tasks will be provided to the City of SeaTac quarterly.

Deliverables: Printed and/or electronic copy of scope, schedule, budget, and billings documents.

1.3 **Coordination with and Support for the Basin Committee.** This ongoing task provides time for the KCDNRP staff to respond to requests from the Basin Committee members or other staff of participating jurisdictions their staff not covered by the other specific work tasks. It also provides time for the project manager to attend the Basin Committee meetings.

Deliverables: Input at Basin Committee meetings; other deliverables variable, depending on requests from Basin Committee and budget available.

2. **Design, permitting, and implementation of Habitat Restoration Projects (Phase II).** Phase II of the Habitat Restoration projects will be designed to enhance fish habitat by placing logs, boulders, and other stream enhancement elements in areas of the stream identified as suitable for habitat improvement. The stream restoration projects will also be designed to stabilize the channel to mitigate in-stream erosion. Ecological studies, reports and other supporting documents for obtaining permits will be prepared. Projects will be constructed per the plans, specifications, and the permit conditions developed during final design. It is anticipated that the Phase II will be completed by the end of

December 2010. The following is a general summary of tasks that will need to be accomplished to implement the Habitat projects.

2.1 Project Management. This task includes all work efforts associated with typical project management, including management and direction of the design team; scheduling team meetings; and tracking the progress of the project, the project schedule, and the project budget. Assistance with billings for the TSA covered under this task.

2.2 Site Survey. This task covers field survey to update base map as needed for the design of the aforementioned projects. Identify specific sites for required restoration measures and/or stabilization.

Deliverable: Updated base map.

2.3 Stream Study. Update the previously performed stream study report characterizing the existing stream conditions, fish use, and riparian habitats within the project area. The report will utilize existing information, supplemented with specific habitat assessments as needed to describe the existing habitat and potential changes resulting from the project. The report will include photographs and a limited analysis and assessment of impacts not directly related to construction.

Deliverable: Stream Study Report

2.4 Ecological Design Support. This task covers time necessary for ecological staff to participate in the design process, allowing for input regarding permitting, ecological processes, and habitat issues during design.

2.5 Planting Design. Develop a planting plan to provide long-term erosion control, bank stabilization, and habitat enhancement for an area limited to the area around the new setback levee and small areas associated with removal of the old levee. Additional work that may be necessary if permit agencies require wetland or stream mitigation associated with the project is not included in this Scope of Work or cost estimate.

Deliverable: Planting and invasive control plan

2.6 Permit Applications and Coordination. Prepare and submit permit applications for all local and state permits. Time estimates assume limited permit complexity with only minor concerns raised by permitting authorities and the public. This effort will include applying for the permits and working with the permitting agencies to answer questions and address concerns about the project. Every reasonable effort will be made to secure permits, but there is no guarantee that permits will be issued or that no appeals will be filed.

Deliverables: Army Corp of Engineers Permits (if needed,) HPA and local grading permit

2.7 Engineering Design Plans. Prepare preliminary and final plans for up to four sub-projects. The plans will likely include the following sheets: cover sheet, legend, abbreviation list, vicinity map, site plan, erosion control plan, construction plan, planting plan, cross section sheets, detail sheets, and one note sheet. Preliminary

plans will be used for submittal of permit applications and other approval as needed. Final plans will be used for the construction of the projects.

Deliverables: Preliminary and final plan sets

- 2.8 Construction.** It is anticipated that up to four sub-projects will be constructed through the available funding. Although it has not been determined which of the following sub-projects would be built with available funding, they are anticipated to be of the types outlined below:

Reach G (downstream of Marine View Drive): Habitat conditions in the upper portion of this reach could be dramatically improved by placement of LWD to create pool habitat and provide cover.

Reach D (Midway Sewage Treatment Plant Reach): Some of the weirs may need maintenance or repair. The existing weirs may be repaired or modified or reconstructed to improve fish passage.

Reach C: LWD and/or boulders at selected locations could produce morphological features such as scour pools and tailouts that would be beneficial to salmonids.

Reach B: The benefits of conducting channel enhancement/stabilization in this reach will be revisited when more immediately valuable projects in other reaches are completed. KCDT will evaluate the benefits of placement of LWD and gravels in this reach.

Invasive Species Control. The available funding will be utilized for one-time removal of invasive species and to develop an on-going program.

Native Plantings. The available funding will be utilized to implement native plants at high priority sites.

Deliverables: Constructed project elements as indicated above.

- 3. Planting Along the Stream Buffer (Tye Golf Course);** RDF construction was completed in 2006; however, the planting along the Des Moines Creek stream buffer on Tye Golf course was not fully implemented. KCDNRP staff will complete the design and installation of buffer planting along the creek as required by the Department of Ecology (DOE) for the permit compliance.

Deliverables: Planting plan and completed buffer planting.

4. Oversight Compliance for the Basin Committee Projects:

- 4.1** Provide oversight compliance for the Habitat Restoration Projects during the construction phase to ascertain compliance with design goals, permit requirements, monitoring requirements, erosion control requirements, and appropriate guidelines.

Provide oversight of erosion control and monitoring to ascertain that construction of the Projects individually and collectively adheres to permit and reporting requirements and design goals.

Monitor water quality at the construction sites per the permit conditions and the Stormwater Pollution Prevention Plans.

Provide oversight of construction inspection and testing to ascertain that there are uniform standards and reliable results among the Projects.

- 4.2 Prepare a monthly status report through June 2009 for the Washington State Department Ecology (DOE) to provide a detailed summary of the monitoring activities conducted by the Basin Committee and their consultants. Attend meeting and coordinate with DOE on permit issues.
- 4.3 Advise Basin Committee on issues requiring regulatory compliance.

5. **Habitat Restoration Projects Close-outs:** KCDNRP staff will provide technical assistance with the project close-outs of RDF and Habitat Restoration projects. The project close-outs may include lessons learned, budget reconciliation, and final inspections.
6. **Design Report.** KCDNRP staff started the design report development in 2008. Continue to prepare a combined design report for the RDF and Bypass Pipeline to document the assumptions inherent in the design, explain the desired outcome of the project, and document analyses and decisions made during the design process. The Design report will include project background, problem statement, goals and objectives, scope of work, hydrology, hydraulic modeling, geotechnical assessments, berm design, permits and regulatory compliance. Typical appendix topics will include the stream study, wetland delineation report, hydraulic analyses, geotechnical analysis, Level 1 Site Assessment, Cap design, cost estimates, and special specifications.

Deliverable: Hard copy of report and appendices as a Word document.

7. **O&M Manual:** Finalize O&M manual for the Bypass Pipeline project.
8. **RDF As-built Report:** KCDNRP will prepare an As-built report for the RDF as required by the DOE permit conditions. This document is required for closing the existing Section 401 permit.

Deliverable: Hard copy and electronic copies of the O&M manuals

Deliverables: Hard copy and electronic copies of the As-built Report

9. **Restrictive covenant:** Finalize the Port of Seattle's restrictive covenant for the RDF project as required by Section 401 permit condition.

Deliverables: Hard copy and electronic copies of the Restrictive Covenant

OPERATION & MAINTENANCE:

10. **Flow Monitoring:** Maintain three flow gauges in the RDF, the outlet, high flow bypass, and the downstream for the modeling in Item 14 below. Flow monitoring is only for a one year period. Download flow data and save in electronic format.

Deliverable: Flow monitoring data.

11. **Wetland Groundwater Fluctuation Data Analysis:** Port of Seattle will monitor groundwater level fluctuation around the RDF site. KCDT staff will analyze the data to evaluate the water level fluctuation in the wetlands.

Deliverable: Groundwater monitoring data and reports.

- 12. Vegetation Monitoring (Non-arsenic):** A detailed vegetation monitoring plan will be developed to comply with the permit requirements. Monitoring vegetation at the RDF site and the stream buffer per the permit conditions.

Deliverable: Monitoring plan

- 13. Vegetation Monitoring (Arsenic):** A detailed vegetation monitoring plan for the RDF will be developed to assess effects of arsenic on the vegetation to comply with the permit requirements. Monitoring the health of vegetation at the RDF site is required as a part of Long Term Monitoring for the Voluntary Cleanup Program.

Deliverable: Vegetation monitoring plan.

- 14. RDF Modeling Validation:** Flow monitoring data from the gauges will be used to re-run the HSPF model to evaluate the hydraulic performance of the RDF system.

Deliverables: HSPF modeling data and reports

- 15. Dam Safety:** Inspections will be performed per the RDF O&M manual. Since the flow control structure was installed in October 2008, the first year of the dam safety inspection will start in 2008.

- 16. Flow Control Structure:** Inspections will be performed to determine performance of the control structure.

- 17. Arsenic Cap Integrity:** Inspections will be performed to assess the structural integrity of the soil cap. The results of the cap inspection report will be summarized in memorandum.

Deliverable: Memorandums summarizing the finding of inspections.

- 18. Miscellaneous On Call Support:** Provide support as Needed.

Authorized by the City of SeaTac:

Name

Title

Date

Technical Services Agreement for Des Moines Creek Basin Committee Projects Cost Estimate (January 1, 2009 through December, 2010)										
Task #	Task Description	ENG-III	ES-III	ENG-II	ES-II	ENG-I	KC Staff Cost	Consultant	Construction	Total Cost
4.00	Oversight Compliance									
4.10	Construction, planting, LWD, inspection	40	40				\$8,960			\$8,960
4.20	Monthly status reports-Through June, 2009	56	32		16		\$11,456			\$11,456
4.30	Advisory to basin committee	40	16				\$6,272			\$6,272
	Sub-total	96	48	0	16	0	\$17,728	\$0		\$26,688
5.00	Habitat Restoration Projects Close-out	24	16			8	\$5,184			\$5,184
6.00	Design report (RDF & Bypass)	80	40		60		\$19,440			\$19,440
7.00	O&M manual (Bypass)	60	12		16		\$9,664			\$9,664
8.00	RDF As-built Report	8	24	16		8	\$5,888			\$5,888
9.00	Restrictive covenant		16		16		\$3,392			\$3,392
OPERATION AND MAINTENANCE										
10.00	Flow Monitoring (Three Gauges- 1 year)			90			\$9,000			\$9,000
11.00	Wetland Groundwater Fluctuation Monitoring		24		16		\$4,288			\$4,288
12.00	Vegetation Monitoring(Non-arsenic)	8	40		120		\$17,376			\$17,376
13.00	Vegetation Monitoring(Arsenic)	8	12		24		\$4,640			\$4,640
14.00	RDF Modeling Validation	16	8				\$2,688	\$5,000		\$7,688
15.00	Dam safety inspection & evaluation	30					\$3,360			\$3,360
16.00	Flow Control Structure inspections	32					\$3,584			\$3,584
17.00	Arsenic Cap Integrity inspections & report	24					\$2,688	\$7,500		\$10,188
18.00	Miscellaneous On-call Support						\$0			\$20,000
										\$80,124
	Subtotal									\$1,069,598
	10% Contingency									\$106,960
	Total									\$1,176,558

ORDINANCE NO. 09-1007

AN ORDINANCE of the City Council of the City of SeaTac, Washington, reenacting Section 15.35.950 of the SeaTac Municipal Code regarding Parking Bonus Incentives in the City Center.

WHEREAS, on July 22, 2008, the City Council adopted Ordinance 08-1027;
and;

WHEREAS, Section 5 of Ordinance 08-1027 set a sunset date that stated the Ordinance would expire on February 1, 2009; and

WHEREAS, the City Council desires to reenact Section 15.35.950 of the SeaTac Municipal Code;

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

Section 1. Section 15.35.950 of the SeaTac Municipal Code is hereby reenacted to read as follows:

15.35.950 Parking Bonus Incentive Program

- A. A parking allowance bonus, beyond the maximum parking specified in SMC 15.35.810, will be granted to those developments which provide retail/commercial or service space beyond the requirements of SMC 15.35.620, or a public benefit in the form of:
1. Dedicated public right-of-way, in an arrangement and amount per parcel that conforms to the City Center vehicular and pedestrian access plan; and/or
 2. Publicly accessible on-site open space greater than the minimum ten percent (10%) of net site area required, or an equivalent monetary contribution to the City Center open space fund; and/or
 3. A water feature or public art display incorporated into publicly accessible on-site open space, as approved by the Director of Planning and Community Development.
- B. The formula for calculating parking bonuses above maximum allowed for on-site land uses shall be as follows:

1. One (1) additional parking stall will be awarded for each one hundred fifty (150) square feet of interconnected public right-of-way dedicated according to the City Center vehicular and pedestrian access plan;
2. One (1) additional parking stall will be awarded for each one hundred fifty (150) square feet of publicly accessible on-site open space greater than the minimum ten percent (10%) of net site area required. To receive parking bonus in lieu of additional on-site open space, developments may contribute to the City Center open space fund in increments of equivalent monetary value;
3. Except for hotel/motel uses, one (1) additional parking stall will be awarded for each two hundred fifty (250) square feet of retail/commercial, service, or residential space, in addition to the minimum ground floor retail/commercial or service space required under SMC 15.35.620, included on the same site as part of a mixed use development at the time of construction;
4. Hotel/motel uses shall be awarded 0.5 parking spaces per hotel/motel unit, in addition to the minimum ground floor retail/commercial, or service space required under SMC 15.35.620, included on the same site as part of a mixed use development at the time of construction; and/or
5. Up to sixty (60) additional parking stalls may will be awarded for a water feature or public art display of equivalent value incorporated into publicly accessible on-site open space, as approved by the Director of Planning and Community Development. Value shall be determined by the per-square-foot market value of the underlying land multiplied by the square footage of the additional parking stalls.

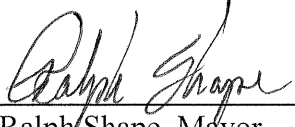
Section 2. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

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

Section 4. Effective Date. This Ordinance shall be effective five (5) days after passage and publication.

ADOPTED this 27th day of January, 2009 and signed in authentication thereof on this 27th day of January, 2009.

CITY OF SEATAC



Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Effective Date: 2-07-09]

[Parking Bonus Incentives]

ORDINANCE NO. 09-1008

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the City Manager to sign an amendment to the Interlocal Services Agreement with King County for Animal Control Services and Programs and a Mutual Aid Agreement between the City of Tukwila, the City of SeaTac, and King County regarding enhanced animal control services, and amending the 2009 Annual City Budget to include a 2008 Budget Carryover.

WHEREAS, the City Council finds that it appropriate to enter into an agreement with King County for enhanced animal control services, as well as a mutual aid agreement between the City of SeaTac, City of Tukwila, and King County; and

WHEREAS, certain expenditures for animal control services were included in the 2008 Annual City Budget which were not used during the 2008 fiscal year; and

WHEREAS, the 2009 Annual Budget has appropriated \$40,000 for animal control services, and it is necessary to carryover additional funds from the 2008 Annual Budget to pay for the enhanced animal control services that would be provided by King County;

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

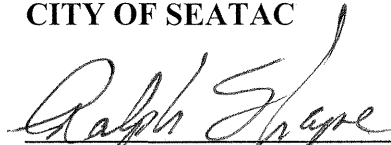
Section 1. The 2009 Annual City Budget shall be amended to increase the total General Fund expenditures by \$20,000, specifically in Police Services budget, Animal Control Services, BARS # 001.000.08.521.20.51.022.

Section 2. The City Manager is authorized to sign an amendment to the Interlocal Services Agreement with King County for Animal Control Services and Programs, which is attached as Exhibit A, and a Mutual Aid Agreement between the City of Tukwila, the City of SeaTac, and King County regarding enhanced animal control services, which is attached as Exhibit B, both in a form substantially in similar form as attached hereto.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

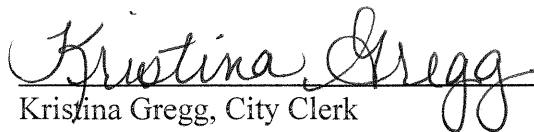
ADOPTED this 27th day of January, 2009, and signed in authentication thereof on this 27th day of January, 2009.

CITY OF SEATAC



Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mark S. Johnsen, Senior Assistant City Attorney

[Effective Date: 2-07-09]

[Animal Control Services and Budget Carryover]

ORDINANCE NO. 09-1009

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Sections 15.10.390, 15.12.050, and 15.16.040 of the SeaTac Municipal Code and adding a new Section 15.13.037 to the SeaTac Municipal Code, related to Zoning, including dumbbell lots, utility substations uses, and monument signs in multifamily zones.

WHEREAS, it is appropriate to amend the City's development regulations regarding dumbbell lots, utility substations, and monument signs in multifamily zones; and

WHEREAS, the Growth Management Act requires regular review and update of development regulations which implement the City's Comprehensive Plan; and

WHEREAS, regular review and update of the Zoning Code ensures that development regulations are responsive to the needs of the City; and

WHEREAS, in reviewing the Zoning Code, certain development regulations have been identified as requiring definition, clarity, amendment or addition; and

WHEREAS, the Planning Commission has reviewed the aforesaid changes to development regulations, has held a public hearing for the purpose of soliciting public comment in regard to Zoning Code changes, and has recommended the amendments and additions for adoption by the Council;

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

Section 1. Section 15.16.040 of the SeaTac Municipal Code is hereby amended to read as follows:

15.16.040 Multi-Family Residential Zone Classification Signs

A. General. This section applies to:

1. Multiple-family buildings and any commercial use, church, school or community use located in the T, UM, UH and O/C/MU zone classifications.
2. A sign in these classifications may be internally illuminated, provided that:
 - a. The maximum size allowed for an internally illuminated sign shall be twenty-five (25) square feet.
 - b. The back ground of any internally illuminated sign shall be dark with only the letters or message of the sign illuminated.
 - c. Neon signage shall not be allowed.
 - d. Internal or external illumination shall not create glare on adjacent traffic corridors.
3. See SMC 15.16.115 for separate size and other limitations regarding electronic signs.
4. The light source for any externally illuminated sign shall be shaded, shielded, directed or reduced so that the light source is not visible from a public street or adjoining residential property. If external illumination is used, documentation shall be provided that clearly shows that light or glare from the external illumination will not impact traffic corridors or adjacent properties. The type of external illumination shall be approved by the City Manager or designee prior to issuance of a sign permit.

B. Standards.

1. **Monument and Freestanding Signs.** The following limits shall apply to monument and freestanding signs:
 - a. **Setback:** Five (5) feet from the property line. Exception: Signs may be set back between zero (0) and five (5) feet from the front property line subject to the criteria contained in SMC 15.16.070.
 - b. **Maximum sign height:** Fifteen (15) feet.
 - c. **Maximum surface area:**
 - i. Thirty-five (35) square feet for multi-family uses;
 - ii. Thirty-five (35) square feet for any nonresidential use not on an arterial street;

- iii. Sixty (60) square feet for any nonresidential use fronting on a minor or collector arterial street as defined within the City of SeaTac Comprehensive Plan;
- iv. Eighty-five (85) square feet for any nonresidential use fronting on a principal arterial street as defined in the City of SeaTac Comprehensive Plan;
- v. See SMC 15.16.115 for size limitations on electronic signs.
- d. **Design.** Any monument sign must be “integrated” (that is, all elements of the sign must be incorporated in a single design). Auxiliary projections or attachments not a part of a single design are prohibited, except under the following circumstances:
 - i. The monument sign is located on the primary access road to a multifamily development exceeding 30 dwelling units, and;
 - ii. Auxiliary projections or attachments provide a single architectural feature unique to the multifamily development, and;
 - iii. The monument sign and auxiliary projections and attachments are on a scale commensurate with the size of the development.

Auxiliary projections or attachments shall be reviewed and approved by the Director of Planning and Community Development.

Section 2. Section 15.12.050 of the SeaTac Municipal Code is hereby amended to read as follows:

15.12.050 Government/Office, Business Uses

ZONES:
 P – Park
 MHP – Mobile Home Park
 UL – Urban Low Density
 UM – Urban Medium Density
 P – Permitted Use; C – Conditional Use Permit

UH – Urban High Density
 NB – Neighborhood Business
 CB – Community Business
 ABC – Aviation Business Center
 I – Industrial/Manufacturing

O/CM – Office/Commercial Medium
 BP – Business Park
 O/C/MU – Office/Commercial/Mixed Use
 T – Townhouse

USE #	LAND USE	ZONES													
		P	MHP	UL	UM	UH	NB	CB	ABC	I	O/CM	BP	O/C/MU	T	
GOVERNMENT/OFFICE USES															
071	Social Service Office					C*	P	P*	P*	P	P*	C*(1)	P*		
072	Public Agency Office					P*	P	P*	P*	P	P*	C*(1)	P*		
073	Public Agency Yard	C(2)		P(4)				P*	C*	P	C*	C*	C*		
074	Public Archives	C(3)					C	P*	P*	P	P*	C*	P*		
075	Court							P*	P*	P	P*	C*(1)	P*		

076	Police Facility	P		C	P	P*	P	P*	P*	P	P*	P*	P*	
077	Fire Facility	P		C	P	P*	P	P*	P*	P	P*	P*	P*	
079	Helipad/Airport and Facilities									P				
080	Utility Use			C	C	C*	C	C*	P*	P	C*	C*	C*	
081	Utility Substation			C	C	C*	C	P*	P*	P	C*	C*	C*	
082	Financial Institution						P	P*	P*	P	P*	C*(1)	P*	
083	City Hall			P	C*	C*		P*	P*		P*	C*	P*	
083.5	Secure Community Transition Facility							C*(5)	C*(5)	C(5)	C*(5)	C*(5)		
BUSINESS SERVICES USES														
084	Landscaping Business							P*	P*	P		P*		
085	Butterfly/Moth Breeding						P	P*	P*	P				
086	Construction/Trade							C*	P*(1)	P	C*			
087	Truck Terminal							C*	P*(1)	P	C*			
088	Airport Support Facility								P*					
089	Warehouse/Storage						C	C*	P*	P	C*	P*		
090	Professional Office					P*	P	P*	P*	P	P*	P*(1)	P*	
091	Heavy Equipment Rental								C*	P				
092	Misc. Equipment Rental Facility						C	P*		P	P*(1)			
093	Auto Rental/Sales							P*	P*(1)	P	C*(1)			
094	Public/Private Parking						C	P*	P*	P	C*(1)			
095	Large Vehicle Repair									P				
096	Heavy Equipment Repair									P				
097	R and D/Testing						C	C*	P*	P	C*	P*		
098	Commercial/Industrial Accessory Uses						P	P*	P*	P	C*			

* See Chapters 15.13 and 15.35 SMC for additional development standards.

(1) Accessory to primary use not to exceed twenty percent (20%) of primary use.

(2) A public agency yard located on property within the park zone may be used as a combined maintenance facility for park and nonpark purposes; provided, that the facility shall be no more expansive than that which is reasonably expected to be needed for park maintenance when park facilities are fully

developed.

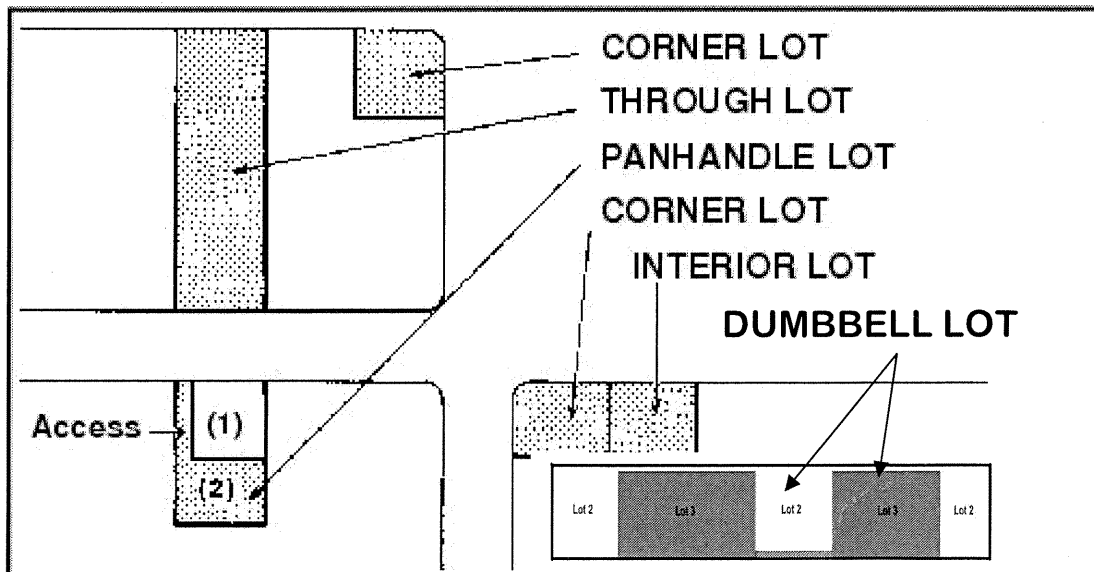
- (3) A public archives facility located on property within the park zone is limited to existing structures.
- (4) Applies only to City of SeaTac Public Works Maintenance Facility located at the Glacier High School site, on an interim basis. The City of SeaTac shall be allowed to expand the maintenance facility at that site to the extent authorized by the City Council; until such time as a replacement facility at another site is operational.
- (5) Secure community transition facilities are subject to the CUP-EPF siting process (SMC 15.22.035).

Section 3. Section 15.10.390 of the SeaTac Municipal Code is hereby amended to read as follows:

15.10.390 Lot Types
(See Figure 15.10.390a.)

- A. Corner. A lot situated at the intersection of two (2) or more streets.
- B. Interior Lot. A lot that is neither a corner or through lot.
- C. Through Lot. A lot other than a corner lot, which abuts two (2) streets.
- D. Panhandle Lot. A lot that does not front on a street and has access through a narrow strip of land or an easement. The handle or access of a panhandle lot is defined as “that portion of a panhandle lot that is thirty (30) feet or less in width and fifteen (15) feet in length or greater.”
- E. Dumbbell Lot. A lot in which the buildable area of the lot is separated by a portion of land that is thirty (30) feet or less in width and fifteen (15) feet in length or greater.

Figure 15.10.390a. LOT



Section 4. A new Section 15.13.037 is hereby added to the SeaTac Municipal Code read as follows:

Section 15.13.037 Dumbbell Lots

Dumbbell Lots are prohibited within the City.

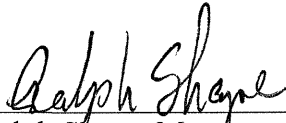
Section 5. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 6. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 7. The Ordinance shall be effective five (5) days after passage and publication.


ADOPTED this 10th day of March, 2009, and signed in authentication thereof on this 10th day of March, 2009.

CITY OF SEATAC



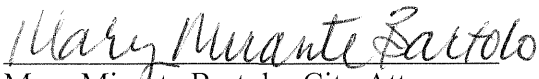
Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Effective Date 3-21-09]

[Zoning changes—dumbell lots, utility substations, and monument signs]

ORDINANCE NO. 09-1010

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2009 Annual City Budget to include 2008 Budget Carryovers.

WHEREAS, certain expenditures were included in the 2008 Annual City Budget which were not initiated or completed during the 2008 fiscal year; and

WHEREAS, contractual or legal obligations require carryover of certain items; and

WHEREAS, City staff recommend that the remaining expenditures be made in 2009;

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

Section 1. The 2009 Annual City Budget shall be amended to increase the total General Fund expenditures by \$241,865.

Section 2. The 2009 Annual City Budget shall be amended to increase the total Street Fund expenditures by \$1,536,940.

Section 3. The 2009 Annual City Budget shall be amended to increase the total Hotel/Motel Tax Fund expenditures by \$130,100.

Section 4. The 2009 Annual City Budget shall be amended to increase the total Municipal CIP Fund revenues by \$197,500.

Section 5. The 2009 Annual City Budget shall be amended to increase the total Municipal CIP Fund expenditures by \$319,388.

Section 6. The 2009 Annual City Budget shall be amended to increase the Fire Equipment Reserve Fund expenditures by \$15,751.

Section 7. The 2009 Annual City Budget shall be amended to increase the total Municipal Facilities CIP Fund expenditures by \$5,014,564.

Section 8. The 2009 Annual City Budget shall be amended to increase the total Transportation CIP Fund expenditures by \$604,422.

Section 9. The 2009 Annual City Budget shall be amended to increase the total Surface Water Management Fund expenditures by \$100,991.

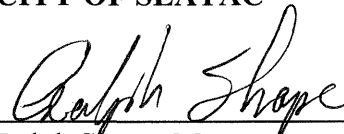
Section 10. The 2009 Annual City Budget shall be amended to increase the total SWM Construction Fund expenditures by \$200,000.

Section 11. The 2009 Annual City Budget shall be amended to increase the total Equipment Rental Fund expenditures by \$81,103.

Section 12. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

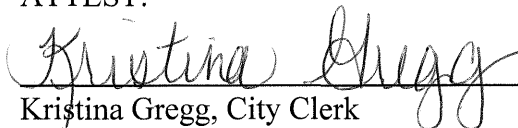
ADOPTED this 24th day of March, 2009, and signed in authentication thereof on this 24th day of March, 2009.

CITY OF SEATAC




Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney
[Effective Date: 04-04-09]

[2009 Budget Amendment for 2008 carryovers]

ORDINANCE NO. 09-1011

AN ORDINANCE of the City Council of the City of SeaTac, Washington, repealing Chapter 3.30 of the SeaTac Municipal Code and adding a new Chapter 3.31 to the SeaTac Municipal Code related to Purchasing.

WHEREAS, it is appropriate to update the City’s purchasing code;

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

Section 1. A new Chapter 3.31 is hereby added to the SeaTac Municipal Code to read as follows:

**Chapter 3.31
PURCHASING SYSTEM**

Sections:

- 3.31.010 Purpose, Objective, and Scope.
- 3.31.020 Definitions.
- 3.31.030 Designation of City Purchasing Agent.
- 3.31.040 Determining Total Purchase Cost.
- 3.31.050 Cost Threshold—Contract Approval Levels and Contract Amendments.
- 3.31.060 Purchasing Procedures for Supplies, Equipment, and Non-Professional Services.
- 3.31.070 Procedure for Professional Services Contracts.
- 3.31.080 Procedures for Architectural, Engineering, and Design Services.
- 3.31.090 Procedures for Public Works.
- 3.31.100 Competitive Bidding Procedures.
- 3.31.110 Emergency Purchases.
- 3.31.120 Sole Source and Special Market Conditions.
- 3.31.130 Electronic data processing and telecommunications systems
- 3.31.140 Final Acceptance.
- 3.31.150 Intergovernmental cooperative purchasing.
- 3.31.160 Compliance.
- 3.31.170 Third Party Contracts.
- 3.31.180 Common Rule for Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments [Common Rule].
- 3.31.190 Lease or Rental of City Facilities and Contracts for which City Receives Payment.

3.31.010 Purpose, Objective, and Scope.

A. The purpose of this Chapter is to delegate authority for the purchase or lease of material, equipment, services and supplies to the City Manager, as City Purchasing Agent. This Chapter is intended to direct the purchase of goods and services at a reasonable cost. An open, fair, documented, and competitive process is to be used whenever reasonable and possible. The purchasing function’s integrity, efficiency, and effectiveness are critical elements of sound government.

- B. The objectives of the City's purchasing system are as follows:
1. To provide a uniform system to obtain supplies, materials, equipment, and services in an efficient and timely manner;
 2. To facilitate responsibility and accountability with the use of City resources;
 3. To ensure equal opportunity and competition among suppliers and contractors;
 4. To promote effective relationships and clear communication between the City and its suppliers and contractors;
 5. To comply with the comprehensive State statutes which govern expenditures of public funds and public contracting;
 6. To promote use of recycled materials and products, and dispose of surplus and scrap materials with regards to cost savings and the environment, in accordance with other provisions of the Municipal Code and City policies.

C. This Chapter does not apply to the acquisition, sale, or lease of real property.

D. If grant funding is involved in the proposed purchase or project, any additional requirements should be obtained from the funding agency. Such requirements may be more restrictive than the requirements of this Chapter. However, it is the intent of this Chapter to compliment any requirements of funding agencies.

E. All purchases shall comply with appropriate and relevant Federal, State, and City laws and policies. If the appropriate and relevant Federal or State laws, regulations, grants, or requirements are more restrictive than these guidelines, such laws, regulations, grants, or requirements should be followed. Furthermore, the City Attorney should be consulted when questions regarding potential conflicts arise.

3.31.020 Definitions.

As used in this Chapter, the following terms shall have the following meaning:

- A. "Appropriation" means City Council budgeting to expend funds for a specific purpose.
- B. "Bid" means an offer to perform a contract to sell, lease or supply material, equipment, services or supplies in response to a formal solicitation.
- C. "Bid Security" means a bond or deposit submitted with a bid, for a sum not less than 5% of the bid amount (including sales tax). A Bid Security is designed to help ensure that a bid has been made in good faith and that the bidder will enter into a contract if a bid is accepted.
- D. "Bidder" means a person or legal entity who submits a bid.
- E. "Change Order" means written modification or addition to a purchase order or contract authorized by the appropriate authority.
- F. "City Purchasing Agent" is the person who is charged with procurement of all supplies, materials, equipment and services for the City.
- G. "Competitive Bidding" means the submission of prices by individuals or firms competing for a contract, privilege, or right to supply merchandise or services.

H. "Description" means identifying information distinctly and plainly set forth and sufficiently portrayed and explained to ensure that the product or service under consideration is uniquely identified.

I. "Emergency" means unforeseen circumstances beyond the City's control that present a real, immediate threat to the proper performance of essential functions, or that will likely result in material loss to property, bodily injury, or loss of life if immediate action is not taken.

J. "Emergency purchase" means a purchase made in response to unforeseen circumstances beyond the control of the City which presents a real, immediate and material threat to the public interests or property of the City.

K. An "equal" is material, equipment or supplies which equal or exceed the quality, performance and usefulness of the brand, model or specifications designated as the standard.

L. An "informality" or "irregularity" is one which is merely a matter of form or is some immaterial variation from the exact requirements of the invitation for bids, having no effect or merely a trivial or negligible effect on quality, quantity, or delivery of the supplies or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of or be otherwise prejudicial to bidders.

M. "Invitation to bid" means the procedure used in the competitive bidding procedures.

N. "Lowest Bidder" means the bidder submitting the lowest price. See "responsive bidder" and "responsible bidder."

O. "Prevailing Wages" means the hourly wages, usual benefits, and overtime paid in the largest city in each county to the majority of workers, laborers, and mechanics. Prevailing wages are established by the Washington State Department of Labor and Industries for each trade and occupation employed in the performance of public work.

P. "Professional Services" means services which provide professional or technical expertise from a corporation, firm, agency, individual or group of individuals who for a fee, accomplish a specific study, project, task, or other work statement. Examples include, but are not limited to: accounting and auditing, bond or insurance brokerage, financial or administrative studies, feasibility studies, special project management for a defined period of time or result, consulting services, legal services, real estate appraisal or title abstracts, surveying, soils analysis or core testing.

Q. "Purchase" includes leasing or renting.

R. "Request for quotation" means the procedure used when soliciting quotations.

S. "Responsible Bidder" or "Responsible Vendor" means a person or legal entity who has the capability in all respects to perform in full the contract requirements, and the integrity and reliability which will assure good faith performance.

T. “Responsive Bidder” or “Responsive Vendor” means a person or legal entity who has submitted a bid conforming in all material respects to the terms and conditions, specifications, and other requirements in a request or invitation for bids.

U. “Sealed Bid” means a bid which has been submitted in a sealed envelope to prevent its contents from being revealed before the deadline for the submission of all bids. A Sealed Bid cannot be delivered to the City via electronic means (such as fax or email).

V. “Specification” means the explicit requirements furnished with an invitation to bid or request for quotation upon which a purchase or contract is to be based. Specifications set forth the characteristics of the equipment, material, supplies or services to be purchased to enable the bidder or vendor to determine and understand what is to be supplied. This information may be either in terms of physical characteristics or performance requirements or both.

W. “Vendor” means the supplier of goods or services, or both.

3.31.030 Purchasing and Contracting—City Manager Responsibilities.

The City Manager may delegate the authority and responsibilities of the specific purchases and contracts to any appropriate member of the City staff.

3.31.040 Determining Total Purchase Cost.

A. Use Anticipated Cost. The anticipated annual need for a good or service (when it can reasonably be projected) shall be used to determine the cost of that good or service, and thus which contract approval level, cost threshold, and other related purchasing requirements apply.

B. No “Bid Splitting.” Requirements shall not be divided in order to come up with a lower total cost that avoids contract approval levels or competition requirements. If one item being purchased requires another item to “make a whole”, the total accumulated costs of the two items should be considered together to determine which approval level and cost threshold apply.

C. Costs such as taxes, freight, and installation charges shall be included when determining which cost threshold applies. The value of a trade-in, when applicable, shall be considered to determine the lowest bid when competitive bidding is used.

D. Requirements for the total quantity of an item (when they can reasonably be projected) should be considered when determining which cost threshold and related purchasing requirements apply.

E. If a project is to be completed in phases, the total accumulated cost for all phases shall be used when determining which contract approval level applies.

3.31.050 Cost Threshold--Contract Approval Levels and Contract Amendments.

A. The following approval levels are designed for all contracts and purchases. Contracts and purchases that are not budgeted or require additional budget appropriations must be approved by the Council, regardless of amount.

1. Contracts and purchases not exceeding \$5,000 may be approved by the City Manager or designee without City Council approval.
2. Contracts and purchases exceeding \$5,000 but not exceeding \$35,000 shall be reported to the City Council for approval by motion in accordance with the Council’s administrative procedures.

3. Contracts and purchases exceeding \$35,000 shall be formally presented to the City Council for approval as a separate item on the City Council agenda.

B. The approval process for contract amendments, except contract amendments for public works, is set forth in this Subsection.

1. The City Manager may execute an amendment without City Council approval, provided that the amendment:

- i. Extends the time of completion for a project. Such an extension can be for up to six months; and/or
- ii. Provides for a cost increase that does not exceed 10% of the original contract cost or \$5,000, whichever is less, and such cost increase has been appropriated in the City's budget; or
- iii. The total value of the contract does not exceed \$5,000 after the cost increase.

C. The approval process for amendments to public works contracts (including change orders) is set forth in this Subsection.

1. The City Manager or designee may execute an amendment to a public works contract, including a change order, without City Council approval, provided that the amendment or change order does not increase the cost of the original contract amount beyond any contingency authorized by the City Council when the contract was awarded.

D. For contract amendments requiring City Council approval, a separate agenda item on the City Council agenda is required unless one of the following exceptions apply:

1. If the contract amendment increases the cost of the contract by \$35,000 or less, the contract amendment may be approved by the City Council utilizing the procedure set forth in SMC 3.31.050(A)(2); or
2. The contract does not require approval as identified in SMC 3.31.050(B) or (C).

3.31.060 Purchasing Procedures for Supplies, Equipment, Non-Professional Services, and Information Services.

A. This Section applies to purchases of supplies, equipment, non-professional services and Information Services. This Section does not apply to the purchase of supplies or services that are considered to constitute a public work (which is addressed in SMC 3.31.090), contracting for professional services (which is addressed in SMC 3.31.070), or the contracting of architectural, engineering, or design services (which is addressed in SMC 3.31.080).

B. Purchases that do not exceed \$5,000 may be entered into through direct negotiation. Advertisement and competitive bidding is not required, although every effort shall be made to receive the best price possible.

C. For purchases exceeding \$5,000, but less than \$35,000, at least three quotations shall be obtained. Quotations may be obtained by telephone or in writing (which includes electronic communications such as fax and email), and quotations shall be recorded and available for public inspection. Advertisement is not required. The purchase shall be made from the responsible vendor providing the lowest quotation. When three quotations cannot be obtained, the City Council shall be so notified at the time that the purchase is submitted for approval in accordance with SMC 3.31.050.

D. For purchases exceeding \$35,000, but less than \$200,000, formal competitive bids shall be obtained. Bids do not need to be sealed, but shall be in writing (which includes electronic communications such as fax and email). The competitive bidding procedures set forth in SMC 3.31.100 shall be followed.

E. For purchases exceeding \$200,000, competitive sealed bids shall be obtained. The competitive bidding procedures set forth in SMC 3.31.100 shall be followed.

F. RCW 39.30.045 allows for the purchase of any supplies or equipment at auctions rather than through competitive bidding, if the items can be obtained at a competitive price. Purchase supplies or equipment may be acquired at auction, subject to the provisions of RCW 39.30.045 so long as the City Council has authorized the expenditure of funds for the particular purchase as required in SMC 3.31.050.

G. RCW 39.33.010 allows for the purchase of surplus property from other governmental agencies. Surplus property may be acquired from other governmental agencies, subject to the provisions of RCW 39.33.010, so long as the City Council has authorized the expenditure of funds for the particular purchase as required in SMC 3.31.050.

H. RCW 39.04.080 authorizes one public agency to contract with another public agency to perform any function which each agency is authorized by law to perform itself. Contracts with another public agency are authorized, subject to the provisions of RCW 39.04.080 so long as the City Council has authorized the expenditure of funds for said contract as required in SMC 3.31.050.

3.31.070 Procedure for Professional Services Contracts.

A. This Section applies to contracts for professional services. This Section does not apply to the purchase of supplies or services that are considered to constitute a public work (which is addressed in SMC 3.31.090), purchase of supplies, equipment, non-professional services (which is addressed in SMC 3.31.060), or the contracting of architectural, engineering, or design services (which is addressed in SMC 3.31.080).

B. A formal process is not required for the selection of vendors providing professional services. Furthermore, it is recognized that a formal Professional Services selection process may not be advantageous, based on the nature of the needed services, and the dollar value involved. Therefore, a process to select vendors for Professional Services contracts may be utilized that the City Manager deems appropriate, considering both the vendors qualifications and the cost of the services being provided. Such process may include procedures set forth for selecting vendors for Architectural, Engineering, and Design Services.

C. The City Manager must be able to identify what, if any, selection process and/or criteria was used in selection of a vendor. For contracts subject to City Council approval, the City Council reserves the right to require additional selection processes to be followed, in order ensure that the most highly qualified vendor is chosen to contract with the City.

3.31.080 Procedures for Architectural, Engineering, and Design Services.

A. This Section applies to contracts for Architectural, Engineering, and Design Services. This Section does not apply to the purchase of supplies or services that are considered to constitute a public work (which is addressed in SMC 3.31.090), purchase of supplies, equipment, non-

professional services (which is addressed in SMC 3.31.060), or the contracting for professional services (which is addressed in SMC 3.31.070).

B. RCW 39.80 outlines the requirements for obtaining professional architectural or engineering services. The requirements outlined in RCW 39.80 as stated in this Section, or as may be amended by the State Legislature shall be followed.

C. Contracts for these services will be approved in accordance with the contract approval levels outlined in SMC 3.31.050.

3.31.090 Procedures for Public Works.

A. This Section applies to contracts for public works. This Section does not apply to the contracting for Architectural, Engineering, and Design Services (which is addressed in SMC 3.31.080), purchase of supplies, equipment, non-professional services and information services (which is addressed in SMC 3.31.060), or the contracting for professional services (which is addressed in SMC 3.31.070). This Section is not intended to conflict with State law.

B. As defined in RCW 39.04.010, public works include (but are not limited to) all work, construction, alteration, repair, or improvement (other than ordinary maintenance, engineering analysis, and design and other professional services) executed at the City's cost, or which is by law a lien or charge on any property therein.

C. Pursuant to RCW 35.22.620, the cost of a public works project is the costs of materials, supplies, equipment, and labor on the construction of that project.

D. For public works project totaling \$200,000 or less, the Purchasing Agent may use the Small Works Roster procedures, as established by Council Resolution.

E. Public works projects shall be awarded by use of competitive sealed bidding as provided in SMC 3.31.100 if the Small Works Roster procedures are not used.

F. The City is required by RCW 39.12.040 to require contractors to pay prevailing wages on all public works contracts. A "Statement of Intent to Pay Prevailing Wages" must be received from a contractor prior to the start of any construction, and an "Affidavit of Wages Paid" must be received following final acceptance of the work.

G. RCW 39.08.010 mandates that the City require a performance bond for every public works contract. The performance bond shall be received by the City within seven calendar days of contract execution or prior to the start of any construction, whichever is earlier. The bond shall also be executed by a surety company authorized to do business in Washington State, in an amount equal to 100% of the price specified in the contract.

1. For contracts of \$35,000 or less, the City may retain 50% of the contract for 30 days after final acceptance, or until receipt of all necessary releases from the Department of Revenue and Department of Labor & Industries, and settlement of any liens filed under RCW 60.28 (whichever is later), in lieu of a performance bond. This requirement is at the option of the contractor.

2. For contracts being awarded under the limited small works roster process provided under RCW 39.04.155(3), the payment and performance bond requirements of RCW 39.08 may be waived.

H. In order for a bid to be considered responsive for public works contracts valued at over \$1,000,000, every bidder must submit (either with their bid or within one hour of the bid submittal time) the names of all subcontractors that will be used for heating, ventilation and air conditioning, plumbing, and electrical work, pursuant to RCW 39.30.060.

3.31.100 Competitive Bidding Procedures for Public Works Projects.

A. Public Notice. While State law does not contain any detailed requirements for public notice, good business practice calls for using a notification process that will reach the most contractors and allow enough time for responsive bids to be prepared. At a minimum, notice shall be published in the City's official newspaper at least twice, and each publication shall be a minimum of five (5) days apart. Furthermore, the first notice shall be published at least thirteen days prior to the last date upon which bids will be received, and the second notice shall occur at least seven days prior to the last date upon which bids will be received. In addition to publication in the City's official newspaper, public works projects in excess of \$200,000 must also be advertised in the Daily Journal of Commerce in the same manner as the City's official newspaper.

B. Submittal of Bids. Bids will be submitted as specified in the invitation for bid by the appointed date and time listed in the invitation. All bids must be filled out in ink or be typewritten and must be properly signed by an authorized representative of the vendor. All changes and/or erasures shall be initialed in ink. Unsigned bids shall be rejected. Each bid will be date and time stamped as it is received, and late bids will not be accepted. If a bid is a sealed bid, all qualified bids will be opened and read aloud publicly at the appointed time.

C. Cancellation. An invitation for bids may be cancelled.

D. Award. The contract will be awarded to the lowest responsive and responsible bidder whose bid meets the requirements and criteria included in the invitation for bids.

E. No City representative shall inform a vendor of the terms or amount of any other vendor's bid for the same project prior to the bid opening date and time. Once bids have been submitted (and opened, if the bids are sealed), the City may not negotiate with bidders. The contract must be awarded to the lowest responsive and responsible bidder, or else the City Council may choose to reject all bids by Council action.

F. A written record shall be made of each bid on a project and of any conditions imposed on the bid. Immediately after an award is made, the bids shall be recorded, open to public inspection, and available by telephone inquiry.

G. The original bid responses shall be filed with the City Clerk within 14 days of the date bids were due, and will be retained for review and audit as required.

H. Bid Security. In general, bid security is optional. However, bid security shall be required for all competitive bidding of public works projects valued in excess of \$200,000. Security shall be in the form of a bond with a value of 5% of the amount of the bid, provided by a surety company

that is authorized to do business in Washington State, or the equivalent in cash or certified check. When the invitation for bids requires submittal of bid security, noncompliance will result in rejection of the bid. If a bidder is permitted to withdraw a bid before award, its bid security shall be returned.

I. Non-Collusion Affidavit. Each bidder may be required to warrant that their bid is genuine, and that they have not entered into collusion with other bidders, by submitting with their bid an executed and notarized affidavit.

3.31.110 Emergency Purchases.

In the event of an emergency when the public interest or property of the City would suffer material injury or damage by delay, the City Manager may waive the requirements set forth in this Chapter. The City Manager shall report, in detail, such emergency expenditures to the City Council within twenty (20) days of purchases or contracts entered into pursuant to this subsection, or as soon as practicable. Written determination of the basis for the emergency and for the selection of the particular vendor or vendors shall be filed with the City Clerk within twenty (20) days of procurement. If an emergency is proclaimed pursuant to SMC 2.75, the provisions of that Chapter shall supersede in the event of any conflicts.

3.31.120 Sole Source and Special Market Conditions.

A. The provisions of this Section only apply to the purchase of supplies, equipment, and information services.

B. Sole source purchases are authorized when:

1. There is clearly and legitimately only one source capable of supplying the good or service in a timely fashion; or
2. There are special circumstances or market conditions that result in only one appropriate source. This includes parts and services for equipment and technical support for computer software or hardware that the City is already using.

C. Purchases may be made from a sole source vendor without soliciting other quotes or bids. However, written documentation demonstrating the appropriateness of a sole source purchase shall be submitted to the City Manager in advance of the purchase. The City Manager will evaluate whether a vendor can legitimately be defined as a sole source, pursuant to RCW 39.04.280. Any sole source purchases and contracts and the basis for the exception from competitive procurement shall be recorded and open to public inspection immediately after the purchase.

D. Any purchases or agreements entered into under authority of this Section are subject to the Contract Approval Limits set forth in SMC 3.31.050.

3.31.130 Electronic data processing and telecommunications systems.

Notwithstanding any provisions of this Chapter, electronic data processing and telecommunications systems may be acquired in accordance with the provisions of RCW 39.04.270. However, the Contract Approval Limits set forth in SMC 3.31.050 are still applicable.

3.31.140 Final Acceptance.

In order to comply with the provisions of RCW 39.08.030, the City Council shall formally accept the work for all projects in which a bond has been filed with the City in accordance with RCW 39.08.

3.31.150 Intergovernmental Cooperative Purchasing.

A. The City may sell to, acquire from or use any supplies, material or equipment belonging to any agency, political subdivision, or unit of local government including, but not limited to, special purpose and local service districts, any agency of the State, County, or Municipal government, King County, and any agency of the United States, without the necessity for competitive sealed bids.

B. The City may join the above-described units of government in cooperative purchasing plans when the best interests of the City would be served thereby; provided, that each of the participating units shall be separately invoiced by the vendors for purchases made under such plans, and the City shall not be obligated for purchases other than those required for its own use. It is further provided that in the case of purchases by the City through such intergovernmental cooperative purchasing plans, the City Manager or designee shall be authorized to negotiate with the successful bidder for any additional equipment, options and/or accessories where such equipment, options and/or accessories were not included in the bid package of the other public agency, political subdivision, or unit of local government, provided that such accessories, options or equipment could be purchased within budgeted amounts. It is further provided that the City Manager or designee is authorized to negotiate reductions or deletions of equipment, options and/or accessories where such equipment, options and/or accessories were included in the bid package of the other public agency, political subdivision, or unit of local government and where such equipment, options and/or accessories are not needed, wanted or required by the City.

C. Any agreements entered into under authority of this Section are subject to the Contract Approval Limits set forth in SMC 3.31.050.

3.31.160 Compliance.

Officers and employees should be aware of possible personal penalties, and financial liability for intentional or willful violation of competitive bidding laws. RCW 39.30.020 states:

“In addition to any other remedies or penalties contained in any law, municipal charter, ordinance, resolution, or other enactment, any municipal officer by or through whom or under whose supervision, in whole or in part, any contract is made in willful and intentional violation of any law, municipal charter, ordinance, resolution, or other enactment requiring competitive bidding upon such contract shall be held liable to civil penalty of not less than three hundred dollars and may be held liable, jointly and severally, with any other such municipal officer for all consequential damages to the municipal corporation.

If, as a result of a criminal action, the violation is found to have been intentional, the municipal officer shall immediately forfeit their office. For purposes of this section “municipal officer” shall mean an “officer” or “municipal officer” as those terms are defined in RCW 42.23.020 (2).”

3.31.170 Third Party Contracts.

A. At times, the City is a third party to a contract in which there is no net financial impact to the City. These situations include, but are not limited to, contracts for “peer review” of developer studies and reports submitted to the City as part of the development review process.

B. Contracts in which the City is a party with two or more other parties, and in which there is no net financial impact to the City, may be executed by the City Manager without Council approval.

C. Contracts in which the City is a party with two or more other parties, and in which there is a net financial impact to the City, are subject to the contract approval levels set forth in SMC 3.31.050. The specific contract approval level shall be based upon the net fiscal impact to the City, which may be less than the total value of the contract.

3.31.180 Common Rule for Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments [Common Rule].

The City hereby adopts as a part of its purchasing system the “Common Rule for Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments” as it relates to purchasing and procurement, established by the Office of Management and Budget (OMB), and set forth now or as hereafter amended in OMB Circular A-102, which is adopted herein by reference.

3.31.190 Lease or Rental of City Facilities and Contracts for which City Receives Payment.

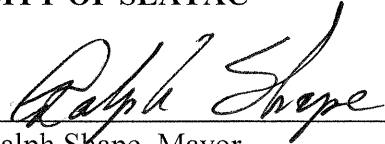
The City Manager or designee, on behalf of the City, is granted the authority to lease or rent City facilities, or let any contract in which the City receives either monetary or nonmonetary payment for material, equipment, services, or supplies under such terms and conditions the City Manager deems is in the best interest of the City and does not interfere with public use; provided, that annual payment to the City for any such lease, rental agreement, or contract is less than thirty-five thousand dollars (\$35,000) in value. However, leases, rental agreements, or contracts in which annual payment to the City exceeds five thousand dollars (\$5,000) but less than thirty-five thousand dollars (\$35,000) shall be reported to the City Council for approval by motion prior to execution.

Section 2. Chapter 3.30 of the SeaTac Municipal Code is hereby repealed.

Section 3. This Ordinance shall be in full force and effect May 1, 2009.

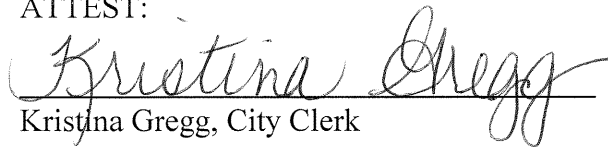
ADOPTED this 24th day of March, 2009, and signed in authentication thereof on this 24th day of March, 2009.

CITY OF SEATAC




Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Effective Date: 5/1/09]

[2009 Purchasing Code]

ORDINANCE NO. 09-1012

AN ORDINANCE of the City Council of the City of SeaTac, Washington, creating new Chapters 14.15, 14.16, 14.17, 14.18, 14.19, 14.20, 14.21, 14.22, 14.23, 14.24, 14.25, 14.26, 14.27 and 14.28 of the SeaTac Municipal Code regarding short and long subdivisions, binding site plans, and lot line adjustments, and repealing Chapters 14.05 and 14.10 of the SeaTac Municipal Code.

WHEREAS, it is appropriate to amend the City's development regulations regarding platting within the City; and

WHEREAS, the Revised Codes of Washington (RCW) require that all cities and counties adopt standard platting procedures; and

WHEREAS, the City Subdivision Code has received extensive review by the public and stakeholders; and

WHEREAS, in reviewing the Subdivision Code, certain development regulations have been identified as requiring definition, clarity, amendment or addition; and

WHEREAS, the Planning Commission has reviewed the aforesaid changes to the Subdivision Code, has held a public hearings for the purpose of soliciting public comment in regard to Subdivision Code changes, and has recommended the deletions and additions for adoption by the Council;

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

Section 1. New Chapters 14.15, 14.16, 14.17, 14.18, 14.19, 14.20, 14.21, 14.22, 14.23, 14.24, 14.25, 14.26, 14.27 and 14.28 of the SeaTac Municipal Code are hereby created as set forth in Exhibit A:

Section 2. Chapter 14.05 of the SeaTac Municipal Code is hereby repealed.

Section 3. Chapter 14.10 of the SeaTac Municipal Code is hereby repealed.

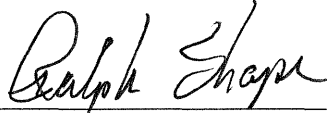
Section 4. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 5. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 6. The Ordinance shall be effective five (5) days after passage and publication.

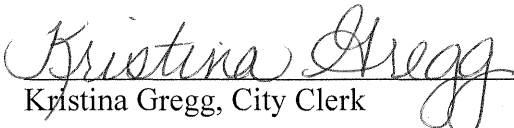
ADOPTED this 14th day of April, 2009, and signed in authentication thereof on this 14th day of April, 2009.

CITY OF SEATAC



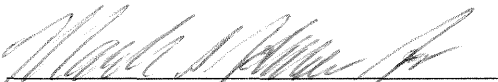
Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Effective Date 4-25-09]

[Subdivision Code]

Exhibit A

City of SeaTac Subdivision Code

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14.20 Long Subdivision

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14.22 Binding Site Plans

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**CHAPTER 14.15
AUTHORITY AND PURPOSE**

- 14.15.010 Purpose**
- 14.15.020 Authority, Scope and Exceptions**
- 14.15.030 Violations and Remedies Under this Title**
- 14.15.040 Liberal Construction**
- 14.15.040 Additional Administrative Authority**

14.15.010 Purpose

The purpose of this Title is to advance the orderly and efficient use of land resources within the City; to accomplish the goals of the City's Comprehensive Plan; to promote the public health, safety, and general welfare of City residents and landowners; to establish clear and consistent standards and procedures for the platting, subdivision, and dedication of real property and for adjustment of lots and boundaries; and to insure consistency with Chapter 58.17 of the RCW.

14.15.020 Authority, Scope and Exceptions

A. Authority

This Title is adopted pursuant to authority of Section 35A.010 and Chapters 35A.58 and 58.17 of the Revised Code of Washington.

B. Scope

The dimensions, configuration, improvement and method of creating all subdivisions, lot mergers, and adjustment of property boundaries within the corporate limits of the City, except where exempted by Subsection 14.15.020(C) below, shall conform to this Title and all applicable provisions of the SeaTac Municipal Code, including but not limited to: Title 11, Title 12, Title 13, and Title 15.. Each division of land, merger of lots, or adjustment of property boundaries within the corporate limits of the City shall further comply with all applicable provisions of the Revised Code of Washington. In any case where conflict arises between provisions of this Title, the SeaTac Zoning Code, the Revised Code of Washington, or other applicable state administrative regulations, the most recently adopted provision, shall prevail.

C. Exceptions

The provisions of this Title shall not apply to divisions of land as listed under the Revised Code of Washington (RCW), Chapter 58.17.040.

D. Administration

The Director of the Department of Planning and Community Development shall be responsible for the administration of this Title.

14.15.030 Violations and Remedies

- A. No land shall be divided, nor ownership thereof changed or transferred, in a way that creates a substandard lot or in any other way violates this Title. The City shall not allow as a building site any resulting lot that is inconsistent with the SeaTac Municipal Code, access/road standards, fire code, building code or established King County Health requirements.
- B. No person, firm or corporation proposing to divide land, or having divided land, shall enter into any contract to sell, lease or transfer any lot or part of the subject division until such division has been recorded with King County.
- C. Each sale, lease, or transfer of any one lot, tract, or parcel of land in violation of this Title shall be deemed a separate and distinct offense, and each day during which such sale, lease, or transfer continues unabated shall be considered an additional violation.
- D. Except as provided herein, the City shall not issue any building permit affecting any part of a subdivision until that subdivision has been approved by the City and has been recorded with King County. One (1) building permit may be issued for any lot undergoing the short or long subdivision process, provided no existing structures are located on the property.
- E. The City shall defer any application under this Title that involves land subject to dispute between the City and the applicant, or between the applicant and any other public agency, until such dispute is resolved.
- F. Where the City demonstrates that an applicant has willfully omitted, contrived or otherwise misrepresented any portion of an application, subdivision, or plat submitted under this Title, that misrepresentation shall void the entire application. Any fees paid to the City for the review procedure shall be forfeited and any fees due and owing shall remain an outstanding debt subject to collection. Where an error, omission or representation is demonstrated to be a willful falsification, the City shall not consider a subsequent land use action involving the same applicant and any portion of the subject property for the period of one (1) year. Any such action after that period shall require a new application.

14.15.040 Liberal Construction

The provisions of this Title shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

14.15.050 Additional Administrative Authority

The Director of the Department of Planning and Community Development and the Director of the Public Works Department shall have the authority to modify recognized standards and conditions, with regard to lot dimensions and configuration, public streets,

private roads, or any signage required under this Title, as may be necessary to:

- A. Preserve the intent and purpose of this Title, the SeaTac Municipal Code, including the Zoning Code, and insure compliance with the SeaTac Comprehensive Plan;
- B. Assure that development preserves the compatibility of existing and potential properties and uses;
- C. Preserve natural and cultural features; and
- D. Protect the public health, safety and general welfare.
- E. To help reduce the cost of development.

CHAPTER 14.16 DEFINITIONS

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14.16.006	Alteration, Subdivision
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14.16.014	Application
14.16.016	Binding Site Plan
14.16.018	Block (Street)
14.16.022	Block Length
14.16.026	Bond (Financial Instrument)
14.16.027	Building Envelope
14.16.028	Building Footprint
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- 14.16.234 Tract, Access**
- 14.16.238 Zoning Code**

14.16.002 Access, Panhandle

A strip or branch of land that is 15 feet in length or greater and is thirty (30) feet or less in width and that extends from the major portion of a lot to provides access to a public or private street.

14.16.006 Alteration, Subdivision

The process by which a recorded short subdivision, long subdivision or binding site plan may be modified.

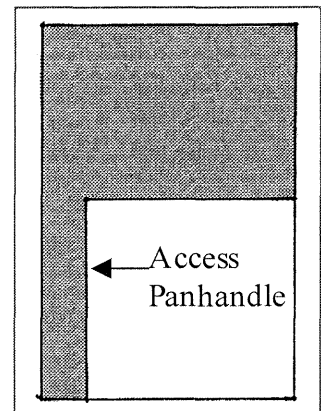
14.16.010 Applicant

Any owner, or duly authorized agent of the owner, of a given lot, tract who applies for a subdivision, lot merger or lot line adjustment under this Title.

14.16.014 Application

All of the forms, surveys, maps, plans and accompanying documents required by this Title for any particular short subdivision, long subdivision, binding site plan, lot merger or lot line adjustment.

Fig. 14.16.002a



14.16.016 Binding Site Plan

An alternative method for the division or re-division of land where the resulting lots, tracts, or parcels will be planned, managed and/or operated as parts of an integrated project, whether commercial, industrial, mobile home or condominium projects.

14.16.018 Block (Street)

A physically distinct land area comprising one or more lots, parcels or tracts of land, and generally separated by streets, alleys or similar rights-of-way.

14.16.022 Block Length

The distance from one corner of a given street block to another corner of the same. This distance shall be measured along the centerline of a given abutting street, alley or similar right-of-way between the points at which it intersects the centerlines of other abutting streets, alleys or rights-of-way.

14.16.026 Bond (Financial Instrument)

A surety bond, irrevocable letter of credit, cash deposit, escrow account, or assignment of funds required of a given applicant to ensure:

- A. Satisfaction of any and all conditions placed on an approved project;
- B. Performance of specified maintenance; or
- C. Installation or warranty of any and all mandatory improvements.

14.16.028 Building Footprint

That area of a lot, exclusive of the following, where a structure can be constructed on the lot;

- 1. Access easements;
- 2. Utility easements;
- 3. Sensitive areas easements and buffers;
- 4. That area within the drip-line of any tree within a Sensitive Area Easement,;
- 5. That area within the drip-line of any tree within a Sensitive Area, placed as a Covenant on lot, or;
- 6. Required building setbacks pursuant to SMC 15.13.010.

14.16.030 Buffer Strip

A linear land area designed and established to minimize the visual, noise and other environmental impacts a given land use may have on others. A buffer strip may include,

but is not limited to, preserved natural vegetation, shrubs and tree plantings, or landscape berms.

14.16.040 Common Recreation Open Space

Open space where the average slope of all areas is four percent (4%) or less with no slope greater than six percent (6%) and which is intended for passive or active recreation.

14.16.042 Comprehensive Plan

The officially adopted City of SeaTac Comprehensive Plan, including all the components thereof adopted by reference or lawfully incorporated parts thereof. It includes, but is not limited to, components required by State law, State growth management and subdivision law as referenced in the RCW.

14.16.050 Cul-De-Sac

A short street having one end open to an intersecting through street and the opposite end terminated by a circular turnaround, in accordance with SMC 11.05.

14.16.054 Dedication

The deliberate appropriation of land by an owner for any general and public uses or purposes, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

14.16.058 Density, Base Lot

A measure of the number of primary land uses present on all lands subject to a given land use application but not including any "Sensitive Areas" as defined by SMC 15.10.564. As applied within this Title, base lot density refers to a base or minimum land area required by the Zoning Code for every one primary use, e.g. 7200 square feet per single family residence – six units per acre – in the UL-7200 zone.

14.16.066 Department

The Department of Planning and Community Development.

14.16.070 Development

An action making any physical alteration to land, or constructing any structure or assembly on land, for the purpose of increasing its suitability for direct human use. Development includes, but is not limited to, subdivision and the placement of survey monuments; clearing, filling, cutting, grading, drilling and dumping; the construction of roads, storm drainage systems, utilities and pedestrian facilities; the creation of parks and landscape installations; and the construction or alteration of residential, commercial and industrial structures and appurtenances. (See Section 14.16.114 "Improvements")

- 14.16.074 Development Engineer**
- The Director of Public Works or designee authorized to oversee the review, conditioning, inspection and acceptance of off-site improvements, on-site improvements, right-of-way use permits for roads, and drainage projects.
- 14.16.078 Development Review Committee (DRC)**
- The City's interdepartmental committee established by SMC 16A.05.020 which provides informal and formal reviews of subdivisions, lot mergers, and other development projects to ensure compliance with City Codes.
- 14.16.082 Director**
- The Director of the Department of Planning and Community Development.
- 14.16.086 Directors**
- Unless otherwise specified, the Director of the Department of Planning and Community Development and the Director of the Department of Public Works, acting separately or together.
- 14.16.090 Division**
- The Development Review Division of the Department of Planning and Community Development.
- 14.16.094 Easement**
- Land on which specific air, surface or subsurface rights have been conveyed for use by a person other than the owner, or to benefit some property other than the subject property or to benefit some property other than the subject property.
- 14.16.098 Environmental Impact Statement (EIS)**
- A document prepared under the State Environmental Policy Act (Chapter 43.21C RCW) and/or its successor statutes to assess the environmental impacts of a given development proposal.
- 14.16.102 Floodplain**
- The total area subject to inundation by the base flood.

14.16.106 Hammerhead Turnaround

The area at the end of an access easement or closed road that provides intersecting space in which a vehicle may turn, back up, and then return to the primary street in accordance with the dimensional standards of SMC 11.05. An emergency vehicle hammerhead turnaround constitutes a fire lane as defined in SMC 13.150.030).

14.16.110 Hearing Examiner

The City of SeaTac Hearing Examiner as established under Chapters 1.20 and 15.22 SMC to serve as the quasi-judicial reviewing authority for preliminary long subdivisions, preliminary binding site plans and other land use actions as set forth by Ordinance.

14.16.114 Improvements

Any of a range of structures, assemblies or modifications to land required by the City as a condition for final plat or site plan approval. Such improvements generally include, but are not limited to, the construction or installation of survey monuments, streets, sidewalks, landscaping, streetlights, fire hydrants, storm water facilities, and utilities.

14.16.118 Land Surveyor, Professional

A person registered in accordance with Chapter 18.43 RCW and licensed to perform land surveys within the State of Washington.

14.16.122 Lot

A legal parcel of land for building purposes which shall have sufficient size to meet minimum requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have access to an improved public street, or to an approved private access.

14.16.126 Lot, Separate

A physically separate and distinct parcel of property, established through:

- A. Subdivision conducted according to all state statutes and local subdivision codes applicable at the time the lot, tract or parcel was created; or
- B. Partition from a legally established parent lot by the dedication of public right-of-way or condemnation.

14.16.130 Lot Area

The total horizontal area within the boundary lines of a lot, as defined under SMC 15.10.370.

Fig. 14.16.134a

14.16.134 Lot Area, Net

The lot area described in Section 14.16.130 above, minus any areas precluded from regular use by any provision of the SeaTac Municipal Code. Such precluded areas may include, but are not limited to servient use easement areas. Private easements are included within the net lot area (See Figure 14.16.134a).

14.16.138 Lot Line Adjustment

Any relocation of one or more lot boundary lines of two or more lots where such action does not result in the creation of additional lots, or the creation of any substandard lot as defined by SMC 15.10.385.

14.16.140 Lot Numbering

All new proposed lots within subdivisions shall be numeric. Lots within lot line adjustments shall be alphabetic.

14.16.142 Lot of Record

A lot recorded with King County and appearing on official County Assessor maps.

14.16.144 Material Error

Errors in the information provided with the application or the oversight or misuse of facts that existed at the time the applications was prepared.

14.16.146 Merger, Lot

The aggregation of formerly separate lots or parcels into a single lot or parcel.

14.16.150 Modification, Substantial

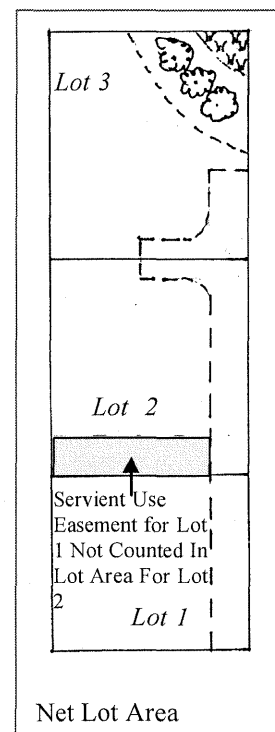
A threshold for changes that terminate previous approval of an unrecorded subdivision and compel the applicant to file a new action. Substantial modifications generally include changes to the dimensions of an approved proposed lot, tract or parcel in excess of ten percent (10%) of those originally proposed.

14.16.154 Monument

A permanent marker or post installed pursuant to RCW 58.17.240.

14.16.158 Ordinary High Water Mark

A line on the bed and banks of any water body, where the action of waters are so common and usual as to have distinctly segregated aquatic soils and/or vegetation from those of the



abutting upland. Where this line cannot be discerned visually, the line of mean high water may be substituted. For Angle Lake, the line of mean high water has been determined to be generally analogous to the 347' NAVD-88 derived elevation of the high water release structure on the lake's eastern shore. The actual position of ordinary high water may vary between properties.

14.16.162 Owner

A person, as defined by SMC 1.01.050, who is the fee owner of, or otherwise retains a controlling interest in, a given property.

14.16.170 Plat, Preliminary

A neat and scaled map or similar drawing of a proposed subdivision, lot merger or lot line adjustment that portrays the general layout of lots, blocks, topography, streets and alleys, utility lines, fire hydrants and other elements prescribed by this Title and City application forms.

14.16.174 Plat, Final

An accurate technical survey and representation of a subdivision, lot merger or lot line adjustment that portrays the final layout of streets, lots, blocks, ingress/egress easements, utility easements, public dedications, building envelopes and any other elements required as conditions of approval in a form satisfactory for recording with King County.

14.16.178 Responsible Official

The City official responsible for local administration of the State Environmental Policy Act (SEPA), the City's SEPA rules and all locally adopted environmental policies.

14.16.180 Reviewing Authority

The Departments of Planning and Community Development, Public Works, Parks and Recreation, Police Services, Fire Services and the Hearing Examiner and City Council where applicable under SMC 1.20.090.

14.16.182 Road or Street, Public

All publicly owned streets, highways, freeways, avenues, alleys, courts, places, or other public ways in the City, whether improved or unimproved, held in public ownership and intended to be open as a matter of right to public vehicular and pedestrian access.

14.16.186 Road or Street, Private

Any improved easement or tract or street for vehicular and pedestrian ingress and egress which is not a public street but as to which individual abutting property owners retain responsibility for construction and maintenance. Driveways shall not be considered private roads or streets where they serve only one (1) residence. Private roads or streets

may constitute fire lanes in accordance with Chapter 13.150.030 SMC.

14.16.194 Setback

The required distance from the base of a structure, support structure, or the edge of a wireless telecommunications facility equipment shelter to the property line of parcel on which the structure, support structure, support_shelter, or wireless telecommunication facility equipment shelter is located.

14.16.196 Short Plat

The map or representation of a short subdivision prepared by a Washington State Licensed Professional Surveyor in accordance with this Title

14.16.200 Side-by-Side Short Subdivisions

Two (2) parcels of property adjacent to each other, either in single or separate ownership, who's owner/s or authorized representative/s apply to short plat the properties within ninety (90) days of each application, into five (5) to eight (8) lots (including the original parcels).

14.16.202 Site Plan, Graphic

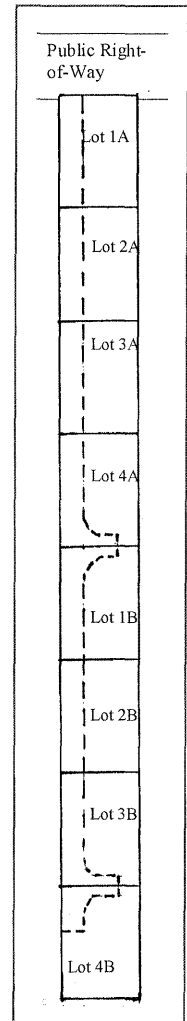
A preliminary or final survey or representation of lands subject to a binding site plan, which portrays:

- A. All items of information otherwise required of a subdivision plat.
- B. The location of all existing and proposed uses, improvements, open spaces, landscaping, environmentally sensitive areas and any other elements required by this Title and other provisions of the SeaTac Municipal Code.
- C. Limitations and conditions on the future use of all depicted lots and tracts.
- D. Provisions to ensure conformity of the development and improvements with the approved site plan.

14.16.206 Stacked Short Subdivision

Fig. 14.16.206a

Two (2) parcels of property where the narrower portion of the properties are adjacent to each other, either in single or separate ownership, who's owner/s or authorized representative/s apply to short plat the properties within ninety (90) days of each application, into five (5) to eight (8) lots (including the original parcels).



14.16.210 State Environmental Policy Act (SEPA)

The State Environmental Policy Act (Chapter 43.21C RCW) and adopted City environmental policies, as constituted and thereafter amended. The City adopts SEPA by reference and administers environmental review during all subdivision, lot merger or lot line adjustment actions to identify, analyze, and seek mitigation of any adverse impacts that may result.

14.16.216 Street Naming

Street naming shall be done in the manner as prescribed in SMC 11.40

14.16.218 Subdivision

Any delineation and legal segregation of real property into lots, tracts, parcels, or sites for the purpose of development, sale, lease, or transfer of ownership through the process for, long subdivision, short subdivision or binding site planning.

14.16.222 Subdivision, Long

A division or redivision of land into five (5) or more lots, tracts, parcels, or sites for the purpose of development, sale, lease, or transfer of ownership.

14.16.226 Subdivision, Short

A division or redivision of land into four (4) or fewer lots, tracts, parcels, or sites for the purpose of development, sale, lease, or transfer of ownership.

14.16.230 Tract

A physically separate piece of real property reserved for access, open space, conservation, drainage or another a specialized purpose, and not considered a buildable lot or site for residential, commercial or industrial construction.

14.16.234 Zoning Code

Title 15 of the SeaTac Municipal Code, as constituted and thereafter amended.

**CHAPTER 14.17
GENERAL STANDARDS AND PROCEDURES**

- 14.17.010 Purpose**
- 14.17.020 General Provisions**
- 14.17.030 Lot Configuration and Access**
- 14.17.040 Complete Application Required**
- 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 Plans**
- 14.17.100 Variances**
- 14.17.110 Appeals**

14.17.010 Purpose

This chapter establishes the general standards and procedures for dividing land through the short subdivision, long subdivision, and binding site plans process. Additional and specific requirements for short subdivisions, long subdivisions and binding site plans follow in succeeding chapters.

14.17.020 General Provisions

- A. No land shall be subdivided in such a manner that less rigorous development review procedures are used to circumvent more rigorous procedures.
 - 1. The City shall consider the cumulative effect of separate subdivision applications and of land development proposals against their projected effect had they been approved as one application. The Director may upgrade a proposed short subdivision to long subdivision, where the Director determines that the cumulative effects justify use of the more rigorous procedure. The Director shall use the following criteria to determine whether short subdivisions should be upgraded to a long subdivision:
 - a. Where three (3) or more side-by-side short plats are proposed to be developed within one (1) year of each other; and/or
 - b. Where more than 16 lots would have access to the private access easement for the short plat/s; and/or
 - c. Where two (2) or more adjacent short plats being proposed at the same time, with access on a least two (2) public rights-of-way, can provide a new through street connecting to the existing public rights-of-ways, on a City block where no through streets are currently provided within 660 linear feet.

2. No more than two (2) adjacent lots may be developed as side-by-side short plats, not to exceed eight (8) lots.
- B. Up to three (3) contiguous lots may be aggregated and redivided by short subdivision, provided:
1. All of the lots are in common ownership; and
 2. All resulting lots comply with the provisions of this Title and the SeaTac Municipal Code; and
- C. Applicants for short subdivisions, long subdivisions, and binding site plans shall provide each responsible agency reasonable access to the subject property. The applicant shall provide such access so that the City may determine the status and characteristics of the land which relate to the application. Such access shall be provided beginning on the date the Director, or designee, determines the application to be complete, and terminating on the date that the City issues its final decision. The applicant's signature upon the application shall be considered written consent to such access.
- D. In cases where an environmental impact statement (EIS) is required under the provisions of the State Environmental Policy Act (Chapter 43.21C RCW), the Department shall not initiate review of any subdivision until the Final EIS is completed.
- E. Any subdivision within the Angle Lake shoreline jurisdiction, as defined by the City's Shoreline Master Program, shall be considered new shoreline development and shall be required to satisfy all applicable requirements of the Shoreline Master Program, the Shoreline Management Act as well as the State Environmental Policy Act.
- F. All applicable conditions established under a Shoreline Substantial Development permit shall be recorded on the face of the final plat. Shoreline approval shall be annotated on the plat, and no further shoreline review will be required for uses on the property, provided that those uses remain consistent with the original proposal and conditions, and that no further division of the property is proposed.

14.17.030 Lot Configuration and Access

- A. The type of development contemplated, the topography of the site, its solar exposure, and its natural features shall be jointly considered within the configuration of any short subdivision, long subdivision or binding site plan. Where possible, the size, shape and orientation of lots shall reflect these considerations.
- B. To the maximum extent possible, lots shall be configured to assure the minimum prescribed frontage on a public street.

- C. Where local topography or other pre-existing conditions prevent direct frontage, a private road may connect a lot to a public street. The applicant shall bear the burden of demonstrating that no reasonable configuration would allow direct access to a public street.
- D. Lots shall be configured to prevent direct lot access to highways or arterial streets. In exceptional cases, lot access may be provided by frontage on a minor arterial or collector arterials. The applicant shall bear the burden for demonstrating the necessity for direct access to a minor arterial or collector arterial.
- E. Where an applicant proposes to create five (5) or more lots, or has sufficient contiguous land under current zoning to create, five (5) or more lots, all lots shall be configured to provide for public streets to facilitate further division. This shall not apply where an applicant proposes two (2) side-by-side short plats of five (5) to eight (8) lots, and where no additional lots would have access to the private road servicing the short plats.
- F. Where an applicant proposes to create three (3) or more lots, or has sufficient land under current zoning to create three (3) or more lots, all lots shall be configured so that no more than two (2) panhandle lots are located adjacent to each other.
- G. Lots shall be configured consistent with the natural topography of the site, shall assure drainage away from existing /proposed buildings, and prevent any increase of runoff toward adjacent properties.

14.17.040 Complete Application Required

- A. The City shall require a complete application before taking review action on any proposed subdivision.
- B. All applications 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 SMC, applications for subdivision shall be considered complete only after the City verifies that the applicant has provided all items required by the application checklist. These items shall include, but are not limited to:
 - 1. One (1) copy of the DRC comments;
 - 2. Five (5) signed and complete copies of the appropriate subdivision application form;
 - 3. Water and sewer availability certifications from each utility district serving the property. Where provided, all lots shall be served by public water and

sewer systems.

4. Five (5) copies of a Title Report, dated within 30 days of application submission.
5. Five (5) paper copies of a preliminary plat or preliminary development plan, prepared according to SMC 14.20.030 and certified by a professional land surveyor.
6. Five (5) paper copies of a Tree Survey showing the location of all trees eight (8) inches in caliper as measured four (4) feet from its base. The Tree Survey shall provide the common name for each tree.
7. Three (3) copies of a conceptual storm drainage and site grading plan, prepared in accordance with Chapters 12.10 and 13.190 SMC.
8. Five (5) copies of written consent to allow the City access to the subject land under Subsection 14.17.020 C.
9. Five (5) copies of any other documentation required by the City to support its decision.
10. Appropriate fee for review, as established in the City fee schedule.
11. One (1) set of envelopes with labels and postage for all adjacent property owners within one thousand (1000) feet of the subject property's boundaries. An additional set of envelopes may be required if SEPA review is required with the Short Plat.

14.17.050 Public Notice Requirements

Subdivision actions shall be subject to the public notice procedures established by Chapters 16A.09, 16A.13, 16.15A and any other applicable notice provisions of this Title or the SeaTac Municipal Code.

14.17.060 General Application Review

- A. A proposed subdivision will be reviewed under the provisions of this Title and all other zoning and land use control ordinances in effect at the time a fully completed application is submitted.
- B. Pursuant to SMC 16A.05.020 SMC, any applicant proposing a subdivision shall schedule and participate in no less than one (1) meeting with the Development Review Committee (DRC) prior to the submission of an application. Prior to this meeting, the prospective applicant shall, at a minimum, present a conceptual drawing to the Department portraying the proposed subdivision or binding site plan. The drawing shall describe the approximate locations and dimensions of both the existing and proposed lots, the existing and proposed street layout and

other information necessary to determine the general characteristics of the site.

- C. Upon issuance of a Determination of Completeness, the Director or his designee shall, transmit copies of the subject preliminary plat or graphic site plan and any accompanying documents to the following officials or departments.
1. The Director, or designee, shall review and prepare findings that the proposed subdivision conforms with the applicable elements of the State's Growth Management Act, the State Environmental Policy Act, the City Comprehensive Plan, the Zoning Code, the City Shoreline Master Program, local SEPA rules and this Title.
 2. The City Engineer, or designee, shall review the proposed subdivision for its conformance with adopted City traffic and infrastructure plans; its adequacy regarding storm drainage, streets, alleys, rights-of-way, and its conformance with any applicable improvement standards and specifications.
 3. The City Fire Marshall or designee shall review the proposed subdivision for conformance with the Fire Code as adopted by the City.
 4. The Director, or designee, may forward the application materials to any other City department, utility provider, school district or other public or private entity deemed appropriate with a request for review and comment.

14.17.080 Criteria for Approval of Subdivision Application

Whether subdivision is proposed by short subdivision, long subdivision or binding site plan, the reviewing authorities shall base their evaluations, recommendations and decisions on the criteria below.

- A. Each reviewing authority shall assess the proposal's general compliance with all state and city statutes, regulations and other standards in effect on the date the Director, or designee determined the application to be complete. Such standards include, but are not limited to, the following:
1. This Title and the City Zoning Code;
 2. Growth Management Act and the City Comprehensive Plan;
 3. State Environmental Policy Act and SEPA Rules;
 4. Shoreline Management Act and applicable Shoreline Programs;
 5. Surface Water Management Code, Comprehensive Storm Drainage Plan, and Basin Plans, as may be applicable;

- 6. Fire Code as adopted by the City;
 - 7. Comprehensive Transportation Plan, City Road Standards and Right-of-way Use Code; and
 - 8. Grading Code.
- B. Where applicable, each reviewing authority shall assess the adequacy of existing and proposed lots, tracts, streets, sidewalks, parking facilities, utilities and general improvements to accommodate subsequent land uses.
 - C. The Director or designee shall assess the proposed subdivision or binding site plan's compatibility with adjacent land uses.

14.17.090 Filing

- A. The applicable City departments shall sign each final subdivision plat or graphic site plan to certify approval by the appropriate authorities.
- B. The applicant shall pay the City or otherwise designate funds to King County as necessary to cover all costs for filing the final plat with King County.
- C. The Department shall forward the signed final plat, with all appropriate copies and documentation, to the King County Recorder for recording.

14.17.095 Time Limits on Preliminary Approval – Long Subdivision and Binding Site Plan

Where a subdivision or binding site plan is considered concurrently with a planned unit development, the final plat or graphic site plan must be recorded no later than the date on which the first phase development plan or comprehensive development plan is submitted to the City. Failure to meet this requirement shall void any approval under this Title.

14.17.100 Variances

Subject to Hearing Examiner review and the criteria established under SMC 15.22.020, an applicant may request a variance from the dimensional standards and improvement requirements of this Title, the Zoning Code, and other provisions of the SeaTac Municipal Code.

14.17.110 Appeals

Any person aggrieved by any administrative decision under this Title may appeal that decision consistent with the procedures prescribed in Chapters 15.22, and 16A.17 SMC.

**CHAPTER 14.18
SHORT SUBDIVISION**

- 14.18.010 Purpose**
- 14.18.020 General Limitations**
- 14.18.030 Material Errors**
- 14.18.040 Changes to Proposed or Approved Short Plats**
- 14.18.050 Short Subdivision Review**
- 14.18.060 Preliminary Plat Format and Contents Requirements**
- 14.18.070 Final Plat Format and Contents Requirements**
- 14.18.080 Time Limits on Preliminary Approval**

14.18.010 Purpose

This chapter establishes specific review procedures and approval criteria for the short subdivision of land into four (4) or fewer lots. This chapter shall at a minimum implement the requirements of state law.

14.18.020 General Limitations

The following general limitations shall apply to all short subdivision applications:

- A. Only a separate lot, as defined by SMC 14.16.126, or a combination of two or more contiguous separate lots may be short subdivided;
- B. A maximum of four (4) lots may be created by any single application;
- C. A maximum of eight (8) lots may be created from two or more contiguous parcels;
- D. Except as provided in SMC 14.15.020 C, if the lot to be subdivided was created through a prior short subdivision, at least five (5) years must have passed since the recording of such prior short subdivision, except that when the short plat contains fewer than four (4) lots, a short plat alteration may be requested to create additional lots up to a maximum of four (4) lots within the original short plat boundaries. A short plat alteration shall contain the same information as required in a short plat application.

14.18.030 Material Errors

Applications found to contain and be based upon material errors shall be deemed incomplete and subsequent resubmittals shall be treated as new applications.

14.18.040 Changes to Proposed or Approved Short Plats

- A. Applicant generated modifications or requests for revision(s) to short subdivisions which are not made in response to staff review or public appeal which result in

substantial changes as determined by the Director, or designee, including but not limited to the creation of additional lots, elimination of open space requirements, shall be treated as new applications for the purpose of vesting.

- B. Proposals to amend an approved final short plat shall be treated as an alteration pursuant to the provisions of this Chapter and Chapter 14.25 regarding alterations.

14.18.050 Short Subdivision Review

- A. Short subdivisions involving four (4) or less resulting lots shall be subject to administrative review with notice, as established within Title 16A SMC and hereafter amended.
- B. Upon receipt of a complete application, staff will conduct a review of the proposed short subdivision pursuant to the provisions of the SMC 16A and shall issue a Notice of Decision (NOD) within 90 days on the preliminary short subdivision. The Notice of Decision shall have one of the following effects:
 - 1. Approve the preliminary short subdivision without conditions; or
 - 2. Approve the preliminary short subdivision with conditions; or
 - 3. Deny the preliminary short subdivision.
- C. The Notice of Decision (NOD) shall specifically cite each applicable City Department's findings of fact regarding the proposed subdivision's compliance with all state and city statutes, regulations, or other standards. The Notice shall directly relate these findings to any conditions of approval or reasons for denial.
- D. Once the NOD is issued, the applicant may submit for final short plat review.

14.18.060 Preliminary Plat Format and Content Requirements

- A. The preliminary short plat shall serve as the primary reference by which the City evaluates any proposal for short subdivision, and as the basis for any subsequent conditions for approval.
- B. The preliminary short plat shall be prepared by a professional land surveyor and drawn to a scale of not less than one (1") inch equals 50 feet. The preliminary short plat shall, at a minimum consist of the following:
 - 1. The stamp of the professional land surveyor registered in the State of Washington who prepared the plat.
 - 2. Shall be drawn on a 18" x 24" sheet with a two (2") inch margin on the left edge and one-half inch margin on other edges.
 - 3. The names and the addresses of the developer and the licensed land surveyor who prepared the preliminary plat.

4. North point, graphic scale and date of drawing.
5. Existing off-site subdivision lots, blocks, streets and easements shown as dotted lines.
6. Proposed lot lines shown as solid lines and all proposed and existing easements shown in dashed lines.
7. The location, bearings and distances of existing and proposed property lines; and existing section lines in feet and decimals of a foot.
8. Streets, building structures, water courses, and bridges.
9. Any recorded public or private utility and drainage easements, both on the land to be subdivided and on adjoining lands to a distance of twenty-five (25) feet from the edge of the subject property division, including the recording numbers of each easement.
10. The location of existing trees (over 8" in diameter as measured four [4] feet from its base) on the property. The location of existing trees over eight (8") inches diameter as measured four [4] feet from its base to a distance of twenty-five (25) feet from the edge of the subject property division may be requested based upon a site inspection, provided that the adjacent property owner/s grant permission to enter their properties. If no permission is granted, only the location of the trees on the property shall be located.
11. Topographic contours and elevations at five (5) foot intervals for slopes less than or equal to five percent (5%) and at two (2) foot intervals for slopes greater than five percent to accurately predict drainage characteristics of the property. The topographic contours shall be provided by a Land Surveyor licensed in Washington State. Off-site topographic contours on adjacent property may be required to provide supplemental information. Requests for off-site topographic contours shall be based upon on-site inspections of the proposed plat. If no permission is granted by adjacent property owners to enter their property to allow the survey of off-site topographic contours, only topographic contours to the property line are required. Where permission cannot be obtained for off-site contours, the applicant shall provide off-site contours as provided by the City of SeaTac Geographical Information System (GIS). A note shall be placed on the face of the preliminary plat that contours generated by GIS are not surveyed contours and that the City does not guarantee their accuracy.
12. Identity and location of any existing and/or abandoned well(s) on the property.

13. The location of existing, or proposed, rockeries and other types of walls on the property. The location of rockeries and other types of walls located within twenty-five (25) feet of the property lines of the plat may be requested based upon a site inspection of the property, provided the adjacent property owner/s grant permission to enter their properties. If no permission is granted, only rockeries and other types of walls on the property shall be located.
 14. The location and identification of any visible physical appurtenances, such as fences or structures, which may indicate encroachment, lines of dispute, or conflict of Title.
 15. Source and date of topographic data referenced on the plat.
 16. Acreage of the land to be subdivided, the numeric designation of each proposed lot, and the area as square footage, of each individual lot.
 17. Bearings and dimensions of each lot line.
 18. Bearings, angles, or azimuths shown in degrees, minutes, and seconds.
 19. Radius, delta, arc length and long chord bearing and distance of curves shown.
 20. The location, width, and names of existing streets or easements abutting or providing access to the short subdivision. If access is by private street, the public street providing access to the private street shall be shown.
 21. Legal description and tax lot (parcel) number of the property to be subdivided.
 22. The legal description of each lot within the proposed short subdivision.
 23. Dedication statement with signature lines and Notary Block with minimum text size of 0.08 inches and line widths not less than 0.008 inches (vicinity maps, seals and certificates are excluded).
 24. The date of the last recorded segregation.
 25. Indicate basis of bearing shown.
- C. All areas and dimensions shall be portrayed to the nearest one-hundredth (1/100) of a foot. Angles and bearings shall be portrayed in degrees, minutes and seconds.

14.18.070 Final Short Plat Format and Contents Requirements

- A. The final plat shall serve as the primary legal record of any approved short

subdivision. City staff shall conduct conclusive review of all final plats to assure compliance with all state statutes and city ordinances, regulations and other standards, and with all conditions established through the preliminary review process. The final plat shall be substantially in the form illustrated in Figure 14.18.070a.

- B. The applicant shall submit one (1) complete final plat to the City for recording.
- C. Final plats shall satisfy all content and format requirements specified for preliminary plats under Subsection 14.18.060 (B) above. In addition, final plats shall conform to the following:
 - 1. Be drawn on an 18" x 24" sheet with a 2" margin on the left edge and one-half-inch margin on the other edges to an appropriate (20 or 30':1") engineering scale and stamped by a professional Land Surveyor registered in the State of Washington.
 - 2. Permanent black ink on mylar with a fixed halide base, or equivalent shown.
 - 3. Final short plat name, File Number and City logo in a Block in the upper left hand corner of the short plat drawing.
 - 4. Numerical Scale, graphic scale and north arrow shown on drawing.
 - 5. Section, Township, and Range shown on drawing.
 - 6. Surveyor's Certification, date and stamp shown on drawing.
 - 7. Surveyor's name and address block shown on drawing.
 - 8. All found monuments (description, type, and size) labeled and referenced to an existing County Survey and/or Survey of Record.
 - 9. All curve information including central angle (Delta), radius, tangent length, length of arc, and long cord bearing and distance clearly shown.
 - 10. "Basis of Bearing" shown on drawing with bearings and distances on all lot sides.
 - 11. Existing public rights-of-way with name, width and surface type shown.
 - 12. Existing easements shown with recording numbers.
 - 13. Legend showing symbols for monuments found and monuments set shown.
 - 14. A house address system shall be provided by the City for short

subdivisions and the house number(s) must be clearly shown on the short plat at the time of approval for each lot.

15. The location of all “Significant Trees” to be saved on each lot, if applicable.
16. The location of the “Building Envelope” for each lot.
17. King County Department of Assessments signature block shown.
18. City of SeaTac Approval Signature Blocks for Planning & Community Development and Department of Public Works and date.
19. King County Recorder’s Signature Block located on the bottom or right edge of the plat.
20. The face of the short plat containing a private road easement shall bears the statement: **“Warning: The City of SeaTac has no responsibility to build, improve, maintain, or otherwise service the private roads contained within, or providing service to, the property described in this plat.”**
21. Name of property owner and final short plat address shown.
22. Quarter section vicinity map showing Section Number and plat site.
23. Short plat mylar shall be suitable for microfilming with uniform contrast.
24. Five (5) **paper copies** submitted for review prior to the submittal of the mylar drawing.

(The applicant will be contacted for *one (1) mylar copy* of the final short plat, after City review is completed.)

25. The legal description of the land to be subdivided shown on the final short plat mylar the same as the Title Report.
26. Legal descriptions for the proposed lots and easements shown on the plat map.
27. Dedication statement (including owner’s acknowledgement) and property owner signature lines with names under the signature line(s) and date.
28. Notary declaration of property owners signature(s).
29. Datum per SMC 14.26.050.
30. All monuments have been installed prior to the recording of the final short

plat and tied to section monumentation.

31. Short plat closure calculations.
32. One original "as built" engineering mylar drawing for all required improvements within the short subdivision with three (3) copies.
33. All lot corners staked correctly on the ground prior to recording of the final short plat.
34. Deed legal description at variance with survey identified and submitted.
35. Certification by the City of SeaTac Finance Department that all delinquent and current special assessments outstanding on property are paid in full.
36. Certification by the King County Finance Department that all property taxes have been paid. (RCW 58.08.030-040)
37. In the case where more than one mylar page is submitted, the graphic representation of the short subdivision shall be shown on the first mylar page.

D. In addition to the above, the following additional information may be required.

1. Short plat restrictive covenants submitted to be recorded with Plat.
2. "Mutual Maintenance Agreement" for private road submitted for recording.
3. "Mutual Maintenance Agreement" for surface water drainage facilities submitted for recording.
4. Storm drainage improvements shall be installed pursuant to Chapter 12.10 SMC.
5. One year "Maintenance Bond" for streets and storm drainage to be submitted at the completion of improvements.
6. Two (2) copies of any documentation necessary to demonstrate the existence or installation of all sewer and water facilities necessary to adequately to serve each approved lot and to demonstrate the intent of the applicable district or purveyor to serve the proposed plat. If a septic system on-site is proposed, two (2) copies of the approved septic system by the King County Health Department shall be submitted.
7. Two (2) copies of any documentation necessary to demonstrate that the present or planned water systems serving the property shall be able to

supply adequate minimum water flow for fire fighting purposes. This documentation shall be approved by and presented in a form prescribed by the Fire Marshall.

- E. Final plats shall be 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.

14.18.080 Time Limits on Preliminary Approval

- A. Once granted preliminary approval for any short subdivision, the applicant shall have three (3) years in which to file a final short plat with the City. Where any conditions for approval are not satisfied, required improvements not constructed, or the final plat not recorded within those three (3) years, the preliminary approval shall be null and void.
- B. Where all required improvements have been constructed, all conditions satisfied, and all required documents have been submitted within the three (3) year filing period, the Director may grant a single extension of up to one hundred eighty (180) days for the processing and recording of the final plat. Applicants shall have a maximum of 30 days to comply with any additional requests for information that the City may make during the extension period.


	PROJECT NAME FINAL SHORT PLAT FILE NO.: SUB _____	APPROVALS: DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT Examined and approved this ____ day of _____ 20____ Planning and Community Development Director _____ PUBLIC WORKS DEPARTMENT Examined and approved this ____ day of _____ 20____ Public Works Director _____	DEPARTMENT OF ASSESSMENTS Examined and approved this ____ day of _____ 20____ Assessor _____ Deputy Assessor _____ Account Number _____	RECORDING NO. SCALE: 1 inch = ft. <input type="text" value="0"/>	VOL./PAGE PORION OF ____ 1/4 of ____ 1/4, S. ____ T. ____ R. ____						
DEDICATION <p>KNOW ALL PEOPLE BY THESE PRESENTS that on, the undersigned owners of interest in the land hereby short subdivided, hereby declare this short plat to be the graphic representation of the short subdivision made hereby, and do hereby dedicate to the use of the public, forever all streets and easements not shown as private heretofore and dedicate the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes, and also the right to make all necessary streets for utility and also upon the lots shown thereon in the original reasonable grading of said streets and easements, and further dedicate to the use of the public all the easements and tracts shown on this short plat for all public purposes as indicated thereon, including but not limited to parks, open spaces, utilities and drainage unless such easements or tracts are specifically identified on this short plat as being dedicated or reserved to a person or entity other than the public, in which case we do hereby dedicate such streets, easements, or tracts to the person or entity identified and for the purposes stated.</p> <p>Further, the undersigned owners of the land hereby short subdivided agree for themselves, their heirs and assigns and any person or entity deriving title from the undersigned, any and all claims for damages against the City of Seattle, its successors and assigns which may be occasioned by the establishment, construction, or maintenance of roads and/or drainage systems within this short subdivision other than claims resulting from negligent maintenance by the City of Seattle.</p> <p>Further, the undersigned owners of the land hereby short subdivided agree for themselves, their heirs and assigns to indemnify and hold the City of Seattle, its successors and assigns, harmless from any damage, including any costs of defense, claimed by persons within or without this short subdivision to have been caused by alterations of the ground surface, vegetation, drainage, or surface or sub-surface water flows within this short subdivision or by establishment, construction or maintenance of the roads within this short subdivision. Provided, this waiver and indemnification shall not be construed as releasing the City of Seattle, its successors or assigns, from liability for damages, including the cost of defense, resulting in whole or in part from the negligence of the City of Seattle, its successors, or assigns.</p> <p>This subdivision, dedication, waiver of claims and agreement to hold harmless is made with the free consent and in accordance with the desires of said owners.</p> <p>IN WITNESS WHEREOF we set our hands and seals.</p> <p>Name _____ Name _____ Name _____ Name _____ Name _____ Name _____</p> <p>State of Washington County of _____</p> <p>I certify that I know or have satisfactory evidence that _____ signed this instrument and acknowledged it to be (his/hers) free and voluntary act for the uses and purposes mentioned in the instrument.</p>		<p>DOCUMENT IS AVAILABLE IN ELECTRONIC FORM VIA EMAIL OR COPIED TO YOUR DISC</p>									
<p>Signature of Notary Public _____ Dated _____ My appointment expires _____</p> <p>State of Washington County of _____</p> <p>I certify that I know or have satisfactory evidence that _____ signed this instrument and acknowledged it to be (his/hers) free and voluntary act for the uses and purposes mentioned in the instrument.</p> <p>Signature of Notary Public _____ Dated _____ My appointment expires _____</p>		QUARTER SECTION VICINITY MAP									
RECORDER'S CERTIFICATE Red for record this ____ day of _____ 20____ at _____ M in book _____ of _____ at page _____ at the request of _____ _____ Mgr. _____ Supl. of Records _____	LAND SURVEYOR'S CERTIFICATE This Short Plat correctly represents a survey made by me or under my direction in conformance with the requirements of the appropriate State and County Statute and Ordinance in _____ 20____ _____ Certificate No. _____	SURVEYOR'S NAME & ADDRESS 	APPLICANT'S NAME PROJECT ADDRESS <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">DWN. BY</td> <td style="width:33%;">DATE</td> <td style="width:33%;">JOB NO.</td> </tr> <tr> <td>CHRD. BY</td> <td>SCALE</td> <td>SHEET OF</td> </tr> </table>			DWN. BY	DATE	JOB NO.	CHRD. BY	SCALE	SHEET OF
DWN. BY	DATE	JOB NO.									
CHRD. BY	SCALE	SHEET OF									

Figure 14.18.070a

CHAPTER 14.19
SHORT SUBDIVISION – MANDATORY IMPROVEMENTS

- 14.19.010 Private Road Width and Construction Standards**
- 14.19.020 Private Road Construction – Two Stacked Short Subdivisions**
- 14.19.030 Private Roads – Allowances for Additional Access by Other Properties**
- 14.19.040 Hammerhead Turnaround – Emergency Vehicles**
- 14.19.050 Private Roads – Screening From Adjacent Property**
- 14.19.060 Storm Drainage Improvements**

14.19.010 Private Road Width and Construction Standards

- A. In short subdivisions where more than two (2) lots will have access from a private access easement or where two short subdivisions are developed side-by-side, the private access easement shall conform to, and be constructed to, the following standards:
 - 1. The private access road shall be constructed to the standards in SMC 11.05 “Road Standards”.
 - 2. At the request of the applicant, the width of the private access easement and the paved width of the roadway may be decreased subject to the approval of both Directors under the following circumstances:
 - a. Where an existing house constricts the access easement.
 - b. The access easement may be reduced to save trees of eight (8) inches in caliper or greater, as measured four (4) feet from their base, on the properties.
 - c. Unique conditions on the property as determined by the Directors.
 - d. Approval of the request does not adversely impact the health, safety, and welfare of the residents within the short subdivision and the operations of the public road.

14.19.030 Private Road Construction – Stacked Short Subdivisions

- A. Private access easements serving two short subdivisions stacked one after the other, fronting on only one public right-of-way, shall be constructed to the following standards:
 - 1. The private access road shall be constructed to the standards in SMC 11.05 “Road Standards”.
 - 2. At the request of the applicant, the width of the private access easement and the paved width of the roadway may be decreased subject to the approval of both Directors under the following circumstances:

- a. Where an existing house constricts the access easement.
- b. Where the required width of the access easement would create a building footprint of less than twenty (20) feet in width, not including required building setback requirements, the width of the access easement may be reduced to provide the twenty (20) foot building footprint.
- c. The access easement may be reduced to save trees of eight (8) inches in caliper or greater, as measured four (4) feet from their base, on the properties.
- d. Unique conditions on the property as determined by the Directors.
- e. Approval of the request does not adversely impact the health, safety, and welfare of the residents within the short subdivision or the operations of the public road.

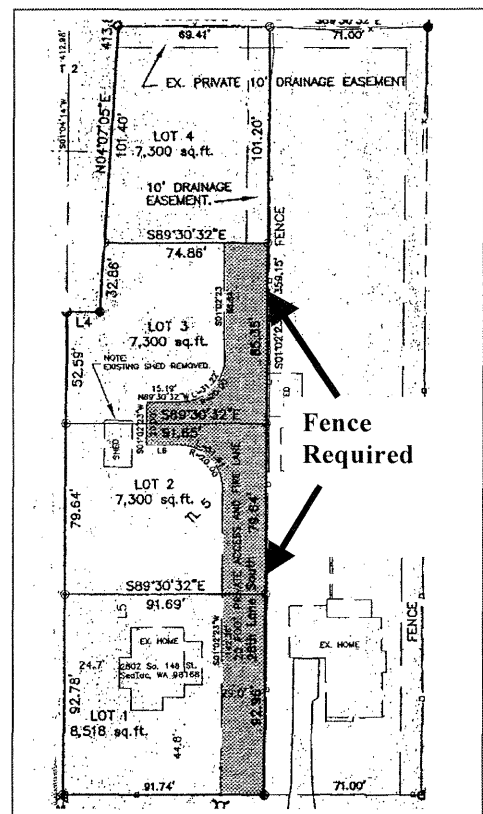
14.19.050 Hammerhead Turnaround – Emergency Vehicles

A turnaround for emergency vehicles shall be required within a short subdivision without access to public streets pursuant to SMC 11.05 “Road Standards”. The hammerhead turnaround shall be paved and shall be constructed to the dimensions in accordance with SMC 11.05 “Road Standards”.

14.19.060 Private Roads – Screening From Adjacent Property

In short subdivisions of three (3) or more lots, a fence as approved by the Director, shall be installed between the private access easement and adjacent single-family lot/s along the length of the easement. Two-thirds (2/3) of the cost of the fence shall be borne by the developer of the short plat, with the adjacent property owner responsible for one-third (1/3) of the cost of the fence. The height of the fence shall conform to the requirements of SMC 15.13.080 F. No fence shall be required under the following circumstances:

- A. If the fence will result in the need to remove existing trees or landscaping.
- B. If the adjacent property owner/s, state in writing, that they do not want a new fence installed.
- C. If the adjacent property owner/s do not want to pay for one-third (1/3) of the cost of the



fence. Adjacent property owners shall be notified by the City by “Certified Mail” requesting a response whether or not they want to pay for the fencing.

If the adjacent property owner/s do not want to pay for 1/3 of the cost of the fence, and the applicant/developer still wants to install a fence, then the cost of fence shall be borne by the applicant/developer.

14.19.060 Storm Drainage Improvements

Storm drainage improvements shall be provided pursuant to SMC Title 12.

**CHAPTER 14.20
LONG SUBDIVISION**

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14.20.010 Purpose

This chapter establishes specific review procedures and approval criteria for the division of land into five (5) or more lots. This chapter shall at a minimum implement the requirements of state law.

14.20.020 SEPA/Environmental Checklist

- A. In addition to the general application requirements established by Chapter 14.17 SMC, the applicant shall submit five (5) copies of the prescribed environmental checklist before a long subdivision application will be considered as complete.

Where information obtained in the DRC meeting indicates the need to pursue an environmental impact statement and the applicant agrees with this determination, the environmental checklist will not be required for a determination of completeness. The application will include a record of the applicant obligation to complete an environmental impact statement.

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 and drawn to a scale of not less than one inch per thirty feet (30:1). The preliminary plat shall at a minimum portray:
 - 1. Names of the property owner, the licensed land surveyor, and the licensed civil engineer submitting and preparing the application.
 - 2. Legal description of the subject property referenced to

section, township, and range, and to the nearest established street lines or monuments.

3. Datum, basis of bearings, and ties to a minimum of two existing section monuments.
4. North point and a graphic scale.
5. Existing government survey section lines.
6. Complete documentation of the recording number, date and method of each immediately preceding subdivision or binding site plan affecting the subject property.
7. Complete documentation of the recording number, date and method of any immediately preceding lot merger or lot line adjustment affecting the property.
8. Location of all existing survey monuments.
9. Location of existing property lines, indicated by heavy broken lines.
10. Location of proposed property lines, indicated by heavy solid lines.
11. Bearings and lengths of each property line.
12. Area and other dimensions of each lot, tract or parcel.
13. Total acreage of the land to be subdivided.
14. Proportion of total acreage to be maintained as common open space, where applicable.
15. Topographic contours and elevations at five (5) foot intervals for slopes less than or equal to five percent (5%) and at two (2) foot intervals for slopes greater than five percent to accurately predict drainage characteristics of the property. The topographic contours shall be provided by a land use surveyor licensed in Washington State. Off-site topographic contours on adjacent property may be required to provide supplemental information. Requests for off-site topographic contours shall be based upon on-site inspections of the proposed plat. If no permission is granted by adjacent property owners to enter their property to allow the survey of off-site topographic contours, only topographic contours to the property line are required. Where permission cannot be obtained for off-site contours, the applicant shall provide off-site contours as provided by the City of SeaTac Geographical Information System (GIS). A note shall be

placed on the face of the preliminary plat that contours generated by GIS are not surveyed contours and that the City does not guarantee their accuracy.

16. Existing buildings and structures.
 17. Alleys and streets, the latter identified by name.
 18. Statement of soil types and a Level 1 drainage analysis conducted pursuant to Title 12 SMC.
 19. Ordinary High Water Mark and other boundaries of lakes, ponds, streams, or wetlands, where applicable.
 20. Trees with a diameter in excess of eight (8) inches in caliper as measured four (4) feet from their base. The location of trees shall be surveyed and shown on the preliminary plat plan.
 21. Any recorded use limitations or abatements.
 22. Recorded public or private rights-of-way, access, utility or other easements.
 23. Other lines of ingress/egress.
 24. Location of any on-site fire hydrants, or the nearest hydrant from lots without hydrants.
- C. All areas and dimensions shall be portrayed to the nearest one-hundredth (1/100) of a foot. Angles and bearings shall be portrayed in degrees, minutes and seconds.

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 14.22.020A and shall document any conditions of approval or the factual basis for denial. City staff shall forward the report to the applicant and the Hearing Examiner no later than fourteen (14) days prior to the public hearing.

14.20.055 Criteria for Review of Long Subdivisions

In addition to project evaluation required under Section 14.17.080 SMC, 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 highway system of SeaTac.
- B. The proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the areas and the subdivider shall present evidence to this effect when requested.
- C. Adequate storm drainage will be provided in accordance with SMC 12.10.
- D. Street trees are provided between the sidewalk and curbing within the subdivision.
- E. Sidewalks or walkways shall be required for all proposed streets including perimeter streets in business and residential subdivisions.
- F. Recreation space is provided as required pursuant to SMC 14.21.010 E.
- G. Pedestrian circulation is provided for children for access to school facilities or school bus stops.
- H. All lots conform to the minimum lot area and width requirements of the Zoning Code.
- I. Water and sewer service is available to the subdivision.
- J. Variances and exceptions. Variations and exceptions from the dimensional standards and improvement requirements, as herein set forth, may be made by the Director of Planning and Community Development 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.
- k. Bonding of Improvements.
- L. 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 90 days of the project determination of completeness, the Hearing Examiner shall conduct the scheduled 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 14.17.080 SMC and Section 14.20.055 SMC above. 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 for preliminary long subdivision; or
2. Approve the application for preliminary long subdivision 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 City Council may approve a one 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 and Subsection 14.20.020 (A) above, 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 RCW 58.09. 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 the applicable City departments 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. Final plats shall be 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 Council agenda.
- E. Prior to the date at which the City Council will consider the final subdivision, the Department shall issue a report and recommendation to the Council concerning the conformity of the final subdivision with the established conditions for preliminary approval.

14.20.070 Final City Council Review of Long Subdivision

- A. The City Council shall have the sole authority to finalize long subdivisions. Following review of staff reports, the original application, final plat, and Hearing Examiners decision, the Council shall approve, disapprove, or return the proposed final subdivision to the applicant for further modifications or corrections.
- B. The City Council shall not approve a proposed long subdivision without its own written findings that the applicant has adequately addressed each of the criteria and issues listed under Sections 14.17.080 and 14.20.055 of this Title.
- C. Long subdivision approval shall be conferred by City Council resolution.

14.20.080 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 Council reserves the authority to alter any original conditions for subdivision approval should a serious threat to the public health or safety arises.

14.20.090 Certification of Plat for Recording

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

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 subdivision and/or binding site plan application on any property at one time. In seeking substantial modification under a new proposal, the applicant abandons all prior applications.

**CHAPTER 14.21
LONG SUBDIVISION – MANDATORY IMPROVEMENTS**

- 14.21.010 Mandatory Improvements**
- 14.21.020 Separate Requirements for Small Lot Single-family Subdivisions**
- 14.21.030 Small Lot Single-family District (SLS) Overlay Road Standards**

14.21.010 Mandatory Improvements

All approvals for long subdivisions, except those proposed and approved under the Small Lot Single-family Special District Overlay, shall at a minimum be conditioned on the following mandatory improvements:

- A. Sidewalks shall be required for all streets bordering and within the subject subdivision. All sidewalks shall at a minimum conform to the standards established under the SeaTac Municipal Code and SMC Chapter 11 applicable regulations.
- B. Where any residential subdivision is located adjacent to a business, commercial or industrial zone classification, a minimum twenty (20) foot buffer shall be provided. The buffer may be a natural buffer area, landscaping, berms and/or approved fences, or a combination thereof, and shall be provided prior to the issuance of Building Permits. The buffer shall be noted as an easement on the face of the plat and covenant shall be placed on each lot containing the buffer stating that the buffer cannot be altered by the property owner unless otherwise approved by the Department.
- C. Where any residential subdivision is located adjacent to adjacent residential property, a minimum ten (10) foot buffer shall be provided. The buffer may be a natural buffer area, landscaping, berms and/or approved fences, or a combination thereof, and shall be provided prior to the issuance of Building Permits. The buffer shall be noted as an easement on the face of the plat and covenant shall be placed on each lot containing the buffer stating that the buffer cannot be altered by the property owner unless otherwise approved by the Department.
- D. New subdivisions shall provide street trees along all public rights-of-way, including the cul-de-sac pursuant to SMC 11.05. Street trees shall be deciduous and should be planted at a maximum of thirty 30 feet on-center. Spacing shall be determined by the Directors based on site conditions. The minimum size of the street trees should be no less than two and one-half (2 ½) inches in caliper. The size of street trees shall be determined by the Directors based on site conditions. No impervious surfaces shall be allowed within the planter strip.
- E. In subdivisions of ten (10) or more lots, a minimum of seven percent (7%) of the gross land area shall be reserved as common recreation open space. Common recreational open space shall not include any critical areas as defined in Chapters 15.10 and 15.30 of the SMC.

- F. The specific location and design of any common recreation open space required under this Title shall be determined by criteria established under the Zoning Code.
- G. No part of common recreation open space reserved under this Title shall also be used to fulfill property drainage requirements under SMC Title 12.
- H. Where an applicant proposes residential subdivision, he or she shall substantially improve the common recreation open space consistent with the projected maximum future occupancy of the overall site.
 - 1. Land reserved pursuant to a residential subdivision shall be established as a private recreational tract. The ownership of that tract shall be allocated equally between all buildable lots created as a result of the subdivision. A covenant shall be placed on all lots within the residential subdivision informing the property owners of the requirement to maintain the private recreational tract.
 - 2. The original and subsequent owners of any property or properties served by a private recreation tract established under this section shall maintain that tract consistent with Sections 14.26.060 and 14.26.070. The City shall not be responsible for the maintenance of such tracts.
- I. Public streets shall be provided within the long subdivision pursuant to the standards of SMC 11.05 "Road Standards".
- J. Required cul-de-sacs shall be constructed to the standards of SMC 11.05 "Road Standards".
- K. Storm drainage improvements shall be installed pursuant to SMC 12.10.

**CHAPTER 14.22
BINDING SITE PLANS**

- 14.22.010 Purpose**
- 14.12.020 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 15.23 SMC with a complimentary 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. 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. 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. 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.
- 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. The City shall only consider a binding site plan concurrent with a planned unit development application or building permit.
- E. Binding site plan applications may be considered for either vacant properties or for the redevelopment of sites that support ongoing uses.
- F. Binding site planning shall result in no less than two (2) contiguous lots.
- G. The binding site plan shall ensure that the collective lots continue to function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.
- H. 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 a ownership interest of any subject lot, parcel, or tract.
- I. 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.
- J. 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 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 15.23 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) above shall require the written consent of parties representing no less than sixty-six (66%) percent 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 site plan shall be surveyed by a professional land surveyor. The professional land surveyor shall prepare a final graphic site plan for recording. Site 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 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 Sections 15.23.360 through 15.23.440 SMC.

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 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 14.23
BINDING SITE PLANS – MANDATORY IMPROVEMENTS

14.23.010 Mandatory Improvements

All approvals for binding site plans shall at a minimum be conditioned on the following mandatory improvements:

- A. Sidewalks shall be required for all streets bordering and within the subject binding site plan. All sidewalks shall at a minimum conform to the performance standards established under the SeaTac Municipal Code and other applicable regulations.
- B. Where any residential binding site plan is located adjacent to a business, commercial or industrial zone classification, a minimum twenty (20) foot buffer shall be provided. The buffer may be a natural buffer areas, landscaping, berms and/or approved fences, or a combination thereof, and shall be provided prior to the issuance of Building Permits. The buffer shall be noted as an easement on the face of the plat and covenant shall be placed on each lot containing the buffer stating that the buffer cannot be altered by the property owner unless otherwise approved by the Director.
- C. Where any residential binding site plan is located adjacent to adjacent residential property, a minimum ten (10) foot buffer shall be provided. The buffer may be a natural buffer areas, landscaping, berms and/or approved fences, or a combination thereof, and shall be provided prior to the issuance of Building Permits. The buffer shall be noted as an easement on the face of the plat and covenant shall be placed on each lot containing the buffer stating that the buffer cannot be altered by the property owner unless otherwise approved by the Director.
- D. New binding site plans shall provide street trees along all public rights-of-way, including the cul-de-sac pursuant to SMC 11.05. Street trees shall be deciduous and should be planted at a maximum of thirty 30 feet on-center. Spacing shall be determined by the Directors based on site conditions. The minimum size of the street trees should be no less than two and one-half (2 ½) inches in caliper. The size of street trees shall be determined by the Directors based on site conditions. No impervious surfaces shall be allowed within the planter strip. Irrigation shall be provided for the street trees.
- E. In binding site plans containing ten (10) or more lots, a minimum of ten (10%) percent of the gross land area shall be reserved as common recreation open space. Common recreational open space shall not include any critical areas as defined in SMC Chapters 15.10 and 15.30.
- F. The specific location and design of any common recreation open space required under this Title shall be determined by criteria established under the Zoning Code.
- G. No part of common recreation open space reserved under this Title shall also be

used to fulfill property drainage requirements under the Surface Water Management Code.

- H. Where an applicant proposes residential binding site plan, the applicant shall substantially improve the common recreation open space consistent with the projected maximum future occupancy of the overall site.
 - 1. Land reserved pursuant to a residential binding site plan shall be established as a private recreational tract. The ownership of that tract shall be allocated equally between all buildable lots created as a result of the subdivision.
 - 2. The original and subsequent owners of any property or properties served by a private recreation tract established under this section shall maintain that tract consistent with SMC 14.26.070. The City shall not be responsible for the maintenance of such tracts.

- I. Where an applicant proposes a planned unit development (PUD), the City may decrease the minimum land area required for each buildable lot in direct proportion to the amount of common open recreation space reserved and improved for owners, tenant and/or public use.
 - 1. The applicant may dedicate or reserve through easement up to forty (40%) percent of the net site area as common recreation open space, and decrease minimum lot areas to sixty (60%) percent of the minimum lot size prescribed by underlying zoning. At a minimum, ten (10%) percent common open space is required pursuant to SMC 15.23.350.
 - 2. Any common recreational open space so reserved may be used to satisfy directly-related conditions for permit approval, provided that these dedications shall not satisfy, and shall be in addition to, any action otherwise required under the Surface Water Management Code, Chapter 15.30 SMC, and Titles 13 and 15 SMC.
 - 3. Any common recreation open space created under this subsection shall be reserved and improved in a manner consistent with the standards established under Subsections 14.23.010 E or 14.23.010 F.
 - 4. With regard to any application involving this subsection, the City shall not accept fees in lieu of common recreational open space, unless approved by the City under SMC Section 15.19.560.

- J. Storm drainage improvements shall be installed pursuant to SMC 12.10.

CHAPTER 14.24
LOT MERGERS AND LOT LINE ADJUSTMENTS

- 14.24.010 Purpose**
- 14.24.020 General Provisions Requirements and Limitations**
- 14.24.030 Technical Thresholds for Review**
- 14.24.040 Complete Application Required**
- 14.24.050 Lot Line Map Format and Content Requirements**
- 14.24.060 Review of Lot Merger and Lot Line Adjustment Applications**
- 14.24.070 Recording and Filing**

14.24.010 Purpose

This chapter provides for the minor alteration of property, where such alterations are consistent with all applicable state statutes and municipal ordinances, codes and regulations. It establishes the general procedures for merging up to four (4) commonly-owned lots, tracts or parcels, and for adjusting the boundaries and dimensions of up to four (4) legal lots, tracts or parcels.

14.24.020 General Provisions, Requirements and Limitations

- A. No single application under this chapter shall affect more than four (4) lots.
- B. No action or series of actions taken under this chapter shall:
 - 1. Create any additional lot, tract or parcel;
 - 2. Result in a lot, tract or parcel that fails to meet the minimum performance standards established for lots under this Title and the Zoning Code;
 - 3. Cause an existing building or structure to fail any applicable standard of the Zoning Code;
 - 4. Cause a subject lot to have more than one zoning designation;
 - 5. Adversely affect lot access, easements or drain fields; or
 - 6. Increase the non-conforming aspects of any existing lot or structure.
- C. Where an applicant requests any modification to an approved but unrecorded lot merger and lot line adjustment, and where that modification is not in response to staff review, that request shall be treated as a new application for the purpose of vesting. The applicant shall initiate and complete a new application as if no earlier application had been made.

- D. Once approval is granted for any lot merger or lot line adjustment, the applicant shall have one (1) year in which to file the final lot line maps with the City. If the final lot line maps are not filed with the City in that period, the approval shall be null and void.
- E. The City shall not review any subsequent application on land adjusted under this chapter until the final plat of such adjustment is recorded with King County.
- F. Where a proposed Lot Line Adjustment creates new “buildable lots”, adjacent property owner/s shall be notified of the Lot Line Adjustment in accordance with the noticing procedures for short plats as stated under SMC 16A.09.

14.24.040 Complete Application Required

- A. A complete application is required before the City may take an action on any proposed lot merger or lot line adjustment.
- B. All applications for lot mergers or lot line adjustments shall be submitted to the Department on the appropriate forms. The Department shall prescribe the format of all application forms and provide the same to applicants.

14.24.050 Lot Line Map Format and Content Requirements

- A. The lot line adjustment map shall serve as the primary reference by which the City evaluates any proposal for lot merger or lot line adjustment. The lot line adjustment plat shall be substantially in the format illustrated in Figure 14.24.150a.
- B. The lot line adjustment map shall be drawn to a scale of not less than one inch per thirty feet (30:1).
- C. The complete lot line adjustment map shall include an index sheet as a first page anytime the map consists of more than two (2) sheets.
- D. When submitted for final approval, each sheet shall comprise an original drawing in black ink on one or more 18"x 24" mylar sheets. Each mylar sheet shall be a minimum of three millimeters (3 mm) thick.
- E. The drawings on each sheet shall have a two-inch (2") border for binding on the left 18" side and one-half inch (0.5") borders on the other three sides.
- F. All areas and dimensions shall be portrayed to the nearest one-hundredth (1/100) of a foot. Angles and bearings shall be portrayed in degrees, minutes and seconds.
- G. The lot line map shall at a minimum portray:

1. The case number, date and location of the subject merger or lot adjustment;
2. Name of the property owner/s;
3. A full legal description of the subject properties as they exist.
4. A full legal description as they will be configured following the lot merger or lot line adjustment;
5. Datum, basis of bearings, and ties to section monumentation;
6. North point and a graphic scale;
7. Existing government survey section lines;
8. Complete documentation of the recording number, date and method of each immediately preceding subdivision or binding site plan affecting the subject property;
9. Complete documentation of the recording number, date and method of any immediately preceding lot merger or lot line adjustment affecting the property;
10. Location of all existing survey monuments;
11. Location of existing property lines, indicated by heavy broken lines;
12. Location of proposed property lines, indicated by heavy solid lines;
13. Bearings and lengths of each property line;
14. Proposed area and other dimensions of each lot, tract or parcel following the proposed merger or adjustment, to include total acreage;
15. Proportion of total acreage to be maintained as common open space, where applicable;
16. All buildings and structures existing on the affected lots;
17. Accurate recorded or approved location and boundaries of all streets, roads and alleys; public or private rights-of-way; easements, abatements or deed covenants; or any area

otherwise dedicated or reserved for a common purpose. Where applicable, each of the preceding shall be annotated by name, public or private ownership, purpose of dedication, and any limitations.

18. Position of all required permanent survey control monuments. The Public Works Director or designee shall determine the precise number and location of all monuments. However, monuments shall generally be established at each controlling corner of the divided parcel. All monuments established within a public right-of-way shall be set on the intersection or street centerline. Any required interior monuments shall be installed prior to the release of any related bond.
 19. Designation of all new lots by letter.
 20. Supplemental data sufficient to determine and estimate on the ground the location, bearing and length of each street, easement line, lot line, boundary line and block line.
 21. Notarized signatures of all owners of the property to be adjusted, to include acknowledgement of any dedications, deed restrictions, encumbrances or notes associated with the current lot line adjustment.
 22. Surveyor's certificate, seal and signature consistent with RCW 58.09.080 and all certificates and other information required by Chapter 58.09 RCW.
 23. Approval and signature blocks for the Directors, the King County Department of Assessments and the King County Finance Division.
 24. Recording certificate and signature block for the King County Records and Elections Division.
- H. Final submission of the lot line adjustment maps shall include two (2) copies of a final printed computer plot closure or demonstrated mathematical plot closure on all lots, streets, alleys, easements and boundaries.

14.24.060 Review of Lot Merger and Lot Line Adjustment Applications

- A. Lot merger and lot line adjustment applications shall be subject to administrative review as established within this Title and hereafter amended. Public notice shall not be required except as provided for under SMC 14.24.020 (G).
- B. Any applicant proposing a lot line adjustment shall schedule and participate in no

less than one meeting with the Development Review Committee (DRC) prior to the submission of an application. Prior to this meeting, the prospective applicant shall, at a minimum, present a conceptual drawing to the Department portraying the proposed lot line adjustment or merger. The drawing shall describe the approximate locations and dimensions of both existing and proposed lots, street layout and other information necessary to determine the general characteristics of the site.

- C. Following comprehensive administrative review, and within 90 days of the determination of completeness, the Director or a designee shall issue a Notice of Decision (NOD) on the proposed lot merger or lot line adjustment. Within the Notice of Decision the Director or designee shall:
 - 1. Approve the lot merger or lot line adjustment;
 - 2. Deny lot merger or lot line adjustment; or
 - 3. Return the application to the applicant for additional information or modifications.
- D. The Notice of Decision shall specifically cite the City's findings of fact regarding the proposal's compliance with applicable statutes, regulations and standards. The notice shall directly relate these findings to any conditions for approval or reasons for denial.
- E. 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 a subsequent decision by the City. That latter decision shall only consider approval, approval with conditions, or denial of the application. .

14.24.070 Recording and Filing

- A. The applicant shall submit two (2) complete lot line maps to the City for final recording.
- B. The applicable City departments shall sign each lot line map to certify approval by the appropriate authorities.
- C. The applicant shall pay the City or otherwise designate funds to King County as necessary to cover all costs for recording and filing the final plat with King County.
- D. The Department shall forward the signed plat, with the all appropriate copies and documentation, to the King County Assessor for recording.



PROJECT NAME
LOT LINE ADJUSTMENT
FILE NO: SUB ___-___

VOL./PAGE

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNER(S) OF THE LAND HEREIN DESCRIBED DO HEREBY MAKE A BOUNDARY LINE ADJUSTMENT THEREOF PURSUANT TO RCW 56.17.040 AND DECLARE THIS ADJUSTMENT TO BE THE GRAPHIC REPRESENTATION OF THE SAME, AND THAT SAID ADJUSTMENT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNER(S), IN WITNESS WHEREOF WE HAVE SET OUR HANDS AND SEALS.

Name _____ Name _____
Name _____ Name _____
Name _____ Name _____

State of Washington
County of _____

I certify that I know or have satisfactory evidence that

signed this instrument and acknowledged it to be (his/hers) free and voluntary act for the uses and purposes mentioned in the instrument.

Signature of Notary Public _____
Dated _____
My appointment expires _____

State of Washington
County of _____

I certify that I know or have satisfactory evidence that

signed this instrument and acknowledged it to be (his/hers) free and voluntary act for the uses and purposes mentioned in the instrument.

Signature of Notary Public _____
Dated _____
My appointment expires _____

APPROVAL:

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
APPROVED THIS _____ DAY OF _____ 20__

Director of Planning and Community Development

PUBLIC WORKS DEPARTMENT
APPROVED THIS _____ DAY OF _____ 20__

Public Works Director

KING COUNTY DEPARTMENT OF ASSESSMENTS
Examined and approved this _____ day of _____ 20__

King County Assessor _____ Deputy King County Assessor _____

THIS DRAWING IS AVAILABLE IN ELECTRONIC FORM IT MAY BE OBTAINED EITHER VIA EMAIL OR COPIED ONTO YOUR DISC BY STAFF.

1 inch = ft. XXXXX

RECORDING NO. _____

RECORDER'S CERTIFICATE

Read for record this _____ day of _____ 20__ at _____ M
in book _____ of _____ page _____ at the request of

SURVEYOR'S NAME _____
Mgr. _____ Supl. of Records _____

LAND SURVEYOR'S CERTIFICATE

This LOT LINE ADJUSTMENT correctly represents a survey made by me or under my direction in conformance with state and county statutes in _____, 20__.

Certificate No. _____

APPROVAL NOTES:

THIS REQUEST QUALIFIES FOR EXEMPTION UNDER SMC 14.05.030. IT DOES NOT GUARANTEE THAT THE LOTS WILL BE SUITABLE FOR DEVELOPMENT NOW OR IN THE FUTURE. THE LEGAL TRANSFER OF THE PROPERTY MUST BE DONE BY SEPARATE INSTRUMENT.

SURVEYOR'S NAME AND ADDRESS

PORTION OF _____
1/4 of _____ 1/4, S. _____ T. _____ R. 4 E, W. M.

DRAWN BY	DATE	JOB NO.
CHECKED BY	SCALE	SHEET

VOL./PAGE

CHAPTER 14.25
ALTERATIONS AND VACATIONS

14.25.010 Alterations to a Recorded Subdivision

- A. The majority of those persons having an ownership interest in the subject lots, tracts, or parcels of a recorded short or long subdivision may petition the City Council for alterations to any portion thereof, or to any conditions for final approval.
- B. The City shall not reconsider its original approval and related conditions except where new or previously unrecognized circumstances (such as the discovery of new sensitive areas on site) exist regarding the subject property.
- C. The City shall consider no application for alteration that would in its effect substitute an appeal under SMC Chapters 15.22 and 16A.17 SMC.
- D. The Hearing Examiner shall not consider any application under this section that might otherwise be reviewed under Chapter 14.20 of this Title.
- E. Applications for the alteration of an approved subdivision, shall be made on the forms and in the manner prescribed by the Director, and shall be otherwise consistent with the requirements of this chapter.
 - 1. An application for alteration shall at a minimum include all items required for preliminary short subdivision review under Sections 14.18.060 and 14.18.070.
 - 2. Preliminary and final plats submitted with an application for alteration shall portray the entire subdivision as it will be amended. Partial plats shall not be considered.
 - 3. The application shall further include the authorizing signatures of the majority of those persons having an ownership interest of lots, tracts, parcels or sites in the subject subdivision or portion to be altered.
 - 4. Where the subdivision or portion to be altered is subject to restrictive covenants, and alteration would result in the negation or violation one or more covenants, the application shall only be considered once it includes a written agreement by which all parties agree to the termination or alteration of such covenants. All owners of land subject to the covenants must sign the agreement for it to be considered valid.
- F. Upon receipt of an application for alteration, the applicant shall provide notice of the application to all owners of property subject to the original subdivision or binding site plan, and as otherwise provided under SMC Chapter 16A.09 SMC. The notice shall indicate the date and location of the public hearing during which

the Hearing Examiner shall receive testimony on the alteration.

- G. The staff report on the application shall include specific review concerning the nature of the proposed changes and their general consistency with the original approval.
- H. The Hearing Examiner shall approve or deny the proposed alteration following its consideration of the public interest, testimony, the staff report and any other information deemed appropriate. The Hearing Examiner shall approve or deny a proposed alteration within 90 days of the submittal of a complete application.
- I. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration.
- J. Where any land subject to alteration contains a tract for the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

Following approval of the alteration, the applicant shall provide a revised final plat of subdivision. This revised plat shall be consistent with Section 14.20.090 SMC. Following certification of the revised plat by signature of the City Manager, it shall be filed with the county auditor and become the lawful plat of the property.

14.25.020 Vacation of a final short plat.

- A. Plat and short plat vacations shall be processed as follows and in accordance with the provisions of RCW 58.17.212.
- B. All short 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 short plat vacation is consistent with the required findings of RCW 58.17.212. If the proposal is found to serve such purposes, the hearing examiner shall approve the application for a short plat vacation.
- C. Notice of a vacation of a final short plat shall be the same as required for notice of a preliminary short plat under Title 16A.

14.25.030 Vacation of a final plat.

- A. Plat and short plat vacations shall be processed as follows and in accordance with the provisions of RCW 58.17.212.
- 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. If the

proposal is found to serve such purposes, the hearing examiner may recommend approval of the application for a plat vacation to the City Council.

- C. Notice of a vacation of a final plat shall be the same as required for notice of a preliminary plat under Title 16A.
- D. Applications for vacations of roads may be processed pursuant to this chapter only when such road vacations are proposed in conjunction with the vacation of the plat. Vacations limited to city roads shall be processed in accordance with chapter 36.87 RCW.

**CHAPTER 14.26
COMMON STANDARDS**

- 14.26.010 Purpose**
- 14.26.030 Preservation of Natural and Cultural Features**
- 14.26.040 Lot Status**
- 14.26.050 Vertical and Horizontal Survey Controls**
- 14.26.060 Requirements for Dedications, Easements or Improvements**
- 14.26.070 Owners to Maintain Private Streets, Easements and Utilities**

14.26.010 Purpose

This chapter establishes minimum standards, criteria and administrative procedures common to all subdivisions, lot mergers and lot line adjustments. These provisions shall apply to all actions taken under this Title.

14.26.030 Preservation of Natural and Cultural Features

- A. Except where the applicant demonstrates that impacts are unavoidable, all subdivision activity, lot mergers and lot line adjustments shall ensure the preservation of scenic spots, historic sites, and other outstanding natural and cultural features.
- B. The applicant shall bear the burden for demonstrating that impacts on such features are unavoidable.
- C. Where unavoidable impacts are demonstrated, they shall be minimized to the maximum extent possible.
- D. The Directors shall have the authority to modify recognized standards and conditions, as may be necessary to implement this section.

14.26.040 Lot Status

- A. A lot, tract or parcel shall be considered legally created or adjusted where public records demonstrate it was:
 - 1. Divided in compliance with all state statutes and local subdivision codes applicable at the time the lot, tract or parcel was created; or
 - 2. Separated from a legally established parent lot by the dedication of public right-of-way.
- B. The City shall allow general use of legally established substandard lots, provided that such use remains otherwise consistent with the Zoning Code and any other applicable provisions of the SeaTac Municipal Code.

- C. The City shall bar any land use or development application that involves one or more illegally created or adjusted lots, tracts or parcels, provided that applicants may seek to correct the action by which such properties were allegedly created.
- D. The Director shall have the authority to determine the legal status of any lot, tract or parcel.
- E. Members of the public may request a determination from the Director whether a lot, tract or parcel was legally established. Acceptable evidence of legal establishment may include, but is not limited to:
 - 1. Recorded subdivision plats, binding site plans or lot line maps bearing a verifiable recording number;
 - 2. Previous determinations of lot status or other authenticated documents indicating approval of a subdivision, lot merger or lot line adjustment by King County or the City of SeaTac;
 - 3. Recorded deeds, contracts, or similar documents describing the subject property either individually or as part of a conjunctive legal description (e.g. Lot 1 and Lot 2);
 - 4. Historic tax records or other similar evidence, describing the lot as an individual parcel; or
 - 5. Other records as would be acceptable to the City for a determination of lot status.
- F. Any recorded subdivisions or tax lots created before 1937 under RCW 58.08 shall be reviewed in accordance with RCW 58.17 and the provisions of SMC Title 14 and Title 15. The Director may make a positive determination of separate tax lot status for any separate lot not meeting the dimensional standards of Title 15, provided the lot is not impacted by the following:
 - 1. Sensitive areas and their buffers as defined under Title 15 SMC.
 - 2. Structures encroaching over property lines of any proposed separate tax lot, as defined under Title 15 SMC.

14.26.050 Vertical and Horizontal Survey Controls

- A. All plats, binding site plans and lot line maps submitted with any application under this Title shall reference the North American vertical datum of 1988 and shall be tied to at least one King County Survey Control Network benchmark. The subject plat, binding site plan or lot line maps will portray the benchmark to be used. Where a King County Survey Control Network benchmark does not exist within one-half mile of the subject property, or where the total vertical difference between the starting benchmark and the project is equal to or greater than 250

feet, the City may specify an alternate vertical datum.

- B. All plats, binding site plans and lot line maps submitted with any application under this Title shall use the North American datum of 1983/91 as their coordinate base and the basis for bearings. All horizontal control for these projects shall be referenced to a minimum of two King County Survey horizontal control monuments. Where two horizontal control monuments do not exist within one mile of the subject property, the City may specify an alternate coordinate base and basis of bearings.

14.26.060 Requirements for Dedications, Easements or Improvements

Where dedications of property or easements are required under this Title, the applicant shall make general improvements as necessary to prepare the subject property for transfer and subsequent development. Such improvements shall at a minimum include the removal of construction debris and any other reasonable action required to ensure public safety.

14.26.070 Owners to Maintain Private Streets, Easements and Utilities

- A. The owners of any property or properties served by private streets, tracts, easements, or community utilities/drainage facilities shall at all times maintain such streets, tracts, easements or facilities in good repair. The City shall not be responsible for the maintenance of private streets, tracts, easements or facilities.
- B. The joint responsibility of each private owner for the maintenance of private streets, tracts, easements, or facilities by shall be noted on the face of every affected plat.
- C. The following notice shall be recorded on the face of the final plat or lot line adjustment as prescribed by the City. :

THE CITY OF SEATAC BEARS NO RESPONSIBILITY TO BUILD, IMPROVE, MAINTAIN, OR OTHERWISE SERVICE THE PRIVATE ROADS, TRACTS, EASEMENTS OR OTHER COMMON FACILITES CONTAINED WITHIN, OR PROVIDING SERVICE TO, THE PROPERTY DESCRIBED IN THIS DOCUMENT.

**CHAPTER 14.27
DEDICATION AND IMPROVEMENT OF STREETS**

- 14.27.010 Purpose**
- 14.27.020 Street Dedication and Alignment**
- 14.27.030 Private Streets**
- 14.27.040 Method of Naming Streets**
- 14.27.050 Street Trees**

14.27.010 Purpose

This chapter establishes minimum standards for the dedication and improvement of streets as related to any and all subdivision applications. These provisions shall apply in addition to any other others adopted under the SeaTac Municipal Code.

14.27.020 Street Dedication and Alignment

- A. City shall require dedications of new street rights-of-way within and/or along the boundaries of subdivisions or binding site plans as necessary to:
 - 1. Implement the requirements if the City Transportation Plan;
 - 2. Support development of local access streets and the completion of an unobstructed traffic grid; and
 - 3. Accommodate potential demand for public transportation, sidewalks and bikeways.
- B. The City shall have the authority to require the widening of, or additional dedications to, established public rights-of-way where it determines that:
 - 1. Such dedication is necessary to aid the completion of an unobstructed traffic grid.
 - 2. The proposed subdivision will likely create transportation demand in excess of existing capacity.
- C. Where any right-of-way width or portion is required, that right-of-way width or portion shall be dedicated to the City and recorded on the face of the final plat.
- D. All streets shall conform in effect to the City Transportation Plan and street classification layout, as adopted and hereafter amended. To the maximum extent possible, streets shall otherwise conform to the general highway system pattern established within and around the City. Any proposed variation shall be subject to the review and approval of the Director of Public Works and the Fire Prevention Bureau.

- E. To the maximum extent possible, all roads proposed to terminate within a given subdivision shall be aligned so that they may potentially connect public collector streets and aide the completion of an unobstructed traffic grid.

14.27.030 Private Streets

- A. Except where the applicant demonstrates that a public street cannot adequately serve a proposed lot, private streets shall not be permitted.
- B. Any private street that is permitted shall at a minimum comply with the City's Transportation Plan, SeaTac Road Standards and International Fire Code.
- C. Where any short subdivision or binding site plan comprises three (3) or more lots, and where any two (2) or more of those lots must be served by one or more private roads, all such roads shall be identified by a sign portraying their name and indicating private ownership.
 - 1. The Public Works Department shall install each required sign.
 - 2. The owner(s) of the subject property shall pay a sum to the City for each sign. That sum shall be set forth in the City's fee schedule.
 - 3. The sign fee shall be paid in addition to any other applicable fee and shall be paid prior to the approval of the affected subdivision or binding site plan.
 - 4. The sign fee shall be deposited in the Street Maintenance Fund.

14.27.040 Method of Naming Streets

Streets shall be named pursuant to the requirements of SMC 11.40.

14.27.050 Street Trees

Street trees shall be required pursuant to SMC 11.05. Street trees shall be deciduous and should be planted at a maximum of thirty 30 feet on-center. Spacing shall be determined by the Directors based on site conditions. The minimum size of the street trees should be no less than two and one-half (2 ½) inches in caliper. The size of street trees shall be determined by the Directors based on site conditions. No impervious surfaces shall be allowed within the planter strip.

CHAPTER 14.28
DEFERRAL OF CONDITIONS FOR APPROVAL AND SITE IMPROVEMENTS

- 14.28.010 Purpose**
- 14.28.020 Conditions for Approval Met**
- 14.28.030 On-site and Off-Site Improvements Required**
- 14.28.040 Application to Defer Improvements**
- 14.28.050 Bond to Defer Improvements or Conditions**
- 14.28.060 Deferral Period**
- 14.28.070 Security in Lieu of Bond**
- 14.28.080 Action Against Bond**
- 14.28.090 Substitution of Parties**
- 14.28.100 Restrictive Covenant to Defer Improvements**
- 14.28.110 Maintenance Bond**

14.28.010 Purpose

This chapter establishes the City's authority to require improvements, describes the administrative process by which improvements may be secured, and provides the procedure by which financial guarantees of improvement may be posted, converted or recovered.

14.28.020 Conditions for Approval Met

- A. No subdivision shall receive final approval until any and all conditions for approval are met to the satisfaction of the City.
- B. Notwithstanding any other provision of this Title, the Directors shall have the power to authorize an applicant to defer the fulfillment of conditions, provided that deferral may only be permitted in accordance with this Chapter.

14.28.030 On-site and Off-Site Improvements Required

- A. No subdivision shall receive final approval until any and all required on-site and off-site improvements are constructed in the manner prescribed by the City. This requirement shall apply equally with regard to either public or private improvements.
- B. Notwithstanding any other provision of this Title, the Director of the Department of Public Works shall have the power to authorize the deferral of required improvements, provided that deferral may only be permitted in accordance with this chapter.
- C. The Director of the Department of Public Works shall only permit the deferral of improvements when associated with an application for short subdivision. No other form of subdivision shall be eligible.

14.28.040 Application to Defer Improvements or Conditions

- A. The Public Works Director may defer on-site and off-site improvements or the fulfillment of conditions upon receipt of a complete application for deferral.
- B. The application for deferral shall be made in the form specified by the City. Applications for the deferral of improvements shall include full and complete engineering drawings of the required improvements.
- C. The Directors' approval or denial of any deferral, as well as the amount of any applicable bond or financial security, shall be conclusive.

14.28.050 Bond to Defer Improvements or Conditions

- A. Where preliminary approval for a deferral is granted, the applicant shall furnish a performance bond or financial guarantee to the City in an amount no less than one hundred fifty percent (150%) of the estimated value of the required improvements or conditions. The Directors shall only provide the applicant with final approval of the deferral following the City's receipt of bond. Only a final deferral agreement shall be binding upon the City.
- B. The bond shall specify the exact work to be performed or conditions to be met, and shall provide that no change, extension of time, alteration or addition shall otherwise affect the obligation on bond.
- C. The bond shall specify the City's right to enter onto any subject property and install any necessary improvements should the City take action against the bond.
- D. The applicant shall provide the bond or financial guarantee prior to final approval of the applicable short subdivision.
- E. The City shall only release such a bond or financial guarantee once the Directors determine that all required improvements have been made and all conditions have been satisfied.
- F. The bond or financial guarantee shall be further conditioned on the full restoration of the site in the event that grading, clearing or any other site preparation or work is begun and abandoned.
- G. When determining the value of conditions and improvements, the Directors shall consider all funds necessary for the City to construct improvements or satisfy conditions in place of the applicant. In addition, the respective Directors shall consider all resources necessary to rectify any reasonably foreseeable impact on the public health, safety or general welfare that may arise from the applicant's failure to comply with this Title. Such costs may include, but are not limited to, materials, general labor, legal and consulting expenses, and public health costs.

14.28.060 Deferral Period

- A. The bond shall specify that all work shall be completed and conditions met within a period of time set by the City. When no such period is determined, all work shall be completed and conditions met no later than one (1) year of the date on which the original deferral was granted.
- B. Not later than 30 days to the end of the established period as determined under SMC 14.28.060 A, or 30 days to the end of the one (1) year, the applicant may apply to the City for extension of the deferral. The applicant shall bear the burden for demonstrating cause for the extension.
- C. Should the Directors determine that the applicant has demonstrated sufficient cause, the deferral may be extended for an additional period of up to one (1) year.
- D. No improvement or condition shall be deferred for a period in excess of three (3) years from the date on which the original deferral was granted. Where any improvement is not constructed or any condition is not met within three (3) years, the City shall either take action against the bond or financial guarantee or vacate the short subdivision.
- E. Upon review and a written substantiation of need, the bond may be decreased or increased as necessary to ensure the completion or satisfaction of any remaining improvements or conditions. In every case, the bond shall remain at an amount no less than one hundred fifty percent (150%) of the estimated value of any remaining improvements or conditions.

14.28.070 Security in Lieu of Bond

The Directors may authorize the substitution of a certified check, cashier's check, or other adequate security in lieu of a bond. Any such check or other security shall be made payable to the City, and shall be in the same amount as that established for the bond.

14.28.080 Action Against the Bond

The City shall retain the right, in addition to all other remedies available by law, to proceed against the bond, or other security in lieu thereof.

14.28.090 Substitution of Parties

- A. The requirement of posting of any bond or other security for deferral shall be binding on the applicant, and upon on all heirs, successors and assigns of the applicant.
- B. No release of the applicant, owner or developer on the bond shall be granted except where an assignee or substitute party is obligated to construct or satisfy any remaining improvements or conditions through the posting of a new bond or other security with the City.

- C. Where any such new bond is to be provided by a condominium owners' association or property owners' association, then it shall be necessary for the association to have voted to assume the obligation and a copy of the minutes of the association, duly certified, shall be filed with the new bond prior to approval by the City.

14.28.100 Restrictive Covenant to Defer Improvements

Where the applicant proposes a residential short subdivision only, a restrictive covenant running with the land may be substituted for the bond or other financial security normally required for a deferral of improvements. The restrictive covenants shall be rendered in a form acceptable to the City and the following standards shall apply:

- A. Approval of restrictive covenants in place of a bond or other security shall require a determination by the Director of the Department of Public Works that:
 - 1. No similar improvements exist within the vicinity;
 - 2. It is unlikely that the specified improvements will be necessary within the following five-year period;
 - 3. The lack of improvements shall cause no detrimental effect on the public health, safety or welfare; and
 - 4. It is unlikely that the zoning of the site, or of properties adjacent to the site, will change to a higher classification within the following five-year period.
- B. The restrictive covenant shall require the current or future property owners to join in any future local improvement district (LID) established to construct the required improvements, and that they pay their pro-rata share of the final assessment for that district.
 - 1. Their pro-rata share of that final assessment shall be computed by determining the assessment applicable to the original undivided parcel, and then proportionately allocating that assessment between each lot created by short subdivision;
 - 2. Nothing in this provision shall be construed to restrain any right on the part of the current or future property owners to object to individual assessments.
- C. The restrictive covenant shall require that, upon a determination by the Director of the Department of Public Works that the deferred improvements have become necessary, the current or future property owners immediately construct the improvements at their own expense.
- D. The restrictive covenant shall require that, in event the City decides to construct

the improvements as part of a public works project, the current or future property owners pay the City of their pro-rata share of the cost of the project.

1. Their pro-rata share of that project shall computed by determining the assessment applicable to the original undivided parcel, and then proportionately allocating that assessment between each lot created by short subdivision.

14.28.110 Maintenance Bond

As a condition of plat approval, the Director of the Department of Public Works shall have the authority to require the posting of a bond to the City warranting the operation, maintenance and repairs of all required on-site and off-site improvements. Any such condition shall apply for the period of two (2) years following final long subdivision plat approval and one (1) year for final short plat approval. In any and all cases, whether bonding or deferring improvements, building permits shall not be issued until improvements are complete, inspected, and permits finalized.

ORDINANCE NO. 09-1013

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the City Manager to enter into a contract with TCA Architects for the design of Fire Station 45.

WHEREAS, the City Council passed a Motion on October 14, 2008 (Agenda Bill # 3005) authorizing the City Manager to execute a contract with TCA Architects for the design of Fire Station 45, in an amount not to exceed \$190,000; and

WHEREAS, the cost of design has increased due to additional engineering and design work; and

WHEREAS, certain expenditures related to the design of Fire Station 45 were included in the 2008 Annual City Budget which were not initiated or completed during the 2008 fiscal year;

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

Section 1. The City Manager is authorized to execute a contract with TCA Architects, in an amount not to exceed \$289,809.00 and in substantially similar form as attached hereto as Exhibit A, for design of Fire Station 45.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 28th day of April, 2009, and signed in authentication thereof on this 28th day of April, 2009.

CITY OF SEATAC

Ralph Shape, Mayor

ATTEST:

Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney

[Effective Date: 05/09/09]

[Fire Station 45 Design and budget carryover]

ORDINANCE NO. 09-1014

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Sections 15.14.160 15.14.200, 15.14.210, 15.14.220 of the SeaTac Municipal Code, adding new Sections 15.14.162, 15.14.165, and 15.14.166 to the SeaTac Municipal Code, and repealing Section 15.14.180 of the SeaTac Municipal Code related to tree retention.

WHEREAS, it is appropriate to amend the City’s development regulations regarding tree retention; and

WHEREAS, the Growth Management Act requires regular review and update of development regulations which implement the City’s Comprehensive Plan; and

WHEREAS, regular review and update of the Zoning Code ensures that development regulations are responsive to the needs of the City; and

WHEREAS, in reviewing the Zoning Code, certain development regulations have been identified as requiring definition, clarity, amendment or addition; and

WHEREAS, the Planning Commission has reviewed the aforesaid changes to development regulations, has held a public hearings for the purpose of soliciting public comment in regard to Zoning Code changes;

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

Section 1. Section 15.14.160 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.160 Retention of Significant Trees within New Short Plats and Long Subdivisions in the Single-family Zones

~~Significant trees shall be retained as follows:~~

- A. ~~No clearing of a site is permitted until approval of the tree retention and landscape plan.~~
- B. ~~Perimeter Landscape Areas. All significant trees which do not constitute a safety hazard shall be retained.~~
- C. ~~Site Interior. Excluding the required perimeter landscape strip, at least twelve percent (12%) of the significant trees on site shall be retained.~~
- D. ~~Areas devoted to access points and to sight clearance at street intersections and access points are exempt from this section.~~
- E. ~~The following may be exempt from significant tree retention as determined by the City Manager, or designee:~~
 - 1. ~~Areas cleared for required roads, utilities, sidewalks, trails, or storm drainage systems; or~~
 - 2. ~~Trees within fifteen (15) feet of a proposed or existing structure.~~
- F. ~~Priority shall be given to the retention of significant trees that:~~
 - 1. ~~Exceed sixty (60) feet in height.~~
 - 2. ~~Form a continuous canopy.~~
 - 3. ~~Provide winter wind protection or summer shade.~~
 - 4. ~~Create a distinctive skyline feature.~~
 - 5. ~~Protect areas adjacent to sensitive area buffers.~~
 - 6. ~~Are eight (8) inches in caliper or greater as measured three (3) feet vertically from ground level.~~

Significant trees within new short plats and long subdivisions shall be retained as follows:

- A. If applicable, two (2) significant trees shall be saved within each new proposed lot within each new proposed short plat or long subdivision, unless an alternative allowed by SMC 15.14.166 is used. Significant trees located in the following areas are not required to be retained:
 - 1. Trees within the building footprint of a proposed residence and accessory structure (detached carport, garage, or accessory dwelling unit).

2. Trees within any private access easement.
 3. Trees within any proposed utility easement.
- B. Significant trees to be retained shall be protected during the construction process for final short plat approval, during long plat approval, and during the construction of a residence on each lot as provided under SMC 15.14.170.
- C. Until such time when ownership of the property is transferred as provided for under SMC 15.14.160 F. below, a covenant shall run with the property advising potential purchasers of significant trees to be retained that are located on-site. The text of this covenant shall be approved by the Director of Planning and Community Development.
- D. Any significant tree proposed to be retained that is removed during the final short plat or preliminary plat approval process, or during the construction of a residence on a lot, shall be mitigated as follows:
1. For each significant tree removed, two (2) deciduous trees, a minimum of two (2) inches in caliper measured at four (4) feet from its base at the time of planting; or
 2. Two (2) evergreen trees with a minimum height of eight (8) feet, not including growth leaders; or
 3. Any combination of the above, with a minimum of two (2) trees.
 4. The following material will not be regarded as trees:
 - a. Vine Maple (Acer circinatum)
 - b. Serviceberry (Amelanchier)
 - c. Arborvitae (Not including Western Red Cedar [Thuja plicata])
 - d. Any other tree that could be either considered a shrub.
- E. All trees required to be replanted shall be planted prior to the final inspection of the residence.
- F. No mitigation for the removal of significant trees shall be required once the builder of a single-family residence on any lot containing significant trees transfers ownership of the lot and residence to another party, or when a certificate of occupancy is issued to the same party.

Section 2. Section 15.14.162 of the SeaTac Municipal Code is hereby added to read as follows:

15.14.162 – Retention of Significant Trees in all Other Zones

- A. If applicable, three (3) significant trees, or 12% of the significant trees on-site, whichever number is greater, shall be saved within each new proposed development. Significant trees located in the following areas are not required to be saved:
1. Trees within the building footprint of a proposed structure.
 2. Trees within any private access easement and interior roads.
 3. Trees within any proposed utility easement.
- B. A covenant shall run with the property advising potential purchasers of significant trees to be saved that are located on site. The text of this covenant shall be approved by the Director of Planning and Community Development.
- C. Significant trees within required landscape areas shall be given preference to be retained.
- D. Any significant tree proposed to be retained that is removed during construction shall be mitigated as follows:
1. For each significant tree removed, three (3) deciduous trees, a minimum of two (2) inches in caliper measured at four (4) feet from its base at the time of planting; or
 2. Three (3) evergreen trees with a minimum height of eight (8) feet, not including growth leaders; or
 3. Any combination of the above, with a minimum of three (3) trees.
 4. All trees required to be replanted as mitigation shall be replanted prior to occupancy.
 5. Any trees re-planted for mitigation purposes shall be in addition to any required landscaping for the proposed project.

Section 3. Section 15.14.165 of the SeaTac Municipal Code is hereby added to read as follows:

15.14.165 – Tree Retention – Clearing of Multifamily, Commercial, and Industrial Zoned Lots

No significant trees shall be removed from any multifamily, commercial, or industrial zone property without obtaining a no fee “Tree Clearing Permit” from the Department of Planning and Community Development. The property owner shall demonstrate at least one of the following criteria in order to obtain a “Tree Clearing Permit”:

- A. A tree constitutes a safety hazard to any structures on the property and to any structures on adjacent properties as determined by the City’s arborist; or
- B. A tree is dead; or
- C. The tree is significantly diseased and will die as determined by the City’s arborist; or
- D. The property owner has an approved building permit for a new development on the property.

Section 4. Section 15.14.166 of the SeaTac Municipal Code is hereby added to read as follows:

15.14.166 – Minimum Number of Trees Per Residential Lot – New Short Plats and Long Subdivisions

- A. A minimum number of trees per lot within new proposed short plats and long subdivisions shall be required, as follows:
 - 1. Two (2) significant trees;
 - 2. One (1) significant tree and two (2) new trees; or
 - 3. Four (4) new trees.

All new trees per lot shall be planted on the lot prior to the final inspection of any residence on the lot and shall meet the standards set forth in SMC 15.14.166 (B).

- B. Significant trees or existing healthy trees on the lots that meet the following minimum size standards may be counted towards the requirements of SMC 15.14.166 (A):
 - 1. Deciduous trees, a minimum of two (2) inches in caliper measured at four (4) feet from its base at the time of planting; or

2. Evergreen trees with a minimum height of eight (8) feet, not including growth leaders; or
3. Any combination of the above, with a minimum meeting the requirements of SMC 15.14.166 (A).
4. The following material will not be regarded as trees:
 - a. Vine Maple (Acer circinatum)
 - b. Serviceberry (Amelanchier)
 - c. Arborvitae (Not including Western Red Cedar [Thuja plicata])
 - d. Any other tree that could be either considered a shrub.

C. No mitigation for the removal of trees shall be required once the builder of a single-family residence on any lot containing trees transfers ownership of the lot and residence to another party, or when a certificate of occupancy is issued to the same party.

Section 5. Section 15.14.200 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.200 Irrigation Requirements

All planting required for new development in multifamily, commercial, business park, and industrial zones and in long subdivisions (street trees only) shall receive sufficient water to ensure survival as follows:

- A. Landscaped areas shall be installed with the following irrigation systems or water conservation methods:
 1. Moisture sensor (may be required);
 2. Automatic timers set for operation periods which minimize evaporation and assure adequate moisture levels;
 3. Sprinkler heads (of the pop-up type) designed to provide adequate coverage for all landscaping. Other sprinkler heads may be allowed upon approval by the City;
 4. Separate irrigation zones for turf and planting beds;
 5. Group together plants with similar water needs;

6. Augmenting existing soils with loamy soil; and
 7. Covering the base of plants with mulch to minimize evaporation.
- B. The City Manager, or designee, may allow an exemption from the irrigation requirements if the applicant provides:
1. Landscape areas where at least seventy percent (70%) of the existing vegetation is undisturbed;
 2. Landscaping in areas where existing site conditions (i.e., high water table) assure adequate moisture to sustain growth;
 3. Despite physical constraints preventing automatic irrigation, a manual scheduled method is proposed and approved.

Section 6. Section 15.14.210 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.210 Maintenance Requirements

Within the multifamily, commercial, business park, and industrial zones, the applicant shall provide the following maintenance or shall be subject to enforcement action as provided in Chapter 15.32 SMC:

- A. All required landscaped areas shall be maintained, pruned, trimmed, and watered to create an attractive appearance and a healthy growing condition.
- B. Dead, diseased, stolen, or vandalized planting shall be replaced within one (1) month.
- C. Property owners shall keep the planting area reasonably free of weeds and trash

Section 7. Section 15.14.210 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.220 Bonds/Security Requirements

- A. Prior to issuance of any construction, grading, or building permits within the multifamily, commercial, business park, and industrial zones and within long subdivisions (for street trees only), a landscape bond or other suitable financial guarantee as approved by the City Attorney shall be submitted to the Department of Planning and Community Development. The amount of the landscape bond or other financial guarantee shall equal one hundred fifty percent (150%) of the estimated cost of the required landscaping.

- B. Prior to issuance of a final certificate of occupancy in the multifamily, commercial, business park, or industrial zones, or before a final inspection of the last home in a long subdivision, a maintenance bond or other acceptable financial guarantee equal to thirty percent (30%) of the replacement cost of the required landscaping shall be submitted. The bond shall be maintained for a three (3) year period, at which point the Building Official and the City Manager, or designee, will determine if the bond shall be released or is needed for maintenance within the landscaped areas.

Section 8. Section 15.14.180 of the SeaTac Municipal Code is hereby repealed:

~~15.14.180 Restoration of Significant Trees~~

~~Significant trees which would otherwise be retained, but which were damaged or destroyed through some fault of the applicant shall be replaced in a manner determined by the City Manager, or designee.~~

Section 9. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 10. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 11. The Ordinance shall be effective five (5) days after passage and publication.

ADOPTED this 12th day of May, 2009, and signed in authentication thereof on this 12th day of May, 2009.

CITY OF SEATAC

Ralph Shape, Mayor

ATTEST:

Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney

[Effective Date 05/23/09]

[Tree Retention Ordinance]

ORDINANCE NO. 09-1015

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the City's Classification and Compensation Plan by adding the position of Stormwater Compliance Manager.

WHEREAS, Chapter 2.65 of the SeaTac Municipal Code provides that the City Council adopts the City's classification and compensation plan, which is done on an annual basis as part of the budget process; and

WHEREAS, the City Council approved a Decision Card and appropriated \$114,066 from the SWM Utility Fund (Fund 403) in the 2009 Annual Budget for a Water Quality Program Manager position in the Public Works Department, in order to work on the City's compliance with the NPDES Phase II Municipal Stormwater Permit that was issued by the Department of Ecology; and

WHEREAS, it is necessary for the City Council to classify this position in the City's Classification and Compensation Plan; and

WHEREAS, the City Council has determined that the position of Stormwater Compliance Manager should be created at a salary range of 62A, and that said position be added to the City's Classification and Compensation Plan as a non-represented position;

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

Section 1. The following position is hereby added to the City's Classification and Compensation Plan, as identified in Chapter 2.65 of the SeaTac Municipal Code and as adopted as part of the City's 2009 Annual Budget:

<u>Department</u>	<u>Position</u>	<u>Range</u>
Public Works	Stormwater Compliance Manager	62A

Section 2. This Ordinance shall not be codified and shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 26th day of May, 2009, and signed in authentication thereof on this 26th day of May, 2009.

CITY OF SEATAC

Ralph Shape, Mayor

ATTEST:

Kristina Gregg, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: 06/06/09]

[Insert File Name]

ORDINANCE NO. 09-1016

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Ordinance 09-1014 and Section 15.14.160 of the SeaTac Municipal Code related to tree retention.

WHEREAS, the City Council adopted Ordinance 09-1014 on May 12, 2009; and

WHEREAS, it was intended to remove any references to tree covenants in single family residential zones, but one subsection was inadvertently adopted; and

WHEREAS, it is appropriate to amend Ordinance 09-1014 to reflect the City Council's stated intent;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC,

WASHINGTON DO ORDAIN as follows:

Section 1. Section 15.14.160 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.160 Retention of Significant Trees within New Short Plats and Long Subdivisions in the Single-family Zones

Significant trees within new short plats and long subdivisions shall be retained as follows:

- A. If applicable, two (2) significant trees shall be saved within each new proposed lot within each new proposed short plat or long subdivision, unless an alternative allowed by SMC 15.14.166 is used. Significant trees located in the following areas are not required to be retained:
 - 1. Trees within the building footprint of a proposed residence and accessory structure (detached carport, garage, or accessory dwelling unit).
 - 2. Trees within any private access easement.
 - 3. Trees within any proposed utility easement.
- B. Significant trees to be retained shall be protected during the construction process for final short plat approval, during long plat approval, and during the construction of a residence on each lot as provided under SMC 15.14.170.

~~C.~~ ~~Until such time when ownership of the property is transferred as provided for under SMC 15.14.160 F. below, a covenant shall run with the property advising potential purchasers of significant trees to be retained that are located on-site. The text of this covenant shall be approved by the Director of Planning and Community Development.~~

~~D.C.~~ Any significant tree proposed to be retained that is removed during the final short plat or preliminary plat approval process, or during the construction of a residence on a lot, shall be mitigated as follows:

1. For each significant tree removed, two (2) deciduous trees, a minimum of two (2) inches in caliper measured at four (4) feet from its base at the time of planting; or
2. Two (2) evergreen trees with a minimum height of eight (8) feet, not including growth leaders; or
3. Any combination of the above, with a minimum of two (2) trees.
4. The following material will not be regarded as trees:
 - a. Vine Maple (*Acer circinatum*)
 - b. Serviceberry (*Amelanchier*)
 - c. Arborvitae (Not including Western Red Cedar [*Thuja plicata*])
 - d. Any other tree that could be ~~either~~ considered a shrub.

~~E.D.~~ All trees required to be replanted shall be planted prior to the final inspection of the residence.

~~E.E.~~ No mitigation for the removal of significant trees shall be required once the builder of a single-family residence on any lot containing significant trees transfers ownership of the lot and residence to another party, or when a certificate of occupancy is issued to the same party.

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

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

Section 4. The Ordinance shall be effective five (5) days after passage and publication.

ADOPTED this 26th day of May, 2009, and signed in authentication thereof on this 26th day of May, 2009.

CITY OF SEATAC

Ralph Shape, Mayor

ATTEST:

Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney

[Effective Date 06/06/09]

[Amendment to Ordinance 09-1014]

ORDINANCE NO. 09-1017

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2009 Annual City Budget for miscellaneous items.

WHEREAS, the SeaTac City Council has reviewed agenda bill #3081 submitted by the Finance Department which details certain expenditures not provided for in the 2009 Budget or any subsequent budget amendments in the General Fund (Fund 001) and the Municipal Capital Improvements Fund (Fund 301), and decreases the General Fund budget to reflect a change in the budgeting and accounting treatment of the YMCA Agreement payment; and

WHEREAS, amendment to the City's 2009 Annual City Budget is necessary to provide additional appropriation authority to fund certain expenditures identified in agenda bill #3081, and to decrease the General Fund budget to reflect the YMCA Agreement payment budgeting and accounting treatment change;

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

Section 1. The 2009 Annual City Budget shall be amended to decrease the total General Fund expenditures by \$979,545.

Section 2. The 2009 Annual City Budget shall be amended to increase the total General Fund expenditures by \$5,000.

Section 3. The 2009 Annual City Budget shall be amended to increase the total Municipal Capital Improvements Fund expenditures by \$25,000.

Section 4. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 30th day of June, 2009, and signed in authentication thereof on this 30th day of June, 2009.

CITY OF SEATAC

Ralph Shape
Ralph Shape, Mayor

ATTEST:

Marcia A. Rugg, Deputy City Clerk
Kristina Gregg, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo
Mary E. Mirante Bartolo, City Attorney

[Effective Date: 7-11-09]

ORDINANCE NO. 09-1018

AN ORDINANCE of the City Council of the City of SeaTac, Washington, establishing a new Des Moines Creek Basin ILA Fund.

WHEREAS, the City of SeaTac entered into an Interlocal Agreement with the City of Des Moines, the Port of Seattle, the Washington State Department of Transportation and King County for the purpose of constructing and operating several projects to implement the Des Moines Creek Basin Plan; and

WHEREAS, the City of SeaTac acts as the Treasurer for the construction, operation and maintenance aspects included in this Agreement; and

WHEREAS, it has been determined that the proper accounting treatment of the revenues and expenditures related to the ongoing operation and maintenance of these projects would be to establish a new Special Revenue Fund entitled the “Des Moines Creek Basin ILA Fund” to track and report these activities; and

WHEREAS, State law requires the City Council to adopt an Ordinance in order to create a new City fund;

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

Section 1. A new Special Revenue Fund of the City of SeaTac shall be established, entitled the “Des Moines Creek Basin ILA Fund”, designated as Fund #111.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

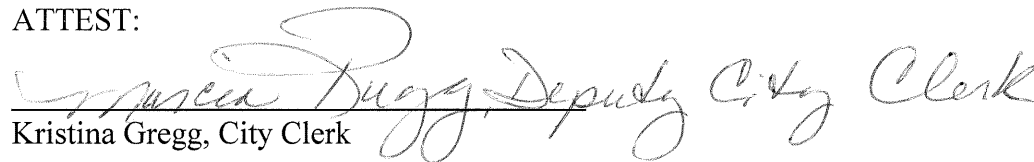
ADOPTED this 30th day of June, 2009, and signed in authentication thereof on this 30th day of June, 2009.

CITY OF SEATAC




Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney
[Effective Date: 7-11-09]

[Establishment of the Des Moines Creek Basin ILA Fund]

ORDINANCE NO. 09-1019

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2009 Annual City Budget to provide cost reductions.

WHEREAS, the SeaTac City Council has reviewed agenda bill #3097 submitted by the Finance and Systems Department recommending an amendment to reduce the 2009 Annual City Budget to provide cost reductions due to projected decreases in 2009 revenue at year-end; and

WHEREAS, staff has determined that projected General Fund expenditures will exceed revenue by approximately \$1.12 million at the end of 2009; and

WHEREAS, staff has recommended a list of proposed areas of cost reductions in the amount of \$939,272 for the General Fund and \$631,304 in other funds other than the General Fund, for total proposed cost reductions for all funds in the amount of \$1,570,576;

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

Section 1. The 2009 Annual City Budget shall be amended to decrease General Fund expenditures by \$939,272.

Section 2. The 2009 Annual City Budget shall be amended to decrease Facility Repair and Replacement Fund #110 expenditures by \$24,588.

Section 3. The 2009 Annual City Budget shall be amended to decrease Municipal CIP Fund #301 expenditures by \$246,775.

Section 4. The 2009 Annual City Budget shall be amended to decrease Municipal Facilities CIP Fund #306 expenditures by \$98,986.

Section 5. The 2009 Annual City Budget shall be amended to decrease Surface Water Management Fund #403 expenditures by \$151,655.

Section 6. The 2009 Annual City Budget shall be amended to decrease Equipment Rental Fund #501 expenditures by \$109,300.

Section 7. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 30th day of June, 2009, and signed in authentication thereof on this 30th day of June, 2009.

CITY OF SEATAC

Ralph Shape

Ralph Shape, Mayor

ATTEST:

Kristina A. Gregg, Deputy City Clerk
Kristina Gregg, City Clerk

Approved as to Form:

Mary E. Mirante-Bartolo, Sr Asst City Attorney for MMB
Mary E. Mirante-Bartolo, City Attorney

[Effective Date: 7-11-09]

[2009 Budget Amendment for cost reductions]

ORDINANCE NO. 09-1020

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Chapter 2.65 of the SeaTac Municipal Code regarding Personnel Policies and Procedures.

WHEREAS, Chapter 2.65 of the SeaTac Municipal Code established personnel policies and procedures; and

WHEREAS, it is appropriate to amend the SeaTac Municipal Code to clarify the authority of the City Manager with respect to certain personnel issues for non-represented employees;

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

Section 1. Chapter 2.65 of the SeaTac Municipal Code is hereby amended to read as follows:

Sections:

- 2.65.010 Authority to promulgate personnel policies.
- 2.65.020 Purpose of Classification and Compensation Plan.
- 2.65.030 Annual review of Plan.
- 2.65.040 Annual adoption of Plan.
- 2.65.050 Employee benefits.
- 2.65.060 Overtime and compensatory time.
- 2.65.070 Part-time employee benefits.
- 2.65.080 Miscellaneous leaves.

2.65.010 Authority to promulgate personnel policies.

The City Manager shall have the authority to administer personnel matters of the City, and is authorized to promulgate and implement personnel rules and regulations, administrative policies, manuals or directives including, but not limited to, those necessary to implement the provisions of this chapter, and to administer the collective bargaining agreements of the City, and address other personnel and employee matters of the City.

2.65.020 Purpose of Classification and Compensation Plan.

The Classification and Compensation Plan is intended to aid regular review and adoption by the City Council of all wages, salaries and other compensation so that:

A. Compensation will be competitive with compensation paid for similar employment by other public and private employers;

B. Compensation paid by the City will attract, motivate and promote retention of skilled employees;

C. Compensation will be equitably based upon duties, skills, qualifications and responsibilities, and upon the comparable worth of all positions allocated by the Classification Plan;

D. Compensation paid to each employee, and increases in compensation, shall be reflective of the meritorious performance of each such employee;

E. Compensation may be adjusted to off-set any loss of purchasing power resulting from inflation or increased costs of living;

F. The total cost of compensation to the City can be properly funded through the budgetary process.

2.65.030 Annual review of Plan.

On an annual basis, the City Manager may review the current Classification and Compensation Plan to determine whether existing pay ranges, additional compensation, and benefits are adequate to meet the purposes of the Classification and Compensation Plan. With written justification, the City Manager is authorized to adjust non-represented employee classification and compensation, subject to ratification by the Administration and Finance Committee, when necessary in order to carry out sound personnel management and to accomplish objectives within the City's defined commitments. The City Manager may adjust classification and compensation of bargaining unit employees as established by their respective collective bargaining agreements.

2.65.040 Annual adoption of Plan.

The City Manager shall prepare a preliminary Classification and Compensation Plan for the ensuing year, with such changes as may be deemed necessary, together with a recommended cost of living allowance, and shall submit the same to the City Council for review and consideration at an appropriate regular meeting of each calendar year. The City Council shall review the preliminary Classification and Compensation Plan and the recommended cost of living allowance, if any, shall make any revisions or modifications thereof which may be deemed necessary, and shall then adopt, as a part of or consistent with the budget process, the same as the Classification and Compensation Plan for the ensuing year.

2.65.050 Employee benefits.

All employees of the City shall receive benefits required to be provided by the City as provided under State or Federal law. Bargaining unit employees of the City shall receive benefits as set forth in their respective collective bargaining agreements. Non-represented employees of the City shall receive the following benefits as set forth in the City's personnel policies or manuals or as set by Resolution, agreement, memorandum of understanding, State law or as otherwise administrative directive, or as authorized by the City Council in the City's adopted budget, which include:

Health care insurance, hospitalization and medical aid;

Dental care insurance;

Long-term disability insurance;

Deferred compensation;
Employees' retirement;
Additional retirement plan in lieu of Social Security;
Sick leave;
~~Vacation~~ Paid sick, vacation, management, and holiday leave;
Holidays;
~~On-the-job injury.~~

2.65.060 Overtime and compensatory time.

Qualified employees of the City shall receive pay for overtime hours and/or compensatory time in accordance with State and Federal law, including the Fair Labor Standards Act, resolution, agreement, memorandum of understanding, or as otherwise authorized by the City Council.

2.65.070 Part-time employee benefits.

Part-time employees of the City shall receive reduced employee benefits in accordance with the personnel or administrative policies of the City or by resolution, agreement, memorandum of understanding, State law or as otherwise authorized by the City Council.

2.65.080 Miscellaneous leaves.

~~All employees of the City shall receive leave required to be provided by the City under State or Federal law. Bargaining unit employees of the City shall receive miscellaneous leave as set forth in their respective collective bargaining agreements. Non-represented employees of the City may receive miscellaneous leave as set forth in the City's personnel policies or manuals which may include: Employees of the City may receive miscellaneous leaves in accordance with resolutions, agreements, memorandums of understanding, State laws or as otherwise authorized by the City Council as follows:~~

~~Maternity leave~~ Leave as authorized by the Family Medical Leave Act;
Military leave;
Jury duty leave;
Bereavement leave.

Section 2. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as provided by law.

ADOPTED this 14th day of July, 2009, and signed in authentication thereof on this 14th day of July, 2009.

CITY OF SEATAC

Ralph Shape
Ralph Shape, Mayor

ATTEST:

Kristina Gregg, Deputy City Clerk
Kristina Gregg, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, for
Mary E. Mirante Bartolo, City Attorney

[Effective Date: 7-25-09]

[Personnel Policies]

ORDINANCE NO. 09-1021

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Chapter 1.15 of the SeaTac Municipal Code related to code enforcement.

WHEREAS, for the purpose of establishing an effective and efficient system to enforce the regulations of the City, to provide consistency with code enforcement by authorizing correction agreements and/or civil infractions for more types of code violations, unless otherwise provided, and

WHEREAS, City staff has proposed changes to the Code Enforcement Chapter to ensure greater efficiencies and effectiveness; and

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

Section 1. Amendment. Chapter 1.15 of the SeaTac Municipal Code is hereby amended to read as follows:

**Chapter 1.15
CODE ENFORCEMENT**

Sections:

- 1.15.010 Repealed.
- 1.15.015 Purpose.
- 1.15.020 Definitions.
- 1.15.025 Violations.
- 1.15.030 Applicability and procedures.
- 1.15.040 Repealed.
- 1.15.045 First contact.
- 1.15.050 Alternative legal remedies.
- 1.15.055 Criminal violations.
- 1.15.060 Correction agreement.
- 1.15.065 Notice of infraction.
- 1.15.070 Repealed.
- 1.15.075 Hearing before the Municipal Court Judge.
- 1.15.080 Repealed.

- 1.15.090 Repealed.
- 1.15.100 Repealed.
- 1.15.110 Repealed.
- 1.15.120 Notice and order – Procedures.
- 1.15.130 Notice and order – Supplemental.
- 1.15.140 Notice and order – ~~Service.~~Service and violation.
- 1.15.145 Stop work order.
- 1.15.150 Repealed.
- 1.15.160 Appeals.
- 1.15.170 Repealed.
- 1.15.175 Abatement by the City.
- 1.15.180 Repealed.
- ~~1.15.185 Entry to buildings and premises – Warrants.~~Repealed.
- 1.15.190 Personal obligation authorized.
- 1.15.200 Lien authorized.
- 1.15.210 Repealed.
- 1.15.220 Repealed.
- 1.15.230 Repealed.
- 1.15.240 Repealed.
- 1.15.250 Suspension of permits.
- 1.15.260 Revocation of permits.
- 1.15.270 Joint and several responsibility and liability.

1.15.010 Authority of the City Manager.

1.15.015 Purpose.

The purpose of this chapter is to establish a fair and efficient system to enforce City codes, to provide an opportunity for a prompt hearing and decision on alleged violations of these codes, and to establish monetary penalties for violations and to establish a process for appeal.

1.15.020 Definitions.

For the purposes of this chapter, the following words and phrases shall be defined as indicated below:

A. “Code Enforcement Officer” means the City employee(s) designated by the City Manager or the Director of Public Works to enforce the civil provisions of the SeaTac Municipal Code (SMC).

B. “Person responsible for the violation” means any of the following: a person who has titled ownership or legal control of the property or structure that is subject to the City code or regulation; an occupant or other person in control of the property or structure that is subject to the City code or regulation; a developer, builder, business operator, or owner who is developing, building, or operating a business on the property or in a structure that is subject to the City code or regulation; or any person who commits any act or omission which is a violation or causes or permits a violation of the City code to occur or remain upon property in the City, and includes but is not limited to owner(s), lessor(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a violation occurs.

C. “Regulation” means and includes any of the following, as now enacted or hereafter amended: all SeaTac City Code provisions; all standards, rules, and procedures adopted by the City that make reference to this chapter; and the terms and conditions of any permit or approval issued by the City.

CD. “Repeat violations” means a violation of the same City code in any location by the same person for which code enforcement has been undertaken within two (2) years prior. Repeat violations may be evidenced by the prior issuance of a correction notice, or a notice of infraction, or a notice and order of violation.

DE. “Residential” means any use or activity related to a single-family dwelling.

EF. “Violation” means an act or omission contrary to City code or regulation including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission. The violation of any City code or regulation shall be unlawful. Each day, or portion thereof, in which the violation continues constitutes a separate offense for which separate code enforcement actions and remedies may be pursued.

1.15.025 Violations.

A. Violations of the following titles and chapters of the SeaTac Municipal Code shall be remedied in accordance with SMC 1.15.045 through 1.15.075 by way of correction agreement and/or notice of infraction:

1. Chapter 5.05 SMC, regarding business licenses and regulations;
2. Chapter 5.10 SMC, relating to solicitors and canvassers;
3. Chapter 7.15 SMC, regarding property maintenance; and
4. Chapter 7.25 SMC, regarding junk vehicles and vehicle storage; and
5. Chapter 7.40 SMC, relating to garbage code; and
6. Repeat violations of any city code.

B. Violations of the following titles and chapters of the SeaTac Municipal Code shall be remedied in accordance with SMC 1.15.120 through 1.15.160, the notice and order procedures:

Chapter 7.40 SMC, relating to garbage code;

1. Chapter 11.05 SMC, relating to road standards;
2. Chapter 11.10 SMC, relating to right-of-way use; and
3. Chapter 12.10 SMC, relating to storm water management;
4. Title 13 SMC, related to buildings and construction, unless otherwise specified; and
5. Title 15 SMC, Zoning Code violations, unless provided otherwise. However, repeat violations of Chapter 11.05 SMC, Chapter 11.10 SMC, Chapter 12.10 SMC, Title 13 SMC, or Title 15 SMC may be remedied in accordance with SMC 1.15.065 through 1.15.075, notice of infraction procedures.

1. Zoning Code violations, unless provided otherwise shall be remedied in accordance with SMC 1.15.120 through 1.15.160, the notice and order procedures. Violations of SMC Title 13 related to buildings and construction shall be remedied in accordance with SMC 1.15.120 through 1.15.160, the notice and order procedures, unless otherwise specified in SMC 13.100.120. However, for violations not specified in SMC 13.100.120, the Code Enforcement Officer has discretion to issue a notice of infraction pursuant to SMC 1.15.065 for repeat violations.

C. Monetary Penalties - General. Any person violating any provision or regulation of the SeaTac Municipal Code may be subject to the assessment of civil penalties pursuant to this chapter. The monetary penalty for each violation per day or portion thereof shall be as follows:

1. For nonresidential violations:
 - a. First day of each violation, one hundred dollars (\$100.00);
 - b. Second day of each violation, two hundred dollars (\$200.00);
 - c. Third day of each violation, three hundred dollars (\$300.00);
 - d. Fourth day of each violation, four hundred dollars (\$400.00);
 - e. Each additional day of violation beyond four days, five hundred dollars (\$500.00) per day.
2. For residential violations, the penalty is one hundred dollars (\$100.00) per day of violation.
3. Payment of a monetary penalty does not relieve the person to whom the penalty was issued or assessed against of the duty to correct the violation.

D. Monetary Penalties – Environmentally Sensitive Areas. The code compliance provisions for environmentally sensitive areas as codified under Chapter 15.30 SMC are intended to encourage compliance and to protect environmentally sensitive areas and the general public from harm and to further the remedial purposes of this title. To achieve this, persons responsible for code compliance will not only be required to restore damaged or altered environmentally sensitive areas, insofar as that is possible and beneficial, but will also be required to pay a civil monetary penalty for the redress of ecological, recreation, and economic values lost or damaged due to their unlawful action.

1. The provisions of this section are in addition to and not in lieu of any other penalty, sanction or right of action provided by law for other related violations.
2. In addition to any other persons who may be responsible for violations occurring within or on environmentally sensitive areas, the owner of the land upon which the violation occurred shall be jointly and severally liable for the restoration of the site and the payment of any civil monetary penalty imposed.
3. Any person in violation of the environmentally sensitive areas under Chapter 15.30 SMC shall be subject to both the civil monetary penalties set forth in Section 1.15.025(C) SMC and an amount reasonably determined by the City to be equivalent to:
 - a. the economic benefit that the person responsible for the violation derives from the violation, as measured by the greater of the resulting increase in market value of the property or the value received by the person responsible for the violation; and/or
 - b. savings of construction costs realized by the person responsible for the violation as a result of performing any act in violation of Chapter 15.30 SMC; and/or
 - c. reasonable value of property damaged.

1.15.030 Applicability and procedures.

This chapter may be applied for the purpose of enforcing the designated provisions of the City’s Municipal Code. Whenever the City Manager, or designee, determines that a violation has occurred or is occurring the procedures of this chapter shall be followed.

1.15.040 Right of entry.

Repealed by Ord. 01-1006.

1.15.045 First contact.

The Code Enforcement Officer shall attempt to secure correction of any violation(s) by contacting the person and/or property owner responsible for the violation, in person, in writing or by telephone, and, where possible, explaining the violation and requesting correction within a reasonable time consistent with established policies. Each code enforcement contact with a person responsible for the property and/or violation shall be recorded in writing regardless if further action is taken or not. The information to be recorded in writing shall include, but is not limited to, the contact date, method of contact, parcel number, address of the violation, person contacted, and description of the alleged code violation to the extent possible.

1.15.050 Alternative legal remedies.

Notwithstanding the existence or use of any other remedy, the City Manager, or designee, may seek legal or equitable relief to enjoin any acts or practices, as an alternative or in addition to following the procedures of this chapter.

1.15.055 Criminal violations.

The City Prosecuting Attorney shall have the discretion to file a violation of the provisions of this chapter as a criminal misdemeanor when a person willfully or knowingly violates, by way of repeat violations, City codes or regulations set forth by this chapter or by any act of commission or omission procures, aids, or abets such violation. Conviction shall be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment for a term not to exceed ninety (90) days, or both, and each day during which such violation continues shall be considered an additional violation.

1.15.060 Correction agreement.

A correction agreement may be entered into between the Code Enforcement Officer and the person responsible for the violation under which the offender agrees to abate the violation within a specified time and according to specified conditions. The correction agreement shall include the following:

A. Content. The correction agreement shall include the following:

1. The name and address of the person responsible for the violations; and
2. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
3. A description of the violation and a reference to the code which has been violated; and
4. The necessary corrective action to be taken, and a date or time by which correction must be completed; and
5. An agreement by the person responsible for the violation that the City may inspect the premises as may be necessary to determine compliance with the correction agreement; and
6. An agreement by the person responsible for the violation that the City may abate the violation and recover its costs and expenses and/or monetary ~~penalty~~ penalty pursuant to this chapter from the person responsible for the violation if the terms of the correction agreement are not satisfied; and
7. Upon entering into a correction agreement, the person responsible for the violation waives the right to appeal the violation and/or corrective action; and
8. If the offender is not the owner of the property, the owner will be notified by the City of the agreement.

B. Extension and Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the Code Enforcement Officer if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions and the responsible person provides the request in writing clearly establishing the need for such an extension.

C. Abatement by the City. The City may abate the violation in accordance with SMC 1.15.175 if the terms of the correction agreement are not met.

D. Collection of Costs. If the terms of the correction agreement are not met, the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with SMC 1.15.025, plus costs and expenses of abatement, as set forth in SMC 1.15.175.

1.15.065 Notice of infraction.

A. Issuance.

1. When the Code Enforcement Officer determines that a violation of City regulations enumerated in SMC 1.15.025 has occurred or is occurring, and is unable to secure correction, pursuant to SMC 1.15.060, the Code Enforcement Officer is hereby empowered, and may issue a notice of civil infraction to the person responsible for the violation.

2. The Code Enforcement Officer may issue a notice of civil infraction without having attempted to secure correction as provided in SMC 1.15.060 under the following circumstances:

- a. When an emergency exists; or
- b. When a repeated violation occurs; or
- c. When the violation creates a situation or condition which cannot be corrected; or
- d. When the person knows or reasonably should have known that the action is in violation of a City regulation; or
- e. The person cannot be contacted or refuses to communicate or cooperate with the City in correcting the violation.

B. Content. The notice of infraction shall contain the information required by RCW 7.80.070 as now exists or may hereafter be amended; provided, the notice of infraction shall also include the following information:

1. A statement indicating which steps are necessary to correct the violation; and
2. A statement indicating the time in which the violation is to be corrected; and
3. A statement indicating that failure to comply with the notice may subject the owner or person causing the violation to further civil and criminal penalties; and
4. A statement that failing to comply with the notice may subject the owner or violator to the costs and expenses of abatement incurred by the city pursuant to SMC 1.15.175, and a monetary penalty in an amount per day for each violation as specified in this chapter, may be assessed against the person to whom the notice of infraction is directed.

C. A notice of infraction shall be served upon the person to whom it is directed in person, or by mailing a copy of the notice to such person at his/her last known address, or by posting a copy of the notice in a conspicuous place on the affected property or structure, if any. Proof of service shall be made by a written declaration under penalty of perjury by the person serving the notice, declaring the date and time of service and the manner by which service was made. The notice of infraction, along with the declaration, shall be filed with the Clerk of the SeaTac Municipal Court.

D. Upon written request prior to the date which the violation is to be corrected, as indicated in subsection (B)(2) of this section, the Code Enforcement Officer may extend the date for compliance for good cause. Good cause may include substantial completion of the necessary correction(s) or unforeseeable circumstances which render compliance impossible by the date established.

E. The date required for compliance shall be set at the sole discretion of the Code Enforcement Officer consistent with established policies. Each day or portion thereof after which compliance is required during which any violation of the provisions set forth in this chapter is committed or permitted shall constitute a separate offense.

1.15.070 Abatement proceedings authorized.

Repealed by Ord. 01-1006.

1.15.075 Hearing before the Municipal Court Judge.

A. Notice. A person to whom a notice of infraction is issued may contest such notice to the Municipal Court Judge within fifteen (15) calendar days after the notice of infraction is issued.

B. Prior Correction of Violation. Except in the case of a repeat violation or a violation which creates a situation or condition which cannot be corrected, the hearing will be canceled, no monetary penalty will be assessed, and the notice of infraction dismissed if the Code Enforcement Officer approves the completed required corrective action at least forty-eight (48) hours prior to the scheduled hearing or agrees to extend the time for correction of the violation as provided in SMC 1.15.065(D). It is the violator's responsibility to contact the Code Enforcement Officer to request an inspection of the required corrective action.

C. Procedure. The Municipal Court Judge shall conduct a hearing on the infraction pursuant to the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ").

D. Decision of the Municipal Court Judge.

1. The Municipal Court Judge shall determine whether the City has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable and shall affirm, vacate, or modify the City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.

2. The Municipal Court Judge shall issue an order to the person responsible for the violation which contains the following information:

- a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
- b. The required corrective action;
- c. The date and time by which the correction must be completed;
- d. The monetary penalties assessed based on the provisions of this chapter;
- e. The date and time after which the City may proceed with abatement of the unlawful condition if the required correction is not completed.

3. Assessment of Monetary Penalty. Monetary penalties assessed by the Municipal Court Judge shall be in accordance with the monetary penalty schedule in SMC 1:15.025.

E. Failure to Appear. If the person to whom the notice of infraction was issued fails to appear at a scheduled hearing, the Municipal Court Judge may enter an order finding that the violation occurred, assess the appropriate monetary penalty, and order abatement of the violation. The City will carry out the Municipal Court Judge's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

F. Appeals are governed by IRLJ 5 and Rules of Appeal from Courts of Limited Jurisdiction (“RALJ”) as now exist or may hereafter be amended.

1.15.080 Assessment of civil penalties.

Repealed by Ord. 01-1006.

1.15.090 Accumulations of civil penalties.

Repealed by Ord. 01-1006.

1.15.100 Schedule of civil penalties.

Repealed by Ord. 01-1006.

1.15.110 Initiation of enforcement action.

Repealed by Ord. 01-1006.

1.15.120 Notice and order – Procedures.

A. Whenever the Code Enforcement Officer has reason to believe that a violation under SMC 1.15.025(B) is or has occurred and the violation is not a repeat violation, the Officer shall initiate code enforcement procedures by contacting the person responsible for the violation, in person, in writing or by telephone, and, where possible, explaining the violation and requesting correction within a reasonable time consistent with established policies.

B. A written notice and order shall be directed to the person responsible for the violation, when other attempts to gain compliance have failed. The notice and order shall contain:

1. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
2. A description of the violation and a reference to the code which has been violated; and
3. The necessary corrective action to be taken and a date or time by which correction must be completed; and

4. A statement specifying the amount of any civil penalty assessed by reason of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent; and

5. Statements advising that if any required work is not completed within the time specified, the City may abate the violation and recover its costs and expenses and charge therefor as a lien against the property; ~~and if any assessed civil penalty is not paid, the amount will also be charged as a lien against the property; and~~

6. A statement advising that the order shall become final, unless, within fourteen (14) days of the date of the notice and order, any person aggrieved by the order requests in writing an appeal before the Hearing Examiner, and pays the required filing fee.

1.15.130 Notice and order – Supplemental.

The Code Enforcement Officer may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notices and orders contained in this chapter.

1.15.140 Notice and order – Service and violation.

A. A notice and order shall be served upon the person to whom it is directed in person, or by mailing a copy of the notice to such person at his/her last known address, or by posting a copy of the notice in a conspicuous place on the affected property or structure, if any. Proof of service shall be made by a written declaration under penalty of perjury by the person serving the notice, declaring the date and time of service and the manner by which service was made. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. The notice and order may be, but is not required to be, posted on the subject property.

B. Violation of a notice and order shall constitute a separate violation for which the person responsible shall be issued a notice of infraction with assessment of monetary penalties pursuant to this chapter.

1.15.145 Stop work order.

In addition to any remedy provided for in this chapter, a stop work order may be issued pursuant to any of the city codes or regulations when any work or activity that is subject to regulation under city code is being performed in a manner contrary to the provisions of city code, or will exacerbate damage that has already been caused to any property, or will materially impair the code enforcement officer's ability to seek compliance. The stop work order shall state the reasons for the order and may be appended to, or incorporate by reference, a notice of infraction, or a notice and order of violation. The stop work order shall take effect immediately upon service. Service of the stop work order shall be deemed accomplished upon personal service of person responsible for the violation or posting the stop work order in a conspicuous place on the property where the violation is occurring.

1.15.150 Administrative conference.

Repealed by Ord. 01-1006.

1.15.160 Appeals.

A. Any person aggrieved by the notice and order may appeal to the City Hearing Examiner. Such appeals shall be filed with the City Clerk, only on forms provided by the City Clerk, within fourteen (14) days of the date of the notice and order together with the required filing fee.

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

C. The appeal hearing shall be electronically recorded and the Hearing Examiner shall have such rule-making and other powers necessary for conduct of the hearing as are specified by ordinance. The appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least thirty (30) days prior to the date of the hearing to every appealing party, to the Code Enforcement Officer, and to other interested persons who have requested in writing that they be so notified. The Code Enforcement Officer may submit a report and other evidence indicating the basis for the enforcement order.

D. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To produce rebuttal evidence;

5. To represent himself or herself or to be represented by an attorney at law.

E. The Hearing Examiner shall determine what weight, if any, to be given to any report, evidence, recommendation or testimony of any party. There is no presumption that information provided by the City will be given substantial weight. Unless otherwise stated, the City must prove by a preponderance of the evidence that the violation occurred. Following review of the evidence submitted, the Hearing Examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if it is found that a violation occurred. The Hearing Examiner shall reverse the order if it is found that no violation occurred. The written decision of the Hearing Examiner shall be provided to all the parties. The decision is final unless appealed pursuant to SMC 15.22.065(G).

F. Whenever possible, the appeal shall be combined with any other appeal from enforcement actions relating to the same subject matter and falling within the jurisdiction of the Hearing Examiner.

1.15.170 Finality of order.

Repealed by Ord. 01-1006.

1.15.175 Abatement by the City.

A. The City may abate a condition which was caused by or continues to be a code violation when:

1. The terms of any correction agreement pursuant to this chapter have not been met; or
2. A notice of infraction has been issued pursuant to this chapter, the period for filing an appeal with the Municipal Court has expired and no appeal was filed, and the required correction has not been completed; or
3. A notice of infraction has been issued pursuant to this chapter, a timely appeal was filed, the appellant failed to appear at the scheduled hearing, or the Municipal Court held a hearing as provided in this chapter and the required correction has not been completed by the date specified by an order of the Municipal Court Judge; or
4. A notice and order was issued pursuant to this chapter, the period for filing an appeal has expired, and the required correction has not been completed; or
5. The condition is subject to summary abatement as provided for in this chapter or other specific provisions of City or State law(s).

B. Summary Abatement. Whenever a violation of a regulation causes a condition, the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the City or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats.

C. Authorized Action by the City. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition which is subject to abatement. The City may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

D. When abatement involves the towing and disposal of any vehicle, notice shall be given to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

E. Interference. Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the person responsible for the violation in the performance of duties imposed

by this chapter shall be guilty of a misdemeanor punishable by imprisonment not exceeding ninety (90) days and a fine not exceeding one thousand dollars (\$1,000).

F. Recovery of Costs and Expenses. The costs of the abatement, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and shall become due and payable to the City within thirty (30) calendar days. The term “incidental expenses” includes but shall not be limited to personnel costs, both direct and indirect, including attorneys’ fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work and the costs of any required printing and mailing. All such costs and expenses shall constitute a lien against the affected property.

1.15.180 Enforcement of final order.

Repealed by Ord. 01-1006.

1.15.185 Entry to buildings and premises – Warrants. Repealed by Ord. _____.

~~A. Whenever necessary to make an inspection to determine whether a violation has occurred or is occurring, or to enforce any provision of the SeaTac Municipal Code, or regulation issued under this chapter, the City Manager or designee may enter any building or premises at any reasonable time, provided if such building or premises is occupied the City representative shall first present credentials and request entry; and if such building or premises is not occupied the City representative shall first make a reasonable effort to locate the owner or other person having charge of the building or premises and request entry. If such entry is refused or the owner or other person having charge of the building or premises cannot be located, the City Manager or designee shall have recourse to every remedy provided by law to secure entry, including recourse to the Municipal or Superior Court for issuance of a warrant authorizing such entry and inspection. If the City representative believes that the conditions therein create an immediate and irreparable health or life safety hazard, the City representative may make entry.~~

~~B. It is unlawful for any owner or occupant or any other person having charge, care or control of any building, structure, property or portion thereof to fail or neglect, after proper demand has been given, to permit prompt entry thereon.~~

1.15.190 Personal obligation authorized.

Civil penalties and the costs of abatement are also joint and separate personal obligations of the person responsible for the violation. The City Attorney, on behalf of the City, may collect the civil penalties and abatement costs through any appropriate legal remedies. The civil penalty and abatement costs are deemed public debt and the City may retain collection agencies to collect such debt pursuant to RCW 19.16.500, as presently existing or as may subsequently be amended.

1.15.200 Lien authorized.

The City of SeaTac shall have a lien for ~~any monetary penalty imposed,~~ the cost of any abatement work done pursuant to this chapter, together with any costs including attorney and expert witness fees, against the real property on which the monetary penalty was imposed or any of the work of abatement was performed. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity.

A. The Code Enforcement Officer shall cause a claim for lien to be filed for record within ninety (90) days from the ~~later of the date that the monetary penalty is due or the date the work is completed or the violations abated.~~

B. The claim of lien shall contain sufficient information regarding the notice of violation, as determined by the applicable Code Enforcement Officer, description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

C. Any such claim of lien shall be verified by the Code Enforcement Officer, and may be amended from time to time to reflect changed conditions.

D. No such liens shall bind the affected property for a period longer than five (5) years, without foreclosure or extension agreed to by the property owner.

1.15.210 Priority of lien.

Repealed by Ord. 01-1006.

1.15.220 Claim of lien.

Repealed by Ord. 01-1006.

1.15.230 Duration of lien.

Repealed by Ord. 01-1006.

1.15.240 Foreclosure of lien.

Repealed by Ord. 01-1006.

1.15.250 Suspension of permits.

A. The City Manager, or designee, may temporarily suspend any permit issued by the City under any ordinance for any of the following reasons:

1. Failure of the holder or operator to comply with the requirements of any issued permit or rules or regulations promulgated thereunder; or
2. Failure of the holder or operator to comply with any notice and order issued pursuant to this chapter; or
3. Failure of the holder or operator to comply with a stop work order.

B. Such permit suspension shall be carried out through the notice and order provisions of this chapter, and the suspension shall be effective upon service of the notice and order on the holder or operator. The holder or operator may appeal such suspension as provided by this chapter.

C. Notwithstanding any other provision of this chapter, whenever the City Manager, or designee, finds that a violation of any City ordinance, or rules and regulations adopted thereunder, has created, or is creating, an unsanitary, dangerous or other condition which is deemed to constitute an immediate and irreparable hazard, suspension and termination of operations under the permit may be required immediately without service of a written notice and order.

1.15.260 Revocation of permits.

A. The City Manager, or designee, may permanently revoke any permit issued by the City under any ordinance for any of the following reasons:

1. Failure of the holder or operator to comply with the requirements of any issued permit or rules or regulations adopted thereunder; or

2. Failure of the holder or operator to comply with any notice and order issued pursuant to this chapter; or

3. Interference with the Code Enforcement Officer in the performance of official duties; or

4. Discovery by the Code Enforcement Officer that a permit was issued in error or on the basis of incorrect information supplied to the City.

B. Such permit revocation shall be carried out through the notice and order provisions of this chapter and the revocation shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such revocation, as provided by this chapter.

C. A permit may be suspended pending its revocation or a hearing relative thereto.

1.15.270 Joint and several responsibility and liability.

Responsibility for violations of City codes is joint and several, and the City is not prohibited from taking action against a party where other persons may also be potentially responsible for a violation, nor is the City required to take action against all persons potentially responsible for a violation.

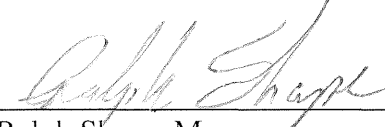
Section 2. Savings Clause. The portions of ordinances and codes repealed or amended by this ordinance shall remain in force and effect with respect to rights and duties which are complete and proceedings which were begun before the effective date of this ordinance. Rights and duties are complete if a violation of a one-time nature has occurred, or if a person has violated the code prior to the effective date of this ordinance and the violation is not of an on-going nature. A proceeding has begun if the City has issued a formal notice and order of violation or a notice of infraction.

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

Section 4. Effective Dates. This ordinance shall be in full force and effect thirty (30) days after passage and publication. This ordinance shall not have a retroactive effect and shall not apply to any violation of the ordinances of this city, occurring prior to the effective date of this chapter. Violations of the ordinances of this city occurring before the effective date of the ordinance codified in this section shall be prosecuted under the then existing ordinance.

ADOPTED this 14th day of July, 2009, and signed in authentication thereof on this 14th day of July, 2009.

CITY OF SEATAC



Ralph Shape, Mayor

ATTEST:

Marcia Rugg, Deputy City Clerk
Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo
Mary E. Mirante Bartolo, City Attorney

[Effective Date: 8-25-09]

[Code Enforcement Changes]

ORDINANCE NO. 09-1022

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating 18th Avenue South from South 200th Street to South 208th Street.

WHEREAS, the City of SeaTac is seeking the vacation of 18th Avenue South from South 200th Street to South 208th Street, as shown on the map attached as Exhibit A to this Ordinance; and described in Exhibit B; and

WHEREAS, SMC 11.05.090 adopts the street vacation procedures of Chapter 35.79 RCW; and

WHEREAS, RCW 35.79.010 authorizes the City Council to initiate a street vacation by resolution; and

WHEREAS, no apparent municipal use of the said right-of-way exists; and

WHEREAS, no objections to vacation were filed prior to the hearing, and the Council finds that no person has demonstrated special injury due to substantial impairment of access to such person's property; and

WHEREAS, the Council finds that vacation of the aforesaid portion of the right-of-way, as legally described on Exhibit B and as depicted on the map marked Exhibit A to this Ordinance, is in the public interest;

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

Section 1. Vacation of Right-of-Way. The 18th Avenue South right-of-way from South 200th Street to South 208th Street legally described on Exhibit B to this Ordinance, and depicted on the map marked Exhibit A to this Ordinance, within the City of SeaTac, is hereby vacated, subject to reserving easements and permit conditions pursuant to Section 2 below.

Section 2. Reservation of Easements and Permit Conditions. Notwithstanding Section 1 of this Ordinance, a utility easement shall be granted by the City for any utilities located within the right-of-way being vacated by this ordinance. Furthermore, any right-of-way permits imposed by the City prior to the effective date of this Ordinance, for use of the right-of-way being vacated in Section 1, are reserved by the City and shall remain in full force and effect until such time as the permit expires.

Section 3. Compensation Required. The City has initiated this vacation; therefore, no compensation is due for this vacation action.

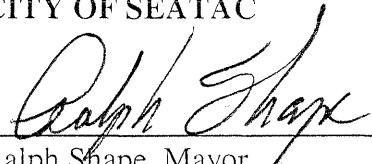
Section 4. Codification. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 5. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder following the effective date hereof.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon the City granting easements to any requesting utility and in no event shall the Ordinance be effective prior to September 1, 2009.

ADOPTED this 28th day of July, 2009, and signed in authentication thereof on this 28th day of July, 2009.

CITY OF SEATAC


Ralph Shape, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary Mirante Bartolo, City Attorney

[Effective Date: 9/1/09]

[Vacation of 18th Avenue South]

EXHIBIT A

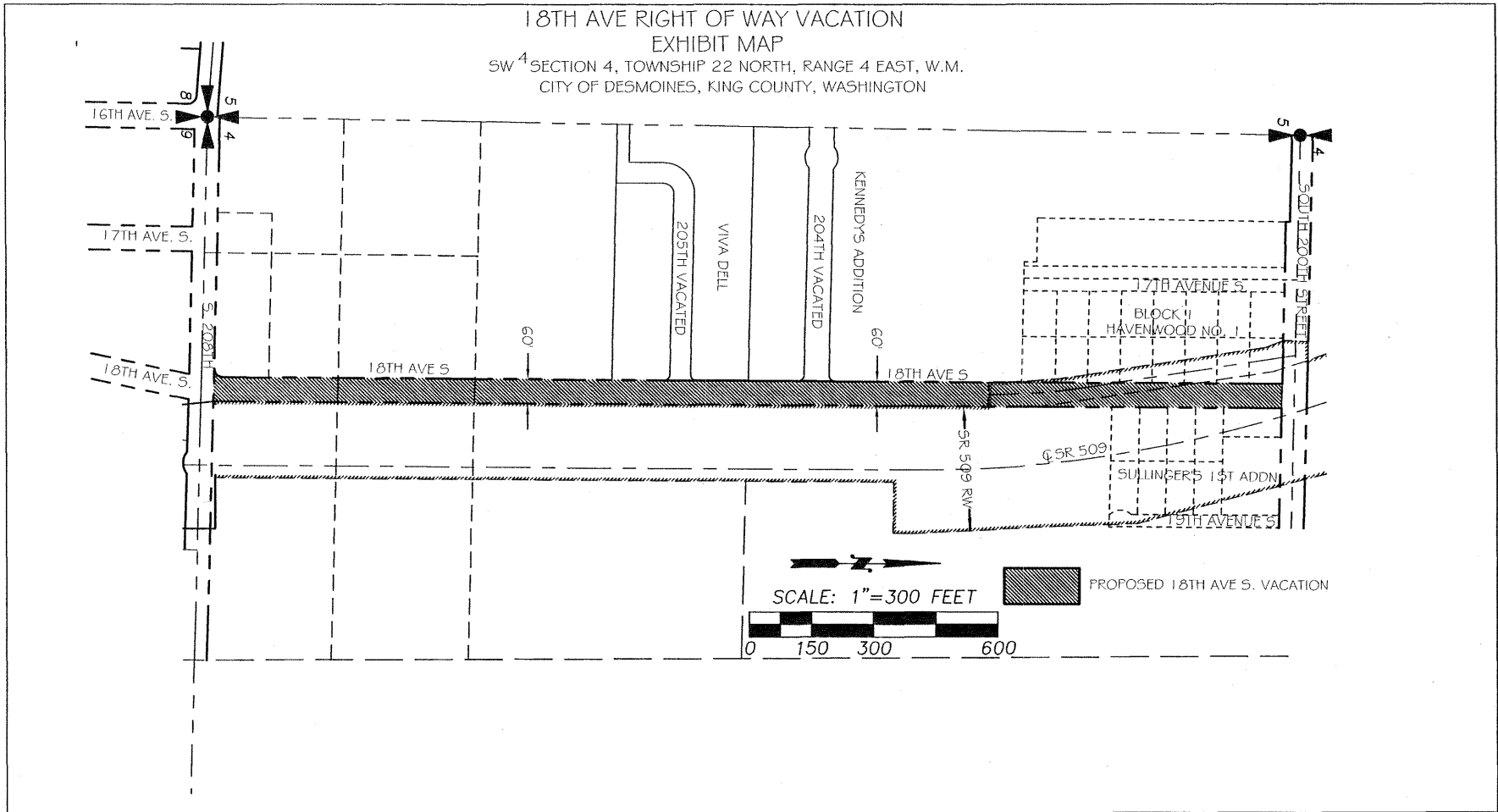


Exhibit B

Legal Description

All that portion of the 60-foot right-of-way known as 18th Avenue South lying southerly of South 200th Street and northerly of South 208th Street. Situated in the Southwest Quarter of Section 4, Township 22 North, Range 4 East, W.M., City of SeaTac, King County, Washington.

ORDINANCE NO. 09-1023

AN ORDINANCE of the City Council of the City of SeaTac, Washington authorizing the King County Department of Elections to produce, publish and distribute a local voters' pamphlet for the November 3, 2009 general election and include therein information regarding adoption of the Mayor-Council plan of government in the City of SeaTac; agreeing to pay the City's share of the costs of such local voters' pamphlet; and directing the City Clerk to forward a copy of this Ordinance and all other required information for the local voters' pamphlet to the King County Department of Elections.

WHEREAS, Chapter 35A.06 RCW authorizes a non-chartered code city to abandon its plan of government and reorganize under another plan of government upon the filing of a sufficient petition signed by registered voters in a number equal to not less than ten percent of the votes cast at the last general municipal election therein; and

WHEREAS, King County Department of Elections determined that there were a sufficient number of signatures on the petition to submit to the qualified voters in the City the proposition of whether the City should abandon the current Council-Manager plan of government and adopt the Mayor-Council plan of government; and

WHEREAS, this proposition will appear on the ballot during the November 3, 2009 general election; and

WHEREAS, the City Council has determined that a local voter's pamphlet would be a desirable way of providing information to the qualified voters of SeaTac concerning the ballot proposition; and

WHEREAS, RCW 29A.32.210 and the rules for local voters' pamphlets promulgated by the King County Department of Elections provide that a City desiring that a local voters' pamphlet be produced and published for a local ballot proposition

must request the same and agree to pay its share of the costs of producing and publishing the pamphlet by way of an ordinance;

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

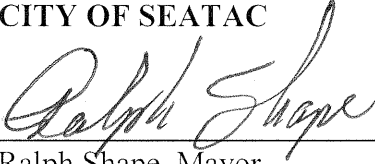
Section 1. The City of SeaTac hereby requests that the King County Department of Elections produce, publish and distribute a local voters' pamphlet for the November 3, 2009 general election and include therein the information required by state law for the City of SeaTac's Proposition No. 1 regarding abandonment of the Council-Manager plan of government and adoption of the Mayor-Council plan of government.

Section 2. The City of SeaTac agrees to pay its share of the cost of producing the local voters' pamphlet requested by this Ordinance.

Section 3. The City Clerk is hereby authorized and directed to forward a copy of this Ordinance to the King County Department of Elections, together with any and all other information required for the local voters' pamphlet. The City Clerk is directed to provide the information to King County Department of Elections no later than five (5) days after the effective date of this Ordinance, or when the required information is available.

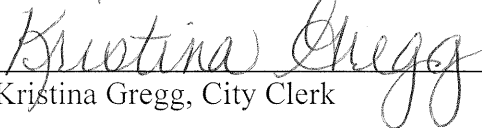
Section 4. This Ordinance shall be in full force and effect five (5) days after its passage, approval, and publication in accordance with law.

ADOPTED this 28th day of July, 2009, and signed in authentication thereof on this 28th day of July, 2009.

CITY OF SEATAC


Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo
Mary E. Mirante Bartolo, City Attorney

[Effective Date: August 8, 2009]

[Voter's Pamphlet--2009 Election]

ORDINANCE NO. 09-1024

AN ORDINANCE of the City Council of the City of SeaTac, Washington, adding a new Chapter 12.12 to the SeaTac Municipal Code, related to Surface and Stormwater—Illicit Discharge, Detection, and Elimination.

WHEREAS, urban areas that collect stormwater runoff in municipal storm drainage systems and discharge it to surface waters are required to have a permit (NPDES permit) under the Federal Clean Water Act;

WHEREAS, the Department of Ecology (DOE) develops and administers National Pollution Discharge Elimination System (NPDES) municipal stormwater permits in Washington State pursuant to delegated authority from the Environmental Protection Agency;

WHEREAS, DOE issued Phase II NPDES municipal stormwater permits in January of 2007, and such permits govern at least 80 cities, including the City of SeaTac;

WHEREAS, the Phase II NPDES permit requires the City of SeaTac to adopt Illicit Discharge Detection and Elimination regulations that:

1. Prohibit non-stormwater, illicit discharges and/or dumping into the City's stormwater system;
2. Identify allowable discharges;
3. Identify the discharges allowed under certain conditions;
4. Prohibit illicit connections to the City's stormwater system;
5. Define terms used in the code to be consistent with those in the permit;
6. Provide administrative procedures within the limits of state and federal law to investigate the source of illicit discharges into the City's stormwater system, including procedures for inspections to identify sources of illicit discharges; and
7. Include escalating enforcement and legal actions to ensure removal of the source or illicit connection if it is not eliminated by the responsible party; and

WHEREAS, the Illicit Discharge Detection and Elimination regulations must be adopted by August 16, 2009; and

WHEREAS, the health, safety and welfare of the citizens of the City of SeaTac are best served by measures that ensure water quality standards and help protect receiving waters and their beneficial uses;

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

Section 1. A new Chapter 12.12, entitled “Surface and Stormwater--Illicit Discharge Detection and Elimination” is hereby added to the SeaTac Municipal Code to read as follows:

Chapter 12.12
Surface and Stormwater--Illicit Discharge Detection and Elimination

12.12.010 Definitions.

For the purposes of this chapter, the following shall mean:

(A) AKART – All Known, Available, and Reasonable methods of prevention, control, and Treatment. See also the State Water Pollution Control Act, sections 90.48.010 RCW and 90.48.520 RCW.

(B) “Best management practices (BMPs)” mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(C) “Clean Water Act” means the federal Water Pollution Control Act (33 USC Section 1251 et seq.), and any subsequent amendments thereto.

(D) “Director” means the Director of the Department of Public Works and/or designees.

(E) “Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(F) “Hyperchlorinated” means water that contains more than 10mg/Liter chlorine.

(G) “Illicit discharge” means any direct or indirect non-stormwater discharge to the City’s storm drain system, except as expressly allowed by this chapter.

(H) “Illicit connection” means any man-made connection to the City’s storm drain system without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate stormwater system.

(I) “Municipal separate stormwater system” (MS4) means a conveyance or system of conveyances (including roads with ditches, man-made channels, or storm drains):

(a) Owned or operated by the City of SeaTac;

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not part of a Publicly Owned Treatment Works (POTW). “POTW” means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned; and

(d) Which is not a combined sewer. “Combined sewer” means a system that collects sanitary sewage and stormwater in a single sewer system.

(J) “National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit” means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(K) “Non-stormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

(L) “Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law.

(M) “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(N) “Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

(O) “Storm drainage system” means publicly owned facilities, including the City’s municipal separate stormwater system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(P) “Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

(Q) “Stormwater pollution prevention plan” means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

12.12.020 Prohibited discharges.

(A) Illicit discharges are prohibited. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge into the City’s storm drainage system any materials, including hazardous materials and pollutants, other than stormwater.

(B) Examples of prohibited contaminants include but are not limited to the following:

- (1) Trash or debris;
- (2) Construction materials;
- (3) Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;
- (4) Antifreeze and other automotive products;
- (5) Metals in either particulate or dissolved form;
- (6) Flammable or explosive materials;
- (7) Radioactive material;
- (8) Batteries;
- (9) Acids, alkalis, or bases;
- (10) Paints, stains, resins, lacquers, or varnishes;

- (11) Degreasers and/or solvents;
- (12) Drain cleaners;
- (13) Pesticides, herbicides, or fertilizers;
- (14) Steam cleaning wastes;
- (15) Soaps, detergents, or ammonia;
- (16) Swimming pool or spa filter backwash;
- (17) Chlorine, bromine, or other disinfectants;
- (18) Heated water;
- (19) Domestic animal wastes;
- (20) Sewage;
- (21) Recreational vehicle waste;
- (22) Animal carcasses;
- (23) Food wastes;
- (24) Bark and other fibrous materials;
- (25) Lawn clippings, leaves, or branches;
- (26) Silt, sediment, concrete, cement or gravel;
- (27) Dyes;
- (28) Chemicals not normally found in uncontaminated water;
- (29) Any other process-associated discharge except as otherwise allowed in this section; and
- (30) Any hazardous material or waste not listed above.

12.12.030 Allowable discharges.

A. The following types of discharges shall not be considered illicit discharges for the purposes of this Chapter:

- (1) Diverted stream flows;
- (2) Rising ground waters;
- (3) Uncontaminated ground water infiltration—as defined in 40 CFR 35.2005(20);
- (4) Uncontaminated pumped ground water;
- (5) Foundation drains;
- (6) Air conditioning condensation;
- (7) Irrigation water from agricultural sources that is commingled with urban stormwater;
- (8) Springs;
- (9) Water from crawl space pumps;
- (10) Footing drains;
- (11) Flows from riparian habitats and wetlands; and
- (12) Discharge from emergency fire fighting activities.

12.12.040 Conditional discharges.

A. The following types of discharges shall not be considered illicit discharges for the purposes of this Chapter if they meet the stated conditions:

- (1) Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system;
- (2) Lawn watering and other irrigation runoff are permitted but shall be minimized through, at a minimum, public education activities and water conservation efforts;
- (3) De-chlorinated swimming pool discharges. These discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system;
- (4) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street;

(5) Non-stormwater discharges covered by another NPDES permit, provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted for any discharge to the storm drain system; and

(6) Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the City, which addresses control of such discharges by applying AKART to prevent contaminants from entering the MS4.

12.12.050 Prohibition of illicit connections.

(A) The construction, use, maintenance, or continued existence of illicit connections to the City's storm drainage system is prohibited.

(B) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(C) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

12.12.060 Inspection authority.

Whenever implementing the provisions of this Chapter or whenever there is cause to believe that a violation of this Chapter has been or is being committed, the Director is authorized to inspect during regular working hours and at other reasonable times all stormwater drainage systems within SeaTac to determine compliance with the provisions of this Chapter.

12.12.070 Inspection procedures.

The City of SeaTac shall investigate illicit discharges in an effort to identify the source. If such discharges are tracked to a specific connection to the public stormwater drainage system, or directly to surface water or groundwater, inspection and investigation of that site will be initiated in compliance with State law.

12.12.080 Violations and remedies.

(A) The violation of or failure to comply with any of the provisions of this chapter is unlawful. The remedies and penalties provided in this section, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law.

(B) If a violation of this Chapter presents an imminent and material risk of danger to persons, property or the public health, safety or welfare, the City may take any action as may be necessary to protect the persons, property or public. The City may assess any cost incurred by the City against the person that is responsible for the violation.

(C) The City may pursue any remedy available at law or in equity, including, but not limited to, the following:

(1) Nuisance: A violation of this Chapter is a nuisance, which may be abated in the manner provided by SMC 1.15.175(B).

(2) Injunction, mandamus or order: The City may institute a civil action for an injunction, writ of mandamus or order with respect to a violation of this Chapter.

(3) Code Enforcement: The City may institute Code Enforcement action pursuant to Chapter 1.15 of the SeaTac Municipal Code, and shall be remedied in accordance SMC 1.15.045 through 1.15.075 by way of correction agreement and/or notice of infraction.

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

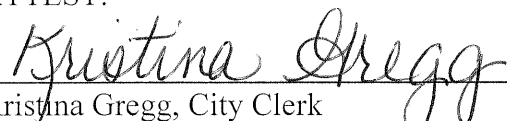
Section 3. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication as required by law.

ADOPTED this 11th day of August, 2009 and signed in authentication thereof on this 11th day of August, 2009.

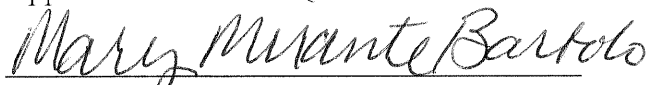
CITY OF SEATAC


Ralph Shape, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary Mirante Bartolo, City Attorney

[Effective Date: 8/22/09]

[IDDE Ordinance]

ORDINANCE NO. 09-1025

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Chapter 6.05 of the SeaTac Municipal Code to add section 6.05.055 relating to animal sanitation.

WHEREAS, the City contracts with King County Animal Control (KCAC) for animal control services; and

WHEREAS, City of SeaTac Municipal Code does not provide for offenses relating to animal sanitation; and

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

Section 1. A new section 6.05.055 is hereby added to the SeaTac Municipal Code, to read as follows:

6.05.055 Offenses relating to sanitation.

It is unlawful for any person who has under his/her control or care any animal to:

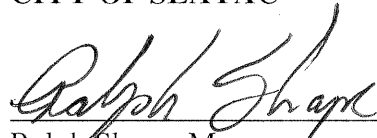
- A. Fail to remove the fecal matter deposited by the animal under his/her control or care on public property, public easements, or private property of another before the owner or person who has control or care of the animal leaves the immediate area where the fecal matter was deposited.
- B. Fail to have in his/her possession equipment such as a plastic bag or other means of conveyance necessary to remove his/her animal's fecal matter when said animal deposits fecal matter on public property, public easement or another's private property.
- C. A violation of this section shall be a civil infraction with a monetary penalty of one-hundred dollars (\$100.00), not including statutory assessments.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared void or invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 11th day of August, 2009, and signed in authentication thereof on this 11th day of August, 2009.

CITY OF SEATAC



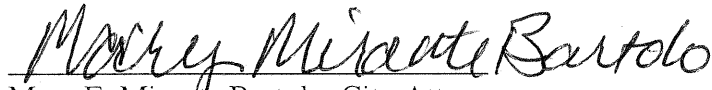
Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 8/22/09]

[Animal Sanitation Ordinance, SMC 6.05.055]

ORDINANCE NO. 09-1026

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2009 Annual City Budget for miscellaneous items.

WHEREAS, the SeaTac City Council has reviewed agenda bill #3134 submitted by the Finance Department which details certain expenditures not fully provided for in the 2009 Budget, or any subsequent budget amendments in the General Fund (Fund #001), the Street Fund (Fund #102), the Des Moines Creek Basin ILA Fund (Fund #111), the Surface Water Management Fund (Fund #403), and the Surface Water Management Construction Fund (Fund #406); and

WHEREAS, amendment to the City's 2009 Annual City Budget is necessary to provide additional appropriation authority to fund certain expenditures identified in agenda bill #3134;

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

Section 1. The 2009 Annual City Budget shall be amended to increase the total General Fund expenditures by \$275,000.

Section 2. The 2009 Annual City Budget shall be amended to increase the total Street Fund expenditures by \$475,001.

Section 3. The 2009 Annual City Budget shall be amended to increase the total Des Moines Creek Basin ILA Fund revenues by \$3,077,174 and increase expenditures by \$1,406,557.

Section 4. The 2009 Annual City Budget shall be amended to increase the total Surface Water Management Fund expenditures by \$1,000,000.

Section 5. The 2009 Annual City Budget shall be amended to increase the total Surface Water Management Construction Fund revenues by \$577,478 and increase expenditures by \$1,309,295.

Section 6. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 8th day of September, 2009, and signed in authentication thereof on this 8th day of September, 2009.

CITY OF SEATAC

Ralph Shape
Ralph Shape, Mayor

ATTEST:

Kristina Gregg
Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo
Mary E. Mirante Bartolo, City Attorney

[Effective Date: 9/19/09]

[2009 Budget Amendment for Miscellaneous Items]

ORDINANCE NO. 09-1027

AN ORDINANCE of the City Council of the City of SeaTac, Washington surplusing real property to the Port of Seattle and formally relinquishing any right of first refusal related to the former SR-509 right-of-way that overlap former 18th Avenue South.

WHEREAS, the City Council approved a Memorandum of Understanding with the South Correctional Entity (SCORE) on June 9, 2009, that provided that the City Council would consider transferring 18th Avenue South (“the property”) to the Port of Seattle, so that the Port could allow SCORE to access the site of a new jail facility currently being constructed; and

WHEREAS, the transfer of 18th Avenue South was addressed in the 2005 ILA between the City and the Port, and the City has been compensated by the Port for the property; and

WHEREAS, the City vacated 18th Avenue South by Ordinance 09-1022, and therefore the property is no longer deemed City right-of-way; and

WHEREAS, the City Council has determined that the property is surplus to the needs of the City; and

WHEREAS, the City Council has determined that it is also appropriate to relinquish any right of first refusal for old SR-509 right-of-way that overlaps the property;

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

Section 1. The real property formerly known as 18th Avenue South, located between South 208th Street and South 200th Street, and that is more particularly identified in Exhibit A and Exhibit B to this Ordinance, is hereby declared as surplus to the needs of the City.

Section 2. The property declared surplus in Section 1 of this Ordinance shall be transferred, upon acceptance, to the Port of Seattle.

Section 3. The City Manager is hereby authorized to execute any documents on behalf of the City to effectuate the transfer of property to the Port of Seattle as set forth in Section 2 of this Ordinance.

Section 4. The City of SeaTac hereby relinquishes any rights of first refusal as to SR-509 right-of-way designated by the Washington State Department of Transportation that overlaps the property identified in Section 1 of this Ordinance.

Section 5. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

Section 6. This Ordinance shall not be codified and shall be in full force and effect five (5) days after passage and publication as required by law.

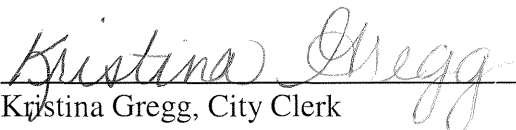
ADOPTED this 22nd day of September, 2009, and signed in authentication thereof on this 22nd day of September, 2009.

CITY OF SEATAC



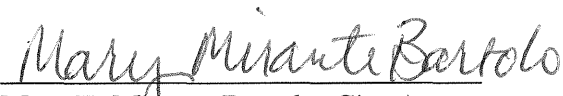
Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 10/3/09]

[18th Avenue Surplus]

EXHIBIT A

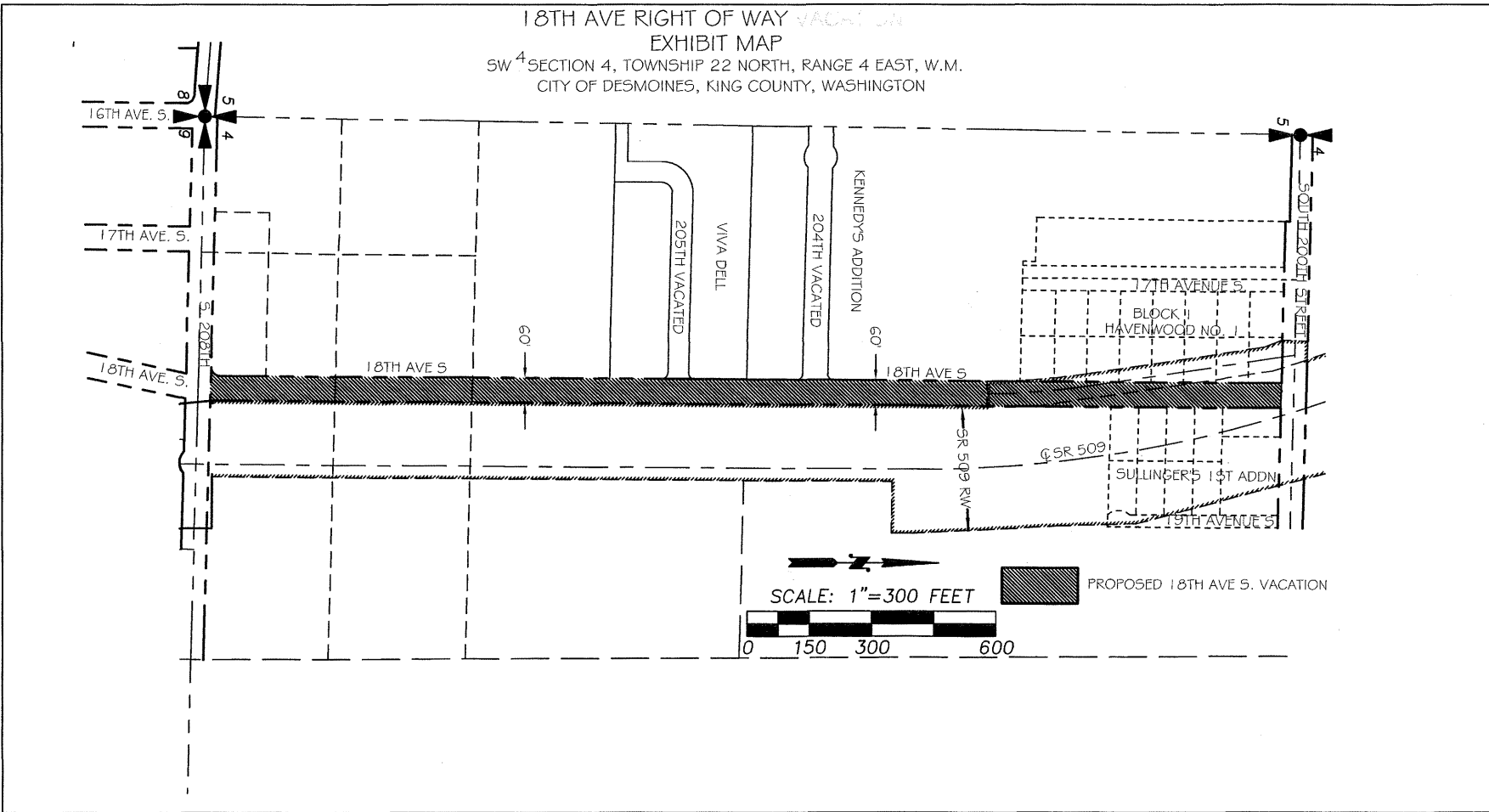


Exhibit B

Description

All that portion of the 60-foot former right-of-way known as 18th Avenue South lying southerly of South 200th Street and northerly of South 208th Street. Situated in the Southwest Quarter of Section 4, Township 22 North, Range 4 East, W.M., City of SeaTac, King County, Washington.

This portion of the 18th Avenue South right-of-way was vacated by SeaTac Ordinance 09-1022.

ORDINANCE NO. 09-1028

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to eminent domain; declaring public use and necessity for land and property to be condemned as required for the Airport Station Area Parking Garage Project; providing for the condemnation, appropriation, taking, and damaging of property rights necessary therefore; authorizing the City Attorney to file a petition for condemnation in King County Superior Court and to prosecute the same.

THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO

ORDAIN as follows:

Section 1. Recitals

- 1.1 The City of SeaTac (“City”) is a Washington municipal corporation located in King County, Washington.
- 1.2 The City spent over 18 months developing an Action Plan for the area properties in the vicinity of the Sound Transit Light Rail Station at South 176th Street and International Boulevard (“Airport Station”). This Action Plan was subject to a public hearing and was discussed at numerous open houses and public meetings, including Planning Commission Meetings, Land Use and Parks Committee Meetings, and at least six City Council Meetings.
- 1.3 The City adopted the SeaTac/Airport Station Area Action Plan (“Station Area Plan”) in December 2006.
- 1.4 The Station Area Plan focuses on the area properties in the vicinity of the Sound Transit Light Rail Station at South 176th Street and International Boulevard (“Airport Station”).
- 1.5 The purpose of the Station Area Plan is to encourage transit and pedestrian friendly redevelopment of the Airport Station area. One of the components of the Station Area Plan is the City’s development of a City parking garage in direct proximity to the Airport Station.
- 1.6 Sound Transit Light Rail will serve the Airport Station by December 2009.

- 1.7 The introduction of light rail at the Airport Station is an opportunity to encourage redevelopment of the areas surrounding the Station to in order to achieve goals set forth in both the City’s Comprehensive Plan and Station Area Plan.
- 1.8 Sound Transit will construct a pedestrian overpass across International Boulevard from the Airport Station; and, construct a public plaza on the northeast corner of S. 176th St. and International Boulevard.
- 1.9 A Community Access Point (“Kiss and Ride”) and the pedestrian overpass (including elevator building) will be integrated with other amenities planned for in the new plaza, including public art.
- 1.10 Insufficient off-street public parking will retard growth and development in the City Center.
- 1.11 The Station Area Plan Action Step PI-6 specifically states that the City “should consider constructing a public parking structure in the SeaTac/Airport Station Area to support new uses.”
- 1.11 The City intends to construct a public parking garage in the Airport Station Area, consistent with the Station Area Plan. Certain lands and properties must be acquired in order to provide the necessary property for construction and operation of the public parking garage.
- 1.12 The City has made efforts to acquire the property necessary for this public use by negotiation and agreement, however to date such efforts have been unsuccessful.
- 1.13 It is the intent of this Ordinance to authorize condemnation proceedings, but maintain the continued opportunity to acquire the property through a negotiated acquisition.

Section 2. Public Use and Necessity.

The City Council hereby recognizes and finds that the public necessity and convenience demand that real property described in the attached Exhibit “A” and generally located on the drawing attached as Exhibit “B”, which are incorporated herein by this reference as if fully set forth, is necessary to the public use for the City’s Airport Station Area Parking Garage Project.

Section 3. Property for Public Use—Just Compensation.

All lands, rights, privileges and other property lying within the limits of the land described in Exhibit "A" hereof are hereby condemned, appropriated, taken and damaged for the purpose of the Project and other public use; and, all lands, rights, privileges and other properties are to be taken, damaged and appropriated only after just compensation has been made, or paid into court, for the owners thereof in a manner provided by law.

Section 4. **Reservation.**

Nothing in this ordinance limits the City in its identification and acquisition of property and property rights necessary for the Project. The City reserves the right to acquire other or different properties for the Project. Nothing in this ordinance shall be construed as a waiver by the City of SeaTac of its right to decline to take and pay for said land and properties after the amount of damages has been ascertained and within the time allowed by law.

Section 5. **Funding.**

The entire costs of the Project and the acquisition provided by this Ordinance shall be paid from the City's general fund, or from other such funds of the City of SeaTac as may be provided by law.

Section 6. **Prosecution.**

6.1 The City Attorney, and any Special Assistant City Attorneys, is hereby authorized and directed to commence condemnation proceedings against the owners or reputed owners of the above described lands and improvements as provided by law, to prepare the necessary petition in condemnation and to commence and prosecute such action in the Superior Court of Washington in and for the County of King against all of the owners or reputed owners of the above described property and to acquire title thereof for the City of SeaTac, and in such proceedings to ascertain the just compensation for taking or damaging such property. In conducting said condemnation proceedings, the Office of the City Attorney is hereby authorized to enter into stipulations for the purpose of

minimizing damages, including the reduction in area of land or modification of the interest to be acquired by the City.

6.2 The City Manager, in consultation with the City's legal counsel, is authorized to make minor amendments to the legal description of properties described in the attached Exhibit "A" as may become necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property required for the Project.

Section 7. Codification.

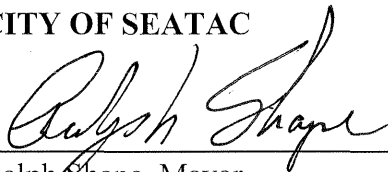
This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 8. Effective Date.

This Ordinance shall be in full force and effect five (5) days after passage and publication as provided by law.

ADOPTED this 22nd day of September, 2009, and signed in authentication thereof on this 22nd day of September, 2009.

CITY OF SEATAC




Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Airport Station Area Eminent Domain]

[Effective Date: 10/3/09]

Exhibit A

Parcel #1--Tax Parcel 282304-9135 (entire parcel)

A tract of land in the southeast quarter of the southeast quarter of Section 28, Township 23 North, Range 4 East, W.M., in King County, Washington, more particularly described as follows:

Commencing at the southeast corner of said Section 28;
Thence north $88^{\circ}25'29''$ west along the south line of said section 664.65 feet;
Thence north $1^{\circ}19'50''$ east 340 feet to the TRUE POINT OF BEGINNING;
Thence continuing north $1^{\circ}19'50''$ east 180 feet;
Thence north $88^{\circ}25'29''$ west 102.30 feet;
Thence south $1^{\circ}23'04''$ west 180 feet;
Thence south $88^{\circ}25'29''$ east 102.47 feet to the point of beginning;

Parcel #2--Tax Parcel 282304-9180

A strip of land, 3.53 feet wide and 178.46 feet long, lying south of the southerly most line of Tax Parcel 2823049180, in the SE quarter of the SE quarter of Section 28, Township 23 North, Range 4 East, W.M., in City of SeaTac, King County, Washington. Tax parcel 2823049180 is more particularly described as follows:

A tract of land in the southeast quarter of the southeast quarter of Section 28, Township 23 North, Range 4 East, W.M., in King County, Washington, more particularly described as follows:

Commencing at the southeast corner of said Section 28;
Thence north $88^{\circ}25'29''$ west along the south line of said section 664.65 feet;
Thence north $1^{\circ}19'50''$ east 520.00 feet to the TRUE POINT OF BEGINNING;
Thence north $88^{\circ}25'29''$ west 102.30 feet;
Thence south $1^{\circ}23'04''$ west 180.00 feet;
Thence north $88^{\circ}25'29''$ west 3.53 feet;
Thence north $1^{\circ}23'04''$ east 178.46 feet;
Thence north $88^{\circ}13'10''$ west 292.94 feet to the easterly margin of Pacific Highway South;
Thence north $1^{\circ}44'29''$ west along said easterly margin 103.70 feet to a point of curve;
Thence continuing along said easterly margin on a curve to the right having a radius of 5,680.00 feet through a central angle of $1^{\circ}30'25''$ an arc distance of 149.39 feet;
Thence south $88^{\circ}13'10''$ east 410.38 feet;
Thence south $1^{\circ}19'50''$ west 250.81 feet to the point of beginning.

Parcel #3--Tax Parcel 282304-9181 (entire parcel)

Beginning at the northeast corner of the west half of the southeast quarter of southeast quarter of Section 28, Township 23 North, Range 4 East, W.M., in King County, Washington, described as follows:

Thence south $0^{\circ}37'$ east 792.5 feet along the easterly line of said subdivision;

Thence south $89^{\circ}50'$ west 101.82 feet to a point north $89^{\circ}50'$ east 230 feet from the west line of the east half of the west half of the southeast quarter of the southeast quarter of said section and the TRUE POINT OF BEGINNING;

Thence north $89^{\circ}50'$ east 101.82 feet;

Thence south $0^{\circ}37'$ east 494.64 feet along the east line of the west half of the southeast quarter of the southeast quarter of said section to the north line of the county road;

Thence westerly along the county road 102.34 feet to a point 230 feet east of the west line of the east half of the west half of the southeast quarter of the southeast quarter;

Thence north to the TRUE POINT OF BEGINNING;

EXCEPT the north 180 feet as measured along the east line;

AND EXCEPT the south 192.00 feet as measured along the east line, with the north line of said excepted parcel being parallel to the south line of said parcel.

Parcel#4--Tax Parcel 282304-9095 (entire parcel)

That portion southeast quarter of the southeast quarter of Section 28, Township 23 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the southeast corner of said section;

Thence north $88^{\circ}25'29''$ west, along the south line of said section, 664.65 feet;

Thence north $01^{\circ}19'50''$ east 340.00 feet;

Thence north $88^{\circ}25'29''$ west 102.47 feet to the east line of the west 230 feet in width of the east one half of the west one half of the southeast quarter of the southeast quarter of said section and the TRUE POINT OF BEGINNING;

Thence south $01^{\circ}23'04''$ west, along said east line, 160.05 feet to the north line of the south 179.95 feet in width of said section;

Thence north $88^{\circ}25'29''$ west, Along said north line, 140.00 feet to the northeast corner of that certain tract of land conveyed to Ralph J. Harris and Margarete Ann Harris by instrument recorded under King County Recording Number 4934433;

Thence continuing north $88^{\circ}25'29''$ west, along said north line, 137.93 feet to the east margin of Pacific Highway South (now International Boulevard South), presently 100.00 feet in width;

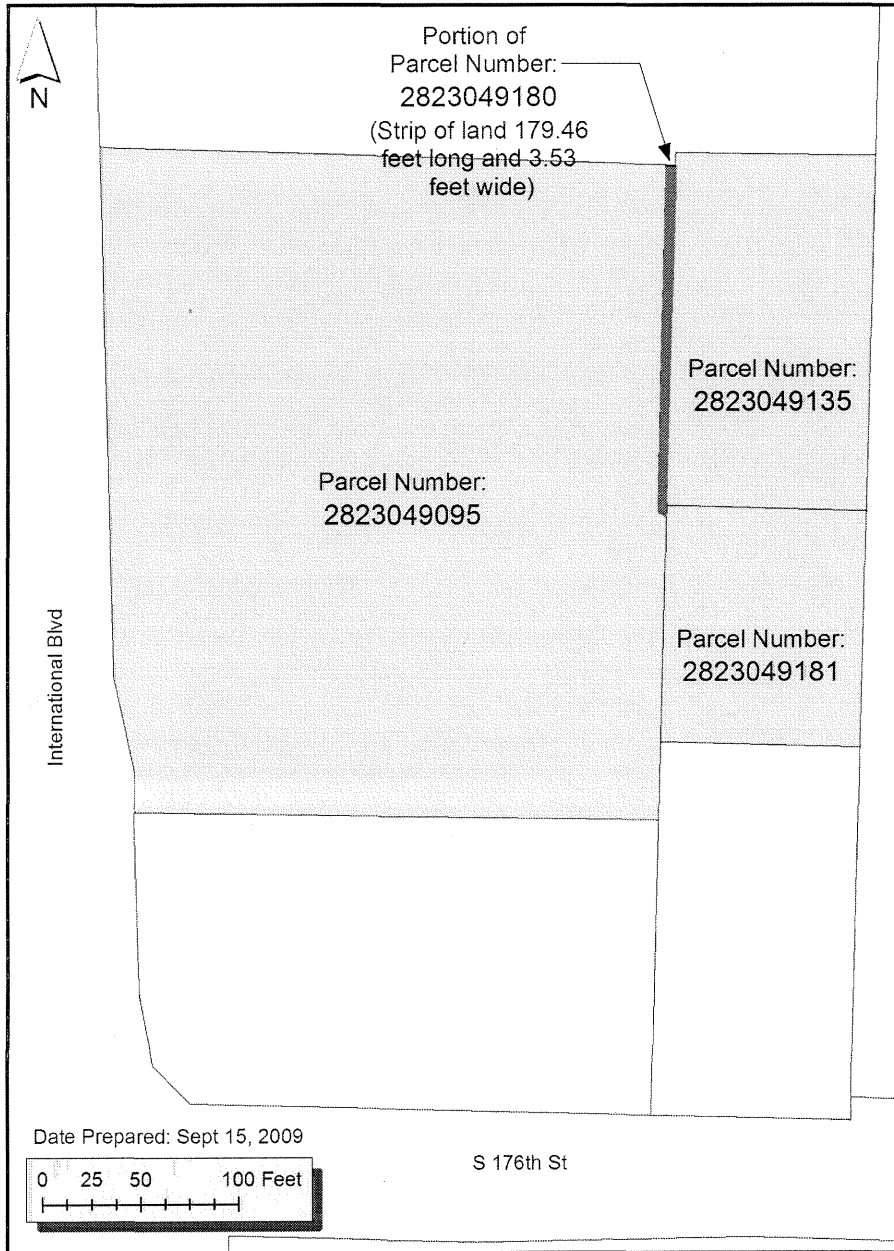
Thence north 01°44'29" west, along said highway margin, 340.13 feet;
Thence south 88°13'10" east 292.94 feet;
Thence south 01°23'04" west 178.46 feet;
Thence south 88°25'29" east 3.53 feet to the TRUE POINT OF
BEGINNING;

EXCEPT that portion conveyed to the City of SeaTac for road by deed recorded under Recording Number 19990902001108, a correction deed for instrument recorded under recording Number 9612161138;

AND EXCEPT any portion thereof lying within that certain tract of land conveyed to Inn Operations, Inc. by instrument recorded under King County recording Number 6477054;
(legal continued)

AND EXCEPT that portion condemned by the Central Puget Sound Regional Transit Authority, d/b/a Sound Transit under King County Superior Court Cause No. 06-2-18272-3 by Stipulated Judgment and Decree of Appropriation recorded under King County Recording Number 200706110024732 and amended by Amended Judgment and Decree of Appropriation recorded under recording Number 20080220001019.
END OF SCHEDULE A

Exhibit B



ORDINANCE NO. 09-1029

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Section 15.35.150, to allow hotels as a conditional use in the UH-900 zone within the City Center Overlay.

WHEREAS, it is appropriate to amend the City's development regulations regarding, conditional uses within the UH 900 zone; and

WHEREAS, the Growth Management Act requires regular review and update of development regulations which implement the City's Comprehensive Plan; and

WHEREAS, regular review and update of the Zoning Code ensures that development regulations are responsive to the needs of the City; and

WHEREAS, in reviewing the Zoning Code, SMC section 15.35.150 Retail/Commercial Uses requires amending; and

WHEREAS, the Planning Commission has reviewed the aforesaid changes to development regulations, has held a public hearing for the purpose of soliciting public comment in regard this Zoning Code change, and has recommended the amendment be adopted by the Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC,

WASHINGTON DO ORDAIN as follows:

Section 1. Section 15.35.150 of the SeaTac Municipal Code is hereby amended to read as follows:

15.35.150 Retail/Commercial Uses

ZONES:

P – Park

UM – Urban Medium Density

UH – Urban High Density

UH-UCR – Urban High-Urban Center Residential

NB – Neighborhood Business

CB-C – Urban Center

ABC – Aviation Business Center

I – Industrial/Manufacturing

O/CM – Office/Commercial Medium

O/C/MU – Office/Commercial/Mixed Use

T – Townhouse

P – Permitted Use; C – Conditional Use Permit

USE #	LAND USE	ZONES										
		P	UM	UH	UH-UCR	NB	CB-C	ABC	I	O/CM	O/C/MU	T
RETAIL/COMMERCIAL USES												
101	Hotel/Motel and Associated Uses			C (11, 12,13,14)		P	P	P		P	C	
102	Forest Products					P(3)	P(3)	P(3)	C(1)	P(3)		
103	Hardware/Garden Material					P	P			P(6)	P(6)	
104	Department/Variety Store					P	P	P		P(6)	P(6)	
105	Food Store			P(8)	P(6)	P	P	P		P(6)	P(6)	
106	Agricultural Crop Sales (Farm Only)					P	P					
107	Auto/Boat Dealer						P(2)		P	C(2)		
108	Auto Supply Store					P	P(6)		P	C(6)	C(6)	
109	Gasoline/Service Station					C	P		P			
109.1	Mobile Refueling Operation	P(9)	P(9)	P(9)	P(9)	P(9)	P(10)	P(10)	P(10)	P(10)	P(9)	P(9)
110	Apparel/Accessory Store			P(7)	P(6)		P	P(2)		P(6)	P(6)	
111	Furniture Store				P(6)		P			P(6)	P(6)	
112	Fast Food/Restaurant			C(2,4)	P(4,6)		P	P	P	P(4,6)	P(4,6)	
112.1	Retail Food Shop			P(8)	P(6)	P	P	P		P(6)	P(6)	
112.2	Tavern				P(6)	P(8)	P	P		P(6)	C	
113	Drug Store			P(7)	P(6)	P	P	P		P(6)	P(6)	
114	Liquor Store						P			P	C	
115	Antique/Secondhand Store				P(6)	P	P			P(6)	P(6)	
116	Sporting Goods and Related Stores				P(6)	P	P	P		P(6)	P(6)	
117	Media Material			P(7)	P(6)	P	P	P		P(6)	P(6)	
118	Jewelry Store			P(7)	P(6)	P	P	P		P(6)	P(6)	
119	Hobby/Toy Store			P(7)	P(6)	P	P	P		P(6)	P(6)	
120	Photographic and Electronic Store				P(6)	P	P	P		P(6)	P(6)	
121	Fabric Store			P(7)	P(6)		P	P		P(6)	P(6)	
122	Florist Shop			P(7)	P(6)	P	P	P		P(6)	P(6)	
123	Pet Store				P(6)		P			P(6)	P(6)	

124	Wholesale/Bulk Store					C	C	P	C(6)	P(6)	
125	Beauty Salon		P(8)	P(6)	P	P	P		C(6)	P(6)	
125.1	Laundromat		P(7)	P	P	P			P	P(6)	
125.2	Espresso Stand		P(2)	P	P	P	P	P	P	P(6)	
125.3	Comm. Marine Supply				C	P		P			
126	Other Retail Uses		P(7)	P(6)	C	P	C		P	C	
127	Adult Entertainment					C(5)	C(5)	C(5)			

- (1) Forest product related businesses shall provide the following:
 - a. Minimum of ten (10) acres;
 - b. Access to major arterial; and
 - c. Minimum thirty (30) foot buffers around the perimeter of property (Type II landscaping).
- (2) Accessory to primary use not to exceed twenty percent (20%) of primary use.
- (3) Temporary forest product sales related to holidays. Merchandise limited to Christmas trees, wreaths, herbs and associated decorations.
- (4) No fast food restaurants with drive-through facilities allowed.
- (5) See SMC 15.29.010.
- (6) Permitted as part of a mixed use development, as described in SMC 15.35.610.
- (7) Small, resident-oriented uses only, as part of a residential mixed use project.
- (8) Small, resident-oriented uses only.
- (9) Permitted only to refuel heavy equipment at a construction site, subject to the criteria under SMC 15.13.103.
- (10) Subject to the criteria under SMC 15.13.102.
- (11) Only allowed on UH zoned properties south of S. 184th Street.
- (12) The maximum height allowed is thirty (30) feet.
- (13) The maximum number of hotel rooms may not exceed 130 rooms.
- (14) Conference or meeting facilities may not be expanded.

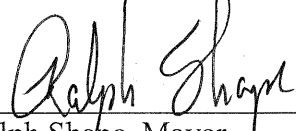
Section 3 The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 4. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 5. The Ordinance shall be effective five (5) days after passage and publication.

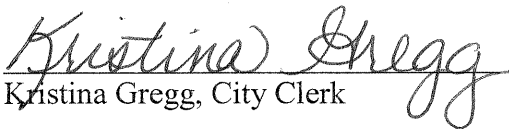
ADOPTED this 22nd day of September, 2009, and signed in authentication thereof on this 22nd day of September, 2009.

CITY OF SEATAK



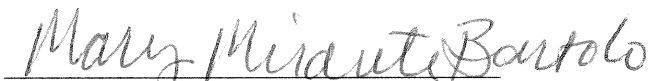
Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Effective Date 10/3/09]

[Retail/Commercial Use Chart Ordinance]

ORDINANCE NO. 09-1030

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2009 Annual City Budget by increasing expenditures in Fund 107, the Hotel/Motel Tax Fund, to provide additional funding for Seattle Southside Visitor Services.

WHEREAS, it is appropriate to provide an additional \$40,000 in funding for Seattle Southside Visitor Services, as outlined in Agenda Bill #3146; and

WHEREAS, amendment to the City's 2009 Annual City Budget is necessary to provide additional appropriation authority to fund certain expenditures identified in agenda bill #3146;

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

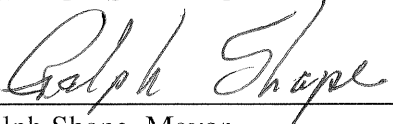
Section 1. The 2009 Annual City Budget shall be amended to increase the expenditures in Fund 107, the Hotel/Motel Tax Fund, by \$40,000.

Section 2. The City Council authorizes the expenditure of \$40,000 to Seattle Southside Visitor Services, to be paid through BARS # 107.000.03.557.30.41.097.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 13th day of October, 2009, and signed in authentication thereof on this 13th day of October, 2009.

CITY OF SEATAC



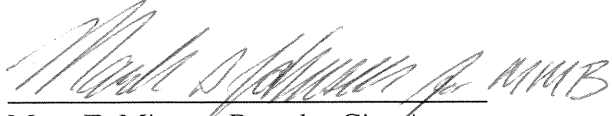
Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: October 24, 2009]

[2009 Budget Amendment Fund 107]

ORDINANCE NO. 09-1031

AN ORDINANCE of the City Council of the City of SeaTac, Washington, rescinding Resolution 09-015, and authorizing the creation of a Police Confidential Imprest Fund and a Farmers Market Imprest Fund.

WHEREAS, the City currently maintains a Police Confidential Imprest Fund to record and account for the use of assets and funds resulting from seizure and forfeiture of property involved in transactions violating the Uniform Controlled Substances Act, using the forfeited property and net proceeds received for expansion and improvement of drug enforcement activity in the City; and

WHEREAS, the City also currently maintains a Farmers Market Imprest Fund to reimburse participating vendors for the coupons they have accepted for \$2 discounts on purchases made at their respective booths, and to give change as necessary for cash payments received for Market space rentals; and

WHEREAS, State law requires authorization by the governing body to create imprest funds.

WHEREAS, the SeaTac City Council passed Resolution 09-015 on September 8, 2009, with the intention of establishing a Police Confidential Imprest Fund and a Farmers Market Imprest Fund; and

WHEREAS, it has been subsequently determined that this action should have been accomplished by ordinance rather than by resolution;

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

Section 1. The City of SeaTac City Council rescinds Resolution 09-015, passed on September 8, 2009.

Section 2. The City of SeaTac City Council authorizes the creation of a Police Confidential Imprest Fund.

Section 3. The City of SeaTac City Council also authorizes the creation of a Farmers Market Imprest Fund.

Section 4. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.


ADOPTED this 3rd day of November, 2009, and signed in authentication thereof on this 3rd day of November, 2009.

CITY OF SEATAC



Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante-Bartolo, City Attorney

[Effective Date: 11/14/09]

[Creation of Imprest Funds]

ORDINANCE NO. 09-1032

AN ORDINANCE of the City Council of the City of SeaTac, Washington, adopting the Annual Budget for the year 2010 and appropriating funds for the estimated expenditures.

WHEREAS, State Law, Chapter 35A.33 RCW requires the City to adopt an annual budget and provides procedures for the filing of estimates, a preliminary budget, deliberations, a public hearing, and final fixing of the budget; and

WHEREAS, a preliminary budget for the fiscal year 2010 has been prepared and filed; a public hearing has been held for the purpose of fixing the final budget; and the City Council has deliberated and has made adjustments and changes deemed necessary and proper;

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

Section 1. The 2010 Annual Budget for the City of SeaTac, covering the period from January 1, 2010, through December 31, 2010, is hereby adopted by reference with appropriations in the amount of \$76,302,333.

Section 2. The budget sets forth totals of estimated appropriations for each separate fund, and the aggregate totals for all such funds. The said budget appropriation, in summary by fund and aggregate total of the City of SeaTac are as follows:

<u>Fund Number</u>	<u>Fund Name</u>	<u>Appropriations</u>
001	General	\$ 29,208,441
102	Street	4,593,174
105	Port ILA	9,400,000
106	Transit Planning	81,660
107	Hotel/Motel Tax	1,673,391
108	Building Management	658,107
110	Facility Repair and Replacement	138,247
111	Des Moines Creek Basin ILA	735,000
201	City Hall Limited Tax G.O. Bond	427,173
202	Transportation Bond	861,353
203	Hotel/Motel Tax Bond	383,958
204	Special Assessment Debt	219,998
205	LID Guarantee	19,500
301	Municipal Capital Improvements	2,339,650
303	Fire Equipment Reserve	334,025

<u>Fund Number</u>	<u>Fund Name</u>	<u>Appropriations</u>
306	Municipal Facilities CIP	\$ 3,505,249
307	Transportation CIP	4,153,747
308	Light Rail Station Areas CIP	14,452,376
403	SWM Utility	2,081,175
406	SWM Construction	67,500
501	Equipment Rental	<u>968,609</u>
TOTAL ALL FUNDS		\$ 76,302,333

Section 3. A complete copy of the final budget as adopted herein shall be transmitted to the Division of Municipal Corporations in the Office of the State Auditor, and to the Association of Washington Cities. One complete copy of the final budget as adopted herein shall be filed with the City Clerk and shall be available for use by the public.

Section 4. This Ordinance shall be in full force and effect for the fiscal year 2010 five (5) days after passage and publication as required by law.

ADOPTED this 24th day of November, 2009, and signed in authentication thereof on this 24th day of November, 2009.

CITY OF SEATAC

Ralph Shape
Ralph Shape, Mayor

ATTEST:

Kristina Gregg
Kristina Gregg, City Clerk

Approved as to form:

Mary E. Mirante Bartolo
Mary E. Mirante Bartolo, City Attorney

[Effective Date: 12/05/09]

[2010 Annual Budget Ordinance]

ORDINANCE NO. 09-1033

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 2.10.090 of the SeaTac Municipal Code related to appointment of the Municipal Court Judge.

WHEREAS, it is appropriate to amend SMC 2.10.090 in order to align the schedule for appointing the Municipal Court Judge with RCW 3.50.090;

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

Section 1. Section 2.10.090 of the SeaTac Municipal Code is hereby amended to read as follows:

2.10.090 Judges – Appointment – Qualifications.

A. ~~Within thirty (30) days after the effective date of the Municipal Court, a~~ The term of the Municipal Court Judge who was appointed prior to the effective date of this Ordinance shall expire on December 31, 2009. Municipal Judge shall be appointed for a term of four (4) years until December 31, 1994. The term of a successor shall commence on January 1st of the year thereafter and shall continue until December 31st of the fourth year thereafter, pursuant to appointment as provided below.

B. The Municipal Judge shall be appointed by the City Manager, subject to confirmation by the City Council, for a term of four (4) years. Appointments shall be made on or before December 1st of the year next preceding the year in which the term is to commence.

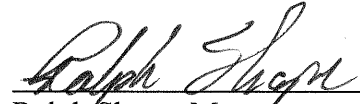
C. A person appointed as Municipal Judge shall be a citizen of the United States of America and of the State of Washington; and an attorney admitted to practice law before the courts of record of the State of Washington.

Section 2. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

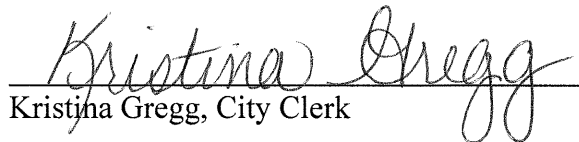
ADOPTED this 24th day of November 2009, and signed in authentication thereof on this 24th day of November, 2009.

CITY OF SEATAC



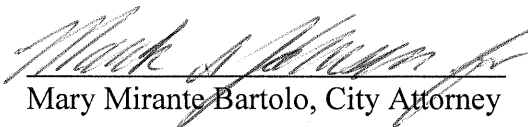
Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Effective Date: 12/05/09]

[Amend SMC 2.10.090]

ORDINANCE NO. 09-1034

AN ORDINANCE of the City Council of the City of SeaTac, Washington confirming the appointment of Elizabeth Cordi-Bejarano as the Municipal Court Judge, affixing the compensation of the Municipal Court Judge and Judges Pro-Tem, and authorizing entry into a Professional Services Contract.

WHEREAS, effective January 1, 2010, the City Manager has appointed Elizabeth Cordi-Bejarano to serve as the SeaTac Municipal Court Judge for a four-year term, pursuant to RCW 35A.13.080 (2); and

WHEREAS, the City Council deems it is appropriate to confirm the appointment made by the City Manager; and

WHEREAS, the City Council deems it appropriate to set the compensation of the Municipal Court Judge and Judges Pro-Tem at \$65.00 per hour, pursuant to RCW 3.50.080 and RCW 3.50.090; and

WHEREAS, the City Council deems it appropriate to authorize the City Manager to enter into a Professional Services Contract with Judge Cordi-Bejarano;

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

Section 1. The SeaTac City Council confirms the City Manager's appointment of Elizabeth Cordi-Bejarano to serve as Municipal Court Judge for a four-year term commencing January 1, 2010.

Section 2. The compensation of the Municipal Court Judge and Judges Pro-Tem shall be \$65.00 per hour unless a lower amount is specified in a Professional Services Agreement.

Section 3. The City Manager is authorized to enter into a Professional Services Contract with Judge Cordi-Bejarano in substantially similar form attached hereto as "Exhibit A."

Section 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

Section 5. This Ordinance shall not be codified.

Section 6. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

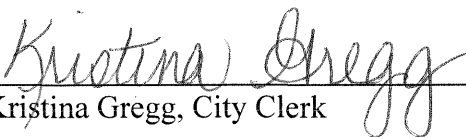
ADOPTED this 24th day of November, 2009, and signed in authentication thereof on this 24th day of November, 2009.

CITY OF SEATAC



Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Effective Date: 12/05/09]

[Municipal Court Judge 2010-2013]

**EMPLOYMENT AGREEMENT
MUNICIPAL COURT JUDGE
FOR THE
CITY OF SEATAC**

This Employment Agreement effective January 1, 2010 is made by and between the City of SeaTac, Washington, a municipal corporation, hereinafter referred to as the "City", and Elizabeth Cordi-Bejarano, hereinafter referred to as the "Municipal Court Judge" or "Judge".

WHEREAS, Elizabeth Cordi-Bejarano was appointed as the Municipal Court Judge for the City beginning January 1, 2008, and has been reappointed to a four year term beginning January 1, 2010, and

WHEREAS, in order to provide for the services of Judge of the Municipal Court and to establish compensation for such services, it is appropriate for the City to enter into an Employment Agreement with the Municipal Court Judge for such services;

NOW, THEREFORE, in consideration of the mutual covenants, conditions and terms contained herein, **THE PARTIES** agree as follows:

1. EMPLOYMENT:

The City hereby agrees to contract with the Municipal Court Judge to preside over the City's Municipal Court in accordance with the City Code and State statutes including Chapter 3.50 RCW, and court rules, the provisions of which are incorporated herein by this reference.

2. PROFESSIONAL REQUIREMENTS:

The Judge shall be an attorney admitted to practice law before the courts of record for the State of Washington. The Judge must immediately report to the City any change affecting his/her membership in good standing in the Washington State Bar Association.

3. SCOPE OF MUNICIPAL COURT JUDGE SERVICES:

The Judge shall at all times faithfully and to the best of his/her ability administer activities of the court, assign and hear all cases in a timely manner and fulfill obligations of the Court as established by State or local law, rule, statute, regulation and City ordinance.

The Municipal Court Judge shall be available, as needed, to preside over the Municipal Court in accordance with the provisions of Chapter 2.10 of the SeaTac Municipal Code, State statutes, and court rules. The Judge is responsible for making a good faith effort to ensure that compensated time for all Judges does not exceed an average of 32 hours per week (1664 hours per year). Furthermore, the

Municipal Court Judge shall lead an interdepartmental process to propose performance standards for the Municipal Court, and based upon the projected workload for the calendar years 2010-2013, propose modifications to the Court's organization and staffing in order to maintain or exceed adopted performance standards.

4. COMPENSATION:

The Judge shall be paid at the rate of sixty five dollars (\$65.00) per hour for time worked in Municipal Court and hours associated with the administration of the Municipal Court.

The Judge shall be paid at a rate of fifty dollars (\$50.00) per hour for time spent in approved classes and seminars to maintain current knowledge and certifications. The Judge shall not be paid for travel time to and from training classes and seminars.

The City shall pay for the cost of professional membership, required professional classes and training, including registration and travel expenses similar to those provided to City Department Directors. The Judge shall submit requests to attend professional training to the City Manager.

5. METHOD OF PAYMENT:

The Judge shall submit an invoice for compensation on a bi-monthly basis after services have been performed. An invoice, on a form approved by the City Manager, shall be submitted for hours worked for the 1st through 15th and the 16th through the end of each month to the Court Administrator.

6. INDEPENDENT CONTRACTOR:

It is the understanding of the Parties that the Judge is an independent contractor and not an employee of the City. The hourly compensation shall be the full compensation for the services provided. The Judge does not earn sick leave, vacation, or any other benefit of employment nor shall the City pay social security, State retirement or other employment taxes on behalf of the Judge. It is recognized that the Judge may be performing professional services during the term of this Agreement for other parties and the City is not the exclusive user of the services the Judge will provide. The Judge agrees not to perform professional services for other clients where a conflict of interest or ethical violation as defined in the Rules of Professional Conduct for attorneys may exist. Notwithstanding the above, it is understood that the Judge and the City may review and amend this Agreement, subject to City Council approval, should the parties mutually agree that additional compensation, such as benefits or leave, would be appropriate.

7. INDEMNIFICATION:

The Judge is a public official of the City. The City agrees to indemnify, defend and hold the Judge harmless for any and all claims, losses, actions or liabilities to or by any persons or entities including their respective agents (including attorney fees) for any acts of the Judge that are within the scope of his/her official duties to the extent provided other City officials.

The Judge agrees to indemnify, defend and hold the City harmless for any and all claims, losses, actions or liabilities to or by any persons or entities including their respective agents (including attorney fees) for any acts of the Judge that are outside the scope of his/her official duties.

8. TERM OF AGREEMENT:

The term of this Agreement shall be for a period of four (4) years beginning January 1, 2010 and ending on December 31, 2013. The Employment Agreement between the Judge and the City effective January 1, 2008 shall terminate December 31, 2009.

9. CONTRACT ADMINISTRATION:

This Agreement shall be administered by the City Manager on behalf of the City and by Elizabeth Cordi-Bejarano on behalf of the Municipal Court Judge. Any written notices to be served on either party shall be served or mailed to the following addresses:

IF TO THE CITY:

City Manager
City of SeaTac
4800 S. 188th Street
SeaTac, Washington 98188

IF TO THE JUDGE:

Elizabeth Cordi-Bejarano
1020 A Street S.E., Suite #7
Auburn, Washington 98002

10. TERMINATION OF AGREEMENT:

This Agreement may be terminated prior to the expiration date of the Agreement as follows:

By the City for any cause constituting grounds for removal of the Judge under RCW 3.50.095 or other State statutes;

By the City upon removal or suspension of the Judge by the Washington State Supreme Court;

By the Judge if he/she provides a minimum of 120 days written notice prior to his/her effective date of termination, unless otherwise mutually agreed by the parties;

By the City if it elects to terminate the Municipal Court as provided in Chapter 3.50 RCW or by contract with another jurisdiction of court services;

By the City if the position of Judge becomes full-time as defined in RCW 3.50.055 and the City is required to fill the position by election.

11. MERGER AND AMENDMENT:

This Agreement contains the entire understanding of the parties with respect to the matters set forth herein and any prior or contemporaneous understandings are merged herein. This Agreement shall not be modified except by written instruments executed by the parties hereto.

IN WITNESS WHEREOF the parties hereto do hereby execute this Agreement.

CITY OF SEATAC

MUNICIPAL COURT JUDGE

By: _____
Todd Cutts
Acting City Manager

By: _____
Elizabeth Cordi-Bejarano
Municipal Court Judge

Date: _____

Date: _____

Approved as to Form:

Mary Mirante Bartolo
City Attorney

ORDINANCE NO. 09-1035

AN ORDINANCE of the City Council of the City of SeaTac, Washington establishing an advisory tree board and related to care and preservation of trees located on public property and public right-of-ways.

WHEREAS, it is in the public interest to effectively manage and preserve the public trees and plantings within the City; and

WHEREAS, the City of SeaTac acknowledges the value of having a group of informed and concerned citizens involved in the development and administration of a comprehensive community tree management program for the care of trees and plantings in parks, public places and public right-of-ways; and

WHEREAS, the City Council deems it to be in the public interest to establish a “Tree Board” whose responsibilities are solely related to the care and preservation of trees and plantings within public spaces around the City;

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

Section 1. Purpose.

The purpose of this ordinance is to meet the obligations of the Tree City U.S.A. program and ensure the valued natural resource of public trees (and other vegetation) is maintained in a manner that ensures its viability for future generations. The City shall have the right to plant, prune, maintain, and remove trees and other plantings within all City of SeaTac right-of-ways, parks and other City properties. The criteria used to justify these standards shall be to preserve public safety and to preserve or enhance the development of public spaces. This ordinance is not intended to be used by staff or the tree board as part of any permit review process to add restrictions or conditions for building or development.

Section 2. Creation of City Tree Board.

There is hereby created an advisory Tree Board (hereinafter referred to as "Board") which shall consist of five (5) members and be made up of a combination of residents of the City and qualified City staff that shall be appointed by the Mayor and approved or confirmed by the City Council.

Section 3. Duties and Responsibilities.

It shall be the responsibility of the Board to study, investigate and develop a written plan for the care, preservation, promotion of public education, pruning, planting, replanting, removal or disposition of trees, shrubs, other vegetation that are located within public spaces, such as parks, public right-of-ways, and any other public place. A list of recommended or beneficial trees and plantings, as well as prohibited trees and plantings may be included in the plan. Such plan will be presented annually to the City Council and upon the Council's acceptance and approval shall constitute the official comprehensive City Tree Plan. The plan will be reviewed and updated as the Board determines, or as otherwise directed by the City Manager. The Board shall reserve the right to make recommendations to the various City departments to implement removal of public trees or parts of public trees that are deemed to be injurious to the general public or that are causing an interference with utilities such as overhead power or transmission lines. This may also include diseased or defective trees. The Board shall choose its own officers, make its own rules and regulations, and keep a record of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 4. Terms and Vacancies.

Members of the Board shall serve for a term of three (3) years. In the event that there is a vacancy, a qualified successor shall be appointed by the Mayor subject to confirmation by the Council. The appointed successor will then be approved by the City Council to serve the remainder of the unexpired term. The five (5) members of the Board shall be made up of a combination of residents of the City and qualified City staff that will be approved by the City Council.

Section 5. Compensation.

Members of the Board shall serve without compensation from the City for services performed.

Section 6. Council Review.

The City Council shall reserve the right to review the conduct, acts and decisions made by the Board.

Section 7. Contracted Tree Services.

All contracted tree services by any City Department shall be done through accepted bidding practices except in the event of immediate and imminent public danger. These items are subject to all normal City processes such as City Council approval for items exceeding set limits and

possession of a City business license by the selected contractors. It is recommended but not required that these contractors are certified arborists.

Section 8. Severability.

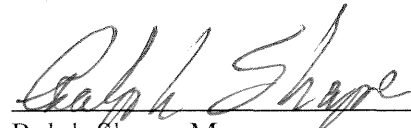
Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 9. Effective Date.

This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 24th day of November, 2009, and signed in authentication thereof on this 24th day of November, 2009.

CITY OF SEATAC



Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 12/05/09]

[Tree City USA]

ORDINANCE NO 09-1036

AN ORDINANCE of the City Council of the City of SeaTac, Washington, making a declaration of substantial need for purposes of setting the limit factor for the property tax levy for 2010.

WHEREAS, RCW 84.55.010 provides that a taxing jurisdiction may levy taxes in an amount no more than the limit factor multiplied by the highest levy of the most recent three years plus additional amounts resulting from new construction and improvements to property, newly constructed wind turbines, and any increase in the value of state-assessed utility property; and

WHEREAS, under RCW 84.55.005(2)(c), the limit factor for a taxing jurisdiction with a population of 10,000 or over is the lesser of 101 percent or 100 percent plus inflation; and

WHEREAS, RCW 84.55.005(1) defines “inflation” as the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent 12-month period by the Bureau of Economic Analysis of the federal Department of Commerce in September of the year before the taxes are payable; and

WHEREAS, “inflation” for July 2009 is -0.848 percent and the limit factor is 99.152 percent, meaning the taxes levied by the City in 2009 for collection in 2010 will decrease except for the amounts resulting from new construction and improvements to property, newly constructed wind turbines, and any increase in the value of state-assessed utility property; and

WHEREAS, RCW 84.55.0101 provides for use of a limit factor of 101 percent or less with a finding of substantial need by two-thirds of the members when the board consists of four members or less, or a majority plus one approval of the board when the board consists of more than four members; and

WHEREAS, because the downturn in the economy resulted in a significant decrease in sales tax revenue, which provides approximately one-third of the annual funding source for the General Fund, the City’s primary operating fund; and

WHEREAS, although a number of expenditure cuts and the City Council's decision to reduce their General Fund target fund balance of four months of operating expenditures to three months has significantly helped to bridge the projected gap between General Fund revenues and expenditures in 2010, this declaration of substantial need, and the resulting additional property tax revenue it provides, assists the City in its effort to strive to maintain current service levels to the citizens of SeaTac;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC,

WASHINGTON DO ORDAIN as follows:

Section 1. A finding is made of substantial need under RCW 84.55.0101, which authorizes the use of a limit factor of 101 percent for the property tax levy for 2010.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 24th day of November, 2009, and signed in authentication thereof on this 24th day of November, 2009.

CITY OF SEATAC

Ralph Shape
Ralph Shape, Mayor

ATTEST:

Kristina Gregg
Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo
Mary E. Mirante Bartolo, City Attorney

[Effective Date: 12/05/09]

[Declaration of substantial need]

ORDINANCE NO 09-1037

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to ad valorem property taxes, tentatively establishing the amount to be levied in 2010 by taxation on the assessed valuation of the property of the City pending certified assessed valuation from the King County Assessor.

WHEREAS, State law, RCW 35A.33.135, requires the City Council to consider the City's total anticipated financial requirements for the ensuing fiscal year, and to determine and fix, by ordinance, the amount to be levied by ad valorem taxes; and

WHEREAS, RCW 84.52.020 requires that, upon fixing of the amount to be so levied, the City Clerk shall certify the same to the Clerk of the King County Council; and

WHEREAS, RCW 84.55.120, as amended in 1997 by Referendum 47, requires a statement of any increased tax in terms of both dollar revenue and percentage change from the previous year; and

WHEREAS, the King County Assessor, as ex officio assessor for the City pursuant to RCW 35A.84.020, has not to date certified the assessed valuation of all taxable property situated within the boundaries of the City;

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

SECTION 1. Levy Rate.

The regular ad valorem levy for collection during the fiscal year of 2010 cannot be set until certified assessed valuations are received by the City.

SECTION 2. Tentative Amount to be Collected by Ad Valorem Taxation.

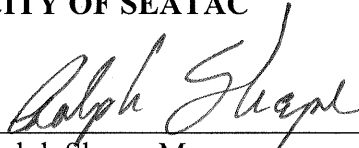
The amount of revenue to be collected by the City in the fiscal year 2010 by taxation on the assessed valuation of all taxable property situated within the boundaries of the City is estimated to be the sum of \$14,316,202. This levy amount is determined by the King County Assessor as the maximum statutory property tax levy for 2010. This levy amount will be revised upon receipt of certified assessed valuations from the King County Assessor.

SECTION 3. Effective Date.

This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.


ADOPTED this 24th day of November, 2009, and signed in authentication thereof on this 24th day of November, 2009.

CITY OF SEATAC




Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 12/05/09]

[2010 Ad Valorem Property Tax Levy]

ORDINANCE NO. 09-1038

An ORDINANCE of the City Council of the City of SeaTac, Washington, amending Section 15.20.020 and adding new Section 15.20.047 to the SeaTac Municipal Code, adopting interim development standards to allow emergency animal shelters and animal control offices in the park zone.

WHEREAS, the King County Animal Shelter and King County Animal Control Offices are located in the Green River Valley; and

WHEREAS, due to structural issues related to the Howard Hanson Dam, flooding of the King County Animal Shelter and the offices for King County Animal Control Officers in the Green River Valley may be flooded; and

WHEREAS, King County needs an interim site to locate the animal shelter and animal control offices in case of flooding in the Green River Valley, and the King County Sunset Park Maintenance Facility is the best location for this site out of 50 potential sites evaluated; and

WHEREAS, adopting interim standards allows time for City staff and the Planning Commission to formulate permanent development standards that reflect input from the public; and

WHEREAS, RCW 36.70A.390 allows adoption of an interim zoning ordinance for a period of up to six (6) months; and

WHEREAS, the City Council will hold a public hearing on the adopted interim zoning ordinance on January 12, 2010;

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

Section 1. Section 15.20.020 of the SeaTac Municipal Code is hereby amended to read as follows:

15.20.020 Temporary Uses

Temporary uses that shall be regulated are as follows:

- A. Carnivals, street fairs, and outdoor holiday celebrations;
- B. Seasonal sales of Christmas trees, fireworks, flowers, fruits and vegetables;
- C. Temporary construction sheds or trailers only for the duration of the construction activity; provided, that no residential or other use shall be made of such temporary construction sheds or trailers that is unrelated to the construction activity;
- D. Temporary outdoor food events related to, and on the same site as, a restaurant;
- E. Homeless encampments allowed in all zone classifications subject to the criteria and requirements listed under SMC 15.20.045.
- F. Emergency Animal Shelters subject to the criteria located under SMC 15.20.047.
- G. Animal Control Offices subject to the criteria located under SMC 15.20.047.

Section 2. Section 15.20.047 of the SeaTac Municipal Code is hereby added to read as follows:

15.20.047 Emergency Animal Shelter/Animal Control Offices

The City Manager or designee may issue a temporary and revocable permit for a emergency animal shelter subject to the following requirements and criteria:

- A. King County has issued an Emergency order regarding flooding in the Green River Valley to establish an emergency animal shelter or animal control offices;
- B. The animal shelter or animal control offices in Kent need to be temporarily re-located due to flooding in the Green River Valley;
- C. The emergency shelter or animal control office is located at a King County Facility located in the Park (P) zone;
- D. No more than 500 animals are to be located at the Facility. The animals shall only be from the shelter in Kent or strays collected by King County Animal Control Officers due to flooding of the Green River Valley;

- E. The "Temporary Use Permit" (TUP) shall be valid for up to one (1) year. Additional TUP's may be issued based upon an emergency order cited under SMC 15.20.047 (A);
- F. All storm drainage requirements are met; and,
- G. All health requirements are met and approved by the King County Health Department.

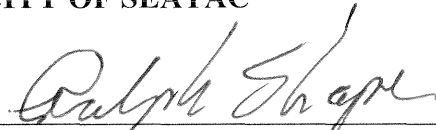
Section 3. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 4. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 5. The Ordinance shall be effective five (5) days after passage and publication.

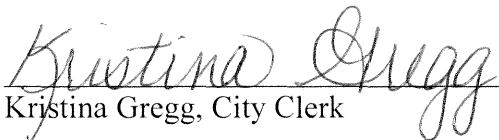
ADOPTED this 24th day of November, 2009, and signed in authentication thereof on this 24th day of November, 2009.

CITY OF SEATAC



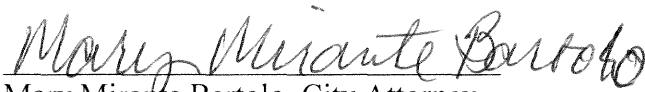
Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Effective Date 12/05/09]

[Emergency Animal Shelter Ordinance]

CITY OF SEATAC, WASHINGTON

ORDINANCE NO. 09-1039

AN ORDINANCE of the City of SeaTac, Washington, relating to contracting indebtedness; providing for the issuance and sale of \$4,215,000 par value of Limited Tax General Obligation Refunding Bonds, 2009, of the City to provide the funds with which to pay the cost of currently refunding the City's outstanding Limited Tax General Obligation (Hotel/Motel Tax) Bonds, 1998 and its outstanding Limited Tax General Obligation Refunding Bonds, 1998; and fixing the terms and covenants of the bonds.

Adopted December 8, 2009

This document prepared by:

*Foster Pepper PLLC
1111 Third Avenue, Suite 3400
Seattle, Washington 98101
(206) 447-4400*

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CITY OF SEATAC, WASHINGTON

ORDINANCE NO. 09-1039

AN ORDINANCE of the City of SeaTac, Washington, relating to contracting indebtedness; providing for the issuance and sale of \$4,215,000 par value of Limited Tax General Obligation Refunding Bonds, 2009, of the City to provide the funds with which to pay the cost of currently refunding the City's outstanding Limited Tax General Obligation (Hotel/Motel Tax) Bonds, 1998 and its outstanding Limited Tax General Obligation Refunding Bonds, 1998; and fixing the terms and covenants of the bonds.

WHEREAS, pursuant to Ordinance No. 98-1049, the City of SeaTac, Washington (the "City") issued its \$5,000,000 par value Limited Tax General Obligation (Hotel/Motel Tax) Bonds, 1998 (the "1998 Bonds"), for the purpose of providing funds to finance tourism-related facilities, including (i) the acquisition of Bow Lake Park and improvements with jogging trail connection to the City Center, (ii) meeting and visitor center/convention center facility, (iii) support funding for Personal Rapid Transit, (iv) partial funding for pedestrian connections between the SeaTac International Airport and the City Center, and (v) acquisition of the Hughes property to construct a performing arts center and meeting facility, and by that ordinance reserved the right to redeem the 1998 Bonds maturing on or after December 1, 2009, prior to their maturity at any time on or after December 1, 2008, at a price of par plus accrued interest to the date fixed for redemption; and

WHEREAS, there are presently outstanding \$2,755,000 par value of 1998 Bonds maturing on December 1 of each of the years 2010 through 2018, inclusive, and bearing various interest rates from 4.25% to 4.70% (the "1998 Refunded Bonds"); and

WHEREAS, pursuant to Ordinance No. 98-1050, the City of SeaTac, Washington (the "City") issued its \$3,645,000 par value Limited Tax General Obligation Refunding Bonds, 1998

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CITY OF SEATAC, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE of the City of SeaTac, Washington, relating to contracting indebtedness; providing for the issuance and sale of \$[4,215,000] par value of Limited Tax General Obligation Refunding Bonds, 2009, of the City to provide the funds with which to pay the cost of currently refunding the City's outstanding Limited Tax General Obligation (Hotel/Motel Tax) Bonds, 1998 and its outstanding Limited Tax General Obligation Refunding Bonds, 1998; and fixing the terms and covenants of the bonds.

WHEREAS, pursuant to Ordinance No. 98-1049, the City of SeaTac, Washington (the "City") issued its \$5,000,000 par value Limited Tax General Obligation (Hotel/Motel Tax) Bonds, 1998 (the "1998 Bonds"), for the purpose of providing funds to finance tourism-related facilities, including (i) the acquisition of Bow Lake Park and improvements with jogging trail connection to the City Center, (ii) meeting and visitor center/convention center facility, (iii) support funding for Personal Rapid Transit, (iv) partial funding for pedestrian connections between the SeaTac International Airport and the City Center, and (v) acquisition of the Hughes property to construct a performing arts center and meeting facility, and by that ordinance reserved the right to redeem the 1998 Bonds maturing on or after December 1, 2009, prior to their maturity at any time on or after December 1, 2008, at a price of par plus accrued interest to the date fixed for redemption; and

WHEREAS, there are presently outstanding \$2,755,000 par value of 1998 Bonds maturing on December 1 of each of the years 2010 through 2018, inclusive, and bearing various interest rates from 4.25% to 4.70% (the "1998 Refunded Bonds"); and

WHEREAS, pursuant to Ordinance No. 98-1050, the City of SeaTac, Washington (the "City") issued its \$3,645,000 par value Limited Tax General Obligation Refunding Bonds, 1998

(the “1998 Refunding Bonds”), for the purpose of providing funds to advance refund the City’s Limited Tax General Obligation Bonds, 1994, and by that ordinance reserved the right to redeem the 1998 Refunding Bonds maturing on or after December 1, 2009, prior to their maturity at any time on or after December 1, 2008, at a price of par plus accrued interest to the date fixed for redemption; and

WHEREAS, there are presently outstanding \$1,545,000 par value of 1998 Refunding Bonds maturing on December 1 of each of the years 2010 through 2013, inclusive, and bearing various interest rates from 4.25% to 4.40% (the “1998 Refunding Refunded Bonds,” and together with the 1998 Refunded Bonds, the “Refunded Bonds”); and

WHEREAS, after due consideration, it appears to the City Council that the Refunded Bonds may be refunded by the issuance and sale of the limited tax general obligation refunding bonds authorized herein (the “Bonds”) so that a savings will be effected by the difference between the principal and interest cost over the life of the Bonds and the principal and interest cost over the life of the Refunded Bonds but for such refunding; and

WHEREAS, the City Council deems it to be in the best interests of the City to issue and sell the Bonds to pay part of the cost of refunding the Refunded Bonds and to pay the administrative costs of such refunding and the costs of issuance and sale of the Bonds;

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

Section 1. Definitions. As used in this ordinance, the following words shall have the following meanings:

“Acquired Obligations” means those United States Treasury Certificates of Indebtedness, Notes, and Bonds--State and Local Government Series and other direct, noncallable obligations

of the United States of America purchased to accomplish the refunding of the Refunded Bonds as authorized by this ordinance.

“Bond Fund” means the Limited Tax General Obligation Refunding Bond Fund, 2009, created by this ordinance for the payment of the Bonds.

“Bond Register” means the books or records maintained by the Bond Registrar containing the name and mailing address of the owner of each Bond and the principal amount and number of Bonds held by each owner.

“Bond Registrar” means the Fiscal Agent.

“Bonds” means the \$[4,215,000] par value Limited Tax General Obligation Refunding Bonds, 2009, of the City issued pursuant to and for the purposes provided in this ordinance.

“City” means the City of SeaTac, Washington, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Washington.

“Code” means the United States Internal Revenue Code of 1986, as amended, and applicable rules and regulations promulgated thereunder.

“DTC” means The Depository Trust Company, New York, New York.

“Finance Director” means the Finance and Systems Director of the City.

“Fiscal Agent” means the fiscal agent of the State of Washington, as the same may be designated by the State from time to time.

“Letter of Representations” means the Blanket Issuer Letter of Representations dated November 24, 1998, between the City and DTC, as it may be amended from time to time.

“MSRB” means the Municipal Securities Rulemaking Board.

“1998 Refunded Bonds” means the outstanding Limited Tax General Obligation (Hotel/Motel Tax) Bonds, 1998, of the City maturing in the years 2010 through 2018, inclusive,

issued pursuant to Ordinance No. 98-1049, the refunding of which has been provided for by this ordinance.

“1998 Refunding Refunded Bonds” means the outstanding Limited Tax General Obligation Refunding Bonds, 1998, of the City maturing in the years 2010 through 2013, inclusive, issued pursuant to Ordinance No. 98-1050, the refunding of which has been provided for by this ordinance.

“Refunded Bonds” means the 1998 Refunded Bonds and the 1998 Refunding Refunded Bonds.

“Refunding Plan” means:

(a) the placement of sufficient proceeds of the Bonds which, with other money of the City, if necessary, will acquire the Acquired Obligations to be deposited, with cash, if necessary, with the Refunding Trustee;

(b) the payment of the principal of and interest on the Refunded Bonds when due up to and including January 21, 2010, and the call, payment, and redemption on January 21, 2010, of all of the then-outstanding Refunded Bonds at a price of par; and

(c) the payment of the costs of issuing the Bonds and the costs of carrying out the foregoing elements of the Refunding Plan.

“Refunding Trust Agreement” means a Refunding Trust Agreement between the City and the Refunding Trustee substantially in the form of that which is on file with the Finance Director and by this reference incorporated herein.

“Refunding Trustee” means U.S. Bank National Association, Seattle Washington, or any successor trustee or escrow agent.

“SEC” means the United States Securities and Exchange Commission.

Section 2. Debt Capacity. The assessed valuation of the taxable property within the City as ascertained by the last preceding assessment for City purposes for the calendar year 2009

is \$4,909,121,511, and the City has outstanding general indebtedness evidenced by limited tax general obligation bonds in the principal amount of \$[4,300,000] incurred within the limit of up to 1-1/2% of the value of the taxable property within the City permitted for general municipal purposes without a vote of the qualified voters therein, no unlimited tax general obligation bonds incurred within the limit of up to 2 1/2% of the value of the taxable property within the City for capital purposes only, issued pursuant to a vote of the qualified voters of the City.

Section 3. Authorization of Bonds. The City shall borrow money on the credit of the City and issue negotiable limited tax general obligation bonds evidencing that indebtedness in the amount of \$[4,215,000], to provide the funds to pay the cost of refunding the Refunded Bonds pursuant to the Refunding Plan and to pay the costs of issuance and sale of the bonds (the “costs of issuance”). The general indebtedness to be incurred shall be within the limit of up to 1-1/2% of the value of the taxable property within the City permitted for general municipal purposes without a vote of the qualified voters therein.

Section 4. Description of Bonds. The bonds shall be called Limited Tax General Obligation Refunding Bonds, 2009, of the City (the “Bonds”); shall be in the aggregate principal amount of \$[4,215,000], shall be dated as of the date of their initial delivery; shall be in the denomination of \$5,000 or any integral multiple thereof within a single maturity; shall be numbered separately in the manner and with any additional designation as the fiscal agent of the State of Washington (as the same may be designated by the State of Washington from time to time) (the “Bond Registrar”) deems necessary for purposes of identification; shall bear interest (computed on the basis of a 360-day year of twelve 30-day months) payable semiannually on each June 1 and December 1, commencing June 1, 2010, to the maturity or earlier redemption of

the Bonds; and shall mature on December 1, in years and amounts and bear interest at the rates per annum as follows:

Maturity <u>Years</u>	<u>Amounts</u>	Interest <u>Rates</u>
2010	\$	%
2011		
2012		
2013		
2014		
2015		
2016		
2017		
2018		

Section 5. Registration and Transfer of Bonds. The Bonds shall be issued only in registered form as to both principal and interest and shall be recorded on books or records maintained by the Bond Registrar (the “Bond Register”). The Bond Register shall contain the name and mailing address of the owner of each Bond and the principal amount and number of each of the Bonds held by each owner.

Bonds surrendered to the Bond Registrar may be exchanged for Bonds in any authorized denomination of an equal aggregate principal amount and of the same interest rate and maturity. Bonds may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Any exchange or transfer shall be without cost to the owner or transferee. The Bond Registrar shall not be obligated to exchange or transfer any Bond during the 15 days preceding any principal payment or redemption date.

The Bonds initially shall be registered in the name of Cede & Co., as the nominee of The Depository Trust Company, New York, New York (“DTC”). The Bonds so registered shall be held in fully immobilized form by DTC as depository in accordance with the provisions of the Letter of Representations. Neither the City nor the Bond Registrar shall have any responsibility

or obligation to DTC participants or the persons for whom they act as nominees with respect to the Bonds regarding accuracy of any records maintained by DTC or DTC participants of any amount in respect of principal of or interest on the Bonds, or any notice which is permitted or required to be given to registered owners hereunder (except such notice as is required to be given by the Bond Registrar to DTC).

For as long as any Bonds are held in fully immobilized form, DTC, its nominee or its successor depository shall be deemed to be the registered owner for all purposes hereunder and all references to registered owners, bondowners, bondholders or the like shall mean DTC or its nominee and, except for the purpose of the City's undertaking herein to provide continuing disclosure, shall not mean the owners of any beneficial interests in the Bonds. Registered ownership of such Bonds, or any portions thereof, may not thereafter be transferred except: (i) to any successor of DTC or its nominee, if that successor shall be qualified under any applicable laws to provide the services proposed to be provided by it; (ii) to any substitute depository appointed by the City or such substitute depository's successor; or (iii) to any person if the Bonds are no longer held in immobilized form.

Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository, or a determination by the City that it no longer wishes to continue the system of book entry transfers through DTC or its successor (or any substitute depository or its successor), the City may appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

If (i) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (ii) the City determines

that the Bonds are to be in certificated form, the ownership of Bonds may be transferred to any person as provided herein and the Bonds no longer shall be held in fully immobilized form.

Section 6. Payment of Bonds. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be paid by checks or drafts of the Bond Registrar mailed on the interest payment date to the registered owners at the addresses appearing on the Bond Register on the 15th day of the month preceding the interest payment date or, if requested in writing by a registered owner of \$1,000,000 or more in principal amount of Bonds prior to the applicable record date, by wire transfer on the interest payment date. Principal of the Bonds shall be payable upon presentation and surrender of the Bonds by the registered owners to the Bond Registrar. Notwithstanding the foregoing, for as long as the Bonds are registered in the name of DTC or its nominee, payment of principal of and interest on the Bonds shall be made in the manner set forth in the Letter of Representations.

Section 7. Redemption Provisions and Open Market Purchase of Bonds. The Bonds shall be issued without the right or option of the City to redeem the Bonds prior to their stated maturity dates. The City further reserves the right and option to purchase any or all of the Bonds in the open market at any time at any price acceptable to the City plus accrued interest to the date of purchase. All Bonds purchased under this section shall be canceled.

Section 8. Pledge of Taxes. The City hereby irrevocably covenants for as long as any of the Bonds used to refund the 1998 Refunded Bonds are outstanding and unpaid that each year it will include in its budget and levy hotel/motel taxes in the maximum amount authorized by Chapter 67.28 RCW, but in no event less than 1%. The City irrevocably pledges to include in its budget and levy taxes annually within the constitutional and statutory tax limitations provided by law without a vote of the electors of the City on all of the taxable property within the City in

an amount sufficient, together with other money legally available and to be used therefor, including hotel/motel taxes for the Bonds used to refund the 1998 Refunded Bonds, to pay when due the principal of and interest on the Bonds, and the full faith, credit and resources of the City are pledged irrevocably for the annual levy and collection of those taxes and the prompt payment of that principal and interest.

Section 9. Form and Execution of Bonds. The Bonds shall be prepared in a form consistent with the provisions of this ordinance and state law and shall be signed by the Mayor and City Clerk, either or both of whose signatures may be manual or in facsimile, and the seal of the City or a facsimile reproduction thereof shall be impressed or printed thereon.

Only Bonds bearing a Certificate of Authentication in the following form, manually signed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance:

CERTIFICATE OF AUTHENTICATION

This Bond is one of the fully registered City of SeaTac, Washington, Limited Tax General Obligation Refunding Bonds, 2009, described in the Bond Ordinance.

WASHINGTON STATE FISCAL AGENT
Bond Registrar

By _____ [specimen] _____
Authorized Signer

The authorized signing of a Certificate of Authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated and delivered and is entitled to the benefits of this ordinance.

If any officer whose facsimile signature appears on the Bonds ceases to be an officer of the City authorized to sign bonds before the Bonds bearing his or her facsimile signature are

authenticated or delivered by the Bond Registrar or issued by the City, those Bonds nevertheless may be authenticated, issued and delivered and, when authenticated, issued and delivered, shall be as binding on the City as though that person had continued to be an officer of the City authorized to sign bonds. Any Bond also may be signed on behalf of the City by any person who, on the actual date of signing of the Bond, is an officer of the City authorized to sign bonds, although he or she did not hold the required office on the date of issuance of the Bonds.

Section 10. Bond Registrar. The Bond Registrar shall keep, or cause to be kept, sufficient books for the registration and transfer of the Bonds, which shall be open to inspection by the City at all times. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of the Bonds and this ordinance, to serve as the City's paying agent for the Bonds and to carry out all of the Bond Registrar's powers and duties under this ordinance.

The Bond Registrar shall be responsible for its representations contained in the Bond Registrar's Certificate of Authentication on the Bonds. The Bond Registrar may become the owner of Bonds with the same rights it would have if it were not the Bond Registrar and, to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as members of, or in any other capacity with respect to, any committee formed to protect the rights of Bond owners.

Section 11. Refunding of the Refunded Bonds.

(a) Appointment of Refunding Trustee. U.S. Bank National Association is appointed as Refunding Trustee.

(b) Use of Bond Proceeds; Acquisition of Acquired Obligations. All of the proceeds of the sale of the Bonds shall be deposited immediately upon the receipt thereof with the

Refunding Trustee and used to discharge the obligations of the City relating to the Refunded Bonds under Ordinances Nos. 98-1049 and 98-1050 by providing for the payment of the amounts required to be paid by the Refunding Plan. To the extent practicable, such obligations shall be discharged fully by the Refunding Trustee's simultaneous purchase of United States Treasury Certificates of Indebtedness and/or Notes--State and Local Government Series or other direct, noncallable obligations of the United States of America (the "Acquired Obligations"), bearing such interest and maturing as to principal and interest in such amounts and at such times so as to provide, together with a beginning cash balance, if necessary, for the payment of the amount required to be paid by the Refunding Plan. The Acquired Obligations are listed and more particularly described in Exhibit A attached to the Refunding Trust Agreement between the City and the Refunding Trustee, but are subject to substitution as set forth below. Any Bond proceeds or other money deposited with the Refunding Trustee not needed to purchase the Acquired Obligations and provide a beginning cash balance, if any, and pay the costs of issuance of the Bonds shall be returned to the City at the time of delivery of the Bonds to the initial purchaser thereof and deposited in the Bond Fund to pay interest on the Bonds on the first interest payment date.

(c) Administration of Refunding Plan. The Refunding Trustee is authorized and directed to purchase the Acquired Obligations (or substitute obligations) and to make the payments required to be made by the Refunding Plan from the Acquired Obligations (or substitute obligations) and money deposited with the Refunding Trustee pursuant to this ordinance. All Acquired Obligations (or substitute obligations) and the money deposited with the Refunding Trustee and any income therefrom shall be held irrevocably, invested and applied in accordance with the provisions of Ordinances Nos. 98-1049 and 98-1050, this ordinance,

chapter 39.53 RCW and other applicable statutes of the State of Washington and the Refunding Trust Agreement. All necessary and proper fees, compensation, and expenses of the Refunding Trustee for the Bonds and all other costs incidental to the setting up of the escrow to accomplish the refunding of the Refunded Bonds and costs related to the issuance and delivery of the Bonds, including bond printing, bond counsel's fees, and other related expenses, shall be paid out of the proceeds of the Bonds.

(d) Authorization for Refunding Trust Agreement. To carry out the Refunding Plan provided for by this ordinance, the City Manager or Finance Director of the City is authorized and directed to execute and deliver to the Refunding Trustee a Refunding Trust Agreement substantially in the form on file with the City and by this reference made a part hereof setting forth the duties, obligations and responsibilities of the Refunding Trustee in connection with the payment, redemption, and retirement of the Refunded Bonds as provided herein and stating that the provisions for payment of the fees, compensation, and expenses of such Refunding Trustee set forth therein are satisfactory to it. Prior to executing the Refunding Trust Agreement, the City Manager or Finance Director of the City is authorized to make such changes therein that do not change the substance and purpose thereof or that assure that the escrow provided therein and the Bonds are in compliance with the requirements of federal law governing the exclusion of interest on the Bonds from gross income for federal income tax purposes.

(e) Call for Redemption of the Refunded Bonds. The City calls for redemption on January 21, 2010, all of the Refunded Bonds at par plus accrued interest. Such call for redemption shall be irrevocable after the delivery of the Bonds to the initial purchaser thereof. The date on which the Refunded Bonds are herein called for redemption is the first date on which those bonds may be called.

The proper City officials are authorized and directed to give or cause to be given such notices as required, at the times and in the manner required, pursuant to Ordinances Nos. 98-1049 and 98-1050 in order to effect the redemption prior to their maturity of the Refunded Bonds.

(f) City Findings with Respect to Refunding. The City Council of the City finds and determines that the issuance and sale of the Bonds at this time will effect a savings to the City and is in the best interest of the City and its taxpayers and in the public interest. In making such finding and determination, the City Council has given consideration to the fixed maturities of the Bonds and the Refunded Bonds, the costs of issuance of the Bonds and the known earned income from the investment of the proceeds of the issuance and sale of the Bonds pending payment and redemption of the Refunded Bonds.

The City Council further finds and determines that the money to be deposited with the Refunding Trustee for the Refunded Bonds in accordance with this ordinance will discharge and satisfy the obligations of the City under Ordinances Nos. 98-1049 and 98-1050 with respect to the Refunded Bonds, and the pledges, charges, trusts, covenants, and agreements of the City therein made or provided for as to the Refunded Bonds, and that the Refunded Bonds shall no longer be deemed to be outstanding under such ordinance immediately upon the deposit of such money with the Refunding Trustee.

Section 12. Preservation of Tax Exemption for Interest on Bonds. The City covenants that it will take all actions necessary to prevent interest on the Bonds from being included in gross income for federal income tax purposes, and it will neither take any action nor make or permit any use of proceeds of the Bonds or other funds of the City treated as proceeds of the Bonds at any time during the term of the Bonds which will cause interest on the Bonds to be

included in gross income for federal income tax purposes. The City also covenants that it will, to the extent the arbitrage rebate requirement of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), is applicable to the Bonds, take all actions necessary to comply (or to be treated as having complied) with that requirement in connection with the Bonds, including the calculation and payment of any penalties that the City has elected to pay as an alternative to calculating rebatable arbitrage, and the payment of any other penalties if required under Section 148 of the Code to prevent interest on the Bonds from being included in gross income for federal income tax purposes.

Section 13. Designation of Bonds as “Qualified Tax-Exempt Obligations.” The City has determined and certifies that (a) the Bonds are not “private activity bonds” within the meaning of Section 141 of the Code; (b) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds and other obligations not required to be included in such calculation) which the City and any entity subordinate to the City (including any entity that the City controls, that derives its authority to issue tax-exempt obligations from the City, or that issues tax-exempt obligations on behalf of the City) will issue during the calendar year in which the Bonds are issued will not exceed \$30,000,000; and (c) the amount of tax-exempt obligations, including the Bonds, designated by the City as “qualified tax-exempt obligations” for the purposes of Section 265(b)(3) of the Code during the calendar year in which the Bonds are issued does not exceed \$30,000,000. The City designates the Bonds as “qualified tax-exempt obligations” for the purposes of Section 265(b)(3) of the Code.

Section 14. Refunding or Defeasance of the Bonds. The City may issue refunding bonds pursuant to the laws of the State of Washington or use money available from any other lawful source to pay when due the principal of and interest on the Bonds, or any portion thereof

included in a refunding or defeasance plan, and to redeem and retire, refund or defease all such then-outstanding Bonds (hereinafter collectively called the “defeased Bonds”) and to pay the costs of the refunding or defeasance. If money and/or “government obligations” (as defined in chapter 39.53 RCW, as now or hereafter amended) maturing at a time or times and bearing interest in amounts (together with money, if necessary) sufficient to redeem and retire, refund or defease the defeased Bonds in accordance with their terms are set aside in a special trust fund or escrow account irrevocably pledged to that redemption, retirement or defeasance of defeased Bonds (hereinafter called the “trust account”), then all right and interest of the owners of the defeased Bonds in the covenants of this ordinance and in the funds and accounts obligated to the payment of the defeased Bonds shall cease and become void. The owners of defeased Bonds shall have the right to receive payment of the principal of and interest on the defeased Bonds from the trust account. The City shall include in the refunding or defeasance plan such provisions as the City deems necessary for the random selection of any defeased Bonds that constitute less than all of a particular maturity of the Bonds, for notice of the defeasance to be given to the owners of the defeased Bonds and to such other persons as the City shall determine, and for any required replacement of Bond certificates for defeased Bonds. The defeased Bonds shall be deemed no longer outstanding, and the City may apply any money in any other fund or account established for the payment or redemption of the defeased Bonds to any lawful purposes as it shall determine.

If the Bonds are registered in the name of DTC or its nominee, notice of any defeasance of Bonds shall be given to DTC in the manner prescribed in the Letter of Representations for notices of redemption of Bonds.

Section 15. Bond Fund and Deposit of Bond Proceeds. There is created and established in the office of the City Finance Director a special fund designated as the Limited Tax General Obligation Refunding Bond Fund, 2009 (the “Bond Fund”), for the purpose of paying principal of and interest on the Bonds. All taxes collected for and allocated to the payment of the principal of and interest on the Bonds shall be deposited in the Bond Fund.

Section 16. Approval of Bond Purchase Contract. Seattle-Northwest Securities Corporation, of Seattle, Washington, has presented a purchase contract (the “Bond Purchase Contract”) to the City offering to purchase the Bonds under the terms and conditions provided in the Bond Purchase Contract, which written Bond Purchase Contract is on file with the City and is incorporated herein by this reference. The City Council finds that entering into the Bond Purchase Contract is in the City’s best interest and therefore accepts the offer contained therein and authorizes its execution by City officials.

The Bonds will be printed at City expense and will be delivered to the purchaser in accordance with the Bond Purchase Contract, with the approving legal opinion of Foster Pepper PLLC, municipal bond counsel of Seattle, Washington, regarding the Bonds.

The proper City officials are authorized and directed to do everything necessary for the prompt delivery of the Bonds to the purchaser and for the proper application and use of the proceeds of the sale thereof.

Section 17. Preliminary Official Statement Deemed Final. The City Council has been provided with copies of a preliminary official statement dated November 24, 2009 (the “Preliminary Official Statement”), prepared in connection with the sale of the Bonds. For the sole purpose of the Bond purchaser’s compliance with Securities and Exchange Commission Rule 15c2-12(b)(1), the City “deems final” that Preliminary Official Statement as of its date,

except for the omission of information as to offering prices, interest rates, selling compensation, aggregate principal amount, principal amount per maturity, maturity dates, options of redemption, delivery dates, ratings and other terms of the Bonds dependent on such matters.

Section 18. Undertaking to Provide Continuing Disclosure. To meet the requirements of United States Securities and Exchange Commission (“SEC”) Rule 15c2-12(b)(5) (the “Rule”), as applicable to a participating underwriter for the Bonds, the City makes the following written undertaking (the “Undertaking”) for the benefit of holders of the Bonds:

(a) Undertaking to Provide Annual Financial Information and Notice of Material Events. The City undertakes to provide or cause to be provided, either directly or through a designated agent, to the Municipal Securities Rulemaking Board (the ‘MSRB’), in an electronic format as prescribed by the MSRB, accompanied by identifying information as prescribed by the MSRB:

(i) Annual financial information and operating data of the type included in the final official statement for the Bonds and described in subsection (b) of this section (“annual financial information”);

(ii) Timely notice of the occurrence of any of the following events with respect to the Bonds, if material: (1) principal and interest payment delinquencies; (2) non-payment related defaults; (3) unscheduled draws on debt service reserves reflecting financial difficulties; (4) unscheduled draws on credit enhancements reflecting financial difficulties; (5) substitution of credit or liquidity providers, or their failure to perform; (6) adverse tax opinions or events affecting the tax-exempt status of the Bonds; (7) modifications to rights of holders of the Bonds; (8) Bond calls (other than scheduled mandatory redemptions of Term Bonds); (9) defeasances; (10) release, substitution, or sale of property securing repayment of the Bonds; and (11) rating changes; and

(iii) Timely notice of a failure by the City to provide required annual financial information on or before the date specified in subsection (b) of this section.

(b) Type of Annual Financial Information Undertaken to be Provided. The annual financial information that the City undertakes to provide in subsection (a) of this section:

(i) Shall consist of (1) annual financial statements prepared (except as noted in the financial statements) in accordance with applicable generally accepted accounting principles applicable to government units

such as the City, as such principles may be changed from time to time, which statements shall not be audited, except, however, that if and when audited financial statements are otherwise prepared and available to the City they will be provided; (2) authorized, issued and outstanding balance of general obligation debt of the City; (3) assessed valuation of property within the City subject to ad valorem taxation; (4) ad valorem tax levy rates and amounts, and the amount collected; and (5) Hotel/Motel taxes collected;

(ii) Shall be provided not later than the last day of the ninth month after the end of each fiscal year of the City (currently, a fiscal year ending December 31), as such fiscal year may be changed as required or permitted by State law, commencing with the City's fiscal year ending December 31, 2009; and

(iii) May be provided in a single or multiple documents, and may be incorporated by specific reference to documents available to the public on the Internet website of the MSRB or filed with the SEC.

(c) Amendment of Undertaking. The Undertaking is subject to amendment after the primary offering of the Bonds without the consent of any holder of any Bond, or of any broker, dealer, municipal securities dealer, participating underwriter, rating agency or the MSRB, under the circumstances and in the manner permitted by the Rule.

The City will give notice to the MSRB of the substance (or provide a copy) of any amendment to the Undertaking and a brief statement of the reasons for the amendment. If the amendment changes the type of annual financial information to be provided, the annual financial information containing the amended financial information will include a narrative explanation of the effect of that change on the type of information to be provided.

(d) Beneficiaries. The Undertaking evidenced by this section shall inure to the benefit of the City and any holder of Bonds, and shall not inure to the benefit of or create any rights in any other person.

(e) Termination of Undertaking. The City's obligations under this Undertaking shall terminate upon the legal defeasance of all of the Bonds. In addition, the City's obligations under this Undertaking shall terminate if those provisions of the Rule which require the City to comply with this Undertaking become legally inapplicable in respect of the Bonds for any reason, as confirmed by an opinion of nationally recognized bond counsel or other counsel familiar with federal securities laws delivered to the City, and the City provides timely notice of such termination to the MSRB.

(f) Remedy for Failure to Comply with Undertaking. As soon as practicable after the City learns of any failure to comply with the Undertaking, the

City will proceed with due diligence to cause such noncompliance to be corrected. No failure by the City or other obligated person to comply with the Undertaking shall constitute a default in respect of the Bonds. The sole remedy of any holder of a Bond shall be to take such actions as that holder deems necessary, including seeking an order of specific performance from an appropriate court, to compel the City or other obligated person to comply with the Undertaking.

(g) Designation of Official Responsible to Administer Undertaking.

The Finance Director of the City (or such other officer of the City who may in the future perform the duties of that office) or his or her designee is authorized and directed in his or her discretion to take such further actions as may be necessary, appropriate or convenient to carry out the Undertaking of the City in respect of the Bonds set forth in this section and in accordance with the Rule, including, without limitation, the following actions:

(i) Preparing and filing the annual financial information undertaken to be provided;

(ii) Determining whether any event specified in subsection (a) has occurred, assessing its materiality with respect to the Bonds, and, if material, preparing and disseminating notice of its occurrence;

(iii) Determining whether any person other than the City is an “obligated person” within the meaning of the Rule with respect to the Bonds, and obtaining from such person an undertaking to provide any annual financial information and notice of material events for that person in accordance with the Rule;

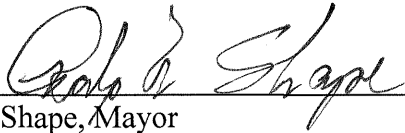
(iv) Selecting, engaging and compensating designated agents and consultants, including but not limited to financial advisors and legal counsel, to assist and advise the City in carrying out the Undertaking; and

(v) Effecting any necessary amendment of the Undertaking.

Section 19. Effective Date of Ordinance. This ordinance shall take effect and be in force from and after its adoption and five days following its publication as required by law.

ADOPTED this 8th date of December, 2009, and signed in authentication thereof on this 8th day of December, 2009.

CITY OF SEATAC




Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

APPROVED AS TO FORM:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 12-19-09]

[LTGO Refunding Bonds, 2009]

ORDINANCE NO 09-1040

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to ad valorem property taxes, repealing City of SeaTac Ordinance #09-1037, setting the levy rate for the year 2010, setting the amount to be levied in 2010 by taxation on the assessed valuation of the property of the City, and stating the dollar amount of the increase and the percentage increase over the prior year's property tax levy.

WHEREAS, State law, RCW 35A.33.135, requires the City Council to consider the City's total anticipated financial requirements for the ensuing fiscal year, and to determine and fix, by ordinance, the amount to be levied by ad valorem taxes; and

WHEREAS, RCW 84.52.020 requires that, upon fixing of the amount to be so levied, the City Clerk shall certify the same to the Clerk of the King County Council; and

WHEREAS, RCW 84.55.120, as amended in 1997 by Referendum 47, requires a statement of any increased tax in terms of both dollar revenue and percentage change from the previous year; and

WHEREAS, the SeaTac City Council adopted Ordinance #09-1037 on November 24, 2009, tentatively establishing the 2010 property tax levy since assessed valuations had not yet been certified by the King County Assessor; and

WHEREAS, the King County Assessor, as ex officio assessor for the City pursuant to RCW 35A.84.020, has now certified the assessed valuation of all taxable property situated within the boundaries of the City at \$4,516,292,185; and

WHEREAS, the SeaTac City Council, after hearing and after duly considering all relevant evidence and testimony presented, determined that the City of SeaTac requires a regular levy in the amount of \$11,650,131, which includes an increase in property tax revenue from the

previous year, and amounts resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, and amounts authorized by law as a result of any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of the City and in its best interest;

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

SECTION 1. Ordinance #09-1037 is Repealed.

City of SeaTac Ordinance #09-1037, tentatively establishing the 2010 property tax levy, is hereby repealed.

SECTION 2. Levy Rate Fixed.

The regular ad valorem levy rate for collection during the fiscal year of 2010 is hereby set at \$2.58 per thousand dollars of assessed value of all taxable property situated within the boundaries of the City.

SECTION 3. Estimated Amount to be Collected by Ad Valorem Taxation.

The amount of revenue to be collected by the City in the fiscal year 2010 by taxation on the assessed valuation of all taxable property situated within the boundaries of the City is estimated to be the sum of \$11,650,131.

SECTION 4. Increase in Property Tax Revenue From the Previous Year.

The levy amount includes (1) an increase in property tax revenue from the previous year of Eighty Seven Thousand Four Hundred and Ninety-Four Dollars (\$87,494), or point seventy seven percent (0.77%), (2) new construction and improvements to property, (3) any increase in the value of state-assessed property, and (4) amounts authorized by law as a result of any annexations that have occurred, as well as applicable refunds already made.

SECTION 5. Effective Date.

This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

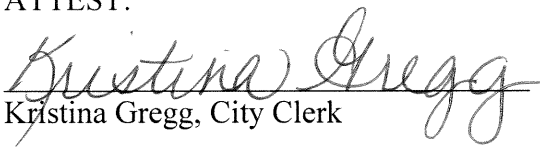
ADOPTED this 8th day of December, 2009, and signed in authentication thereof
on this 8th day of December, 2009.

CITY OF SEATAC



Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante-Bartolo, City Attorney

[Effective Date: 12-19-09]

[2010 Ad Valorem Property Tax Levy]

ORDINANCE NO. 09-1041

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending sections 12.12.010, 12.12.040 and 12.12.050; and adding a new section 12.12.075 to the SeaTac Municipal Code, related to Surface and Stormwater—Illicit Discharge, Detection, and Elimination.

WHEREAS, urban areas that collect stormwater runoff in municipal storm drainage systems and discharge it to surface waters are required to have a permit (NPDES Phase II permit) under the Federal Clean Water Act;

WHEREAS, the Department of Ecology (DOE) develops and administers National Pollution Discharge Elimination System (NPDES) municipal stormwater permits in Washington State pursuant to delegated authority from the Environmental Protection Agency;

WHEREAS, DOE issued a NPDES Phase II municipal stormwater permit modification in June of 2009, and said permit governs at least 80 cities, including the City of SeaTac;

WHEREAS, the NPDES Phase II permit requires the City of SeaTac to adopt Illicit Discharge Detection and Elimination (IDDE) regulations that:

1. Prohibit non-stormwater, illicit discharges and/or dumping into the City's stormwater system;
2. Identify allowable discharges;
3. Identify the discharges allowed under certain conditions;
4. Prohibit illicit connections to the City's stormwater system;
5. Define terms used in the code to be consistent with those in the permit;
6. Provide administrative procedures within the limits of state and federal law to investigate the source of illicit discharges into the City's stormwater system, including procedures for inspections to identify sources of illicit discharges; and
7. Include escalating enforcement and legal actions to ensure removal of the source or illicit connection if it is not eliminated by the responsible party; and

WHEREAS, the City wishes to apply the IDDE ordinance in a fair and equitable manner, and provide stewardship and protection of the natural drainage system in order to ensure the sustainability of our natural resources; and

WHEREAS, the health, safety and welfare of the citizens of the City of SeaTac are best served by measures that ensure water quality standards and help protect receiving waters and their beneficial uses; and

WHEREAS, the City Council adopted Ordinance Number 09-1024 on August 11, 2009 related to IDDE; and

WHEREAS, the City Council finds it appropriate to amend Ordinance Number 09-1024 in order to allow for equitable enforcement of the IDDE requirements and provide greater stewardship of the City's natural waterways;

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

Section 1. Section 12.12.010 of the SeaTac Municipal Code is hereby amended to read as follows:

12.12.010 Definitions.

For the purposes of this chapter, the following shall mean:

(A) AKART – All Known, Available, and Reasonable methods of prevention, control, and Treatment. See also the State Water Pollution Control Act, sections 90.48.010 RCW and 90.48.520 RCW.

(B) “Best management practices (BMPs)” mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(C) “Clean Water Act” means the federal Water Pollution Control Act (33 USC Section 1251 et seq.), and any subsequent amendments thereto.

(D) “Director” means the Director of the Department of Public Works and/or designees.

(E) “Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(F) “Hyperchlorinated” means water that contains more than 10mg/Liter chlorine.

(G) “Illicit discharge” means any direct or indirect non-stormwater discharge to the City’s stormwater drainage system that cause or contribute to a violation of state water quality, sediment quality or ground water quality standards, except as expressly allowed by this chapter.

(H) “Illicit connection” means any man-made connection which directly or indirectly flows to the City’s ~~storm drain system~~ municipal separate stormwater system which results in a prohibited discharge, or any connection to the MS4 –without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly or indirectly to the municipal separate stormwater system.

(I) “Municipal separate stormwater system” (MS4) means a conveyance or system of conveyances (including roads with ditches, man-made channels, or storm drains):

(a) Owned or operated by the City of SeaTac;

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not part of a Publicly Owned Treatment Works (POTW). “POTW” means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned; and

(d) Which is not a combined sewer. “Combined sewer” means a system that collects sanitary sewage and stormwater in a single sewer system.

(J) “National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit” means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(K) “Non-stormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

(L) "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law.

(M) "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: soaps, paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(N) "Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

(O) "Stormwater drainage system" means any constructed or natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter stormwater. Stormwater drainage system includes publicly owned or maintained stormwater features and privately owned stormwater drainage features which flow directly or indirectly into the MS4 or waters of the state. ~~publicly owned facilities, including the City's municipal separate stormwater system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.~~

(P) "Stormwater" means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

(Q) "Stormwater pollution prevention plan" means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Section 2. Section 12.12.040 of the SeaTac Municipal Code is hereby amended to read as follows:

12.12.040 Conditional discharges.

A. The following types of discharges shall not be considered illicit discharges for the purposes of this Chapter if they meet the stated conditions:

(1) Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized, if necessary

and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system;

(2) Lawn watering and other irrigation runoff are permitted but shall be minimized ~~through, at a minimum, public~~through public education activities and water conservation efforts;

(3) De-chlorinated swimming pool discharges. These discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system. Swimming pool cleaning wastewater or filtered backwash is considered a prohibited discharge;

(4) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street. These discharges shall be minimized through public education and water conservation effort;

(5) Non-stormwater discharges covered by another NPDES permit, provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted for any discharge to the storm drain system; and

(6) Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the City, which addresses control of such discharges by applying AKART to prevent contaminants from entering the MS4.

Section 3. Section 12.12.050 of the SeaTac Municipal Code is hereby amended to read as follows:

12.12.050 Prohibition of illicit connections.

(A) The construction, use, maintenance, or continued existence of illicit connections to the City's stormwater drainage system is prohibited.

(B) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(C) A person is considered to be in violation of this ~~ordinance-Chapter~~ if the person connects a line conveying sewage or other non-stormwater flows to the MS4stormwater drainage system, or allows such a connection to continue.

Section 4. A new section 12.12.075 is hereby added to the SeaTac Municipal Code to read as follows:

12.12.075 Special Enforcement Provisions

(1) Analysis conducted by state certified laboratory. As part of any investigation of a potential violation of this Chapter, water samples may be analyzed by a state certified water quality laboratory capable of conducting the necessary analyses.

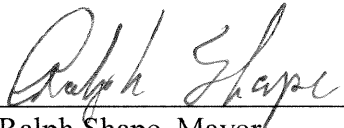
(2) Cost paid by property owner. If a violation of this Chapter is found to exist through the use of water quality testing, the owner of the property responsible for the violation shall pay the City's actual costs in conducting the laboratory analyses described in subsection (1) of this section.

Section 5. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 6. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication as required by law.

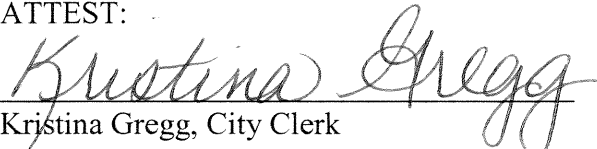
ADOPTED this 8th day of December, 2009 and signed in authentication thereof on this 8th day of December, 2009.

CITY OF SEATAC



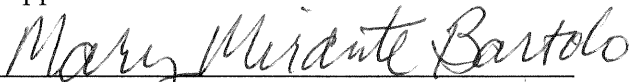
Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Effective Date: 12-19-09]

[IDDE Ordinance Revisions]

ORDINANCE NO. 09-1042

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending sections 12.10.010 and 12.10.020 to the SeaTac Municipal Code, related to Surface and Stormwater.

WHEREAS, urban areas that collect stormwater runoff in municipal storm drainage systems and discharge it to surface waters are required to have a permit (NPDES Phase II permit) under the Federal Clean Water Act;

WHEREAS, the Department of Ecology (DOE) develops and administers National Pollution Discharge Elimination System (NPDES) municipal stormwater permits in Washington State pursuant to delegated authority from the Environmental Protection Agency;

WHEREAS, DOE issued NPDES Phase II municipal stormwater permit modification in June of 2009, and said general permit governs at least 80 cities, including the City of SeaTac;

WHEREAS, the NPDES Phase II permit requires the City of SeaTac to adopt technical stormwater requirements equivalent to those indicated in the NPDES Phase II Permit; and

WHEREAS, DOE has deemed the 2009 King County Surface Water Design Manual with amendments to be equivalent to the minimum technical stormwater requirements specified in the NPDES Phase II Permit; and

WHEREAS, the City of SeaTac Addendum to the 2009 King County Surface Water Design Manual, included as Exhibit A of this Ordinance, addresses the amendments required by DOE to achieve equivalency; and

WHEREAS, the health, safety and welfare of the citizens of the City of SeaTac are best served by measures that ensure stormwater flow control and water quality standards and help protect receiving waters and their beneficial uses;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC,

WASHINGTON, DO ORDAIN as follows:

Section 1. Section 12.10.010 of the SeaTac Municipal Code is hereby amended to read as follows:

12.10.010 King County Surface Water Design Manual adopted by reference.

The 2005 Edition of the King County Surface Water Design Manual (KCSWDM) and the City of SeaTac Addendum to the KCSWDM as it exists now or is hereafter amended as adopted by the King County Department of Natural Resources as now in effect and as may be subsequently amended, is hereby adopted by reference, except that reference to King County shall mean the City and references to the Department of Development and Environmental Services shall mean the Department of Public Works. They are collectively referred to in the Title as the Surface Water Design Manual (SWDM). A copy of the City of SeaTac Addendum to the KCSWDM is attached as Exhibit A.

Section 2. Section 12.10.020 of the SeaTac Municipal Code is hereby amended to read as follows:

12.10.020 Copy on file.

At least one (1) copy of the adopted edition of the King County Surface Water Design Manual, and any amendments thereto, shall be on file in the office of the City Clerk.

Section 3. Modifications to Surface Water Design Manual. The Public Works Director is authorized to approve procedural and administrative modifications to the Surface Water Design Manual.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 5. Effective Date. This Ordinance shall be in full force and effect on February 15, 2010.

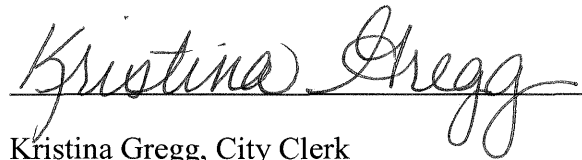
ADOPTED this 8th day of December, 2009, and signed in authentication thereof on this 8th day of December, 2009.

CITY OF SEATAC



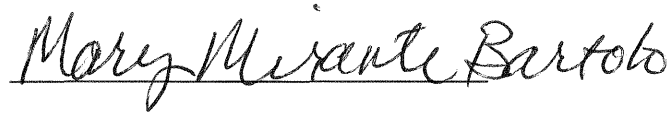
Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

[Effective Date: 12-19-09]

[Insert File NameORD Adoption of KCSWDM]



Addendum to the King County Surface Water Design Manual

EXHIBIT "A"

**Effective date
February 15, 2010**

Draft Addendum to the KCSWDM
Page 1 of 20
11/16/2009

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Acknowledgements

The City of SeaTac gratefully acknowledges the contributions the City of Federal Way has made in the development of this document.

Introduction

This addendum to the 2009 King County Surface Water Design Manual (KCSWDM) applies to development and redevelopment proposals within the City of SeaTac (City). The KCSWDM has been adopted to meet the requirements of the Clean Water Act, the Endangered Species Act and State Growth Management Act. This addendum includes minor revisions to the KCSWDM to address the differences between King County's and the city's organization and processes, as well as to address equivalency requirements. No major substantive changes have been made to the KCSWDM in order to maintain equivalency in review requirements and level of protection provided by the manual.

[**Note:** Clarifications and interpretations to the KCSWDM or this addendum will be documented and made available through policy statements within the City's Development Standards.]

Addendum Organization

The information presented in this addendum is organized as follows:

- **Terminology:** At times King County and City of SeaTac use different terminology to describe or refer to equivalent subject matter. This section identifies these terms and the City of SeaTac's equivalent terminology.
- **Key Revisions:** This section specifically identifies the minor revisions the City has made to the KCSWDM. These revisions are necessary to maintain equivalency to the stormwater standards identified in the NPDES Phase II Permit, as well as to address deficiencies within the KCSWDM.
- **Supplemental Manuals:** This section identifies technical guidance manuals which shall be used to supplement the KCSWDM. These manuals are necessary to maintain equivalency to the stormwater standards identified in the NPDES Phase II Permit, as well as to address deficiencies within the KCSWDM.
- **Code Reference Tables:** King County code is referenced in many places throughout the KCSWDM. This section identifies these code references and equivalent city code where applicable.
- **Reference Materials:** This section identifies which reference materials provided in the KCSWDM are applicable and which are not. It also identifies if equivalent City of SeaTac reference materials are available. This section also includes supporting documentation.
- **Mapping:** City of SeaTac equivalents to the Flow Control Applications Map and the Water Quality Applications Map are included in this section.

Terminology

At times King County and City of SeaTac use different terminology to describe or to refer to equivalent subject matter. This section identifies these terms and the City of SeaTac's equivalent terminology.

Department of Development and Environmental Services (DDES) = City of SeaTac Public Works and Planning & Community Development Departments.

Department of Natural Resources and Parks (DNRP) = City of SeaTac Department of Planning and Community Development Services.

Director = City of SeaTac Public Works Director.

Drainage facilities restoration and site stabilization guarantee and drainage defect and maintenance guarantee = SeaTac Performance/Maintenance Bond.

King County = City of SeaTac.

King County Code (KCC) = SeaTac Municipal Code (SMC). Check code reference table for equivalent code sections.

King County Designated/Identified Water Quality Problem - This determination is made on a case-by-case basis.

King County Road Standards = City of SeaTac Development Standards.

Master Drainage Planning - Not applicable, no SMC equivalent.

Sensitive Area Folio = In addition to the King County Sensitive Area Folio, Stream, Wetland and Steep Slope maps are also available on the Planning and Community Development Department web page at www.ci.seatac.wa.us/departement/planninghome under Planning maps.

Urban Planned Development = Not applicable, no SMC equivalent.

Water and Land Resources (WLR) Division = City of SeaTac Stormwater Compliance and Engineering Divisions.

Zoning Classifications: Where the KCSWDM references Agricultural (A) Zoning, Forest (F) Zoning, or Rural (R) Zoning - These zoning classifications are intended for areas outside of the Urban Growth Boundary, therefore the City of SeaTac contains no equivalent zoning. Refer to City zoning maps to determine which zoning classifications apply to your project.

Key Revisions

This section specifically identifies the minor revisions the City has made to the KCSWDM. These revisions are necessary to maintain equivalency to the stormwater standards identified in the NPDES Phase II Permit, as well as to address deficiencies within the KCSWDM.

Mitigation of Impacts from Construction Site Runoff – Property owners and construction site managers are responsible for mitigating off-site impacts from construction regardless of the size of the project or whether a construction permit was required by the City of SeaTac.

Soil Amendment Requirements – In the absence of City of SeaTac standards for the preservation of duff soil layers and specific soil amendment requirements, the City will rely on King County standards established in King County Clearing and Grading Code sections KCC 16.82.100(F) & (G) included in Reference Section.

Des Moines Creek Basin Flow Control – New and redevelopment projects may use the Basic Flow Control standard as identified in the KCSWDM, and the 1994 land use condition as the pre-development conditions for sizing flow control facilities. This adjustment is established based on the Des Moines Creek Basin Plan, the Des Moines Creek Regional Capital Improvement Project and the Hydrologic Analysis of the Des Moines Creek Regional Detention Facility as specified in a letter from the Department of Ecology, dated July 23, 2003 signed by Kevin Fitzpatrick (included in Reference Section).

Impervious Surface Percentage Exemption - This exemption, which is listed in 1.2.3 of the KCSWDM, is not allowed within the City of SeaTac in order to maintain equivalency with the 2005 Stormwater Management Manual for Western Washington (DOE Manual).

Flow Control Modeling for LID BMPs – Neither the KCSWDM, nor the 2005 Low Impact Development (LID) Technical Guidance Manual fully address how infiltration rates shall be included in flow control modeling for all low impact development BMPs. In an effort to encourage the use of LID techniques SeaTac will allow the Western Washington Hydrology Model to be used to determine flow control requirements for projects containing LID BMPs, until the KCSWDM had been updated to adequately address infiltration rates.

Supplemental Manuals

This section identifies technical guidance manuals which shall be used to supplement the KCSWDM. These manuals are necessary to maintain equivalency to the stormwater standards identified in the NPDES Phase II Permit, as well as to address deficiencies within the KCSWDM.

King County Stormwater Pollution Prevention Manual – The most recent edition of the King County Stormwater Pollution Prevention Manual (KCSWPPM) shall be used as technical guidance for water quality best management practices (BMPs). This BMP manual shall also be used as the technical guidance for identifying and implementing source control measures for private residents, businesses, and industries when applying SMC 12.12 (Surface and Stormwater – Illicit Discharge Detection and Elimination Code).

Low Impact Development Technical Guidance Manual – The 2005 Low Impact Development Technical Guidance Manual created by the Puget Sound Action Team, or as hereafter amended, shall be used as the supplemental technical guidance for the KCSWDM for the use of LID techniques. See the City of SeaTac Development Standards for clarification on the limitations of use for the different LID techniques within the City.

Stormwater System Maintenance Standards – The Maintenance Standards for both public and private stormwater systems are identified in Chapter 6 and Appendix A of the KCSWDM.

Operations and Maintenance Standards for Public Right of Way – The most recent edition of the Regional Road Maintenance - Endangered Species Act Program Guidelines currently found at <http://www.kingcounty.gov/transportation/kcdot/Roads/environment/RegionalRoadMaintenanceESAGuidelines/ESAProgramGuidelines.aspx> , or as hereafter amended, shall be used to supplement the above mentioned stormwater system maintenance standards for work done in the public right of way, as well as public stormwater systems.

- **Supplemental Snow and Ice Policy** – The City of SeaTac shall use snow melt materials (i.e. salt brine) on public roads during snow and ice events in an effort to maintain public safety and commerce. Snow melt materials shall be applied as often as necessary, to the minimum extent necessary in an effort to minimize potential water quality impacts.

Vegetation and Land Management Standards - The most recent edition City of SeaTac Integrated Pest and Vegetation Management Plan shall be used as guidance for pest, vegetation and land management activities for all properties or facilities owned or operated by the City of SeaTac.

Code Reference Tables

King County Code is referenced in many places throughout the KCSWDM. The following tables identify these code references and equivalent city code where applicable.

King County Code to SeaTac Municipal Code (SMC) Reference Table			
King County Code Reference	Subject of Reference	SMC Equivalent	Comment
KCC 2.98	Adoption Procedures	1.01	
KCC 2.98	Critical Drainage Areas (CDAs), adoption procedures	12.10.080	
Title 9	Surface Water Management	12.10 & 12.30	
KCC 9.04	Surface Water Run-off Policy: Variances	No Equivalent	The City relies on the adjustment process identified in the KCSWDM
KCC 9.04.030	Definitions: Targeted Drainage Review/abbreviated evaluation	No Equivalent	In the absence of equivalent SMC, the City will use King County's definition
KCC 9.04.030	Drainage review	No Equivalent	In the absence of equivalent SMC, the City will use King County's definition
KCC 9.04.030	Large Project Drainage Review	No Equivalent	The SMC does not list additional drainage review requirements and relies on the KCSWDM
KCC 9.04.050	Drainage review - requirements	No Equivalent	The SMC does not list additional drainage review requirements and relies on the KCSWDM
KCC 9.04.070	Engineering plans for the purposes of drainage review	Not Applicable	County Code refers to internal DDES procedures and is referenced only in definition of DDES
KCC 9.04.090	Construction timing and final approval	12.10.100	
9.04.100	Liability Requirements	12.10.110 - 12.10.150	

King County Code Reference	Subject of Reference	SMC Equivalent	Comment
KCC 9.04.115	Drainage facilities accepted by King County	No Equivalent	SeaTac generally does not accept stormwater facilities unless they are constructed in the public ROW
KCC 9.04.120	Drainage facilities accepted by King County	No Equivalent	SeaTac generally does not accept stormwater facilities unless they are constructed in the public ROW
K.C.C. 9.05.050	Drainage review - requirements	Not Applicable	King County Code section does not exist. Presumed typo. See KCC 9.04.050
KCC 9.12	Prohibited discharges in the Water Quality Section	12.12	
KCC 9.12	Water Quality	12.12	
KCC 9.12	Water Quality: Stormwater Pollution Prevention Manual Adoption	No Equivalent	Adopted via SeaTac Addendum to KCSWDM
KCC 16.62	Erosion and Sediment Control	Not Applicable	King County Code section does not exist. Presumed typo. See KCC 16.82 below.
KCC 16.82	Clearing and Grading Code: Bridge Design	No Equivalent	In the absence of City standards for bridge design, the City will rely on King County standards
KCC 16.82	Clearing and Grading Code: Clearing Limit	13.190.150	
KCC 16.82.095(A)	Erosion and sediment control standards-seasonal limitation period	No Equivalent	In the absence of City standards for seasonal construction limitations, the City will rely on King County standards
KCC 16.82.100(F)	Grading Standards: Preservation of Duff Layer	No Equivalent	In the absence of City standards for preservation of the duff layer, the City will rely on King County standards
KCC 16.82.100(G)	Grading Standards: Soil Amendments	No Equivalent	In the absence of City standards for soil amendments, the City will rely on King County standards

King County Code Reference	Subject of Reference	SMC Equivalent	Comment
KCC 16.82.150	Clearing standards for individual lots in the rural zone	Not Applicable	SMC does not contain rural zoning classification
KCC 16.82.150 (C)	Clearing standards for individual lots in the rural zone	Not Applicable	SMC does not contain rural zoning classification
KCC 20.20	Land Use Review Procedures	16A	
KCC 21A	Critical Areas Requirements	15.30	
KCC 21A	Definitions: Critical Aquifer Recharge Area	15.30.370	
KCC 21A	Definitions: Erosion Hazard Area	15.10.245	
KCC 21A	Definitions: Flood Hazard Area	15.10.267	
KCC 21A	Definitions: Landslide Hazard Area	No Equivalent	SMC does not contain an equivalent definition
KCC 21A	Definitions: Steep Slope Hazard Area	15.10.613	
KCC 21A	Definition: Structure	15.10.631	
KCC 21A.06	Critical Aquifer Recharge Area	15.30.370	
KCC 21A.06	Definitions: Flood, Erosion, Steep Slope Hazard Areas	15.10	
KCC 21A.06	Definitions: Flood Hazard Area	15.10.267	

King County Code Reference	Subject of Reference	SMC Equivalent	Comment
KCC 21A.06	Definitions: (Nonconversion) Forest Practices	Not Applicable	City of SeaTac only reviews Type IV - Conversion, forest practice permits
K.C.C. 21A.06.1340	Urban planned development land use designation	Not Applicable	SMC contains no equivalent comprehensive plan land use designation
KCC 21A.08	Definitions: Land Zoned for Agriculture (A zoned lands)	Not Applicable	SMC does not contain agricultural zoning classification
KCC 21.A12	Definitions: Urban Residential Development	Not Applicable	SMC contains no equivalent comprehensive plan land use designation
KCC 21A.12.030	Impervious Surface Coverage	15.13.111	
KCC 21A.12.030	Impervious Surface Coverage for Residential Subdivisions	15.15.180	
KCC 21A.14.180	Onsite recreational space	15.19.500, 15.23.350, 15.35.400, 15.38.500, 15.39.400 & 14.21.010(E)	
KCC 21A.14.180.D	21A.14.180 On-site recreation - space required.	15.19.500, 15.23.350, 15.35.400, 15.38.500, 15.39.400 & 14.21.010(E)	
KCC 21A.24	Critical Areas Code: 100-Year Floodplain	15.30.210	
KCC 21A.24	Critical Areas Code: Bridge Design	No Equivalent	In the absence of City standards for bridge design, the City will rely on King County standards
KCC 21A.24	Critical Areas Code: Bridge pier and abutment locations	No Equivalent	In the absence of City standards for bridge and pier location, the City will rely on King County standards

King County Code Reference	Subject of Reference	SMC Equivalent	Comment
KCC 21A.24	Critical Areas Code: Building Setbacks	15.30.190	
KCC 21A.24	Critical Areas Code: Channel Migration Zone	No Equivalent	In the absence of City standards for channel migration zones, the City will rely on King County standards
KCC 21A.24	Critical Areas Code: Definition Streams	15.10.620	
KCC 21A.24	Critical Areas Code: Definition Wetlands/Wetland Soils	15.10.675	
KCC 21A.24	Critical Areas Code: Fish Passage Requirements	15.30.350	
KCC 21A.24	Critical Areas Code: Flood Hazard Area regulations	15.30.200 - 15.30.250	
KCC 21A.24	Critical Areas Code: Floodplain/Floodway Delineation	15.30.200 - 15.30.250	
KCC 21A.24	Critical Areas Code: Floodplain Data	15.30.200 - 15.30.250	
KCC 21A.24	Critical Areas Code: Flood Protection facility	No Equivalent	In the absence of City standards for flood protection facilities, the City will rely on King County standards
KCC 21A.24	Critical Areas Code: Notice on Title	15.30.170	
KCC 21A.24	Critical Areas Code: Regulation of Wetlands	15.30.290 - 15.30.330	
KCC 21A.24	Critical Areas Code: zero-rise and compensatory storage provisions	No Equivalent	In the absence of City standards for zero-rise and compensatory storage, the City will rely on King County standards

King County Code Reference	Subject of Reference	SMC Equivalent	Comment
KCC 21A.24	Definitions: Critical Area Ordinance (CAO)	15.30	See - Environmentally Sensitive Areas Code
KCC 21A.24	Farm Management Plans	Not Applicable	The City does not have Farm Management Plan code.
KCC 21A.24	Floodplain Development Standards: Bridges	No Equivalent	In the absence of City standards for bridge design, the City will rely on King County standards
KCC 21A.24	Notice on Title: Erosion Hazard Areas	15.30.170	
KCC 21A.24	Rural Stewardship Plan or Farm Management Plan	Not Applicable	The City does not have Rural Stewardship Plan code.
KCC 21A.24	Sensitive Area	15.10.564	
KCC 21A.24	Sensitive Area Tract	15.30.180	
KCC 21A.24.100	Critical Area Review	15.30.100	
KCC 21A.24.110	Critical Area Reports	15.30.110 - 15.30.120	
KCC 21A.24.170	Notice on Title	15.30.170	
KCC 21A.24.230	Floodplain and Flood Hazard Areas	15.30.210 - 15.30.250	
KCC 21A.24.270	Notice on Title	15.30.170	
KCC 21A.24.275	channel migration zone development standards	No Equivalent	In the absence of City standards for development in the channel migration zone, the City will rely on King County standards
K.C.C. 21A.38	Property-specific development standards or special district overlays	15.28	

King County Code Reference	Subject of Reference	SMC Equivalent	Comment
K.C.C. 23.20	Code Compliance: Citations	1.15.065	
K.C.C. 23.24	Code Compliance: Notice and Orders	1.15.120 - 1.15.140	
K.C.C. 23.28	Code Compliance: Stop Work Orders	1.15.120 - 1.15.140	
KCC 23.40	Code Compliance: Liens references on declaration of covenants form	1.15.200	
KCC 25	Shoreline Management: Bridge Design	No Equivalent	In the absence of City standards for bridge design, the City will rely on King County standards

Reference Materials

This section identifies which reference materials provided in the 2009 KCSWDM are applicable and which are not. It also identifies if equivalent City of SeaTac reference materials are available.

Notes:

- 1) **Reference materials that have been struck through (i.e. ~~struck through~~) are not applicable to projects in the City of SeaTac.**
- 2) **Reference materials that have been struck through and highlighted (i.e. ~~struck through and highlighted~~) are not applicable, however equivalent City of SeaTac documents are available through the Public Works Department, Development Services Section.**

- ~~1. KCC 9.04 – Surface Water Runoff Policy~~
- ~~2. Adopted Critical Drainage Areas~~
- ~~3. Other Adopted Area Specific Drainage Requirements~~
 - ~~A. RA Zone Clearing Restrictions~~
4. **Other Drainage Related Regulations and Guidelines**
 - A. Grading Code Soil Amendment Standard
 - B. Clearing & Grading Seasonal Limitations
 - C. Landscape Management Plan Guidelines
 - D. Shared Facility Maintenance Guidance
5. **Wetland Hydrology Protection Guidelines**
6. **Hydrologic/Hydraulic Design Methods**
 - A. EPA Infiltration Rate Test
 - B. Pond Geometry Equations
7. **Engineering Plan Support**
 - A. King County Standard Map Symbols
 - B. Standard Plan Notes and Example Construction Sequence
 - C. Stormfilter Access and Cartridge Configuration
8. **Forms and Worksheets**
 - A. Technical Information Report (TIR) Worksheet
 - B. Offsite Analysis Drainage System Table
 - C. Water Quality Facility Sizing Worksheets
 - D. Flow Control and Water Quality Facility Summary Sheet and Sketch
 - E. CSWPPP Worksheet Forms
 - F. Adjustment Application and Process Guidelines
 - ~~G. Dedication and Indemnification Clause - Final Recording~~
 - ~~H. Bond Quantities Worksheet~~
 - ~~I. Maintenance and Defect Agreement~~
 - ~~J. Drainage Facility Covenant~~
 - ~~K. Drainage Release Covenant~~
 - ~~L. Drainage Easement~~
 - ~~M. Flow Control BMP Covenant~~
 - ~~N. Impervious Surface Limit Covenant~~
 - ~~O. Clearing Limit Covenant~~
 - ~~P. River Protection Easement~~
 - ~~Q. Leachable Metals Covenant~~
- ~~9. Interim Changes to Requirements~~
10. **King County Identified Water Quality Problem**

Additional Reference Materials



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

July 23, 2003

Mr. David Masters, Project Coordinator
Des Moines Creek Regional Detention Facility Planning Committee
P.O. Box 4008
Seattle, WA 98194

Dear Mr. Masters;

Re: Hydrologic Analysis of the Des Moines Creek Regional Detention Facility

We have reviewed the following reports submitted by you on behalf of the members of the Des Moines Creek Planning Committee:

- *Hydrologic Analysis of the Des Moines Creek Regional Detention Facility Using HSPF*
- *Des Moines Creek Regional Capital Improvement Project, Preliminary Design Report (including the Alternatives Analysis, Alternative Analyses Addendum, and Appendices A, B, D, and E).*
- *Des Moines Creek Basin Plan*

We find that these documents are responsive to the Department of Ecology's *Stormwater Management Manual for Western Washington, Appendix A, Guidance for Altering the Minimum Requirements Through Basin Planning*. The information submitted provides sufficient technical data to justify an alternative to the department's recommended minimum requirement for flow control within the Des Moines Creek Watershed. The alternative receiving the department's concurrence requires the implementation of three recommendations from the subject reports:

- A Des Moines regional detention facility in the Tyee Golf Course at the southern end of Sea-Tac airport, north of South 200th St., including two new stormwater detention ponds referred to as the Northwest Pond and the Approach Light Road Pond, as further described in the documents.
- Two bypass pipelines; a 48-inch diameter line to carry flow from the existing Tyee Regional Stormwater Pond to the Northwest Pond, and a 30-inch diameter line from the Tyee Pond to an abandoned sanitary sewer line that will be refurbished to carry stormwater to Puget Sound.

Draft CFW Addendum to the KCSWDM

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11/16/2009

- Application of the King County Runoff Time Series (KCRTS) flow model or other DOE approved models, the King County Level 1 flow control standard, and the 1994 land use condition as the pre-developed condition for sizing flow control facilities for new development and redevelopment once the regional facilities and bypass lines are constructed and operational.

This concurrence should not be construed as the issuance of the necessary permits for construction of the above projects.

Because the planning documents do not provide alternative recommendations to the water quality treatment guidance provided in the 2001 Stormwater Management Manual for Western Washington, the Department of Ecology encourages the local governments to use the manual recommendations for new development and redevelopment. In addition, the Department encourages the Basin Committee to continue planning to address the existing water quality problems of the creek. The chemical parameters identified in the planning documents that exceed applicable water quality standards include: fecal coliform bacteria, temperature, dissolved copper and zinc. In addition, because of the relatively urbanized nature of the watershed, it is likely that concentrations of various polycyclic aromatic hydrocarbons and pesticides are periodically problematic.

We congratulate the local governments on their foresight, determination, and commitment to identify and implement a strategy that should give Des Moines Creek and its biologic resources a much improved chance at not only surviving, but thriving.

Sincerely,



Kevin C. Fitzpatrick
Water Quality Manager
Northwest regional Office

KCF:ha:jc

Cc: Donald Althausser, P.E., King County
Ed O'Brien, P.E., DOE, Water Quality, HQ
Ed Abbasi, Water Quality, NWRO

Soil Amendment Requirements
[King County Clearing and Grading Code 16.82.100 (F) & (G)]

F. The duff layer and native topsoil shall be retained in an undisturbed state to the maximum extent practicable. Any duff layer or topsoil removed during grading shall be stockpiled on-site in a designated, controlled area not adjacent to public resources and critical areas. The material shall be reapplied to other portions of the site where feasible.

G.1. Except as otherwise provided in subsection G.2. of this section, areas that have been cleared and graded shall have the soil moisture holding capacity restored to that of the original undisturbed soil native to the site to the maximum extent practicable. The soil in any area that has been compacted or that has had some or all of the duff layer or underlying topsoil removed shall be amended to mitigate for lost moisture-holding capacity. The amendment shall take place between May 1 and October 1. The topsoil layer shall be a minimum of eight inches thick, unless the applicant demonstrates that a different thickness will provide conditions equivalent to the soil moisture-holding capacity native to the site. The topsoil layer shall have an organic matter content of between five to ten percent dry weight and a pH suitable for the proposed landscape plants. When feasible, subsoils below the topsoil layer should be scarified at least four inches with some incorporation of the upper material to avoid stratified layers. Compost used to achieve the required soil organic matter content must meet the definition of "composted materials" in WAC 173-350-220.

G2. This subsection does not apply to areas that:

- a. Are subject to a state surface mine reclamation permit; or
- b. At project completion are covered by an impervious surface, incorporated into a drainage facility or engineered as structural fill or slope. (King County Ord. 16267 § 5, 2008: Ord. 15053 § 10, 2004: Ord. 13190 § 4, 1998: Ord. 3108 § 8, 1977: Ord. 1488 § 11, 1973).

Mapping

City of SeaTac equivalents to the Flow Control Applications Map and the Water Quality Applications Map are attached. In lieu of a SeaTac equivalent to the County Landslide Hazard Drainage Areas Map, the City will rely on King County's map.

Flow Control Applications Map

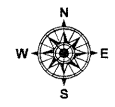
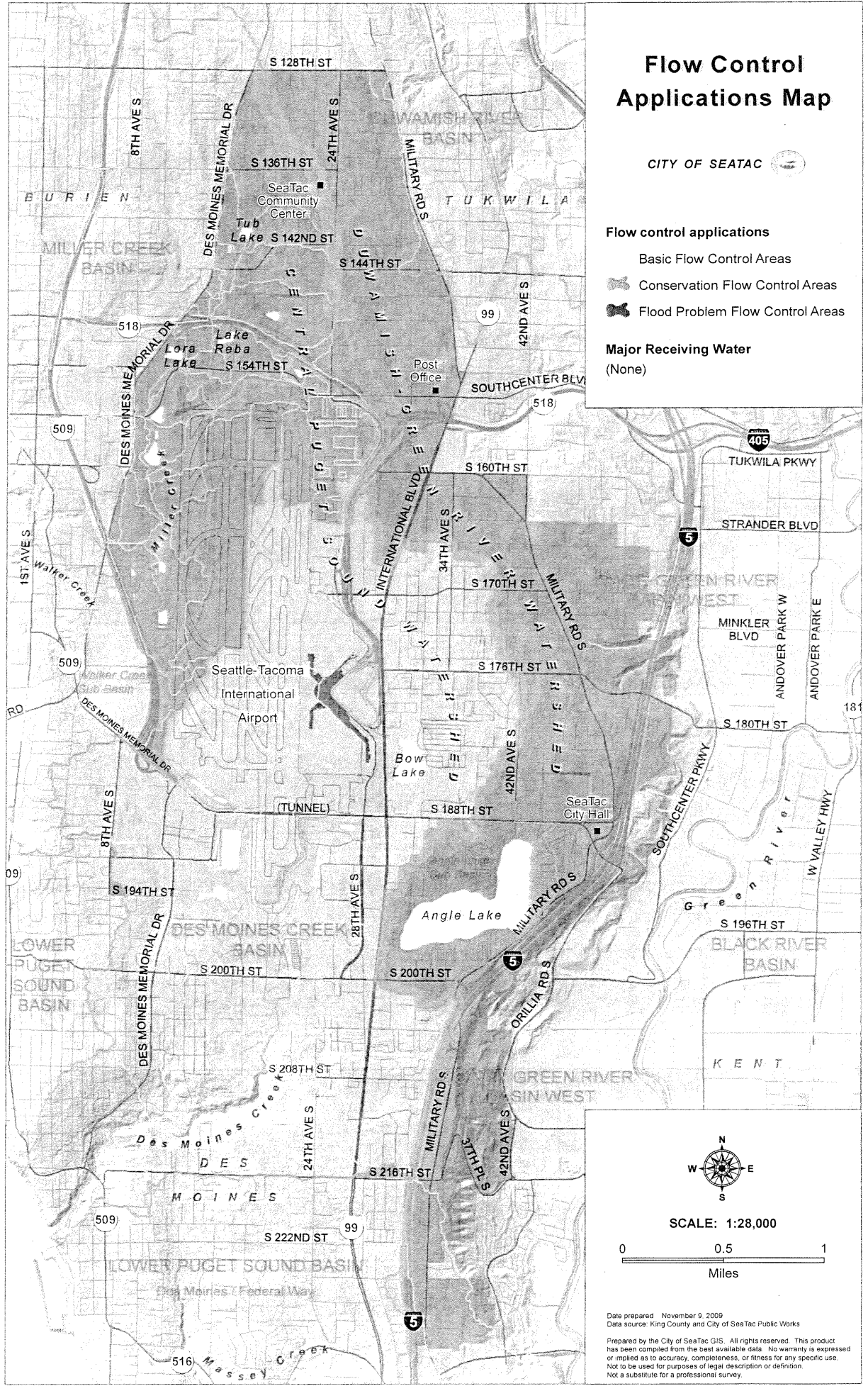
CITY OF SEATAC



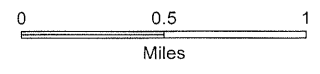
Flow control applications

- Basic Flow Control Areas
- Conservation Flow Control Areas
- Flood Problem Flow Control Areas

Major Receiving Water
(None)




SCALE: 1:28,000




Date prepared November 9, 2009
 Data source: King County and City of SeaTac Public Works
 Prepared by the City of SeaTac GIS. All rights reserved. This product has been compiled from the best available data. No warranty is expressed or implied as to accuracy, completeness, or fitness for any specific use. Not to be used for purposes of legal description or definition. Not a substitute for a professional survey.


Water Quality Applications Map


CITY OF SEATAC 

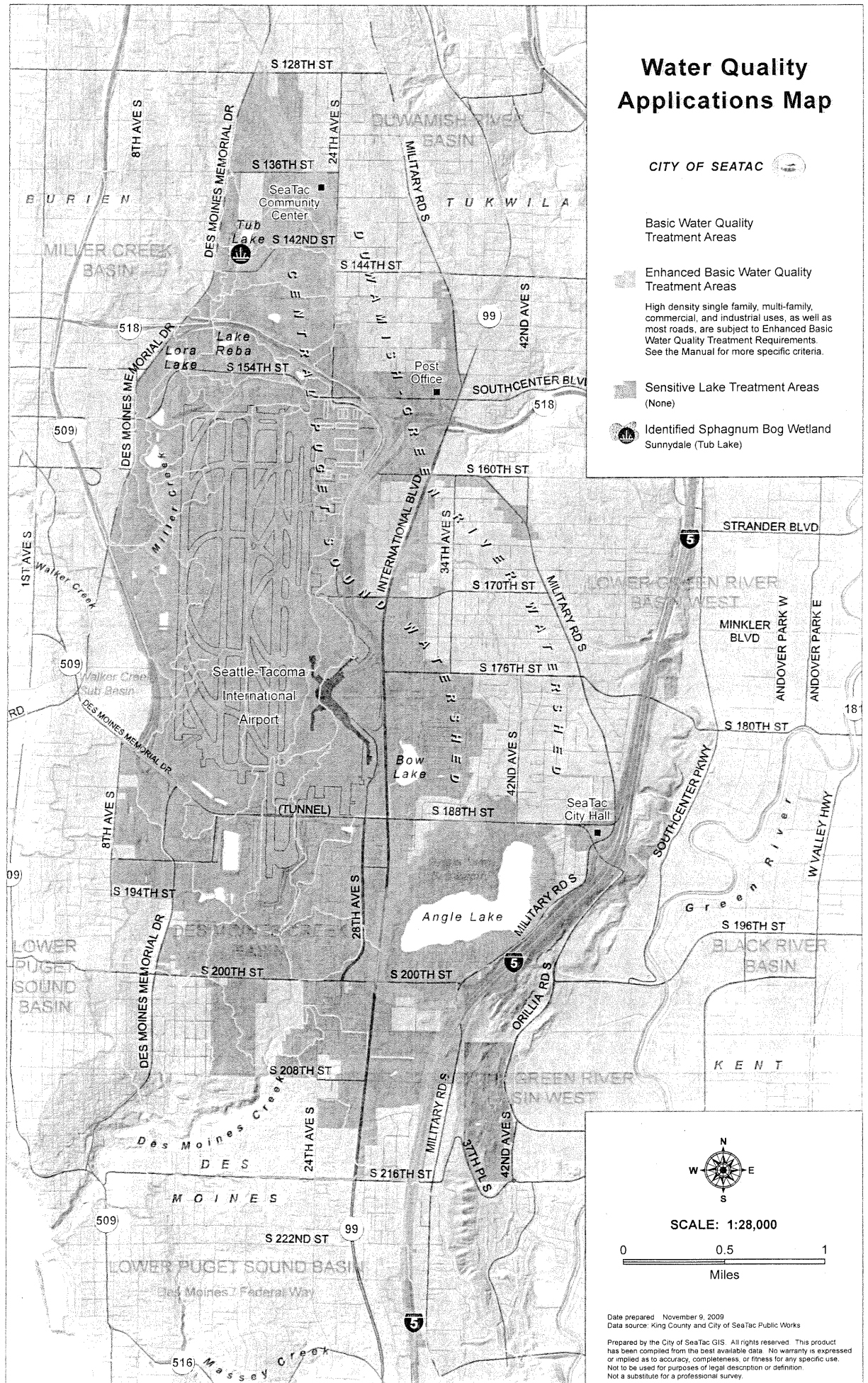
Basic Water Quality Treatment Areas

 Enhanced Basic Water Quality Treatment Areas

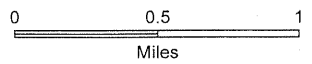
High density single family, multi-family, commercial, and industrial uses, as well as most roads, are subject to Enhanced Basic Water Quality Treatment Requirements. See the Manual for more specific criteria.

 Sensitive Lake Treatment Areas (None)

 Identified Sphagnum Bog Wetland Sunnydale (Tub Lake)



SCALE: 1:28,000



Date prepared: November 9, 2009
 Data source: King County and City of SeaTac Public Works
 Prepared by the City of SeaTac GIS. All rights reserved. This product has been compiled from the best available data. No warranty is expressed or implied as to accuracy, completeness, or fitness for any specific use. Not to be used for purposes of legal description or definition. Not a substitute for a professional survey.

ORDINANCE NO. 09-1043

AN ORDINANCE of the City Council of the City of SeaTac, Washington, authorizing the purchase of real property identified as tax parcel 0043000015, 0043000013, 0043000018, located at 15247 International Boulevard in SeaTac, Washington, authorizing the City Manager to execute any documents necessary to effectuate the acquisition, and amending the City's 2009 Annual Budget, and establishing an immediate effective date.

WHEREAS, the City Council desires that the City acquire property located at 15247 International Boulevard in SeaTac, Washington ("SeaTac Center"), and

WHEREAS, amendment to the City's 2009 Annual City Budget is necessary to provide additional appropriation authority for the Municipal Capital Improvements Fund and additional revenue and appropriation authority for the Municipal Facilities CIP Fund;

WHEREAS, the City is acquiring the SeaTac Center for the purpose of creating public roads and infrastructure and public open space;

WHEREAS, the City is able to acquire the SeaTac Center for substantially less than the appraised value of the property, and thus the City Council believes that it is appropriate to acquire the property at this time;

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

Section 1. The City Council finds that it is in the interest of the City of SeaTac to purchase the real property identified as tax parcel 0043000015, 0043000013, 0043000018, located at 15247 International Boulevard, SeaTac, Washington (hereinafter referred to as the "Property"), for the estimated total acquisition cost of \$12.7 million. The acquisition costs include additional costs and fees, including but not limited to broker's fees, outside legal services, escrow fees, title insurance, real estate taxes, possible real estate excise tax, and due diligence costs.

Section 2. The City Manager is authorized to execute any necessary documents needed to effectuate the acquisition, including the payment of additional costs and fees.

Section 3. The 2009 Annual City Budget shall be amended to increase expenditures in the Port ILA Fund by \$12.7 million.

Section 4. The 2009 Annual City Budget shall be amended to increase revenue in the Light Rail Station Areas CIP Fund by \$12.7 million and increase expenditures in this Fund by \$12.7 million.

Section 5. The City Council explicitly finds that:

- a. The property is a key parcel to implement the adopted 154th Street Station Area Plan;
- b. The property represents the gateway to the 154th Street Station Area from the Sound Transit light rail station;
- c. The acquisition of the property is necessary to construct the public roads, open space, and infrastructure, as contemplated by the City's adopted 154th Street Station Area Plan. Without the ability to construct public roads, open space, and infrastructure, the ability of the City to realize the vision of the 154th Street Station Area Plan will likely never occur;
- d. The construction of public roads, open space, and infrastructure, is essential to realizing the vision articulated in the City's adopted 154th Street Station Area Plan;
- e. The City's opportunity to acquire the property is limited, in that Staff has been advised that acquisition after December 31, 2009 may not be possible, or will be possible with a substantially increased price; and
- f. The City's acquisition of the property will improve the quality of life of the citizens of the City of SeaTac.

Section 6. Based upon the findings contained in Section 5 above, this Ordinance shall be effective upon adoption in order to preserve the public peace, health or safety and provide support of the City government and its existing public institutions, facilities and infrastructure.

ADOPTED this 29th day of December, 2009, and signed in authentication thereof on this 29th day of December, 2009.

CITY OF SEATAC



Ralph Shape, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Effective Date: 12-29-09]
[SeaTac Center Acquisition]