



City Ordinances Archive

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ORDINANCE NO. 04-1001

AN ORDINANCE of the City Council of the City of SeaTac, Washington authorizing the expenditure of 1% of General Fund operating expenditures for Human Services 2004 Contracts and amending the 2004 Annual City Budget.

WHEREAS, the City Council has a policy to allocate one percent of the 2004 General Fund expenditure appropriation to non-profit agencies for the delivery of human services to low and moderate income residents of the City of SeaTac; and

WHEREAS, the 2004 Budget allocates \$190,277.00 (\$146,600.00 for Human Service Contracts and \$43,677.00 for the Community Advocate); and

WHEREAS, in order to maintain agency funding consistent with the 2003 levels and salary and benefits for the Community Advocate, \$200,767.00 is necessary, which is \$10,490.00 more than the current appropriation; and

WHEREAS, this issue has been before the Human Services Advisory Committee on June 11, 2003, September 15, 2003 and November 10, 2003, the Administration and Finance Committee on January 13, 2004, and the Study Session on January 20, 2004; and

WHEREAS, there is a total of \$3,735.00 in unspent 2003 funds which may be carried forward to the 2004 Budget by this budget amendment in order to assist in funding this shortfall; and

WHEREAS, the Human Services Advisory Committee and the Administration and Finance Committee recommend a budget amendment in the amount of \$6,755.00 to fund the remaining shortfall;

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

Section 1. The 2004 Annual City Budget shall be amended to increase the General Fund by the sum of \$6,755.00 for Human Services (BARS 001.000.03.559.30.41.012).

Section 2. The 2004 Annual City Budget shall also be amended to carry over unspent 2003 Budget funds from the General Fund in the amount of \$3,735.00 to the 2004 Budget General Fund (BARS 001.000.03.559.30.41.012).

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

ADOPTED this 27th day of January, 2004, and signed in authentication thereof on this 27th day of January, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[Human Services Budget Amendment]

ORDINANCE NO. 04-1002

AN ORDINANCE of the City Council of City of SeaTac,
Washington, amending the 2004 Annual City Budget of FEMA
Grant awarded to the Fire Department.

WHEREAS, the SeaTac City Council has reviewed agenda bill #2401 submitted by the Fire Department and authorize the acceptance of a Federal Emergency Management Agency (FEMA) grant for mobile data computers; and

WHEREAS, the grant provides for 90% funding of the cost of this equipment, committing the City to 10% of the cost; and

WHEREAS, the 10% funding commitment requires an amendment to the City's 2004 Annual City Budget.

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

Section 1. The 2004 Annual City Budget shall be amended to increase the total General Fund revenues by \$136,665.

Section 2. The 2004 Annual City Budget shall be amended to increase the total Fire Department expenditures in the General Fund by \$151,850.

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, 2004, and signed in authentication thereof on this 27th day of January, 2004.

CITY OF SEATAC

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney
(Effective Date: _____)

ORDINANCE NO. 04-1003

AN ORDINANCE of the City Council of the City of SeaTac, Washington, granting unto the Federal Aviation Administration, an Agency of the Federal Government, a nonexclusive franchise to construct, maintain, and operate certain facilities within public right-of-ways and public properties of the City.

WHEREAS, RCW 35A.47.040 authorizes the City to grant, permit, and regulate nonexclusive franchises for the use of public streets, right-of-ways, and other public property for public conveyances, for transmission of electrical energy, for transmission of communications, and for gas, steam, fuel, water, and sewer systems; and

WHEREAS, the grant of such franchises requires the approving vote of at least a majority of the entire City Council; and

WHEREAS, the Council finds that the grant of the franchise contained in this Ordinance, subject to its terms and conditions, is in the best interests of the public;

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

The City of SeaTac, a Washington municipal corporation (hereinafter the "City"), hereby grants unto the Federal Aviation Administration, an Agency of the Federal Government, (hereinafter "Grantee"), a franchise for a period of fifteen (15) years, beginning on the effective date of this Ordinance, to install, construct, operate, maintain, replace, and use all necessary equipment and facilities for telecommunication and electrical systems, in, under, on, across, over, through, along or below the public right-of-ways and public places located in the City of SeaTac, as approved under City permits issued pursuant to this franchise.

1. Non-Exclusivity. This franchise is granted upon the express condition that it shall not in any manner prevent the City from granting other or further franchises in, under, on, across, over, through, along or below any right-of-ways, streets, avenues and all other public lands and properties of every type and description. This and other franchises shall, in no way, prevent or prohibit the City from using any of its right-of-ways, roads, streets or other public properties or affect its jurisdiction over them or any part of them, and the City hereby retains full power to make all changes, relocations, repairs, maintenance, establishments, improvements, dedications or

vacation of same as the City may deem fit, including the dedication, establishment, maintenance, and improvement of all new right-of-ways, streets, avenues, thoroughfares and other public properties of every type and description.

2. Right-of-Way Permits Required. Whenever Grantee shall excavate in any public right-of-way or other public property for the purpose of installation, construction, repair, maintenance or relocation of its facilities, it shall apply to the City for a permit to do so, together with detailed plans and specifications showing the position, depth, and location of all such facilities in relation to existing City right-of-ways, roads, streets, or other City property, hereinafter collectively referred to as the "Plans". In no case shall any work commence within any public right-of-way or other public property without a valid permit. The Grantee shall, prior to commencing permitted work, give the City not less than two (2) full working days notice thereof. The facilities shall be installed or constructed in exact conformity with said Plans except in instances in which deviation may be allowed by the City, in writing, in response to written application by Grantee. The Plans shall specify the class and type of material and equipment to be used, manner of excavation, construction, installation, backfill, erection of temporary structures and facilities, erection of permanent structures and facilities, traffic control, traffic turnouts and road obstructions, and all other necessary information. During the progress of the work, Grantee shall not unnecessarily obstruct the passage or proper use of the right-of-ways. Grantee shall file as-built plans and maps with the City showing the final location of the facilities. All restoration of right-of-ways, roads, streets and the surface of other public property shall be in conformance with City standards, and conditions of the permit.

3. Emergency Work. In the event of any emergency in which any of Grantee's facilities break, are damaged, or if Grantee's facilities or construction areas are otherwise in such a condition as to immediately endanger any property, life, health, or safety, Grantee shall immediately inform the City permitting authority of the location and condition and shall immediately take all necessary actions to repair its facilities, and to cure or remedy any dangerous conditions. Such emergency work may be commenced without first applying for and obtaining a permit as required by this franchise. However, this provision shall not relieve Grantee from the requirement of obtaining any permits necessary for this purpose, and Grantee shall apply for all such permits not later than the next succeeding day during which the City is open for business.

4. Inspections and Fees. All work performed by Grantee shall be subject to inspection by and approval of the City. The Grantee shall reimburse the City for all expenses incurred by the City in the examination, inspection, and approval of Grantee's work. Such reimbursement shall be in addition to any other fees or charges levied by the City.

5. Commencement of Construction. Construction of the facilities contemplated by this franchise shall commence no later than the effective date of this Ordinance, provided that such time limit shall not apply to delays caused by acts of God, strike or other occurrences over which Grantee has no control. No right-of-way use fee shall be imposed at this time. However, at such time as a right-of-way use fee is imposed by City Ordinance, applicable to Grantee, the same will be imposed after sixty (60) days notice from the City to the Grantee.

6. Special Construction Standards. During any period of work relating to Grantee's facilities, all surface structures and equipment, if any, shall be erected and used in such places and positions within or adjacent to public right-of-ways and other public properties so as to interfere as little as possible with the free passage of vehicular and pedestrian traffic and the free use of adjoining property. Grantee shall, at all times, post and maintain proper barricades and comply with all applicable safety regulations during such period of construction as required by the ordinances of the City, conditions of permits, and laws and regulations of the State of Washington, specifically including **RCW 39.04.180** for the construction of trench safety systems.

If Grantee shall at any time be required, or plan, to excavate trenches in any area covered by this Ordinance, the Grantee shall afford the City an opportunity to permit other franchisees and utilities to share such excavated trenches, PROVIDED THAT: (1) such joint use shall not unreasonably delay the work of the Grantee; and (2) such joint use shall not adversely affect Grantee's facilities or safety thereof. When deemed appropriate by the City, joint users may be required to contribute to the costs of excavation and filling.

7. Restoration After Construction. Grantee shall, after abandonment approved under Section 10 herein, or any other installation, construction, relocation, maintenance, or repair of facilities within the franchise area, restore the surface of the right-of-way or public property to at least the condition that the same was in immediately prior to any such work. All concrete encased monuments which have been disturbed or displaced by such work shall be restored pursuant to all federal, state and local standards and specifications. Grantee agrees to promptly complete all restoration work and to promptly repair any damage caused by such work within the franchise area or other affected area at its sole cost and expense.

8. Dangerous Conditions - Authority of City to Abate. Whenever excavation, installation, construction, repair, maintenance, or relocation of facilities authorized by this franchise has caused or contributed to a condition that appears to substantially impair the lateral support of the adjoining right-of-way, road, street or other public place, or endangers the public, adjoining public or private property or street utilities, the City may direct Grantee, at Grantee's sole expense, to take all necessary actions to protect the public and property. The City may require that such action be completed within a prescribed time.

In the event that Grantee fails or refuses to promptly take the actions directed by the City, or fails to fully comply with such directions, or if emergency conditions exist which require immediate action, the City may enter upon the property and take such actions as are necessary to protect the public, adjacent public or private property, or street utilities, or to maintain the lateral support thereof, and all other actions deemed by the City to be necessary safety precautions; and Grantee shall be liable to the City for all costs and expenses thereof.

9. Relocation of Facilities. Grantee agrees and covenants, at its sole cost and expense, to protect, support, temporarily disconnect, relocate or remove from any street any of its installations when so required by the City by reason of traffic conditions or public safety, dedications of new right-of-ways and the establishment and improvement thereof, freeway construction, change or establishment of street grade, or the construction of any public

improvement or structure, provided that Grantee shall in all such cases have the privilege to temporarily bypass, in the authorized portion of the same street upon approval by the City, any section of their facilities required to be temporarily disconnected or removed.

If the City determines that the project necessitates the relocation of Grantee's then existing facilities, the City shall:

- a) At least sixty (60) days prior to the commencement of such improvement project, provide Grantee with written notice requiring such relocation; and
- b) Provide Grantee with copies of pertinent portions of the plans and specifications for such improvement project and a proposed location for Grantee's facilities so that Grantee may relocate its facilities in other City right-of-way in order to accommodate such improvement project.
- c) After receipt of such notice and such plans and specification, Grantee shall complete relocation of its facilities at no charge or expense to the City so as to accommodate the improvement project at least ten (10) days prior to commencement of the project.

Grantee may, after receipt of written notice requesting a relocation of its facilities, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives and advise Grantee in writing if one or more of the alternatives is suitable to accommodate the work which would otherwise necessitate relocation of the facilities. If so requested by the City, Grantee shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by Grantee full and fair consideration. In the event the City ultimately determines that there is no other reasonable alternative, Grantee shall relocate its facilities as otherwise provided in this Section.

The provisions of this Section shall in no manner preclude or restrict Grantee from making any arrangements it may deem appropriate when responding to a request for relocation of its facilities by any person or entity other than the City, where the facilities to be constructed by said person or entity are not or will not become City owned, operated or maintained facilities, provided that such arrangements do not unduly delay a City construction project.

10. Abandonment of Grantee's Facilities. No facility constructed or owned by Grantee may be abandoned without the express written consent of the City. Any plan for abandonment or removal of Grantee's facilities must be first approved by the City, and all necessary permits must be obtained prior to such work.

11. Grantee's Maps and Records. After construction is complete, and as a condition of this franchise, Grantee shall provide to the City at no cost, a copy of all accurate as-built plans, maps and records.

12. Recovery of Costs. Grantee shall be subject to all permit fees associated with activities undertaken through the authority granted in this franchise or under ordinances of the

City. Where the City incurs costs and expenses for review or inspection of activities undertaken through the authority granted in this franchise or any ordinances relating to the subject for which a permit fee is not established, Grantee shall pay such costs and expenses directly to the City. In addition to the above, Grantee shall promptly reimburse the City for any and all costs it reasonably incurs in response to any emergency involving Grantee's facilities.

13. Limitation on Future Work. In the event that Grantor reconstructs a new roadway, the Grantee shall not be permitted to excavate such roadway for a period of five (5) years absent emergency circumstances.

14. Remedies to Enforce Compliance. In addition to any other remedy provided herein, the City reserve the right to pursue any remedy to compel or force Grantee and/or its successors and assigns to comply with the terms hereof, and the pursuit of any right or remedy by the City shall not prevent the City from thereafter declaring a forfeiture or revocation for breach of the conditions herein.

15. City Ordinances and Regulations. Nothing herein shall be deemed to direct or restrict the City's ability to adopt and enforce all necessary and appropriate ordinances regulating the performance of the conditions of this franchise, including any reasonable ordinances made in the exercise of its police powers in the interest of public safety and for the welfare of the public. The City shall have the authority at all times to control by appropriate regulations the location, elevation, and manner of construction and maintenance of any facilities by Grantee, and Grantee shall promptly conform with all such regulations, unless compliance would cause Grantee to violate other requirements of law.

16. Vacation. If, at any time, the City shall vacate any City road, right-of-way or other City property which is subject to rights granted by this franchise and said vacation shall be for the purpose of acquiring the fee or other property interest in said road, right-of-way or other City property for the use of the City, in either its proprietary or governmental capacity, then the City may, at its option and by giving thirty (30) days written notice to the grantee, terminate this franchise with reference to such City road, right-of-way or other City property so vacated, and the City shall not be liable for any damages or loss to the grantee by reason of such termination.

17. Indemnification. Grantee hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its officers, employees, agents and representatives from any and all claims, costs, judgments, awards or liability to any person, including claims by Grantee's own employees to which Grantee might otherwise be immune under Title 51 RCW, arising from injury or death of any person or damage to property of which the negligent acts or omissions of Grantee, its agents, servants, officers or employees in performing services under this franchise are the proximate cause. Grantee further releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its officers and employees from any and all claims, costs, judgments, awards or liability to any person, including claims by Grantee's own employees to which Grantee might otherwise have immunity under Title 51 RCW, arising against the City solely by virtue of the City's ownership or control of the right-of-ways or other public properties, by virtue of Grantee's exercise of the rights granted herein, or by virtue of the City's permitting Grantee's use of the City's right-of-ways or other public property based upon the

inspection or lack of inspection of work performed by Grantee, its agents and servants, officers or employees in connection with work authorized on the City's property or property over which the City has control, pursuant to this franchise or pursuant to any other permit or approval issued in connection with this franchise. This covenant of indemnification shall include, but not be limited by this reference, to claims against the City arising as a result of the negligent acts or omissions of Grantee, its agents, servants, officers or employees in barricading, instituting trench safety systems or providing adequate warnings of any excavation, construction, or work in any public right-of-way or other public place in performance of work or services permitted under this franchise.

Inspection or acceptance by the City of any work performed by Grantee at the time of completion of construction shall not be grounds for avoidance of any of these covenants of indemnification. Said indemnification obligations shall extend to claims which are not reduced to a suit and any claims which may be compromised prior to the culmination of any litigation or the institution of any litigation.

In the event that Grantee refuses to accept the tender of defense in any suit or any claim, said tender having been made pursuant to the indemnification clauses contained herein, and said refusal is subsequently determined by a court having jurisdiction (or such other tribunal that the parties shall agree to decide the matter), to have been a wrongful refusal on the part of Grantee, then Grantee shall pay all of the City's costs for defense of the action, including all reasonable expert witness fees and reasonable attorneys' fees and the reasonable costs of the City, including reasonable attorneys' fees of recovering under this indemnification clause.

Should a court of competent jurisdiction (or such other tribunal that the parties shall agree to decide the matter) determine that this franchise, or work conducted under authority of this franchise, is subject to **RCW 4.24.115**, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of Grantee and the City, its officers, employees and agents, Grantee's liability hereunder shall be only to the extent of Grantee's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes Grantee's waiver of immunity under Title **51 RCW**, solely for the purpose of this indemnification. This waiver has been mutually negotiated by the parties.

The provisions of this Section shall survive the expiration or termination of this franchise agreement, for a period of three (3) years.

18. **Insurance and Bond.** Grantee is self-insured and shall not be required to provide a certificate of insurance or bond for work covered under this franchise.

19. **Modification.** The City and Grantee hereby reserve the right to alter, amend or modify the terms and conditions of this franchise upon written agreement of both parties to such alteration, amendment or modification.

20. **Forfeiture and Revocation.** If Grantee willfully violates or fails to comply with any of the provisions of this franchise, or through willful or unreasonable negligence fails to heed or comply with any notice given Grantee by the City under the provisions of this franchise, then

Grantee shall, at the election of the City, forfeit all rights conferred hereunder and this franchise may be revoked or annulled by the City after a hearing held upon reasonable notice to Grantee. The City may elect, in lieu of the above and without any prejudice to any of its other legal rights and remedies, to obtain an order from the superior court having jurisdiction compelling Grantee to comply with the provisions of this franchise and to recover damages and costs incurred by the City by reason of Grantee's failure to comply.

21. Assignment. This franchise may not be assigned or transferred without the written approval of the City. For purposes hereof, the grant of any security agreement or security interest in the facilities of the Grantee to secure any financing or refinancing, shall constitute an assignment of this franchise for which written approval would be required. In the case of the transfer or assignment as collateral for a mortgage or other security instrument in whole or in part to secure indebtedness, such consent shall not be required unless and until the secured party elects to realize upon the collateral. Grantee shall provide prompt, written notice to the City of any such assignment.

22. Costs of Publication. The cost of the preliminary and/or final publication of this Ordinance and/or its Ordinance Summary shall be borne by Grantee.

23. Acceptance. Not later than thirty (30) days after passage and publication of this Ordinance, the Grantee must accept the franchise herein by filing with the City Clerk an unconditional written acceptance thereof. Failure of Grantee to so accept this franchise within said period of time shall be deemed a rejection thereof by Grantee, and the rights and privileges herein granted shall, after the expiration of the five day period, absolutely cease, unless the time period is extended by ordinance duly passed for that purpose.

24. Survival. All of the provisions, conditions and requirements of Sections: 7 Special Construction Standards; 8 Restoration After Construction; 9 Dangerous Conditions; 10 Relocation of Facilities; 11 Abandonment of Grantee's Facilities; and 17 Indemnification, of this franchise shall be in addition to any and all other obligations and liabilities Grantee may have to the City at common law, by statute, by ordinance, or by contract, and shall survive termination of this franchise, and any renewals or extensions hereof. All of the provisions, conditions, regulations and requirements contained in this franchise shall further be binding upon the heirs, successors, executors, administrators, legal representatives and assigns of Grantee and all privileges, as well as all obligations and liabilities of Grantee shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever Grantee is named herein.

25. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this franchise Ordinance. In the event that any of the provisions of this franchise are held to be invalid by a court of competent jurisdiction, the City reserves the right to reconsider the grant of this franchise and may amend, repeal, add, replace or modify any other provision of this franchise, or may terminate this franchise.

26. Renewal. In the event the time period granted by this franchise expires without

being renewed by the City, the terms and conditions hereof shall continue in effect until this franchise is renewed or terminated by the City.

27. Notice. Any notice or information required or permitted to be given by or to the parties under this franchise may be sent to the following addresses unless otherwise specified, in writing:

City Manager
City of SeaTac
17900 International Blvd.
Suite 401
SeaTac, WA 98188
(206) 973-4800

Lisa L. Mansfield
Real Estate Contracting Officer
1601 Lind Avenue S. W.
Renton, Washington 98055-4056
(425) 227-1592

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

ADOPTED this 27th day of January, 2004, and signed in authentication thereof on this 27th day of January, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante-Bartolo, City Attorney

ORDINANCE NO. 04-1004

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to the Zoning Code; making amendments and additions to the code regarding mobile refueling operations and amending Section 15.12.060 and adding new Sections 15.10.404 and 15.13.102.

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 15.12.060 of the SeaTac Municipal Code is hereby amended to read as follows:

15.12.060 Retail/Commercial Uses

- | | | |
|----------------------------------|---------------------------------------|---------------------------------------------|
| ZONES: | UH – Urban High Density | O/CM – Office/Commercial Medium |
| P – Park | NB – Neighborhood Business | BP – Business Park |
| MHP – Mobile Home Park | CB – Community Business | O/C/MU – Office/Commercial/Mixed Use |
| UL – Urban Low Density | ABC – Aviation Business Center | T – Townhouse |
| UM – Urban Medium Density | I – Industrial/Manufacturing | |

P – Permitted Use; C – Conditional Use Permit

USE #	LAND USE	ZONES												
		P	MH P	UL	UM	UH	NB	CB	ABC	I	O/CM	BP	O/C/ MU	T
RETAIL/COMMERCIAL USES														
101	Hotel/Motel and Associated Uses					C*	P	P*	P*		P*	C*	C*	
102	Forest Products						P(3)	P*(3)		C(1)	P*(6)			
103	Hardware/Garden Material						P	P*			P*(6)		P*(9)	P*(9)
104	Department/Variety Store						P	P*	P*(2)		P*(6)		P*(9)	P*(9)
105	Food Store					P*(8)	P	P*	P*(2)		P*(6)		P*(9)	P*(9)
106	Agricultural Crop Sales (Farm Only)			P				P*						
107	Auto/Boat Dealer							P*		P	C*(6)			
108	Auto Supply Store						P	P*		P	C*(6)		C*(9)	
109	Gasoline/Service Station						P	P*		P				
109.1	Mobile Refueling Operation	P(10)	P(10)	P(10)	P(10)	P(10)	P(10)	P(11)	P(11)	P(11)	P(10)	P(11)	P(10)	P(10)
110	Apparel/Accessory Store							P*	P*(2)		P*		P(9)	
111	Furniture Store							P*			P*		P(9)	
112	Fast Food/Restaurant					C*(2,4)		P*	P*	P	P*(6)	P*(2)	P*(4,9)	P*(4,9)
112.1	Retail Food Shop					P*(8)	P	P*	P*		P*	P*(2)	P*(9)	
112.2	Tavern						P(8)	P*			P*		C*	P*(9)
113	Drug Store						P	P*	P*		P*(6)	P*(2)	P*(9)	P*(9)
114	Liquor Store							P*			P*		C*	
115	Antique/Secondhand Store						P	P*			P*(6)		P*(9)	P*(9)
116	Sporting Goods and Related Stores							P*	P*(2)		P*(6)		P*(9)	P*(9)
117	Media Material					P*(7)	P	P*	P*(2)		P*		P*(9)	
118	Jewelry Store						P	P*	P*(2)		P*(6)		P*(9)	P*(9)
119	Hobby/Toy Store						P	P*	P*(2)		P*(6)		P*(9)	P*(9)
120	Photographic and Electronic Store						P	P*	P*(2)		P*(6)		P*(9)	P*(9)
121	Fabric Store							P*	P*(2)		P*(6)		P*(9)	P*(9)
122	Florist Shop					P*(7)	P	P*	P*(2)		P*(6)		P*(9)	P*(9)
123	Pet Store							P*	P*(2)		P*(6)		P*(9)	P*(9)
124	Wholesale/Bulk Store							C*	C*	P	C*(6)		P*(9)	
125	Beauty Salon					C*(8)	P	P*	P*		C*(6)		P*(9)	P*(9)
125.1	Laundromat				P*(7)	P	P*			P*		P*(9)		
125.2	Espresso Stand					P*(2)	P	P*	P*	P	P*	P*	P*(9)	P*
125.3	Comm. Marine Supply						C	P*		P		P*		
126	Other Retail Uses						C	P*	C*		P*		C	P*(9)
127	Adult Entertainment							C*(5)	C*(5)	C(5)				

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

- (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 or drive-through facilities allowed.
- (5) See SMC 15.29.010.
- (6) Permitted as part of a mixed use development.
- (7) Small, resident-oriented uses only, as part of a residential mixed use project.
- (8) Small, resident-oriented uses only.
- (9) Permitted as part of a mixed use development, as described in SMC 15.35.610
- (10) Permitted only to refuel heavy equipment at a construction site, subject to the criteria under 15.13.103.
- (11) Subject to the criteria under 15.13.102

Section 2. A new Section 15.10.404 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.404 Mobile Refueling Operation

An operation where a tank delivery vehicle, containing an approved combustible liquids dispensing storage tank with a maximum capacity of 2,500 gallons, is used to refuel commercial and construction vehicles with diesel engines for a site that does not include a stationary vehicle refueling station or facility. Mobile refueling operations do not include the mobile refueling of vehicles with gasoline or other alternate fuel powered engines.

Section 3. A new Section 15.13.102 is hereby added to the SeaTac Municipal Code, to read as follows:

15.13.102 Mobile Refueling Operations in Commercial/Industrial Zones – Criteria for Operations

Mobile refueling operations shall conform with the following requirements:

- A. The owner of the onsite mobile refueling operation shall obtain and maintain a valid City of SeaTac Business license
- B. An annual Fire Department Fuel Dispensing Permit shall be obtained from the SeaTac Fire Department, Fire Prevention Bureau. A Site inspection may be conducted at any time to verify compliance with Fire Department Permit conditions and provisions.

- C. Spill containment kits shall be located on-site and each fuel dispensing vehicle shall have a spill kit that is capable of providing catch basin covers for all catch basins within the site of the refueling operation, absorbent pigs, petroleum diapers, and a disposal container. Spill kit contents shall be approved by the SeaTac Fire Department Fire Prevention Bureau.
- D. An approved Emergency Response Plan shall be developed for each refueling site. Such Emergency Response Plan shall be immediately available to the driver/operator of the dispensing vehicle. The driver/operators of the dispensing vehicles shall be properly trained in the site specific emergency response plan for each site within the city. The Emergency response plan shall be activated by the driver/operator of the dispensing vehicle anytime there is a spill of any measurable quantity of combustible liquid. Failure to activate the emergency response plan shall be a citable violation of the Fire Code. The emergency response plan shall be a step by step detailed plan as to what the driver/operator should do if there is a spill, leak, fire or other emergency at a mobile refueling site.
- E. Only approved tank vehicles and dispensing equipment shall be used.
- F. The driving or moving of a fuel dispensing tank vehicle while the dispensing hose is deployed to a motor vehicle or while dispensing motor fuel shall not be allowed and will be cause for immediate revocation of the site refueling privilege and any Permits and or licenses.
- G. The project site or property, on which the fueling operation is to occur, shall comply with City requirements for water quality and spill control for high use sites.
- H. The hours of operations shall be limited to 7:00 p.m. to 7:00 a.m. daily. Other hours of operation may be approved by the City Manager or designee upon documentation by the applicant that different hours of operation are necessary due to special circumstances on the property.

Section 4. A new Section 15.13.103 is hereby added to the SeaTac Municipal Code, to read as follows:

15.13. 103 Mobile Refueling Operations in Residential Zones/Park and O/C/MU Zones – Criteria for Operations

Mobile refueling shall conform with the following requirements:

- A. A Fire Department Fuel Dispensing Permit shall be obtained from the SeaTac Fire Department, Fire Prevention Bureau.
- B. Spill containment kits shall be located on each fuel dispensing vehicle and shall have a spill kit that is capable of providing catch basin covers for all catch basins within the site of the refueling operation, absorbent pigs, petroleum diapers, and a disposal container. Spill kit contents shall be approved by the SeaTac Fire Department Fire Prevention Bureau.
- C. Only approved tank vehicles and dispensing equipment shall be used.
- D. The driving or moving of a fuel dispensing tank vehicle while the dispensing hose is deployed to a motor vehicle or while dispensing motor fuel shall not be allowed and will be cause for immediate revocation of the site refueling privilege and any Permits and or licenses.
- E. The hours of refueling shall be between 7:00 a.m. and 6:00 p.m..
- F. No refueling shall be allowed within 100 feet of a wetland or creek. Refueling within 100 feet of a wetland or creek may be approved by the Directors of Planning and Community Development and Public Works provided that a plan is submitted and approved showing that any fuel that may be spilled cannot reach a wetland or creek. Refueling shall be subject to an approved Emergency Response Plan. Such Emergency Response Plan shall be immediately available to the driver/operator of the dispensing vehicle.

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 by March 2004.

Section 6. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 24th day of February, 2004, and signed in authentication thereof on this 24th day of February, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante Bartolo , City Attorney

[Effective Date _____]

G:\GROUP\PLANNING\JACK\ZONING\CODE CHANGES 2003\MOBILE REFUELING\MOBILE REFUELING ORDINANCE 2-11-04

ORDINANCE NO. 04-1005

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2004 Annual City Budget to include 2003 Budget Carryovers.

WHEREAS, certain expenditures were included in the 2003 Annual City Budget which were not initiated or completed during the 2003 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 2004;

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

Section 1. The 2004 Annual City Budget shall be amended to increase the total General Fund revenues by \$25,933 and General Fund expenditures by \$266,599.

Section 2. The 2004 Annual City Budget shall be amended to increase the total City Street Fund expenditures by \$18,009.

Section 3. The 2004 Annual City Budget shall be amended to increase the total Capital Facilities Fund revenues by \$50,000 and Capital Facilities Fund expenditures by \$50,000.

Section 4. The 2004 Annual City Budget shall be amended to increase the total Municipal Facilities CIP Fund expenditures by \$173,172.

Section 5. The 2004 Annual City Budget shall be amended to increase the total Transportation CIP Fund revenues by \$364,500 and expenditures by \$670,000.

Section 6. The 2004 Annual City Budget shall be amended to increase the total Surface Water Management Fund expenditures by \$2,409.

Section 7. The 2004 Annual City Budget shall be amended to increase the total Surface Water Management (SWM) Construction Fund expenditures by \$316,261.

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

ADOPTED this 17th day of March, 2004, and signed in authentication thereof on this 17th day of March, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney
[Effective Date: _____]

[2004 Budget Amendment for 2003 carryovers]

ORDINANCE NO. 04-1006

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2004 Annual City Budget for Salary and Benefit Increases.

WHEREAS, the 2004 Annual Budget appropriated salary and benefits at 2003 levels since a labor contract was not yet in place with the IAFF Local 2919 bargaining unit; and

WHEREAS, the City Council has now ratified a contract for 2004 with IAFF Local 2919; and

WHEREAS, the 2004 Annual Budget requires modification to reflect the cost of 2004 salary and benefit increases;

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

Section 1. The 2004 Annual City Budget shall be amended to transfer expenditure authority from the General Fund/Non-Departmental section to the Fire Department in the amount of \$111,000, but having no impact on the total General Fund expenditures.

Section 2. 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 April, 2004, and signed in authentication thereof on this 13th day of April, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney
[Effective Date: _____]

ORDINANCE NO. 04-1007

AN ORDINANCE of the City Council of the City of SeaTac, Washington adopting a new Chapter 7.40 of the SeaTac Municipal Code related to garbage regulations and proscribing penalties and repealing Section 12.15.030 relating to solid waste.

WHEREAS, it is necessary to protect the public health, safety, and general welfare through the establishment of a uniform system of garbage collection throughout the City; and

WHEREAS, the City Council may regulate matters of health and safety through the exercise of the City's general police powers; and

WHEREAS, it is appropriate for the City to have one garbage collection contractor within the City; and

WHEREAS, the current SeaTac Municipal Code does not adequately address the disposal, placement, and storage of garbage, recyclables, and yard debris; and

WHEREAS, regulations regarding the disposal, placement, and storage of garbage, recyclables, and yard debris should be consistent with any garbage collection contracts entered into by the City ; and

WHEREAS, minimum service levels should be established for garbage collection for multi-family complexes throughout the City;

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

Section 1. A new Chapter 7.40 is hereby added to the SeaTac Municipal Code to read as follows:

**Chapter 7.40
GARBAGE REGULATIONS**

Sections:

7.40.010	Purpose.
7.40.020	Definitions.
7.40.030	Enforcement.
7.40.040	City's right to collect.
7.40.050	Garbage, recycling and yard debris containers.
7.40.060	Collection restrictions.
7.40.070	Anti-scavenging
7.40.080	Yard debris.
7.40.090	Garbage prohibitions.
7.40.100	Minimum service for multi-family complexes.
7.40.110	Violation—penalty
7.40.120	Severability

7.40.010 Purpose.

The purpose of this chapter is to protect the public health, safety, and general welfare through the establishment of a uniform system of garbage collection, processing, transportation, and disposal throughout the City. The provisions of this chapter shall be deemed an exercise of the power of the City to regulate matters of health and safety consistent with the City's general police powers.

7.40.020 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

“City” means the City of SeaTac, Washington.

“Collection Contractor” or “Contractor” means that entity holding a valid current contract with the City to collect and dispose of garbage, recycleables, and yard debris from within the City.

“Container” means a can, cart, detachable container or drop-box container as described herein for the purpose of storing garbage, yard debris, recyclables or construction/demolition debris.

“Detachable Container” means a watertight metal or plastic container equipped with a tight-fitting cover, capable of being mechanically unloaded into a collection vehicle, and that is not less than one (1) cubic yard or greater than eight (8) cubic yards in capacity.

“Director” means the City of SeaTac Public Works Director, or designee.

“Drop Box Container” means an all-metal container with ten (10) cubic yards or more capacity that is loaded onto a specialized collection vehicle, transported to a disposal or recycling site, emptied and transported back to the customer’s site.

“Dwelling Unit” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one (1) family.

“Garbage” means all putrescible and nonputrescible solid and semi-solid wastes, including, but not limited to, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, and discarded commodities. Garbage does not include hazardous wastes, special wastes, source-separated recyclables, or yard debris.

“Garbage Can” means a City-approved contractor or customer provided 20 or 32 gallon container that is a water-tight galvanized sheet-metal or plastic container. The twenty gallon container shall not exceed two and a half (2.5) cubic feet or twenty (20) gallons in capacity; weighing not over nine (9) pounds when empty or thirty-one (31) pounds when full; the thirty-two (32) gallon container shall not exceed four (4) cubic feet or thirty-two (32) gallons in capacity; weighing not over fifteen (15) pounds when empty or fifty (50) pounds when full; containers shall be fitted with two (2) sturdy looped handles, one on each side; and fitted with a tight cover equipped with a handle or one (1) sturdy looped handle for a container with wheels.

“Garbage Cart” means a Contractor-provided 64- or 96-gallon wheeled cart suitable for household collection, storage and curbside placement of Garbage.

“Garbage Unit” means secure and tight bundles, none of which shall exceed three (3) feet in the longest dimension, and shall not exceed fifty (50) pounds in weight. A “garbage unit” may be packed in small discarded boxes, barrels or bags, or in securely tight cartons or other receptacles reasonably easy to be handled and loaded by one person onto a collection vehicle. A garbage can may be a “garbage unit.”

“Hazardous Waste” means any substance that is:

1. Defined as hazardous by 40 C.F.R. Part 261 and regulated as hazardous waste by the United States Environmental Protection Agency under Subtitle C of the Resource Conservation and Recovery Act (“RCRA”) of 1976, 42 U.S.C. § 6901 *et seq.*, as amended by the Hazardous and Solid Waste Amendments (“HSWA”) of 1984; the Toxic Substances Control Act, 15 U.S.C. § 2601 *et seq.*; or any other federal statute or regulation governing the treatment, storage, handling or disposal of waste imposing special handling or disposal requirements similar to those required by Subtitle C of RCRA.
2. Defined as dangerous or extremely hazardous by Chapter 173-303 WAC and regulated as dangerous waste or extremely hazardous waste by the Washington State Department of Ecology under the State Hazardous Waste Management Act, Chapter 70.105 RCW, or any other Washington State statute or regulation governing the treatment, storage, handling or disposal of wastes and imposing special handling requirements similar to those required by Chapter 70.105 RCW.

3. Any other substance that comes within the scope of this definition as determined by the Director.

“Mixed Paper” means magazines, junk mail, phone books, bond or ledger grade paper, cardboard, paperboard packaging and other fiber-based materials meeting industry standards. Mixed paper shall not include tissue paper, paper towels, food-contaminated paper or paper packaging combined with plastic wax or foil.

“Multi-Family Complex” means a multiple-unit Residence with four (4) or more attached or unattached units billed collectively.

“Person” means every person, firm, partnership, association, institution or corporation in the City accumulating garbage refuse requiring disposal. The term shall also mean the occupant and/or the owner of the premises for which service herein mentioned is rendered.

“Recycleables” means newspaper, corrugated cardboard, mixed paper, aluminum cans, glass containers, recyclable plastic containers that have contained non-hazardous products, polycoated cartons, tin cans, scrap metal, and such other materials that the City and Contractor determine to be recyclable.

“Recycling Cart” means a Contractor-provided 35-, 64- or 96-gallon wheeled cart suitable for household collection, storage and Curbside placement of Source-separated Recycleables.

“Residence” means a living space individually rented, leased or owned.

“Rubbish” means all discarded nonputrescible waste matter.

“Scrap Metal” means ferrous and non-ferrous metals not to exceed two (2) feet in any direction and thirty-five (35) pounds in weight per piece.

“Source-Separated” means certain reclaimable materials that are separated from Garbage by the generator for recycling or reuse, including, but not limited to Recycleables, Yard Debris and other materials.

“Special Waste” means polychlorinated biphenyl (“PCB”) wastes, industrial process wastes, asbestos containing materials, petroleum contaminated soils, treated/de-characterized wastes, incinerator ash, medical wastes, demolition debris and other materials requiring special handling in accordance with applicable federal, state, county or local laws or regulations.

“Yard Debris” means leaves, grass and clippings of woody, as well as fleshy plants and unflocked whole Christmas trees cut in four (4) foot sections. Materials larger than four (4) inches in diameter or four (4) feet in length are excluded.

“Yard Debris Cart” means a Contractor-provided 96-gallon wheeled cart provided for the purpose of containing and collecting Yard Debris.

7.40.030 Enforcement.

The Director is hereby authorized and directed to enforce the provisions of this chapter, including the supervision of the collection and disposal of all garbage, recyclables, and yard debris as herein defined.

7.40.040 City's right to collect.

The City reserves the right to and may have the option to require the separation of garbage and may prescribe the method of separate disposal thereof.

7.40.050 Garbage, recycling, and yard debris containers.

A. All persons shall have and use a sufficient number of containers to hold all of their garbage. Additional amounts of rubbish, bundled in garbage units as herein defined, may be set out for collection. However, garbage units, as defined in the chapter, may only be used for excess rubbish and not in lieu of a person's primary container.

B. All containers shall be rodent and insect proof, kept tightly covered, and be in sanitary and good condition. Containers which leak or have jagged edges or holes shall not be used. The Director, at the request of the Contractor in writing, shall determine whether or not the condition of any garbage can is satisfactory for use.

C. Garbage and recyclables shall not be collected or kept in a yard debris cart.

D. Garbage and yard debris shall not be collected or kept in a recycling cart.

E. No garbage container, when filled, shall weigh more than fifty (50) pounds per 32 gallon capacity, and it shall be so packed that the contents thereof will dump out readily when the can is inverted.

F. All containers provided by the Contractor shall remain the property of the Contractor. The containers shall not be damaged, destroyed or removed from the premises by any person. Markings and identification devices on the containers, except as placed or specifically permitted by the Contractor, are expressly prohibited and shall be regarded as damage to the containers.

7.40.060 Collection restrictions.

A. The Contractor shall have the exclusive right to collect garbage, recyclables, and yard debris set out for collection, including materials placed in Contractor or customer containers within the City.

B. The Contractor shall not have the exclusive right to collect construction/demolition materials meeting the current or future industry content criteria for

recyclable construction/demolition materials being recycled by any person. In order for a person to recycle construction/demolition materials, the site must be served by an appropriately sized garbage container, which shall be used for the disposal of all garbage and construction/demolition material that is not being recycled.

C. The provisions of the section shall not apply to:

1. Garbage, recyclables or yard debris self-hauled by the generator;
2. Construction/demolition waste hauled by self-haulers or construction contractors in the normal course of their business;
3. Yard debris generated and hauled by private landscaping services.

7.40.070 Anti-scavenging.

Once garbage, recyclables, or yard debris has been set out for Contractor collection, ownership of those garbage, recyclable materials, or yard debris materials passes to the Contractor. It shall be unlawful for any person other than the Contractor to remove or collect any such garbage, recyclable materials or yard debris materials once they are set out on the curbside or other approved location. However, any person may collect recyclables and yard debris materials from the occupants of residences or may accept recyclables or yard debris materials delivered to such person at a location where it is legal to accept such materials.

7.40.080 Yard debris.

A. All persons are prohibited from disposing any yard debris in any container or garbage unit other than a yard debris cart or detachable container that is used exclusively for the collection of yard debris. However, any excess yard debris material that does not fit in a yard debris cart or detachable container shall be bundled or placed in Kraft bags, customer-owned 32-gallon containers.

B. Nothing in this chapter shall prohibit persons from composting their own yard debris on property owned or leased by such persons. Compost facilities shall be operated and maintained consistent with other applicable laws and regulations.

7.40.090 Garbage prohibitions.

A. No hot ashes or other hot material, dirt, sand, rocks, gasoline, solvents, oil, paint, hazardous waste, special waste, or other dangerous wastes shall be placed in any container or garbage unit for collection or removal.

B. It shall be unlawful to deposit any garbage or other material in any container set out for collection, except as authorized by the owner, Collection Contractor, or the City.

7.40.100 Minimum service for multi-family complexes.

A. Multi-family complexes must accept garbage collection services. At a minimum, multi-family complexes shall have the following minimum service levels:

Dwelling Unit Size	Minimum Service per dwelling unit per month
One bedroom or studio	1 cubic yard per month
Two bedroom	1.5 cubic yards per month
Three bedroom or greater	2 cubic yards per month

B. Regardless of the minimum service levels required in 7.40.100 (A), all multi-family complexes shall have and use sufficient containers to hold all of their garbage. The Director may adjust the minimum service level for multi-family complexes if the Director determines that the complex consistently generates a different amount of garbage per week.

7.40.110 Violation – penalty.

A. Any person who violates any provision of this chapter, or the provisions of any procedures adopted hereunder, by any act of commission or omission, or who aids or abets any such violation, shall be subject to code enforcement action and a civil penalty as set forth in Chapter 1.15 SMC. Each and every day, or portion thereof, during which any violation is committed or continued shall be deemed a separate and distinct violation of this chapter.

B. Nothing in this chapter shall be construed as limiting any administrative or judicial remedies that the City may have, at law or in equity, for enforcement of this chapter. Furthermore, violation of the terms of this chapter shall be grounds for revocation of the business license of any person violating the terms hereof.

7.40.120 Severability.

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 2. Section 12.15.030 of the SeaTac Municipal Code is hereby repealed.

Section 3. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 27th day of April, 2004, and signed in authentication thereof on this 27th day of April, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[Garbage Code]

ORDINANCE NO. 04-1008

AN ORDINANCE amending and reorganizing Title 13 of the SeaTac Municipal Code related to Building and Construction including adoption of the International Codes, amending and adopting new Sections of Title 15 related to Zoning definitions, amending certain Sections of Title 16A related to Building Code References in the Development Regulations, recodifying Chapter 13.30 related to Environmental Rules Procedures to Chapter 16A.23.

WHEREAS, the City has, pursuant to its municipal authority, adopted certain Codes as amended by the State of Washington, as the Building Codes of the City; and

WHEREAS, those Codes are generally adopted and amended by the State of Washington every three years pursuant to the provisions of RCW 19.27; and

WHEREAS, certain Codes were recently amended by the State, and thus it is appropriate for the City to update its Municipal Code accordingly; and

WHEREAS, the Uniform Building Code is no longer being published or updated, and has been replaced with the International Building Code, and the International Residential Code, as published by the International Code Council; and

WHEREAS, the Uniform Swimming Pool and Spa Code, is no longer being published, but its provisions have been merged with the International Building Code and the International Property Maintenance Code, as published by the International Code Council; and

WHEREAS, the Uniform Mechanical Code is no longer being published or updated, and has been replaced with the International Mechanical Code, as published by the International Code Council; and

WHEREAS, the Uniform Fire Code is no longer being published or updated, and has been replaced with the International Fire Code, as published by the International Code Council; and

WHEREAS, the City Council finds it appropriate to update the City's Buildings and Construction Codes to include the International Residential Code, the International Performance Code, and the International Existing Building Code; and

WHEREAS, the City Council has previously adopted the Washington State Ventilation and Indoor Air Quality Code, which has been updated by the State; and

WHEREAS, the City Council finds it appropriate to update the City's Ventilation and Air Quality Code, to adopt the State changes; and

WHEREAS, the City Council has previously adopted the Washington State Energy Code, which has been updated by the State; and

WHEREAS, the City Council finds it appropriate to update the City's Energy Code, to adopt the State changes; and

WHEREAS, the City Council has previously adopted the Uniform Plumbing Code and Uniform Plumbing Code Standards, which have been updated by the State; and

WHEREAS, the City Council finds it appropriate to update the City's Plumbing Code to reflect changes in the Uniform Plumbing Code and Uniform Plumbing Code Standards, which were adopted by the State; and

WHEREAS, the City Council has previously adopted the King County Grading Code by reference; and

WHEREAS, the City Council now finds it appropriate to create and adopt its' own Grading Code; and

WHEREAS, the City Council finds it appropriate to update the City’s Sound Transmission Code to provide clarity and compatibility with current construction techniques and products; and

WHEREAS, the City Council desires to continue to regulate Buildings and Construction, which will provide necessary safety and construction standards;

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

Section 1. Chapters 13.01 through 13.60 of the SeaTac Municipal Code, with the exception of Chapter 13.30, are hereby repealed.

Section 2. Chapter 13.30 of the SeaTac Municipal Code is hereby recodified to Chapter 16A.23, SeaTac Municipal Code.

Section 3. There is hereby added new Chapters 13.100 through 13.270 to the SeaTac Municipal Code, to read as follows:

**Title 13
BUILDINGS AND CONSTRUCTION**

- 13.100 General Provisions**
- 13.110 Building Code**
- 13.150 Fire Code**
- 13.160 Mechanical Code**
- 13.170 Plumbing Code**
- 13.180 Electrical Code**
- 13.190 Grading Code**
- 13.200 Off-Site Improvements**
- 13.210 Property Maintenance Code**
- 13.220 Energy Code**
- 13.230 Ventilation and Indoor Air Quality Code**
- 13.240 Sound Transmission Control**
- 13.250 Recycling Space Requirements**
- 13.260 Temporary Relocation of Buildings**
- 13.270 Building Addresses**

Chapter 13.100
General Provisions-
Technical Codes

Sections:

- 13.100.010 Purpose and scope.**
- 13.100.020 Definitions.**
- 13.100.030 Modifications.**
- 13.100.040 Alternate materials, design and methods.**
- 13.100.050 Duties and powers of the Building Official.**
- 13.100.060 Permits.**
- 13.100.070 Permit fees.**
- 13.100.100 Appeals.**

13.100.010 Purpose and scope.

A. The purpose of this Chapter is to provide additional administrative and enforcement provisions for the adopted technical codes within the City of SeaTac.

B. The provisions of this Chapter serve as a supplement to the administrative and enforcement procedures found in the other adopted technical codes. In case of a conflict between these provisions and those found in any of the other technical codes, these provisions shall apply.

C. Pursuant to an interlocal agreement entered into by and between the City and the Port of Seattle, pursuant to Resolution No. 00-022 and Port Resolution No. 3445, respectively, effective January 1, 2000, and commencing through September 4, 2007, the City recognizes concurrent authority of the Port to administer, implement, and enforce the Technical Codes and Standards adopted in this Title and defers to the Port's exercise of such jurisdiction as to development projects on Port-owned property within the City which are for airport uses, as that term is defined in the September 4, 1997, interlocal agreement between the City and the Port.

13.100.020 Definitions.

For the purposes of this Chapter the following definitions shall apply unless the context thereof shall clearly indicate to the contrary:

A. **“Building Official”** means the person charged with the administration and enforcement of the technical codes or a regularly authorized deputy.

B. **“Building Service Equipment”** means the plumbing, mechanical, electrical, elevator equipment, fire suppression systems, fuel tanks, including piping, wiring, fixtures and other accessories which provide sanitation, lighting, power, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

C. **“Dwelling”** means a building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

D. **“Technical Codes”** means those codes adopted by Title 13 of the SeaTac Municipal Code containing the provisions for design, construction, alteration, moving, demolition, repair, removal, use, location, occupancy and maintenance of buildings, structures and building service equipment. Where no applicable standards or requirements are set forth in this Title, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the City of SeaTac, Technical Codes may also include applicable standards of the National Fire Protection Association or other nationally recognized standards approved by the Building Official.

E. **“Valuation or Value”** means, as applied to a building and its building service equipment, the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.

13.100.030 Modifications.

Wherever there are practical difficulties involved in carrying out the provisions of the technical codes, the Building Official shall have the authority to grant modifications for individual cases, upon a request by the owner or owner’s representative, provided the Building Official shall first find that a special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of the technical codes and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of any action granting modifications shall be recorded and entered in the files of the building division.

13.100.040 Alternate materials, design and methods of construction and equipment.

A. The provisions of the technical codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the technical codes, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory, complies with the intent of the provisions of the technical codes, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in quality, strength, effectiveness, fire resistance, durability and safety.

B. Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in the technical codes, shall consist of valid research reports from approved sources.

C. Tests. Whenever there is insufficient evidence of compliance with the provisions of the technical codes, or evidence that a material or

method does not conform to the requirements of technical codes, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the City of SeaTac. Test methods shall be as specified in the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

13.100.050 Duties and powers of Building Official, Fire Chief and Director of Public Works.

A. The Building Official is hereby authorized and directed to enforce the provisions of the technical codes, except for the Grading Code and Fire Code. The Building Official shall have the authority to render interpretations of the technical codes, except for the Grading Code and Fire Code and to adopt policies and procedures in order to clarify the application of their provisions. The Fire Chief, or designee, is responsible for the enforcement and interpretation of the Fire Code. The Director of Public Works or designee is responsible for the enforcement and interpretation of the Grading Code. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the technical codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the technical codes.

B. Inspections. The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

C. Identification. The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under the technical codes.

D. Right of entry. Where it is necessary to make an inspection to enforce the provisions of the technical codes, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of the technical codes which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the technical codes, provided that if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other

person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

E. Department records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records by the City's retention schedule.

13.100.060 Permits.

A. Except as those items specifically exempt in each of the technical codes, no building structure or building service equipment regulated by the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the Building Official. Exemptions from permit requirements of the technical codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of those codes or any other laws or ordinances of the City of SeaTac or the State of Washington.

B. Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official.

C. Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, fire suppression, electric wiring, mechanical or other work affecting public health or general safety.

D. Application for permit. In order to obtain a permit for work regulated by this Title, the applicant shall first file a completed application in writing on a form furnished by the City for that purpose. Along with the application the applicant shall also submit related application and construction documents to include all other data, plans, specifications, calculations and information as required by the City or by the State of Washington. No action or review will be taken by the City if the application or application and construction documents are incomplete.

E. Action on application. The Building Official shall review or cause to be reviewed applications and any required construction documents for permits and amendments thereto within a reasonable time after filing. If

the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of the technical codes and laws and ordinances applicable thereto, and all required fees associated with the permit have been paid to the City, the Building Official shall issue a permit as soon as practicable.

F. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

G. Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the technical codes or of any other ordinance of the City of SeaTac. Permits presuming to give authority to violate or cancel the provisions of the technical codes or other ordinances of the City of SeaTac shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure when in violation of this code or other ordinances of the City of SeaTac.

H. Expiration of permits.

1. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance or if the work authorized on the site by such permit is suspended or abandoned or no inspection requested for a period of 180 days after the time the work is commenced.

2. All permits issued under the provisions of this Chapter, related to a dwelling, sign, fuel storage tank or swimming pool shall expire within one year unless stated otherwise in the permit conditions of such permit.

3. The Building Official may grant, in writing, one six month extension. The extension shall be requested in writing and justifiable cause demonstrated. An expired permit may be renewed and the fee therefore shall be one half the fee for a new permit for such work, provided no changes have been made or will be made in the plans or scope of work. When granting an extension, the Building Official shall take into consideration the reason for the expiration and how long the permit has been expired.

I. Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Title wherever the permit was issued in error or on the basis of incorrect,

inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of the technical codes.

J. Placement of permit. The permit shall be kept on the site of the work until the completion of the project.

13.100.070 Permit and plan review fees.

A. A permit shall not be valid until all fees owed to the City of SeaTac have been paid nor shall an amendment to a permit be released until the additional fee, if any, has been paid. The permit and plan review fee schedules along with other fees, including, but not limited to, plan review, drainage plan review, and inspections, shall be as set forth in the City schedule of license fees, permit fees, and other fees and charges adopted by resolution.

B. Project valuation. The applicant for a permit shall provide an estimated project value at time of application. Project valuations shall include total value of work, including materials and labor, for which the permit is being issued such as electrical, gas, mechanical, plumbing equipment and other permanent systems. The project valuation shall be set by the Building Official.

The valuation shall be based on the most recent Table 1 and Table 2 of the Building Valuation Data published by the International Code Council or the actual value of the work, whichever is higher. In addition to the regional modifier, the valuation may be reduced by the following multipliers:

Residential additions	.70
Residential remodels	.30
Residential decks	.20
Commercial remodels	.30

C. Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, fuel tank, mechanical, plumbing or fire suppression system before obtaining the necessary permits shall be subject to an investigation fee as determined by the Building Official. The fee shall be an amount equal to the permit fee with a minimum fee of \$100. The investigation fee shall be in addition to the required permit fee.

D. Refunds. The Building Official may authorize refunding any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under the permit. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been done is withdrawn or canceled before any plan reviewing has been done.

13.100.100 Appeals.

A. With the exception of the Fire Code, all references in the technical codes to the Board of Appeals shall be deemed to refer to the hearing examiner system of Chapter 1.20 of the SeaTac Municipal Code. The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of the technical codes nor shall the Hearing Examiner be empowered to waive requirements of the technical codes.

B. Appeals to a decision by the Fire chief shall be made to the Fire Code Board of Appeals.

**Chapter 13.110
BUILDING CODE**

Sections:

- 13.110.010 Building Code.**
- 13.110.020 International Building Code.**
- 13.110.030 International Residential Code.**
- 13.110.040 International Performance Code.**
- 13.110.050 International Existing Building Code.**
- 13.110.060 Copies on file.**

13.110.010 Building Code

The International Building Code, International Residential Code, International Performance Code and the International Existing Building Code as adopted and amended by this Chapter, shall collectively be referred to as the Building Code.

13.110.020 International Building Code.

The 2003 Edition of the International Building Code, as published by the International Code Council, as amended by the Washington State Building Code Council and published in Chapter 51-50 of the Washington Administrative Code, as now or hereafter amended, is hereby adopted.

13.110.030 International Residential Code.

The 2003 Edition of the International Residential Code, as published by the International Code Council, as amended by the Washington State Building Code Council and published in Chapter 51-51 of the Washington Administrative Code, as now or hereafter amended, is hereby adopted.

A. Table R301.2, Climate and Geographic Design Criteria, is hereby amended to read as follows:

Ground/Roof Snow Load	25 psf
Wind Speed	80 mph
Seismic Design Category	D1
<i>Subject to Damage From:</i>	
Weathering	Moderate
Frost Line Depth	12 inches
Termite	Slight to Moderate
Decay	Slight to Moderate

Winter Design Temperature	15
Ice Shield Underlayment Req.	No
Air Freezing Index	50
Mean Annual Temperature	51.4

B. Section R105.2 is hereby amended to read as follows:
R105.2 Work exempt from permit.

Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided that the floor area does not exceed 120 square feet.
2. Fences not over 6 feet high.
3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks, decks, patios and driveways not more than 30 inches above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools provided they meet one of the following conditions:
 - a. the pool is less than 24 inches deep.
 - b. the pool walls are entirely above ground and the capacity does not exceed 5,000 gallons.
8. Swings and other playground equipment accessory to a one or two-family dwelling.
9. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

13.110.040 International Performance Code.

The 2003 Edition of the International Performance Code, published by the International Code Council, as now or hereafter amended, is hereby adopted.

13.110.050 International Existing Building Code.

The 2003 Edition of the International Existing Building Code, published by the International Code Council, as now or hereafter amended, is hereby adopted.

13.110.060 Copies on file.

At least one (1) copy of the adopted editions of the International Building Code, International Residential Code, International Performance Code and the International Existing Building Code, shall be on file in the office of the City Clerk.

**Chapter 13.150
FIRE CODE**

Sections:

I. General Fire Code Provisions

- 13.150.010 International Fire Code.**
- 13.150.020 Copy on file.**

II. Fire Lanes

- 13.150.030 Establishment of fire lanes.**
- 13.150.040 Definition of fire lanes.**
- 13.150.050 Marking of fire lanes.**
- 13.150.060 Obstruction of fire lanes prohibited.**
- 13.150.070 Alternate materials and methods.**
- 13.150.080 Existing fire lanes signs and markings.**
- 13.150.090 Maintenance.**
- 13.150.100 Towing notification.**
- 13.150.110 Property owner responsibility.**
- 13.150.120 Violation – Penalty.**
- 13.150.130 Violation – Civil penalty.**
- 13.150.140 Impoundment.**

III. Fire Hydrants

- 13.150.150 Definitions.**
- 13.150.160 Application.**
- 13.150.170 Exemption.**
- 13.150.180 Water main standards.**
- 13.150.190 Fire hydrant standards – Single family.**
- 13.150.200 Fire hydrant standards – Other uses.**
- 13.150.210 Minimum water flow requirements.**
- 13.150.220 Fire hydrants.**
- 13.150.230 Variances.**
- 13.150.240 Water authority responsibility.**
- 13.150.250 Enforcement.**
- 13.150.260 Water purveyor authority.**

I. General Fire Code Provisions

13.150.010 International Fire Code.

The 2003 Edition of the International Fire Code, as published by the International Code Council, as amended by the Washington State Building Code Council, and as published in Chapter 51-54 of the

Washington Administrative Code, as now or hereafter amended, is adopted by reference with the following additions and exceptions:

A. Appendixes A, B, C, E, F and G are adopted. Appendix D is not adopted.

B. Section 109.3 Violation penalties is hereby amended to read as follows:

109.3 Violation Penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand (1,000) dollars or by imprisonment of not more than 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

C. Section 111.4 Failure to comply is hereby amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed, by the City, to perform or remove a violation or unsafe condition, shall be liable to a fine of not less than one hundred (\$100.00) dollars or more than double the amount of the permit fee.

D. Section 503 Fire Apparatus Access Roads is adopted.

E. The following is added to Section 903 Automatic sprinkler systems:

903.2.20 Additional Requirements.

In addition to the requirements set forth in this Code, all structures that have a gross floor area of six thousand (6,000) square feet or more shall have an approved automatic fire sprinkler system installed throughout. For purposes of determining gross floor area, the installation of fire walls shall not be considered as creating separate buildings.

903.2.20.1 Exceptions—Remodeling existing structures.

It is provided that existing structures and structures undergoing remodeling or improvement are exempt from the provisions of section, provided:

1. There is no increase in floor area, or
2. The area to be improved does not exceed 50% of the total floor area including mezzanines, or
3. There is no change of occupancy or use, and
4. A fire alarm and detection system meeting all applicable requirements for the occupancy is installed.

903.2.20.2 Exceptions—Other.

The following new and existing structures are exempt from the provisions of this section:

1. Group R-3 Occupancies.
2. Detached one and two family dwellings regulated by the Residential Code.
3. Portions of structures used as open parking garages, as defined in Section 406.3.2 of the International Building Code, when there are no other occupancies above the garage and any structures adjacent to the garage are separated by an assumed property line and protected as required by the International Building Code.

F. The following is added to Section 907 Fire Alarms and Detection Systems:

907.2.30 Additional Requirements.

All structures that have a gross floor area of three thousand (3,000) square feet or more shall be required to have an approved automatic fire alarm and detection system throughout. For purposes of determining gross floor area, the installation of fire walls shall not be considered as creating separate buildings

907.2.30.1 Exceptions:

1. Group R-3 occupancies.
2. Detached one and two family dwellings regulated by the Residential Code.
3. Group U occupancies.
4. Occupancies protected throughout by an approved monitored automatic fire sprinkler system may, in the judgment of the Fire Chief, allow for deletion of heat detectors from the system.

The provisions of this subsection shall apply to all buildings whose assessed valuation, according to county records, has increased by more than fifty percent (50%) within a five (5) year period due to the added value of additions, alterations and repairs. When the first permit application is submitted to add, to alter or to repair an existing building, the assessed valuation of the building at the time of the complete application is submitted shall be considered the base figure for assessed valuation for the following five (5) year period. The increased assessed valuation shall be determined by comparing that base figure with the cumulative total permit fees valuations for the addition, alteration and repair projects undertaken during the five (5) year period.

Any additions to an existing structure shall be considered new construction and shall be subject to the provisions of this subsection.

13.150.020 Copy on file.

At least one (1) copy of the adopted edition of the International Fire Code as published by the International Code Council shall be on file in the office of the City Clerk.

II. Fire Lanes

13.150.030 Establishment of fire lanes.

Fire lanes in conformance with this Code shall be established by the City of SeaTac Fire Chief or authorized designee.

13.150.040 Definition of fire lanes.

The area within any public right-of-way, easement, or on private property designated for the purpose of permitting fire trucks and other firefighting or emergency equipment to use, travel upon, and park.

13.150.050 Marking of fire lanes.

All designated fire lanes shall be clearly marked in the following manner:

A. Vertical curbs shall be painted red on the top and side, extending the length of the designated fire lane. If no curb exists, the outer edge of the fire lane shall be marked with a six (6) inch wide red stripe.

B. The side of the red curb, or the flat surface of the red striping shall be marked at fifty (50) foot intervals with the words, "NO PARKING – FIRE LANE". These words shall be printed in white letters, three (3) inches in height.

C. Fire lane signs shall be installed along the designated fire lane, shall be spaced fifty (50) feet or portion thereof apart, and shall be posted on or immediately adjacent to the curb. The top of fire lane signs shall be not less than four (4) feet nor more than six (6) feet from the ground. Signs may be placed on a building when approved by the Fire Chief, or designee. When posts are required they shall be a minimum of two (2) inch galvanized steel or four (4) inch by four (4) inch pressure treated wood. Signs shall be placed so they face the direction of the vehicular travel.

D. Fire lane signs shall be constructed pursuant to the following illustration and specifications: Letters Specifications:

The words "No Parking" shall be three (3) inches in height.

The words "Fire Lane" shall be two (2) inches in height.



Sign Specifications:

1. Fire lane signs shall be reflective.
2. The background shall be white and the letters shall be red.

3. Fire lane signs shall measure eighteen (18) inches in height and twelve (12) inches in width.

13.150.060 Obstruction of fire lanes prohibited.

The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a traffic hazard and an immediate hazard to life and property.

13.150.070 Alternate materials and methods.

The Fire Chief, or designee, may modify any of the provisions herein where practical difficulties exist. The particulars of a modification shall be granted by the fire marshal and shall be entered into the records of the office.

13.150.080 Existing fire lanes signs and markings.

A. Existing signs (minimum nine-inch by sixteen-inch (9" x 16")) may be allowed to remain until there is a need for replacement and at that time a twelve-inch by eighteen-inch (12" x 18") sign shall be installed.

B. Markings may be allowed to remain until there is a need for painting and at that time the provisions of this section shall be complied with.

13.150.090 Maintenance.

Fire lane markings shall be maintained at the expense of the property owner(s) as often as needed to clearly identify the designated area as being a fire lane.

13.150.100 Towing notification.

At each entrance to property where fire lanes have been designated, signs shall be posted in a clearly conspicuous location and shall clearly state that vehicles parked in fire lanes may be impounded and/or cited, and the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

13.150.110 Property owner responsibility.

The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall prevent the parking of vehicles or placement of other obstructions in such fire lanes.

13.150.120 Violation – Penalty.

Any person who fails to mark or maintain the marking of a designated fire lane as prescribed herein, or who obstructs, or allows the obstruction of a designated fire lane, other than the parking of a vehicle, shall be deemed to have committed a Class 2 civil infraction. The penalty for violation of this section shall be a maximum monetary penalty of one hundred twenty-five dollars (\$125.00), not including statutory assessments.

13.150.130 Violation – Civil penalty.

In addition to, or as an alternate to, the penalties specified above, the City is authorized to enforce all provisions of this chapter, specifically including civil penalties, pursuant to SMC 1.15.

13.150.140 Impoundment.

Any vehicle or object obstructing a designated fire lane is declared a traffic hazard and may be abated without prior notification to its owner by impoundment pursuant to applicable State law. The owner or operator shall be responsible for all towing and impound charges.

III. Fire Hydrants

13.150.150 Definitions.

A. Unless otherwise provided in this section, the definitions in the International Fire Code, as adopted in Title 13, and in the rules and regulations of the State Board of Health regarding public water systems, WAC 246-290, shall apply to this chapter.

1. “Water flow” shall mean the minimum quantity of water required for domestic use or fire fighting, whichever is higher, at a specified building, development or site, expressed in continuous gallons per minute at twenty (20) pounds per square inch residual pressure for a designated duration of time.
2. “Water main” shall mean piping used to deliver water to any fire hydrants or to one or more individual service connections.

13.150.160 Application.

A. Subdivisions and short subdivisions are required to be provided with water mains and fire hydrants, consistent with City standards as conditions of final plat or short plat approval unless exempt pursuant to SMC 13.150.170.

B. All structures or additions hereto erected or moved into the City pursuant to a building permit and/or manufactured home permit shall be served by operational water mains and fire hydrants consistent with City standards prior to:

1. The commencement or installation of combustible construction;
or
2. Prior to construction of a second floor if the building is noncombustible, whichever occurs first, unless exempt pursuant to SMC 13.150.170.

C. Manufactured home parks and recreational vehicle parks shall be required to provide water mains and fire hydrants consistent with City standards as a condition of final site plan approval.

D. Permits or approvals for uses not involving a structure shall be served by water mains and fire hydrants consistent with City standards.

E. All new water mains and all additions and extensions to existing water mains shall meet the requirements of this chapter; provided that water mains which serve only uses exempt pursuant to SMC 13.150.030 are also exempt from the requirements of this chapter.

F. All water purveyor comprehensive plans of the City shall be consistent with the provisions of this chapter.

G. All water mains and fire hydrants shall be served by a water district or water purveyor in accordance with the City's adopted standards or by other adequate means providing service levels consistent with the provisions of this chapter.

13.150.170 Exemption.

A. The following permits and approvals are exempt from the water flow and fire hydrant requirements of this chapter. These exemptions do not exempt any development from compliance with WAC 246-290 and 246-293.

1. Building permits and manufactured home permits for detached single family dwellings and accessory structures which do not exceed two-thousand five-hundred (2,500) square feet in floor area excluding garage and which are served by a Class 4 water system. Building permits for such structures which exceed two-thousand five-hundred (2,500) square feet shall be exempt from the requirements of this chapter if the Fire Chief determines that the project will not create a substantial fire hazard.

13.150.180 Water main standards.

A. All water mains subject to this chapter which serve fire hydrants shall be a minimum of eight (8) inches inside diameter for dead end mains and six (6) inches inside diameter for circulating mains. Hydrant leads less than fifty (50) feet in length may be six (6) inches in diameter.

B. All new water mains subject to this chapter shall have fire hydrants installed to conform to the requirements of this chapter.

C. All water mains subject to this chapter shall meet applicable engineering and health standards adopted by the State of Washington or the water purveyor, including WAC 246-290 and 246-293.

3.150.190 Fire hydrant standards – Single family.

Fire hydrants serving detached single family dwellings or duplex dwellings on individual lots shall be located not more than seven-hundred (700) feet on center and shall be located so that no single family lot is more than three-hundred fifty (350) feet from a hydrant. Such distances shall be measured on the path of vehicular access, unless a variance is obtained pursuant to SMC 13.150.230.

13.150.200 Fire hydrant standards – Other uses.

A. Fire hydrants serving any use other than detached single family dwellings or duplex dwellings on individual lots shall be located not more than three-hundred (300) feet on center and shall be located so that at least one hydrant is located within one-hundred fifty (150) feet to all structures or uses. Such distances shall be measured on the path of vehicular access, unless a variance is obtained pursuant to SMC 13.150.230.

B. The Fire Department shall adopt rules and regulations specifying the number and location of fire hydrants for structures and uses which require more than one fire hydrant.

3.150.210 Minimum water flow requirements.

The Fire Department shall adopt rules and regulations establishing criteria for determining minimum water flow requirements sufficient to provide reasonable fire protection.

13.150.220 Fire hydrants.

The Fire Department shall adopt rules and regulations establishing standards for design and installation of fire hydrants as necessary to meet sound engineering practices and provide reasonable fire protection.

13.150.230 Variances.

A. The Fire Chief shall have the authority to approve deviations from the standards established pursuant to this chapter when it is shown that:

1. Strict compliance would require unreasonable fire hydrant locations, fire flow requirements or water main sizes; and
2. The variance would not unreasonably affect adequate fire protection to the area or structures served.

B. The Fire Chief shall approve variances, except as provided in subsection C for connections to single family residences served by existing water system which have fire hydrants and fire flow of at least five-hundred (500) gallons per minute if the variance would not unreasonably affect fire protection and provided that the purveyor's approved comprehensive plan includes a method for increasing fire flow to current standards.

C. The Fire Chief shall not approve any variance which would result in a violation of WAC 246-290 and 246-293 unless approved by the State Board of Health.

13.150.240 Water authority responsibility.

A. Water authorities shall not be required to exercise police or regulatory powers toward the enforcement of this chapter. The only role of water authorities shall be to provide information, such as:

1. The water authority may be requested by the City to indicate in writing its capability to provide water service, consistent with the

standards contained in this chapter, to any building permit, subdivision, or short subdivision applicant, or to the City;

2. The water authority may be required by the Fire Chief to notify the fire department in writing when a water system installed pursuant to this chapter is available for use.

B. Enforcement responsibility, for determining whether or not to approve a building permit, subdivision, or short subdivision application, based on information provided by the water authority, shall belong solely to the City of SeaTac.

13.150.250 Enforcement.

The provisions of this chapter and any rule and regulations promulgated thereunder shall be enforced by the Fire Chief in accordance with the enforcement and penalty provisions of the City Code.

13.150.260 Water purveyor authority.

Nothing in this chapter or rules and regulations adopted by the City or any of its departments pursuant to this chapter shall be construed to prohibit water purveyors from imposing more stringent requirements for the construction of water mains and fire hydrants.

**Chapter 13.160
MECHANICAL CODE**

Sections:

13.160.10 International Mechanical Code.

13.160.20 Copy on file.

13.160.010 International Mechanical Code.

The 2003 Edition of the International Mechanical Code, as published by the International Code Council, as amended by the Washington State Building Code Council and as published in Chapter 51-52 of the Washington Administrative Code, as now or hereafter amended, is adopted.

13.160.020 Copy on file.

At least one (1) copy of the adopted editions of the International Mechanical Code shall be on file in the office of the City Clerk.

**Chapter 13.170
PLUMBING CODE**

Sections:

13.170.010 Uniform Plumbing Code and Uniform Plumbing Code Standards.

13.170.020 Copy on file.

13.170.010 Uniform Plumbing Code and Uniform Plumbing Code Standards.

A. The 2003 Editions of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, as amended by the Washington State Building Code Council and as published in Chapter 51-56 Washington Administrative Code, as now or hereafter amended, is adopted.

B. The 2003 Edition of the Uniform Plumbing Code Standards as published by the International Association of Plumbing and Mechanical Officials, as amended by the Washington State Building Code Council and as published in Chapter 51-57 of the Washington Administrative Code, as now or hereafter amended, is adopted.

13.170.020 Copy on file.

At least one (1) copy of the adopted edition of the International Plumbing Code and Plumbing Code Standards shall be on file in the office of the City Clerk.

**Chapter 13.180
ELECTRICAL CODE**

Sections:

- 13.180.010 Adoption of the National Electrical Code.**
- 13.180.020 Electricians and electrical installations.**
- 13.180.030 Safety standards – Installing electric wires and equipment
Administrative rules.**
- 13.180.040 Amusement rides.**
- 13.180.050 Enforcement.**

13.180.010 Adoption of the National Electrical Code.

A. The 2002 edition of the National Electrical Code (NFPA 70 - 2002) including Annex A, B, and C, but excluding Article 80, are hereby adopted by reference, as now or hereafter amended.

B. Pursuant to an interlocal agreement entered into by and between the City and the Port of Seattle, pursuant to Resolution No. 00-022 and Port Resolution No. 3445, respectively, effective January 1, 2000, and commencing through September 4, 2007, the City recognizes concurrent authority of the Port to administer, implement, and enforce the National Electrical Code recited in subsection (A) of this section and relinquishes any and all jurisdiction, including but not limited to that set forth in RCW 19.28.070, over development projects on Port-owned property within the City which are for airport uses, as that term is defined in the September 4, 1997, interlocal agreement between the City and the Port. In the event the State of Washington or the Director of Department of Labor & Industries

does not grant power to, or acknowledge power of, the Port of Seattle to enforce the provisions of Chapter 19.28 RCW, or conduct electrical inspections thereunder, the City defers to the inspection authority of the Director of Labor & Industries as to all matters involving such Port projects on Port property.

13.180.020 Electricians and electrical installations.

Chapter 19.28 RCW as now in effect, and as may subsequently be amended, is adopted by reference to establish regulations pertaining to electricians and electrical installations, except that “Department” shall mean the City Department of Public Works, and “Director” shall mean the Director of the Department of Public Works, unless otherwise indicated by the context.

13.180.030 Safety standards – Installing electric wires and equipment – Administrative rules.

Those additional codes, manuals and reference works referred to and the regulations contained in Chapter 296-46B WAC as now in effect, and as may subsequently be amended, updated, or issued as new editions, pursuant to RCW 19.28.031, are hereby adopted by reference to establish safety standards in installing electric wires and equipment and to provide administrative rules, with the exception of the inspection fees of WAC 296-46B-905 and the permit fees of WAC 296-46B-900.

13.180.040 Amusement rides.

A. Chapter 67. 42 RCW as now in effect, and as may subsequently be amended, is adopted by reference to establish regulations pertaining to amusement rides, with the exception of the fees of RCW 67.42.060. The term “Department” shall mean the City Department of Public Works, and “Director” shall mean the Director of the Department of Public Works, unless otherwise indicated by the context.

B. Those additional codes, manuals and reference works referred to and the regulations contained in Chapter 296-403A WAC as now in effect, and as may subsequently be amended, updated, or issued as new editions, pursuant to RCW 67.42.050, are hereby adopted by reference to establish safety standards in installing and operating amusement rides and to provide administrative rules, with the exception of the fees of WAC 296-403A-150.

13.180.050 Enforcement.

In addition to any and all rights of inspection, access and enforcement contained in the National Electrical Code and the statutes and regulations adopted by this chapter, the City is authorized to enforce all provisions of this chapter pursuant to Chapter 1.15 SMC, as it presently exists, and as it may subsequently be amended.

Chapter 13.190
GRADING CODE

Sections:

- 13.190.010 Purpose.**
- 13.190.020 Definitions.**
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13.190.010 Purpose.

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

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

B. This chapter establishes the administrative procedure for issuance of permits, provides for approval of plans and inspection of clearing and

grading operations, and provides for penalties for the violation of this chapter.

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

13.190.020 Definitions.

The definitions in this section apply throughout this Chapter, unless otherwise clearly indicated by their context, mean as follows:

A. **"Applicant"** means a property owner or a public agency or public or a private utility which owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

B. **"Bench"** means a relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.

C. **"Berm"** means a mound or raised area used for the purpose of screening a site or operation.

D. **"Civil engineer"** means a professional engineer registered in the state of Washington to practice in the field of civil works.

E. **"Clearing"** means the cutting or removal of vegetation or other organic plant material by physical, mechanical, chemical or any other means.

F. **"Compaction"** means the densification of a fill by mechanical means.

G. **"Cutting"** means the severing of the main trunk or stems from close to or at the soil surface or at a point up to 25% of the total vegetation height.

H. **"Director"** means the director or the authorized agent of the City of SeaTac Public Works Department or designee.

I. **"Earth material"** means any rock, natural soil or any combination thereof.

J. **"Erosion"** means the wearing away of the ground surface as the result of the movement of wind, water and/or ice.

K. **"Excavation"** means the removal of earth material.

L. **"Fill"** means a deposit of earth material placed by mechanical means.

M. **"Grade"** means the elevation of the ground surface.

1. "Existing grade" means the grade prior to grading.

2. "Rough grade" means the stage at which the grade approximately conforms to the approved plan as required in Section 13.190.080.

3. "Finish grade" means the final grade of the site which conforms to the approved plan as required in Section 13.190.080.

- N. **"Grading"** means any excavating, filling, removing of the duff layer, or combination thereof.
- O. **"Grading and clearing permit"** means the permit required by this Chapter for grading and clearing activities, including temporary permits.
- P. **"Reclamation"** means the final grading and land restoration of a site.
- Q. **"Shorelines"** means those lands defined as shorelines in the state Shorelines Management Act of 1971.
- R. **"Site"** means any lot or parcel of land or contiguous combination thereof where projects covered by this chapter are performed or permitted where a public street or way may intervene.
- S. **"Slope"** means an inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.
- T. **"Soil engineer"** means a person who has earned a degree in geology from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist.
- U. **"Structure"** means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.
- V. **"Terrace"** means a relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.
- W. **"Tidelands"** means that portion of the land which is covered and uncovered by the ebb and flood tide.
- X. **"Tree"** means a large woody perennial plant usually with a single main stem or trunk and generally over twelve feet tall at maturity.
- Y. **"Understory"** means the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes native trees.
- Z. **"Vegetation"** means any and all organic plant life growing at, below, or above the soil surface.

13.190.030 Administration.

The Director is authorized to enforce the provisions of this Chapter.

A. **INSPECTIONS.** The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

B. **RIGHT OF ENTRY.** Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director has reasonable cause to believe that any land, building, structure, premises, or portion thereof is being used in violation of this chapter, the director may enter such land, building, structure, premises, or portion thereof at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided, that if such building, land, structure, premises or portion thereof is occupied, he shall first present proper credentials and demand entry; and if such land, building, structure, premises, or portion thereof be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or

control of the land, building, structure, premises, or portion thereof and demand entry.

No owner or occupant or any other person having charge, care or control of any building, land, structure, premises, or portion thereof shall fail or neglect, after proper demand, to promptly permit entry thereon by the director for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection is guilty of a misdemeanor.

13.190.040 Hazards.

Whenever the Director determines that an existing site, as a result of clearing or grading, excavation, embankment, or fill has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the clearing, grading, excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Director, shall within the period specified therein restore the site affected by such clearing or grading or repair or eliminate such excavation or embankment or fill so as to eliminate the hazard and be in conformance with the requirements of this chapter.

13.190.050 Clearing and grading permit required - exceptions.

No person shall do any clearing or grading without first having obtained a clearing and grading permit from the Director except for the following:

- A. An on site excavation or fill for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure;
- B. The depositing or covering of any garbage, rubbish or other material at any solid waste facility operated by City of SeaTac or King County;
- C. Maintenance of existing driveways or private access roads within their existing road prisms, provided that the performance and restoration requirements of this chapter are met and best management practices are utilized to protect water quality.
- D. Any grading within a publicly owned road right-of-way;
- E. Clearing or grading by a public agency for the following routine maintenance activities:
 - 1. Roadside ditch cleaning provided the ditch does not contain salmonids;
 - 2. Pavement maintenance;
 - 3. Normal grading of gravel shoulders;
 - 4. Maintenance of culverts;
 - 5. Maintenance of flood control or other approved surface water management facilities;
 - 6. Routine clearing within road right-of-way;

- F. Any clearing or grading for roads within a preliminary or finally approved residential plat which has been approved by the director and for which a financial guarantee has been posted;
- G. Maintenance or reconstruction of the facilities of a common carrier by a rail in interstate commerce within its existing right-of-way; provided restoration is consistent with SMC 13.190.110; provided that this exception does not apply if the clearing or grading is within a sensitive area as regulated in SMC Title 15;
- H. Cemetery graves; provided that this exception does not apply except for routine maintenance if the clearing or grading is within an environmentally sensitive area as regulated in SMC Title 15;
- I. Clearing or grading within a preliminarily or finally approved residential plat not involving any excavation exceeding five feet in vertical depth or any fill exceeding three feet in vertical depth, regardless of the amount of material to be removed; provided that this exception does not apply if the clearing or grading is within an environmentally sensitive area as regulated in SMC Chapter 15.30 or an area placed into tracts or easements pursuant to SMC Title 15. This exception does not apply within an area placed into tracts or easements for a wildlife habitat corridor pursuant to SMC Title 15 unless the proposed activity is otherwise exempt under SMC Title 15;
- J. Excavation less than five feet in vertical depth not involving more than fifty cubic yards of earth or other material on a single site; provided that the exception does not apply if the clearing or grading is within an environmentally sensitive area as regulated in SMC Chapter 15.30 or an area placed into tracts or easements pursuant to SMC Title 15. This exception does not apply within an area placed into tracts or easements for a wildlife habitat corridor pursuant to SMC Title 15 unless the proposed activity is otherwise exempt under SMC Title 15;
- K. Fill less than three feet in vertical depth not involving more than fifty cubic yards of earth or other material per SMC 13.190.110 on a single site; provided that the exception does not apply if the clearing or grading is within an environmentally sensitive area as regulated in SMC Title 15 or an area placed into tracts or easements pursuant to SMC Title 15. This exception does not apply within an area placed into tracts or easements for a wildlife habitat corridor pursuant to SMC Title 15 unless the proposed activity is otherwise exempt under SMC Title 15. This exception does not apply to the placing of fill in fifty cubic yard increments over time on a single site, fill shall not be placed on a single site in fifty cubic yard increments to avoid the need to obtain a permit;
- L. Minor stream restoration projects for fish habitat enhancement by a public agency, utility or tribe as set out in SMC Title 15.
- M. Clearing and grading, performed as Class I, II, III or IV Special forest practice in the City of SeaTac, that is conducted in accordance with RCW 76.09 and Chapter 222 of the Washington Administrative Code;

N. Any clearing or grading which has been approved by the Director as part of a Site Plan Review and for which a financial guarantee has been posted;

O. Clearing outside of sensitive areas and buffers as regulated in SMC Title 15 unless the development proposal site is within an area subject to clearing restrictions contained in: SMC 13.190.150, wildlife habitat corridors pursuant to SMC Title 15, critical drainage areas established by administrative rule or property-specific development standards pursuant to SMC Title 15;

P. Within environmentally sensitive areas, as regulated in SMC Title 15, the following activities are exempt from the clearing requirements of this chapter and no permit shall be required:

1. Normal and routine maintenance of existing lawns and landscaping subject to the limitations on the use of pesticides in sensitive areas as set out in SMC Title 15.

2. Permitted agricultural uses; provided the clearing is consistent with the agricultural exemptions in sensitive areas as regulated in SMC Title 15.

3. Emergency tree removal to prevent imminent danger or hazard to persons or property.

4. Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms in existence on November 27, 1990, subject to the limitations on the use of pesticides in environmentally sensitive areas as set out in SMC Title 15. This does not include clearing or grading in order to develop or expand such activities.

5. Normal and routine maintenance of existing public parks trail easements owned by the City of SeaTac or dedicated to and accepted for maintenance by the City of SeaTac, and private and public golf courses. This does not include clearing or grading in order to develop or expand such activities in environmentally sensitive areas. For the purpose of this subsection, a park is defined as: any real property managed for public use which has been previously maintained as a park or has been developed as a park pursuant to a properly issued permit.

6. Removal of noxious weeds from steep slope hazard areas and the buffers of streams and wetlands subject to the limitations on the use of pesticides in sensitive areas as set out in SMC Title 15.

7. Pruning and limbing of vegetation for maintenance of above ground electrical and telecommunication facilities; provided that the clearing is consistent with the electric, natural gas, cable communication and telephone utility exemption in environmentally sensitive areas as regulated in SMC Title 15; that said utility has a franchise agreement or master use permit with the City of SeaTac;

and that said utility obtains the required right-of-way use permit per SMC Chapter 11.10.

8. Class II, III and IV Special forest practices provided they occur on parcels that meet all of the following criteria for long term forestry:

a. The parcel is enrolled under the current use taxation program as timber land pursuant to chapter 84.34 RCW or as forest land pursuant to chapter 84.33 RCW;

b. A long term management plan is approved for the parcel by the Washington Department of Natural Resources;

c. The parcel equals or exceeds five acres in size;

Q. Clearing within seismic hazard area, except on slopes greater than fifteen percent and subject to clearing restrictions contained in: SMC Title 15, wildlife habitat corridors pursuant to SMC Title 15, critical drainage areas established by administrative rule or property-specific development standards pursuant to SMC Title 15; and provided the site contains no other sensitive area features; and

R. Clearing within coal mine hazard area, subject to clearing restrictions contained in: SMC 13.190.150, wildlife habitat corridors pursuant to SMC Title 15, critical drainage areas established by administrative rule or property-specific development standards pursuant to SMC Title 15; and provided the site contains no other environmentally sensitive areas features.

S. Normal and routine maintenance of trail easements owned by the City of SeaTac or dedicated to and accepted for maintenance by the City of SeaTac.

13.190.060 Temporary permits.

The director shall have the authority to issue temporary permits for excavations, processing, quarrying and mining, and removal of sand, gravel, rock and other natural deposits, together with the necessary buildings, apparatus or appurtenances incident thereto for specific jobs on application for highway, road, street, airport construction, flood control and other public works projects. In conjunction with such operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants and asphalt-batching plants may be authorized by this temporary permit. The director shall also have the authority to issue temporary permits for the removal of existing stockpiles of previously mined materials for the reclamation of land to its best use, consistent with the underlying zoning.

A. The City of SeaTac Public Works Engineering Division shall consider the effect of the proposed operation on the city road system and any effect it may have on surface or groundwater drainage and flood control, and shall make such recommendations as are necessary to protect the public interest in this regard.

B. The City of SeaTac Public Works Engineering Division also consider the effect of the proposed operation on the current and future land use in the area affected by the proposed operation and shall condition permits as necessary to protect the public interest in this regard. Temporary permits are good for the life of the contract of the specific job but must be reviewed annually. Each temporary permit site shall be fully restored during the term of the temporary permit.

C. Development proposals will be subject to two levels of review standards based on occupancy types, critical facilities and standard structures. The review standards for critical facilities will be based on larger earthquake reoccurrence intervals than the earthquakes considered for standard occupancy structures. The review standards will be set forth in the administrative rules.

13.190.070 Applications - Complete applications.

A. For the purposes of determining the application of time periods and procedures adopted by this chapter, applications for permits authorized by Chapter 13.190 shall be considered complete as of the date of submittal upon determination by the City of SeaTac Engineering Division that the materials submitted comply with SMC Title 16A and contain the following:

1. for clearing and grading permits:
 - a. A legal description of the property,
 - b. A 1:2000 scale vicinity map with a north arrow,
 - c. Grading plans on a sheet no larger than 24 inches by 36 inches and including:
 - (1) A horizontal scale no smaller than 1 inch equals 30 feet;
 - (2) Vertical scale,
 - (3) Size and location of existing improvements within 50 feet of the project, indicating which will remain and which will be removed.
 - (4) Existing and proposed contours at two foot intervals, and extending for 100 feet beyond the project edge,
 - (5) At least two cross-sections, one in each direction, showing existing and proposed contours and horizontal and vertical scales, and
 - (6) Temporary and permanent erosion-sediment control facilities,
 - (7) Permanent drainage facilities prepared per SMC Title 12.10.010,
 - (8) Structures to be built or construction proposed in land slide hazard areas, and
 - (9) Proposed construction or placement of a structure.
2. A completed environmental checklist, if required by SMC chapter 15.30, City Environmental Procedures;

3. Satisfaction of all requirements for grading permits under SMC 13.190.080.
- B. Applications found to contain material errors shall not be deemed complete until such material errors are corrected.
- C. The Director may waive specific submittal requirements determined to be unnecessary for review of an application.

13.190.080 Permit requirements.

- A. Except as exempted in SMC 13.190.050, no person shall do any clearing or grading without first obtaining a clearing and grading permit from the director. A separate permit shall be required for each site and may cover both excavations and fills.
- B. Application. To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. The director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter and the requirements of SMC Title 16A Development Review Code. In addition to the requirements of SMC Title 16A every application shall:
 1. Identify and describe the work to be covered by the permit for which application is made;
 2. Describe the land on which the proposed work is to be done, by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed site;
 3. Identify and describe those environmentally sensitive areas as defined in SMC Title 15 on or adjacent to the site;
 4. Indicate the estimated quantities of work involved;
 5. Identify any clearing restrictions contained in SMC 13.190.150 wildlife habitat corridors pursuant to SMC Title 15, critical drainage areas established by administrative rule or property-specific development standards pursuant to SMC Title 15;
 6. Be accompanied by plans and specifications as required in subsections B. and C.;
 7. Designate who the applicant is, on a form prescribed by the department, except that the application may be accepted and reviewed without meeting this requirement when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:
 - a. The name of the agency or public or private utility is shown on the application as the applicant;
 - b. The agency or public or private utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and

c. The form designating the applicant is submitted to the department prior to permit issuance; and

8. Give such other information as may be required by the Director.

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

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

1. General vicinity of the proposed site;
2. Property limits and accurate contours of existing ground and details of terrain and area drainage;
3. Limiting dimensions, elevations or finished contours to be achieved by the grading, and proposed drainage channels and related construction;
4. Location of all proposed cleared areas;
5. Location of any open space tracts or conservation easements if required pursuant to
 - a. SMC 13.190.150,
 - b. SMC Title 15,
 - c. critical drainage area, or
 - d. property-specific development standards pursuant to SMC Title 15;
6. Calculations of the total proposed area cleared on site as a percentage of the total site area;
7. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains;
8. A determination of whether drainage review applies to the project pursuant to SMC chapters 12.05 and 12.30, and, if applicable, all drainage plans and documentation consistent with

City of SeaTac Surface Water Design Manual (SMC 12.10.010) requirements;

9. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifty feet of the property or which may be affected by the proposed grading operations;

10. Landscape and rehabilitation plan as required by SMC 13.190.110;

11. Other information as may be required by the director; and

12. If the clearing or grading is proposed to take place in or adjacent to a sensitive area as regulated in SMC Title 15, provide information as required by that Chapter.

E. Granting of Permits.

1. The Director shall determine if the proposed grading will adversely affect the character of the site for present lawful uses or with the future development of the site and adjacent properties for building or other purposes as indicated by the comprehensive plan, the shoreline master program, and the zoning code.

2. After an application has been filed and reviewed, the director shall also ascertain whether such grading work complies with the other provisions of this chapter. If the application and plans so comply, or if they are corrected or amended so as to comply, the director may issue to the applicant a grading permit. A grading permit shall be valid for the number of days stated in the permit but in no case shall the period be more than two years; provided, that when operating conditions have been met, the permit may be renewed every two years, or less if a shorter approval and/or renewal period is specified by the Director.

3. No grading permit shall be issued until approved by federal, state and local agencies having jurisdiction by laws or regulations.

4. Upon approval of the application and issuance of the grading permit, no work shall be done that is not provided for in the permit. The Director is authorized to inspect the premises at any reasonable time to determine if the work is in accordance with the permit application and plans.

5. The permits from the Director shall be required regardless of any permits issued by any other department of city government or any other governmental agency who may be interested in certain aspects of the proposed work. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining the permit, the violator shall be subject to such civil penalties as provided in SMC Chapter 1.15. However, the payment of such civil penalties shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed thereon.

13.190.090 Liability insurance required - Exception.

The permittee shall maintain a liability policy in an amount not less than five hundred thousand dollars (\$500,000) per individual, five hundred thousand dollars (\$500,000) per occurrence, and one hundred thousand dollars (\$100,000) property damage, and shall name City of SeaTac as an additional insured. EXCEPTION: Liability insurance requirements may be waived for projects involving less than ten thousand cubic yards. Liability insurance shall not be required of City of SeaTac Departments, divisions, or bureaus.

13.190.100 Operating conditions and standards of performance.

A. Any activity that will clear, grade or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in the City of SeaTac erosion and sediment control standards. Activities performed as Class I, II, III or IV Special forest practices shall apply erosion and sediment controls in accordance with RCW 76.09 RCW and Chapter 222 of the Washington Administrative Code.

B. Cuts and fills shall conform to the following provisions unless otherwise approved by the Director.

1. Slope. No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the director.
2. Erosion control. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with subsection A.
3. Preparation of ground. The ground surface shall be prepared to receive fill by removing unsuitable material such as concrete slabs, tree stumps, brush and car bodies.
4. Fill material. Except in an approved sanitary landfill, only earth materials which have no rock or similar irreducible material with a maximum dimension greater than eighteen inches shall be used.
5. Drainage. Provisions shall be made to:
 - a. Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill;
 - b. Carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the department of natural resources and parks;
6. Bench/terrace. Benches, if required, at least ten feet in width shall be back-sloped and shall be established at not more than

twenty-five feet vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

7. Access roads - maintenance. Access roads to grading sites shall be maintained and located to the satisfaction of the City of SeaTac department of transportation to minimize problems of dust, mud and traffic circulation.

8. Access roads - gate. Access roads to grading sites shall be controlled by a gate when required by the director.

9. Warning signs. Signs warning of hazardous conditions, if such exist, shall be affixed at locations as required by the director.

10. Fencing. Fencing, where required by the director, to protect life, limb and property, shall be installed with lockable gates which must be closed and locked when not working the site. The fence must be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.

11. Setbacks.

a. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

b. The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes.

c. Slopes and setbacks shall be determined by the Director.

12. Excavations to water-producing depth. All excavations must either be made to a water-producing depth or grade to permit natural drainage. The excavations made to a water-producing depth shall be reclaimed in the following manner:

a. The depth of the excavations must not be less than two feet measured below the low-water mark.

b. All banks shall be sloped to the water line no steeper than three feet horizontal to one foot vertical.

c. All banks shall be sloped from the low-water line into the pond or lake with a minimum slope of three feet horizontal to one foot vertical to a distance of at least twenty-five feet.

d. In no event shall the term water-producing depth as herein used be construed to allow stagnant or standing water to collect or remain in the excavation.

e. The intent of this provision is to allow reclamation of the land which will result in the establishment of a lake of sufficient area and depth of water to be useful for residential or recreational purposes.

13.190.110 Land restoration.

- A. Upon the exhaustion of minerals or materials or upon the permanent abandonment of the quarrying or mining operation, all nonconforming buildings, structures, apparatus or appurtenances accessory to the quarrying and mining operation shall be removed or otherwise dismantled to the satisfaction of the director. This requirement shall not require land restoration on projects completed prior to January 1, 1971, except those covered under previously existing zoning requirements.
- B. Final grades shall be such so as to encourage the uses permitted within the underlying zone classification.
- C. Grading or backfilling shall be made with nonnoxious, nonflammable, noncombustible and nonputrescible solids.
- D. Such graded or backfilled areas, except for roads, shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of at least four inches or a depth of that of the topsoil of land area immediately surrounding if less than four inches.
- E. Such topsoil as required by subsection D shall be planted with trees, shrubs, legumes or grasses, and said flora shall be so selected as to be indigenous to the surrounding area.
- F. Graded or backfilled areas shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the department of natural resources and parks shall be constructed or installed if natural drainage is not possible.
- G. Waste or soil piles shall be leveled and the area treated as to sodding or surfacing and planting as required in subsections D and E of this section.

13.190.120 Shorelines.

- A. Any fill placed upon land adjacent to or beneath any stream or water body shall be contained and placed so as to prevent adverse effect upon other lands.
- B. No permit required by this chapter shall be issued for grading upon the shorelines until approved by the appropriate federal, state and local authority.
- C. For grading which requires a shoreline management substantial development permit, the conditions of the shoreline management substantial development permit shall be incorporated into the conditions of any permit issued pursuant to this chapter and shall be subject to the inspection and enforcement procedures authorized by this chapter.

13.190.130 Enforcement.

The Director is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of SMC Chapter 1.15.

If clearing inconsistent with the purposes and requirements of this chapter has occurred on a site, City of SeaTac shall not accept or grant any development permits or approvals for the site unless the applicant adequately restores the site. The Director shall require appropriate restoration of the site under an approved restoration plan which shall include a time schedule for compliance if significant resource damage has or may occur. If restoration has not been completed within the time established by the Department, the Director shall order restoration and seek restitution from the property owner through liens or other available legal methods.

13.190.140 Forest Practices.

A. Class IV Forest Practice. Under a Class IV forest practice, all clearing not otherwise exempted under this chapter shall be subject to the requirements of this chapter. All such clearing shall be subject to the State Environmental Policy Act, RCW 43.21C, and City of SeaTac shall accept or assume lead agency status. The review of the Class IV application shall be consolidated with the review of the associated City of SeaTac development permit or approval. Clearing independent of permit or approval shall require a separate clearing and grading permit pursuant to this chapter which meets any applicable clearing standards as defined by SMC 13.190.150. City of SeaTac will also combine its SEPA review of Class IV forest practices and city permits.

B. Development applications on lands cleared or graded pursuant to a Class II, III or IV special forest practice as defined in RCW 76.09, or which are commenced without forest practices or city authorization, shall be denied for a period of six (6) years unless:

1. The applicant demonstrates that the clearing was consistent with the Conversion Option Harvest Plan reviewed and approved by City of SeaTac pursuant to the SMC Title 16A land use decision process and incorporated as a condition of the state's forest practice permit, or

2. The Director of the Department of Planning and Community Development determines special circumstances exist which should allow the landowner to be released from the moratorium pursuant to notice, review and appeal process per SMC Title 16A.

C. In all cases, lifting or waiving of the six-year moratorium is subject to compliance with all local ordinances.

13.190.150 Clearing standards.

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

1. Environmentally Sensitive Areas, SMC Title 15, and its adopted administrative rules;
2. Property-specific development standards pursuant to SMC Title 15;
3. Critical drainage area designations identified by adopted administrative rule; and
4. Wildlife habitat corridors pursuant to SMC Title 15.

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

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

13.190.160 Financial guarantees authorized.

The Director, or designee, is authorized to require all persons performing work on a project under a permit covered by this title to post performance and maintenance bonds. Where such persons have previously posted, or are required to post, other bonds covering either the project itself or other construction related to the project, such person may, with the permission of the Director and to the extent allowable by law, combine all such bonds into a single bond; provided, that at no time shall the amount thus bonded be less than the total amount which would have been required in the form of separate bonds; and provided further, that such bond shall on its face clearly delineate those separate bonds which it is intended to replace.

**Chapter 13.200
OFF-SITE IMPROVEMENTS**

Sections:

- 13.200.010 Off-site improvements.**
- 13.200.020 Construction specifications.**
- 13.200.025 Deferral of construction of improvements.**

13.200.010 Off-site improvements.

Whenever a building permit with a project value in excess of \$75,000 or grading and drainage permit with a project value in excess of \$75,000 is applied for under provisions of City ordinances to:

1. Construct a new building or expand an existing building to be used for:
 - a. Multiple-residence structure consisting of three (3) or more dwelling units; or
 - b. Public assembly; or
 - c. Commercial purposes; or
 - d. Industrial purposes; or
2. Construct or expand a parking lot; or
3. Expand or modify a building in connection with a change of use. In this instance a change of use would be a change in land use as described by the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual for the purposes of calculating Transportation Mitigation Fees per SMC 11.15;
4. Create a subdivision of property per SMC Title 14;

Then the applicant for such building or grading and drainage permit shall simultaneously make application for a permit, as an integral part of such new construction or alteration, for the construction of such off-site improvements as may be required by the Public Works Director, or designee, including, but not limited to, sidewalks, curbs, gutters, street paving, traffic signalization, water mains, drainage facilities, sanitary sewers, all improvements required

by any applicable ordinance and all necessary appurtenances. Such off-site improvements (except traffic signalization systems) shall extend the full distance of the real property to be improved upon and which adjoins property dedicated as a public street. Traffic signalization off-site improvements shall be installed pursuant to the provisions of all applicable ordinances.

13.200.020 Construction specifications.

All sidewalks, curbs, gutters, street paving and other improvements shall be constructed in accordance with the standard specifications adopted by the City and all applicable City ordinances. All plans and specifications for such improvements shall be submitted at the time of making application for the building permit

13.200.030 Deferral of construction of improvements.

The construction of required off-site improvements may be deferred pursuant to the procedure set forth in SMC Chapter 14.10.

**Chapter 13.210
PROPERTY MAINTENANCE CODE**

Sections:

13.210.010 International Property Maintenance Code
13.210.020 Copy on file

13.210.010 International Property Maintenance Code

The 2003 Edition of the International Property Maintenance Code, as published by the International Code Council is adopted with the following exceptions:

- A. References to the board of appeals in section 111 shall be deemed to refer to the hearing examiner system of Chapter 1.20 of the SeaTac Municipal Code.
- B. Subsection 301.3 **Vacant buildings and land**, is repealed in its entirety and replaced by the following:

313 Vacant Buildings. All vacant buildings and premises thereof must comply with this Code. Vacant buildings shall be maintained in a clean, safe, secure and sanitary condition provided herein so as not to cause a blighting problem or otherwise adversely affect the public health, safety or quality of life.

313.1 Appearance. All vacant buildings must appear to be occupied, or appear able to be occupied with little or no repairs.

313.2 Security. All vacant buildings must be secured against outside entry at all times. Security shall be by the normal building

amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows must remain locked. There shall be at least one operable door into every building and into each housing unit. Exterior walls and roofs must remain intact without holes.

313.2.1 Architectural (Cosmetic) Structural panels. Architectural structural panels may be used to secure windows, doors and other openings provided they are cut to fit the opening and match the characteristics of the building. Architectural panels may be of exterior grade finished plywood or Medium Density Overlaid plywood (MDO) that is painted to match the building exterior or covered with a reflective material such as plexi-glass.

Exception. Untreated plywood or similar structural panels may be used to secure windows, doors and other openings for a maximum period of 30 days.

313.2.2 Security fences. Temporary construction fencing shall not be used as a method to secure a building from entry.

Exception. Temporary construction fencing may be used for a maximum period of 30 days.

313.3 Weather protection. The exterior roofing and siding shall be maintained as required in Section 304.

313.4 Fire Safety.

313.4.1 Fire protection systems. All fire suppression and alarms systems shall be maintained in a working condition and inspected as required by the Fire Department.

313.4.2 Flammable liquids. No vacant building or premises or portion thereof shall be used for the storage of flammable liquids or other materials that constitute a safety or fire hazard.

313.4.3 Combustible materials. All debris, combustible materials, litter and garbage shall be removed from vacant buildings, their accessory buildings and adjoining yard areas. The building and premises shall be maintained free from such items.

313.4.3 Fire Inspections. Periodic fire department inspections may be required at intervals set forth by the fire chief or his designee.

313.5 Plumbing fixtures. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good

repair or removed and the service terminated in the manner prescribed by applicable codes.

313.5.1 Freeze protection. The building's water systems shall be protected from freezing.

313.6 Electrical. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, removed or the electrical services terminated to the building in accordance with applicable codes.

313.7 Heating. Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes.

313.8 Interior floors. If a hole in a floor presents a hazard, the hole shall be covered and secured with three-quarter (3/4) inch plywood, or a material of equivalent strength, cut to overlap the hole on all sides by at least six (6) inches.

313.9 Termination of utilities. The code official may, by written notice to the owner and to the appropriate water, electricity or gas utility, request that water, electricity, or gas service to a vacant building be terminated or disconnected.

313.9.1 Restoration of Service. If water, electricity or gas service has been terminated or disconnected pursuant to Section 313.9, no one except the utility may take any action to restore the service, including an owner or other private party requesting restoration of service until written notification is given by the code official that service may be restored.

313.10 Notice to person responsible. Whenever the code official has reason to believe that a building is vacant, the code official may inspect the building and premises. If the code official determines that a vacant building violates any provision of this section, the code official shall notify in writing, the owner of the building, or real property upon which the building is located, or other person responsible, of the violations and required corrections and shall be given a timeframe to comply.

313.10.1 Alternate requirements. The requirements and time frames of this section may be modified under an approved Plan of Action. Within 30 days of notification that a building or real property upon which the building is located, is in violation of this Section, an owner may submit a written Plan of Action for the code official to review and approve if found acceptable. A Plan of Action may allow:

- 1) Extended use of non-architectural panels

- 2) Extended use of temporary security fencing
- 3) Extended time before the demolition of a building is required
- 4) For substandard conditions to exist for a specific period of time, provided the building is secured in an approved manner. When considering a Plan of Action, the building official shall take into consideration the magnitude of the violation and the impact to the neighborhood.

313.11 Enforcement. Violations of this section shall be enforced according to the provisions and procedures of Chapter 1.15 of the SeaTac Municipal Code and subject to the monetary penalties contained therein.

313.11.1 Abatement. A building or structure accessory thereto that remains vacant and open to entry after the required compliance date is found and declared to be a public nuisance. The code official is hereby authorized to summarily abate the violation by closing the building to unauthorized entry. The costs of abatement shall be collected from the owner in the manner provided by law.

313.11.2 Unsafe buildings and equipment. Any vacant building or equipment therein, declared unsafe is subject to the provisions of Section 108 and the demolition provisions of Section 110.

13.210.020 Copy on file

At least (1) one copy of the adopted edition of the International Property Maintenance Code shall be on file in the office of the City Clerk.

Chapter 13.220 ENERGY CODE

Sections:

13.220.010 Washington State Energy Code.

13.220.020 Copy on file.

13.220.010 Washington State Energy Code.

The Washington State Energy Code, 2004 Edition, as amended by the Washington State Building Code Council and as published in Chapter 51-11 of the Washington Administrative Code, as now or hereafter amended, is adopted.

13.220.020 Copy on file.

At least one (1) copy of the adopted edition of the Washington State Energy Code shall be on file in the office of the City Clerk.

Chapter 13.230
VENTILATION
AND INDOOR AIR QUALITY CODE

Sections:

13.230.010 Washington State Ventilation and Indoor Air Quality Code.
13.230.020 Copy on file.

13.230.010 Washington State Ventilation and Indoor Air Quality Code.

The Washington State Ventilation and Indoor Air Quality Code, Fifth Edition, as amended by the Washington State Building Code Council and as published in Chapter 51-13 of the Washington Administrative Code, as now or hereafter amended, is adopted.

13.230.020 Copy on file.

At least one (1) copy of the adopted edition of the Washington State Ventilation and Indoor Air Quality Code shall be on file in the office of the City Clerk.

Chapter 13.240
SOUND TRANSMISSION CODE

Sections:

13.240.010 Sound Transmission Code.
13.240.020 Purpose.
13.240.030 Scope.
13.240.040 Application.
13.240.050 Definitions.
13.240.060 Design Requirements.
13.240.075 Recognized Standards.
13.240.080 Air leakage for all buildings.
13.240.090 SeaTac Noise Program Areas.
13.240.100 Building requirements for a noise level reduction of 25 dB.
13.240.110 Building requirements for a noise level reduction of 30 dB.
13.240.120 Building requirements for a noise level reduction of 35 dB.

13.240.010 Sound Transmission Code.

The following Sound Transmission Code is hereby adopted as the Sound Transmission Code for the City.

13.240.020 Purpose.

The purpose of this chapter is to safeguard life, health, property and public welfare by establishing minimum requirements regulating the design, construction, and/or setting on site of buildings for human

occupancy in the vicinity of Seattle-Tacoma International Airport as identified on the attached Noise Level Reduction Map, see figure 13.240.090a. These sections are not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

13.240.030 Scope.

The provisions of this chapter shall apply to all buildings or structures constructed or placed in use for human occupancy on sites within the vicinity of Seattle-Tacoma International Airport which have been included within the Port of Seattle Noise Remedy Program. This chapter is intended to supplement the provisions of the Washington State Building Codes as adopted and amended by the City of SeaTac. In the case of conflict between this chapter and any other applicable codes the more restrictive requirements shall apply.

13.240.040 Application.

This chapter is applicable to all uses considered incompatible with airport operations. These uses include, but are not necessarily restricted to, the following:

- A. **NEW STRUCTURES.** New structures shall be constructed to this code.
 - 1. Dwellings, Single and Multi-family
 - 2. Hotels/Motels
 - 3. Offices
 - 4. Schools
 - 5. Churches and other places of worship
 - 6. Theaters
 - 7. Hospitals and medical service providers.
 - 8. Mercantile and food services, Sound Transmission requirement shall be considered on a case by case basis. The intent should be to fully meet all code requirements.
- B. **EXISTING STRUCTURES.**
 - 1. Additions, alterations, or repairs may be made to existing buildings or structures without making the entire building or structure comply with all the requirements of this chapter for new construction. Provided that the addition, alteration, or repair conforms to the requirements for a new building or structure. Additions shall be made to comply with the requirements of a new structure
 - 2. Any change of use in the occupancy or use of a building previously unapproved for human occupancy to human occupancy use or of one previously unused for sleeping purposes to sleeping use shall not be permitted unless the building, structure or portion of the building complies with this chapter.
 - 3. The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and

systems, as herein governed, including, but not limited to: exterior envelope component materials; STC ratings of applicable component assemblies; R-values of applicable insulation materials; size and type of apparatus and equipment; equipment and system controls and other pertinent data to indicate conformance with the requirements herein.

13.240.050 Definitions.

- A. “Noise reduction coefficient (NRC)” is the arithmetic average of the sound absorption coefficients of a material at two hundred fifty (250), five hundred (500), one thousand (1,000), and two thousand (2,000) Hz.
- B. “Sound transmission class (STC)” is a single number rating for describing sound transmission loss of a wall, roof, floor, window, door, partition or other individual building components or assemblies.
- C. “Noise reduction level” is the decibels of sound decrease required.

13.240.060 Design requirements.

The criteria of these sections establish the minimum requirements for acoustic design of the exterior envelope of buildings and for HVAC systems and its parts. These requirements shall apply to all buildings for human occupancy within the SeaTac Noise Program Areas.

13.240.070 Recognized Standards

The standards listed below are recognized standards.

- A. ASTM E90 and E413, Laboratory Determination of Airborne Sound Transmission Class (STC)
- B. ASTM E497, Standard Practice for Installing Sound-Isolating Lightweight Partitions.
- C. ASTM C919, Standard Practice for the Use of Sealants in Acoustical Applications.
- D. ASTM E336, Airborne Sound Insulation Field Test.
 - 1. When an Airborne Sound Insulation Field Test is required, airborne sound insulation shall be determined according to the applicable Field Airborne Sound Transmission Loss Test procedures. All sound transmitted from the source to the receiving room shall be considered to be transmitted through the test partition
 - 2. Field testing, when required, shall be done under the supervision of a professional acoustician who shall be experienced in the field of acoustical testing and engineering and who shall forward certified test results to the building official that the minimum sound insulation requirements stated above have been met.
- E. Sound Transmission Control Systems. The generic systems as listed in the Fire Resistance Design Manual, the most recent editions, as published by the Gypsum Association, may be accepted where a laboratory test indicates that the requirements of section 13.24.090 are met by the system.

13.240.080 Air leakage for all buildings.

A. The requirements of this section shall apply to the design of the exterior envelope of all buildings in the SeaTac Noise Program Area designed for human occupancy. The requirements of this section are not applicable to the separation of interior spaces from each other.

B. The exterior building envelope shall be sealed in accordance with the SeaTac Energy Code air leakage requirements for residential or non-residential structures, as applicable. Other penetrations through the wall, floor, or roof/ceiling penetrations not specifically addressed in these sections shall be designed to limit sound transmission and shall have the same average laboratory sound transmission classification as required for doors.

C. An “Airborne Sound Insulation Field Test” in accordance with ASTM E336 may be required to support the installed design.

Sealants shall meet one of the following specifications:

1. Federal Specification A-A-1556 (formerly TT-S-00227 and TT-S-00230).
2. Former Federal Specification TT-S-001543.
3. ASTM C-920

13.240.090 SeaTac Noise Program Areas.

Noise determination construction requirements detailed in this sound transmission building code shall be applied to new construction and additions of all structures, except for not normally inhabited portions of warehouses, storage buildings and similar structures as determined by the Building Official, within the designated program areas of the Port of Seattle's Noise Remedy Program. *See figure 13.240.090a.* The applicable program areas are the Neighborhood Reinforcement Area and the Standard Insulation Area. Specific construction requirements for these two areas are:

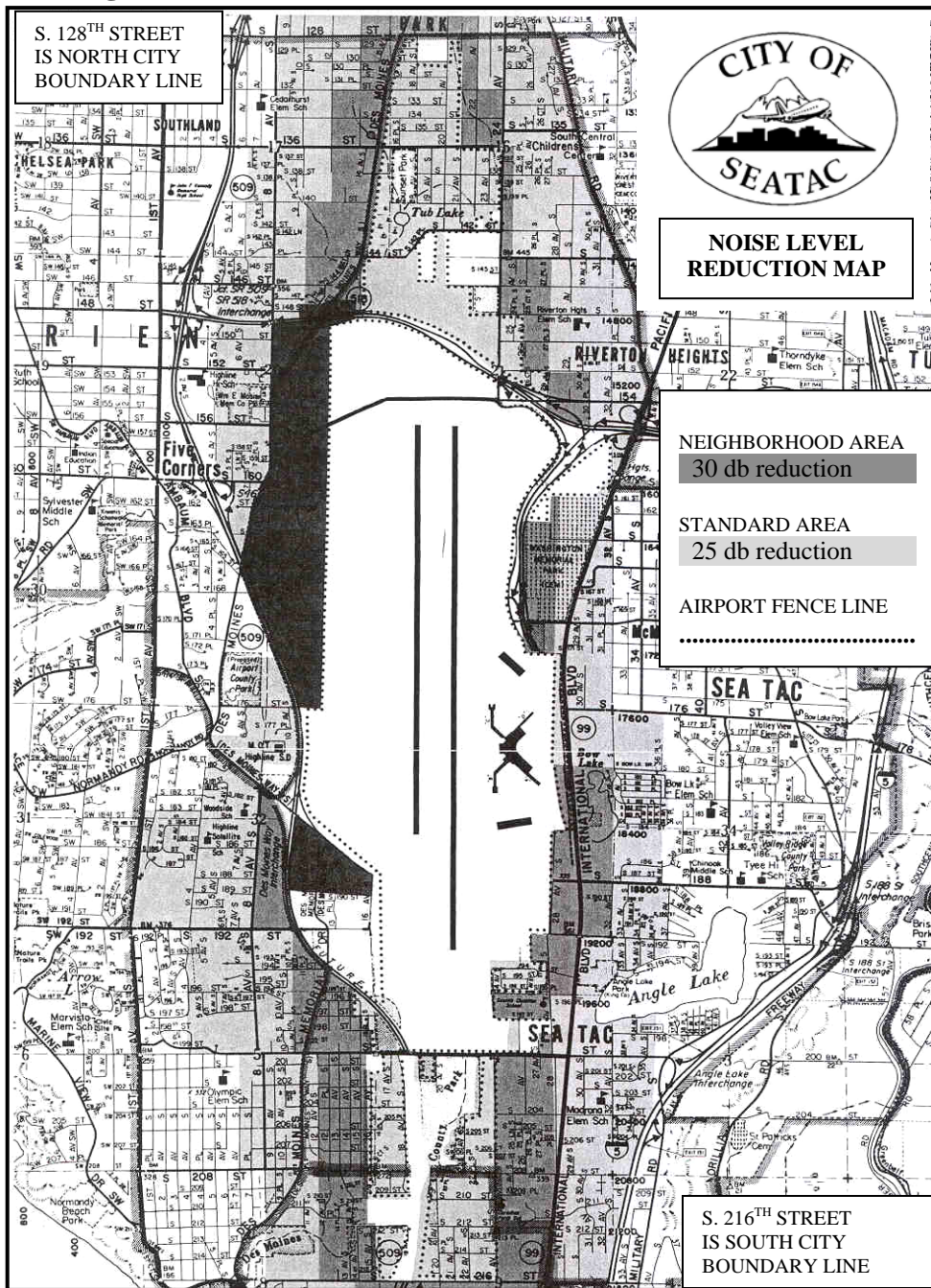
A. Neighborhood Reinforcement Area.

1. Bedrooms must comply with Section 13.240.120 which is designed to achieve a noise reduction level of 35 dB.
2. All other living and working areas must comply with Section 13.240.110 which is designed to achieve a noise reduction level of 30 dB.

B. Standard Insulation Area.

1. Bedrooms must comply with Section 13.240.110 which is designed to achieve a noise reduction of 30 dB.
2. All other living and working areas must comply with Section 13.240.100 which is designed to achieve a noise reduction level of 25 dB.

Figure 13.240.090a. NOISE LEVEL REDUCTION MAP



13.240.100 Building requirements for a noise level reduction of 25 dB.

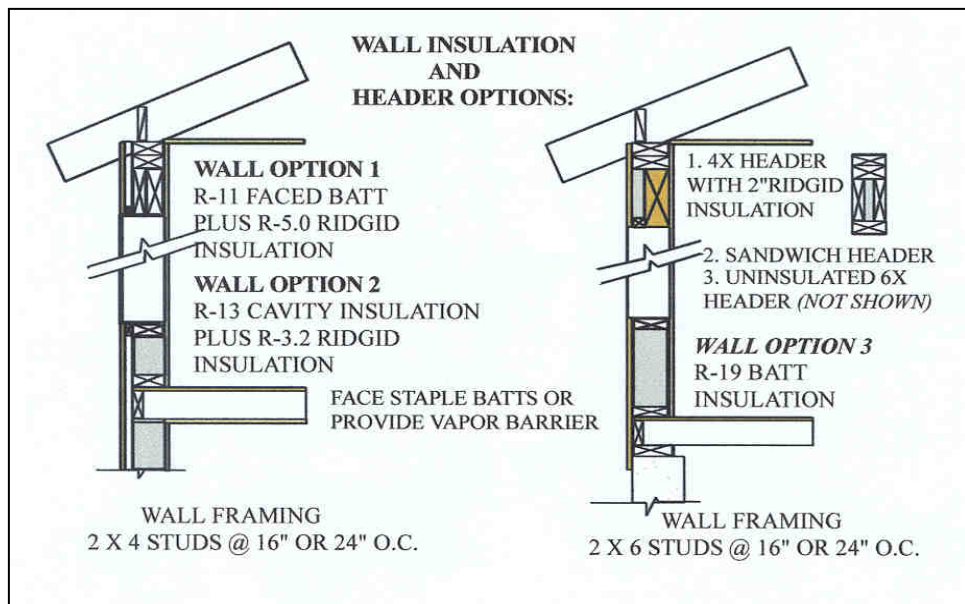
- A. Compliance.
Compliance with this section shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 25 decibels.
- B. Walls.

1. Exterior walls shall have a laboratory sound transmission class rating of at least STC-30. *See figure 13.240.100a.*

Exception: Insulated walls that are constructed in accordance with the SeaTac Energy Code, or walls built in accordance with the following shall be considered to meet the STC-30 requirements:

- a. Masonry and concrete walls having a weight of at least 25 pounds per square foot. These walls are not required to be furred out on the interior of the wall if at least one surface of the concrete block wall is plastered.
- b. Stud walls at least 4 inches in nominal depth shall be considered to meet the above requirements if built as defined below and to ASTM E497, Standard Practice for Installing Sound-Isolating Lightweight Partitions.
 1. The interior surface of the exterior walls shall be covered with gypsum board or plaster at least ½ inch thick.
 2. Insulation material shall be installed continuously throughout the cavity space, installed as specified in the SeaTac Energy Code.
 3. The outside of the wall shall be covered with a continuous layer of composition board, plywood, gypsum board, or a combination of these materials that is not less than ½ inch thick.
 4. Outside sheathing panels shall be covered with a layer of building paper, or equivalent, installed accordance with the City of SeaTac Building and Residential Codes.
 5. Siding shall be installed over the building paper.

Figure 13.240.100a. WALL AND HEADER OPTIONS



C.

Windows.

1. Exterior windows shall have a laboratory sound transmission class rating of at least STC-28.

Exception. Windows meeting the SeaTac Energy Code shall be considered to meet the STC-28 requirement, or single pane windows that have glass at least 3/16" thick.

All exterior windows shall be installed in accordance with the following requirements.

- a. The glass shall be sealed into the frame in an airtight manner with a non-hardening sealant or a soft elastomer gasket, or gasket tape.
- b. They shall be weather-stripped to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length, in accordance with ASTM E-283-65-T.
- c. The perimeter of the window frames shall be sealed to the exterior wall construction in accordance with SeaTac Energy Code. The sealant used shall meet one of the specifications listed in 13.240.080.

D. Exterior Doors.

1. Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-26.

Exception: Doors meeting the following criteria shall be considered as meeting the STC-26 rating.

- a. Exterior side-hinged doors that are solid-core wood, or insulated hollow metal, and that are not less than 1 3/4" thick.
- b. Glass installed in the door that has a total area of more than two square feet shall be sealed in an airtight manner with a non-hardening sealant or in a soft elastomer gasket or glazing tape.
- c. Exterior sliding glass doors shall be weather-stripped with an efficient airtight gasket system so as to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length.

2. All doors shall be installed meet the following requirements.

- a. They shall be weather-stripped to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length, in accordance with ASTM E-283-65-T.
- b. The perimeter of the door frames shall be sealed to the exterior wall construction in accordance with SeaTac

Energy Code. The sealant used shall meet one of the specifications listed in 13.240.080.

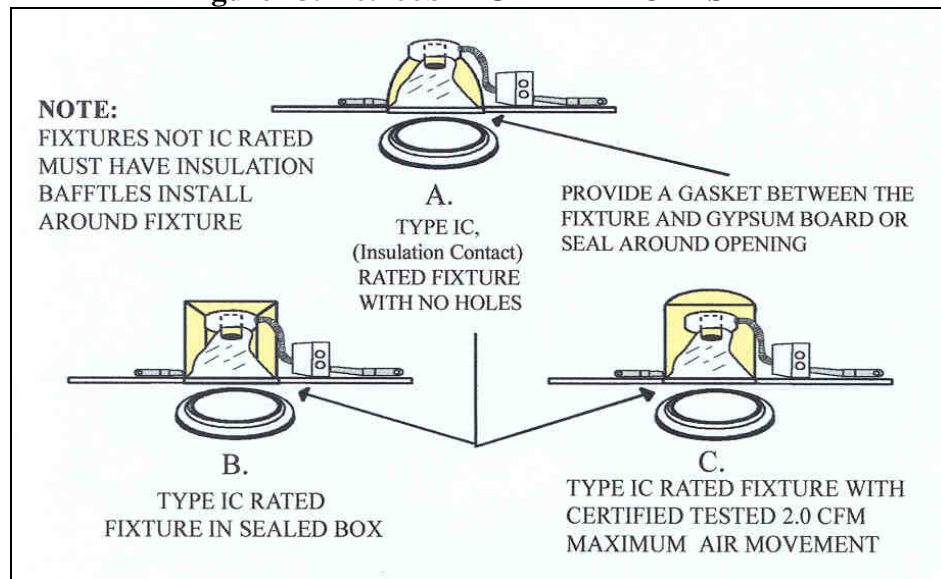
E. Roof/Ceiling.

1. Roof-ceiling assemblies shall have a laboratory sound transmission class rating of at least STC-39.

Exception: Roof-ceiling assemblies that are constructed in accordance with the SeaTac Energy Code, or roof-ceiling assemblies that are built in accordance with the following criteria, shall be considered to meet the STC-39 requirement..

- a. The roof deck shall be sheathed with not less than ½ inch composition board, plywood or gypsum board sheathing, topped by roofing.
- b. Ceiling insulation shall be not less than R-38, and not less than the minimum requirements of the SeaTac Energy Code. The insulation shall be installed with not less than 6 inches average air space between the insulation and the roof deck.
- c. Gypsum board or plaster ceilings shall be not less than ½ inch thick.
- d. The ceiling shall be substantially airtight with a minimum of penetrations. Lighting fixtures penetrating the ceiling assembly shall be in accordance with the requirements in the SeaTac Energy Code. See figure 13.240.100b. Other penetrations shall be treated in a similar manner to the requirements in the SeaTac Energy Code.

Figure 13.240.100b LIGHT FIXTURES



2. Skylights shall meet the requirements as listed above for windows.

F. Floors.

There are not special requirements for limitation of Sound Transmission through floors in this section. See section 13.240.090 for requirements under bedrooms.

G. Ventilation.

1. Interior Building Ventilation.

A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for the various uses in the occupied rooms without the need to open any windows, doors, or other openings to the exterior. The inlet and discharge openings shall be fitted with sheet metal ducts of at least 26 gauge steel, which shall be insulated with R-11 sound absorbing insulation, and shall be at least 5 feet long with one 90 degree bend.

When homes with forced air heating systems use an “Integrated Ventilation System” designed in accordance with 302 &/or 303 of the Washington State Ventilation and Indoor Air Quality Code, they shall be considered to meet the above code requirements with the following additions. See figures 13.240.100c and 13.240.100d.

- a. The inlet duct shall be sized to allow for it to be insulated with R-11 thick sound absorbing insulation.
- b. This duct shall be not less than 5 feet long with at least one 90 degree bend.

Figure 13.240.100c VENTILATION TIE-IN

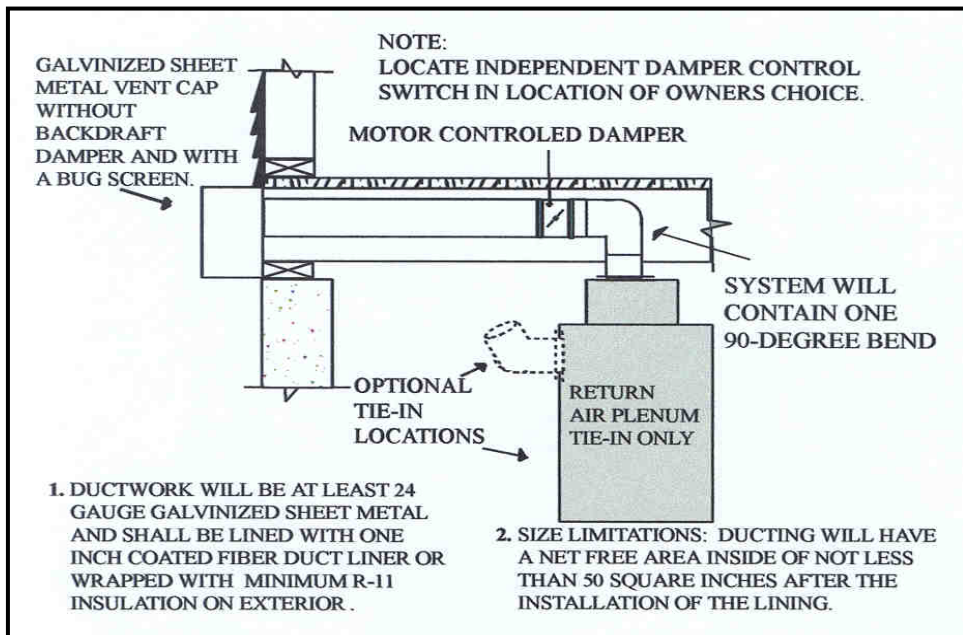
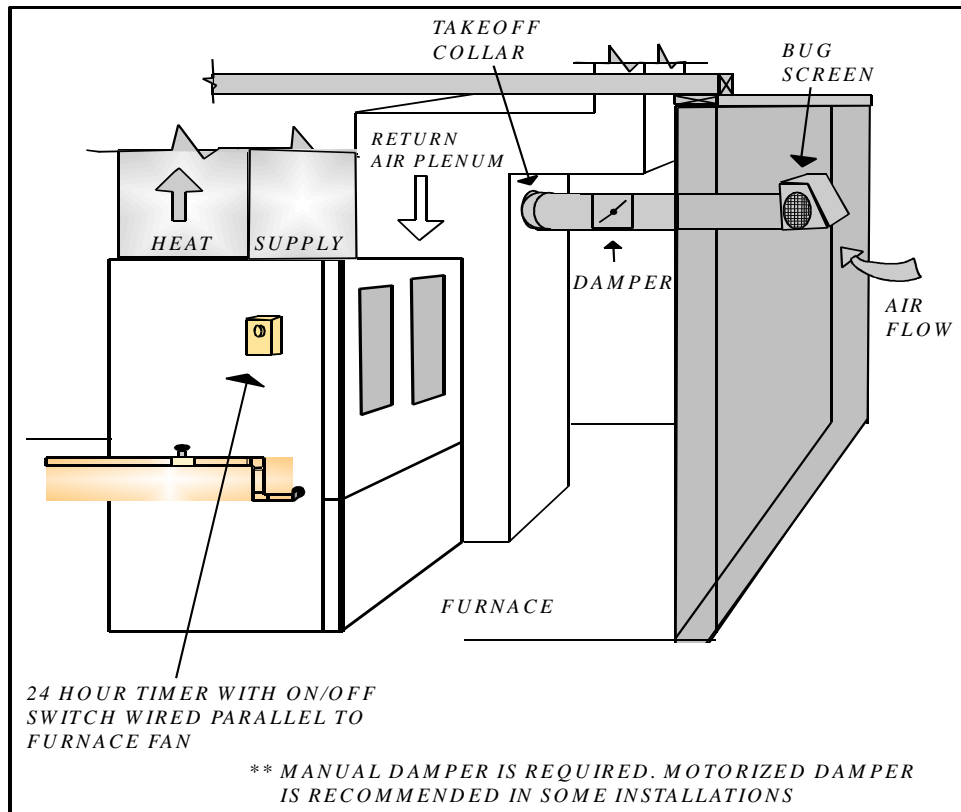


Figure 13.240.100d VENTILATION DAMPER



2. Gravity vent openings in attics and crawlspaces shall be as close to code minimum in number and size, as is practical.
3. All ducts serving bathrooms, laundries, kitchens and similar rooms shall meet a 25-db noise reduction level. The following criteria will be considered as meeting a 25-db noise reduction level.
 - a. They shall contain at least a 5-foot length of external sound-absorbing duct insulation, when allowed by the SeaTac Mechanical Code. When allowed duct may be glass fiber duct insulation of at least R-11 thickness for its entire length. See figures 13.240.100e and 13.240.100f.
 - b. Each duct shall be provided with a bend in the duct such that there is no direct line-of-sight through the duct from the vent exterior opening to the room opening.
4. Fireplaces shall be provided with well fitted dampers.

Figures 13.240.100e. BATH OR KITCHEN FAN

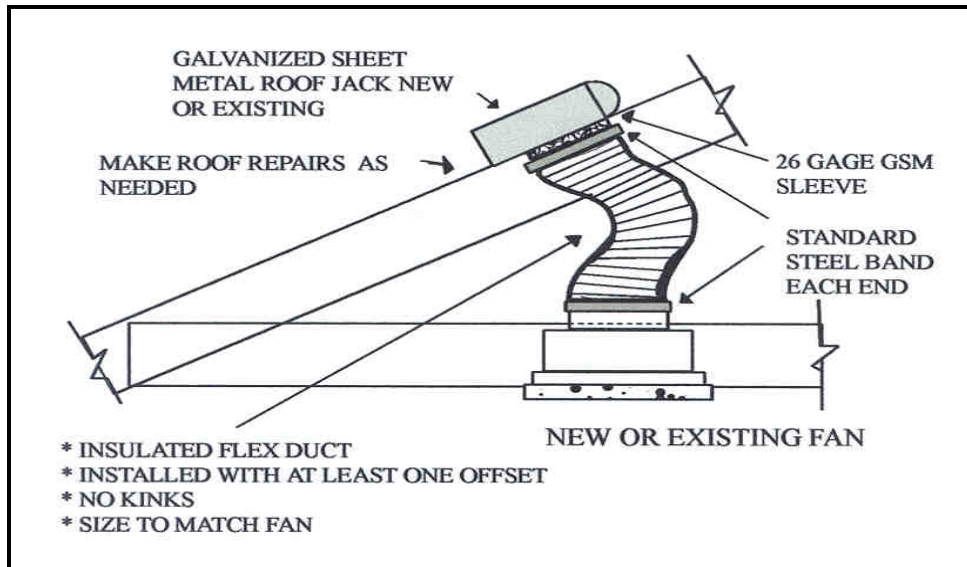
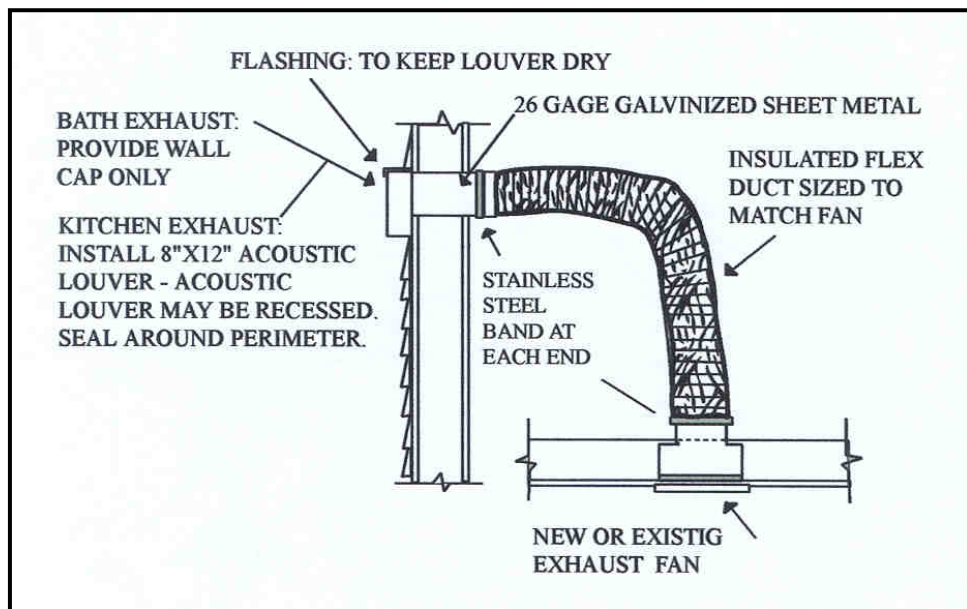


Figure 13.240.100f. BATH OR KITCHEN FAN



13.240.110 Building requirements for a noise level reduction of 30 dB.

A. Compliance.

Compliance with this section shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 30 decibels.

B. Exterior Walls.

1. Exterior walls shall have a laboratory sound transmission class rating of at least STC-35.

Exception: Insulated walls that are constructed in accordance with the SeaTac Energy Code and that have interior and exterior sheathing of not less than 5/8" thick, or walls built in accordance with following, shall be considered to meet the STC-35 requirements:

2. Masonry and concrete walls having a weight of at least 40 pounds per square foot. These walls are not required to be furred out on the interior of the wall if at least one surface of the concrete block wall is plastered.
3. Stud walls at least 4 inches in nominal depth shall be considered to meet the above requirements if built as defined below and to ASTM E497, Standard Practice for Installing Sound-Isolating Lightweight Partitions.
 - a. The interior surface of the exterior walls shall be covered with gypsum board or plaster at least 1/2 inch thick. If the exterior of the wall is stucco or brick veneer the interior gypsum board or plaster may be fastened rigidly to the studs. If the exterior is of any other siding, the interior gypsum board or plaster shall be fastened resiliently to the studs.
 - b. Insulation material at least R-11 shall be installed continuously throughout the cavity space, installed as specified in the Washington State Energy Code. *See figure 13.240.100a.*
 - c. The outside of the wall shall be covered with a continuous layer of composition board, plywood, gypsum board, or a combination of these materials that is not less than 3/4 inch thick.
 - d. Outside sheathing panels shall be covered with a layer of building paper, or equivalent, installed accordance with the SeaTac Building and Residential Codes.
 - e. Siding shall be installed over the building paper.

C. Exterior Windows.

1. Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.

Exception: Windows meeting the criteria listed below shall be considered to meet the STC-33 requirement.

 - a. A window that is double-glazed with the glass at least 1/8" thick with not less than a 1/2" air space between the glass panels.
2. All windows shall be installed meet the following requirements.
 - a. The glass shall be sealed into the frame in an airtight manner with a non-hardening sealant or a soft elastomer gasket, or gasket tape.

- b. They shall be weather-stripped to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length, in accordance with ASTM E-283-65-T.
 - c. The perimeter of the window frames shall be sealed to the exterior wall construction in accordance with SeaTac Energy Code. The sealant used shall meet one of the specifications listed in 13.240.080.
- D. Exterior Doors.
- 1. Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.
Exception: Doors meeting the following criteria shall be considered as meeting the STC-33 rating:
 - a. Double door construction, with a minimum space between the double doors shall be not less than 3", is required.
 - b. At side-hinged doors at least one of the doors shall be a solid-core wood, or insulated hollow metal, that is not less than 1 3/4" thick at its thinness point. The second door may be a storm door. Both doors shall meet all requirements of this section.
 - c. Glass installed in a solid-core wood door, that has a total area of more than two square feet, shall be not less than 3/16" thick.
 - d. All glass and glazing shall be sealed in an airtight manner with a non-hardening sealant or in a soft elastomer gasket or glazing tape.
 - e. Exterior sliding glass doors shall be weather-stripped with an efficient airtight gasket system.
 - f. The double sliding glass doors shall be double glazed with a separation between glass panels of not less 1/2". The glass used in the double glazed glass panels shall be of unequal thickness.
 - 2. All doors shall be installed meet the following requirements:
 - a. They shall be weather-stripped to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length, in accordance with ASTM E-283-65-T.
 - b. The perimeter of the doorframes shall be sealed to the exterior wall construction in accordance with SeaTac Energy Code. The sealant used shall meet one of the specifications listed in 13.240.080.
- E. Roof/Ceiling.
- 1. Combined roof and ceiling construction other than described in this section shall have a laboratory sound transmission class rating of at least STC-44.

Exception: Roof-ceiling assemblies that are constructed in accordance with the SeaTac Energy Code, and the following criteria, shall be considered to meet the STC-44 requirement.

- a. The roof deck shall be sheathed with not less than $\frac{3}{4}$ inch composition board, plywood or gypsum board sheathing, topped by roofing.
- b. Ceiling insulation shall be not less than R-19, and not less than the minimum requirement of the SeaTac Energy Code. The insulation shall be installed with not less than 6 inches average air space between the insulation and the roof deck.
- c. Gypsum board or plaster ceilings shall be not less than $\frac{5}{8}$ inch thick.
- d. The ceiling shall be substantially airtight with a minimum of penetrations. Lighting fixtures penetrating the ceiling assembly shall be in accordance with the requirements in the SeaTac Energy Code. *See figure 13.240.100b.* Other types of penetrations shall be treated in a similar manner to the requirements in the SeaTac Energy Code.

F. Floors.

1. The floor of the lowest occupied rooms shall be slab on fill, below grade, over a fully enclosed basement, or over a crawlspace. All window and door openings in a fully enclosed basement shall be tightly fitted and sealed in accordance with this section. All ventilation openings into the crawlspace shall be constructed in accordance with the provisions elsewhere in this section.
2. Floors over fully enclosed garages and over carports shall have laboratory sound transmission class rating of at least STC-35.

Exception: Fully enclosed garages, where the roof/ceiling, walls, windows, and doors, are completed in accordance with the provisions of section 13.240.100. The overhead garage door will not be required to meet the provisions in section 13.240.110D, for doors, if it is an insulated garage door.

Floors over fully enclosed garages and over carports, when constructed as defined below, will be considered to meet minimum requirements.

- a. The floor over the garage shall be insulated to not less than an R-19, but not less than that specified in the SeaTac Energy Code.
- b. The floor/ceiling assembly shall be sealed in accordance with the SeaTac Energy Code.

G. Ventilation.

1. Interior Building Ventilation.

A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for the various uses in the occupied rooms without the need to open any windows, doors, or other openings to the exterior. The inlet and discharge openings shall be fitted with sheet metal ducts of at least 26 gauge steel, which shall be insulated with R-11 sound absorbing insulation, and shall be at least 5 feet long with one 90 degree bend.

When homes, with forced air heating systems, use an “Integrated Ventilation System” designed in accordance with section 302 &/or 303 of the SeaTac Ventilation and Indoor Air Quality Code, they shall be considered to meet the above code requirements with the following additions. *See figures 13.240.100c and 13.240.100d.*

- a. The inlet duct shall be sized to allow for it to be insulated with R-11 sound absorbing insulation.
- b. This duct shall be not less than 5 feet long with at least one 90-degree bend.

2. Gravity vent openings in attics and crawlspaces shall be as close to code minimum in number and size, as practical. The openings shall be fitted with transfer ducts at least 3 feet in length insulated with R-11 sound-absorbing duct insulation. Each duct shall have a 90-degree bend in the duct such that there is no direct line-of-sight from the exterior through the duct into the attic or crawlspace. The interior cross-sectional area shall not be reduced to less than the opening size that the duct is attached to. *See figures 13.240.110a, 13.240.110b, 13.240.110c, and 13.240.110d.*

3. All ducts serving bathrooms, laundries, kitchens and similar rooms shall meet a 30-db noise reduction level. The following criteria will be considered as meeting a 30-db noise reduction level. *See figures 13.240.100e and 13.240.100f.*

- a. They shall contain at least a 10-foot length of external sound-absorbing duct insulation, when allowed by the SeaTac Mechanical Code. When allowed duct insulation may be glass fiber duct insulation of at least R-11 inch thickness for its entire length.
- b. Each duct shall be provided with a 90-degree bend in the duct such that there is no direct line-of-sight through the duct from the vent exterior opening to the room opening
- c. Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a self-closing baffle plate across the exterior termination which allows

proper ventilation. The duct shall be provided with a 90-degree bend.

4. Fireplaces shall be provided with well fitted dampers.

Figure 13.240.110a. FOUNDATION VENT

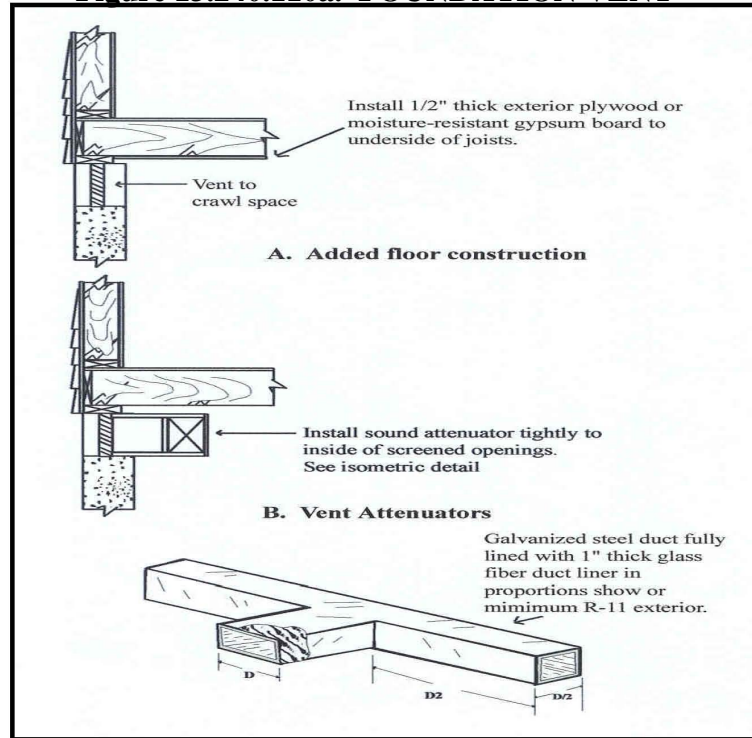


Figure 13.240.110b. RIDGE VENT

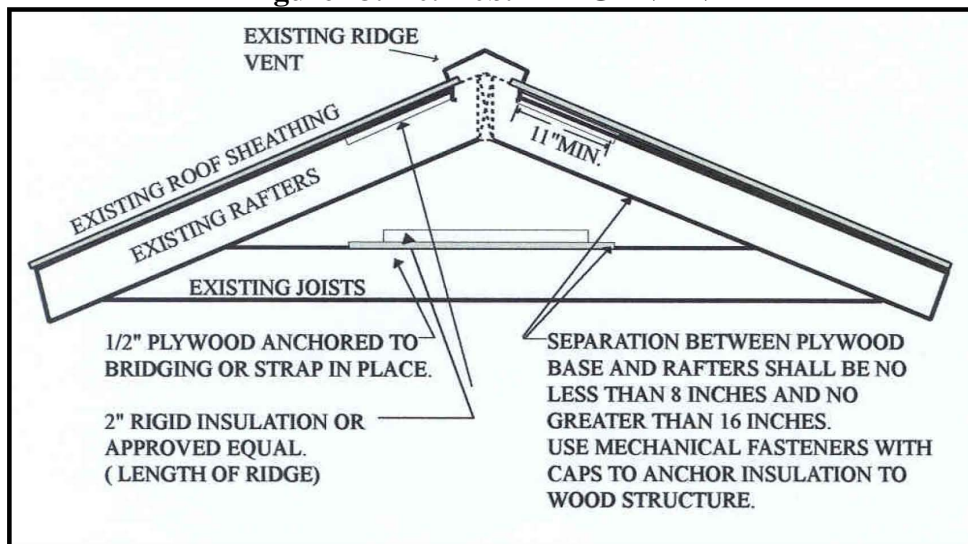


Figure 13.240.110c. GABLE END VENT

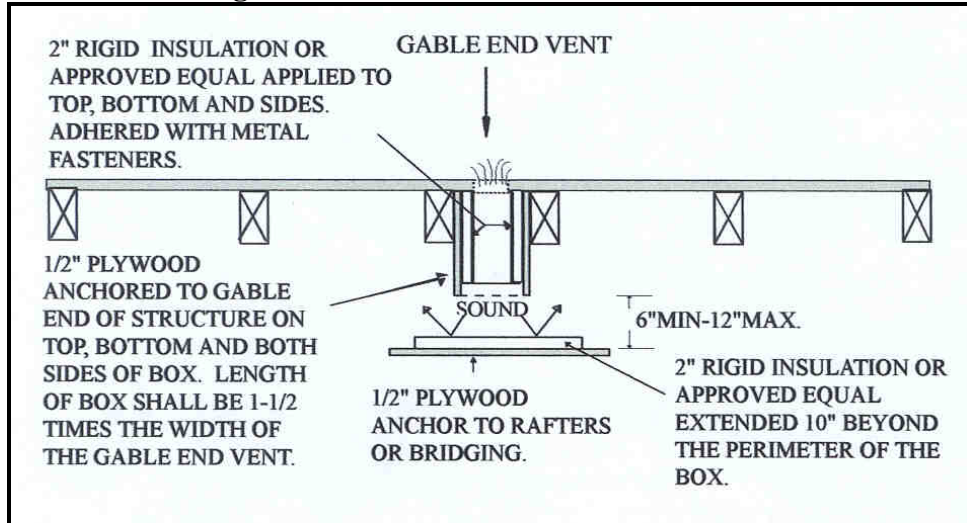
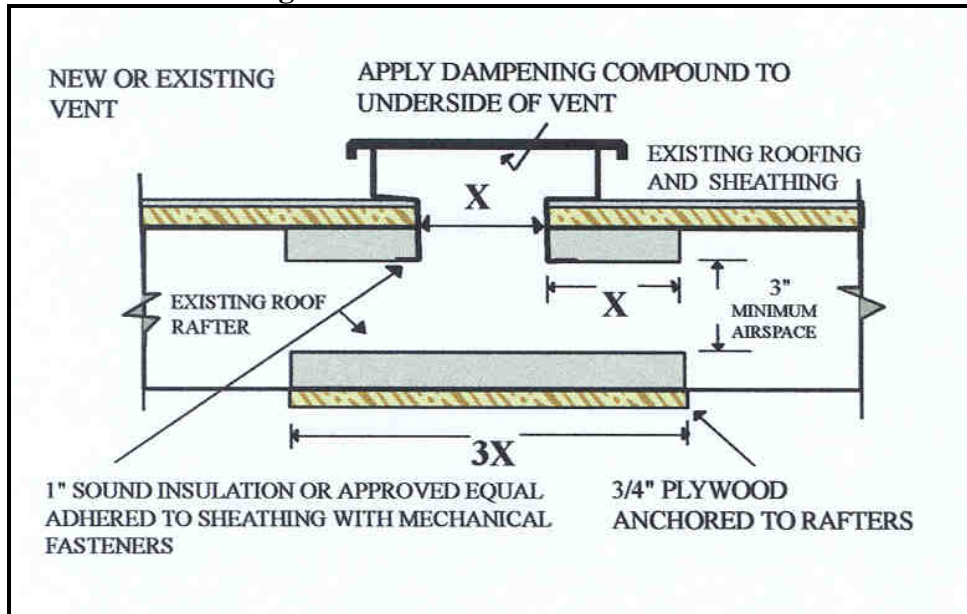


Figure 13.240.110d. ROOF VENT



13.240.120 Building requirements for a noise level reduction of 35 dB.

A. Compliance.

Compliance with this section shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 35 decibels.

B. Exterior Walls.

1. Exterior walls shall have a laboratory sound transmission class rating of at least STC-40.

Exception: The following wall descriptions shall be considered to meet an STC-40 requirement.

- a. Masonry and concrete walls having a weight of at least 75 pounds per square foot. These walls are not required to be furred out on the interior of the wall if at least one surface of the concrete block wall is plastered.

- b. Stud walls at least 4 inches in nominal depth shall be considered to meet the above requirements if built as defined below and to ASTM E497, Standard Practice for Installing Sound-Isolating Lightweight Partitions.

1. The interior surface of the exterior walls shall be covered with gypsum board or plaster at least 5/8 inch thick. If the exterior of the wall is stucco or brick veneer the interior gypsum board or plaster may be fastened rigidly to the studs. If the exterior is of any other siding, the interior gypsum board or plaster shall be fastened resiliently to the studs.

2. Insulation of at least R-19, or an R-19 equivalent, shall be installed continuously within, or upon, the building envelope. The installation shall be as specified in the SeaTac Energy Code. *See figure 13.240.100a.*

3. The outside of the wall shall be covered with a continuous layer of composition board, plywood, gypsum board, or a combination of these materials that is not less than 1 inch thick.

5. Outside sheathing panels shall be covered with a layer of building paper, or equivalent, installed accordance with the SeaTac Building Codes.

6. Siding shall be installed over the building paper.

C. Exterior Windows.

1. Windows shall have a laboratory sound transmission class rating of at least STC-36.

Exception: Windows meeting the criteria listed below shall be considered to meet the STC-36 requirement.

- a. A windows that is double-glazed with the glass at least 3/16" thick with not less than a 1/2" air space between the glass panels.

- b. The glass panels shall be of unequal thickness.

2. All windows shall be installed meet the following requirements:

- a. The glass shall be sealed into the frame in an airtight manner with a non-hardening sealant or a soft elastomer gasket, or gasket tape.

- b. They shall be weather-stripped to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length, in accordance with ASTM E-283-65-T.
 - c. The perimeter of the window frames shall be sealed to the exterior wall construction in accordance with the SeaTac Energy Code. The sealant used shall meet one of the specifications listed in 13.240.080.
- D. Exterior Doors.
- 1. Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.
Exception: Doors meeting the following criteria shall be considered as meeting the STC-33 rating.
 - a. Double door construction, with a three-foot vestibule or enclosed porch between the doors, is required.
 - b. The doors shall be side-hinged solid-core wood, or insulated hollow metal doors, that are not less than 1 ¾” thick at its thinnest point. Both doors shall meet all other requirements of this section.
 - c. Glass installed in the door that has a total area of more than two square feet shall be not less than 3/16” thick.
 - d. Exterior sliding glass doors shall be weather-stripped with an efficient airtight gasket system.
 - e. The double sliding glass doors shall be double glazed with a separation between glass panels of not less ½”.The glass used in the double glazed glass panels shall be of unequal thickness.
 - 2. All doors shall meet the following requirements:
 - a. All glass and glazing shall be sealed in an airtight manner with a non-hardening sealant or in a soft elastomer gasket or glazing tape.
 - b. They shall be weather-stripped to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length, in accordance with ASTM E-283-65-T.
 - c. The perimeter of the doorframes shall be sealed to the exterior wall construction in accordance with the SeaTac Energy Code. The sealant used shall meet one of the specifications listed in 13.240.080.

- a. The roof deck shall be sheathed with not less than one (1) inch composition board, plywood or gypsum board sheathing, topped by roofing.
 - b. Ceiling insulation shall be not less than R-30, and not less than the minimum requirement of the SeaTac Energy Code. The insulation shall be installed with not less than 6 inches average air space between the insulation and the roof deck.
 - c. Gypsum board or plaster ceilings shall be not less than 5/8 inch thick mounted to the structural members on resilient clips or channels.
 - d. The ceiling shall be substantially airtight with a minimum of penetrations. Lighting fixtures penetrating the ceiling assembly shall be in accordance with the requirements in the SeaTac Energy Code. *See figure 13.240.100b.* Other penetrations shall be treated in a similar manner to the requirements in the Washington State Energy Code.
2. Open beam roof construction using clay or concrete tiles shall be considered as meeting an STC-49 requirement when one inch plywood decking is used and the insulation levels meet the SeaTac Energy Code requirements.
- F. Floors.
1. The floor of the lowest occupied rooms shall be slab on grade or below grade. Crawlspace are prohibited.
 2. Floors over fully enclosed garages and over carports shall have laboratory sound transmission class rating of at least STC-40.
Exception: Fully enclosed garages, where walls, windows, and doors, are completed in accordance with the provisions of section 13.240.110. The overhead garage door will not be required to meet the provisions in section 13.240.120D for doors, if it is an insulated garage door.
 3. Fully enclosed garages, when constructed as defined below, will be considered to meet minimum requirements.
 - a. The floor over the garage shall be insulated to not less than an R-19, but not less than that specified in the SeaTac State Energy Code.
 - b. The floor/ceiling assembly shall be sealed in accordance with the SeaTac Energy Code.
 - c. Two layers of 5/8", 1 1/4" minimum thickness gypsum wallboard shall be installed on the garage side of the floor-ceiling assembly.
 - d. All window and door openings in the garage shall be tightly fitted and sealed in accordance with this section.
 4. Carports, when constructed as defined below, will be considered to meet minimum requirements.

- a. Carports where the ceiling is insulated to not less than an R-19, but not less than that specified in the SeaTac Energy Code.
- b. The floor/ceiling assembly shall be sealed in accordance with the SeaTac Energy Code.
- c. Two layers of 5/8", 1 1/4" minimum thickness gypsum wallboard shall be installed on the carport side of the floor-ceiling assembly.

G. Ventilation.

1. Interior Building Ventilation.

A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for the various uses in the occupied rooms without the need to open any windows, doors, or other openings to the exterior. The inlet and discharge openings shall be fitted with sheet metal ducts of at least 26 gauge steel, which shall be insulated with R-11 sound absorbing insulation, and shall be at least 10 feet long with one 90-degree bend.

When homes with forced air heating systems use an "Integrated Ventilation System" designed in accordance with 302 &/or 303 of the SeaTac Ventilation and Indoor Air Quality Code, they shall be considered to meet the above code requirements with the following additions.

- a. The inlet duct shall be sized to allow for it to be insulated with R-11 sound absorbing insulation.
- b. This duct shall be not less than 10 feet long with at least one 90-degree bend. *See figures 13.240.100c and 13.240.100d.*

- 2. Gravity vent openings in attics shall be as close to code minimum in number and size, as practical. The openings shall be fitted with ducts at least 6 feet in length insulated with R-11 sound absorbing insulation. Each duct shall have a 90-degree bend in the duct such that there is no direct line-of-sight from the exterior through the duct into the attic. . The interior cross-sectional area shall not be reduced to less than the opening size that the duct is attached to.
- 3. All ducts serving bathrooms, laundries, kitchens and similar rooms having a direct, unimpeded connection with a bedroom shall meet a 35-db noise reduction level. The following criteria will be considered as meeting a 35-db noise reduction level. *See figures 13.240.100e and 13.240.100f.*
- 4. They shall contain at least a 10-foot length of external R-11 sound-absorbing duct insulation, when allowed by the SeaTac Mechanical Code. When allowed duct insulation may be glass fiber insulation of at least R-11 thickness for its entire length.

- a. Each duct shall be provided with a 90-degree bend in the duct such that there is no direct line-of-sight through the duct from the vent exterior opening to the room opening
- b. Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a self-closing baffle plate across the exterior termination, which allows proper ventilation. The duct shall be provided with a 90-degree bend.

**Chapter 13.250
RECYCLING SPACE REQUIREMENTS**

Sections:

- 13.250.010 Purpose.**
- 13.250.020 Application.**
- 13.250.030 Residential requirements.**
- 13.250.040 Nonresidential requirements.**
- 13.250.050 Location guidelines.**
- 13.250.060 Design guidelines.**

13.250.010 Purpose.

The purpose of this chapter is to ensure that new construction incorporates the space required for on-site storage of recyclables prior to pick-up and removal by haulers by:

- A. Establishing mandatory minimum recyclables storage space requirements for residential and non-residential projects; and
- B. Providing location and design guidelines which will assist the applicant in the development of such storage spaces without unduly limiting creative solutions.

13.250.020 Application.

All new development after the adoption of these regulations, with the exception of single-family homes, shall be subject to the requirements of this chapter.

"Storage areas for recyclables" shall be considered as separate from "interim recycling facility" as defined in the King County Code. Only material generated on-site shall be collected and stored in such areas, and the primary processing shall be conducted off-site.

13.250.030 Residential requirements.

- A. Minimum space requirements of (1.5) square feet per unit in all residential projects with the exception of single-family homes. Those multi-family developments which will receive direct collection through a City sponsored or approved program may be exempted from these requirements.

B. One collection area per thirty (30) units, to be located not more than two hundred (200) feet, or the distance to the garbage collection storage area, from the intended user units.

13.250.040 Non-residential requirements.

A. Office: two (2) square feet of storage space for every one thousand (1,000) square feet gross floor area.

B. Retail: five (5) square feet of storage space for every one thousand (1,000) square feet gross floor area.

C. General Commercial (Including Wholesale, Warehouse, and Industrial): three (3) square feet of storage space for every one thousand (1,000) square feet gross floor area.

D. Educational and Institutional: two (2) square feet of storage space for every one thousand (1000 square feet Gross Floor Area

13.250.050 Location guidelines.

A. Location generally.

The storage area for recyclables shall be located in an area which is accessible to the intended users in order to encourage its use. It may be located either inside or outside the proposed building.

To encourage its use, the storage area should be located adjacent to, or near the waste storage and collection areas. The storage and collection of waste and recyclables should be designed to complement each other and to operate as one system.

Exterior storage areas for recyclables shall not be located in any setback.

The location of the storage area must not interfere with the primary use of the site, which could discourage the use of the storage area. It should not be located in areas which cannot tolerate noise, odor, and increased pedestrian and vehicle traffic.

B. Subdivision of required space.

In non-residential zones, the total area required can be broken into smaller areas and distributed around the development site if desired, but each area must maintain a useful minimum space.

In residential projects comprising more than one building, the total space must be divided, following the ratio of one storage area per thirty residential units. Each storage area should be located not more than 200 feet, or the distance to the garbage collection storage area, from the units it is intended to serve.

C. Signage

The recycling area should be clearly marked as such, with signs not to exceed two square feet.

D. On-site circulation

The storage facility should be located so that trucks shall not obstruct pedestrian or vehicle traffic movement, or project into any public right-of-way.

13.250.060 Design guidelines.

A. Design generally

It is the intent of these guidelines to assist the applicant in developing creative designs for storage space.

1. The design of the storage area should be consistent with the architectural design of the primary structure(s) on the site.
2. Dimensions of the storage area shall accommodate containers consistent with current methods of collection.

B. Enclosure

In order to limit the dispersal of litter on-site, storage areas in all zones shall be enclosed by fence or wall of six feet in height. This requirement shall not apply to storage areas in industrial zones, unless the storage area is located within 100 feet of residentially-zoned property. Gate openings which allow access by user and by haulers should be included. Gate opening for haulers should be a minimum of 12 feet wide. The storage areas should be designed to be easily accessible to collection trucks and equipment. Adequate vertical clearance (if the space is located within a structure) and adequate turning radius must be provided to accommodate collection equipment.

C. Landscaping

Landscaping is required in accordance with the City of SeaTac requirements for new development. Such landscaping shall be required in non-residential zones only if the storage area will be within 100 feet of residentially zoned property. The landscaping should be designed so as not to impede access to the storage area.

D. Weather protection

If the storage area is to be roofed, it must be shown to be accessible to haulers. Minimum opening spaces should be 12 feet high. In order to ensure the efficiency of recycling efforts and to maintain the value of the commodities, storage containers shall be shown to be protected from weather damage. This can be accomplished either by using weather-proof containers or by covering the storage area and 12 feet wide.

E. Security and Access

Access to the storage areas can be limited for security reasons, but must be accessible to haulers and users during regular business and collection hours.

Chapter 13.270 BUILDING ADDRESSES

Sections:

- 13.270.010 Delegation of authority**
- 13.270.020 Criteria for assignment of addresses**
- 13.270.030 Address reassignments**
- 13.270.040 Notification**
- 13.270.050 Official address map**
- 13.270.060 Appeals**
- 13.270.070 Installation and maintenance of address numbers**
- 13.270.080 Violations and enforcement**

13.270.010 Delegation of authority.

The Public Works Director or designee, hereinafter called the Director, is granted the authority to assign building addresses in conformance with the grid system established by King County. The assignment of addresses for buildings shall normally occur in conjunction with the issuance of building permits or in conjunction with subdivision approvals. This chapter shall not apply to properties under the permitting authority of the Port of Seattle, pursuant to the January 1, 2000 interlocal agreement between the City and the Port of Seattle.

13.270.020 Criteria for assignment of addresses.

The Director shall assign building addresses in a manner consistent with the King County grid system and with consideration of the factors set forth below.

- A. The building address numbers on parallel streets shall be comparable and shall progress in the same direction.
- B. Building numbering shall be consecutive.
- C. Building numbering shall allow for expansion to accommodate future buildings on a parcel or within the area if space for, or possibility of, expansion exists.
- D. Even numbers shall be used on the north side of streets extending in a westerly and easterly direction and on the east side of avenues extending in a northerly and southerly direction.
- E. Odd numbers shall be used on the south side of streets extending in a westerly and easterly direction and on the west side of avenues extending in a northerly and southerly direction.
- F. Addresses shall be assigned whole numbers only.
- G. Buildings located on corner lots shall be addressed from the street upon which the main entrance fronts.
- H. Duplexes shall be assigned a separate address number for each of the two entrances to the building.

I. Group and multi-family housing shall be assigned an address number where the main driveway joins the street and the said number shall be the address for all of the structures and units which face the interior court or parking area and each structure and unit shall then be issued a letter and sub-number, respectively.

J. Auxiliary and accessory buildings shall not be assigned a separate address number, unless cause be found by the Director.

L. Large cul-de-sacs shall be treated as one street with odd numbers assigned to buildings on the outside of the circle and even numbers assigned to buildings on the inside of the circle. Within small cul-de-sacs of not more than three (3) lots, address numbering shall be carried forward from the adjacent side of the main street.

13.270.030 Address reassignments.

In determining any need for reassignment of a building address, the Director shall consider consistency with the King County grid system, the impact on existing commercial and residential buildings and owners, and the responsiveness of emergency services. Notice of any intent to effect a reassignment shall be mailed by the Director to all property owners affected at least sixty (60) days prior to the intended effective date of the reassignment, and a notice shall similarly be published in the official newspaper.

13.270.040 Notification.

The Director shall cause notice of all building address assignments and reassignments to be provided to the city fire department, police department, GIS, and other affected departments, together with notice to appropriate King County agencies, specifically including the E-911 administrator.

13.270.050 Official address map.

All addresses within the city shall be depicted with approved numeric assignments on a map produced by the City's geographic information system (GIS) which shall constitute the official address map of the city.

13.270.060 Appeals.

Any party aggrieved by the assignment or reassignment of a building address may appeal such final action as an appeal from an administrative decision pursuant to SMC 1.20.110.

13.270.070 Installation and maintenance of address numbers.

A. The owner or occupant of a building which has been assigned an address shall install and maintain the address number at a conspicuous location over or near the principal entrance or entrances.

B. If the entrance or entrances cannot be easily seen from the frontage street, the address numbers shall be placed in another conspicuous location on the building or on a sign or other structure at a location which is clearly visible and, unless impractical, at a distance no greater than twenty (20) feet from the frontage street.

C. The address numbers shall consist of easily recognizable numerals, shall be not less than three (3) inches in height if the building is a single family dwelling or if the address is for individual dwelling units in a multi-family residential building, and not less than five (5) inches in height if the building is a commercial use, and the numbers shall contrast with the color of the structure upon which they are placed.

D. If possible, the address numbers shall be displayed in a lighted area.

E. The display of address numbers may constitute a directional or informational sign, as those terms are used in the City Sign Code at Chapter 15.16 of this code, and nothing herein shall be deemed to permit an exception, exemption, or variance from the said chapter.

13.270.080 Violations and enforcement.

A. Failure of an owner or occupant of a building to install and maintain the display of address numbers as required by this chapter shall subject the said owner or occupant to the procedures and penalties set forth in Chapter 1.15 of this code as presently existing or as may be subsequently amended.

B. Intentional display, advertisement, or use of an address not assigned by the Director pursuant to this chapter shall constitute a violation of a city ordinance, and upon 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. The City shall have full authority to also abate and remove any unofficial or altered street sign.

Section 4. Except as specifically indicated in Sections 5 through 11 of this Ordinance, the Code Reviser is hereby authorized to change the following references throughout the SeaTac Municipal Code:

A. References to the “Uniform Fire Code” or “UFC” shall be changed to “Fire Code”.

B. References to the “Uniform Building Code” or “UBC” shall be changed to “Building Code”.

Section 5. A new section 15.10.093 is hereby added to Chapter 15.10 of the SeaTac Municipal Code as follows:

15.10.093 Building Code

The City of SeaTac Building Code, as set forth in Chapter 13.110 SMC.

Section 6. Section 15.10.237 of the SeaTac Municipal Code is hereby amended as follows:

15.10.237 Efficiency Unit

A living quarters consisting of one (1) habitable space as defined in the Building Code.

Section 7. A new section 15.10.263 is hereby added to Chapter 15.10 of the SeaTac Municipal Code as follows:

15.10.263 Fire Code

The City of SeaTac Fire Code, as set forth in Chapter 13.150 SMC.

Section 8. Section 15.16.140 of the SeaTac Municipal Code is hereby amended as follows:

15.16.140 Requirements Applicable to All Signs

A. Structural Requirements. The structure and erection of signs within the City shall be governed by the adopted Uniform Sign Code and Building Code. Compliance with the Uniform Sign Code and Building Code shall be a prerequisite to issuance of a sign permit under SMC 15.16.130.

B. Electrical Requirements. Electrical requirements for signs within the City shall be governed by SMC 13.180, the Electrical Code. Compliance with the Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under SMC 15.16.130.

C. Sign Illumination. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare, or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street. Additionally, electronic signs shall meet the standards of SMC 15.16.115.

D. Sign Maintenance. All signs, including signs heretofore installed, shall be constantly maintained in a state of security, safety, repair and professional appearance. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five (5) days after receiving notice from the City Manager, or designee. The premises surrounding a monument sign shall be free and clear of rubbish and any landscaping area free of weeds.

E. Sign Obstructing View or Passage. No sign shall be located so as to physically obstruct any door, window or exit from a building. No sign shall be located so as to be hazardous to a motorist's ingress or egress, or visibility of traffic flow during ingress or egress, from parking areas of any way open to the public.

F. Landscaping for Monument Signs. All primary monument signs shall include, as part of their design, general landscaping and curbs about their base to prevent automobiles from hitting the sign-supporting structure and to improve the overall appearance of the installation.

G. Sign Inspection. All sign users shall permit the periodic inspection of their signs by the City upon City staff request.

H. Conflicting Provisions. Whenever two (2) provisions of this code overlap or conflict with regard to size or placement of a sign, the more restrictive provision shall apply.

Section 9. Section 16A.03.030 of the SeaTac Municipal Code is hereby amended as follows:

16A.03.030 Administration and Review Authority

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

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

B. The City Engineer or designee for those sections of the City of SeaTac Municipal Code or other development regulations under his/her responsibility such as, but not limited to, those pertaining to grading and drainage, erosion and sediment control, stormwater utility, right-of-way use and improvement permits, and King County Road Standards.

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

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

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

1. Variances to the provisions of SMC Titles 14 and 15 where the change does not exceed ten percent (10%) of the distance, area, or other measure of the requirement of city code, pursuant to the criteria in SMC 15.22.020(C);

2. Minor conditional use permits (CUP) which conform to the criteria in SMC 15.22.030(B).

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

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

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

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

Section 10. Section 16A.11.030 of the SeaTac Municipal Code is hereby amended as follows:

16A.11.030 SEPA Review

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

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

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

C. Site Plan Review Permit. Development projects or activities undergoing SEPA review shall go through a Site Plan Review Permit process, unless there is another Type II or III permit associated with the project or activity. The Site Plan Review Permit shall expire after two years.

Section 11. Appendix III of Title 16A of the SeaTac Municipal Code is hereby amended as follows:

Appendix III – Description of City of SeaTac Permits

Permit	Actions Subject to this Permit
Building Division of Public Works	
Electrical	All electrical installations/modifications unless exempt by the

	Electrical Code.
Mechanical	All mechanical installations/modifications unless exempt by the Mechanical Code.
Plumbing	All plumbing installations/modifications unless exempt by the Plumbing Code.
Building	All building construction/modifications unless exempt by the Building Code.
Engineering Division of Public Works	
Grading and Drainage	Projects subject to permits as described in Section 1.1.1 of the 1998 King County Surface Water Design Manual, or projects subject to permits under the Grading Code, including changes to impervious surface area and import/export of fill.
Fire Department	
Fire Alarm Permits	Any addition or modification to a fire alarm system, per the National Fire Protection Association Standard 72.
Fire Suppression System	Sprinkler systems, commercial range hood systems, stand pipe systems, and inert fire protection systems for commercial computer rooms, as required by the Fire Code.
Fuel Storage Tank	Removal Permit – Removal of any underground fuel storage tank. Installation Permit – Installation of new underground fuel storage tank.
Other Fire Code Permits	Any activity related to hazardous materials, places of assembly (50 or more persons), processes that create hazardous atmosphere or conditions and storage of flammable materials, per the Fire Code.
Planning Department	
Home Occupation	The establishment or expansion of a business in any residential dwelling. Home occupation requirements are detailed in Chapter 15.17 SMC.
Lot Line Adjustment	Any change to the boundaries of a property that does not create an additional lot. Standards for lots are found in Chapter 15.13 SMC. Subdivision standards and requirements are found in SMC Title 14.
Separate Lot Determination	The establishment of two or more legal lots based on documentation of historic status as separate lots.
Sign	Any advertisement visible from public or private streets per the Sign Code, Chapter 15.16 SMC. Note that all advertisements must meet the requirements of Chapter 15.16 SMC, but certain provisions allow for nonilluminated signs of nine square feet or less without a permit.
Temporary Use	The establishment of a temporary or seasonal use such as a

	Christmas tree stand or fruit stand, according to the requirements of Chapter 15.20 SMC.
Administrative Variance	Any variance from a code standard of less than 10% of a standard. Criteria are listed in SMC 15.22.020.
Conditional Use Permit (CUP) Minor	The minor expansion of an existing use in a zone where such use is listed as a “Conditional” use within the zone, according to the land use chart in Chapter 15.12 SMC. Criteria are listed in SMC 15.22.030.
Shoreline Exemption	Any construction or alteration of a structure, or any grading or alteration of shoreline conditions within 200 feet of Angle Lake, if such construction is associated with one single family dwelling as permitted under State shoreline regulations WAC 173-27-040.
Short Plat	The division of a piece of property into four (4) or fewer lots. Standards for lots are found in Chapter 15.13 SMC. Short plats must meet certain requirements of the Subdivision Code, SMC Title 14.
Site Plan Review	
Type I (No Public Notification)	A. Planning review of building and grading permits, per SMC 15.05.040.
	B. Actions that need to comply with zoning standards, but do not fall under another City permit. SMC 15.05.040.
Type II (Public Notification)	Done with SEPA review of a project, where no other project permits are being filed at the same time as the SEPA review. See SMC 16A.11.030.
Conditional Use Permit (CUP) Major	The creation or significant expansion of a use in a zone where such use is listed as a “Conditional” use within the zone, according to the land use chart in Chapter 15.12 SMC.
CUP-Essential Public Facility (CUP-EPF)	The creation or expansion of a use listed as being subject to the essential public facility siting process per the Chapter 15.12 SMC use charts. The CUP-EPF process is outlined in SMC 15.22.035.
Planned Unit Development (PUD)	Any residential development requesting variation from density and other standards to cluster development and preserve open space.
Rezone: Owner-Initiated	A request from a property owner to change the zoning on a piece of property. Note that the proposed zone must be compatible with the Comprehensive Plan Map. Decision criteria are found in SMC 15.22.050.
Shoreline Substantial Development	Any construction or alteration of a structure, or any grading or alteration of shoreline conditions within 200 feet of Angle Lake, if such construction exceeds the exemption threshold as outlined under State shoreline regulations WAC 173-27-040.
Special Home	The establishment or expansion of a business in any residential

Occupation	dwelling, where the business meets most, but not all the criteria for a regular home occupation. Home occupation requirements are detailed in Chapter 15.17 SMC.
Subdivision	The division of a piece of property into five (5) or more lots. Such lots must meet the requirements of SMC Title 14, Subdivisions.
Variance	Any variance from a code standard of more than 10% of a standard. Criteria are listed in SMC 15.22.020.
Variance (Sign)	Any variance from a sign code standard (limit 50% of a standard). Criteria are listed in SMC 15.22.020.

Section 12. 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 13. This Ordinance shall be in full force and effect July 1, 2004.

ADOPTED this 25th day of May, 2004, and signed in authentication thereof on this 25th day of May, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney
[Effective Date: _____]

[Title 13 Amendments]

ORDINANCE NO. 04-1009

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2004 Annual City Budget for the redemption of Local Improvement District #1 Bonds.

WHEREAS, in 2002, the City issued Local Improvement District #1 bonds associated with the 28th/24th Avenue S. arterial project; and

WHEREAS, the principal and interest on these bonds are paid by annual installments billed by the City to the applicable property owners; and

WHEREAS, sufficient assessment payments have been received to redeem \$115,000 in additional bonds on June 1, 2004; and

WHEREAS, additional appropriation authority is needed to redeem the additional bonds;

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

Section 1. The 2004 Annual City Budget shall be amended to increase both revenues and expenditures in the Special Assessment Debt Fund by \$115,000.

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

ADOPTED this 25th day of May, 2004, and signed in authentication thereof on this 25th day of May, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney
[Effective Date: _____]

ORDINANCE NO. 04-1011

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to the Development Review Code; making amendments to the code regarding criteria to allow administrative variances, amending Section 16A.03.030.

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

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

WHEREAS, in reviewing the Development Review Code, certain development review regulations have been identified as requiring amendment or addition; and

WHEREAS, the Planning Commission has reviewed the aforesaid changes to development review regulations and has recommended the amendment for adoption by the Council;

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

Section 1. Sub-section D of Section 16A.03.030 of the SeaTac Municipal Code is hereby amended to read as follows:

16A.03.030 D Administration and Review Authority

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

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

1. Variances to the provisions of SMC Titles 14 and 15 where the change does not exceed ~~ten~~ twenty percent (~~10%~~ 20%) of the distance, area, or other measure of the requirement of city code, pursuant to the criteria in SMC 15.22.020(C);
2. Minor conditional use permits (CUP) which conform to the criteria in SMC 15.22.030(B).

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 by July 31, 2004.

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

ADOPTED this 22nd day of June, 2004, and signed in authentication thereof on

this 22nd day of June, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante Bartolo , City Attorney

[Effective Date _____]

Development Review Code

ORDINANCE NO. 04-1012

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Chapter 3.20 of the SeaTac Municipal Code, subtitled Real Estate Excise Tax, and imposing an additional one-quarter of one percent Real Estate Excise Tax.

WHEREAS, pursuant to Chapter 3.20 of the SeaTac Municipal Code, the City currently imposes an excise tax on the sale of real property in the City at a rate of one-quarter of one percent of the selling price for the purpose of financing capital projects specified in the capital facilities plan element of the City's comprehensive plan, the proceeds from which are placed in the municipal capital improvement fund as authorized by RCW 82.46.010; and

WHEREAS, the 1990 State Legislature authorized cities that are required to plan pursuant to the Growth Management Act to impose an additional excise tax on each sale of real property in the City at a rate not exceeding one-quarter of one percent of the selling price for the purpose of financing capital projects specified in the capital facilities plan element of the City's comprehensive plan, as authorized by RCW 82.46.035;

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

Section 1. Chapter 3.20 of the SeaTac Municipal Code is hereby amended to read as follows:

**Chapter 3.20
REAL ESTATE EXCISE TAX**

Sections:

- 3.20.010 Imposition of real estate excise tax.**
- 3.20.020 Rate of tax imposed.3.20.025 Additional excise tax imposed.**
- 3.20.030 Taxable events.**
- 3.20.040 Consistency with State tax.**
- 3.20.050 Use of tax proceeds.**
- 3.20.060 Seller's obligation.**
- 3.20.070 Lien provisions.**

- 3.20.080 Payment and collection.**
- 3.20.090 Date payable.**
- 3.20.100 Excessive and improper payments.**
- 3.20.110 Collection and enforcement authority.**

3.20.010 Imposition of real estate excise tax.

Pursuant to authorization of RCW 82.46.010, there is hereby imposed an excise tax on each sale of real property within the corporate limits of the City.

3.20.020 Rate of tax imposed.

The rate of the tax imposed by Section 3.20.010 shall be one-quarter of one percent of the selling price on each sale of real property.

3.20.025 Additional excise tax imposed.

Pursuant to RCW 82.46.035, there is hereby imposed an additional excise tax on the sale of real property constituting a taxable event as defined in RCW 82.45 and occurring within the corporate limits of the City of SeaTac. The rate of the additional excise tax imposed under this section shall be one-quarter (1/4) of one (1) percent of the selling price on real property upon which this tax is imposed by this section.

3.20.030 Taxable events.

Taxes imposed by this Chapter shall be collected from persons who are taxable by the State under Chapter 82.45 RCW, and Chapter 458-61 WAC, upon the occurrence of any taxable event, as defined therein, within the corporate limits of the City.

3.20.040 Consistency with State tax.

The taxes imposed by this Chapter shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes imposed by the State under Chapter 82.45 RCW, Chapter 82.46 RCW, and Chapter 458-61 WAC. The provisions of those chapters, as now or hereafter amended, shall apply as though fully set forth herein.

3.20.050 Use of tax proceeds.

A. All proceeds received by the City from the taxes imposed by Section 3.20.010 shall be placed in a municipal capital improvement fund. Pursuant to RCW 82.46, these capital improvement funds shall be used by the City for financing capital projects specified in the capital facilities plan element of the City's comprehensive plan. For purposes of this section, capital project shall have the same meaning as defined in RCW 82.46.010, as now or hereafter amended.

B. All proceeds received by the City from the taxes imposed by Section 3.20.025 shall be placed in a municipal capital improvement fund. These capital improvement funds shall be used by the City for financing capital projects, as specified in the capital facilities plan element of the

City's comprehensive plan. For purposes of this section, capital project shall have the same meaning as defined in RCW 82.46.035, as now or hereafter amended.

3.20.060 Seller's obligation.

The taxes imposed by this Chapter are the obligation of the seller and may be enforced through an action of debt against the seller or in the manner prescribed by the foreclosure of mortgages, without necessity for an election of remedies.

3.20.070 Lien provisions.

The taxes imposed by this Chapter, and any interest or penalties thereon, are a specific lien upon each piece of real property sold from the time of sale until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages.

3.20.080 Payment and collection.

The taxes imposed by this Chapter shall be paid to and collected by the Treasurer of King County. The Treasurer of King County shall act as agent for the City. The Treasurer for King County shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance, prior to its recording or to the real estate excise tax affidavit, in the case of used mobile home sales. A receipt issued by the Treasurer of King County, for payment of the tax imposed by this Chapter shall be evidence of the satisfaction of the lien imposed in Section 3.20.070 hereof and may be recorded in the manner prescribed for recording satisfaction of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the King County Department of Records and Elections for filing or recording until the tax is paid and the same affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the face of the instrument by the Treasurer of King County.

3.20.090 Date payable.

The tax imposed under this chapter shall become due and payable immediately at the time of sale and, if not so paid within thirty (30) days thereafter, shall bear interest and penalties pursuant to RCW 82.45, RCW 82.46 and all other applicable laws.

3.20.100 Excessive and improper payments.

If, upon written application by a taxpayer to the King County Treasurer for a refund, it appears a tax has been paid in excess of the amount actually due, or upon a sale or other transfer declared to be exempt, such excess amount or improper payment shall be refunded by the King County Treasurer to the taxpayer; provided, that no refund shall be made unless the State has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount was paid as a result of a miscalculation. Any refund made shall be withheld from the next monthly distribution to the City.

3.20.110 Collection and enforcement authority.

The City is authorized and directed to enter into a contract with King County for administration, collection and enforcement of the real estate excise tax.

Section 2. The City Clerk shall, within five (5) days of passage, transmit a true and correct copy of this Ordinance to the King County Treasurer. It is the intent of the City Council for the King County Treasurer to collect the additional Real Estate Excise Taxes levied by the Ordinance sixty (60) days after the City Clerk provides a copy of this Ordinance to the County Treasurer.

Section 3. 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 4. This Ordinance shall be in full force and effect five (5) days after passage and publication as provided by law.

ADOPTED this 13th day of July, 2004, and signed in authentication thereof on this 13th day of July, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[Real Estate Excise Tax]

ORDINANCE NO. 04-1013

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending certain sections of Title 9 related to Vehicles and Traffic, and proscribing penalties.

WHEREAS, the City Council desires to have uniform penalties throughout the City Traffic Code for violations of parking regulations; and

WHEREAS, current monetary penalties for violations of City Driving Regulations should be increased; and

WHEREAS, the City Council finds it appropriate for violations of the bicycle helmet law to be non-traffic infractions; and

WHEREAS, review of the City Traffic Code has disclosed duplicative references to certain RCW's which are also listed in the adopted Model Traffic Ordinance;

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

Section 1. Section 9.05.050 of the SeaTac Municipal code is hereby amended to read as follows:

9.05.050 Commercial parking prohibited.

It is a **parking** infraction, with a monetary penalty of fifty dollars (\$50.00) for any person to park a commercial vehicle which is more than eighty (80) inches wide overall on any street or alley in residentially zoned areas (zones UH, UM, UL, and MHP, as designated by SMC 15.11) between the hours of midnight and six a.m.

Section 2. Section 9.05.060 of the SeaTac Municipal code is hereby amended to read as follows:

9.05.060 Parking wide vehicles on certain streets.

It is a parking infraction, with a monetary penalty of fifty dollars (\$50.00) for any person to park any vehicle, as defined in RCW 46.04.670, which is ninety (90) inches wide or wider on or along any City street, road, alley or right-of-way other than 12th Place South between 16th Avenue South and 12th Avenue South, 12th Avenue South between 12th Place South and South

192nd Street, South 192nd Street between 12th Avenue South and 16th Avenue South, and 16th Avenue South between South 192nd Street and 12th Place South; provided, that this section shall not apply to momentary stops and parking for loading, unloading and making deliveries to residences and businesses in the vicinity, or instances when an emergency exists and the vehicle is parked no longer than necessary. It is further provided that this section shall not be construed to grant any person a right to park any vehicle in any location in the City, and this section does not relieve the driver or operator of any vehicle of the responsibility to park a vehicle in a safe manner and in accordance with applicable traffic codes.

Section 3. Section 9.05.065 of the SeaTac Municipal code is hereby amended to read as follows:

9.05.065 Interference with postal service.

A. It shall be unlawful for any person to park any vehicle in front of, adjacent or in such proximity to any mail box, postal drop box, or other similar postal receptacle so as to interfere with the delivery of mail by the United States Postal Service.

B. The monetary penalty for parking in violation of this section shall be fifty dollars (\$50.00). A violation of this section shall be considered a parking infraction and shall be processed in accordance with the State statutes regarding infractions.

Section 4. Section 9.05.080 of the SeaTac Municipal code is hereby amended to read as follows:

9.05.080 Parking a motor vehicle on the roadway or in a manner which impedes traffic – Exceptions.

A. It shall be unlawful for any driver or operator of a vehicle to stop, park or leave standing any vehicle, whether attended or unattended, on the traveled portion of any public roadway or park, to stop or leave standing any motor vehicle in any other location which impedes, restricts or prevents travel over or across any public roadway. Violation of this section shall constitute a parking infraction with a monetary penalty of fifty dollars (\$50.00).

B. It is provided, however, that this section shall not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop; and, this section shall not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in collection of solid waste or recyclables, or both under Chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW 36.58.030.

Section 5. Chapter 9.15 of the SeaTac Municipal code is hereby amended to read as follows:

**Chapter 9.15
MISCELLANEOUS DRIVING REGULATIONS**

Sections:

9.15.010 Cutting corners prohibited.

9.15.020 Inattentive driving prohibited.

9.15.040 Parking in fire lanes prohibited.

9.15.010 Cutting corners prohibited.

It is a traffic infraction, with a monetary penalty of one-hundred-seventy-five dollars (\$175.00), including statutory assessments, for any person operating a motor vehicle upon the streets or highways of the City to turn such vehicle either to the right or to the left upon approaching or leaving an intersection and to proceed across any private property in such a way as to avoid the intersection or any traffic-control device controlling the intersection, unless so directed by proper authorities.

9.15.020 Inattentive driving prohibited.

It is a traffic infraction, with a monetary penalty of one-hundred-seventy-five dollars (\$175.00), including statutory assessments, for any person to operate a motor vehicle within the City in an inattentive manner. For purposes of this section, “inattentive manner” means the operation of a motor vehicle in a manner which evidences a lack of that degree of attentiveness required to safely operate the vehicle under the prevailing conditions, including but not limited to the nature and condition of the roadway, presence of other traffic, presence of pedestrians and weather conditions.

9.15.040 Parking in fire lanes prohibited.

It is a parking infraction, with a monetary penalty of fifty dollars (\$50.00) for any person that parks a vehicle in, or allows the parking of a vehicle in, a designated fire lane, as defined in Chapter 13.150 SMC.

Section 6. Section 9.30.060 of the SeaTac Municipal code is hereby amended to read as follows:

9.30.060 Penalties.

A. Any person violating any of the provisions of this chapter commits a non-traffic infraction and shall be liable for a monetary penalty of twenty-five dollars (\$25.00) for each infraction.

B. The court may waive, reduce, or suspend the penalty, or require community service or bicycle or skating training, and clear the notice of violation as a warning for an individual who has not received a prior notice of violation of this chapter, and provides proof that he or she has acquired an approved protective helmet at the time of appearance in court.

C. Each rental and each event under SMC 9.30.050 shall be a separate infraction.

Section 7. 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 8. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 27th day of July, 2004, and signed in authentication thereof on this 27th day of July, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[Title 9 Revision]

ORDINANCE NO. 04-1014

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Sections 1.15.120 and 1.15.140 of the SeaTac Municipal Code, related to Code Enforcement.

WHEREAS, the City Council previously amended the Code Enforcement provisions, Chapter 1.15 of the SeaTac Municipal Code by Ordinance #01-1006; and

WHEREAS, changes to Sections 1.15.120 and 1.15.140 of the SeaTac Municipal Code were overlooked when Ordinance #01-1006 was adopted; and

WHEREAS, the City Council previously enacted the Garbage Code, Chapter 7.40 of the SeaTac Municipal Code, by Ordinance #04-1007; and

WHEREAS, changes to Sections 1.15.125 of the SeaTac Municipal Code was overlooked when Ordinance #04-1007 was adopted; and

WHEREAS, the Municipal Code should, from time to time, be corrected in order to correct and inconsistencies within the Code;

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

Section 1. Section 1.15.120 of the SeaTac Municipal Code is hereby amended to read as follows:

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, 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.

Section 2. Section 1.15.140 of the SeaTac Municipal Code is hereby amended to read as follows:

1.15.140 Notice and order – Service.

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.

Section 3. Section 1.15.025 of the SeaTac Municipal Code is hereby amended to read as follows:

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: Chapter 5.05 SMC, regarding business licenses and regulations; Chapter 5.10 SMC, relating to solicitors and canvassers; Chapter 7.10 SMC, regarding litter control; Chapter 7.15 SMC, regarding property maintenance; and Chapter 7.25 SMC, regarding junk vehicles and vehicle storage.

B. Zoning Code violations, unless provided otherwise, and violations of Chapter 7.40 SMC, relating to Garbage Code; Chapter 11.05 SMC, relating to road standards; Chapter 11.10 SMC, relating to right-of-way use; Chapter 12.10 SMC, relating to storm water management; and SMC Title 13, relating to buildings and construction, shall be remedied in accordance with SMC 1.15.120 through 1.15.160, the notice and order procedures. However, the Code Enforcement Officer has discretion to issue a notice of infraction pursuant to SMC 1.15.065 for repeat violations.

C. Monetary Penalties. 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.

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 be in full force and effect thirty (30) days after passage.

ADOPTED this 28th day of September, 2004, and signed in authentication thereof on this 28th day of September, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[Code Enforcement Changes]

ORDINANCE NO. 04-1015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEATAC,
WASHINGTON, GRANTING COMCAST OF WASHINGTON IV, INC. A FIVE
(5) YEAR EXTENSION TO THE NON-EXCLUSIVE CABLE TELEVISION
FRANCHISE, ORDINANCE NO. 96-1003.

WHEREAS, the City of SeaTac (the "City") granted TCI of Seattle, Inc., a non-exclusive Franchise to operate a cable television system for ten (10) years by Ordinance No. 96-1003, effective on March 13, 1996 ("the Franchise"); and

WHEREAS, on November 4, 1996 the City was notified that TCI of Seattle, Inc. was merged into its direct parent, TCI Cablevision of Washington, Inc. ("TCI"), and;

WHEREAS, on June 25, 2002, the City consented to the change of control involving Comcast Corporation and AT&T Corp., TCI's indirect parent, by Resolution No. 02-010, and;

WHEREAS, on December 3, 2002, the City was notified that the legal name of the cable system operator changed from TCI to Comcast of Washington IV, Inc. ("Comcast"); and

WHEREAS, on April 15, 2003, Comcast timely notified the City that the Franchise entered the formal three (3) year renewal period as required by Section 626 of the Cable Communications Policy Act of 1984 ("the Cable Act"); and

WHEREAS, the City and Comcast met on May 18, 2004 to discuss Franchise renewal options, including the informal process outlined in section 626(h) of the Cable Act, and also discussed the available opportunities for local government cable-casting conditioned under Section 15.B of the Franchise; and

WHEREAS, Section 15.B of the Franchise requires Comcast to “. . . provide the City with one (1) access channel capable of live broadcast . . .”, “. . . provide, reasonably maintain, and install the necessary equipment for local government cable-casting. . .” and the equipment “. . .shall not be less in quantity nor equivalent quality than those listed in the List attached . . . marked as Exhibit “A” in the Franchise; and

WHEREAS, the City has found that Comcast fulfilled the access channel availability requirement of Section 15.B of the Franchise, but the City delayed requesting Exhibit A's equipment until it was certain that a government access channel is an efficient and productive method of communicating with the City's citizens; and

WHEREAS, the City has concluded that a local government channel is needed by the community to improve communications and public outreach with the citizens of the City; and

WHEREAS, the City has found the equipment listed under Exhibit A to be old technology and determined it is not in the City's best interest to request Comcast provide the specific equipment, but instead is requesting Comcast provide a pass-through capital contribution for the term of the franchise in the total amount of twenty-five cents (\$0.25) per subscriber per month as Exhibit A's fair market value to fulfill the equipment requirement of the Franchise and any ongoing capital replacement costs; and

WHEREAS, federal law authorizes Comcast to pass-through the cost of the capital contribution to cable subscribers in the City as a separate line item on the monthly cable services billing statement and to collect the capital contribution from subscribers over the remainder of the Franchise term; and

WHEREAS, since there are fewer than nineteen (19) months remaining on the initial term of the Franchise, Comcast has requested the City grant the five (5) year extension it is entitled to under Section 10 of the Franchise so the capital contribution can be collected over a longer period of time to impose the least financial burden possible on cable subscribers in the City; and

WHEREAS, Section 10 of the Franchise entitles Comcast to an extension to the term of the Franchise for an additional five (5) years provided that the City may, during the term of the Franchise, conduct public reviews of the Franchise at intervals of no less than three (3) years; and

WHEREAS, the City has reviewed the conditions of the Franchise and concluded that Comcast is in full compliance with all Franchise requirements and eligible for the extension; and

WHEREAS, Comcast is willing to cooperate with the City should it decide to conduct public reviews of the Franchise; and

WHEREAS, Comcast has made significant investment in the City through the cable system upgrade; and

WHEREAS, Comcast has provided a state-of-the-art City utilized Institutional Network; and

WHEREAS, Comcast has voluntarily rolled out advanced products and services in the City above and beyond its Franchise requirements; and

WHEREAS, neither party waives any right that it enjoys under law as a result of agreeing to this extension;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

Section 1. Government Access Channel. Within ninety (90) days after the receipt of written notification from the City, Comcast shall replace Seattle government programming with programming provided by the City over the local government channel, currently occupying Channel 21, as allowed under Section 15.B of the Franchise.

Section 2. Capital Contribution. Within ninety (90) days after the Effective Date of this Ordinance, Comcast shall begin collecting and paying to the City an amount equal to twenty-five cents (\$0.25) per subscriber per month as a capital contribution for local government access and ongoing capital replacement costs. The pass-through to subscribers shall continue for the term of this Franchise. All such payments shall be made to the City at the same time as Comcast pays the franchise fee to the City. The City agrees that 47 C.F.R. 76.922 permits Comcast to add the cost of the capital contribution to the price of cable services and to collect the capital contribution from subscribers. In addition, as permitted in 47 C.F.R. 76.985, all amounts paid as the capital contribution may be separately stated on subscriber's bills as a Local Government Access capital equipment fee. The City shall allocate such amount to local government access capital uses exclusively.

Section 3. Funding Audit. Within forty-five (45) days of the end of the fiscal year, the City shall provide Comcast with an annual report documenting the use of the previous year's local government access capital funding and showing the budgeted use of the current year's funding. In the event the City cannot demonstrate that the funding was used for local government access capital needs, Comcast's funding obligations going forward shall be reduced by an equivalent amount.

Section 4. Franchise Extension. Pursuant to Section 10 of Ordinance No. 96-1003, the term of the cable television Franchise is hereby extended from March 13, 2006 to March 13, 2011.

Section 5. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after passage.

Section 6. Acceptance by Comcast. Comcast shall accept this Ordinance in its entirety in writing within thirty (30) days of the effective date. Failure to provide written acceptance within such time shall render this Ordinance voidable.

Adopted **this** 12th day of October, 2004 and signed in authentication thereof on the 12th day of October, 2004.

City of SeaTac

Frank Hansen, Mayor

ATTEST

Judith L. Cary, City Clerk

Approved as to form:

Mary Mirante Bartolo, City Attorney

[Effective Date: _____]

[Comcast Franchise Extension]

ORDINANCE NO. 04-1016

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 1.15.025 of the SeaTac Municipal Code, and adding new Sections 13.100.110 and 13.100.120 relating to Unsafe to Occupy Orders to make violations of such orders a criminal offense, and to authorize the issuance of Stop Work Orders for all Technical Code violations.

WHEREAS, current violations of Unsafe to Occupy Orders are remedied in accordance with the Notice and Order procedures of the SeaTac Municipal Code; and

WHEREAS, in order to have more effective enforcement of these orders, the City Council believes that violation of Unsafe to Occupy Orders should be a criminal offense; and

WHEREAS, the Building Official may issue Stop Work Orders for violations of some, but not all of the Technical Codes adopted by Title 13 of the SeaTac Municipal Code; and

WHEREAS, it is appropriate for the Building Official to issue Stop Work Orders for serious violations of all Technical Codes adopted by the Municipal Code;

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

Section 1. Section 1.15.025 of the SeaTac Municipal Code is hereby amended to read as follows:

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: Chapter 5.05 SMC, regarding business licenses and regulations; Chapter 5.10 SMC, relating to solicitors and canvassers; Chapter 7.10 SMC, regarding litter control; Chapter 7.15 SMC, regarding property maintenance; and Chapter 7.25 SMC, regarding junk vehicles and vehicle storage.

B. Zoning Code violations, unless provided otherwise, and violations of Chapter 11.05 SMC, relating to road standards; Chapter 11.10 SMC, relating to right-of-way use; and Chapter 12.10 SMC, relating to storm water management, 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

SMC 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. 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.

Section 2. A new Section 13.100.110 is hereby added to the SeaTac Municipal Code to read as follows:

13.100.110 Stop Work Orders

A. Whenever the Building Official finds any work regulated by this Title being performed in a manner either contrary to the provisions of this Code or dangerous or unsafe, the Building Official is authorized to issue a Stop Work Order.

B. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a Stop Work Order, the cited work shall immediately cease. The Stop Work Order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

Section 3. A new Section 13.100.120 is hereby added to the SeaTac Municipal Code to read as follows:

13.100.120 Violations Not Subject to the Notice and Order Procedures

A. Violation of the provisions of Section 108.4.1 and 108.5 of the International Property Maintenance Code, as adopted by reference in SMC 13.210, as now or may be subsequently amended, shall be a misdemeanor, punishable by a fine up to one thousand dollars (\$1,000.00) or a jail sentence of up to ninety (90) days, or both, and the violation shall be a strict liability offense.

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 be in full force and effect thirty (30) days after passage.

ADOPTED this 12th day of October, 2004, and signed in authentication thereof on this 12th day of October, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[Unsafe to Occupy]

ORDINANCE NO. 04-1017

AN ORDINANCE of the City Council of the City of SeaTac, Washington, repealing Ordinance No. 04-1015 granting Comcast of Washington IV, Inc., a five-year extension to Comcast's non-exclusive cable television franchise, Ordinance No. 96-1003.

WHEREAS, on October 12, 2004, the City Council adopted Ordinance No. 04-1015 granting Comcast of Washington IV, Inc., a five-year extension to Comcast's non-exclusive cable television franchise, Ordinance No. 96-1003; and

WHEREAS, Ordinance No. 04-1015 is to become effective 30 days after passage; and

WHEREAS, the City Council would like to give greater consideration to renegotiating the terms of the Franchise Agreement between the City of SeaTac and Comcast of Washington IV, Inc., which terms are the subject of Ordinance No. 04-1015; and

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

Section 1. City of SeaTac Ordinance No. 04-1015, granting Comcast of Washington IV, Inc. a five (5) year extension to the non-exclusive cable television franchise, Ordinance No. 96-1003, is hereby repealed.

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

ADOPTED this 26th of October, 2004, and signed in authentication thereof on this 26th day of October, 2004.

CITY OF SEATAC

Terry Anderson, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[Repeal of Comcast Extension]

ORDINANCE NO. 04-1018

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2004 Annual City Budget for a Variety of Capital Projects Requiring Appropriation Authority.

WHEREAS, the SeaTac City Council has reviewed agenda bill #2482 submitted by the Finance Department which details a number of capital projects previously approved by the City Council; and

WHEREAS, the budget of these projects needs to be increased to comply with State laws prohibiting any funds having expenditures in excess of the fiscal year appropriation authority; and

WHEREAS, amendment to the City's 2004 Annual City Budget is necessary to provide additional appropriation authority for these projects, to transfer monies from the Municipal Capital Improvements Fund (Fund 301) to the Municipal Facilities CIP Fund (Fund 306) to fund these expenditures, and to increase revenue estimates in the Surface Water Management Construction Fund (Fund 406);

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

Section 1. The 2004 Annual City Budget shall be amended to increase the total Municipal Capital Improvements Fund (Fund 301) expenditures by \$193,000 (BARS Number 301.000.04.597.43.00.000).

Section 2. The 2004 Annual City Budget shall be amended to increase the total Municipal Facilities CIP Fund (Fund 306) revenues by \$193,000 (BARS Number 306.397.43.00.000).

Section 3. The 2004 Annual City Budget shall be amended to increase the total Municipal Facilities CIP Fund (Fund 306) expenditures by \$168,165 as follows:

BARS Number 306.000.12.594.19.62.001 - \$15,730

BARS Number 306.000.12.595.40.62.072 - \$98,935

BARS Number 306.000.12.594.73.62.008 - \$53,500

Section 4. The 2004 Annual City Budget shall be amended to increase the total Surface Water Management Construction Fund revenues by \$3,325,000 as follows:

BARS Number 406.338.31.00.002 - \$1,000,000

BARS Number 406.338.31.00.003 - \$2,250,000

BARS Number 406.338.31.00.004 - \$ 75,000

Section 5. The 2004 Annual City Budget shall be amended to increase the total Surface Water Management Construction Fund expenditures by \$2,106,647 as follows:

BARS Number 406.000.11.538.38.41.006 - \$ 99,000

BARS Number 406.000.11.538.38.41.007 - \$ 60,000

BARS Number 406.000.11.538.38.41.008 - \$ 67,647

BARS Number 406.000.11.538.38.41.009 - \$ 60,000

BARS Number 406.000.11.595.40.63.143 - \$1,500,000

BARS Number 406.000.11.595.40.63.146 - \$ 70,000

BARS Number 406.000.11.595.40.63.147 - \$ 250,000

Section 6. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 9th day of November, 2004, and signed in authentication thereof on this 9th day of November, 2004.

CITY OF SEATAC

Terry Anderson, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[2004 Budget Amendment for Capital Projects]

ORDINANCE NO. 04-1019

ORDINANCE of the City Council of the City of SeaTac, Washington relating to employment and employees, adopting a cost of living allowance, 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 allowance 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 allowance for the year 2005 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 allowance 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 2.25

percent over current levels as a cost of living allowance equal to 90% of the CPI-W for Seattle-Tacoma-Bremerton (June to June index), to be effective as of January 1, 2005.

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. Non-represented employees' share of the medical insurance premium shall remain at the same dollar amount as established in the year 2004.

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 9th day of November, 2004, and signed in authentication thereof on this 9th day of November, 2004.

CITY OF SEATAC

Terry Anderson, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[COLA non-represented 2005]

ORDINANCE NO. 04-1020

AN ORDINANCE of the City Council of the City of SeaTac, Washington adopting a new Chapter 2.80 of the SeaTac Municipal Code related to Public Records and Disclosure and adopting Findings and issuing an Order declaring the maintenance of a current index of public records to be unduly burdensome.

WHEREAS, RCW 42.17.260 requires the City to make available for public inspection and copying all public records with limited exceptions; and

WHEREAS, RCW 42.17.260 requires the City to maintain and make available a current index of the City's public records; and

WHEREAS, RCW 42.17.260(4)(a) provides that if maintaining such an index is unduly burdensome or would interfere with city operations, a city is not required to maintain such an index; and

WHEREAS, a city that does not maintain an index because it would be unduly burdensome or would interfere with city operations must issue and publish a formal Order specifying the reasons why and the extent to which compliance would be unduly burdensome or interfere with city operations; and

WHEREAS, RCW 42.17.260(4)(b) further provides that in spite of such an Order, any index that is maintained by the city must be made available for public inspection and/or copying; and

WHEREAS, the City of SeaTac is comprised of numerous departments which maintain separate record keeping and filing systems for the indexing of records and information; and

WHEREAS, the City produces or receives an uncountable number of records each day and maintains an uncountable number of records in numerous City files; and

WHEREAS, the development and maintenance of a City index would be costly and would provide little benefit to the public compared to the expense; and

WHEREAS, the City has a longstanding and recognized policy of assisting people who request public information and of providing public records upon request and has a written policy/procedure for processing public records requests;

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

Section 1. A new Chapter 2.80 is hereby added to the SeaTac Municipal Code to read as follows:

**Chapter 2.80
PUBLIC RECORDS**

Sections:

2.80.010	Findings.
2.80.020	Public records index – Order – Maintenance not required.
2.80.030	Public records disclosure - Policy.

2.80.010 Findings.

(1) RCW 42.17 requires all cities and public agencies to maintain and make available a current index of various public records.

(2) RCW 42.17.260(4) provides that if maintaining such an index would be unduly burdensome, or would interfere with city operations, a city need not maintain such an index but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome or would interfere with operations.

(3) The City of SeaTac is comprised of numerous departments which maintain separate databases and/or record keeping systems for the indexing of records and information.

(4) Because the City has records which are diverse, complex, and stored in multiple locations and in multiple computer systems and databases, it is unduly burdensome, if not physically impossible, to maintain a central index of records.

(5) The City produces or receives an uncountable number of records each day, and maintains an uncountable number of records in numerous City files.

(6) The development and maintenance of a City index would be extremely costly, and would provide little benefit to the public compared to the expense in maintaining the index.

(7) The City's operations do not allow for the addition, revisions, or reassignment of duties of existing personnel so that an index may be developed and maintained.

(8) Pursuant to RCW 42.17, the City of SeaTac will disclose all public records, including all indexes that are maintained by the City, to the extent such records or indexes are available and not exempt from disclosure pursuant to state law or any other applicable law.

2.80.020 Public records index – Order – Maintenance not required.

Based upon the Findings set forth in SMC 2.80.010, and pursuant to RCW 42.17.260(4)(a), the City Council Orders the following:

(1) The City of SeaTac is not required to maintain a current index of public records due to findings of the City Council that the requirement is unduly burdensome and would interfere with City operations and such a list is nearly impossible to create and/or maintain.

(2) The City of SeaTac shall make available all public records and any indexes created for internal use upon request by any citizen to the extent not exempt from disclosure pursuant to state law or any other applicable law.

2.80.030 Public records disclosure - Policy.

The City Manager shall have authority to adopt administrative procedures for providing access to public records in accordance with the provisions of RCW 42.17.

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

ADOPTED this 9th day of November, 2004, and signed in authentication thereof on this 9th day of November, 2004.

CITY OF SEATAC

Terry Anderson, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[Public Records]

ORDINANCE NO. 04-1021

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Section 15.16.020 to the Zoning Code creating new definitions for “Mural” and “Mural Sign.”

WHEREAS, the Sign Code does not contain a definition for “Mural” and “Mural Sign,” and clarification is needed of whether or not a mural is a sign and subject to the City’s sign code; and

WHEREAS, the Zoning Code provides for periodic review and amendment of the code; and

WHEREAS, the Comprehensive Plan supports implementing standards to ensure attractive and well-scaled signage to enhance the community image (Goal 6.2O);

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 HEREBY ORDAIN as follows:

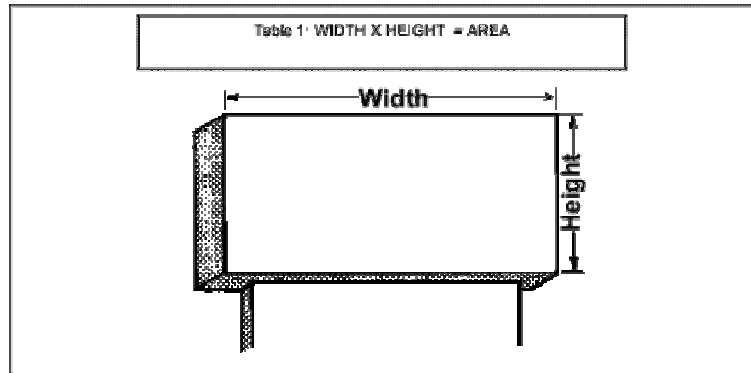
Section 1. Section 15.16.020 of the SeaTac Municipal Code is hereby amended to read as follows:

Section 15.16.020 Definitions

1. **Animation.** Movement or the appearance of movement of a sign display through the use of patterns of lights, changes in color or light intensity, computerized special effects, video display, or through any other method; except for the scrolling of a static message or scene onto or off a sign board in one (1) direction per message. Note that animation is prohibited per SMC 15.16.110(D).

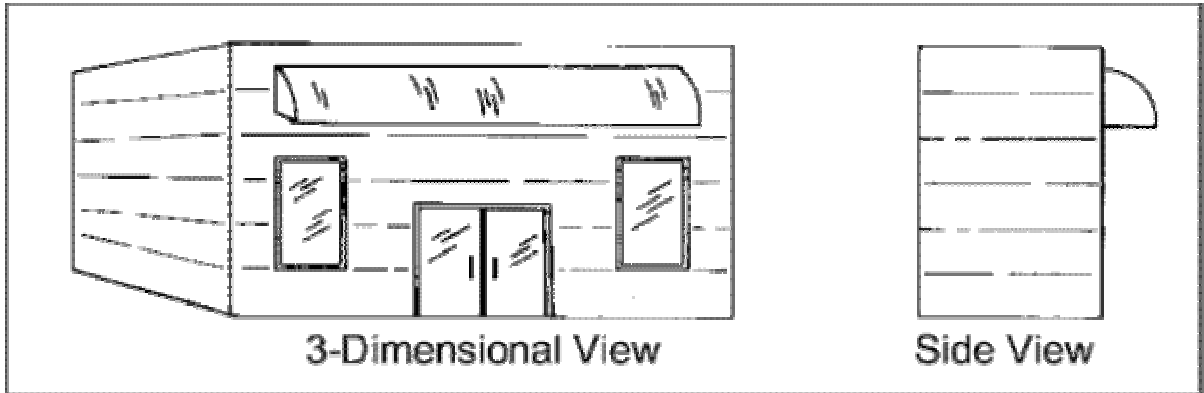
2. **Area or Surface Area of Sign.** The area of a sign excluding sign support structures, which do not form part of the sign proper or the display. Surface area shall be measured as follows:
- The “surface area” of the sign is determined by the height times the width of a typical rectangular sign, or other appropriate mathematical computation of surface area, for nonrectangular signs.
 - “Surface area” includes only one (1) face of a double-faced sign where the faces of the sign are parallel. If any face is off-set from parallel by more than five (5) degrees, such face shall be counted as a separate surface area.
 - “Surface area” of a sign with more than two (2) faces, such as a cube or pyramid, shall be calculated as the sum of the surface area of all faces, divided by two (2).
 - In the event of an irregular, three-dimensional object that serves as signage, where the surface area is not readily measurable, the surface area shall be calculated by the largest area of the three-dimensional object visible from any one (1) viewing angle.

Figure 15.16.020a. SIGN SURFACE AREA CALCULATION



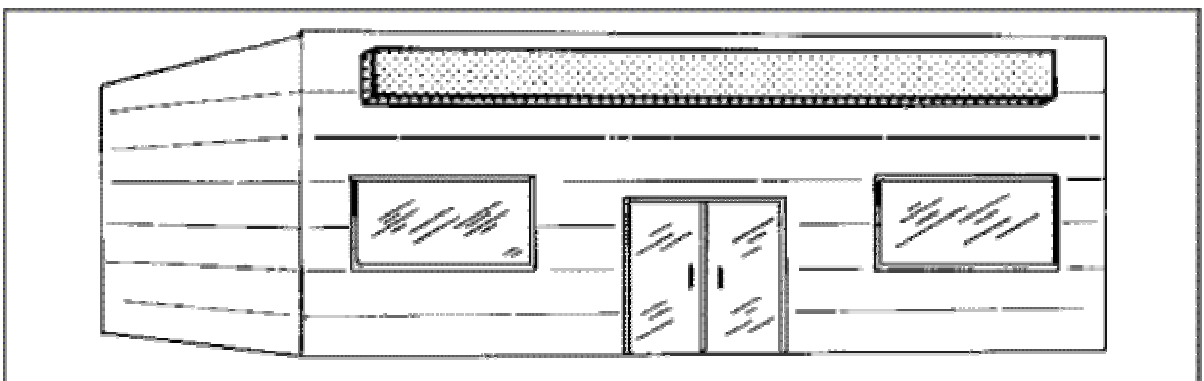
3. **Awning.** A roof-like cover that projects from the wall of a building for the purpose of shielding a door or window from the elements. See Figure 15.16.020(a)(1).

Figure 15.16.020a.1. AWNING



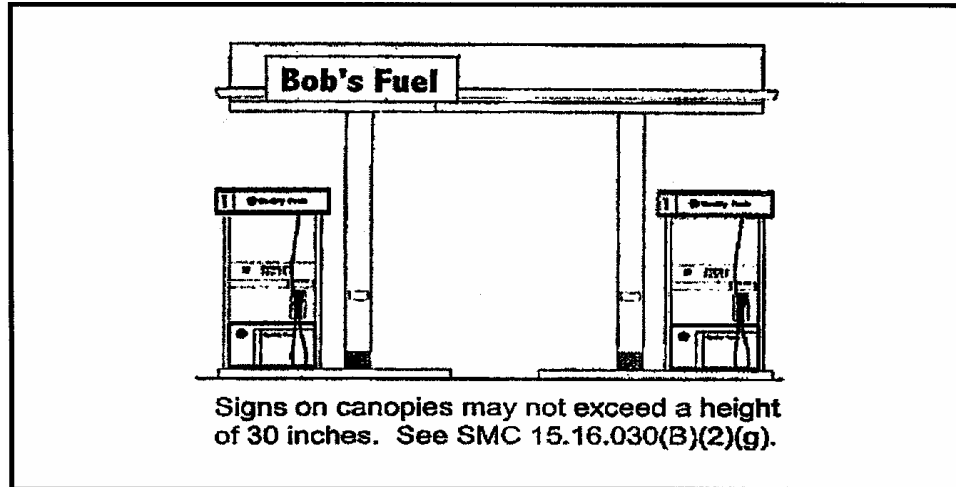
4. **Awning Sign.** Any sign erected upon, or against, an awning.
5. **Banner.** A sign of a nonpermanent nature constructed of nonrigid materials.
6. **Banner, Decorative Pole-Mounted.** A cloth or fabric banner without text or corporate logos mounted to a pole and secured at the top and bottom.
7. **Billboard.** Generally, a large outdoor advertising sign, containing a message, commercial or otherwise, unrelated to the use or activity on the property on which the sign is located, and which is customarily leased for commercial purposes, but not including attached directional signs (not within the billboard face) as defined herein. The approximate sizes of the billboard faces range from twelve (12) to fourteen (14) feet in height and twenty-four (24) to forty-eight (48) feet in width.
8. **Building-Mounted Sign.** A single or multiple-faced sign of a permanent nature, made of rigid material, attached to the facade of a building or the face of a marquee.

Figure 15.16.020b. BUILDING MOUNTED (WALL) SIGN



9. **Canopy.** A freestanding structure affording protection from the elements to persons or property thereunder.

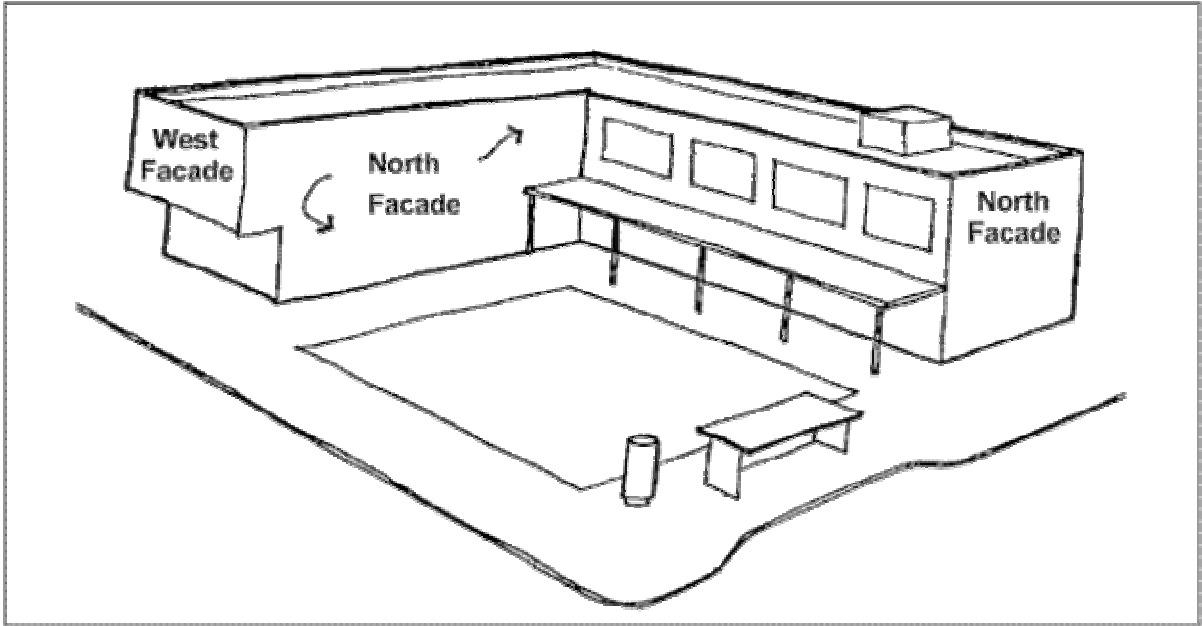
Figure 15.16.020c. CANOPY



10. **Canopy-Mounted Sign.** Any sign or awning erected upon, or against, a canopy.
11. **Community Use.** A public community center, library, museum, park, City Hall, fire station or other public use operated for the benefit of the community.
12. **Construction Sign.** An informational sign which identifies the architect, engineers, contractors and other individuals of firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.
13. **Dawn to Dusk.** That time of the day between sunrise and sunset.
14. **Directional Sign.** A single or double-faced sign not exceeding nine (9) square feet in surface area designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience.
Interior Directional Sign. Directional signs oriented to the interior of a site and at least thirty (30) feet from the right-of-way, or not readable from the street.
Perimeter Directional Sign. Directional signs oriented to and readable from the street.
15. **Display.** The visual information shown on a sign, including text, graphics, pictures, lights and background.
16. **Electronic Sign.** A sign containing a display that can be changed, by electrical, electronic or computerized process. See SMC 15.16.115 for requirements regarding electronic signs.
17. **Facade.** The exterior wall face of a building, extending from the ground to the top of the parapet or eaves, but not including any portion of the roof. Each side of a building (i.e., each architectural elevation) is considered one (1) facade (see Figure 15.16.020(c)(1)). For buildings with more than one (1) occupant, the facade for each

occupant shall be that portion of the exterior wall face between the points where the interior walls between tenants intersect with the exterior wall.

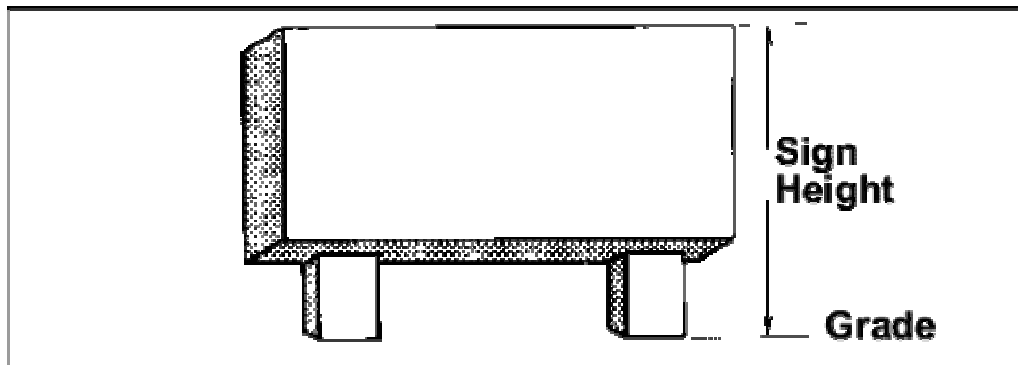
Figure 15.16.020c.1. FACADE



18. **Flashing.** A sign display that appears for less than one and one-half (1.5) consecutive seconds.

19. **Freestanding Sign.** A sign permanently mounted into the ground, supported by poles, pylons, braces or a solid base and not attached to any building. Freestanding signs include those signs otherwise known as “pedestal signs,” “pole signs,” “pylon signs,” and “monument signs.”

Figure 15.16.020d. FREESTANDING SIGN



20. **Grade (Ground Level).** The elevation or level of the street (or parking lot) closest to the sign to which reference is made. In cases where the property on which the sign is located is lower than the immediately adjacent street level, the ground level shall be considered the street level to facilitate visibility of signage. In no case shall a sign be

higher than 25 feet from the lowest grade of the property adjacent to the street level where the sign is proposed.

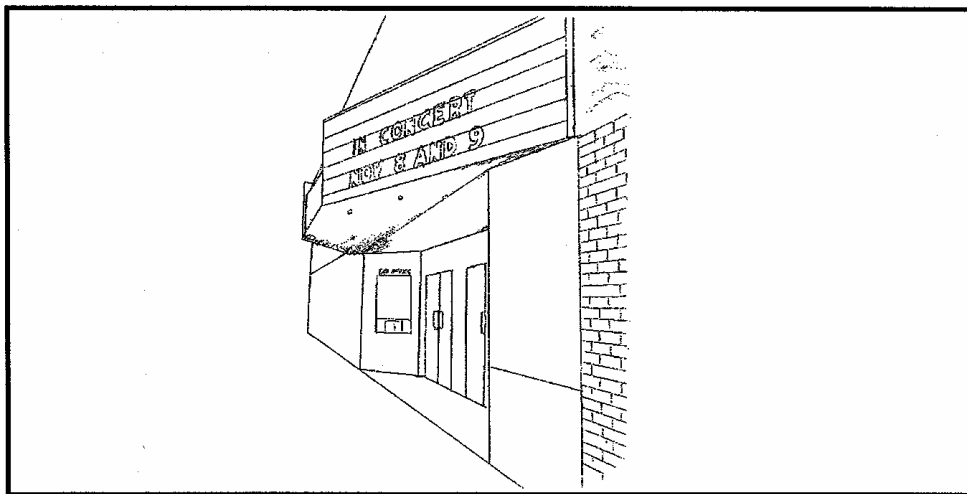
21. **Height of Sign.** The vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns, or the vertical distance from the relative ground level in the immediate vicinity.
22. **Holographic Display.** Any display that creates a three-dimensional image through projection. (Note: Holographic displays are prohibited by SMC 15.16.110(F)).
23. **Inflatable Object.** An inflatable object larger than eighteen (18) inches in diameter, such as a blimp, large air balloon or inflatable sport equipment, used to attract attention to a special event or grand opening.
24. **Informational Sign.** A single or double-faced sign not exceeding nine (9) square feet in surface area, intended primarily for the convenience of the public or to ensure the orderly operation of the site, including but not limited to signs designating restrooms, address numbers, hours of operation, business directories, help wanted, public telephone, and instructions regarding parking.

Interior Informational Sign. Informational signs oriented to the interior of a site and at least thirty (30) feet from the right-of-way, or not readable from the street.

Perimeter Informational Sign. Informational signs oriented to and readable from the street.

25. **Marquee.** A permanent roof-like structure extending from part of a wall of a building a maximum of six (6) feet and supported solely by the building.
26. **Marquee Sign.** Any sign that forms part of or is integrated into a marquee and that does not extend above the height or beyond the limits of such marquee. Also considered an extension of a building-mounted sign.

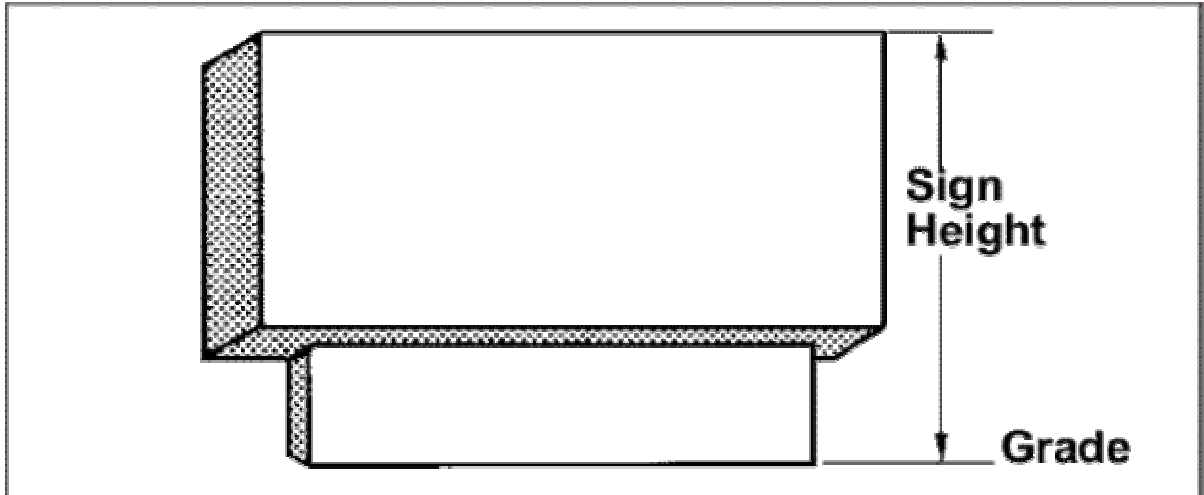
Figure 15.16.020d.1. MARQUEE/MARQUEE SIGN



27. **Marquee Sign.** Any sign that forms part of or is integrated into a marquee and that does not extend above the height or beyond the limits of such marquee. Also considered an extension of a building-mounted sign.

28. **Monument Sign.** A ground-mounted, fixed sign with a height ranging from five (5) to fifteen (15) feet above the average ground elevation. The base (not included in the sign surface area calculation) is attached to the ground as a wide base of solid construction.

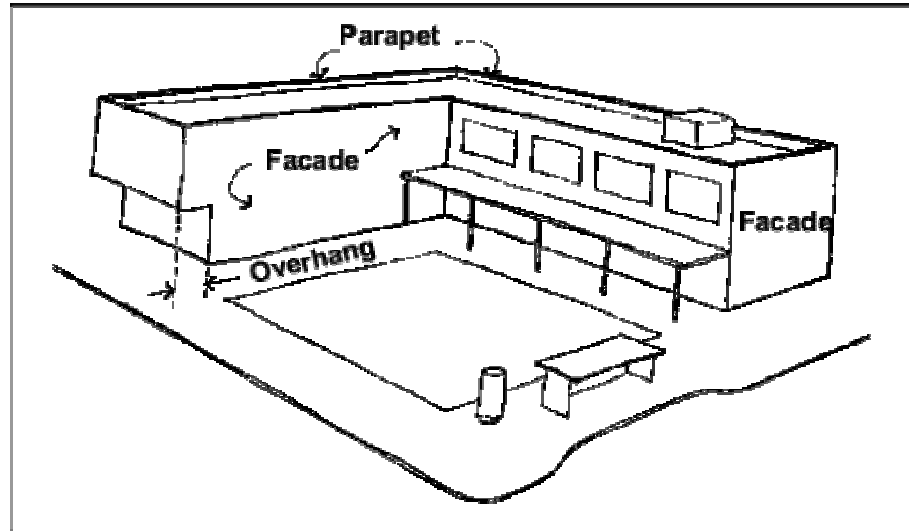
Figure 15.16.020e. MONUMENT SIGN



29. **Multiple Building Complex.** A group of structures housing more than one (1) type of retail business, office or commercial venture, and generally under one (1) ownership and control.
30. **Multiple Occupancy Building.** A single structure housing more than one (1) type of retail business office or commercial venture.
- 30.1 **Mural.** A design or representation without letters, numbers, or trademarked graphics, that is painted or drawn on the exterior of a structure facade that does not advertise a business, product, service, or activity of the business contained within the building or structure. A mural may have the signature of the person painting the sign, or copywrite ownership of the mural painting.
- 30.2 **Mural Sign.** A design, or representation with letters, numbers, or trademarked graphics, that is painted or drawn on the exterior of a structure façade that advertises the business, product, service, or activity contained within the building or structure. A Mural Sign will include the name of the business or activity being conducted within the building or structure. Off-premises mural signs are not permitted
31. **Noncommercial Public Service Sign.** Noncommercial signs devoted to religious, charitable, cultural, governmental or educational messages.
32. **Office Building.** An office building as defined by the City of SeaTac Zoning Code.
33. **Parapet.** That portion of a building wall which extends above the roof of the building on all building facades (see Figure 15.16.020(f)).

Figure 15.16.020f.

PARAPET



34. **Parapet Sign.** Any sign erected upon the parapet of a building, not to exceed the height of any roof structures housing building/ventilation equipment.
35. **Pennants.** A triangular tapering flag made of any lightweight fabric or other nonrigid material suspended in a series from a rope, wire, or string.
36. **Penthouse.** A structure on top of a building roof which houses an elevator shaft or similar form.
37. **Political Sign.** Signs advertising a candidate or candidates for public elective office or a political party, or signs urging a particular vote on a public issue decided by ballot.
38. **Portable Sign.** A movable sign that is not permanently attached to a structure or the ground. Portable signs include A-frame signs, and signs mounted on a portable base, but not portable readerboards.
39. **Porte-Cochere.** A covering structure projecting horizontally from and attached to a building, affording protection from the elements; typically used for loading and unloading of vehicles.
40. **Primary Sign(s).** All permitted permanent monument/freestanding and building-mounted signs (see SMC [15.16.030](#) and [15.16.040](#)).
41. **Property Line.** The line denoting the limits of legal ownership of property.
42. **Readerboard.** A sign or part of a sign on which the letters are replaceable by manual means, such as changing magnetic letters on a sign board.

43. **Roof Sign.** A sign or sign structure erected above a roof, parapet, canopy or porte cochere of a building or structure.
44. **Scrolling.** The vertical movement of a static message or display on an electronic sign.
45. **Secondary Signs.** Allowable signage not falling within the definition of a primary sign; includes directional and informational signs, as well as temporary signs and displays (see SMC 15.16.080).
46. **Sign.** All surfaces/structures (permitted, exempt, or prohibited) regulated by this chapter that have letters, figures, design, symbols, trademark or devices intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever.
47. **Sign, Off-Premises.** A sign which displays a message relating to a use of property or sale of goods or services at a location other than that on which the sign is located.
48. **Sign, On-Premises.** A sign which displays a message which is directly related to the use of the property on which it is located.
49. **Single Occupancy Building.** A commercial building or structure with one (1) major enterprise. A building is classified as “single occupancy” only if:
 - a. It has only one (1) occupant;
 - b. It has no wall in common with another building; and
 - c. It has no part of its roof in common with another building.
50. **Subdivision Signs.** Signs used to identify a land development of a residential nature.
51. **Streamer.** A long narrow strip of lightweight fabric or other material suspended in a series from a rope, wire, or string.
52. **Surface Area.** See “Area or Surface Area of Sign.”
53. **Surface Area of Facade.** The area of that continuous front, side or back surface, including doors and windows, but excluding any roof area and structures or elevators or air conditioning equipment thereon; provided, that in the case of a roof sign, the surface area of the facade shall be the area of that continuous front, side or back surface immediately beneath the roof, including doors and windows, but excluding the roof area and structures for elevators or air conditioning thereon.
54. **Temporary Freestanding Sign.** A nonpermanent sign securely attached to the ground, intended for use for a limited period of time.
55. **Travelling.** The horizontal movement of a static message or display on an electronic sign.
56. **Window Sign.** All signs located inside and affixed to or within three (3) feet of a window of a building, whether temporary or permanent, lighted or unlighted, which

may be viewed from the exterior of the building. The term does not include merchandise located within three (3) feet of a window.

Section 2. Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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

ADOPTED this 9th day of November, 2004 and signed in authentication thereof on this 9th day of November, 2004.

CITY OF SEATAC

Terry Anderson, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante-Bartolo, City Attorney

[Effective Date: _____]

ORDINANCE NO 04-1022

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 2005 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 2005 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 2005 by taxation on the assessed valuation of all taxable property situated within the boundaries of the City is estimated to be the sum of \$9,480,260. This levy amount is determined by the King County Assessor as the maximum allowable property tax levy for 2005. 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 23rd day of November, 2004, and signed in authentication thereof on this 23rd day of November, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[2005 Ad Valorem Property Tax Levy]

ORDINANCE NO. 04-1023

An Ordinance of the City Council of the City of SeaTac, Washington, adopting amendments to the zoning code regarding Accessory Dwelling Units.

WHEREAS, The City is required to plan under the provisions of the Washington State Growth Management Act (GMA), codified as Chapter 36.70A RCW; and

WHEREAS, RCW 43.63A.215 specifically directs cities planning under GMA to adopt provisions for accessory dwelling units; and

WHEREAS, the State Growth Management Act (RCW 36.70A.215) requires local governments to provide for sufficient development capacity to accommodate the City's 2001 – 2022 Household and Job Growth Targets, and to adopt reasonable measures to ensure sufficient development capacity if shown to be deficient; and

WHEREAS, the residential development capacity for the City of SeaTac reported in the 2002 King County Buildable Lands Evaluation Report was insufficient to accommodate the City's 2001-2022 Household Growth Target; and

WHEREAS, the amendment of SeaTac's Accessory Dwelling Unit regulations implements reasonable measures aimed at increasing the development capacity sufficient to accommodate the 2001 – 2022 Household Growth Target ; and

WHEREAS, the City adopted its Comprehensive Plan in December 1994, and which has been amended annually, which includes the following policies:

- Neighborhood Infill Policy 6.4A requires the City to ensure that accessory dwellings are subordinate in size and appearance to single-family residences, so as to protect and maintain the existing neighborhood character,

- Housing Policy 2.2A requires the City to encourage development of residential areas and lots already served by adequate utilities and transportation systems with adequate capacity,
- Housing Policy 2.3B directs the use of City land use planning and codes to encourage an adequate supply of additional housing affordable to all economic segments of the forecast population; and

WHEREAS, the City Council considers increasing housing opportunities in a variety of housing types that complement and enhance established single-family neighborhoods to be an important goal; and

WHEREAS, the Land Use and Parks Committee of the Council reviewed the Accessory Dwelling Unit code on September 9, 2004 and recommended it be forwarded to the Planning Commission for review and discussion; and

WHEREAS, the Planning Commission reviewed the proposed accessory dwelling unit code at a public meeting held on September 27, 2004; and

WHEREAS, the Planning Commission received public testimony at a public hearing on the draft amendments on November 1, 2004 and recommended the adoption of the accessory dwelling unit code at the public meeting of November 1, 2004; and

WHEREAS, a copy of the proposed standards was filed with the Washington State Department of Community, Trade and Economic Development on September 17, 2004 pursuant to RCW 36.70A.106 and WAC 365-195-620; and

WHEREAS, SEPA review of the proposed accessory dwelling unit code was completed and a determination of non-significance (DNS) issued on October 22, 2004; and

WHEREAS, the City Council has reviewed the accessory dwelling unit code and finds it to be consistent with and to implement the City of SeaTac Comprehensive Plan;

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

Section 1. Section 15.10.016 of the SeaTac Municipal Code is hereby amended to read as follows:

~~Accessory Living Quarters.~~

~~Living quarters within or attached significantly to the primary dwelling unit that do not exceed forty five percent (45%) of the primary dwelling living quarters; such quarters can have kitchen facilities. The quarters shall be allowed for family members, persons employed on the premises or for use by guests of the occupants of the premises. The total number of people occupying the primary dwelling and the accessory living quarters shall not exceed the number of people associated with a family~~

Accessory Dwelling Unit (ADU)

A habitable living unit created within, attached to, or detached from a single-family residence that provides the basic requirements of shelter, heating, cooking and sanitation within the unit.

Section 2. Section 15.12.020 of the SeaTac Municipal Code is hereby amended to read as follows:

15.12.020 Residential Uses

ZONES:
P – Park
MHP – Mobile Home Park
UL – Urban Low Density
UM – Urban Medium Density
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

P – Permitted Use; C – Conditional Use Permit

USE #	LAND USE	ZONES													
		P	MHP	UL	UM	UH	NB	CB	ABC	I	O/CM	BP	O/C/MU	T	
RESIDENTIAL USES															
001	Single Detached Dwelling Unit			P(1,7,9)	P(1,7,9,13)	P*(13)									P*(13)
001.1	Single Attached Dwelling Unit							P*	P*						
002	Duplex				P	P*	C	P*	P*						
003	Townhouses				P	P*	C	P*	P*		P*		P*	P*	
004	Multi-Family				P	P*(10)	C	P*(8)	C*(8)		P*(8)		P*(12)		
005	Senior Citizen Multi			C	P	P*	C	P*	P*		P*		P*		
006	Manufactured/Modular Home		P(9)	P(9)	P(9)										
006.1	Mobile Home (nonHUD)		P(9)												
007	Bed and Breakfast/Guesthouse			P(2)	P(2)	P*(2)	P(2)				C*		P*(2)		
008	Community Residential Facility I			P(3)	P(3)	P*(3)	P(3)	P*(3)	P*(3)				P*(3)	P*(3)	
008a	Community Residential Facility II					P*	C	P*	P*		P*		P(12)		
008b	Transitional Housing					C*(14)		P*(14)	P(14)*		C*(14)				
008bc	Halfway House							C*(11)	C*(11)		C*(11)				
009	Overnight Shelter							C*(11)	C*(11)		C*(11)				
010	Convalescent Center/Nursing Home					P*	P	P*	P*		P*				
011	Mobile Home Park		P	C(4)	C(4)	C*(4)									
013	College Dormitory						C	P*	P*		P*	P*	P*(6)	P*	
ACCESSORY USES															
018	Home Occupation			P(6)	P(6)	P*(6)							P*(6)	P*(6)	
019	Shed/Garage			P(5)	P(5)	P*(5)									

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

- (1) Accessory dwelling units permitted. See SMC [15.37](#) for standards.
- (2) Standards for Bed and Breakfast:
 - a. Number of guests limited to six (6), with no more than three (3) bedrooms;
 - b. Parking area for three (3) nonresident vehicles, and screened;
 - c. Proof of King County Health Department approval;
 - d. Breakfast is only meal served for paying guest.
- (3) Standards for Community Residential Facilities I:
 - a. No more than five (5) nonsupport people, unless as modified pursuant to requirement (3)(e)**;
 - b. No more than two (2) support people**;
 - c. Any parking spaces in excess of two shall be screened and not visible from public streets;
 - d. In UL zone, house shall be a single-family structure compatible with the surrounding area; in UM zone, house shall maintain residential character;
 - e. Reasonable accommodation shall be made for persons with disabilities as required by State and Federal law. See SMC [15.12.018](#) for accommodation procedure.

** (a) and (b) do not apply to State-licensed adult family homes and foster family homes.
- (4) A park outside established or proposed mobile home park zone is permitted after approval through the CUP process.
- (5) Limited to one thousand (1,000) gsf and a twenty (20) foot height limit (highest point) except as allowed under SMC [15.13.105\(B\)](#).
- (6) See Chapter [15.17](#) SMC for standards and limitations.
- (7) Efficiency unit permitted within primary dwelling, not exceeding twenty-five percent (25%) of gross square feet of dwelling.
- (8) Ground floor uses must be retail, service, or commercial uses as described in SMC [15.13.107](#).
- (9) See Chapter [15.26](#) SMC for additional development standards.
- (10) For new development and redevelopment residential projects that are located in the UH-UCR zone, at least fifty percent (50%) of the building's ground floor shall be a retail, service, or commercial use as described in SMC [15.13.107](#).
- (11) As part of the CUP process a threshold determination will be made as to whether an essential public facility (EPF) siting process is needed. See SMC [15.22.035](#). These requirements shall not be construed to limit the appropriate use of schools and other facilities for emergency shelters in disaster situations.
- (12) Permitted only as part of a mixed use development, as described in SMC [15.35.620](#), and arranged on-site as described in SMC [15.35.610](#).
- (13) Small lot single-family development allowed subject to design standards in SMC [15.19.760](#).
- (14) Must have adequate on-site and program management, and satisfactory written policies and procedures, including those describing tenant selection, assistance, denial or termination, and housing safety standards. Screening must not allow as residents persons who have been classified as Class III sexual offenders.

Section 3. Section 15.35.100 of the SeaTac Municipal Code is hereby amended to read as follows:

15.35.110 Residential Uses

ZONES:

P – Park
UM – Urban Medium Density
UH – Urban High Density
UH-UCR – Urban High-Urban Center Residential
NB – Neighborhood Business
CB-C – Community Business-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
RESIDENTIAL USES												
001	Single Family		P(1,7,8,11)	P (11)								P (11)
001.1	Single Attached Dwelling Unit			P	P		P	P				
002	Duplex		P	P	P	C	P	P				
003	Townhouses		P	P	P	C	P	P		P	P	P
004	Multi-Family		P	P(10)	P(10)	C	P(9)	C(9)		P(9)	P(9)	
005	Senior Citizen Multi		P	P	P	C	P	P		P	P	
006	Manufactured/Modular Home		P(8)									
006.1	Mobile Home (nonHUD)											
007	Bed and Breakfast/ Guesthouse		P(2)	P(2)	P(2)	P(2)				P(2)	P (2)	
008	Community Residential Facility I		P(3)	P (3)	P (3)	P(3)	P (3)	P (3)		P (3)	P (3)	P (3)
		P	UM	UH	UH-UCR	NB	CB-C	ABC	I	O/CM	O/C/MU	T
008a	Community Residential Facility II			P	P	PC	P	P		P	P(9)	
008b	Transitional Housing			C(12)	C(12)		P(12)	P(12)		C(12)		
010	Rest/Convalescent Center/ Nursing Home		P	P	P	P				P		
011	Mobile Home Park		C(4)	C(4)	C(4)					P		
013	College Dormitory					C	P	P		P	P (6)	P
ACCESSORY USES												
018	Home Occupation		P(6)	P(6)	P(6)		P (6)	P (6)		P (6)	P (6)	P (6)
019	Shed/Garage		P(5)	P(5)	P(5)							

- (1) Accessory dwelling units permitted. See SMC [15.37](#) for standards.
- (2) Standards for Bed and Breakfast:
 - a. Number of guests limited to six (6), with no more than three (3) bedrooms;
 - b. Parking area for three (3) nonresident vehicles, and screened;
 - c. Proof of King County Health Department approval;
 - d. Breakfast is only meal served for paying guest.
- (3) Standards for Community Residential Facilities I:
 - a. No more than five (5) nonsupport people, unless as modified pursuant to requirement (3)(e)**;
 - b. No more than two (2) support people**;
 - c. Any parking space in excess of two (2) shall be screened and not visible from public streets;
 - d. In UL zone, house shall be a single-family structure compatible with the surrounding area; in UM zone, house shall maintain residential character;
 - e. Reasonable accommodation shall be made for persons with disabilities as required by state and federal law. See SMC [15.12.018](#) for accommodation procedure.

** (a) and (b) do not apply to state-licensed adult family homes and foster family homes.
- (4) A park outside established or proposed mobile home park zone is permitted after approval through the CUP process.
- (5) Limited to one thousand (1,000) gsf and a twenty (20) foot height limit (highest point).
- (6) See Chapter [15.17](#) SMC for standards and limitations.
- (7) Efficiency unit permitted within primary dwelling, not exceeding twenty-five percent (25%) of gross square feet of dwelling.
- (8) See Chapter [15.26](#) SMC for additional development standards.
- (9) Permitted only as part of a mixed use development, as described in SMC [15.35.620](#), and arranged on-site as described in SMC [15.35.610](#).
- (10) Ground floor retail/commercial or service uses, as described in SMC [15.35.620](#), are allowed, but not required in the UH and UH-UCR zones.
- (11) Small lot single-family development allowed subject to design standards specified in SMC [15.19.760](#).
- (12) Must have adequate on-site and program management, and satisfactory written policies and procedures, including those describing tenant selection, assistance, denial or termination, and housing safety standards. Screening must not allow as residents persons who have been classified as Class III sexual offenders.

Section 4. A new Chapter 15.37 is hereby added to the SeaTac Municipal Code to read as follows:

Accessory Dwelling Units (ADUs)

Sections:

- 15.37.010 Purpose and Intent
- 15.37.020 Standards and Criteria
- 15.37.030 Application review and approval
- 15.37.040 Registration
- 15.37.050 Periodic reporting on ADUs

15.37.010 Authority and Purpose

This chapter is adopted under authority of Chapter 43.63A.215 RCW. The purpose of this chapter is to allow for and regulate the establishment of accessory dwelling units (ADUs) within, attached to, or detached from single-family dwellings while preserving the character and property values of single-family neighborhoods. The purposes of accessory dwelling unit provisions are to:

- A. Fully utilize residential housing supply in existing neighborhoods while preserving neighborhood character.
- B. Improve cost efficiency of existing infrastructure.
- C. Provide additional options for rental housing within a wide range of prices.
- D. Increase opportunities for homeownership and allow older homeowners to remain in their homes and obtain extra income, companionship, and security.

15.37.020 Standards and Criteria

- A. Only one ADU is allowed per residential lot as a subordinate use in conjunction with any new or existing legal, conforming or non-conforming, detached single-family structure.
- B. The owner(s) of the property must occupy either the primary single-family dwelling or the accessory unit.
 - 1. In order to qualify as an owner occupant, the fee owner must physically reside on the property at least nine (9) months in any twelve (12)-month period.
 - 2. If the owner must be absent from the property for a longer period due to good cause, such as job dislocation, sabbatical leave, education, or illness, evidence must be submitted to the Director of Planning and Community Development, and a waiver may be granted for up to three (3) months additional absence from the property.
- C. The owner(s) shall sign an affidavit verifying that one of the dwelling units is the legal residence of the property owner. An additional form of documentation such as a driver's license or voter registration records may be requested to verify property owner occupancy of one of the dwelling units. Falsely certifying owner occupancy or failure to comply with the terms of the owner certification shall result in loss of ADU registration and certificate of occupancy, and a penalty of five hundred dollars (\$500) as prescribed by SMC 1.15.100.

- D. If a complaint that an owner has violated the owner occupancy requirement is filed and found to be valid, the owner shall:
1. Re-occupy the structure;
 2. Remove the accessory dwelling unit; or
 3. Submit evidence to the Director of Planning and Community Development as specified in 15.37.020 B.2. for a waiver of this requirement for up to three (3) months.
- E. The accessory dwelling unit must meet all technical code standards including building, electrical, fire, mechanical, and plumbing code requirements of the City at the time of construction. ADUs are subject to all setbacks for primary structures and building coverage standards applicable to single-family residential uses.
- F. The size of the ADU must not be less than 220 square feet of living space, not including bathrooms and closets. Accessory Dwelling Units shall not exceed 800 square feet if they are: 1) detached from the primary single family dwelling; 2) created through an addition; or 3) designed into a new structure at the time of construction. For ADUs created within an existing single-family residence the square footage limitation on an ADU shall be 45% of the total square footage of the primary dwelling, as long as no addition is required and all other standards of this section are met.
- G. An ADU shall be designed to preserve or complement the architectural design, style, and appearance of the primary single-family home. Specifically, whether attached or detached, the roof pitch, siding materials, color, and window treatment of the ADU shall be the same as, similar to, or an improvement to the appearance of, the primary structure. Where attached garage space is converted to an accessory dwelling unit, the garage door shall be replaced with materials that complement the exterior of the house.
- H. If a separate entrance for the ADU is necessary, it shall be located on the side or rear of the structure. On a corner lot, no more than one entrance shall be visible from either street.
- I. Any exterior stairs shall be placed in the rear or side yard and must comply with setback standards set forth in SMC 15.13.080. Exterior stairs shall be subject to the same setback standards applied to uncovered porches and decks which exceed eighteen (18) inches above the finished grade.
- J. A minimum of one (1) off-street parking space is required for an accessory dwelling unit, in addition to the number of spaces required for the existing single family residence. A second parking space shall be required for units greater than 600 square feet in area. A waiver of the requirement for the parking space(s) may be granted by the Director of Planning and Community Development if topography of the site or existing structure location make its provision physically or economically infeasible and it is demonstrated that on-street parking is available. The location for the parking space(s) shall be determined through consultation with the Department of Planning and Community Development staff during plan review.

- K. If additional parking is necessary, new parking space(s) shall utilize existing curb cuts, when possible.
- L. The Building Division will assign an address to the ADU.
- M. Occupancy shall be limited to two (2) persons in an ADU of 220 to 400 square feet (not including bathrooms and closets), three (3) persons in an ADU of 401 to 600 square feet, and no more than four (4) persons in an ADU of 601 square feet or larger.
- N. Home occupations may be allowed in either the primary residence or the accessory unit, subject to the applicable provisions of the SeaTac Municipal Code. Special Home Occupation Permits (SHOP) shall not be granted for Accessory Dwelling Units.
- O. ADUs created within the single-family structure shall not be subdivided or otherwise segregated in ownership from the primary dwelling unit. Detached ADUs may be segregated in ownership from the primary dwelling unit if such segregation meets all minimum requirements for a separate legal lot under City of SeaTac zoning and subdivision standards.

15.37.030 Application review and approval

To gain approval for an ADU, A property owner shall file a completed Certificate of Zoning Compliance (CZC) form, sign an Affidavit of Owner Occupancy, and apply for a building permit for necessary remodeling or construction. The Department of Planning and Community Development shall review and approve or disapprove of the application.

15.37.040 Registration

- A. An approved ADU shall be registered with the City of SeaTac, the registration certificate shall be recorded and filed as a deed restriction with the King County Recorder, and a certificate of occupancy shall be issued by the SeaTac Building Official.
- B. *Illegally* created nonconforming ADUs, existing prior to the enactment of these requirements, shall be registered. The property owner shall submit an application, a signed Affidavit of Owner Occupancy and bring the unit up to minimum standards set forth in the City's Building Code no later than twelve (12) months after the effective date of this code.
- C. Owners of *legal* ADUs, created prior to the adoption of this chapter under the requirements set forth in SMC 15.12.020, ~~should~~ shall register their unit and file a signed Affidavit of Owner Occupancy with the Department of Planning and Community Development.
- D. Unless otherwise approved by the Director of Planning and Community Development, ADU registration shall be cancelled as a result of an enforcement action due to violations of this chapter including: 1) unpermitted alteration of the ADU; 2) failure of owner to reside in either the primary or accessory dwelling unit; or 3) failure to maintain required off-street parking spaces.

15.37.050 Periodic reporting on Accessory Dwelling Units.

Every two (2) years the Director of Planning and Community Development shall prepare a report for the City Council stating the number and location of new ADU permits issued.

Section 5. The City Clerk is directed to transmit a complete and accurate copy this Ordinance, as adopted, to the Office Community Development within ten days after final adoption, pursuant to RCW 36.70A.106 and WAC 365-195-620. The Clerk is further directed to transmit a copy of this Ordinance, together with copies of other Ordinances amending development regulations adopted within the preceding twelve months, to the King County Assessor by the ensuing 31st day of July, pursuant to RCW 35A.63.260.

Section 6. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 23rd day of November, 2004 and signed in authentication thereof on this 23rd day of November, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante-Bartolo, City Attorney

[Effective date: _____]

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ORDINANCE NO. 04-1024

An ORDINANCE of the City Council of the City of SeaTac, Washington, amending portions of the City of SeaTac Comprehensive Plan.

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, the City of SeaTac is required to develop and adopt a Comprehensive Plan, which plan is required to include various elements for land use, housing, transportation, capital facilities and utilities, and which may include other elements such as, community image, economic vitality, environmental management, parks, recreation and open space, and human services; and

WHEREAS, the City adopted its Comprehensive Plan in December, 1994, after study, review, community input and public hearings; and

WHEREAS, the State Growth Management Act provides for amendments to the Comprehensive Plan no more than once per year; and

WHEREAS, the City Council authorized, by Resolution No. 97-001, a process for amending the Comprehensive Plan; and

WHEREAS, the State Growth Management Act (RCW 36.70A.130) requires all elements of the Comprehensive Plan to be in compliance with the Act by December 1, 2004; and

WHEREAS, the City produced an Update Assessment Report to identify all Comprehensive Plan amendments necessary to be in compliance with the Act, including

all amendments adopted during 2002 and 2003 and the City Council approved this report by Resolution 04-005 on June 8, 2004; and

WHEREAS, the State Growth Management Act (RCW 36.70A.215) requires local governments to provide for sufficient development capacity to accommodate the City's Household and Job Growth Targets, and to adopt reasonable measures to ensure sufficient development capacity if shown to be deficient; and

WHEREAS, the residential development capacity for the City of SeaTac reported in the 2000 King County Buildable Lands Evaluation Report was insufficient to accommodate the City's 2001-2022 Household Growth Target; and

WHEREAS, the City has adopted Development Regulation amendments in 2004 to implement reasonable measures aimed at increasing the development capacity sufficient to accommodate the 2001-2022 Household Growth Target; and

WHEREAS, in compliance with the State Growth Management Act (RCW 36.70A.215) the City of SeaTac determined the actual density of new housing development approved during the Buildable Lands review period and found that density to be consistent with the City's Comprehensive Plan; and

WHEREAS, it is necessary to update the Comprehensive Plan implementation strategies, 6-year Capital Facilities Element, and other sections as identified through public process, and

WHEREAS, procedures for amending the Plan have been implemented in 2004, including a series of community meetings to solicit input, acceptance of proposals for

Comprehensive Plan amendments, evaluation according to preliminary criteria, elimination of proposals not meeting preliminary criteria, and evaluation of the remaining proposals according to final criteria; and

WHEREAS, the environmental impacts of the proposed amendments have been assessed, and a Determination of Nonsignificance, File No. SEP04-00004, was issued October 21, 2004; and

WHEREAS, after a public hearing on November 1, 2004 to consider proposed amendments to the Comprehensive Plan, the Planning Commission recommended to the City Council adoption of proposed amendments to the Comprehensive Plan as shown in the Final Docket Staff Report; and

WHEREAS, after consideration of the recommendation of the Planning Commission, the Department of Planning and Community Development has recommended to the City Council adoption of the proposed amendments to the Comprehensive Plan as shown in the Final Docket Staff Report; and

WHEREAS, all of the foregoing recitals are deemed by the City Council to be findings of fact; and

WHEREAS, copies of these proposed amendments were filed with the Washington Department of Community, Trade, and Economic Development not less than sixty days prior to final action, pursuant to RCW 36.70A.106 and WAC 365-195-620;

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

Section 1. The City of SeaTac Comprehensive Plan, adopted on December 20, 1994, and amended annually in subsequent years, is hereby amended as set forth in Exhibit A (attached), with the following clarifications:

- Adopt Alternative 2 of Map Amendment #2
- Adopt Alternative 1 of Text Amendment #27

A copy of the amendments shall be maintained on file with the Office of the City Clerk for public inspection; and

Section 2. The Potential Zones for the following Land Use Plan Map Amendments shall be shown on the Official Zoning Map as follows:

- Map Amendment #2 – UM-2400
- Map Amendment #3 – UL-7200
- Map Amendment #4 – O/C/M Restricted
Limited to the following uses:
Senior housing; day care;
Social service offices (for administration and programs);
Medical /dental clinic; and
Professional office.

Section 3. The City Clerk is directed to transmit a complete and accurate copy of this Ordinance, as adopted, to the Washington Office of Community Development within ten days after final adoption, pursuant to RCW 36.70A.106 and WAC 365-195-620. The City Clerk is also directed to transmit a complete and accurate copy of this ordinance to the Puget Sound Regional Council (PSRC), pursuant to RCW 36.70A.100 and RCW 36.70A.210. The Clerk is further directed to transmit a copy of this Ordinance, together with copies of other Ordinances amending development regulations adopted within the preceding twelve months, to the King County Assessor by the ensuing 31st day of July, pursuant to RCW 35A.63.260.

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

ADOPTED this 23rd day of November, 2004 and signed in authentication thereof this
23rd day of November, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante-Bartolo, City Attorney

[Effective Date: _____]

Exhibit A

2004 Comprehensive Plan Amendments

ORDINANCE NO. 04-1025

AN ORDINANCE of the City Council of the City of SeaTac, Washington, adopting the Annual Budget for the year 2005 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 2005 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 2005 Annual Budget for the City of SeaTac, covering the period from January 1, 2005, through December 31, 2005, is hereby adopted by reference with appropriations in the amount of \$55,845,673.

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	\$ 22,556,612
101	City Street	659,210
102	Arterial Street	3,995,270
106	Transit Planning	120,700
107	Hotel/Motel Tax	743,117
108	Building Management	237,300
201	City Hall Limited Tax G.O. Bond	433,550
202	Transportation Bond	856,103
203	Hotel/Motel Tax Bond	386,679
204	Special Assessment Debt	282,000
301	Municipal Capital Improvements	1,880,101
303	Fire Equipment Capital Reserve	145,890

Ordinance No. _____
(continued)

<u>Fund Number</u>	<u>Fund Name</u>	<u>Appropriations</u>
306	Municipal Facilities CIP	\$ 1,433,700
307	Transportation CIP	9,181,315
403	SWM Utility	1,312,481
406	SWM Construction	11,115,000
501	Equipment Rental	<u>506,645</u>
TOTAL ALL FUNDS		\$ 55,845,673

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 2005 five (5) days after passage and publication as required by law.

ADOPTED this 23rd day of November, 2004, and signed in authentication thereof on this 23rd day of November, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[2005 Annual Budget Ordinance]

ORDINANCE NO. 04-1026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEATAC,
WASHINGTON, GRANTING COMCAST OF WASHINGTON IV, INC. A FIVE
(5) YEAR EXTENSION TO THE NON-EXCLUSIVE CABLE TELEVISION
FRANCHISE, ORDINANCE NO. 96-1003.

WHEREAS, the City of SeaTac (the "City") granted TCI of Seattle, Inc., a non-exclusive Franchise to operate a cable television system for ten (10) years by Ordinance No. 96-1003, effective on March 13, 1996 ("the Franchise"); and

WHEREAS, on November 4, 1996 the City was notified that TCI of Seattle, Inc. was merged into its direct parent, TCI Cablevision of Washington, Inc. ("TCI"), and;

WHEREAS, on June 25, 2002, the City consented to the change of control involving Comcast Corporation and AT&T Corp., TCI's indirect parent, by Resolution No. 02-010, and;

WHEREAS, on December 3, 2002, the City was notified that the legal name of the cable system operator changed from TCI to Comcast of Washington IV, Inc. ("Comcast"); and

WHEREAS, on April 15, 2003, Comcast timely notified the City that the Franchise entered the formal three (3) year renewal period as required by Section 626 of the Cable Communications Policy Act of 1984 ("the Cable Act"); and

WHEREAS, the City and Comcast met on May 18, 2004 to discuss Franchise renewal options, including the informal process outlined in Section 626(h) of the Cable Act, and also discussed the available opportunities for local government cable-casting conditioned under Section 15.B of the Franchise; and

WHEREAS, Section 15.B of the Franchise requires Comcast to “. . . provide the City with one (1) access channel capable of live broadcast . . .”, “. . .provide, reasonably maintain, and install the necessary equipment for local government cable-casting. . .” and the equipment “. . .shall not be less in quantity nor equivalent quality than those listed in the List attached . . . marked as Exhibit “A”” in the Franchise; and

WHEREAS, the City has found that Comcast fulfilled the access channel availability requirement of Section 15.B of the Franchise, but the City delayed requesting Exhibit A's equipment until it was certain that a government access channel is an efficient and productive method of communicating with the City's citizens; and

WHEREAS, the City has concluded that a local government channel is needed by the community to improve communications and public outreach with the citizens of the City; and

WHEREAS, the City has found the equipment listed under Exhibit A to be old technology and determined it is not in the City's best interest to request Comcast provide the specific equipment; and

WHEREAS, the City and Comcast have agreed that Exhibit A's fair market value to fulfill the equipment requirement of the Franchise and any ongoing capital replacement costs is equal to \$108,587. The City is planning to purchase modern equipment in a phased approach over the next several years to fully implement a local government channel; and

WHEREAS, Comcast has agreed to provide an up-front capital contribution of \$24,304 to support the City's first planned purchase phase of equipment (See Attachment A for list of equipment and cost calculation). Comcast will pass-through the initial capital contribution in the total amount of twenty-five cents (\$0.25) per subscriber per month and will continue, over the remaining term of the Franchise, to support the City's future planned purchase phase(s) in the same manner until either the City is fully satisfied with the operational level of the government channel and seeks no further equipment purchases, or until the agreed upon fair market value of \$108,587 is paid in full; and

WHEREAS, federal law authorizes Comcast to pass-through the cost of the capital contribution to cable subscribers in the City as a separate line item on the monthly cable services billing statement and to collect the capital contribution from subscribers over the remainder of the Franchise term; and

WHEREAS, since there are fewer than fourteen (14) months remaining on the initial term of the Franchise, Comcast has requested the City grant the five (5) year extension it is entitled to under Section 10 of the Franchise so the capital contribution can be collected over a longer period of time to impose the least financial burden possible on cable subscribers in the City; and

WHEREAS, Section 10 of the Franchise entitles Comcast to an extension to the term of the Franchise for an additional five (5) years provided that the City may, during the term of the Franchise, conduct public reviews of the Franchise at intervals of no less than three (3) years; and

WHEREAS, the City has reviewed the conditions of the Franchise and concluded that Comcast is in full compliance with all Franchise requirements and eligible for the extension; and

WHEREAS, Comcast is willing to cooperate with the City should it decide to conduct public reviews of the Franchise; and

WHEREAS, Comcast has made significant investment in the City through the cable system upgrade; and

WHEREAS, Comcast has provided a state-of-the-art City utilized Institutional Network; and

WHEREAS, Comcast has voluntarily rolled out advanced products and services in the City above and beyond its Franchise requirements; and

WHEREAS, neither party waives any right that it enjoys under law as a result of agreeing to this extension;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

Section 1. Capital Contribution. Within ninety (90) days after acceptance of this Ordinance, Comcast shall provide an up-front capital contribution of \$24,304.02 to support the City's first planned purchase phase of equipment, as outlined in the attached exhibit. Comcast shall pass-through the capital contribution in the total amount of twenty-five cents (\$0.25) per subscriber per month and shall continue, over the remaining term of the Franchise, to support the City's future planned purchase phase(s) in the same manner until either the City is fully satisfied with the operational level of the government channel and seeks no further equipment purchases or the agreed upon fair market value of \$108,587 is paid in full. The City agrees that 47 C.F.R. 76.922 permits Comcast to add the cost of the capital contribution to the price of cable services and to collect the capital contribution from subscribers. In addition, as permitted in 47 C.F.R. 76.985, all amounts paid as the capital contribution may be separately stated on subscriber's bills as a Local Government Access capital equipment fee. The City shall allocate such amount to local government access capital uses exclusively.

Section 2. Franchise Extension. Pursuant to Section 10 of Ordinance No. 96-1003, the term of the cable television Franchise is hereby extended from March 13, 2006 to March 13, 2011.

Section 3. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after passage.

Section 4. Acceptance by Comcast. Comcast shall accept this Ordinance in its entirety in writing within thirty (30) days of the effective date. Failure to provide written acceptance within such time shall render this Ordinance voidable.

Adopted this 14th day of December, 2004 and signed in authentication thereof on the 14th day of December, 2004.

City of SeaTac

Frank Hansen, Mayor

ATTEST

Judith L. Cary, City Clerk

Approved as to form:

Mary Mirante Bartolo, City Attorney

[Effective Date: _____]

Exhibit A
List of Equipment and Capital Contribution Cost Breakdown

Item	Description	Qty	Total
Masterplay	Rushworks Masterplay Multizone RM w/ 4x250 GB HD 4CH Raid Controller	1	7,686.00T
RTE-500	Rushworks Real-Time MPEG-2 Encoder 2RU Chassis	1	3,890.00T
RUS-TRAIN	Rushworks Training One Day Expenses billed separately.	1	600.00T
JVC-GYDV300U	JVC Professional Mini DV Camcorder w/ LCD Monitor	1	2,372.94T
LS-22	Libec Tripod System H22 Head, T-58 Tripod, SP-1 Spreader, TC-50 Case	1	380.00T
DL-3	Libec Light Weight Dolly for LS-35	1	198.00T
AT803B	Audio-Technica AT803B - Omni-Directional Lavalier Condenser Microphone	1	158.20T
SEN-815S	Sennheiser Evolution Cardioid Mic	1	106.65T
TO-98-LBZ	LOWEL 3 Light Kit	1	915.24T
VS-606X1	Kramer 6X6 Vertical Interval AV Mix Switcher	1	705.60T
TMA-13SU	JVC Color Monitor	2	477.12T
P-AG-DV2500	Panasonic Professional DV Editing VTR	1	1,615.65T
808228	JVC DVD Recorder/Player w/ Built in Hi Fri VHS Player	1	417.30T
JVC 20	JVC 20" Cable Ready TV	1	360.00T
ACM-2030	Lucasey Adjustable Yoke Ceiling Mount. For 20" Monitor	1	184.80T
ABS CABLES	Misc. Cables And Connectors	1	240.00T

Subtotal = \$20,307.50

Tax = \$1,787.06

10% Maintenance and Support = \$ 2,209.45

Total Capital Contribution = \$ 24,304.02

ORDINANCE NO 04-1027

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to ad valorem property taxes, repealing City of SeaTac Ordinance #04-1022, setting the levy rate for the year 2005, setting the amount to be levied in 2005 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 #04-1022, tentatively establishing the 2005 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 \$3,417,097,289; 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 \$9,567,541, 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 #04-1022 is Repealed.

City of SeaTac Ordinance #04-1022, tentatively establishing the 2005 property tax levy, is hereby repealed.

SECTION 2. Levy Rate Fixed.

The regular ad valorem levy rate for collection during the fiscal year of 2005 is hereby set at \$2.80 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 2005 by taxation on the assessed valuation of all taxable property situated within the boundaries of the City is estimated to be the sum of \$9,567,541.

SECTION 4. Increase in Property Tax Revenue From the Previous Year.

The increase in the regular property tax levy is hereby authorized for the 2005 levy year in the amount of \$93,973, which is a percentage increase of 1.02% from the previous year. This increase is exclusive of additional revenue resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, and any additional amounts resulting from any annexations that have occurred and refunds 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 14th day of December, 2004, and signed in authentication thereof on this 14th day of December, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante-Bartolo, City Attorney

[Effective Date: _____]

[2005 Ad Valorem Property Tax Levy]

ORDINANCE NO. 04-1028

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2004 Annual City Budget for miscellaneous items.

WHEREAS, the SeaTac City Council has reviewed agenda bill #2495 submitted by the Finance Department which details certain expenditures exceeding fiscal year 2004 appropriation authority in three funds of the City; and

WHEREAS, the budget of these funds need to be increased to comply with State laws prohibiting any funds having expenditures in excess of the fiscal year appropriation authority; and

WHEREAS, amendment to the City's 2004 Annual City Budget is necessary to provide additional appropriation authority for these funds and to transfer monies from the Municipal Capital Improvements Fund (Fund 301) to the Municipal Facilities CIP Fund (Fund 306) to fund certain expenditures;

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

Section 1. The 2004 Annual City Budget shall be amended to increase the total Municipal Capital Improvements Fund (Fund 301) expenditures by \$53,650 (BARS Number 301.000.04.597.43.00.000).

Section 2. The 2004 Annual City Budget shall be amended to increase the total Municipal Facilities CIP Fund (Fund 306) revenues by \$53,650 (BARS Number 306.397.43.00.000).

Section 3. The 2004 Annual City Budget shall be amended to increase the total Municipal Facilities CIP Fund (Fund 306) expenditures by \$53,650 as follows:

BARS Number 306.000.12.594.19.62.001 - \$ 9,344

BARS Number 306.000.12.595.40.62.072 - \$44,306

Section 4. The 2004 Annual City Budget shall be amended to increase the total Equipment Rental Fund expenditures by \$10,000 as follows:

BARS Number 501.000.11.548.65.31.007 - \$5,000

BARS Number 501.000.11.548.65.48.049 - \$5,000

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

ADOPTED this 14th day of December, 2004, and signed in authentication thereof on this 14th day of December, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[2004 Budget Amendment for Miscellaneous Items]

ORDINANCE NO. 04-1029

AN ORDINANCE amending Section 13.110.020 of the SeaTac Municipal Code related to Building and Construction, to allow five story, wood framed buildings.

WHEREAS, the City has, pursuant to its municipal authority, adopted certain Codes as amended by the State of Washington, as the Building Codes of the City; and

WHEREAS, the City Council may amend the State Building Code, provided the amendment does not reduce the minimum performance standards of the Codes; and

WHEREAS, the City Council finds that allowing five story, wood framed buildings is appropriate provided that the maximum height limit of the State Building Code is maintained; and

WHEREAS, the City Council finds that additional Code provisions should be required for five story, wood framed buildings to ensure that the minimum performance standards of the Code are met; and

WHEREAS, allowing five story, wood framed buildings should provide an incentive for the construction of economically viable mixed-use and residential occupancies within the City;

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

Section 1. Section 13.110.020 of the SeaTac Municipal Code is hereby amended to read as follows:

13.110.020 International Building Code.

The 2003 Edition of the International Building Code, as published by the International Code Council, as amended by the Washington State Building Code Council and published in Chapter 51-50 of the Washington Administrative Code, as now or hereafter amended, is hereby adopted: by reference with the following additions and exceptions:

A. The following is added to Section 504, Height Modifications:

504.2.1 Five story type VA buildings allowed. Type VA buildings with B,M,R-1 and R-2 occupancies may be increased to five stories in height in accordance with all of the following:

1. The building is equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1; and
2. The building is equipped with a complete, approved fire alarm and detection system; and
3. The fire sprinkler alarm system is provided with annunciation for each floor; and
4. The building does not exceed 60 feet in height; and
5. The vertical exit enclosures shall be smokeproof enclosures in accordance with Section 909.20; and
6. Special inspection is provided for the lateral support portion of the structural system; and
7. The building must comply with all other applicable provisions of Title 13 of the SeaTac Municipal Code.

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 thirty (30) days after passage.

ADOPTED this 14th day of December, 2004, and signed in authentication thereof on this 14th day of December, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney
[Effective Date: _____]

[Five story wood buildings]

ORDINANCE NO. 04-1030

AN ORDINANCE of the City Council of the City of SeaTac, Washington, repealing the existing Chapter 15.31 of the Zoning Code and adopting a new Chapter 15.31A regarding wireless communication facilities.

WHEREAS, the City Council was concerned that existing development regulations and design standards governing wireless communication facilities were not sufficient to protect the public interest regarding the City's aesthetic character; and

WHEREAS, to give time to research new standards, while ensuring that the aesthetic character of neighborhoods was protected, the City Council adopted interim standards governing wireless telecommunication facilities under Ordinance No. 03-1021; and

WHEREAS, since the adoption of the Interim Standards, City staff and the Planning Commission, with consultant assistance, have researched and formulated the permanent development standards set forth herein considering input from the public and from industry representatives; and

WHEREAS, a public hearing was held on October 25, 2004 on the proposed standards; and

WHEREAS, the Comprehensive Plan supports implementing standards to minimize adverse aesthetic impacts from utility facilities (Policy 5.3B); and

WHEREAS, the City Council has simultaneously considered and adopted by Resolution, a Wireless Telecommunication Master Plan that analyzed existing wireless facilities in the City and projected future needs; and

WHEREAS, the City Council finds that promoting the placement of wireless facilities on City property will help to combine and reduce the overall number of facilities within the City, while controlling the aesthetic impacts; and

WHEREAS, the location of utility infrastructure in an efficient and orderly manner is a traditional role of government and benefits the public;

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

Section 1. The existing Chapter 15.31 is repealed and a new Chapter 15.31A of the SeaTac Municipal Code is hereby adopted as set forth in Exhibit A.

Section 2. The Interim standards contained therein, adopted on an interim basis are repealed concurrent with the effective date of this ordinance.

Section 3. That certain definitions within Chapter 15.10 of the SeaTac Municipal Code are hereby deleted, amended, or newly adopted as follows:

15.10.061.05 Antenna (*See 15.31A.022*)

~~Any system of electromagnetically tuned wires, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points. Types of antenna(e) include:~~

~~A. Omni-directional (or “whip”) antenna(e) which transmit and receive radio frequency signals in a three hundred sixty (360) degree radial pattern. For the purpose of this document, an omni-directional antenna(e) is up to twenty-four (24) feet in height and up to six (6) inches in average diameter.~~

~~B. Directional (or “panel”) antenna(e) which transmit and receive radio frequency signals in a specific directional pattern of less than three hundred sixty (360) degrees.~~

~~C. Tubular antenna(e), which consist of two (2) or more directional antennae arranged to transmit and receive radio frequency signals in a three hundred sixty (360) degree pattern, and which are enclosed within a cylindrical tube.~~

~~D. Parabolic (or “dish”) antenna(e) is a bowl-shaped device for the reception and/or transmission of communications signals in a specific directional pattern.~~

15.10.109.05 Collocation *(See 15.31A.022)*

~~The use of a single support structure or existing structure for more than one wireless telecommunications facility.~~

~~**15.10.114 Commercial Wireless Telecommunications Facility (Commercial WTF)**
(Repealed)~~

~~A wireless telecommunications facility used to provide service(s) that is available to the general public.~~

15.10.120 Communication Facility, Major *(See 15.31A.022)*

~~A communication facility for transmission and reception of UHF and/or VHF television signals, FM and AM radio signals, and/or signals through FM translators or boosters not related to wireless telecommunications facilities.~~

15.10.125 Communication Facility, Minor *(See 15.31A.022)*

~~A communication facility for the transmission and reception of amateur (ham) radio signals.~~

15.10.142 Conditional Use, Minor

The administrative review and approval of a Conditional Use Permit for any of the following:

1. Expansion of an existing and authorized major conditional use within a zone classification, after review and approval by the City Manager or designee. Minor conditional uses for the purposes of this subsection are those which are compatible with the pre-existing major conditional use and satisfy the requirements of SMC 15.22.030(E);
2. Construction of certain categories of Wireless Communication Facilities, per SMC 15.31A.031.

~~**15.10.243 Equipment Shelter** *(See Equipment Enclosure, 15.31A.022)*~~

~~Any structure used to contain ancillary equipment for a wireless telecommunications facility. Equipment shelters include but are not limited to shelters, cabinets, expansion of an existing structure, pedestals and other similar structures.~~

15.10.253 Existing Structure *(See 15.31A.022)*

~~An existing structure to which wireless telecommunications antenna(e) may be attached. For the purpose of siting wireless telecommunications facilities, existing structures shall include only the following: buildings, water towers, utility poles, and legally conforming signs; provided, that no part of a WTF is visible on the sign.~~

15.10.327 Height *(See 15.31A.022)*

~~For the purposes of measuring the height of any WTF any antenna(e) mounted on a support structure shall be considered part of the support structure and shall be included in measurements to determine overall (i.e., combined) height. For antenna(e) mounted on an existing structure(s), the height of the antenna(e) shall be measured in addition to the height of the existing structure, but the combined height shall be subject to the height limitations specified in this chapter, or of the Federal Aviation Administration (FAA) if applicable.~~

~~**15.10.402 Microcell** *(Repealed)*~~

~~A wireless telecommunications facility consisting of either: (a) a directional antenna that is four (4) feet in height, with an area of not more than five hundred eighty (580) square inches; or (b) an omni directional antenna no more than four (4) inches in diameter and no more than six (6) feet in length.~~

15.10.405 Microwave *(See 15.31A.022)*

Electromagnetic waves with a frequency of eight hundred ninety (890) megahertz (mhz) or greater. intended for point-to-point communications.

15.10.406 Mitigation of environmental impacts

The use of any or all of the following actions, listed in descending order of preference:

- A. Avoiding the impact by not taking a certain action;
- B. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;
- C. Rectifying the impact by repairing, rehabilitating or restoring the affected sensitive area or buffer;
- D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;
- E. Compensating for the impact by replacing, enhancing or providing substitute sensitive areas and environments; and
- F. Monitoring the impact and taking appropriate corrective measures.

15.10.408 Monopole *(See 15.31A.022)*

~~A freestanding structure designed to support a wireless telecommunications antenna(e) or antenna platform(s), and consisting of a single vertical pole driven into the ground and/or attached to a foundation.~~

15.10.470.05 Platform *(See 15.31A.022)*

~~A mounting structure to which one or more antennae, sufficient to serve the needs of a single wireless telecommunications carriers' installation, are attached, and which is affixed to a support structure.~~

15.10.543 Renovation *(Repealed)*

~~Replacement of antenna(e), equipment shelters, cables and related equipment on a wireless telecommunications facility with similar or comparable equipment.~~

15.10.635 Support Structure *(See Antenna-Supporting Structure, 15.31A.022)*

~~A freestanding monopole or tower designed solely to support telecommunications facilities on which wireless telecommunications facilities are mounted.~~

15.10.639 Temporary Wireless Telecommunications Facility (Temporary WTF)
(See 15.31A.022)

~~A WTF which is to be placed in use for a limited period of time, is not deployed in a permanent manner, and does not have a permanent foundation.~~

15.10.640.05 Tower *(See 15.31A.022)*

~~A freestanding structure designed solely to support an antenna(e) or antenna platform(s), and consisting of a network of crossed metal braces which may be three (3) or more sided.~~

15.10.713 Wireless Telecommunications Facility (WTF) *(See 15.31A.022)*

~~Any unstaffed facility or component thereof for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy, which enable the provision of cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, wireless digital data transmission, and other similar services that currently exist or that may in the future be developed. Wireless telecommunications facilities include towers and monopoles; equipment shelters, communication node cabinets, above ground pedestal cabinets; antenna(e), antenna platform(s), and relay station facilities; cables and associated equipment.~~

15.10.650 — Uniform Building Code (UBC) (Repealed)

The Uniform Building and related codes as amended and adopted by the City.

15.10.353 International Building Code (IBC)

The International Building and related codes as amended and adopted by the City.

Section 4. Section 15.12.040 of the SeaTac Municipal Code is hereby amended as follows:

15.12.040 General, Educational, Health Services Uses

- ZONES:**
- P – Park
 - MHP – Mobile Home Park
 - UL – Urban Low Density
 - UM – Urban Medium Density
 - 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/M Mixed Use
 - T – Townhouse

P – Permitted Use; C – Conditional Use Permit

USE #	LAND USE	ZONES												
		P	MHP	UL	UM	UH	NB	CB	ABC	I	O/CM	BP	O/C/MU	T
	GENERAL USES													
041	Wireless Communication s Facility (**)	C/P (6)	C/P (6)	C/P (6)	C/P (6)	C/P* (6)	P/C (6)	P/C* (6)	P/C* (6)	P/C (6)	P/C* (6)	P/C* (6)	P/C* (6)	C/P* (6)
042	Communication s Facility (**)			Mr.-P Mjr.-C	Mr.-P Mjr.-C	Mr.-P Mjr.-C*	Mr.-P Mjr.-C	Mr.-P Mjr.-P*	Mr.-P Mjr.-P*	Mr.-P Mjr.-P	Mr.- P Mfr.-P*	Mr.-P Mjr.-P*	Mr.-P Mjr.-C*	Mr.-P Mjr.-C*
043	Dry Cleaner					P*(1,2)	P	P*	P*(1)		P*(2)	P*(2)	P*(2)	P*(2)
044	Auto Repair						C	P*		P				
045	Auto Service						P	P*	P*(1)	P				
046	Funeral Home/ Crematory	C					P	P*	P*(1)	P	P*(2)			
047	Veterinary Clinic						P	P*	P*(1)	P	P*(2)		C*	
048	Kennel						P	P*						
049	Day Care I			P(3,5)	P(3,5)	P*(3,5)	P(3,5)		P*(1,3,5)		P*(2,3,5)	P*(3,5)	P*(2,3,5)	P*(2,3,5)
050	Day Care II			C(3)	P(3)	P*(3)	P(3)	P*(3)	P*(3)		P*(2,3)		P*(2,3)	P*(2,3)
051	General Repair						P	P*	P*(1)	P	P*(2)			
	EDUCATIONAL USES													
055	Elementary – Jr. High			C	C	C*			C*					
056	High School			C	C	C*	P	C*	C*					
057	Vocational						C	P*	C*	C	P*(2)	C*	P*(2)	

	School													
058	Specialized Instruction School			P/C(4)	P/C(4)	P/C*(4)	P	P*	P*	P	P*(2)	C*	P*(2)	
059	College/University			C	C	C*		P*	P*		P*	C*	P*(2)	
	HEALTH SERVICES USES													
062	Office/Outpatient Clinic					P*	P	P*	P*	P	P*	P*	P*	
064	Hospital						P	P*	P*		C*	P*		
065	Medical/Dental Lab					C*	P	P*	P*	P	P*	P*	P*	P*(2)
066	Miscellaneous Health						P	P*	P*		C*	C*	C*	
067	Opiate Substitution Treatment Facility							C(8)	C(8)	C(8)		C(8)		

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

(**) See Chapter 15.31A SMC for additional development standards.

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

(2) Permitted as a part of a mixed use development.

(3) Day Care I: DSHS license required.

Day Care II: DSHS license required/SEPA review required.

(4) Limited to three (3) students per day except as allowed within old school facilities subject to a Conditional Use Permit.

(5) Except as provided pursuant to SMC 15.10.166 for family day care.

(6) See the use charts in Chapter 15.31A.031B and C for specifics.

(8) Subject to the CUP-EPF siting process (SMC 15.22.035).

Section 5. Section 15.22.020 of the SeaTac Municipal Code is hereby amended as follows:

15.22.020 Variance

A. A variance is a request for an exception to the development standards of the code because of special circumstances (i.e., size, shape, topography of lot, conflict with Growth Management Policies) when the strict application of the code deprives such property of privileges enjoyed by other similar properties. A variance may be granted when a hardship is proven. A variance cannot be used for relief from types of uses permitted within zone classifications.

B. The applicant must show that the proposed development issue requiring a variance meets all of the following criteria for approval, except as specified in subsection (D) of this section:

1. There are exceptional circumstances applicable to the property;
2. The variance is necessary to protect a property right possessed by others;

3. The variance will not harm the public welfare of adjacent properties;
 4. There is no reasonable alternative that will allow a reasonable use of the land or building;
 5. The special circumstances and conditions do not result from the actions of the applicant;
 6. The requested variance will not create a use not generally permitted within the zone classification in which the subject property is located;
 7. The variance is the minimum necessary to grant relief to the applicant.
- C. The requested variance is decided by the City's Hearing Examiner through a public hearing process, except in cases where the requested change involves less than twenty percent (20%) variance to a standard. In these cases, the variance may be decided by the City Manager or designee, provided the following criteria are met in addition to those in subsection (B) of this section:
1. The variance does not reasonably involve a life/safety issue nor does it reasonably involve damage to or loss of property of any person or entity.
 2. The person or entity requesting the requirements change shall agree to waive all rights to pursue a variance or other process to seek an alternative to the requirements of the City Code; provided, that if no change in the requirements of the City Code is granted to such person or entity, the person or entity would be entitled to pursue a variance or other available procedure in the normal course.
- D. A variance from the standards for WCF regarding height, aesthetics (including concealment), equipment enclosures and the dimensions of freestanding poles specified in SMC [15.31A](#) may be granted by the Hearing Examiner only in situations where all of the following criteria are met. These criteria shall apply in lieu of those specified in subsection (B) of this section.
1. The specified standard would have the effect of precluding the provision of commercial wireless communication service;
 2. The variance is necessary to protect a property right possessed by others;

3. The variance will not harm the public welfare of adjacent properties;
4. The requested variance will not create a use not generally permitted within the zone classification in which the subject property is located;
5. The variance is the minimum necessary to grant relief to the applicant;
6. Any request for a variance from the standards regarding height, aesthetics, equipment enclosures and dimensions of freestanding poles specified in SMC 15.31A shall include a written report that specifies:
 - a. The necessity of the site to provide the communication coverage required by the applicant; and
 - b. The necessity of the requested variance as the minimum necessary to provide the communication coverage required by the applicant; and
 - c. An assessment of all possible alternatives that could meet the service provider's system coverage requirements. The alternatives assessment shall include alternative sites, alternative antenna types, and any other mechanism that could make the variance unnecessary in terms of meeting the service provider's system coverage needs.

Section 6. Section 15.22.030 of the SeaTac Municipal Code is hereby amended as follows:

15.22.030 Conditional Use Permit (CUP)

- A. A major conditional use permit (CUP) is a permit granted by the Hearing Examiner, which sets special conditions regarding a use in a zone where the use is not permitted outright due to the nature of impacts created by the use.
- B. A minor conditional use permit may be granted by the City Manager, or designee, to allow the expansion of an existing legal conditional use or to allow permitting of a wireless telecommunications facility pursuant to the criteria set forth in subsection (E) of this section.
- C. The CUP process is a means of imposing special conditions and requirements on development, so that the compatibility of uses shall be

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

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

1. The proposed use is listed as a conditional use under the zone classification use charts, Chapter [15.12](#) SMC;
2. The site is adequate in size and shape for the proposed project and the use conforms to the general character of the neighborhood;
3. The unique character of topography, arterial streets and adjacent land use complement the proposed conditional use;
4. The conditional use would not be detrimental to surrounding land use;
5. Modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this code;
6. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
7. The conditional use will be supported by adequate public facilities or services, and will not adversely affect public services to the surrounding area unless conditions can be established to mitigate adverse impacts.

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

1. To allow the expansion of an existing, legal conditional use which has previously been permitted within the zone classification, provided the requested expansion of the existing conditional use is either:
 - a. No greater than twenty percent (20%) of the gross floor area of the existing conditional use; and

- b. Exempt from environmental review under the State Environmental Policy Act (SEPA).
- 2. To allow location of a new concealed freestanding WCF in a low intensity zone, subject to the requirements set forth in Chapter [15.31A](#) SMC.

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

Section 7. 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 8. The Ordinance shall be effective five (5) days after passage and publication.

ADOPTED this 14th day of December, 2004 and signed in authentication thereof on this 14th day of December, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante-Bartolo, City Attorney

[Effective Date: _____]

[An Ordinance Repealing the existing Chapter 15.31 and adopting a New Chapter 15.31A regarding Wireless Communications Facilities]

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**CHAPTER 15.31A
SITING OF WIRELESS COMMUNICATIONS FACILITIES**

SECTIONS:

- 15.31A.010 Purpose**
- 15.31A.020 Authority and Application**
- 15.31A.021 Exemptions**
- 15.31A.022 Definitions**
- 15.31A.031 Review and Approval Process**
- 15.31A.032 Siting Hierarchy**
- 15.31A.033 Attached WCFs – Specific Development Standards**
- 15.31A.034 Collocated WCFs – Specific Development Standards**
- 15.31A.035 Mitigated WCFs – Specific Development Standards**
- 15.31A.036 New Concealed Freestanding WCFs – Specific Development Standards**
- 15.31A.040 General Development Standards for all WCFs**
- 15.31A.050 Submittal Requirements for all WCFs**

15.31A.010 Purpose

The purpose of this chapter is to establish local guidelines, standards and procedures for the siting and construction of wireless communications facilities (WCFs), and to address the issues of appearance and safety associated with WCFs. It is intended to provide adequate siting opportunities at appropriate locations within the City to support existing WCF technologies, to encourage new technologies to benefit SeaTac residents, businesses, and institutions, and to permit WCF providers to remain competitive. This chapter has been developed in conjunction with a Wireless Telecommunications Master Plan that forecasts future needs for wireless facilities in SeaTac and analyzes appropriate locations for their placement.

A wide range of locations and options that minimize the safety hazards and visual impacts sometimes associated with WCFs are provided. The siting of facilities is encouraged on City-owned lands, buildings and structures, and in certain rights-of-ways as locations for wireless communications infrastructure to establish a precedence of quality concealment products that will minimize the aesthetic impact of related infrastructure while generating revenue for the City. The siting of concealed facilities on existing structures, collocation of WCFs, and visual mitigation measures are encouraged in this chapter in order to preserve neighborhood aesthetics and reduce visual clutter in the community.

The development standards in this chapter establish siting criteria and address setbacks, landscaping, dimensions, and other site-specific design requirements. Siting criteria for WCFs are necessary to encourage the sit-

ing of those facilities in locations most appropriate based on land use compatibility, neighborhood characteristics, and aesthetic considerations.

15.31A.020 Authority and Application

The provisions of this chapter shall apply to all WCFs and Communication Facilities as defined in 15.31A.022, except as specifically exempted in section 15.31A.021, including but not limited to:

1. Existing antenna-supporting structures.
2. Proposed antenna-supporting structures.
3. Mitigation for existing antenna-supporting structures
4. Attached WCF.
5. Collocation on antenna-supporting structures.
6. Satellite earth stations (satellite dishes) and microwave facilities that are greater than one meter (39.37 inches) in diameter.
8. Major Communication Facilities as defined in 15.31A.022. Location of such facilities shall be allowed only per 15.12.040 (41). Such facilities, shall additionally comply with all requirements of this Chapter.

15.31A.021 Exemptions

The provisions of this chapter shall not apply to:

- A. Maintenance and repair of existing antennas and /or feed lines, provided the model, type, mechanical and electrical specifications, size and number remains the same, and a waiver is submitted and approved prior to the start of such work, or, for emergencies, submitted within 48 hours of such work. Inspections of such work shall be allowed if requested by the City.

Should such maintenance and repair require a replacement of any existing antenna(s) and/or feed line(s) due to damage of any kind, the affected equipment shall only be replaced with an exact replica of the affected equipment. If this is not feasible, and upgraded equipment is required, such changes may be effected in order to comply with Federally licensed regulations, for no more than ten (10) days.

- B. Satellite earth stations (satellite dishes) that are one meter (39.37 inches) or less in diameter.
- C Television-receiving only antennas.
- D. A temporary wireless communications facility, also known as a carrier on wheels (COW), upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City; for a period not to exceed ninety (90) days; provided, that this period may be extended at the discretion of the Director of Planning and Community Development. Said facility must comply with all federal and state requirements.
- E. Minor Communication Facilities as defined in 15.31A.022(11). Such facilities shall be regulated in accordance with SMC Section 15.12.040.

15.31A.022 Definitions

1. Accessory Building:

A building used exclusively or primarily to contain and conceal radio or other equipment necessary for the transmission or reception of wireless communication signals.



2. Ancillary Structures:

Any form of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets, and enclosures



3. Antenna:

Any apparatus designed for transmitting and/or receiving electromagnetic waves, including, but not limited to telephonic, radio or television communications. Types of elements include, but are not limited to: wireless internet, omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM & TV) antennas, and yagi, or parabolic (dish) antennas.

4. Antenna Array:

One or more antennae and their associated mounting hardware, feed lines, or other appurtenances, such as a platform, which share a common attachment device, such as a mounting frame, or mounting support structure.



5. Antenna Element Combining:

A change that results in an antenna or an array of antennas providing services for more than one wireless provider for the same or similar type of services.

6. Antenna Element Replacement:

The changing of a single antenna or of an array antenna unit with another single antenna or array unit with different mechanical or electromagnetic specifications.

7. Antenna-Supporting Structure:

A ground-based vertical projection composed of metal or other substance with or without foundation that is for the express purpose of accommodating antennas at a desired height above grade.

8. Certain Rights-of-Way

Non-arterial rights-of-Way unless otherwise approved by the Public Works Director. See 15.31A.036(E)(4) regarding requirements for placement in rights-of-way.

9. Collocation:

The practice of installing and operating multiple and various wireless carriers, service providers, Government Wireless and/or Radio Common Carrier licensees on the same antenna-supporting structure using different and separate antenna arrays, feed lines and Radio Frequency generating and/or receiving equipment.

10. Communication Facility, Major

A communication facility for transmission of UHF and/or VHF television signals, FM and AM radio signals, and/or signals through FM translators or boosters not related to wireless telecommunications facilities.

11. Communication Facility, Minor

A communication facility for the transmission and reception of amateur (ham) radio signals.

12. E-911 Enhanced

A federally mandated upgrade to a WCF or handheld device that enables an emergency call center to track the approximate location of a wireless caller dialing 911.

13. Equipment Compound:

An outdoor fenced area occupied by all the equipment associated with a wireless communications facility, including antenna-supporting structure(s), equipment shelters, equipment cabinets or pedestals, feed lines, generators, and ancillary structures, but excluding parking and access ways.



14. Equipment Enclosure

Any structure including: cabinets, shelters, pedestals, and other similar structures used exclusively to contain radio or other equipment necessary for the transmission and/or reception of wireless communication signals.



15. Existing Structure

An existing structure to which wireless telecommunications antenna(e) may be attached. For the purpose of siting wireless telecommunications facilities, existing structures shall include only the following: buildings (other than single family residential), and water towers.

16. FAA:

The Federal Aviation Administration.

17. FCC:

The Federal Communications Commission.

18. Feed Lines:

Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

19. Flush-Mounted

Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush mounting distance is given that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.



20. Geographic Search Area:

An area designated by a wireless provider or operator for a new base station facility, produced in accordance with generally accepted principles of Radio Frequency wireless engineering.

21. Height

For the purposes of measuring the height of any WCF, any antenna(e) mounted on a antenna-supporting structure shall be considered part of the antenna-supporting structure and shall be included in measurements to determine overall (i.e., combined) height. For antenna(e) mounted on an existing structure(s), the height of the antenna(e) shall be measured in addition to the height of the existing structure, but the combined height shall be subject to the height limitations specified in this chapter, or of the Federal Aviation Administration (FAA) if applicable.

22. Intermodulation Distortion:

The preventable and avoidable results of the mixture of two certain and specific radio frequencies (3rd Order); or more certain or specific radio frequencies (5th Order), that creates at least one other unwanted, undesirable, and interfering radio frequency (3rd Order), or multiple other unwanted, undesirable, and interfering radio frequency signals (5th Order).

23. Lattice Tower:

A tapered style of antenna-supporting structure that consists of vertical and horizontal supports with



multiple legs and cross-bracing and metal crossed strips or bars to support antennas.

24. Least Visually Obtrusive:

A Wireless Communication Facility (WCF) that is designed to present a visual profile that is the minimum profile necessary for the facility to properly function.

25. Maintenance and Repair:

Repair or routine maintenance of antennas, equipment and /or feed lines, provided the model, type, mechanical and electrical specifications, size and number remains the same , and a waiver is completed prior to the start of such work, or, for emergencies, within 48 hours of such work.

26. Microwave

Electromagnetic waves with a frequency of eight hundred ninety (890) megahertz (mhz) or greater intended for point-to-point communications.

27. Mitigation:

A modification to replace or remove one or several nonconforming antenna-supporting structure(s) located in close proximity to a proposed new antenna-supporting structure, or to replace or remove one or several nonconforming building-mounted antennae in close proximity of a proposed new building-mounted antennae, in order to encourage compliance with the ordinance, improve aesthetics or functionality of the overall wireless network.

28. Monopole:

A style of free-standing antenna-supporting structure that is composed of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna-supporting facility is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground.

29. Platform

A mounting structure to which one or more antennae, sufficient to serve the needs of one or more wireless telecommunications carriers' installation(s), are attached, and which is affixed to a antenna-supporting structure.

30. Pedestrian or Higher Elevation Views:

Views from higher physical grade, or buildings into equipment installations that are screen by fencing, including views from residential and commercial building windows and decks.

31. Public Safety Communications Equipment:

All communications equipment utilized by the City for the purpose of operation in the interest of the safety of the citizens of SeaTac and operating within the frequency range of 806 MHz and 1,000 MHz and future spectrum allocations at the direction of the FCC.

32. Radio Frequency Emissions:

Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna-supporting structure, building, or other vertical projection.

33. Satellite Earth Station (Satellite Dish):

A single or group of satellite parabolic (or dish) antennas. These dishes are mounted to a supporting device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment shelters necessary for the transmission or reception of wireless communications signals with satellites. Satellite earth stations of one meter or less are used primarily for the purposes of home entertainment and personal data systems.



34. Telecommunications Master Plan:

A plan developed to enforce applicable development standards, state statutes and federal regulations related to the deployment of wireless telecommunications infrastructure.

35. Temporary Wireless Telecommunications Facility (Temporary WTF)

A WTF which is to be placed in use for a limited period of time, is not deployed in a permanent manner, and does not have a permanent foundation

36. Tower

A freestanding structure designed solely to support an antenna(e) or antenna platform(s).



37. Wireless Communications:

Any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet services) and paging.

38. Wireless Communication Facility (WCF):

Any fixed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, feed lines, telephone lines, and equipment shelters, and may include an antenna-supporting structure.

39. Wireless Communication Facility, Attached.

An antenna or antenna array that is secured to an existing building or structure with any accompanying pole or device which attaches it to the building or structure, feed lines, and equipment, which may be located either on the roof or inside or outside of the existing building or structure. An attached wireless communications facility is considered to be an accessory use to the existing principal or structure use on a site.

40. Wireless Communications Facility, Concealed Attached:

An attached wireless communications facility, ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with



existing and proposed buildings on a site. A concealed attached facility includes, but is not limited to: flush-mounted antenna and feed lines painted to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure.

41. Wireless Communications Facility, Nonconcealed Attached:

A non-concealed attached wireless communication facility is one that is readily identifiable, such as a pole with a mounting platform containing panel antennas, attached to a roof and/or rising above the roofline of a building.



42. Wireless Communications Facility, Concealed Freestanding:

A wireless communications facility, ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed uses on a site. A concealed facility may have a secondary function, including, but not limited to the following: church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole with a flag, or tree.



43. Wireless Communications Facility, Nonconcealed Freestanding:

A freestanding wireless communication facility, ancillary structure, or WCF equipment compound that is readily identifiable, such as a monopole or lattice tower.



44. Zones, Low Intensity

Zones that typically include or are adjacent to residential uses, including the urban Low (UL), Urban Medium (UM), Urban High (UH), Townhouse (T), Office/Commercial Mixed use (O/C/MU), Neighborhood Business (NB), Mobile Home Park (MHP), and Park (P) Zones.

45. Zones, High Intensity

Zones that typically involve commercial or industrial rather than residential uses. Such zones are limited to Community Business (CB and CB-C), Industrial (I), Aviation Business Center (ABC), Business Park (BP), Office Commercial Medium (O/CM), Aviation Commercial (AVC) and Aviation Operations (AVO).

15.31A.031 Review and Approval Process

A. Permits Required.

Any application submitted pursuant to this chapter shall be evaluated by the Director of Planning and Community Development in accordance with the City's Wireless Telecommunication Master Plan (Plan) to confirm consistency with the Plan. The City's Plan, a copy of which is on file with the City Clerk, was adopted on December 14, 2004 and may be amended and revised by a resolution.

1. Building/Electrical Permits. A building and/or electrical permit is required for all WCFs.
2. Minor Conditional Use Permits (Minor CUP). A minor conditional use permit is required for the following as outlined in 15.31A.031B. and C:
 - a. New freestanding concealed antenna-support structures in low intensity zones, provided such facility is allowed per subsection C of this section.
3. Major Conditional Use Permits (Major CUP). A major conditional use permit is required for the following as listed in 15.31A.031B. and C:
 - a. Flush-mounted collocations on existing non-concealed WCF's,
4. Variance. A variance from the standards regarding height, aesthetics (including concealment), equipment enclosures and the dimensions of freestanding poles specified in this chapter may be

granted only pursuant to the criteria set forth in SMC 15.22.020(D). The permit process for any facility applying for a variance from such standards shall be a Major Conditional Use Permit. A variance from the standards regarding setbacks, landscaping, and fencing specified in this chapter may be granted, subject to the criteria and process set forth in SMC 15.22.020(B).

5. Other Permits. In addition to the permits listed above and in Table 15.31A.031C, other permits may be required, including but not limited to grading, and right-of-way permits. Additionally, any provider locating within the City right-of-way will be required to have a valid franchise agreement on file with the City. Facilities locating on City property will require a lease agreement.
6. Independent Review. The City may, at the applicant's expense, have an independent radio frequency engineer or other qualified consultant review all materials submitted for review by the City. WCF review by the independent radio frequency engineer is subject to the following:
 - a. The cost for independent review shall be paid by the applicant.
 - b. The reviewer may request from the applicant additional information to that listed in the submittal requirements if, in the reviewer's opinion, such information is necessary for the review.
 - c. Based on the results of the independent review, the approving authority may require changes to the applicant's application or submittals.
 - d. The independent review may address any or all of the following:
 - i. The accuracy and completeness of the application and accompanying documentation.
 - ii. The applicability of analysis techniques and methodologies.
 - iii. The validity of conclusions reached.

- iv. Whether the proposed WCF complies with the applicable approval criteria set forth in this Chapter and any other applicable City Codes.
- v. Whether the proposed WCF complies with applicable State and Federal guidelines.
- vi. Other items deemed by the City to be relevant to determining whether a proposed wireless communications facility complies with the provisions of this chapter and any other applicable City Codes.

B. The following table summarizes the types of WCFs that are permitted in each zone subject to the siting hierarchy in 15.31A.032 and the type of permits required:

	Concealed Attached WCF	Concealed Collocation on Existing Concealed Freestanding WCF	New Concealed Freestanding WCF	Mitigation of Existing WCF	Flush-mounted Collocation on an Existing Non-concealed WCF¹	Antenna Element Replacement or Combining²
Low Intensity Zones³						
UL	Building/ Electrical	Building/ Electrical	Minor CUP & Building/ Electrical	Building/ Electrical	Major CUP & Building/ Electrical	Building/ Electrical
UM	Building/ Electrical	Building/ Electrical	Minor CUP & Building/ Electrical	Building/ Electrical	1	Building/ Electrical
UH	Building/ Electrical	Building/ Electrical	Minor CUP & Building/ Electrical	Building/ Electrical	1	Building/ Electrical
MHP	Building/ Electrical	Building/ Electrical	Minor CUP & Building/ Electrical	Building/ Electrical	1	Building/ Electrical
T	Building/ Electrical	Building/ Electrical	Minor CUP & Building/ Electrical	Building/ Electrical	1	Building/ Electrical
P	Building/ Electrical	Building/ Electrical	Minor CUP & Building/ Electrical	Building/ Electrical	1	Building/ Electrical
O/C/MU	Building/ Electrical	Building/ Electrical	Minor CUP & Building/ Electrical	Building/ Electrical	1	Building/ Electrical
NB	Building/ Electrical	Building/ Electrical	Minor CUP & Building/ Electrical	Building/ Electrical	Major CUP & Building/ Electrical	Building/ Electrical

¹ The City is not aware of any existing WCFs in these zoning districts; however if one does exist, then it shall be subject to the same regulations as the UL zone.

² Provided there is no increase in the number of feed lines, and/or the size or number of antenna, or in the aesthetic impact of the replacement. See 15.31A.040C for specifics.

³ See subsection C. of this section for restrictions on residentially zoned property that is vacant or contains a residential use.

High Intensity Zones						
I	Building/ Electrical	Building/ Electrical	Building/ Electrical	Building/ Electrical	Major CUP & Building/ Electrical	Building/ Electrical
BP	Building/ Electrical	Building/ Electrical	Building/ Electrical	Building/ Electrical	Major CUP & Building/ Electrical	Building/ Electrical
ABC	Building/ Electrical	Building/ Electrical	Building/ Electrical	Building/ Electrical	Major CUP & Building/ Electrical	Building/ Electrical
CB	Building/ Electrical	Building/ Electrical	Building/ Electrical	Building/ Electrical	Major CUP & Building/ Electrical	Building/ Electrical
CB-C	Building/ Electrical	Building/ Electrical	Building/ Electrical	Building/ Electrical	Major CUP & Building/ Electrical	Building/ Electrical
O/CM	Building/ Electrical	Building/ Electrical	Building/ Electrical	Building/ Electrical	Major CUP & Building/ Electrical	Building/ Electrical

- C. In residential zones, new concealed freestanding antenna-supporting structures shall only be permitted on lots whose principal use is not single-family residential, including but not limited to: schools, churches, water towers, fire stations, parks, and other public property. The following table summarizes the types of WCF and WCF equipment that can be located on residentially zoned properties containing various uses:

Use within a Residential Zone	Concealed Attached WCF	Concealed Free-standing WCF	Equipment Enclosure
Single Family Residence	No	No	Conditional*
Multi-Family Residences	Yes	No	Yes
Vacant	No	Conditional**	Conditional**
Water tower, church, school, park, or other non-residential use	Yes	Conditional	Yes/ Conditional***

* For concealed equipment associated with a WCF in a ROW, where no other option for placement of the equipment is feasible or appropriate, the minor CUP process may consider whether an equipment enclosure is compatible with the existing and adjacent uses and the character of the area based on concealed equipment design, proximity to other residential uses, and existence of mature landscaping and/or topography. If approved, equipment shall be limited to one 360 foot enclosure on a single family lot.

**On vacant residential property, the minor CUP process may consider whether the concealed facility's design, proximity to other residential uses, and existence of mature landscaping and/or

topography would allow for a freestanding WCF that is compatible with adjacent uses and the character of the area.

***Based on the process for the WCF.

15.31A.032 Siting Hierarchy

- A. Siting of a WCF shall be in accordance with the following siting alternatives hierarchy, with the exception of mitigation of an existing nonconcealed WCF, which shall be in accordance with section C:
1. On City-Owned Property
 - a) Concealed Attached WCF
 - b) Concealed collocation on an existing concealed freestanding WCF
 - c) Concealed Freestanding WCF
 2. Concealed Attached WCF on Privately-owned Property
 3. In Certain Rights-of-Way
 - a) Concealed collocation on an existing concealed freestanding WCF
 - b) Concealed Freestanding WCF
 4. Collocation or Freestanding on Privately-owned Property
 - a) Concealed collocation on an existing concealed freestanding WCF
 - b) Concealed Freestanding WCF
 - c) Flush-mounted collocation on an existing non-concealed WCF on privately-owned property.
- B. The order of ranking preference, from highest to lowest, shall be 1a, 1b, 1c, 2, 3a, 3b, 4a, 4b, 4c, except for mitigation of an existing nonconcealed WCF which is described in subsection C of this section. Where a lower ranking alternative is proposed, the applicant must file relevant information as indicated in Section 15.31A.050A.3.(f) and (g) including but not limited to an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranking options are not technically feasible or justified given the location of the proposed wireless communications facility.

Where a freestanding WCF is permitted, then the order of ranking preference for the freestanding WCF shall be 1b, 1c, 3a, 3b, 4a, 4b, 4c. Where a lower ranking alternative is proposed, the applicant must file relevant information as indicated in 15.31A.050(A)(3)(f) and

15.31A.050(C)(2), and demonstrate higher ranked options are not technically feasible, or justified given the location of the proposed wireless communications facility, and the existing land uses of the subject and surrounding properties within 300' of the subject property.

- C. An exception to the hierarchy shall occur in those cases where mitigation of an existing nonconcealed WCF would occur. Mitigation (replacement of an existing nonconcealed facility with a concealed facility in full compliance with the current code) is encouraged by the City to reduce the visual impact of existing nonconcealed facilities and is subject to the following benefits:
1. Expedited Permit Review;
 2. Waiver of all Planning, Building and Electrical Permit Fees except for independent review fees, if applicable;
 3. Height bonus per SMC 15.31A.035.

15.31A.033 Attached WCFs – Specific Development Standards

A. Attached concealed WCF.

1. Height. The height of attached concealed WCFs shall not exceed twenty (20) feet above the existing building or water tower. The additional height shall not exceed applicable FAA limitations.
2. Antenna Aesthetics. If the antenna is attaching onto the wall, rooftop or other side of an existing building or structure, then the antenna shall be flush mounted, encased, and designed to match the principal structure or building on which it is affixing. The antenna shall not extend more than fifteen (15) inches from the side of the building to which it is affixing, measured from the outside of the building wall to the inside or backing of the antenna.

If the antenna cannot be flush mounted to the existing building or water tower, then a faux parapet, elevator shaft, chimney or other similar architectural feature may be designed and constructed for the purposes of attaching and/or concealing the antenna to the existing structure or building. Faux designs shall match and blend with the color, texture and architectural features of the existing structure or building.

3. Feed Lines. Feed lines shall not be seen from pedestrian or higher elevation views. Feed lines shall be contained within a principal building or encased and the encasement painted to blend and match the design, color, and texture of the façade, roof, wall or structure

to which they are affixing. Feed lines may be painted rather than encased and painted if the Director of Planning and Community Development determines that the visual impact is lessened through this method. Unless they are located inside an enclosed compound, feedlines between the base of a tower or building and the ground equipment shall be located underground.

15.31A.034 Collocated WCFs – Specific Development Standards

- A. Collocation on an existing concealed freestanding WCF.
1. Height. The height of WCFs collocating on existing concealed antenna-supporting structures shall not exceed a maximum height of 60 feet in a low intensity zone and 80 feet in a high intensity zone; and shall not exceed applicable FAA height limitations.
 2. Antenna Aesthetics. Antenna shall match the overall design of the approved concealed freestanding WCF.
 3. Equipment Enclosures. Shall be installed according to the master site plan for the equipment compound and subject to the development standards of Section 15.31A.040.
 4. Feed Lines. Shall be installed inside the concealed antenna supporting structure and shall not be visible.
 5. Intensity. The number of concealed antenna arrays on a concealed freestanding WCF shall not be limited, provided that the increased number of antenna and/or equipment enclosures meet the following criteria:
 - a. The increased number of antennae and/or equipment enclosures does not lessen the ability of the site to meet the requirements for concealment and screening;
 - b. The site is sized and located so that the increased number of antennas and/or equipment enclosures does not negatively impact adjacent properties in any of the following manners:
 - 1) Removal of existing mature landscaping necessary to screen the site;
 - 2) Exceeding the site's capacity to combine and coordinate equipment compounds in an orderly manner; or

- 3) Creating a number of accessory buildings, or size of accessory building, on a site, either of which would be unusual and visually intrusive to the character of a neighborhood or area.

B. Collocation on an existing non-concealed freestanding WCF.

1. Existing Capacity. Collocation on an existing non-concealed freestanding WCF shall only be allowed where:
 - (a) A higher-ranked installation is not technically feasible
 - (b) The facility was built with the structural capacity for the additional facility and no structural upgrades will be required for such collocation.
2. Height. Antennas shall not exceed the height of the antenna supporting structure on which it is affixing.
3. Antenna Aesthetics. New antenna installations shall be flush mounted onto existing WCFs.
4. Setbacks. Equipment enclosures and all ancillary equipment are required to meet the setbacks of the underlying zoning district.
5. Landscaping. Landscaping shall be brought into compliance with the standards described in Section 15.31A.040.A.7.
6. Feed Lines. Shall be concealed to the greatest extent possible.
7. Intensity.
 - a. In High Intensity Zones: The maximum number of platforms shall be four (4).
 - b. In Low Intensity Zones: The maximum number of platforms shall be two (2), except where the Director of Planning and Community Development determines that a lower number is needed to protect the character of the existing neighborhood.

15.31A.035 Mitigation– Specific Development Standards

A. Development Standards

1. Height: The height for a WCF approved for mitigation may exceed the height of the tallest freestanding WCF that is being mitigated by a maximum of twenty (20) feet and may exceed the height of

the tallest attached WCF that is being mitigated by a maximum of ten (10) feet.

2. Aesthetics: Mitigated facilities shall meet all code requirements for the type of facility being mitigated.
3. Equipment Compounds: The existing equipment compound shall be brought into compliance with standards described in Section 15.31A.040B.
4. Equipment Enclosures: All existing equipment shelters shall be brought into compliance with standards described in Section 15.31A.040A and B.
5. Screening: Landscaping and fencing shall be brought into compliance with the standards of Section 15.31A.040E and F.
6. Feed Lines. Shall be installed inside the concealed antenna supporting structure and shall not be visible.
7. Incentives. Mitigation is subject to the incentives listed in Section 15.31A.032.

15.31A.036 New Concealed Freestanding WCFs – Specific Development Standards

A. Height.

1. Low Intensity Zones. The maximum height shall be sixty (60) feet, including foundations, but excluding lightning rods or lighting as required by the FAA.
2. High Intensity Zones. The maximum height shall be eighty (80) feet, including foundations, but excluding lightning rods or lighting as required by the FAA.

- B. Aesthetics. Any new freestanding antenna-supporting structure must be a concealed freestanding antenna-supporting structure as defined in 15.31A.022 and shall be configured, located and designed to complement or match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture. The concealment design shall minimize visual impact through quality of materials and close resemblance to: (1) adjacent landscaping, (2) a feature that is commonly associated with the primary use of the property, or (3) a pedestrian amenity appropriate to the area, such as a light pole, clock tower, fountain or water feature. Up to three design concepts may be required to be submitted for

consideration, with the final design being determined by the Director of Planning and Community Development based on positive visual impact and appropriateness to the context of the site.

C. Setback.

1. Equipment enclosures and all ancillary equipment is required to meet the setbacks of the underlying zoning district.
2. Within the Urban Center, new support structures shall be located as far to the rear of the site as the setbacks will allow, to preserve as much of the site as possible for future development.
3. On properties fronting Angle Lake, or containing other amenities, new support structures shall be located to preserve open space, views, and future site development potential.
4. Setback departures may be allowed by the Director of Planning and Community Development for pedestrian amenities whose placement closer to the property line provides a public benefit.

D. Feed Lines. Shall be installed inside the concealed antenna supporting structure and shall not be visible

E. Intensity. The number of antennas on a new concealed freestanding WCF shall not be limited, provided that the following criteria shall be met:

1. The increased number of antennae and/or equipment enclosures does not lessen the ability of the site to meet the requirements for concealment and screening;
2. The site is sized and located so that the increased number of antennae and/or equipment enclosures does not negatively impact adjacent properties in any of the following manners:
 - a) Removal of existing mature landscaping necessary to screen the site;
 - b) Exceeding the site's capacity to combine and coordinate equipment compounds in an orderly manner;
 - c) Creating a number of accessory buildings or a size of accessory building on a site, either of which would be unusual and visually intrusive to the character of a neighborhood or area.

F. In Rights-of-Ways.

1. Antenna-supporting structure. Only concealed, freestanding WCFs will be permitted in designated rights-of-ways per subsection 4(d) of this section. No utility wires may be attached to the concealed freestanding WCF.
2. Height.
 - a. Rights-of-Ways in Low Intensity zones: No antenna-supporting structure, including the wireless antenna, shall exceed a height of forty-five (45) feet measured from the base of the pole.
 - b. Rights-of-Way in High Intensity zones: No antenna-supporting structure, including the wireless antenna, shall exceed a height of fifty-five (55) feet measured from the base of the pole.
 - c. If a Right-of-Way is abutted by both High and Low Intensity zones, the Right-of-Way shall be considered to be in a Low Intensity zone.
3. Dimensions. Concealed freestanding WCFs in Rights-of-Way must be tapered and shall measure no more than twenty-four (26) inches in diameter at the base and shall taper to no more than seventeen (18) inches diameter at the top of the pole.
4. Intensity and Location.
 - a. The number of WCF located on a freestanding antenna-supporting structure in the R.O.W. shall be limited to two, unless it can be shown that the criteria in subsection D of this section are met.
 - b. Where possible, freestanding antenna-supporting structures in the R.O.W. shall be located at property line extensions rather than in front of a residential or retail commercial structure.
 - c. Freestanding antenna-supporting structures in the R.O.W. shall be separated by a minimum of 100 feet and sited so that no more than one such structure is located adjacent to any one single family property.
 - d. Freestanding antenna-supporting structures shall only be located in R.O.W. areas approved by the Public Works Department based on case-by-case review of a site in relation

to existing and proposed utilities, road width, and safety considerations. Generally, a freestanding antennae-supporting structure shall not be allowed on an arterial street where utilities have been placed underground or are anticipated to be placed underground.

- G. Pedestrian Amenity. Freestanding antenna-supporting structures that incorporate a pedestrian amenity appropriate to the area, such as bus shelter, street furniture, pedestrian street lighting, clock tower, fountain or water feature are encouraged. Design for such WTF in a Right-of-Way must meet the approval of the Directors of Planning and Public Works. WTF with pedestrian amenities shall be subject to the following benefits:
1. expedited review;
 2. refund of planning and building permit fees upon design approval, except for independent review fees, if applicable

15.31.040 General Development Standards for all WCFs

All WCFs shall be subject to the following:

- A. Equipment enclosures:
1. Each service provider shall be limited to an equipment enclosure installation not to exceed three hundred sixty (360) square feet in area at each WCF site.
 2. All new equipment enclosures shall be part of a master site design for the equipment compound.
 - a. The design shall coordinate the placement of the equipment enclosures so that enclosures are contiguous or otherwise organized to minimize aesthetic impacts to the property.
 - b. If a site is being designed for multiple known providers, one accessory building with multiple compartments to serve the total number of collocation tenants and their designated equipment or equipment enclosures may be required by the City.
 3. Equipment enclosures shall be concealed from pedestrian or higher elevation views through one of the following methods. The approved method shall offer the most appropriate concealment of the equipment or equipment enclosure for the site as determined by the Director of Planning and Community Development:

- i. For attached WCF:
 - a. Located within the principal building on the site;
 - b. Located behind a wall, parapet, louvers or other concealment materials meeting the intent of concealing the equipment or equipment enclosure on the rooftop or ground from pedestrian and higher elevation views.
- ii. For free-standing antenna-supporting structures:
 - a. Located underground or below grade, with the access to the site concealed in one of the following manners:
 - 1) The access is no more than 18'' above grade; or
 - 2) The access is concealed by landscaping, grade, placement out of view, or by treatment as a pedestrian amenity.



Underground Equipment Enclosure



Access Concealed Through Grade

- b. Enclosed within an accessory building compatible with the architectural features of the principal building or structure, such as building materials, roof pitch, and siding color



and texture. This option shall be required in low intensity zones, unless another option contained in this section is approved as an alternative by the Director of Planning and Community Development if the equipment is not visible from pedestrian or high-elevation views.

The accessory building may have a secondary function ancillary to the principal building or structure of the concealed WCF that it serves.

- c. Surrounded by an opaque fence constructed of cedar or other high-quality fencing material meeting the criteria of SMC 15.31A.040 F. as approved by the Director of Planning and Community Development:
4. In Rights-of-ways: When a WCF is located in the right-of-way, equipment enclosures shall be located underground, below grade or on adjacent property, per the standards of section 3 above, unless an exemption is granted as described below. The approved method shall offer the best concealment of the equipment enclosure for the site as determined by the Director of Planning and Community Development.

The Directors of Planning and Public Works may approve an above-ground equipment enclosure if the total installation comprises less than 6 (six) cubic feet and if the installation is more appropriate than an underground facility due to existing vegetation, the location of existing infrastructure, construction impacts, or other similar factors. In all cases, an above-ground equipment enclosure shall be mounted to the ground, not mounted or attached to a pedestal, and the cumulative size of all equipment shall not exceed 6 cubic feet.

B. Equipment Compound.

1. All compounds shall be screened from pedestrian or higher elevation view, as determined by the Director of Planning and Community Development, by utilizing a matching design of opaque screening, such as cedar or other approved high quality fencing material per SMC 15.31A.040 (F), through topography, through planting of new landscaping, and/or through retention of existing mature landscaping. All fencing shall be located inside of any required landscaping.
2. The WCF equipment compound shall not be used for the storage of any excess equipment or hazardous waste (i.e. discarded batteries), nor be used as habitable space. No outdoor storage yards shall be allowed in a WCF equipment compound.

C. Addition or Upgrade of Equipment on a Legal Nonconforming Site

1. Freestanding WCF

a. Existing Antennas and/or Feed Lines.

Upgrades of existing antennas and feed lines on legal nonconforming freestanding WCF shall be allowed, provided the number, approximate size, and visual impact of antennas and feed lines are not increased.

Addition or expansion of equipment cabinets or enclosures shall be allowed only if the carrier's existing and proposed equipment enclosure/compound meets the standards for screening in this code.

b. New Antennas and/or Feed Lines.

Addition of new antennas and feed lines on legal nonconforming freestanding WCF shall be allowed on existing platforms as follows:

- i. Permitted. Antennae vested under a valid permit shall be allowed to be installed per that permit's approval and conditions.
- ii. Interim Permit with Agreement for Future Upgrade. Antennae that exceed the number on the existing platform, but do not exceed the capacity of the existing platform, shall be allowed to be added on an interim basis, providing:

a). An agreement is signed by the provider to upgrade the freestanding facility to a concealed facility meeting the full requirements of this code within three (3) years

b). The size of the antennae and feed lines are comparable to those on the existing platform.

Where an agreement has been signed to upgrade to a concealed facility within 3 years, equipment may be upgraded and/or added within a compound without the requirement for new landscaping. Opaque fencing may be required.

2. Attached WCF

a. Within the Urban Center - Existing or New Antennas and/or Feed Lines

Upgrades to antennas and feed lines for existing nonconcealed antennas within the Urban Center shall be required to meet the full standards of this code.

Addition or expansion of equipment cabinets or enclosures shall be allowed, only if the carrier's new and existing equipment meet the standards for screening in this code.

b. Outside the Urban Center. – Existing Antennas and/or Feedlines.

Upgrades of existing nonconcealed antennas outside the Urban Center shall be allowed, provided the number, approximate size, and visual impact of antennas and feed lines are not increased.

Addition or expansion of equipment cabinets or enclosures shall be allowed only if the carrier's existing and proposed equipment enclosure/compound meets the standards for screening in this code.

c. Outside the Urban Center – New Antennas and/or Feedlines.

Addition of new antennas on nonconcealed arrays outside the Urban Center shall be subject to the standards of subsection 1b of this section.

3. Addition of generators to sites – Addition of generators to existing legal nonconforming sites shall be allowed within a compound

provided that all equipment screening and landscaping standards contained in this chapter are met.

4. Addition of E-911 Enhancement equipment to site – Addition of E-911 Enhancement equipment shall be allowed on legal nonconforming sites providing that attachments on support structures or addition to ground equipment shall meet all City WCF standards for concealment and screening.

D. Signage.

The only signage that is permitted upon an antenna-supporting structure, equipment enclosure, shelter, or fence (if applicable) shall be informational, and for the purpose of identifying the antenna-supporting structure, such as Antenna Structure Registration (ASR) number, as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable). A 24-hour emergency contact name and number is required to be posted on the site. If more than two hundred twenty (220) voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum height of each letter: four (4) inches the following: "HIGH VOLTAGE - DANGER." WCFs and WCF equipment compounds shall be constructed and maintained in conformance with all applicable building code requirements.

E. Setbacks.

1. Low intensity zones.

For new antenna-supporting structures, the required setbacks shall be measured from the base of the antenna-supporting structure or from the edge of the equipment shelter or compound, whichever is closer to the property line. The setbacks shall be a minimum of twenty (20) feet on all sides.

2. High Intensity zones.

For new antenna-supporting structures, the required setbacks shall be measured from the base of the antenna-supporting structure or from the edge of the equipment shelter or compound, whichever is closer to the property line. The minimum setbacks shall be as follows:

- a. Front: Ten (10) feet;
- b. Side: Five (5) feet;
- c. Rear: Five (5) feet.

The setbacks shall be a minimum of twenty (20) feet on the sides adjacent to low intensity zones.

For new WCFs located on existing buildings, the WCF shall be allowed to project into the setback; provided, that such projection does not exceed twelve (12) inches.

F. Fencing. Fences are not required, unless utilized for required screening of an equipment enclosure or compound. Where required, fences shall meet the following criteria:

1. Materials shall be weather-resistant.
2. Materials and design shall be appropriate to the character of the site.
3. Unless otherwise specified, fencing shall be a maximum of six (6) feet in height, or one foot taller than the proposed equipment enclosure, whichever is greater. In no case shall the fence be taller than eight (8) feet.
4. Barbed, or other types of security wire are prohibited.
5. All fencing shall be located inside of any required landscaping.

The Director of Planning and Community Development may specify the size, type and materials to be used for the fencing to ensure compatibility with the surrounding neighborhood.

G. Landscaping.

1. Low intensity zones.

For free-standing WCFs, and ground-based equipment, landscaping shall be Type I, ten (10) feet, on all sides. In all cases, the landscaping shall be located on the outside of any fence that is used. Irrigation shall be required per SMC 15.14.200.

Landscaping standards may be modified at the discretion of the Director of Planning and Community Development, in cases where the need for landscaping is eliminated by adequate natural screening, existing landscape buffers, topography, the placement of the WCF among buildings, or other suitable screening as determined by the Director of Planning and Community Development.

2. High Intensity Landscaping.

For free-standing WCFs and ground-based equipment, the street frontage landscaping shall be Type II, ten (10) feet, and side and rear landscaping shall be Type II, five (5) feet. Where adjacent to low intensity zones, new support structures shall provide ten (10) feet of Type II landscaping on that side(s). In all cases, the landscaping shall be located on the outside of any fence that is used. Irrigation shall be required per SMC 15.14.200.

Landscaping standards may be modified at the discretion of the Director of Planning and Community Development, in cases where the need for landscaping is eliminated by adequate natural screening, existing landscape buffers, topography, the placement of the WCF among buildings, or other suitable screening as determined by the Director of Planning and Community Development.

H. Lighting:

1. Only lighting required by FAA regulations, as supported by the “Determination of no hazard” document issued by the same agency, is allowed on support structures or antennae. Where lighting is required by FAA regulations, the light source shall be hooded or directed to shield adjacent properties, except where prohibited by FAA regulations. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e. the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
 2. Any security lighting for on-ground facilities and equipment shall be user-operated or motion-activated only.
- I. Noise. WCFs shall meet all existing noise standards as per SMC 15.18.020. In addition, noise levels shall not exceed ambient noise levels when measured at the property boundaries except in designated emergencies or for emergency generator testing. Generator testing is allowed only between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.
- J. Parking. Parking for one maintenance vehicle shall be provided on site or allowed for in the site lease unless on-street parking is available adjacent to the site.

- K. **Public Safety.** Any applicant for facilities under this Section shall certify that such proposed facility shall comply with all applicable federal regulations regarding interference protection, including but not limited to federal regulations regarding adjacent channel receiver (blanket) overload and intermodulation distortion as specified in section 15.31A.050A.3.(h).

- L. **Maintenance.** All required landscaping shall be maintained as per SMC 15.14.210. In addition, painted or otherwise coated surfaces and concealment treatments shall be continually maintained or the structure shall be subject to removal at the expense of the responsible party.

- M. **Abandonment.** Any WCF that is abandoned shall be reported immediately to the Director of Planning and Community Development by the service provider. The service provider shall include documentation of the date that use of the WCF was discontinued. The service provider shall remove the abandoned WCF and restore the aboveground site features to their pre-existing condition within six (6) months of the abandonment, unless another service provider commits to using the site/facility as specified below. If the abandoned WCF is not removed and the site restored within the specified time frame, the City may conduct the removal and/or restoration at the service provider's expense. If there are two (2) or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF. If another service provider has committed to continue the use of the abandoned WCF, the abandoned WCF does not need to be removed, provided that:
 - 1. A letter of intent to operate the abandoned facility is submitted to the City by the new service provider; and
 - 2. The WCF is put into service, or an application for a WCF has been submitted within three (3) months of the letter of intent, and is actively being pursued.

15.31A.050 Submittal Requirements for all WCFs

A. General

This section shall apply to all WCFs except antenna element replacements and combining. Antenna element replacements and combining submittal requirements are located in Subsection 15.31A.050.D

Prior to application submittal, an applicant must attend a pre-application meeting before the City's Development Review committee.

1. With each application, the applicant shall provide an inventory of its existing antenna-supporting structures that are within the jurisdiction of the City and/or within one-quarter (1/4) mile of the border thereof, including specific information about the location, height, design, and performance specifications of each tower or monopole. The Planning Department shall maintain a file containing this information, which will be available for review by applicants.
2. Each application shall illustrate and describe the WCF installation as it will be when fully deployed, even if the construction or installation will occur in phases.
3. Each WCF application for an attached, collocation, mitigated or freestanding WCF shall include the following:
 - a. Proposed maximum height of the proposed WCF, including individual measurement of the base, the antenna supporting structure and lightning rod.
 - b. A written statement detailing the antenna mounting elevations and power levels of the proposed antenna and all the mounting elevations and power levels of any other facilities on the subject property.
 - c. Photo-simulated post construction renderings of the proposed antenna-supporting structure, equipment enclosures, and ancillary structures from locations to be determined during the pre-application meeting (but shall, at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed nonresidential or residential structures), proposed exterior paint and stain samples for any items to be painted or stained, exterior building material and roof samples (all mounted on color board no larger than 11" by 17". If requested, materials detailing the locations of existing wireless communications facilities to which the proposed antenna will be a handoff candidate; including latitude, longitude, and power levels of the proposed and existing antenna.
 - d. A map showing the designated geographic search area and a statement that the included search area map is, in fact, the same as used to identify the proposed site.
 - e. A radio frequency propagation plot indicating the existing and proposed signal coverage of existing and proposed wireless communications sites, coverage prediction, and design radius.
 - f. A written certification from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity

potential cannot be achieved by a higher ranked alternative, if any. This certification shall not be required in cases where the City and the applicant mutually agree that higher ranked alternatives are not feasible.

- g. Any other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this chapter as the applicant deems necessary.
- h. Interference with Public Safety Communications.

Each owner and applicant for a WCF shall agree in a written statement to the following:

- i. Comply with Good Engineering Practices *as* defined by the FCC in its Rules and Regulations.
- ii. Comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
- iii. In the case of an application for collocation of facilities or the placement of a new WCF on a building or water tower containing an existing WCF, the applicant, together with the owner of the subject site, shall provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the City's Public Safety Communications Equipment and will implement appropriate technical measures, as described in iv.(A) below, to attempt to prevent such interference.
- iv. Whenever the City has encountered radio frequency interference with the City's Public Safety Communications Equipment, and the City reasonably believes that such interference has been or is being caused by one or ore WCFs, the following steps shall be taken:
 - (A) The City shall provide notification to all WCFs operating in the City of possible interference with the Public Safety Communications equipment, and upon such notifications, the owners shall reasonably cooperate with the City and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set for in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the Good

Engineering Practices, as may be amended or revised by the FCC from time to time.

(B) If any WCF owner fails to cooperate with the City in complying with the owner's obligations under this paragraph or if the FCC makes a determination of radio frequency interference with the City's Public Safety Communications Equipment, the owner who failed to cooperate and/or the owner of the WCF which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the City for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the City to determine the source of the interference. For the purposes of this Subsection, failure to cooperate shall include failure to initiate any response or action as described in the Best Practices Guide within twenty-four (24) hours of City's notification.

- i. Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace.
- j. All applications for WCFs shall comply with all applicable FAA and Federal Communication Commission (FCC) regulations.

A. Attached WCFs and Collocations. In addition to Section 15.31A.040 the following is also required:

- 1. Certification furnished by a Registered Professional Engineer licensed in the State of Washington that the WCF or structure has sufficient structural integrity in accordance with the latest published EIA/TIA codes and windspeed criteria for the district in which it is to be located to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.
- 2. A signed statement (including the signature's qualifications) shall be included by a party representing the antenna-supporting structure's owner or owner's agent certifying that the radio frequency emissions of the proposal comply with FCC standards for such emissions, both individually and cumulatively and with any other facilities located on or immediately adjacent to the proposed facility.

C. Freestanding WCFs, and mitigation of WCFs.

In addition to Section 15.31A.040 the following is also required:

1. A signed statement from the antenna-supporting structure owner agreeing to allow the collocation of other wireless equipment on the proposed antenna-supporting structure, if the structure is designed for collocation.
2. If an attached structure or collocation is higher on the hierarchy than a proposed freestanding structure proposed for the WCF, a copy of the following notice, with any and all responses or a statement that no responses were received, must be mailed by the applicant to all other wireless providers licensed to provide service within the City of SeaTac, and to the property owners of all existing structures exceeding forty (40) feet in height within one thousand (1,000) feet of the proposed site:

Pursuant to the requirements of the City of SeaTac Municipal Code 15.31A.050(C)(2), (wireless provider) is hereby providing you with notice of our intent to apply to the City of SeaTac to construct a wireless communications support structure at (address). The proposed support structure will be approximately ____ feet in height for the purpose of providing (type of service) service.

Please inform us whether you have any existing structures or wireless support structures in the vicinity of our proposed facility that may be available for our use. Please provide this information to us within ten working days from the date of this letter. If we receive no response from you within that time, we shall assume that you do not wish to pursue a wireless communications facility at this site.

3. A copy of the mailing labels, or a list of the names and addresses of the recipients of the notice described above.
4. A report and supporting technical data demonstrating that all antenna attachments and collocations as identified in the Master Plan inventory, including all potentially useable antenna-supporting structures, and other elevated structures within the proposed service area, and alternative antenna configurations have been examined, and found not to be acceptable, and the reasons such antenna-supporting structures, and other elevated structure are not acceptable. Costs of concealment technology that exceed facility development costs shall not be presumed to render the

technology unsuitable. The report shall consist of one or more of the following applicable findings, with supporting documentation:

- a. No existing wireless communications facilities located within the geographic search area meet the applicant's engineering requirements, and why.
 - b. Existing wireless communications facilities are not of sufficient height to meet the applicant's engineering requirements, and cannot be increased in height.
 - c. Existing wireless communications facilities do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
 - d. Other limiting factors that render existing wireless communications facilities unsuitable.
 - e. Technical data included in the report shall include certification by a Registered Professional Engineer licensed in the State of Washington or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed WCF, and accompanying maps and calculations demonstrating the need of the proposed WCF.
5. The applicant shall provide simulated photographic evidence of the proposed WCF's appearance from any and all residential areas within 1,500 feet and vantage points, as chosen by the Director of Planning and Community Development, including the facility types the applicant has considered and the impact on adjacent properties including:
- a. Overall Height
 - b. Configuration
 - c. Physical Location
 - d. Mass and scale
 - e. Materials and color
 - f. Illumination

The applicant shall provide a statement describing potential visual and aesthetic impacts of the proposed WCF on all adjacent residential zoning districts.

6. Certification furnished by a Registered Professional Engineer licensed in the State of Washington, that the WCF has sufficient structural integrity to accommodate the required and proposed number of collocations.
7. Identification of the intended service providers of the WCF.

D. Antenna Element Replacements or Combining.

Any applicant seeking to replace any existing antenna elements on a WCF, shall, prior to making such modifications, submit the following:

1. A written statement from the applicant setting forth the reasons for the modification.
2. A description of the proposed modifications to the WCF, including modifications to antenna element design, type and number, as well as any additional feed lines from the base of the WCF to such antenna elements.
3. A signed statement (including the signature's qualifications) shall be included by a party representing the antenna-supporting structure's owner or owner's agent certifying that the radio frequency emissions of the proposal comply with FCC standards for such emissions, both individually and cumulatively and with any other facilities located on or immediately adjacent to the proposed facility.
4. A stamped or sealed structural analysis of the existing WCF prepared by a Registered Professional Engineer licensed by the State of Washington indicating that the existing antenna-supporting structure as well as all existing and proposed appurtenances meets Washington Building Code requirements (including windloading) for the antenna-supporting structure.