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ORDINANCE NO. 99-1001

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1999 Annual City Budget for the Joint Tourism Promotion Project.

WHEREAS, the City Council has reviewed agenda bill #1637 submitted by the City Manager's Office and authorizes the expenditure of $30,000 for a joint Tukwila-SeaTac SWKC Chamber of Commerce tourism promotion project; and

WHEREAS, the total project cost of $30,000 exceeds available appropriation in the Hotel/Motel Tax Fund; and

WHEREAS, hotel/motel tax collected by the City is intended to fund tourist related expenditures;

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

Section 1. The 1999 Annual City Budget shall be amended to increase the expenditures in the Hotel/Motel Tax Fund by the amount of $30,000 (BARS 107.000.24.557.30.31.008).

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

ADOPTED this 12th day of January , 1999, and signed in authentication thereof on this the 12th day of January, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Kristina Lowrey, Deputy City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 99-1002

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending the rate of the gambling tax imposed upon social card games.

WHEREAS, the City is cognizant of the public card room enhancement pilot study authorized by RCW 9.46.0282 and interim regulations promulgated by the Gambling Commission, at Chapter 230-04 of the Washington AdministraCode (RCW; and

WHEREAS, the Council finds that well designed, well constructed, and first-class operation of "casino style" card rooms, as a commercial stimulant to restaurant businesses, would be conducive to the promotion of tourism and a stimulus to the City's important hospitality industry, especially among the substantial traveling public attributable to the Seattle-Tacoma International Airport; and

WHEREAS, the Council further finds that the City's current tax of 20% of gross revenue received by cardroom operators, the maximum allowed by law, would have a detrimental effect upon desirable card room operations, and is in excess of the tax rate imposed by many nearby cities; and

WHEREAS, an appropriate rate of tax is necessary to supplement the budget for law enforcement activities;

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

Section 1. Section 3.25.010 of the SeaTac Municipal Code is hereby amended to read as follows:

3.25.010 Imposition of tax on gambling activities.

There is hereby imposed a tax, at the rates set forth below, upon the following gambling activities, when authorized by Chapter 9.46 RCW and when conducted in the City:

A. Five percent (5%) of the gross receipts from punch boards and pull-tabs, as those terms are defined by RCW 9.46.0273 and Rules and Regulations of the Gambling Commission.

B. Ten percent (10%) of the gross revenue, less the amount paid for or as prizes, received from bingo and raffles, as those terms are defined by RCW 9.46.0205 and RCW 9.46.0277.

C. Two percent (2%) of the gross revenue, less the amount paid for or as prizes, from amusement games, as that term is defined by RCW 9.46.0201.

D. ~~Twenty~~ Ten percent (~~20~~ 10%) of the gross revenue from social card games, as that term is defined by RCW 9.46.028~~1~~2 and Rules and Regulations of the Gambling Commission.

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

ADOPTED this 26th day of January, 1999, and signed in authentication thereof on this 26th day of January, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date:]

ORDINANCE NO. 99-1003

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to the City's Zoning Code in regard to siting of batch plants, landscaping and parking requirements, security wire on fences, and stacking of parking spaces, and amending Sections 15.12.070, 15.14.060, and 15.15.030 of the SeaTac Municipal Code, and creating new Sections 15.10.078.05 and 15.15.085 of the SeaTac Municipal Code.

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 development regulations, has held a public hearing for the purpose of soliciting public comment in regard to Zoning Code changes, and has recommended certain amendments and additions to the Council;

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

Section 1. Section 15.12.070 of the SeaTac Municipal Code is hereby amended to read as follows:

15.12.070 Manufacturing Uses.

ZONES:
P - Park
AU - Airport Use
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

P- Permitted Use; C - Conditional Use Permit

USE #	LAND USE	ZONES											
		P	AU	MHP	UL	UM	UH	NB	CB	ABC	I	O/CM	BP
	MANUFACTURING USES												
130	Food Processing		P(2)					P	P*		P	C*	C*
131	Winery/Brewery		P(1,4)						P*	P*(1)	P	P*(1)	C*
132	Textile Mill								C*		P		
133	Apparel/Textile Products		C(3)						C*		P		
134	Wood Products		C(3)		C(5)						P		C*
135	Furniture/Fixtures		C(3)								P		P*
136	Paper Products		C(3)								P		

137	Printing/Publishing		C(3)						P*	C*	P		C*
138	Chemical/Petroleum		C(2)								P		
138.5	Biomedical Product Facility		C(2)							P	P		P*
139	Rubber/Plastic/Leather/ Mineral Products										P		
140	Primary Metal Industry										P		
141	Fabricated Metal Products		C(2)								P		
142	Commercial/Industrial Machinery		C(2)								P		
143	Computer/Office Equipment		C(2)							C*	P		P*
144	Electronic Assembly		C(2)							C*	P		P*
145	Aerospace Equipment		P(2)								C		P*
146	Misc. Light Manufacturing		P(2)								P		P*
147	Tire Retreading										P		
148	Recycling Products										C		
149	Towing Operation		C								C		
150	Auto Wrecking										C		
151	Self-Service Storage		C						P*	C*	P		P*
152	Off-Site Hazardous Waste Treatment & Storage Facility		C(2)								C		
153	Batch Plants										C		

* See Chapters 15.13. and 15.35 for additional development standards

(1) Microbrewery with retail section.
(2) Only on property owned by the Port of Seattle.
(3) Within established “Free Trade” zone (see SMC 15.12.090).
(4) Inside airport terminal facilities.
(5) With a minimum lot size of five (5) acres.

Section 2. Section 15.14.060 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.060 Landscaping Standards for Manufacturing Uses.

E #	LAND USE	STREET FRONTAGE (Type/Width)	BUILDING FACADE IF > 30 FT. HIGH OR 50 FT. WIDE (Type/Width)	SIDE/REAR YARDS (Type/Width)	SIDE/REAR BUFFER FOR NON-COMPATIBLE USES (Type/Width)	PARKING LOT LANDSCAPE STANDARDS APPLICABLE*
	MANUFACTURING					
30	Food Processing	II/20 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (RES)	Yes
31	Winery/Brewery	III/20 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (RES)	Yes
32	Textile Mill	II/20 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (RES)	Yes
33	Apparel/Textile Products	II/20 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (RES)	Yes
34	Wood Products	II/20 ft.	IV/5 ft.	II/5 ft.	I/10 ft. (RES)	Yes

35	Furniture/Fixtures	II/20 ft.	IV/5 ft.	II/5 ft.	I/10 ft. (RES)	Yes
36	Paper Products	II/20 ft.	IV/5 ft.	II/5 ft.	I/10 ft. (RES)	Yes
37	Printing/Publishing	II/20 ft.	IV/5 ft.	II/5 ft.	I/10 ft. (RES)	Yes
38	Chemical/ Petroleum Products	I/10 ft.	III/5 ft.	I/10 ft.	I/20 ft. (RES)	Yes
38.5	Biomedical Product Facility	II/20 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (RES)	Yes
39	Rubber/Plastic/ Leather/Mineral Products	I/10 ft.	III/5 ft.	I/10 ft.	I/20 ft. (RES)	Yes
40	Primary Metal Industry	I/10 ft.	III/5 ft.	I/10 ft.	I/20 ft. (RES)	Yes
41	Fabricated Metal Products	I/10 ft.	III/5 ft.	I/10 ft.	I/20 ft. (RES)	Yes
42	Commercial/ Industrial Machinery	II/10 ft.	IV/5 ft.	II/10 ft.	I/20 ft. (RES)	Yes
43	Computer/Office Equipment	II/10 ft.	IV/5 ft.	III/5 ft.	II/10 ft. (RES)	Yes
44	Electronic Assembly	II/10 ft.	IV/5 ft.	III/5 ft.	II/10 ft. (RES)	Yes
45	Aerospace Equipment	II/10 ft.	IV/5 ft.	III/5 ft.	II/10 ft. (RES)	Yes
46	Misc. Light Manufacturing	II/10 ft.	IV/5 ft.	II/10 ft.	I/10 ft. (RES)	Yes
47	Tire Retreading	I/20 ft.	IV/5 ft.	I/10 ft.	I/20 ft. (RES)	Yes
48	Recycling Products	II/20 ft.	IV/5 ft.	I/5 ft.	I/10 ft. (RES)	Yes
49	Towing Operation	II/10 ft.	-	I/5 ft.	I/10 ft.(RES)	-
50	Auto Wrecking	II/10 ft.	-	I/5 ft.	I/~~10~~20 ft.(RES)	-
51	Self-Service Storage	IV/10ft.	IV/5 ft.	II/5 ft.	I/10 ft.(RES)	-
52	Off-site Hazardous Waste Treatment & Storage Facility	IV/10ft.	IV/5ft.	II/5ft.	I/~~10~~20ft.(RES)	Yes
53	Batch Plant	I/20ft.	IV/5ft.	I/20ft.	I/35ft.(RES)	Yes

*See SMC 15.14.090

(RES) Adjacent to single-family or multifamily uses for buffering purposes.

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Section 3. Section 15.15.030 of the SeaTac Municipal Code is hereby amended to read as follows:

15.15.030 Parking Space Requirements for Manufacturing Uses.

USE #	LAND USE	MINIMUM SPACES REQUIRED
	MANUFACTURING USES	
130	Food Processing	1 per employee, plus 1 per 500 sf of building
131	Winery/Brewery	1 per employee, plus 1 per 40 sf of tasting area
132	Textile Mill	1 per employee, plus 1 per 500 sf of building
133	Apparel/Textile Products	1 per employee, plus 1 per 500 sf of building
134	Wood Products	1 per employee, plus 1 per 500 sf of building
135	Furniture/Fixtures	1 per employee, plus 1 per 500 sf of building
136	Paper Products	1 per employee, plus 1 per 500 sf of building
137	Printing/Publishing	1 per employee, plus 1 per 500 sf of building
138	Chemical/Petroleum Products	1 per employee, plus 1 per 500 sf of building

138.5	Biomedical Product Facility	1 per 500 sf of gross floor area, plus one (1) space per employee
139	Rubber/Plastic/Leather/Mineral Products	1 per employee, plus 1 per 500 sf of building
140	Primary Metal Industry	1 per employee, plus 1 per 500 sf of building
141	Fabricated Metal Products	1 per employee, plus 1 per 500 sf of building
142	Commercial/Industrial Machinery	1 per employee, plus 1 per 500 sf of building
143	Computer/Office Equipment	1 per employee, plus 1 per 500 sf of building
144	Electronic Assembly	1 per employee, plus 1 per 500 sf of building
145	Aerospace Equipment	1 per employee, plus 1 per 500 sf of building
146	Misc. Light Manufacturing	1 per employee, plus 1 per 500 sf of building
147	Tire Retreading	1 per employee, plus 1 per 500 sf of building
148	Recycling Products	1 per 1000 sf or 1 per employee, whichever is greater
149	Towing Operation	1 per employee (designated)
150	Auto Wrecking	1 per employee (designated), plus 3 for customers
151	Self-Service Storage	1 per employee (designated), plus 3 for customers
152	Off-Site Hazardous Waste Treatment and Storage Facility	1 per employee, plus 1 per 500 sf of building
153	Batch Plant	1 per employee, plus 1 per 500 sf of building

Section 4. A new Section 15.10.078.05 is hereby added to the SeaTac Municipal Code to read as follows:

15.10.078.05 Batch Plant.

The manufacturing of asphalt or concrete which may include the storage of related component materials. Cement batch plants are prohibited.

Section 5. A new Section 15.15.085 is hereby added to the SeaTac Municipal Code to read as follows:

15.15.085 Stacking Spaces For Parking.

A. Stacking spaces for “vehicle parking” or for “auto rental/sales” uses may be allowed, provided that the area utilized for stacking spaces conforms with the parking lot landscaping requirements of SMC 15.14.090. Stacking of required off-street parking spaces shall not be allowed for employee or customer parking. Stacking aisle widths shall be a minimum of nine (9) feet.

B. Stacking spaces for commercial uses other than vehicle parking or auto/rental sales may be allowed through the use of valet parking, upon approval of a “Valet Parking Plan”, by the Director of Planning and Community Development. The area of the lot utilized for stacking spaces shall conform with the parking lot landscaping requirements of SMC 15.14.090. Stacking aisle widths shall be a minimum of nine (9) feet. At a minimum, the Valet Parking Plan shall include, but not be limited to:

1. A site plan showing the location of the valet parking on the property;
2. The hours of operations;
3. A detailed description of the valet parking system’s operation; and
   a. Methods to control noise.
   b. Methods to control glare from impacting adjacent properties.
   c. Methods to eliminate any impacts on adjacent or nearby residential neighborhoods.
4. The name, address, and phone number of the operator of the valet parking.

Valet parking is allowed on or off site. No valet parking shall be allowed on public rights-of-way.

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

ADOPTED this 26th day of January, 1999, and signed in authentication thereof on this 26th day of January, 1999.

CITY OF SEATAC

_____
Terry Anderson, Mayor

ATTEST:

_____
Judith L. Cary, City Clerk

Approved as to Form:

_____
Robert L. McAdams, City Attorney

[Effective Date: February 25, 1999

ORDINANCE NO. 99-1004

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1999 Annual City Budget for the Des Moines Memorial Drive 188th to 194th Improvement Project.

WHEREAS, the City Council has reviewed agenda bill #1634 submitted by the Public Works Department and authorizes the City Manager to execute a contract for the design phase of the aforementioned project; and

WHEREAS, the total design cost of $311,464 exceeds available funding for this project in the Transportation CIP Fund for 1999; and

WHEREAS, the City desires to complete the design phase during the current year;

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

Section 1. The 1999 Annual City Budget shall be amended to increase the expenditures of the Transportation CIP fund by $51,500 (BARS 307.000.37.595.30.63.091).

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 day of January, 1999, and signed in authentication thereof on this the 26th day of January, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

-

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 99-1005

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending provisions of the City Zoning Code relating to group residential facilities.

WHEREAS, Title 15 of the SeaTac Municipal Code, known as the Zoning Code, currently contains incomplete land use definitions and land use classification charts for the many types of group residential facilities; and

WHEREAS, certain types of group residential facilities, such as Halfway Houses and Overnight Shelters, are not currently defined and regulated; and

WHEREAS, Federal and State fair housing laws protect the disabled and children from discrimination in housing; and

WHEREAS, the Zoning Code currently restricts the number of unrelated persons that may live together as a family to five persons; and

WHEREAS, the Federal Fair Housing Amendments Act requires cities to make reasonable accommodations in zoning policies, including the restriction on the number of unrelated persons who may live together, for disabled persons if necessary for the disabled to use and enjoy housing; and

WHEREAS, the Revised Code of Washington 70.128.175(2) requires that Adult Family Homes be a permitted use in all areas zoned for residential or commercial purposes; and

WHEREAS, the Comprehensive Plan identifies persons with disabilities as a special needs population; and

WHEREAS, the City of SeaTac Comprehensive Plan's Goal 2.4 is to encourage a variety of housing opportunities for persons with special needs; and

WHEREAS, the City Council finds that land use definitions and classifications charts for group residential facilities consistent with State and Federal law and with the City of SeaTac Comprehensive Plan should be adopted;

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

Section 1. Section 15.10.106 of the SeaTac Municipal Code is hereby amended to read as follows:

15.10.106 Church, Accessory Use

Uses which are secondary to the religious purpose of the church and are considered as providing services to members and other individuals. The uses include, but are not limited to, bookstores, cafeteria, child day care, educational classes, social services, and limited retail sales of only church related materials, and operation of overnight shelters as limited by 15.12.030.

Section 2. Section 15.10.130 of the SeaTac Municipal Code is hereby amended to read as follows:

15.10.130 Community Residential Facility (CRF)

Publicly or privately operated residential facilities, such as group homes for children, for those with disabilities, or for the elderly; homes for recovering, non-using alcoholics and addicts; or shelters for domestic violence victims. Community Residential Facilities do not include Halfway Houses or Overnight Shelters.

~~Living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services including, but not limited to counseling, rehabilitation and medical supervision, excluding drug or alcohol detoxification and penal institutions; if staffed, each twenty-four (24) staff hours per day equals one (1) full-time residing staff member.~~

Section 3. Section 15.10.155 of the SeaTac Municipal Code is hereby amended to read as follows:

15.10.155 Convalescent Center/Nursing Home

Residential facilities offering 24-hour skilled nursing care for patients who are recovering from an illness, or receiving care for chronic conditions, mental or physical disabilities, terminal illness, or alcohol or drug detoxification ~~treatment~~. Care may include in-patient administration of medicine, preparation of special diets, bedside nursing care, and treatment by a physician or psychiatrist. Out-patient care is limited to prior patients only.

Section 4. Section 15.12.020 of the SeaTac Municipal Code is hereby amended to read as follows:

15.12.020 Residential Uses

ZONES: UM – Urban Medium Density I – Industrial/Manufacturing

P – Park UH – Urban High Density O/CM – Office/Commercial Medium

AU – Airport Use NB – Neighborhood Business BP – Business Park

MHP – Mobile Home Park CB – Community Business

UL – Urban Low Density ABC – Aviation Business Center

P – Permitted Use; C – Conditional Use Permit

USE #	LAND USE	ZONES											
		P	AU	MHP	UL	UM	UH	NB	CB	ABC	I	O/CM	BP
	RESIDENTIAL USES												
001	Single Detached Dwelling Unit				P(1,7,9)	P(1,7,9)							
001.1	Single Attached Dwelling Unit								P*	P*			
002	Duplex					P	P*	C	P*	P*			
003	Townhouses					P	P*	C	P*	P*		P*	
004	Multifamily					P	P*(10)	C	P*(8)	C*(8)		P*(8)	
005	Senior Citizen Multi				C	P	P*	C	P*	P*		P*	
006	Manufactured/Modular Home			P(9)	P(9)	P(9)							

006.1	Mobile Home (nonHUD)			P(9)									
007	~~Boarding House/~~Bed and Breakfast/Guesthouse				P(2)	P(2)	P*(2)	P(2)				C*	
~~008~~	~~Transitional Housing~~				~~P(3)~~	~~P(3)~~	~~P*~~	~~P~~				~~P*(3)~~	
008	Community Residential Facility I				P(3)	P(3)	P(3)	P(3)	P(3)	P(3)			
008a	Community Residential Facility II						P*	P	P*	P		P*	
008b	Halfway House								C(12)*	C(12)		C(12)*	
~~009~~	~~Convalescent/CRF~~					~~P~~	~~P*~~	~~P~~				~~P*~~	
009	Overnight Shelter								C(12)*	C(12)		C(12)*	
010	~~Rest~~Convalescent Center/ Nursing Home ~~(24 hr. care)~~				~~C~~	~~P~~	P*	P	P*	P		P*	
011	Mobile Home Park			P	C(4)	C(4)	C*(4)						
012	Hotel/Motel and Associated Uses		P(11)				C*	P	P*	P*		P*	C*
013	College Dormitory							C	P*	P*		P*	P*
	ACCESSORY USES												
018	Home Occupation				P(6)	P(6)	P*(6)						
019	Shed/Garage				P(5)	P(5)	P*(5)						

* See Chapter 15.13 SMC for additional development standards.

(1) Accessory living quarters permitted with the following restrictions (Ref. SMC 15.10.017):

a. No more than forty-five percent (45%) of the total square footage in the main dwelling unit;

b. Must be contained within the primary dwelling or significantly attached to the primary dwelling;

c. Primary dwelling must be owner-occupied;

d. Kitchen permitted as component.

(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 ~~Transitional Housing~~ Community Residential Facilities I:

a. No more than five (5) nonsupport people, unless as modified pursuant to e.**;

b. No more than two (2) support people**;

c. ~~Parking area~~ Any parking spaces in excess of two ~~to~~ shall be screened and not visible from public streets;

d. ~~House shall maintain residential character with no outward change of appearance beyond upgrades~~ 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 Section 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) Only on property owned by the Port of Seattle or within the area bounded by S. 188th St. to the north, S. 192nd St. to the south, 28th Ave. S. to the east, and 24th Ave. S., as extended, to the west.

(12) 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 Section 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.

(Ord. 98-1017 § 1; Ord. 97-1008 § 5; Ord. 95-1016 § 11; Ord. 94-1006 § 10; Ord. 92-1041 § 1)

Section 5. Section 15.12.030 of the SeaTac Municipal Code is hereby amended to read as follows:

15.12.030 Recreational/Cultural Uses

ZONES: UM – Urban Medium Density I – Industrial/Manufacturing

P – Park UH – Urban High Density O/CM – Office/Commercial Medium

AU – Airport Use NB – Neighborhood Business BP – Business Park

MHP – Mobile Home Park CB – Community Business

UL – Urban Low Density ABC – Aviation Business Center

P – Permitted Use; C – Conditional Use Permit; SDO – Special District Overlay Rules

USE #	LAND USE	ZONES											
		P	AU	MHP	UL	UM	UH	NB	CB	ABC	I	O/CM	BP
	RECREATIONAL/CULTURAL USES												
022	Community Center	P	P			C	C(*)	P	P (*)	P(2,*)		P(*)	
023	Golf Course	P	P		C				C (*)				P(*)
024	Theater	P(2)						P	P (*)	P(2,*)	P	P(*)	C(*)
025	Drive-In Theater								P (*)				
026	Stadium/Arena	C	C						C (*)		C	C(*)	P(*)
027	Amusement Park	C(1)							C (*)			C(*)	C(*)
028	Library				P	P	C(*)	P	P(*)	P(*)		P(*)	C(*)
029	Museum		P			C	C (*)	P	P(*)	P (*)		P(*)	C(*)
030	Conference/Convention Center		P(4)					P	P(*)	P(*)	P	P(*)	C(2,*)
031	Cemetery	C	C			C	C (*)	C	P(*)	P (*)			
032	Private/Public Stable	P	SDO		SDO								
033	Park	P	P	P	P	P	P (*)	P	P(*)	P (*)	P	P(*)	P(*)
034	Church				C~~(2)~~	C~~(2)~~	P(*)	P	P(*)	P (*)		P(*)	P(2,*)
035	Church Accessory				C(2,3)	C(2,3)	C (3*)	P(3)	P((3*)	P (3*)		P(3*)	
036	Recreational Center	P	P				C (*)	C	P(*)	P(2,*)	P	P(*)	P(1,*)
036.5	Health Club		P(2)				C(2,*)	P	P(*)	P(*)	P(2)	P(*)	P(*)
037	Arcade (Games/Food)	P	P(2,3)				P(2,*)	P	P(2,*)	P(2,*)		P(2,*)	P(2,*)

(*) See Chapter 15.13 SMC for additional development standards.

(1) Site must be adjacent to an improved arterial.

2. Accessory to primary use not to exceed twenty percent (20%) of ~~primary~~ total building square footage.
3. May include an overnight shelter, not to exceed twenty percent (20%) of total building square footage, providing an operating plan is approved ensuring there are no significant traffic or noise impacts to neighbors, and that health and safety standards are met.

(~~3~~4) Inside airport terminal facilities only.

(~~4~~5) Only on property owned by the Port of Seattle.

(Ord. 95-1016 § 12; Ord. 93-1014 § 6; Ord. 92-1041 § 1)

Section 6. Section 15.14.060 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.060 Landscaping Standards for Residential, Accessory, Recreational/Cultural Uses

USE #	LAND USE	STREET FRONTAGE (Type/Width)	BUILDING FACADE IF > 30 FT. HIGH OR 50 FT. WIDE (Type/Width)	SIDE/REAR YARDS (Type/Width)	SIDE/REAR BUFFER FOR NON-COMPATIBLE USES (Type/Width)	PARKING LOT LANDSCAPE STANDARDS APPLICABLE*
	RESIDENTIAL USES					
001	Single-Family					
001A	Single-Family Attached Dwelling Unit					
002	Duplex					
003	Townhouses	II/20 ft.	IV/5 ft.	III/10 ft.		Yes (over 3 units)
004	Multifamily	II/20 ft.	IV/5 ft.	III/5 ft.	I/15 ft.	Yes
005	Senior Citizen Multi	II/20 ft.	IV/5 ft.	III/5 ft.	I/15 ft.	Yes
006	Manufactured Home					
006A	Mobile Home					
007	~~Boarding House/~~Bed and Breakfast/Guesthouse					
~~008~~	~~Transitional Housing~~					
008	Community Residential Facility I	-	-	-	-	-
008a	Community Residential Facility II	II/20 ft.	IV/5 ft.	III/5 ft.	I/15 ft.	Yes
008b	Halfway House	II/20 ft.	IV/5 ft.	II/10 ft.	I/20 ft.	Yes
~~009~~	~~Convalescent/CRF~~	~~II/20 ft.~~		~~II/20 ft.~~		~~Yes~~
009	Overnight Shelter	II/20 ft.	IV/5 ft.	II/20 ft.	I/20 ft.	Yes
010	~~Rest~~ Convalescent Center/ Nursing Home ~~(24 hr. care)~~	II/20 ft.	IV/5 ft.	II/15 ft.		Yes
011	Mobile Home Park	II/20 ft.		I/20 ft.		
012	Hotel/Motel and Associated Uses	II/10 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (SF)	Yes
013	College Dormitory	IV/10 ft.		IV/5 ft.	II/10 ft.	Yes
	ACCESSORY USES					
018	Home Occupation					
019	Shed/Garage					
	RECREATIONAL/CULTURAL USES					
022	Community Center	II/10 ft.				Yes
023	Golf Course					Yes
024	Theater	II/20 ft.		I/5 ft.	I/20 ft. (SF)	Yes
025	Drive-In Theater	IV/20 ft.		I/5 ft.	I/20 ft. (SF)	Yes
026	Stadium/Arena	IV/20 ft.	III/5 ft.	II/5 ft.	I/20 ft. (SF)	Yes
027	Amusement Park	IV/20 ft.	III/5 ft.	II/5 ft.	I/20 ft. (SF)	Yes
028	Library	IV/10 ft.		II/5 ft.		Yes

029	Museum	IV/10 ft.		II/10 ft.		Yes
030	Conference/ Convention Center	IV/10 ft.	IV/5 ft.	I/5 ft.	I/20 ft. (SF)	Yes
031	Cemetery	IV/20 ft.				
032	Private/Public Stable					
033	Park					
034	Church	IV/10 ft.			I/10 ft.	Yes
035	Church Accessory	IV/10 ft.			I/10 ft.	Yes
036	Recreational Center	IV/10 ft.	IV/5 ft.	IV/5 ft.	II/10 ft.	Yes
036.5	Health Club	IV/10 ft.	IV/5 ft.	III/5 ft.	I/10 ft.	Yes
037	Arcade (Games/Food)	IV/10 ft.		IV/5 ft.	II/10 ft.	Yes

* See SMC 15.14.090.

(SF) Adjacent to single-family uses for buffering purposes.

(Ord. 95-1016 § 21; Ord. 92-1041 § 1)

Section 7. Section 15.15.030 of the SeaTac Municipal Code is hereby amended to read as follows:

15.15.030 Parking Space Requirements for Residential Uses

USE #	LAND USE	MINIMUM SPACES REQUIRED
	RESIDENTIAL USES	
001	Single-Family (Detached Unit)*	2 per dwelling unit
001A	Single Attached Dwelling Unit	2 per dwelling unit
002	Duplex*	1.25 per dwelling unit
003	Townhouses*	1.25 per dwelling unit
004	Multifamily*	1.25 per dwelling unit
	Studio Unit	1 per dwelling unit
	1 Bedroom Unit	1.5 per dwelling unit
	2 3 Bedroom Unit	2 per dwelling unit
005	Senior Citizen Multi	1.25 per dwelling unit
006	Manufactured Home	2 per dwelling unit
006A	Mobile Home	2 per dwelling unit
007	~~Boarding House/~~Bed and Breakfast/Guesthouse	1 per bedroom, plus 2 for residents
~~008~~	~~Transitional Housing~~	~~1 per 2 bedrooms~~
008	Community Residential Facility I	2 per dwelling unit
008a	Community Residential Facility II	**
008b	Halfway House	**
~~009~~	~~Convalescent/CRF~~	~~1 per bed~~
009	Overnight Shelter	**
010	~~Rest~~ Convalescent Center/Nursing Home ~~(24 hr. care)~~	1 per 5 beds
011	Mobile Home Park	2 per dwelling unit
012	Hotel/Motel and Associated Uses	
	Basic Guest and Employee (no shuttle service)	.9 per bedroom
	Basic Guest and Employee (with shuttle service)	.75 per bedroom
	with restaurant/lounge/bar	1 per 150 gsf
	with banquet/meeting room	1 per 150 gsf

	Retail: 15,000 gsf or less	1 per 1,000 gsf
	Retail: greater than 15,000 gsf	1.5 per 1,000 gsf
013	College Dormitory	1.5 per bedroom
	ACCESSORY USES	
018	Home Occupation	-
019	Shed/Garage	-

*These ratios may be reduced with proof of viable HCT linkage/station pursuant to the determination of the City Manager, or designee. The overall ratio may not be lowered more than ten percent (10%).

**Parking plan based on population served and projected needs should be submitted and approved by the City Manager, or designee.

(Ord. 95-1016 § 22; Ord. 95-1012 § 1; Ord. 92-1041 § 1)

Section 8. A new section 15.10.126 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.126 Community Center

A facility used for and providing recreational and/or social programs, but not including Overnight Shelters as defined in section 15.10.440.

Section 9. A new section 15.10.176 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.176 Disability (as used in sections 15.12.17 and 15.12.18)

A "handicap" as defined in the Federal Fair Housing Amendments Act of 1988 at 42 U.S.C. § 3602(h):

"with respect to a person--

1. a physical or mental impairment which substantially limits one or more of such a person's major life activities,

2. a record of having such an impairment, or

3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in [21 U.S.C. §802])."

Persons with disabilities include those who are developmentally disabled, mentally ill, as well as those in recovery for alcohol and drug addiction.

-

Section 10. A new section 15.10.254 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.254 Group Homes

See Definition of Community Residential Facilities, 15.10.130.

Section 11. A new section 15.10.298 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.298 Halfway House

State licensed work/release facilities and other housing facilities serving as an alternative to incarceration.

Section 12. A new section 15.10.298 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.299 Nursing Home

See Definition of Convalescent Center/Nursing Home, 15.10.155.

Section 13. A new section 15.10.440 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.440 Overnight Shelter

A facility providing overnight, temporary lodging, with or without meals, for homeless families or individuals and meeting the sstandards of RCW 246-360.

Section 14. A new section 15.12.017 is added to the SeaTac Municipal Code to read as follows:

15.12.017 Community Residential Facilities

A. "Group Homes" in the City of SeaTac are classified as "Community Residential Facilities (CRF)." Community Residential Facilities include all uses defined by section 15.10.130 of this code, including housing for persons with disabilities, children and domestic abuse shelters. CRF's do not include Overnight Shelters (as defined by section 15.10.440), Halfway Houses (as defined by section 15.10.298), or facilities providing alcohol and drug detoxification (defined as Convalescent Centers by section 15.10.155 of this code).

B. CRF's are divided into two categories, I or II, based on size and occupancy.

1. Community Residential Facilities I (CRF I)

a. CRF I are single family structures, allowed in all residential and commercial zones. CRF I may house up to 5 residents plus 2 caregivers, with the special exception that state-licensed Adult Family Homes and Foster Family Homes are exempt from the City's numerical limit.

b. Additionally, special exceptions to the limit on the number of occupants of a CRF I may be granted for persons with disabilities pursuant to the accommodation procedure provided in section 15.12.18 below.

c. In the single family zone, CRF I are required to be a single family structure compatible with the surrounding area. In the low density multi-family zone, CRF I are required to maintain residential character. (See SMC 15.12.020 Use #008)

2. Community Residential Facilities II (CRF II)

CRF II are not subject to any numerical occupancy limit and are permitted in the high density multi-family and commercial zones. (See SMC 15.12.020 Use #008a)

Section 15. A new section 15.12.018 is added to the SeaTac Municipal Code to read as follows:

15.12.018 Accommodation of Persons with Disabilities

A. **Purpose.** The City recognizes the need to make reasonable exceptions to its Zoning Code, if requested, to accommodate the special needs of persons with disabilities.

A. **Application**. Such exceptions may include:

1. Increasing the number of nonrelated persons allowed to live together in a single family house;

2. Reducing setback requirements to retrofit a house with handicap accessible facilities

3. Other modifications to the Zoning Code necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, provided such modification does not reduce public safety nor keep the intent of the code from being met.

C. **Authority.** Exceptions from code requirements are made pursuant to the requirements of the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. § 3604(f)(3)(B); and Washington Law Against Discrimination, Chapter 29.60 RCW persons with disabilities as defined by Federal law in 42 U.S.C. §3602(h) See section 15.10.176 of this code for the definition of disability

D. **Accommodation Procedure**

1. **Request for Accommodation.** Any person claiming to have a disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Zoning Code must provide the Planning Director with verifiable documentation of the disability and need for accommodation.

2. Decision Process

a. **Director Authority.** If disability and need for accommodation are demonstrated, the Planning Director, in consultation with the City Attorney, is hereby authorized to vary, modify, or waive the provisions of the Zoning Code, in order to provide reasonable accommodation necessary to afford a disabled person the opportunity to use a dwelling.

b. **Prompt Action.** The Director shall act promptly on the request for accommodation.

c. **No Fee.** The Director shall not charge a fee for responding to such a request.

d. **Appeal.** The Director's decision shall constitute final action by the City on the request for accommodation, and review of that decision will be available only in court. An action seeking such review must be filed not more than 21 days after the Director's decision. .

3. **Decision Criteria**

a. **Reasonable Response.** The city's duty to accommodate is an affirmative one, and the Director is thereby authorized to provide accommodations in a thoughtful and reasonable manner.

b. **No Loss of Code Purpose or Safety.** No reasonable accommodation shall be provided to any chapter of the Zoning Code, or other code adopted pursuant thereto, which does not substantially accomplish the purposes of that chapter or which would

reduce the public safety.

c. **Burden of Proof on Applicant.** The applicant shall have the burden of establishing that the proposed modification, waiver, or variance accomplishes substantially the same purpose without reduction of safety.

a. **Minimum Accommodation Needed.** The accommodation shall be the minimum necessary to grant relief to the applicant.

4. **Procedure Upon Change of Use.**

a. **Accommodation Personal Unless Similar Use Re-established Within Six Months.** The accommodation provided shall be personal to the applicant and shall not run with the land, provided, however, that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site which establish the same use within six months of the date the prior use by disabled person or residential care provider ceases.

b. **Structure May be Required to be Brought Back Into Compliance.** The Director may direct that any physical change in the structure which would otherwise be illegal under the Zoning Code, or other section of the SeaTac Municipal Code, be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the Americans with Disabilities Act (ADA), Fair Housing Act (FHA) and the Washington Law Against Discrimination (WLAD).

Section 16. Sections 15.10.648 and 15.15.050 of the SeaTac Municipal Code are hereby repealed.

Section 17. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 9th day of February, 1999, and signed in authentication thereof on this 9th day of February, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date:]

ORDINANCE NO. 99-1006

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1999 Annual City Budget for Human Services Funding.

WHEREAS, the City Council has reviewed agenda bill #1635 submitted by the City Manager's Office and authorizes the expenditure of 1% of General Fund operating revenues for human services needs in 1999; and

WHEREAS, it is the Council's desire to amend the funding recommendations to restore funding of $36,000 to DAWN's community advocacy program in lieu of hiring a Community Advocacy Intern; and

WHEREAS, these changes require additional appropriation authority of $17,280;

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

Section 1. The 1999 Annual City Budget shall be amended to increase the expenditures in the General Fund by the amount of $17,280 (BARS 001.000.03.559.30.41.012).

Section 2. 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 February, 1999, and signed in authentication thereof on this the 9th day of February, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: _____]

ORDINANCE NO. 99-1007

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1999 Annual City Budget to include 1998 Carryover Items.

WHEREAS, certain expenditures were included in the 1998 Annual City Budget which were not initiated or completed during the 1998 fiscal year; and

WHEREAS, City staff recommend that these expenditures be made in 1999;

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

Section 1. The 1999 Annual City Budget shall be amended to increase the total General Fund revenues by $100,410 and General Fund expenditures by $199,006.

Section 2. The 1999 Annual City Budget shall be amended to increase the total Transit Planning Fund expenditures by $4,500.

Section 3. The 1999 Annual City Budget shall be amended to decrease the total Transportation CIP Fund expenditures by $492,893.

Section 4. The 1999 Annual City Budget shall be amended to increase the total SWM Construction Fund expenditures by $477,454.

Section 5. The 1999 Annual City Budget shall be amended to increase the total Equipment Rental Fund expenditures by $118,500.

Section 6. The 1999 Annual City Budget shall be amended to increase the total Port of Seattle ILA Fund expenditures by $ 26,500.

Section 7. 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 February, 1999, and signed in authentication thereof on this 23rd day of February, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Kristina Lowrey, Deputy City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 3/6/99

ORDINANCE NO. 99-1008

An Ordinance of the City Council of the City of SeaTac, Washington, adopting amendments to the Zoning Code regarding design standards for high capacity transit facilities

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, the City adopted its Comprehensive Land Use Plan in December 1994; and

WHEREAS, Land Use Policy 1.1A of the Comprehensive Plan calls for evaluation of design elements for high capacity transit (HCT) service and station areas to enhance compatibility with other Plan elements and policies; and

WHEREAS, in October 1992, the City adopted a comprehensive Zoning Code, codified as Title 15 of the SeaTac Municipal Code; and

WHEREAS, the City amended its Zoning Code in May 1998, to include interim special standards for its City Center area, now codified as Section 15.35; and

WHEREAS, neither the current SeaTac Zoning Code, nor the interim City Center Special Standards contain provisions that address design aspects of HCT systems; and

WHEREAS, the City considers the development of HCT design standards to be of the highest priority in order to be consistent with, and implement, the City's Comprehensive Plan; and

WHEREAS, the City developed HCT design standards to be adopted as amendments to the Zoning Code; and

WHEREAS, the Planning Advisory Committee (hereinafter "PAC") reviewed the proposed HCT design standards and took public comment at public meetings held on October 19, November 16 and December 14, 1998; and

WHEREAS, a copy of the proposed standards was filed with the Washington State Department of Community, Trade and Economic Development on October 26, 1998 pursuant to RCW 36.70A.106 and WAC 365-195-620; and

WHEREAS, the PAC recommended the adoption of the proposed HCT design standards at the public hearing of January 11, 1999; held pursuant to public notice; and

WHEREAS, SEPA review of the proposed HCT design standards was completed on November 13, 1998 and a determination of non-significance (DNS) issued; and

WHEREAS, Sound Transit withdrew its SEPA appeal on January 15, 1999; and

WHEREAS, the City Council reviewed the PAC recommendation and the proposed HCT design standards at Study Sessions held on January 12, 19 and March 2, 1999, and at a Regular Council Meeting held on March 9, 1999; and

WHEREAS, the City Council has reviewed the proposed HCT design standards and finds them to be consistent with and to implement the Comprehensive Plan as amended on December 8, 1998;

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

Section 1. A new chapter 15.36 is hereby added to Title 15 of the SeaTac Municipal Code to read as follows:

Chapter 15.36 Design Standards for High Capacity Transit Facilities

Sections:

15.36.010 Purpose

The Design Standards for High Capacity Transit (HCT) Facilities are intended to encourage:

A. Facilities and stations that are well designed;
B. Development of distinctive community focal points;
C. Connections between the HCT network, adjacent development, and community vehicular, pedestrian and bicycle routes;
D. Incorporation of pedestrian-oriented furnishings and a variety of public spaces;
E. Adequate buffers between different types of land uses; and
F. Use of alternative travel modes to single occupant vehicles.

15.36.020 Authority and Application

A. The provisions of this Chapter shall apply to:

1. Any form of HCT, such as light or heavy rail, train, express bus, Personal Rapid Transit, People Mover, or other similar technology, that moves a large number of people to set destinations, but excluding transit systems designed to exclusively serve between Airport terminals and/or associated Airport facilities;
2. All property owned, purchased or leased by public agencies for the purpose of constructing and/or operating HCT systems and associated facilities; and

3. All HCT facility construction requiring a City building permit, but excluding bus stops, and/or minor expansions (less than 20%) of existing HCT facilities;

A. The design of light rail transit stations, guideways, and support facilities for light rail transit located on property owned by the Port of Seattle shall be subject to design requirements jointly developed by the Port, the City, and Sound Transit. Development and application of the design requirements shall

be consistent with the Interlocal Agreement (ILA) dated September 4, 1997 between the City and the Port of Seattle.

B. In order to provide flexibility and creativity of project design, minor variations from these standards may be permitted, subject to the approval of the Director of Planning and Community Development, if the strict interpretation or application of these standards would be inconsistent with related and/or more restrictive provisions of the Zoning Code, or would be contrary to the overall purpose or intent of City goals and policies enumerated in the Comprehensive Plan.

15.36.100 Station Design

15.36.110 Architectural Expression

A. In order to ensure that HCT station facilities, associated site furnishings, and public art are designed as an expression of community identity, each HCT station within the City shall be consistent with a locally determined design theme.

B. HCT station design themes shall be approved by the City Council.

15.36.120 Site Furnishings

A. Weather Protection/Shelters

In order to ensure that HCT weather protection/shelters are designed as an expression of community identity, roof designs shall conform to one of the following options:

1. Roofline with Architectural Focal Point: A roofline focal point refers to a prominent rooftop feature such as a peak, barrel vault, undulating curve, or roofline art installation.

2. Roofline Variation: A roofline articulated through a variation or step in roof height or detail.

B. Benches and Seating Areas

1. HCT station areas and platforms shall include seating areas designed and arranged as part of a coherent HCT station theme. Station platforms shall include at least one (1) linear foot of seating per each ten (10) linear foot length of station loading platform.

2. Usable open space areas adjacent to HCT stations, such as publicly accessible plazas, courtyards, and pocket parks, shall include at least one linear foot of seating per each fifty (50) square feet of plaza, courtyard, or pocket park space on site.

3. HCT station seating shall be in the form of:

a. Leaning rails associated with platform waiting areas (no more than 50% of total linear feet of seating);

b. Benches or chairs of a minimum twenty (20) inches in width; and/or

c. Seating incorporated into low walls, raised planters or building foundations at least twelve (12) inches wide and eighteen (18) inches high.

C. Platform Landscaping and Associated Open Space

1. The principal ground level exterior entry point(s) to at-grade or elevated station platforms shall include a minimum two hundred (200) square feet of usable open space consisting of decorative paving.

a. Usable open space shall include one or more publicly accessible plazas, courtyards,

pocket parks, or decorative paving areas constructed contiguous with new or existing sidewalks located either within the front yard setback or elsewhere on site.

b. Developments proposed to include on-site plazas and pocket parks as publicly accessible project amenities shall link the open space elements with adjacent sidewalks, pedestrian paths, and/or bikeways.

1. Decorative paving areas shall be constructed of such materials as stamped, broom finish, or scored concrete; brick or modular pavers. One (1) deciduous tree of at least two (2) inches diameter (caliper) measured four (4) feet above the ground at the time of planting, or one (1) evergreen tree at least eight (8) feet in height from treetop to the ground level at the time of planting, shall be required for every two hundred (200) square feet of decorative paving area.

3. At-grade HCT stations shall include trees in landscape beds or planting wells on or adjacent to the station platform.

D. Ornamental Fencing

1. The design, color and materials of any fencing associated with a HCT station shall be consistent with the City's established station design theme, in accordance with 15.36.110.

2. Where station area fencing is proposed to be included, the fence type shall conform to one or more of the following options:

a. Ornamental iron or steel;

b. Cable and bollard fencing;

c. Post and chain fencing, and/or

d. Brick

3. HCT station area fencing shall not include barbed wire, razor wire, or chain link fencing.

E. Restroom Facilities

HCT stations associated with a Park-and-Ride facility shall include public restrooms with sanitary sewer connections, as well as hot and cold running water.

F. Bicycle Parking Areas

1. Rack space for a minimum of ten (10) bicycles shall be provided at each station.

2. Bicycle parking areas shall be located out of pedestrian walkways, and within fifty (50) feet of station entrances.

G. Materials

Exterior materials associated with HCT station structures shall be consistent with the City's established station design theme, in accordance with Section 15.36.110, and selected to handle long-term exposure to weather and heavy use.

15.36.130 Lighting

1. Lighting associated with all HCT facilities shall be screened, hooded or otherwise limited in illumination area so as to minimize excessive "light throw" to off-site areas. Light fixtures shall be sited and directed to minimize glare.

2. Light post standards at the pedestrian level shall be no greater than sixteen (16) feet in

height. Light post standards used to illuminate vehicular access ways and parking lots shall be no greater than twenty five (25) feet in height.,

3. Exterior lighting shall be used to identify and distinguish the pedestrian walkway network from car or transit circulation. Along pedestrian circulation corridors, light post standards shall be placed between pedestrian ways and public and/or private streets, driveways or parking areas.

4. Light post standard designs shall be approved by the Director of Planning and Community Development, or designee, consistent with the City's established station design theme, in accordance with 15.36.110.

15.36.200 Guideway Architecture

15.36.210 Track Design

A. At-grade HCT track within or immediately adjacent to a public street right-of-way shall be embedded in a non-asphalt, ornamental paving material, consisting of patterned and/or colored concrete, brick, cobble stone-patterned pavers, grass-crete, or other similar ornamental paving system, as approved by the Director of Planning and Community Development.

B. Any structural supports for the HCT overhead catenary system within or immediately adjacent to a public street right-of-way shall be low profile and carefully selected as part of a unified street design. Where possible, the HCT overhead catenary system shall be supported through arm extensions attached to light standards or other traditional streetscape elements.

15.36.220 Buffering of Track Corridor

A. Landscaping

1. At-grade HCT track corridors shall be screened from adjacent streets and/or nearby development with minimum five (5) foot wide landscape strip(s) of trees, low shrubs and ground cover paralleling the track corridor, as approved by the Director of Planning and Community Development, or designee. The required five (5) foot landscape strip width dimension shall be a measurement of the usable soil area between pavement curb edges.

2. The area beneath elevated guideways not utilized for other public purposes including, but not limited to streets, sidewalks, parking and parks, shall be landscaped in accordance with Chapter 15.14 of this code for Type IV landscaping which may be modified depending upon site conditions. Any modification shall be approved by the Director of Planning and Community Development.

B. Noise Barriers

Where noise barrier sound walls are to be included in addition to the required landscape strip along HCT corridors, wall design and type shall conform to one or more of the following options:

1. Pre-cast or cast-in-place concrete with architectural texturing; and/or
2. Patterned masonry.

C. Light Rail Vehicle Noise Suppression

Light rail vehicles and associated track shall utilize the best available noise suppression technology in order to minimize adverse impacts to adjacent properties.

D. Track Corridor Access Control

1. At-grade HCT track within or immediately adjacent to a public street right-of-way, with the exception of dedicated crossing points, shall be separated from auto/pedestrian areas through the inclusion of one of the following:

a. Cable and bollard fencing;

b. Post and chain fencing;

c. Contrasting surface material and texture;

a. Landscape median(s) between the HCT track right of way and auto/pedestrian areas; and/or

e. Rolled curb.

2. Where fencing along HCT track corridors is to be included in areas not within or adjacent to a public street right-of-way, the fence type shall conform to one or more of the following options:

a. Ornamental iron or steel;

b. Chain link with top rail, colored vinyl coating, and/or decorative slatting;

c. Cable and bollard fencing; and/or

d. Post and chain fencing.

3. HCT track corridor fencing shall not include barbed wire, razor wire, or chain link fencing without a colored vinyl coating and/or decorative slatting.

15.36.230 Elevated Structures

The design of support columns for elevated sections of HCT track visible from the public right of way shall conform to at least one of the following options, as approved by the Director of Planning and Community Development:

A. A decorative form pattern, or other architectural feature over at least 50% of the surface of support columns; and/or
B. Projections, indentations, or intervals of material change to break up the surface of support columns.

15.36.240 Pedestrian Crossings of Track and Access to Stations

In order to minimize risk of collision with light rail transit vehicles or other vehicular traffic, pedestrian crossings of HCT track or public streets serving HCT stations shall conform to the following standard:

A. Crossings of City streets with less than thirty five thousand (35,000) daily vehicle trips shall include a signalized pedestrian crossing.
B. Crossings of City streets with more than thirty five thousand (35,000) daily vehicle trips shall include a pedestrian underpass or overpass.

15.36.300 Parking

15.36.310 Minimum Parking Space Requirements

A. In order to provide adequate off-street parking, the lead agency for HCT shall be required to provide a parking study, prepared as part of an EIS or separately, for each station demonstrating that the parking demand will be satisfied. The City Manager or designee shall review the proposed minimum number

of required parking spaces per HCT station and make a determination as to adequacy, based on a comparable parking demand.

B. The minimum number of required parking spaces per HCT station, as established pursuant to this section preceding, shall be utilized as the basis for determining the Threshold Standard for the Inclusion of Structured Parking, as specified in Section 15.36.410.

15.36.320 Surface Parking Lot Landscaping and Treatment of Perimeter

A. At least ten (10) percent of the interior surface parking area shall have landscaping when the total of parking spaces exceeds twenty (20), including a minimum of one (1) tree for every seven (7) parking spaces to be distributed between rows and/or spaces throughout the parking lot.
B. Surface parking shall be visually screened from public and/or private streets by means of building placement and/or landscaping. The perimeter of a parking lot shall be planted with a minimum of five (5) feet in width of Type III landscaping. Any abutting landscaped areas can be credited toward meeting this standard.
C. The required width dimension for interior parking area planting beds shall be a measurement of the usable soil area between pavement curb edges. Trees and required landscaping shall be placed in planting beds at least five (5) feet in width between parking rows and/or spaces within the interior of the parking lot.

15.36.330 Pedestrian Circulation through Parking Lots

A. Pedestrian walkways shall be provided through surface parking lots containing one hundred (100) or more parking spaces. Pedestrian walkways shall be raised a minimum of three (3) inches, and shall be a minimum of six (6) feet-wide, separated from vehicular travel lanes to the maximum extent possible and designed to provide safe access to HCT station platforms or existing pedestrian ways.

1. For parking rows perpendicular to HCT station loading platforms, pedestrian ways shall be located between two rows of parking spaces at a minimum of one (1) pedestrian way every two hundred (200) feet.
2. For parking rows parallel to HCT station loading platforms, pedestrian ways shall be incorporated adjacent to a series of aligned landscape islands at a minimum of one (1) walkway every twenty-one (21) parking spaces.

A. The pedestrian way network shall be clearly distinguished from vehicular or transit circulation. This is particularly important in areas where these various travel modes intersect, such as at driveway entrances. Where sidewalks or walkways cross vehicular driveways, the pedestrian crossing shall be distinguished from the driveway surface by use of a continuous raised crossing or by marking with a contrasting paving material.

15.36.340 Placement of Surface Parking Facilities

Except for short-term loading and off-loading areas, portions of HCT station surface parking lots within one hundred (100) feet of International Boulevard shall be allowed only as an interim use subject to the following requirements:

A. A site plan as specified in Section 15.35.030, and
B. A binding commitment that the portion of any surface parking facility within one hundred (100) feet of International Boulevard is made available for *transit-oriented development* within a set time period, as determined by the City.

> The term *"transit-oriented development"* refers to public/private development that supports transit use. Transit-oriented development projects emphasize pedestrian access, and include a mix of residential, commercial, recreational and service activities at or around transit facilities.

15.36.400 Parking Structures

15.36.410 Threshold Standard for the Inclusion of Structured Parking

In order to meet City goals for high density development near transit stations, each HCT station with more than two hundred (200) associated parking spaces within the City shall include a parking structure either on-site or on adjacent property with capacity equal to at least fifty (50) percent of the total minimum number of required parking spaces, as established in Section 15.36.310.

15.36.420 Parking Structure Design

A. Parking decks should be flat where feasible. At a minimum, a majority of both the ground floor and top parking decks shall be required to be flat, as opposed to continuously ramping.
B. External elevator towers and stairwells shall be open to public view, or enclosed with transparent glazing.
C. Lighting on and/or within multi-level parking structures shall be screened, hooded or otherwise limited in illumination area so as to minimize excessive "light throw" to off-site areas.
D. Parking structure top floor wall designs must conform to one or more of the following options:

1. Architectural focal point: A prominent edge feature such as a glazed elevator and/or stair tower, or top floor line trellis structure.
2. Projecting Cornice: Top floor wall line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.
3. Articulated Parapet: Top floor wall line parapets shall incorporate angled, curved or stepped detail elements.

15.36.430 Parking Structure Character and Massing

Parking structure elevations over one hundred fifty (150) feet in length shall incorporate vertical and/or horizontal variation in setback, material or fenestration design along the length of the applicable facade, in at least one of the following ways:

A. Vertical Facades shall be designed to incorporate intervals of architectural variation at least every sixty (60) feet over the length of the applicable facade including one or more of the following:

1. Varying the arrangement, proportioning and/or design of garage floor openings;
2. Incorporating changes in architectural materials, including texture and color; and/or
3. Projecting forward or recessing back portions or elements of the parking structure façade.

A. Horizontal Facades shall be designed to differentiate the ground floor from upper floors including one or more of the following:

1. Stepping back the upper floors from the ground floor parking structure facade;
2. Changing materials between the parking structure base and upper floors; and/or
3. Including a continuous cornice line or pedestrian weather protection element between the ground floor and upper floors.

15.36.440 Ground Floor Uses in Parking Structures

A. Parking structures shall be designed so that a minimum of fifty (50) percent of the length of the exterior ground floor facade(s) with existing or projected adjacent foot traffic, excluding vehicle entrances and exits, includes ground floor area either built out as, or convertible to, retail/commercial or service uses.
B. The applicable ground floor area shall extend in depth a minimum of twenty (20) feet from the exterior parking structure facade, provided that the minimum required may be averaged, with no depth less than fifteen (15) feet.
C. The clear interior ceiling height standard for the retail/commercial or service use portion of parking structures shall be a minimum of ten (10) feet.
D. Parking structure ground floors shall include fire suppressing sprinkler systems at the time of construction.

15.36.500 Community Connections

15.36.510 Off-Site Improvements

A. To promote public transit use, the City and the lead agency for the development of High Capacity Transit facilities shall coordinate an assessment of the need for vehicular and pedestrian access improvements within a comfortable walking distance of each City of SeaTac High Capacity Transit station. Fifteen hundred (1,500) feet is considered a "comfortable walking distance" however the actual distance could be greater or lesser depending on surrounding features.
B. HCT station area access improvements shall include the following:

1. HCT station platforms shall be connected to nearby core commercial, residential and employment areas through paved sidewalks, pedestrian-only walkways and/or pedestrian overpasses. Stations and Park and Ride facilities shall be linked when feasible with existing and proposed Bike Routes and Pedestrian Trails as shown in the City's Comprehensive Plan.
2. Station area street improvements shall include sidewalks, street trees, streetfront landscaping, improved lighting, and if applicable, bus stop and HOV lane improvements, as approved by both the SeaTac Director of Public Works and Director of Planning and Community Development.

15.36.600 Signage

15.36.610 Directional/ Informational Signage

A. Directional and/or informational signage associated with HCT stations shall be consistent with the City's established station design theme, in accordance with 15.36.110.
B. The lead agency for the construction of HCT shall coordinate with the City in determining appropriate installation locations and design of station exterior and/or off-site signage.

15.36.620 Community Guides/Maps/Directories/Bulletin Boards

A. Local information signs associated with HCT stations, in the form of community guides, maps, directories, and/or bulletin boards, are intended to convey information to the general public regarding local services, amenities, and/or general City information.
B. The lead agency shall coordinate with the City in determining appropriate installation locations for one or more forms of local information signage at each HCT station.

15.36.630 Station-Related Advertising Signage

No commercial advertising signage shall be visible from outside the HCT station.

15.36.700 Fire Safety

15.36.710 Fire Safety Standards

The design of HCT stations and associated facilities, including elevated structures, shall conform to all applicable sections of the Uniform Building Code (UBC), Uniform Fire Code (UFC), and National Fire Protection Standards No. 130.

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, 1999.

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

ADOPTED this 9th day of March, 1999 and signed in authentication thereof on this 9th day of March, 1999.

CITY OF SEATAC

_____

Terry Anderson, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Robert L. McAdams, City Attorney

[Effective date: 4/8/99

ORDINANCE NO. 99-1009

An Ordinance of the City Council of the City of SeaTac,

Washington, affirming consistency between the City's

Development Regulations and Comprehensive Plan.

WHEREAS, the City of SeaTac (hereinafter, "City") is planning under the provisions of the Washington State Growth Management Act, codified as CChapter 36.70A. RCW and

WHEREAS, the City, at time of incorporation (February, 1990), elected to utilize the zoning provisions of the King County Code until such time as a comprehensive zoning code could be developed and adopted; and

WHEREAS, the City adopted a comprehensive zoning code (Title 15 of the SeaTac Municipal Code) on October 27th, 1992; and

WHEREAS, the City adopted its Comprehensive Plan in December, 1994, after study, review, community input and public hearings, pursuant to the provisions of the Growth Management Act; and

WHEREAS, the City reviewed its development regulations after adoption of the Comprehensive Plan to ensure consistency with the adopted Plan; and

WHEREAS, the City, in 1997, adopted a process (Resolution No. 97-001) for annually reviewing and amending the Comprehensive Plan, pursuant to RCW 36.70A.130; and

WHEREAS, the City, in 1998, adopted Ordinance 98-1034, establishing a process for amending the City's development regulations, pursuant to WAC 365-195-865; and

WHEREAS, the Comprehensive Plan includes strategies for updating the development regulations to ensure that both the goals of the Comprehensive Plan are met and that the Plan and development regulations remain consistent; and

WHEREAS, the City continues to update its development regulations in accordance with the implementation strategies and timelines specified in the Comprehensive Plan;

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

Section 1. The City's development regulations, codified as Titles 11 through 16 in the SeaTac Municipal Code (SMC), as well as those applicable sections of King County Code, adopted by reference, are hereby determined to be consistent with the City's Comprehensive Plan.

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, 1999.

Section 3. The City's Comprehensive Plan Land Use Map represents the long-range vision of the City over the twenty year planning horizon, while the Zoning Map represents the currently allowed uses within the City. Rezoning of properties to the long-range plan is envisioned to happen concurrent with the development of public and private infrastructure, market demand, and neighborhood compatibility over time and in a manner consistent with the policies of the Comprehensive Plan. The Zoning Map shall in no case be deemed incompatible with the Land Use Map, provided that all "potential zones" of the Comprehensive Plan Land Use Map are indicated on the Zoning Map.

Section 4. If, for any reason, current or future development regulations of the City are found to be inconsistent with the City's Comprehensive Plan, the Comprehensive Plan will take precedence providing that the Planning Department shall have ninety (90) days once notified of any inconsistency to make findings regarding the inconsistency and bring the development regulations into compliance if it is determined that they are not consistent.

Section 5. Effective immediately upon its adoption, this Ordinance repeals Resolution 97-016.

Section 6. This Ordinance shall not be codified within the SeaTac Municipal Code.

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

ADOPTED this 9th day of March, 1999, and signed in authentication thereof on this 9th day of March, 1999.

CITY OF SEATAC

_____

Terry Anderson, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Robert L. McAdams, City Attorney

Effective Date: 4/8/99

ORDINANCE NO. 99-1010

AN ORDINANCE of the City Council of the City of SeaTac, Washington, correcting technical errors made in the codification at Subsection B of Section 15.31.040 of the SeaTac Municipal Code, relating to wireless telecommunications facilities siting and development standards.

WHEREAS, Ordinance No. 98-1017 amended the Zoning Code applicable to general siting and development standards for wireless telecommunications facilities (WTF's); and

WHEREAS, Ordinance No. 98-1036 made further amendments applying the minor conditional use permit process to WTF's; and

WHEREAS, technical errors made in the codification of Ordinance No. 98-1017 were inadvertently adopted in Ordinance No. 98-1036, and

WHEREAS, these errors should be corrected to restate the original intent of Ordinance No. 98-1017 and No. 98-1036,

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

Section 1. Subsection B of Section 15.31.040 of the SeaTac Municipal Code is hereby corrected to read as follows:

B. Development Standards.

1. High Intensity Zones. Subject to the following development standards, WTFs are permitted in the following high intensity zones: I, AU, BP, ABC, CB, CB-C, O/CM, and NB:

a. Collocation. Collocation is encouraged. No additional setback or landscaping standards are required for WTFs collocating on existing support structures or existing structures.

i. The maximum number of platforms on any support structure shall be four (4).

ii. The number of WTFs allowed on existing structures is not limited, except that not more than one (1) WTF shall be allowed on a utility pole.

iii. Each service provider shall be limited to an equipment shelter installation not to exceed two hundred fifty (250) square feet in area at each WTF site. An equipment shelter installation

may be comprised of a single structure, or several cabinets or similar components.

b. Locating on Utility Poles. WTFs locating on utility poles shall either meet the definition of a microcell, or conform to the following:

i. The utility pole at the proposed location may be replaced with a taller pole for the purpose of accommodating the WTF; provided, that the WTF is of a type that is designed to be mounted on the side(s) of the pole; and further provided, that the new pole shall not exceed a length that is a maximum of twenty (20) feet taller than the existing pole;

ii. Antenna panels shall not project out from the surface of the utility pole by more than twelve (12) inches, shall not exceed six (6) feet in height, and shall be placed such that the top of the antenna panels does not extend above the height of the utility pole;

iii. A tubular antenna may be mounted as an extension on top of an existing utility pole, but the existing pole may not be replaced with a taller pole for the purpose of accommodating the tubular antenna. A tubular antenna mounted on top of a utility pole shall not exceed eighteen (18) inches in diameter and eight (8) feet in height;

iv. A whip antenna may be mounted as an extension on top of an existing utility pole, but the existing pole may not be replaced with a taller pole for the purpose of accommodating the whip antenna. A whip antenna mounted on top of a utility pole shall not exceed twenty (20) feet in length, and shall be enclosed within a cylinder that is painted to match the existing pole;

v. All WTFs mounted on utility poles shall be painted to match the pole;

vi. The visual effect of the WTF on all other aspects of the appearance of the utility pole shall be minimized to the greatest extent possible;

vii. The use of a utility pole for the siting of a WTF shall be considered secondary to the primary function of the utility pole. If the primary function of a utility pole serving as a host site for a WTF becomes unnecessary and any City, State, or Federal regulation requires its removal, the utility pole shall not be retained for the sole purpose of accommodating the WTF;

viii. Equipment cabinet(s) for WTFs located on utility poles shall be located underground, unless an existing building other than a single-family residence is available to accommodate

the equipment cabinet(s), or vegetation sufficient to screen the cabinet(s) exists at the site;

ix. In all cases where a utility pole is replaced for the purpose of accommodating a WTF installation, the cables and other wiring necessary for the WTF shall be routed inside the pole.

c. Height. The height of WTFs collocated on existing structures shall not exceed twenty-four (24) feet above the existing structure; provided, that the height shall not exceed applicable FAA limitations.

The height of new support structures shall be limited to eighty (80) feet. This height may be increased to one hundred (100) feet if the support structure is designed to accommodate collocation by another wireless telecommunications service provider.

WTFs collocated on an existing support structure shall not exceed the height of that support structure.

d. Setbacks. For new support structures, the required setbacks shall be measured from the base of the support structure or from the edge of the equipment shelter, whichever is closer to the property line. The minimum setbacks shall be as follows:

i. Front: Ten (10) feet;

ii. Side: Five (5) feet;

iii. Rear: Five (5) feet.

The setbacks shall be a minimum of twenty (20) feet on the sides adjacent to P, UL, UM, UH, and MHP zones. For collocated WTFs, there are no additional setback requirements.

For new WTFs located on existing buildings, the WTF shall be allowed to project into the setback; provided, that such projection does not exceed twenty-four (24) inches.

Within the urban center, new support structures shall be located as far to the rear of the site as the setbacks will allow, so as to preserve as much of the site as possible for future development.

e. Landscaping. For new support structures, the street frontage landscaping shall be Type II, ten (10) feet, and Type II, five (5) feet, on the sides and rear. Where adjacent to UL, UM, UH, MHP or P 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.

Landscaping standards may be modified at the discretion of the Planning Director in cases where the need for landscaping is eliminated by adequate natural screening, existing landscape buffers, topography, or the placement of the WTF among buildings.

2. Low Intensity Zones. Low intensity zones include only the UL, UM, UH, MHP, and P zones. Subject to the following development standards, WTFs are allowed in the low intensity zones. ~~only on support structures and the following existing structures: water towers, school buildings higher than thirty (30) feet, and utility poles.~~ Location of WTF's on some structures in the Low Intensity zones is subject to the Conditional Use Permit process as stated in 15.31.030(A).

a. Collocation. Collocation or locating on an existing structure is required, except where technical or other limitations preclude it, as documented by a report described in SMC 15.31.030(B)(3)(c).

i. The maximum number of platforms on any support structure shall be four (4), except where the Planning Director determines that a lower number is needed to protect the character of the existing neighborhood.

ii. The number of WTFs located on existing structures is not limited, except that not more than one (1) WTF shall be allowed on a utility pole.

iii. Each service provider shall be limited to an equipment shelter installation not to exceed two hundred fifty (250) square feet in area at each WTF site. An equipment shelter installation may be comprised of a single structure, or several cabinets or similar components.

b. Locating on Utility Poles. WTFs locating on utility poles shall either meet the definition of a microcell or conform to the following:

i. The utility pole at the proposed location may be replaced with a taller pole for the purpose of accommodating the WTF; provided, that the WTF is of a type that is designed to be mounted on the side(s) of the pole; and further provided, that the new pole shall not exceed a length that is a maximum of twenty (20) feet taller than the existing pole;

ii. Antenna panels shall not project out from the surface of the utility pole by more than twelve (12) inches, shall not exceed six (6) feet in height, and shall be placed such that the top of the antenna panels does not extend above the height of the utility pole;

iii. A tubular antenna may be mounted as an extension on top of an existing utility pole, but the existing pole may not be replaced with a taller pole for the purpose of accommodating the tubular antenna. A tubular antenna mounted on top of a utility pole shall not exceed eighteen (18) inches in diameter and eight (8) feet in height;

iv. A whip antenna may be mounted as an extension on top of an existing utility pole, but the existing pole may not be replaced with a taller pole for the purpose of accommodating the whip antenna. A whip antenna mounted on top of a utility pole shall not exceed twenty (20) feet in length, and shall be enclosed within a cylinder that is painted to match the existing pole;

v. All WTFs mounted on utility poles shall be painted to match the pole;

vi. The visual effect of the WTF on all other aspects of the appearance of the utility pole shall be minimized to the greatest extent possible;

vii. The use of a utility pole for the siting of a WTF shall be considered secondary to the primary function of the utility pole. If the primary function of a utility pole serving as a host site for a WTF becomes unnecessary and any City, State, or Federal regulation requires its removal, the utility pole shall not be retained for the sole purpose of accommodating the WTF;

viii. Equipment cabinet(s) for WTFs located on utility poles shall be located underground, unless an existing building other than a single-family residence is available to accommodate the equipment cabinet(s), or vegetation sufficient to screen the cabinet(s) exists at the site;

ix. In all cases where a utility pole is replaced for the purpose of accommodating a WTF installation, the cables and other wiring necessary for the WTF shall be routed through the inside of the pole.

c. Height. The height of WTFs located on existing structures shall not exceed twenty-four (24) feet above the existing structure; provided, that the height shall not exceed applicable FAA height limitations.

The height of new support structures shall be limited to ~~eighty~~sixty (8060) feet. This height may be increased to ~~one hundred~~eighty (10080) feet if the support structure is designed to accommodate collocation by another wireless telecommunications service provider.

WTFs collocated on an existing support structure shall not exceed the height of that support structure.

d. Setbacks. For new support structures, the required setbacks shall be measured from the base of the support structure or from the edge of the equipment shelter, whichever is closer to the property line. The setbacks shall be a minimum of 20 feet on all sides. For collocated WTFs, or WTFs located on an existing structure, there are no additional setback requirements.

The minimum setbacks shall be as follows:

i.Front: Ten (10) feet;

ii.Side: Five (5) feet;

iii.Rear: Five (5) feet.

The setbacks shall be a minimum of twenty (20) feet on the sides adjacent to P, UL, UM, UH, and MHP zones. For collocated WTFs, there are no additional setback requirements.

For new WTFs located on existing buildings, the WTF shall be allowed to project into the setback; provided, that such projection does not exceed twenty-four (24) inches.

Within the urban center, new support structures shall be located as far to the rear of the site as the setbacks will allow, so as to preserve as much of the site as possible for future development.

e. Landscaping. For new support structures, the street frontage landscaping shall be Type III, ten (10) feet, and Type II, five (5) feet on allthe sides and rear. Where adjacent to UL, UM, UH, MP or P 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.

Landscaping standards may be modified at the discretion of the Planning Director in cases where the need for landscaping is eliminated by adequate natural screening, existing landscape buffers, or topography, or the placement of the WTF among buildings.

3. General Development Standards. All WTFs in all zones shall be subject to the following development standards:

a. Fencing. Fences are not required, but shall be subject to a maximum height of ten (10) feet. The maximum fence height shall include any barbed wire or similar material, if used at the top of the fence. Fences may be constructed of any standard fencing material. All fencing shall be located inside of any required landscaping.

b. Lighting. Only lighting required by FAA regulations, as documented by a letter from that 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.

c. Noise. WTFs 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. During generator testing, noise levels shall not exceed five (5) dBA above ambient noise levels when measured at the property boundaries. Generator testing is allowed only between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

d. Aesthetics. Support structures shall be painted a color that best allows them to blend into the surroundings. The use of grays, blues and greens will often be appropriate. However, each case shall be evaluated individually, and approval of the Planning Director shall be obtained.

When located on an existing structure, antenna(e) and associated equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the existing structure so as to make the installation as visually unobtrusive as possible.

Neither antenna(e), antenna array(s), nor support structures shall be painted with signs, symbols, logos, flags or similar markings, nor shall such signs, symbols, logos, flags or similar markings be attached to antenna(e), antenna array(s), or support structures. This provision is intended to preclude the use of WTFs for advertising purposes. UL certification tags, manufacturer’s contact information, and similar small tags not visible at a distance are exempt from this provision.

e. Abandonment. Any WTF 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 WTF was discontinued. The service provider shall remove the abandoned WTF 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 WTF 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 WTF, then this provision shall not become effective until all users cease using the WTF. If another service provider has committed to continue the use of the discontinued WTF, an extension of up to three (3) months beyond the six (6) month removal deadline may be granted provided that:

i. A letter of intent to operate the abandoned facility is submitted to the City by the new service provider; and

ii. The WTF is put into service, or an application for a WTF has been submitted within the three (3) month extension period.

f. Maintenance. All required landscaping shall be maintained as per SMC 15.14.210. In addition, painted or otherwise coated surfaces shall be continually maintained. (Ord. 98-1036 § 4; Ord. 98-1017 § 6; Ord. 97-1013 § 26)

Section 2. Copies of this ordinance shall be sent to the Growth Management Division of the Washington State Department of Community Trade, and Economic Development and to the King County Assessor's office.

Section 3. This Ordinance shall be in full force and effect thirty (30) days after passage and publication as required by law.

ADOPTED this 9th day of March, 1999, and signed in authentication thereof on this 9th day of March, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: _____]

ORDINANCE NO. 99-1011

AN ORDINANCE of the City Council of the City of SeaTac, Washington adding a new Chapter 9.30 to the SeaTac Municipal Code, requiring use of bicycle helmets and prescribing penalties.

WHEREAS, it is the intent of the City Council to enact laws and regulations that protect and preserve the health and welfare of the general public; and

WHEREAS, the City supports and encourages bicycling as a safe, clean, and healthy mode of transportation and recreation; and

WHEREAS, the City seeks to minimize injuries involving bicyclists by providing information about the need for bicycle helmets, methods of bicycle safety, and existing bicycle safety programs through the City's Police and Fire Departments; and

WHEREAS, head injuries are a major cause of death or disability associated with the operation of a bicycle, skateboard, roller blades or roller skates on public rights-of-way; and

WHEREAS, the City Council believes that persons operating bicycles, skateboards, roller blades or roller skates on public rights-of-way and publicly-owned facilities open to the public within the City should be required to use helmets to deter potential injuries; and

WHEREAS, the City's Police Department enforces traffic laws for non-motor vehicles on public rights-of-way and publicly-owned facilities within the City;

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

Section 1. There is hereby added a new Chapter 9.30 to Title 9 of the SeaTac Municipal Code, to read as follows:

Chapter 9.30

MANDATORY HELMET REQUIREMENTS

Sections:

9.30.010 Definitions.

As used herein, the following terms shall have the meanings indicated, below:

A. "Approved protective helmet" means a head covering that meets or exceeds safety standards adopted by the Consumer Product Safety Commission (CPSC), or the American Society for Testing and Materials (ASTM) or the Snell Memorial Foundation (Snell) American National Standards Institute (ANSI), or the Shell Foundation, or such subsequent nationally recognized standard for bicycle helmet performance as the City Council may adopt.

B. "Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels, either of which is 16 inches or more in diameter, or three wheels, any one of which is more than 20 inches in diameter. Within this chapter, the term "bicycle" shall include a bicycle with training wheels, or any attached trailer, side car, and/or other device designed to be, and being, towed by a bicycle. The term bicycle specifically excludes tricycles.

C. "Electric-assisted bicycle" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle’s electric motor must have a power output of no more than one thousand watts, be incapable of propelling the device at a speed of more than twenty miles per hour on level ground, and be incapable of further increasing the speed of the device when human power is applied to propel the device beyond twenty miles per hour.

D. "Roller-blades" or "roller-skates" means a skate with at least four wheels, for skating on surfaces other than ice.

E. "Skateboard" means a short, narrow board to which roller-skate wheels are attached.

F. "Public area" means public rights-of-way, streets, roads, alleys, bicycle paths, parks, publicly-owned facilities, or privately owned property open to the public as invitees or for recreational use.

9.30.020 Approved protective helmet required.

A. Any person one year of age or older bicycling, skateboarding, roller blading, roller skating or riding as a bicycle passenger on or in tow of a bicycle upon any public area in the City of SeaTac shall wear appropriate protective helmet which must be equipped with a neck or chin strap which shall be fastened securely while the bicycle is in motion.

B. No person shall transport another person on or in tow of a bicycle upon any public area in the City, unless the passenger, if one year of age or older, is wearing a securely fastened protective helmet.

9.30.030 Parental responsibility.

A parent or guardian is responsible for requiring that a child under the age of 18 years wears an approved protective helmet while bicycling, skateboarding, roller blading, roller skating or riding as a passenger on a bicycle in any public area in the City. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Chapter.

9.30.040 Bicycle races and events – Helmet required.

A. Any person managing a bicycle race, an organized event involving bicycling, or a bicycle tour in the public area of the City shall require that all participants on or in tow of bicycles wear bicycle helmets.

B. The person managing any such event shall include notice of the bicycle helmet requirement in any promotional brochures and on registration materials.

9.30.050 Bicycle leasing or lending – Helmet required.

A. Any person engaging in the business of renting or loaning any bicycle, skateboard, roller blades, or roller skates for use in any public area in the City shall supply the persons leasing or using such bicycles, skateboard, roller blades, or roller skates with approved protective helmets unless the and passengers possess approved protective helmets of their own renters.

B. Any rental papers, including contracts, agreements, or receipts must provide notice to the person renting the bicycle, skateboard, roller blades, or roller skates of the approved protective helmet requirements of this Chapter.

9.30.060 Penalties.

A. Any person violating any of the provisions of this Chapter commits a traffic infraction and shall be liable for a monetary penalty of $25 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 2. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 9th day of March, 1999, and signed in authentication thereof on this 9th day of March, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 4/8/99]

ORDINANCE NO. 99--1012

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 1999 Annual City Budget to provide for North SeaTac Park ballfield infield repairs.

WHEREAS, the City Council has reviewed Agenda Bill #1664 submitted by the Parks and Recreation Department and authorized the expenditure of approximately $80,000 to complete repairs of the ballfield infields at North SeaTac Park; and

WHEREAS, King County shall reimburse the City for costs incurred for these repairs; and

WHEREAS, these changes require additional appropriation authority;

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

Section 1. The 1999 Annual City Budget shall be amended to increase the revenues and expenditures in the General Fund by the amount of $80,000 (BARS 001.338.76.01.000 and 001.000.10.594.76.63.109).

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

ADOPTED this 30th day of March, 1999, and signed in authentication thereof on this the 30th day of March, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 4/6/99]

ORDINANCE NO. 99-1013

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 1999 Annual City Budget to provide for the purchase of a 1999 Chevy Venture van for City Hall.

WHEREAS, the City Council has reviewed Agenda Bill #1667 submitted by the City Manager's Office and authorized the expenditure of $24,745 to purchase a 1999 Chevy Venture van; and

WHEREAS, this purchase exceeds the current 1999 Budget appropriation of $16,600;

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

Section 1. The 1999 Annual City Budget shall be amended to increase the General Fund expenditures by $8,145 (BARS 001.000.03.594.13.64.095).

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

ADOPTED this 30th day of March, 1999, and signed in authentication thereof on this the 30th day of March, 1999.
CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 4/6/99]

ORDINANCE NO. 99-1015

AN ORDINANCE of the City Council of the City of SeaTac, Washington, granting unto Port of Seattle (Seattle-Tacoma International Airport), a nonexclusive franchise to construct, maintain, and operate certain facilities within public rights-of-way 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, rights-of-way, 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 Port of Seattle (Seattle-Tacoma International Airport), a municipal corporation organized under the laws of the State of Washington (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 various airport related utility systems, in, under, on, across, over, through, along or below the public rights-of-way 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 of rights-of-way, 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 rights-of-way, 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 rights-of-way, 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 rights-of-way, 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 needful information. During the progress of the work, Grantee shall not unnecessarily obstruct the passage or proper use of the rights-of-way. Grantee shall file as-built plans and maps with the City showing the final location of the facilities. All restoration of

rights-of-way, roads, streets and the surface of other public property shall be in conformance with then-applicable City standards.

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, strikes or other occurrences over which Grantee has no control. Said facilities are set forth in Attachment "A" incorporated herein by this reference.

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 rights-of-way 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 cable 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 unless the roadway is affected by a development plan that is jointly prepared by the Grantor and Grantee or unless agreed to by the Grantor and Grantee.

14. Remedies to Enforce Compliance. In addition to any other remedy provided herein, the City reserves 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 undTitle 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 undTitle 51 RCW arising against the City solely by virtue of the City's ownership or control of the rights-of-way 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 rights-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 undTitle 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.

18. Insurance. Grantee shall procure and maintain for the duration of the franchise, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the exercise of the rights, privileges and authority granted hereunder to Grantee, its agents, representatives or employees. Grantee shall provide a copy of such insurance policy to the City for its inspection prior to the adoption of this franchise ordinance, and such insurance shall evidence:

1. Automobile Liability insurance with limits no less than $1,000,000 Combined Single Limit per accident for bodily injury and property damage; and

2. Commercial General Liability insurance written on an occurrence basis with limits no less than $1,000,000 Combined Single Limit per occurrence and $1,000,000 aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations; broad form property; explosion, collapse and underground (XCU); and Employer's Liability.

Any deductibles or self-insured retentions must be declared to and approved by the City. Payment of deductible or self-insured retention shall be the sole responsibility of Grantee.

The insurance obtained by Grantee shall name the City, its officers, employees and volunteers as insureds with regard to activities performed by or on behalf of Grantee. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees or volunteers. In addition, the insurance policy shall contain a clause stating that coverage shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability. Grantee's insurance shall be the primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance maintained by the City, its officers, officials, employees or volunteers shall be in excess of Grantee's insurance and shall not contribute to it. The insurance policy or policies required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, or reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

Any failure to comply with the reporting provisions of the policies required herein shall not affect coverage provided to the City, its officers, officials, employees or volunteers.

19. Bond. Before undertaking any of the work, installation, improvements, construction, repair, relocation or maintenance authorized by this franchise, Grantee shall, upon the request of the City, furnish a bond executed by Grantee and a corporate surety authorized to operate a surety business in the State of Washington, in such sum as may be set and approved by the City as sufficient to ensure performance of Grantee's obligations under this franchise. The bond shall be conditioned so that Grantee shall observe all the covenants, terms and conditions and shall faithfully perform all of the obligations of this franchise, and to repair or replace any defective work or materials discovered in the City's road, streets, or property.

22. 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.

21. 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.

22. 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.

23. 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.

24. Acceptance. Not later than five (5) 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.

25. Survival. All of the provisions, conditions and requirements of Sections: 6 Special Construction Standards; 7 Restoration After Construction; 8 Dangerous Conditions; 9 Relocation of Facilities; 10 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.

26. 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.

27. 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.

28. **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 _____

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

ADOPTED this 13th day of April, 1999, and signed in

authentication thereof on this 13th day of April, 1999.

CITY OF SEATAC

_____

Terry Anderson, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Robert L. McAdams, City Attorney

[Effective Date: 4/21/99]

ORDINANCE NO. 99-1016

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending section 13.10.010 of the SeaTac Municipal Code to adopt the 1999 edition of the National Electrical Code.

WHEREAS, Chapter 19.28 RCW to the National Electrical Code and associated codes and regulations approved by the National Fire Protection Association, as modified by the Department of Labor and Industries' rules and regulations pertaining to electricians and electrical installations in furtherance of safety to life and property, as constituting approved methods of construction; and

WHEREAS, RCW 19.28.010(3) authorizes the City to adopt equal, higher, or better standards of construction, materials, appliances and equipment; and

WHEREAS, RCW 19.28.070 grants to the City the power to enforce all such state and local standards; and

WHEREAS, the City Council has previously adopted by ordinance an Electrical Code, which is codified at Chapter 13.10 of the SeaTac Municipal Code, but the adoption by reference relates to the now out-dated National Electrical Code, 1996 Edition; and

WHEREAS, the Council finds it desirable to up-date the City's Electrical Code, including adoption of the 1999 edition of that Code and all subsequent amendments and editions;

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

Section 1. Section 13.10.010 of the SeaTac Municipal Code is hereby amended to read as follows:

13.10.010 Adoption of the National Electrical Code.

The National Electrical Code, ~~1996~~ 1999 Edition, together with appendices B and C thereto, and amendments thereto and subsequent editions thereof, as published by the National Fire Protection Association, is hereby adopted by reference, with the exception of provisions regarding fees, which shall be governed by SeaTac Municipal Code Section 13.10.050 of this Chapter.

Section 2. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 13th day of April, 1999, and signed in authentication thereof on this 13th day of April, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

Effective Date: May 13, 1999

ORDINANCE NO. 99-1017

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 1999 Annual City Budget to provide for professional services relating to Sound Transit.

WHEREAS, the City Council has reviewed Agenda Bill #1679 submitted by the City Manager's Office and authorized the expenditure of $15,000 in professional services related to Sound Transit; and

WHEREAS, this expenditure requires additional appropriation authority;

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

Section 1. The 1999 Annual City Budget shall be amended to increase General Fund expenditures by $15,000 (BARS 001.000.03.513.10.41.000).

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

ADOPTED this 13th day of April, 1999, and signed in authentication thereof on this the 13th day of April, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: April 21, 1999]

ORDINANCE NO. 99-1018

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 1999 Annual City Budget to appropriate hotel/motel tax revenues for support of the Tyee High School Academy of Travel and Tourism.

WHEREAS, the City Council has reviewed Agenda Bill #1682 submitted by the City Manager's Office and authorized the expenditure of up to $50,000 in support of the Tyee High School Academy of Travel and Tourism; and

WHEREAS, this expenditure requires additional appropriation authority;

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

Section 1. The 1999 Annual City Budget shall be amended to increase Hotel/Motel Tax Fund expenditures by $50,000 (BARS 107.000.24.557.30.52.001).

Section 2. 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 April, 1999, and signed in authentication thereof on this the 27th day of April, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: May 5, 1999]

ORDINANCE NO. 99-1019

AN ORDINANCE of the City Council of the City of SeaTac, Washington declaring public use and necessity for land and property to be condemned as required for the 28th/24th Avenue South Arterial Project, and authorizing payment therefore from the City's 307-Transportation CIP Fund.

WHEREAS, the City Council has previously adopted Ordinance No. 97-1017 which created Local Improvement District No. 1 and ordered certain improvements therein, and within the City, assigned City Project No. ST 012, and identified as the 28th/24th Avenue South Arterial Project; and

WHEREAS, the project will consist of reconstruction of 28th Avenue South and 26th Avenue South to form a four-lane arterial street with center median and turning lanes, from South 188th Street to South 204th Street, within the City. These improvements will also include curb, gutter and sidewalk, bicycle lanes, street lighting, storm drainage, channelization, signalization, paving, landscaping, and undergrounding of overhead utility lines, except high voltage lines; and

WHEREAS, certain lands and properties must be acquired in order to provide the necessary right-of-way for construction and operation of the aforesaid improvements; and

WHEREAS, efforts are now on-going to acquire the property necessary for this public use by negotiation and agreement; and

WHEREAS, in the event that negotiated acquisition is not fully successful well in advance of the anticipated commencement of construction, it is essential that the City be prepared to initiate condemnation proceedings; and

WHEREAS, payment of just compensation and costs of litigation should be made from the City's 307-Transporation Capital Improvement Program (CIP) Fund;

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

Section 1. Acquisition of the properties generally located on the drawing attached as Exhibit "A", and legally described on Exhibit "B", which are incorporated herein by this reference, is necessary to the public use of the City's 28th/24th Avenue South Arterial Project, being Project No. ST 012.

Section 2. The City's Legal Department is hereby authorized to commence condemnation proceedings, pursuant to law.

Section 3. Compensation to be paid to the owners of the aforesaid property, and costs of litigation, shall be paid from the City's 307-Transportation CIP Fund.

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

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

ADOPTED this 11th day of May, 1999, and signed in authentication thereof on this 11th day of May, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: June 10, 1999]

ORDINANCE NO. 99-1020

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 1999 Annual City Budget for Valley Ridge Park Improvements.

WHEREAS, the City Council has reviewed Agenda Bill #1653 submitted by the Parks & Recreation Department and authorized the expenditure of up to $1,357,470 for improvements to Valley Ridge Park; and

WHEREAS, this expenditure requires additional appropriation authority;

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

Section 1. The 1999 Annual City Budget shall be amended to increase General Fund expenditures by $592,470 (BARS 001.000.10.594.76.62.004).

Section 2. The 1999 Annual City Budget shall be amended to transfer $75,000 in 1999 appropriations from Angle Lake Park to Valley Ridge Park (BARS 001.000.10.594.76.62.004).

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

ADOPTED this 11th day of May , 1999, and signed in authentication thereof on this the 11th day of May, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: May 19, 1999]

ORDINANCE NO. 99-1021

An Ordinance of the City of SeaTac, Washington, providing for the issuance of local option transportation tax revenue refunding bonds in the principal sum of $6,675,000 for the purpose of refunding certain outstanding local option transportation tax revenue bonds; providing the terms of the bonds; and approving the sale of the bonds.

ALIGN="JUSTIFY"> WHEREAS, under RCW;82.80.030 and 82.80.070 and Ordinance No. 93-1019, adopted on May 11, 1993, as amended by Ordinance No. 94-1017 adopted on April 26, 1994, Ordinance No. 94-1046 adopted on November 22, 1994 and Ordinance No. 97-1019 adopted on October 14, 1997, the City of SeaTac, Washington (the "City") previously has levied a parking tax on commercial parking businesses within the City limits for transportation purposes at a rate of $1.00 per transaction (the "Local Option Transportation Tax"); and

WHEREAS, the City receives certain motor vehicle fuel tax-related revenues from the State of Washington pursuant to RCW;46.68.100(1) and 46.68.115 and certain motor vehicle license fees from the County pursuant to RCW;82.80.020 for transportation purposes (together referred to herein as the "Additional Revenues"); and

WHEREAS, pursuant to Ordinance No. 94-1018, adopted on April 26, 1994, amending and restating Ordinance No. 94-1013 adopted on March 22, 1994, the City issued its Local Option Transportation Tax Revenue Bonds, Series 1994 (the "1994 Bonds") in the principal amount of $10,000,000 and currently outstanding in the principal amount of $8,425,000, payable from the Local Option Transportation Tax and, so long as the 1994 Bonds are Outstanding and insured, from the Additional Revenues; and

WHEREAS, Section 3.03 of Ordinance No. 94-1018 provides that the City may issue additional bonds with a lien on these revenues equal to the lien of the 1994 Bonds for the purpose of refunding the 1994 Bonds upon compliance with certain conditions; and

WHEREAS, Section 4.02 of Ordinance No. 94-1018 provides that the City may redeem 1994 Bonds maturing on or after December 1, 2004, at a price of 102% of the principal amount to be redeemed plus accrued interest to the date of redemption, on any date on or after December 1, 2003; and

WHEREAS, it appears to the City Council that certain of the 1994 Bonds may be refunded by the issuance of the local option transportation tax revenue refunding bonds of the City authorized herein so that there will be a savings to the City and its taxpayers; and

WHEREAS, the Council has received an offer from NationsBanc Montgomery Securities LLC to purchase the Bonds and finds that it is in the best interests of the City that this offer be accepted;

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

Section 1. Definitions. As used in this ordinance the following words and phrases have the meanings set forth below unless the context clearly indicates that another meaning is intended.

"Accreted Value" means, with respect to any Capital Appreciation Bond, the principal amount thereof plus the interest accrued, compounded and unpaid at the approximate interest rate thereon as of the most recent compounding date. The Accreted Value at any date shall be the amount set forth in the Accreted Value Table as of that date, if the date is a compounding date, and if not, as of the immediately preceding compounding date.

"Accreted Value Table" means the table denominated as such that appears as an exhibit to a supplemental ordinance providing for a series of Capital Appreciation Bonds issued pursuant to the supplemental ordinance.

"Acquired Obligations" means the Government Obligations acquired by the City under the terms of this ordinance and the Escrow Agreement to effect the defeasance and refunding of certain of the callable 1994 Bonds.

"Additional Revenues" means the motor vehicle fuel tax-related revenues received by the City pursuant to RCW;46.68.100(1) and 46.68.115 and certain motor vehicle license fees received by the City pursuant to RCW;82.80.020.

"Annual Debt Service" means for any fiscal year the aggregate amount of principal and interest on all Parity Bonds becoming due and payable during the fiscal year calculated using the principles and assumptions set forth under the definition of Maximum Annual Debt Service.

"Bond Fund" means the Local Option Transportation Tax Revenue Bond Fund.

"Bond Insurance Policy" means the municipal bond insurance policy issued by the Insurer insuring the payment when due of the principal of and interest on the Bonds as provided therein.

"Bond Obligation" means, as of any given date of calculation, (1) with respect to any Outstanding Current Interest Bond, the principal amount of the bond, and (2) with respect to any Outstanding Capital Appreciation Bond, the Accreted Value of the bond.

"Bond Register" means the registration records for the Bonds maintained by the Bond Registrar.

"Bond Registrar" means the fiscal agency of the State of Washington in either Seattle, Washington, or New York, New York, whose duties include registering and authenticating the Bonds, maintaining the Bond Register, transferring ownership of the Bonds, and paying the principal of and interest on the Bonds.

"Bond Reserve Costs" means the amounts, including fees, expenses and accrued interest, owing to the provider of a letter of credit, insurance policy or surety bond that is used to satisfy all or a portion of the Bond Reserve Requirement.

"Bond Reserve Requirement" means, as of any date of calculation, an amount equal to the lesser of (i) Maximum Annual Debt Service on all Parity Bonds Outstanding; or (ii) 125% of average Annual Debt Service on all Parity Bonds Outstanding; provided, that with respect to the issuance of any Future Parity Bonds, if the Reserve Account would have to be increased by an amount greater than 10% of the stated principal amount of the Future Parity Bonds (or, if the bonds have more than a de minimis amount of original issue discount or premium of their issue price) then the Bond Reserve Requirement shall be such lesser amount as is determined by a deposit of such 10%.

"Bonds" mean the $6,675,000 aggregate principal amount of City of SeaTac, Washington, Local Option Transportation Tax Revenue Refunding Bonds, 1999 issued pursuant to this ordinance.

"Capital Appreciation Bonds" means any Future Parity Bonds on which interest is compounded and paid at maturity or on prior redemption.

"Cash Reserve Account" means the account by that name established pursuant to Section 5.02 of Ordinance No. 94-1018.

"Cash Reserve Account Requirement" means an amount equal to one-half of Maximum Annual Debt Service, which the City has covenanted to maintain in the Cash Reserve Account so long as the 1994 Bonds are Outstanding pursuant to Section 5.02(C) of Ordinance No. 94-1018.

"City" means the City of SeaTac, Washington, a municipal corporation duly organized and existing under the laws of the State of Washington.

"Code" means the Internal Revenue Code of 1986, as amended, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued or amended by the United States Treasury Department or the Internal Revenue Service, to the extent applicable to the Bonds.

"Council" means the general legislative authority of the City.

"Current Interest Bonds" means Future Parity Bonds that pay interest at least semiannually, excluding the first payment of interest.

"DTC" means The Depository Trust Company of New York, as depository for the Bonds, or any successor or substitute depository for the Bonds.

"Escrow Agent" means Chase Manhattan Trust Company, National Association.

"Escrow Agreement" means the Escrow Agreement to be dated as of the date of closing of the Bonds.

"Event of Default" means, so long as any 1994 Bonds remain Outstanding, any of the events specified in Section 7.01 of Ordinance No. 94-1018 or, when no 1994 Bonds remain Outstanding, the events specified in Section 17.

"Finance Director" means the City's Finance and Systems Director, or any successor to her functions.

"Fiscal Year" means the City's fiscal year, currently ending on December 31.

"Future Parity Bonds" means any bonds of the City issued after the date of issuance of the Bonds that will have a lien upon Revenues equal to the lien upon these Revenues for the payment of the principal of and interest on the 1994 Bonds and the Bonds.

"Insurer" means Financial Security Assurance Inc., a New York stock insurance company, or any successor thereto or assignee thereof, as issuer of a Bond Insurance Policy for the Bonds.

"Letter of Representations" means the Blanket Letter of Representations from the City to DTC.

"Local Option Transportation Tax" means the taxes levied and collected by the City pursuant to RCW;82.80.030.

"Local Option Transportation Tax Revenues" means the amounts raised by the City on and after the delivery of the 1994 Bonds on account of the commercial parking tax imposed in the City in accordance with the terms of the Tax Ordinance.

"Mandatory Sinking Account Payment" means the amount required to be deposited by the City in the Bond Fund for the payment of Parity Bonds that are Term Bonds.

"Maximum Annual Debt Service" means the greatest amount of Annual Debt Service becoming due and payable on all the Outstanding Parity Bonds in the Fiscal Year in which the calculation is made or any subsequent Fiscal Year; provided, however, that for the purpose of computing Maximum Annual Debt Service in determining the principal amount due in each Fiscal Year, payment shall be assumed to be made in accordance with any amortization schedule established for the debt, including any Mandatory Sinking Account Payments or any scheduled redemption or payment of Parity Bonds or on the basis of Accreted Value, and for this purpose, the redemption payment or payment of Accreted Value shall be deemed a principal payment and interest that is compounded and paid as Accreted Value shall be deemed due on the scheduled redemption or payment date of the Capital Appreciation Bond.

"Moody's" means Moody's Investors Service or its successor.

"MSRB" means the Municipal Securities Rulemaking Board or any successor to its functions.

"1994 Bonds" means the City of SeaTac, Washington, Local Option Transportation Tax Revenue Bonds, Series 1994 issued on June 1, 1994 pursuant to Ordinance No. 94-1018.

"NRMSIR" means a nationally recognized municipal securities information repository.

"Outstanding" means all Parity Bonds except (1) Parity Bonds cancelled by the Bond Registrar or surrendered to the Bond Registrar for cancellation; (2) Parity Bonds with respect to which all liability of the City shall have been discharged in accordance with Section 9 or the ordinance authorizing their issuance; and (3) Parity Bonds for the transfer or exchange of or in lieu of or in substitution for which other Parity Bonds shall have been authenticated and delivered by the Bond Registrar.

"Parity Bonds" means the 1994 Bonds, the Bonds and all Future Parity Bonds.

"Permitted Investments" means any securities in which the City is permitted to invest money under the laws of the State of Washington and, so long as the Bonds are insured by the Insurer, approved by the Insurer.

"Registered Owner" means the person in whose name a Bond is registered on the Bond Register. For so long as the City utilizes the book-entry system for the Bonds, DTC shall be deemed to be the Registered Owner.

"Reserve Account" means the Bond Reserve Fund established pursuant to Section 5.02 of Ordinance No. 94-1018.

"Revenue Fund" means the fund by that name established pursuant to Section 5.01 of Ordinance No. 94-1018.

"Revenues" means all Local Option Transportation Tax Revenues, all interest, profits and other income received from the investment of Local Option Transportation Tax Revenues (other than amounts in any rebate fund) and all other funds to be transferred into the Revenue Fund. Revenues does not include any other funds or assets of the City except Local Option Transportation Tax Revenues and earnings thereon.

"Rule" means the SEC's Rule 15c2-12 under the Securities Exchange Act of 1934.

"S&P" means Standard & Poor's Ratings Services, a Division of The McGraw-Hill Companies, or its successor.

"SEC" means the Securities and Exchange Commission.

"SID" means a state information depository for the State of Washington (if one is created).

"Tax Ordinance" means Ordinance No. 93-1019 as amended by Ordinance No. 94-1017, Ordinance No. 94-1046 and Ordinance No. 97-1019 adopting a citywide commercial parking tax and as it may be amended or supplemented.

"Term Bonds" means Parity Bonds the payment of principal of which will be made from mandatory sinking fund redemptions prior to their maturity.

"Trustee" means, so long as any 1994 Bonds remain Outstanding, the trustee appointed and acting in its capacity as standby trustee under Article VIII of Ordinance No. 94-1018, or its successor as standby trustee.

Section 2. Compliance with Conditions for Issuing Future Bonds. In accordance with Section 3.03 of Ordinance No. 94-1018, the City covenants that, at the time that the Bonds are issued, the City will have on file a certificate signed by the Finance Director certifying, as of the date of sale of the Bonds, that Maximum Annual Debt Service on all Parity Bonds Outstanding following the issuance of the Bonds is less than or equal to the Maximum Annual Debt Service on all Parity Bonds Outstanding prior to the issuance of the Bonds.

Section 3. Authorization and Description of Bonds. The City shall issue and sell the Bonds in the principal amount of $6,675,000 to redeem certain of the callable 1994 Bonds and pay all costs incidental thereto and to the issuance of the Bonds. The Bonds shall be designated the "City of SeaTac, Washington, Local Option Transportation Tax Revenue Refunding Bonds, 1999" (the "Bonds"), shall be dated as of May 1, 1999, shall be fully registered as to both principal and interest, shall be in the denomination of $5,000 each or any integral multiple thereof, provided that no Bond shall

represent more than one maturity, shall be numbered separately in the manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification and control, and shall bear interest payable on December 1, 1999, and semiannually thereafter on the first days of December and June. Interest on the Bonds shall be calculated based on a 360-day year of 12 30-day months. The Bonds shall bear interest at the following rates and mature on December 1 in the following years and in the following amounts:

Maturity Year	Principal Amount	Interest Rates
1999	$ 210,000	3.25%
2000	65,000	3.55
2001	65,000	3.80
2002	65,000	3.90
2003	70,000	4.00
2004	70,000	4.10
2005	455,000	4.25
2006	610,000	4.35
2007	635,000	4.35
2008	660,000	4.40
2009	690,000	4.50
2010	720,000	4.45
2011	755,000	4.55
2012	785,000	4.60
2013	820,000	4.70

Section 4. Registration, Exchange and Payments.

(a) *Registrar/Bond Register*. The City hereby adopts the system of registration approved by the Washington State Finance Committee, which utilizes the fiscal agencies of the State of Washington in Seattle, Washington, and New York, New York, as registrar, authenticating agent, paying agent and transfer agent (collectively, the "Bond Registrar"). The Bond Registrar shall keep, or cause to be kept, at its principal corporate trust office, sufficient records for the registration and transfer of the Bonds (the "Bond Register"), which shall be open to inspection by the City. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of the Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance. The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Bonds.

(b) *Registered Ownership*. The City and the Bond Registrar may deem and treat the Registered Owner of each Bond as the absolute owner for all purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary. Payment of any Bond shall be made only as described in Section 4(h), but registration may be transferred as herein provided. All payments made as described in Section 4(h) shall be valid and shall satisfy the liability of the City upon the Bond to the extent of the amount or amounts paid.

(c) *DTC Acceptance/Letter of Representations*. The Bonds shall initially be held in fully immobilized form by DTC acting as depository. To induce DTC to accept the Bonds as eligible for deposit at DTC, theCity has executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Letter of Representations").

Neither the City nor the Bond Registrar will have any responsibility or obligation to DTC participants or the persons for whom they act as nominees with respect to the Bonds for the accuracy of any records maintained by DTC or any DTC participant, the payment by DTC or any DTC participant of any amount in respect of the principal of or interest on Bonds, any notice that is permitted or required to be given to Registered Owners under this ordinance (except such notices as shall be required to be given by theCity to the Bond Registrar or to DTC), the selection by DTC or any DTC participant of any person to receive payment in the event of a partial redemption of the Bonds, or any consent given or other action taken by DTC as the Registered Owner. For so long as any Bonds are held in fully immobilized form hereunder, DTC or its successor depository shall be deemed to be the Registered Owner for all purposes, and all references in this ordinance to the Registered Owners shall mean DTC or its nominee and shall not mean the owners of any beneficial interest in any Bonds.

(d) *Use of Depository*.

(i) The Bonds shall be registered initially in the name of CEDE & Co., as nominee of DTC, with a single Bond for each maturity in a denomination equal to the total principal amount of such maturity. Registered ownership of such immobilized Bonds, or any portions thereof, may not thereafter be transferred except (A) to any successor of DTC or its nominee, provided that any such successor shall be qualified under any applicable laws to provide the service proposed to be provided by it; (B) to any substitute depository appointed by the City pursuant to subsection (ii) or such substitute depository's successor; or (C) to any person as provided in subsection (iv).

(ii) Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository or a determination by the City to discontinue the system of book entry transfers through DTC or its successor (or any substitute depository or its successor), the City may appoint a substitute depository. Any substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

(iii) In the case of any transfer pursuant to clause (A) or (B) of subsection (i), the Bond Registrar shall, upon receipt of all Outstanding Bonds, together with a written request on behalf of the City, issue a single new Bond for each maturity then Outstanding, registered in the name of the successor or substitute depository, or its nominee, all as specified in the written request of the City.

(iv) In the event that (A) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (B) the City determines that it is in the best interest of the Beneficial Owners of the Bonds that the Bonds be provided in certificated form, the ownership of the Bonds may then be transferred to any person or entity as herein provided, and shall no longer be held in fully immobilized form. The City shall deliver a written request to the Bond Registrar, together with a supply of definitive Bonds in certificated form, to issue Bonds in any authorized denomination. Upon receipt by the Bond Registrar of all then Outstanding Bonds, together with a written request on behalf of the City to the Bond Registrar, new Bonds shall be issued in the appropriate denominations and registered in the names of the persons identified in the written request.

(e) *Transfer or Exchange of Registered Ownership; Change in Denominations*. The registered ownership of any Bond may be transferred or exchanged, but no transfer of any Bond shall be valid unless it is surrendered to the Bond Registrar with the assignment form appearing on such Bond duly executed by the Registered Owner or the Registered Owner's duly authorized agent in a manner satisfactory to the Bond Registrar. Upon surrender, the Bond Registrar shall cancel the surrendered Bond and shall authenticate and deliver, without charge to the Registered Owner or transferee, a new Bond (or Bonds at the option of the new Registered Owner) of the same date, maturity and interest rate and for the same aggregate principal amount in any authorized denomination, naming as Registered Owner the person or persons listed as the assignee on the assignment form appearing on the surrendered Bond, in exchange for the surrendered and canceled Bond. Any Bond may be surrendered to the Bond Registrar and exchanged, without charge, for an equal aggregate principal amount of Bonds of the same date, maturity and interest rate, in any authorized denomination. The Bond Registrar shall not be obligated to transfer or exchange any Bond during a period

beginning at the opening of business on the 15th day of the month next preceding any interest payment date and ending at the close of business on the applicable interest payment date, or, in the case of any proposed redemption of the Bonds, after the mailing of notice of the call of the Bonds for redemption.

(f) *Bond Registrar's Ownership of Bonds*. The Bond Registrar may become the Registered Owner of any Bond with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as member of, or in any other capacity with respect to, any committee formed to protect the rights of the Registered Owners of the Bonds.

(g) *Registration Covenant*. The City covenants that, until all Bonds have been surrendered and canceled, it will maintain a system for recording the ownership of each Bond that complies with the provisions of Section 149 of the Code.

(h) *Place and Medium of Payment*. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. For so long as all Bonds are in fully immobilized form, payments of principal and interest shall be made as provided in accordance with the operational arrangements of DTC referred to in the Letter of Representations. In the event that the Bonds are no longer in fully immobilized form, interest on the Bonds shall be paid by check or draft mailed to the Registered Owners at the addresses for the Registered Owners appearing on the Bond Register on the 15th day of the month preceding the interest payment date, and principal of the Bonds shall be payable upon presentation and surrender of Bonds by the Registered Owners at the principal office of the Bond Registrar; provided, however, that if requested in writing by the Registered Owner of at least $1,000,000 principal amount of Bonds, interest will be paid by wire transfer on the date due to an account with a bank located within the United States.

Section 5. Redemption.

(a) *Optional Redemption*. The City reserves the right to redeem the Bonds maturing on and after December 1, 2010, in whole or in part on any date on or after December 1, 2009, at a price of par plus accrued interest to the date of redemption. If less than a whole of a maturity is called for redemption, the Bonds to be redeemed shall be chosen by lot in integral multiples of $5,000 by the Bond Registrar or, so long as the Bonds are registered in the name of CEDE & Co. or its registered assign, by DTC.

(b) *Partial Redemption*. If less than all of the principal amount of any Bond is redeemed, upon surrender of the Bond at the principal office of the Bond Registrar, there shall be issued to the Registered Owner, without charge, for the then unredeemed balance of the principal amount, a new Bond or Bonds, at the option of the Registered Owner, of like maturity and interest rate in any authorized denomination.

(c) *Notice of Redemption*. Written notice of any redemption of Bonds shall be given by the Bond Registrar on behalf of the City by first class mail, postage prepaid, not less than 30 days nor more than 60 days before the redemption date to the Registered Owners of Bonds that are to be redeemed at their last addresses shown on the Bond Register. So long as the Bonds are in book-entry form, notice of redemption shall be given as provided in the Letter of Representations. The Bond Registrar shall provide additional notice of redemption (at least 30 days) to each NRMSIR and SID, if any, in accordance with Section 20.

The requirements of this section shall be deemed complied with when notice is mailed, whether or not it is actually received by the owner.

Each notice of redemption shall contain the following information: (1) the redemption date, (2) the redemption price, (3) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the principal amounts) of the Bonds to be redeemed, (4) that on the redemption date the redemption price will become due and payable upon each Bond or portion called for redemption, and that interest shall cease to accrue from the redemption date, (5) that the Bonds are to be surrendered for payment at the principal office of the Bond Registrar, (6) the CUSIP numbers of all Bonds being redeemed, (7) the dated date of the Bonds, (8) the rate of interest for each Bond being redeemed, (9) the date of the notice, and (10) any other information needed to identify the Bonds being redeemed.

Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for this purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of the check or other transfer.

(d) *Effect of Redemption*. Unless the City has revoked a notice of redemption, the City shall transfer to the Bond Registrar amounts that, in addition to other money, if any, held by the Bond Registrar, will be sufficient to redeem, on the redemption date, all the Bonds to be redeemed. From the redemption date interest on each Bond to be redeemed shall cease to accrue.

(e) *Amendment of Notice Provisions*. The foregoing notice provisions of this section, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

(f) *Purchase on Open Market*. The City reserves the right to purchase any of the Bonds offered to the City at any price deemed reasonable by the City at any time.

Section 6. Lost or Destroyed Bonds. If any Bonds are lost, stolen or destroyed, the Bond Registrar may authenticate and deliver a new Bond or Bonds of like amount, maturity and tenor to the Registered Owner upon the owner paying the expenses and charges of the Bond Registrar and the City in connection with preparation and authentication of the replacement Bond or Bonds and upon his or her filing with the Bond Registrar and the City evidence satisfactory to both that the Bond or Bonds were actually lost, stolen or destroyed and of his or her ownership, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to both.

Section 7. Form of Bonds. The Bonds shall be in substantially the following form:

> Financial Security Assurance Inc. ("Financial Security"), New York, New York, has delivered its municipal bond insurance policy with respect to the scheduled payments due of principal of and interest on this bond to The Bank of New York, New York, New York, or its successor, as paying agent for the Bonds (the "Paying Agent"). Said Policy is on file and available for inspection at the principal office of the Paying Agent and a copy thereof may be obtained from Financial Security or the Paying Agent.

UNITED STATES OF AMERICA

NO. $_____

STATE OF WASHINGTON
CITY OF SEATAC, WASHINGTON

Local option transportation tax REVENUE Refunding Bond, 1999

INTEREST RATE: % MATURITY DATE: CUSIP NO.:

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The City of SeaTac, Washington (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest from May 1, 1999, or the most recent date to which interest has been paid or duly provided for, until payment of this bond at the Interest Rate set forth above, payable on December 1, 1999, and semiannually thereafter on the first days of each succeeding December and June. Both principal of and interest on this bond are payable in lawful money of the United States of America. For so long as the bonds of this issue are held in fully immobilized form, payments of principal and interest shall be made as provided in accordance with the operational arrangements of DTC referred to in the Blanket Issuer Letter of Representations from the City to The Depository Trust Company. In the event that the bonds of this issue are no longer held in fully immobilized form, interest on this bond shall be paid by check or draft mailed to the Registered Owner at the address appearing on the Bond Register on the 15th day of the month preceding the interest payment date, and principal of this bond shall be payable upon presentation and surrender of this bond by the Registered Owner at the principal office of the fiscal agency of the State of Washington in either Seattle, Washington, or New York, New York (collectively the "Bond Registrar"); provided, however, that if requested in writing by the Registered Owner of at least $1,000,000 principal amount of bonds, interest will be paid by wire transfer on the date due to an account with a bank located within the United States.

This bond is one of an authorized issue of bonds of like date and tenor, except as to number, amount, rate of interest and date of maturity, in the aggregate principal amount of $6,675,000 (the "Bonds"), and is issued pursuant to Ordinance No. _____ (the "Bond Ordinance") passed by the Council on May 11, 1999 to redeem certain outstanding local option transportation tax revenue bonds of the City. Capitalized terms used in this bond and not otherwise defined shall have the meanings given them in the Bond Ordinance.

The City has reserved the right to redeem the Bonds maturing on and after December 1, 2010, in whole or in part (and if in part, with maturities to be selected by the City and by lot within a maturity) on any date on or after December 1, 2009 at a price of par plus accrued interest to the redemption date.

Portions of the principal amount of this bond in installments of $5,000 or any integral multiple thereof also may be redeemed, and if less than all of the principal amount is to be redeemed, upon the surrender of this bond at the principal offices of the Bond Registrar there shall be issued to the Registered Owner, without charge, for the then unredeemed balance of the principal sum, at the option of the owner, a Bond or Bonds of like series, maturity and interest rate in any of the denominations authorized by the Bond Ordinance.

Notice of redemption, unless waived, shall be given by the Bond Registrar by mailing an official redemption notice by regular mail, postage prepaid, not less than 30 days and not more than 60 days prior to the date fixed for redemption, to the Registered Owner of any Bond to be redeemed at the address appearing on the Bond Register. The notice requirements shall be deemed to be complied with when notice is mailed, regardless of whether it is actually received by the owner of any Bond.

If notice has been given and if the City has set aside, on the date fixed for redemption, sufficient money for the payment of all Bonds called for redemption, the Bonds called shall cease to accrue interest after such redemption date, and the redeemed Bonds shall no longer be deemed to be Outstanding for any purpose, except that the Registered

Owners shall be entitled to receive payment of the redemption price and accrued interest to the redemption date from the money set aside for this purpose.

The Bonds are payable solely from the special fund of theCity known as the Local Option Transportation Tax Revenue Bond Fund (the "Bond Fund"). The City has irrevocably obligated and bound itself to pay into the Bond Fund out of Revenues or from such other money as may be provided for this purpose including Additional Revenues as defined in Ordinance No. 94-1018 so long as any of the City's Local Option Transportation Tax Revenue Bonds, 1994 (the "1994 Bonds") remain Outstanding and insured, certain amounts necessary to pay and secure the payment of the principal of and interest on the Bonds.

The City has pledged to set aside from the Revenue Fund out of the Revenues and to pay into the Bond Fund the various amounts required by the Bond Ordinance to be paid into and maintained in this fund within the times provided by the Bond Ordinance.

To the extent more particularly provided by the Bond Ordinance, the amounts so pledged to be paid from the Revenue Fund out of the Revenues and Additional Revenues into the Bond Fund shall be a lien and charge thereon equal in rank to the lien and charge upon the Revenues and Additional Revenues of the amounts required to pay and secure the payment of the 1994 Bonds and any revenue bonds hereafter issued on a parity with the Bonds and superior to all other liens and charges of any kind or nature.

The City has further bound itself to duly levy a commercial parking tax for as long as any of the Parity Bonds are Outstanding that will generate Revenues in each fiscal year, for the payment of the principal thereof and interest thereon, in an amount that is at least equal to 1.25 times the Annual Debt Service for that fiscal year. The City hereby covenants that it will perform all the covenants of this bond and of the Bond Ordinance, and reference is hereby made to the Bond Ordinance for a complete statement of the covenants.

The pledge of Revenues and other obligations of the City under the Bond Ordinance may be discharged at or prior to the maturity or redemption of the Bonds upon the making of provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

This bond is a special limited obligation of the City and is not an obligation of the State of Washington or any political subdivision thereof other than the City, and neither the full faith and credit nor the taxing power of the City or the State of Washington is pledged to the payment of this bond.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication has been manually signed by the Bond Registrar.

This bond is transferable only on the records maintained by the Bond Registrar for that purpose upon the surrender of this bond by the Registered Owner or his/her duly authorized agent and only if endorsed in the manner provided

hereon, and a new fully registered Bond of like principal amount, maturity and interest rate shall be issued to the transferee in exchange. The exchange or transfer shall be without cost to the Registered Owner or transferee. The City and Bond Registrar may deem the person in whose name this Bond is registered to be the absolute owner for the purpose of receiving payment of the principal of and interest on this bond and for all other purposes.

The City has designated the bonds of this issue as "qualified tax-exempt obligations" for purchase by financial institutions.

The Bond Registrar is not required to issue, register, transfer or exchange any Bonds during a period beginning at the opening of business on the 15th day of the month next preceding any interest payment date and ending at the close of business on the interest payment date, or, in the case of any proposed redemption of the Bonds, after the mailing of notice of the call of Bonds for redemption.

It is hereby certified that all acts, conditions and things required by the Constitution, statutes of the State of Washington and ordinances of the City to exist, to have happened, been done and performed precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond and the Bonds does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City may incur.

The City has caused this bond to be executed by the manual or facsimile signature of the Mayor and to be attested by the manual or facsimile signature of the City Clerk, and has caused the seal of the City to be impressed or imprinted on this bond, as of this May 1, 1999.

City OF SEATAC,
WASHINGTON

By

Mayor

ATTEST:

City Clerk

The Bond Registrar's Certificate of Authentication on the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

This is one of the City of SeaTac, Washington, Local Option Transportation Tax Revenue Refunding Bonds, 1999 dated May 1, 1999, described in the Bond Ordinance.

WASHINGTON STATE
FISCAL AGENCY, as Bond
Registrar

By

Authorized Signatory

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

TEN ENT -- as tenants by the entireties

JT TEN -- as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT (TRANSFERS) MIN ACT -

-

Custodian

(Cust) (Minor)

under Uniform Gifts (Transfers) to Minors Act

(State)

Additional abbreviations may also be used, though not in the above list.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR TAXPAYER
IDENTIFICATION NUMBER OF TRANSFEREE

-

(Please print or typewrite name and address, including zip code, of transferee)

the within bond and does hereby irrevocably constitute and appoint as attorney-in-fact to transfer bond on the books kept for registration thereof with full power of substitution in the premises.

DATED: _____, _____.

SIGNATURE GUARANTEED:

NOTICE: Signature(s) must be guaranteed pursuant to law.

NOTE: The signature on this Assignment must correspond with the name of the Registered Owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Section 8. Execution of Bonds. The Bonds shall be executed on behalf of the City with the manual or facsimile

signature of the Mayor, attested by the manual or facsimile signature of the City Clerk, and shall have the seal of the City impressed or imprinted thereon. In case either or both of the officers who have signed or attested any of the Bonds cease to be such officer before such Bonds have been actually issued and delivered, the Bonds shall be valid nevertheless and may be issued by the City with the same effect as though the persons who had signed or attested the Bonds had not ceased to be the officers, and any Bond may be signed or attested on behalf of the City by officers who at the date of actual execution of the Bond are the proper officers, although at the nominal date of execution of the Bond the officer was not an officer of the City.

Only Bonds that bear a Certificate of Authentication in the form set forth in Section 7, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. The Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered and are entitled to the benefits of this ordinance.

Section 9. Bonds Deemed To Be No Longer Outstanding. In the event that the City, in order to effect the payment, retirement or redemption of any Bond, sets aside in a special account held in trust by a trustee, cash or noncallable government obligations, as such obligations are now or hereafter defined in RCW 39.53, or any combination of cash and/or noncallable government obligations, in amounts and with maturities that, together with the known earned income therefrom, are sufficient to redeem or pay and retire the Bond in accordance with its terms and to pay when due the interest and redemption premium, if any, thereon, and the cash and/or noncallable government obligations are irrevocably set aside and pledged for this purpose, then no further payments need be made into the Bond Fund for the payment of the principal of and interest on the Bond. The owner of a Bond so provided for shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive payment of principal, premium, if any, and interest from the special account, and the Bond shall be deemed to be not Outstanding under this ordinance.

The trustee shall give written notice of defeasance to the owners of all Bonds so provided for within 30 days of the closing date and to the SID, if any, and to each NRMSIR or to the MSRB in accordance with Section 20.

Section 10. Issuance of Future Parity Bonds.

(a) The City may issue Future Parity Bonds payable from Revenues and with a lien on these Revenues equal to the lien of the Outstanding Parity Bonds, but only upon compliance with the following conditions as of the date of issuance of the Future Parity Bonds:

(i) No Event of Default shall have occurred and then be continuing.

(ii) The balance in the Reserve Account, upon the receipt of the proceeds of the Future Parity Bonds shall be increased, if necessary, to an amount at least equal to the Bond Reserve Requirement with respect to all Parity Bonds Outstanding upon the issuance of the Future Parity Bonds. The deposit may be made from the proceeds of the sale of the Future Parity Bonds, from other funds of the City or in the form of a letter of credit, surety bond or insurance policy as described in Section 14.

(iii) The aggregate principal amount of Future Parity Bonds issued shall not exceed any limitation imposed by state law.

(iv) The City shall have obtained a certificate signed by the Finance Director verifying that the amount of Revenues received for any period of 12 consecutive months during the 18 months immediately preceding the date of issuance of the Future Parity Bonds was at least 1.40 times the amount of Maximum Annual Debt Service on all Parity Bonds then Outstanding and the Future Parity Bonds to be issued plus 1.0 times the amount of Bond Reserve Costs then due and owing.

(b) The City may issue Future Parity Bonds for the purpose of refunding Outstanding Parity Bonds without compliance with the provisions of subsection (a) provided that Maximum Annual Debt Service on all Parity Bonds Outstanding following the issuance of the refunding bonds is less than or equal to Maximum Annual Debt Service on all Parity Bonds Outstanding prior to the issuance of the refunding bonds. Before the refunding bonds are issued, the City shall have on file a certificate signed by the Finance Director certifying (on the basis of calculations as of the date of sale of

the refunding bonds) that the Maximum Annual Debt Service on all Parity Bonds Outstanding following the issuance of the refunding bonds is less than or equal to the Maximum Annual Debt Service on all Parity Bonds Outstanding prior to the issuance of the refunding bonds.

Section 11. Pledge of Revenues.

(a) The Bonds are special limited obligations of the City and are payable as to both principal and interest, and any premium upon redemption thereof, exclusively from the Revenues and other funds pledged hereunder. All Revenues are hereby pledged to secure the payment of the principal of, premium, if any, and interest on the Parity Bonds and the Bond Reserve Costs in accordance with their terms, subject only to the provisions of this ordinance. There are hereby pledged to secure the payment of the principal of, premium, if any, and interest on the Parity Bonds in accordance with their terms all amounts (including proceeds of the Bonds) held by the City hereunder (except for amounts held in any rebate fund), subject only to the provisions of this ordinance. Said pledge shall constitute a first lien on the Revenues and amounts in such funds and shall be valid and binding from and after delivery by the Bond Registrar of the Bonds, without any physical delivery or further act.

The Revenues are hereby pledged to the payment of Parity Bonds without priority or distinction of one over the other and the Revenues constitute a trust fund for the security and payment of the Parity Bonds, except as such Revenues may be applied for other purposes as provided herein. Out of Revenues there shall be paid the principal of, premium, if any, and interest on the Parity Bonds, together with any sinking fund payments of Parity Bonds and reserve fund requirements with respect thereto. The pledge of Revenues shall be irrevocable until all of the Parity Bonds and all Bond Reserve Costs are no longer Outstanding.

The Bonds shall not constitute general obligations of the City, the State of Washington or any political subdivision thereof, and neither the full faith and credit nor the general taxing power of the City or the State of Washington is pledged.

(b) The Local Option Transportation Tax Revenues shall be received and held in trust by the City for the benefit of the owners of the Parity Bonds and shall be disbursed, allocated and applied solely for the uses and purposes set forth herein. As long as any Parity Bonds are Outstanding, the City shall cause Local Option Transportation Tax Revenues, when and as received, to be deposited in a trust fund, designated as the "Local Option Transportation Tax Revenue Fund" (the "Revenue Fund"), which fund the City has established pursuant to Ordinance No. 94-1018. Investment income on amounts held by the City hereunder (other than amounts held in any rebate fund) shall also be deposited in the Revenue Fund. All moneys at any time held in the Revenue Fund shall be held in trust for the benefit of the owners of the Bonds and shall be disbursed, allocated and applied solely for the uses and purposes set forth herein.

(c) For so long as the 1994 Bonds are Outstanding and insured by the Municipal Bond Investors Assurance Corporation, all Additional Revenues are also pledged to secure the payment of the principal of, premium, if any, and interest on the Parity Bonds and the Bond Reserve Costs, in accordance with their terms, subject only to the provisions of this ordinance. The Additional Revenues and the investment earnings thereon shall be received and separately accounted for by the City, and shall be held in trust by the City for the benefit of the owners of the Parity Bonds. Said pledge shall, subject to the limitations hereinafter stated, constitute a first lien on the Additional Revenues. The pledge of Additional Revenues herein made is irrevocable until all of the 1994 Bonds (and all attributable Bond Reserve Costs) are no longer Outstanding or insured; provided, however, that the City shall be obligated to make the deposits required by Section 12 hereof and other necessary payments from Additional Revenues to the extent that Revenues are insufficient to make deposits and payments. To the extent that Additional Revenues are not required in any Fiscal Year to be applied this money may be used by the City for any lawful purpose.

Section 12. Revenue Fund; Bond Fund.

(a) There is hereby created a Local Option Transportation Tax Revenue Bond Fund (the "Bond Fund") for the purpose of paying principal of and interest on the Parity Bonds. The Bond Fund shall include the Interest Fund, Principal Fund and Sinking Accounts created by Ordinance No. 94-1018. The Bond Reserve Fund created by Ordinance No. 94-1018 shall be an account within the Bond Fund. So long as any Parity Bonds are Outstanding, the City shall deposit the money in the Revenue Fund in the following funds in the following amounts and order of priority. The requirements of

each fund (including the making up of any deficiencies in any such fund resulting from lack of Revenues sufficient to make any earlier required deposit) at the time of deposit must be satisfied before any deposit is made to any fund subsequent in priority.

(i) Bond Fund – Interest Payments. The City shall deposit in the Bond Fund as soon as practicable in each month an amount with respect to Outstanding Current Interest Bonds, equal to one-sixth of the aggregate half-yearly amount of interest due and payable on the Outstanding Current Interest Bonds during the next ensuing six months (excluding any interest for which there are moneys deposited in the Bond Fund from the proceeds of any Parity Bonds or other source and reserved as capitalized interest to pay such interest during said next ensuing six months), until the requisite half-yearly amount of interest on all such Outstanding Current Interest Bonds is on deposit in the Bond Fund; provided, that from the date of delivery of an issue of Current Interest Bonds until the first interest payment date with respect to such issue the amounts so paid shall be sufficient on a monthly pro rata basis to pay the aggregate amount of interest becoming due and payable on the interest payment date with respect to the issue. No deposit need be made into the Bond Fund pursuant to this paragraph if the amount contained therein is at least equal to the interest to become due and payable on the interest payment dates falling within the next six months upon all of the Parity Bonds then Outstanding and on December 1 of each year any excess amounts in the Bond Fund not needed to pay interest on such date shall be transferred to the Revenue Fund (but excluding, in each case, any moneys on deposit in the Bond Fund from the proceeds of any Parity Bonds or other source and reserved as capitalized interest to pay interest on any future interest payment dates following such interest payment date). Once the 1994 Bonds are no longer Outstanding, monthly deposits shall not be required and the City shall deposit into the Bond Fund on or prior to an interest payment date the amount required to make such interest payment.

(ii) Bond Fund – Principal and Sinking Fund Payments. The City shall deposit in the Bond Fund as soon as practicable in each month an amount equal to at least (a) one-twelfth of the aggregate yearly amount of Bond Obligation becoming due and payable on the Outstanding Parity Bonds having annual maturity dates within the next 12 months, plus (b) one-twelfth of the aggregate of the Mandatory Sinking Account Payments to be paid during the next 12-month period into the Bond Fund for the Term Bonds of all issues for which annual mandatory redemption is required. All of the Mandatory Sinking Account Payments shall be made without priority of any payment over any other such payment. In the event that the Revenues are not sufficient to make the required deposits so that money in the Bond Fund on any principal or mandatory redemption date is equal to the amount of Bond Obligation to become due and payable on the Outstanding Parity Bonds (including the Bond Obligation amount of and redemption premium on the Outstanding Term Bonds required to be redeemed or paid at maturity on such date), then the money shall be applied on a proportionate basis and in the proportion that serial Bonds and Term Bonds shall bear to each other, after first deducting for such purposes from the Term Bonds any of the Term Bonds required to be redeemed annually as shall have been redeemed or purchased timing the preceding 12-month period. In the event that the Revenues are not sufficient to pay in full all Mandatory Sinking Account Payments required to be paid at any one time, then payments shall be made on a proportionate basis, in the proportion that the respective Mandatory Sinking Account Payments required to be made into the Bond Fund during the then current 12-month period bear to the aggregate of all of the Mandatory Sinking Account Payments required to be made into the Bond Fund during the 12-month period.

No deposit need be made into the Bond Fund so long as there shall be in the Bond Fund (i) moneys sufficient to pay the Bond Obligations of all Parity Bonds issued hereunder and then Outstanding and maturing by their terms within the next 12 months plus (ii) the aggregate of all Mandatory Sinking Account Payments required to be made in the 12-month period, but less any amounts deposited into the Bond Fund during such 12-month period and theretofore paid from the Bond Fund to redeem or purchase Term Bonds during such 12-month period. Once the 1994 Bonds are no longer Outstanding, monthly deposits shall no longer be required and the City shall deposit into the Bond Fund on or prior to a principal or sinking fund payment date the amount required to make such payments.

(iii) Reserve Account. The City shall deposit as soon as possible in each month in the Reserve Account, except as otherwise provided herein, upon the occurrence of any deficiency therein, one-twelfth of the aggregate amount of each unreplenished prior withdrawal from the Reserve Account plus the Bond Reserve Costs relating to any draw on a letter of credit, insurance policy or surety bond satisfying all or a portion of the Bond Reserve Requirement and the full amount of any deficiency in the Reserve Account due to any required valuations of the investments in the Reserve Account until the balance in the Reserve Account is at least equal to the Bond Reserve Requirement.

(b) Any Revenues remaining in the Revenue Fund after the foregoing transfers described in (i), (ii) and (iii) of subsection (a) above shall be applied by the City for any lawful purpose.

(c) Cash Reserve Account. So long as any 1994 Bonds are Outstanding and insured, the City shall maintain a Cash Reserve Account within the Reserve Account, which the City covenants to continue to maintain in the amount of the Cash Reserve Account Requirement and hold in trust for the benefit of the owners of the Parity Bonds. In the event that amounts in the Reserve Account are insufficient to make any required deposit or payment hereunder, money in the Cash Reserve Account shall be applied to make such deposit or payment. Investment earnings on the money on deposit in the Cash Reserve Account shall, to the extent the money is not required to maintain the balance therein at the Cash Reserve Account Requirement, be transferred to the City to be used for any lawful purpose.

Section 13. Bond Fund. All amounts in the Bond Fund shall be used and withdrawn by the City solely for the purpose of paying interest on the Parity Bonds as it shall become due and payable (including accrued interest on any Bonds purchased or redeemed prior to maturity pursuant to this ordinance) and the Bond Obligation of the Bonds when due and payable and to purchase or redeem or pay at maturity Term Bonds.

Section 14. Reserve Account.

(a) In lieu of making the Bond Reserve Requirement deposit, or in replacement of money then on deposit in the Reserve Account, the City may obtain an irrevocable letter of credit issued by a financial institution having unsecured debt obligations rated in one of the two highest long-term rating categories of Moody's and S&P, in an amount, together with money, investment securities or surety bonds or insurance policies on deposit in the Reserve Account, equal to the Bond Reserve Requirement. The letter of credit shall have an original term of no less than three years or, if less, the maturity of the series of Parity Bonds in connection with which the letter of credit was obtained and the letter of credit shall provide by its terms that it may be drawn upon as provided in this section. At least one year prior to the stated expiration of such letter of credit, the City shall either (i) obtain a replacement letter of credit, (ii) obtain an extension of the letter of credit for at least an additional year or, if less, the maturity of the Parity Bonds in connection with which the letter of credit was obtained, or (iii) obtain a surety bond or an insurance policy satisfying the requirements below. If the City shall fail to deposit a replacement letter of credit, extended letter of credit, surety bond or insurance policy, it shall immediately commence to make monthly deposits so that an amount equal to the Bond Reserve Requirement will be on deposit in the Reserve Account no later than the stated expiration date of the letter of credit. If an amount equal to the Bond Reserve Requirement as of the date following the expiration of the letter of credit is not on deposit in the Reserve Account one week prior to the stated expiration date of the letter of credit (excluding from such determination the letter of credit), the City shall draw on the letter of credit to fund the deficiency resulting therefrom in the Reserve Account.

(b) In lieu of making the Bond Reserve Requirement deposit, or in replacement of money then on deposit in the Reserve Account, the City may obtain a surety bond or an insurance policy securing an amount, together with money, investment securities or letters of credit on deposit in the Reserve Account, equal to the Bond Reserve Requirement. The surety bond or insurance policy shall be issued by an insurance company whose unsecured debt obligations (or for which obligations secured by the insurance company's insurance policies) are rated in one of the two highest long-term rating categories of Moody's and S&P. The surety bond or insurance policy shall have a term of no less than the maturity of the Parity Bonds in connection with which the surety bond or insurance policy is obtained. In the event that the surety bond or insurance policy for any reason lapses or expires, the City shall immediately implement (i) or (iii) of the preceding paragraph or make the required deposits to the Reserve Account.

(c) All amounts in the Reserve Account (including all amounts that may be obtained from letters of credit, surety bonds and insurance policies on deposit in the Reserve Account) shall be used and withdrawn by the City, as hereinafter provided, solely for the purpose of making up any deficiency in the Bond Fund, or (together with any other money available therefor) for the payment or redemption of all Parity Bonds then Outstanding or, for the payment of the final principal and interest payment of a series of Parity Bonds, if following payment the amounts in the Reserve Account (including the amounts which may be obtained from letters of credit, surety bonds and insurance policies on deposit therein) will equal the Bond Reserve Requirement and for the payment of all Bond Reserve Costs. The City shall, on a pro rata basis with respect to the portion of the Reserve Account held in cash or investment securities and

amounts held in the form of letters of credit and amounts held in the form of surety bonds and insurance policies (calculated by reference to the maximum amounts of the letters of credit, surety bonds and insurance policies and the amount of the initial deposit of cash and investment securities), draw under each letter of credit, surety bond or insurance policy issued with respect to the Reserve Account, in a timely manner and pursuant to the terms of the letter of credit, surety bond or insurance policy to the extent necessary to obtain sufficient funds on or prior to the date the funds are needed to pay the Bond Obligation of, Mandatory Sinking Account Payments with respect to, and interest on Parity Bonds when due. In the event that the City has notice that any payment of principal of or interest on a Parity Bond has been recovered from a bondholder pursuant to the United States Bankruptcy Code by a trustee in bankruptcy in accordance with the final, nonappealable order of a court having competent jurisdiction, the City, pursuant to and provided that the terms of the letter of credit, surety bond or bond insurance policy, if any, securing the Bonds so provide, shall notify the issuer and draw on the letter of credit, surety bond or policy to the lesser of the extent required or the maximum amount of the letter of credit, surety bond or policy to pay to the bondowners the principal of and interest recovered. Any amounts in the Reserve Account in excess of the Bond Reserve Requirement shall be transferred to the Revenue Fund on June 1 and December 1 of each year; provided, that the amounts shall be transferred only from the portion of the Reserve Account held in the form of cash or investment securities.

(d) At the City's option it may provide for separate accounts within the Bond Fund or Reserve Account for each issue of Parity Bonds and, in such case, the Bond Reserve Requirement would be calculated separately for each issue.

Section 15. Investment of Moneys in Funds and Accounts. All money in any of the funds and accounts held by the City and established pursuant to Ordinance No. 94-1018 or this ordinance shall be invested solely in investments legally permitted to the City. Money in the Bond Fund, including money in the Reserve Account, shall be invested in Permitted Investments, and money in the Reserve Account shall be invested in Permitted Investments that are available on demand or maturing within five years (or such longer period as determined by the City once the 1994 Bonds are no longer Outstanding) of the date of the investment. Money in the remaining funds and accounts shall be invested in investment securities maturing or available on demand not later than the date on which it is estimated that the money will be required by the City.

Unless otherwise provided, all interest, profits and other income received from the investment of moneys in any fund or account held hereunder, other than any rebate fund, shall be transferred to the Revenue Fund when received.

All investment securities credited to the Reserve Account shall be valued as of May 31 and November 30 of each year at their fair market value determined to the extent practicable by reference to the closing bid price published in The Wall Street Journal or any other financial publication or quotation service selected by the City in its sole discretion.

The City may commingle any of the funds or accounts, other than any rebate fund, into a separate fund or funds for investment purposes only, provided that all funds or accounts held by the City hereunder shall be accounted for separately.

Section 16. Bond Covenants.

(a) *Punctual Payment and Performance*. The City will punctually pay out of Revenues the interest on, the principal of and premiums, if any, due on every Bond.

(b) *Against Encumbrances*. The City will not make any pledge of or place any charge or lien upon the Revenues having priority over or having parity with the lien of the Parity Bonds.

(c) *Tax Covenants; Special Designation*. The City covenants to undertake all actions required to maintain the tax-exempt status of interest on the Bonds under Section 103 of the Code as set forth in the Arbitrage and Tax Certification that will be executed at the closing of the Bonds.

The City hereby designates the Bonds as "qualified tax-exempt obligations" under Section 265(b)(c) of the Code for banks, thrift institutions and other financial institutions.

(d) *Accounting Records and Reports*. The City will at all times keep, or cause to be kept, proper records and accounts,

prepared in accordance with generally accepted accounting principles, in which accurate entries shall be made of all transactions relating to the Revenues. A copy of financial statements will be furnished to any owner of Bonds upon written request to the City.

(e) *Further Assurances*. The City will execute and deliver or cause to be executed and delivered all other assurances or instruments, and do or cause to be done all other things necessary or reasonably required to further and more fully vest in the owners all rights, interests, powers, benefits, privileges and advantages conferred or intended to be conferred upon them.

(f) *Waiver of Laws.* The City will not at any time insist upon or plead in any manner whatsoever, or claim or take the benefit or advantage of, any stay or extension of any law now or at any time hereafter in force that may affect the covenants and agreements contained in this ordinance or in the Parity Bonds, and all benefit or advantage of any such law or laws is hereby expressly waived by the City to the extent permitted by law.

(g) *Extension of Payment of Parity Bonds*. The City shall not directly or indirectly extend or assent to the extension of the maturity of any of the Parity Bonds or the time of payment of interest, and in case the maturity of any of the Parity Bonds of the time of payment of interest shall be extended, the Parity Bonds or claims for interest shall not be entitled to the benefits of this ordinance, except subject to the prior payment in full of the principal of all of the Parity Bonds then Outstanding and of all claims for interest thereon that shall not have been extended. Nothing in this section shall be deemed to limit the right of the City to issue Parity Bonds for the purpose of refunding any Outstanding Parity Bonds, and such issuance shall not be deemed to constitute an extension of maturity of any of the Parity Bonds.

(h) *Establishment and Collection of Rates and Charges; Coverage Ratio*.

(i) The City covenants that it shall levy a commercial parking tax pursuant to and in accordance with the Tax Ordinance, which shall generate Revenues in each Fiscal Year which are at least equal to 1.25 times Annual Debt Service in that Fiscal Year. The Tax Ordinance will not be amended, modified or altered so long as any of the Parity Bonds are Outstanding in any manner which would reduce the amount of or timing of receipt of Local Option Transportation Tax Revenues required hereunder, and the City will continue to levy and collect such commercial parking tax to the full amount permitted by law and required hereby.

(ii) Local Option Transportation Tax Revenues received by the City shall be applied as set forth herein; provided, that, during the continuance of an Event of Default, any Local Option Transportation Tax Revenues received by the Trustee or Bondowners' Trustee shall be applied first to the payment of the fees, costs and expenses of the Trustee or Bondowners' Trustee in declaring the Event of Default and pursuing remedies, including reasonable compensation of its agents, attorneys and counsel, which fees, costs and expenses shall be paid from the Revenue Fund, and second, to deposit into the Bond Fund.

(iii) The City covenants that it will apply the Local Option Transportation Tax Revenues and proceeds of all Parity Bonds in accordance with State law.

Section 17. Events of Default. So long as any 1994 Bonds remain Outstanding, the events specified in Section 7.01 of Ordinance No. 94-1018 shall be Events of Default. When no 1994 Bonds remain Outstanding, the following shall constitute "Events of Default":

(a) If default shall be made in the punctual payment of the principal of and premium, if any, on any of the Parity Bonds when due, either at maturity or by proceedings for mandatory redemption or otherwise;

(b) If default shall be made in the punctual payment of any installment of interest on any Parity Bond;

(c) If the City shall fail to purchase or redeem Term Bonds in an aggregate principal amount at least equal to the Mandatory Sinking Account Payment for the applicable Fiscal Year;

(d) If the City shall default in the observance and performance of any other of the covenants on the part of the City contained in this ordinance and the default or defaults shall have continued for a period of 90 days after the City has

received from the Bondowners' Trustee or from the owners of not less than 20% in principal amount of Parity Bonds Outstanding, a written notice specifying and demanding the cure of the default;

(e) If an order, judgment or decree shall be entered by any court of competent jurisdiction: (i) appointing a receiver, trustee or liquidator for the City; (ii) approving a petition filed against the City seeking the bankruptcy, arrangement or reorganization of the City under any applicable law of the United States or the State of Washington; or (iii) assuming custody or control of the City under the provisions of any other law for the relief or aid of debtors and the order, judgment or decree shall not be vacated or set aside or stayed (or, in case custody or control is assumed by the order, custody or control shall not be otherwise terminated) within 60 days from the date of the entry of the order, judgment or decree; or

(f) If the City shall: (i) admit in writing its inability to pay its debts generally as they become due; (ii) file a petition in bankruptcy or seeking a composition of indebtedness under any state or federal bankruptcy or insolvency law; (iii) make an assignment for the benefit of its creditors; or (iv) consent to the assumption by any court of competent jurisdiction under the provisions of any other law for the relief or aid of debtors of custody or control of the City.

Section 18. Trustee to Represent Bondowners. So long as any 1994 Bonds remain Outstanding, the provisions of Articles VII and VIII of Ordinance No. 94-1018 shall apply with respect to the Trustee for Bondowners. When no 1994 Bonds remain Outstanding, the following provisions shall apply with respect to the Bondowners' Trustee.

(a) *Appointment of Bondowner's Trustee*. So long as an Event of Default has not been remedied, a bondowners' trustee (the "Bondowners' Trustee") may be appointed by the owners of 25% in principal amount of the Parity Bonds Outstanding, by an instrument or concurrent instruments in writing signed and acknowledged by the owners of the Parity Bonds or by their attorneys-in-fact duly authorized and delivered to such Bondowners' Trustee and notification thereof being given to the City. That appointment shall become effective immediately upon acceptance thereof by the Bondowners' Trustee. Any Bondowners' Trustee appointed under the provisions of this section shall be a bank or trust company organized under the laws of the State of New York or a national banking association. The bank or trust company acting as Bondowners' Trustee may be removed at any time, and a successor Bondowners' Trustee may be appointed, by the owners of a majority in principal amount of the Parity Bonds, by an instrument or concurrent instruments in writing signed and acknowledged by these owners of the Parity Bonds or by their attorneys-in-fact duly authorized. The Bondowners' Trustee may require such security and indemnity as may be reasonable against the costs, expenses and liabilities that may be incurred in the performance of its duties.

In the event that any Event of Default in the sole judgment of the Bondowners' Trustee is cured and the Bondowners' Trustee furnishes to the City a certificate so stating, that Event of Default shall be conclusively deemed to be cured and the City, the Bondowners' Trustee and the owners of the Parity Bonds shall be restored to the same rights and position which they would have held if no Event of Default had occurred.

The Bondowners' Trustee appointed in this manner, and each successor thereto, is declared to be a trustee for the owners of all the Parity Bonds and is empowered to exercise all the rights and powers herein conferred on the Bondowners' Trustee.

(b) *Suits at Law or in Equity*. Upon the happening of an Event of Default and during the continuance thereof, the Bondowners' Trustee may, and upon the written request of the owners of not less than 25% in principal amount of the Parity Bonds Outstanding shall, take such steps and institute such suits or other proceedings, all as it may deem appropriate for the protection and enforcement of the rights of the owners of the Parity Bonds, to collect any amounts due and owing to or from the City, or to obtain other appropriate relief, and may enforce the specific performance of any covenant, agreement or condition contained in this ordinance or in any of the Parity Bonds.

Nothing contained in this section shall, in any event or under any circumstance, be deemed to authorize the acceleration of maturity of principal on the Parity Bonds, and the remedy of acceleration is expressly denied to the owners of the Parity Bonds under any circumstances including, without limitation, upon the occurrence and continuance of an Event of Default.

Any action, suit or other proceedings instituted by the Bondowners' Trustee hereunder shall be brought in its name as

trustee for the Bondowners and all such rights of action upon or under any of the Parity Bonds or the provisions of this ordinance may be enforced by the Bondowners' Trustee without the possession of any of those Parity Bonds and without the production of the same at any trial or proceedings relative thereto except where otherwise required by law. Any suit or proceeding instituted by the Bondowners' Trustee shall be brought for the ratable benefit of all of the owners of those Parity Bonds, subject to the provisions of this ordinance. The respective owners of the Parity Bonds, by taking and holding the same, shall be conclusively deemed irrevocably to appoint the Bondowners' Trustee the true and lawful trustee of the respective owners of those Parity Bonds, with authority to institute any suit or proceeding; to receive as trustee and deposit in trust any sums becoming distributable on account of those Parity Bonds; to execute any paper or documents for the receipt of money; and to do all acts with respect thereto that the owner himself or herself might have done in person. Nothing herein shall be deemed to authorize or empower the Bondowners' Trustee to consent to accept or adopt, on behalf of any owner of the Parity Bonds, any plan of reorganization or adjustment affecting the Parity Bonds or any right of any owner thereof, or to authorize or empower the Bondowners' Trustee to vote the claims of the owners thereof in any receivership, insolvency, liquidation, bankruptcy, reorganization or other proceeding to which the City is a party.

(c) *Application of Money Collected by Bondowners' Trustee.* Any money collected by the Bondowners' Trustee at any time pursuant to this ordinance shall be applied in the following order of priority:

(i) first, to the payment of the charges, expenses, advances and compensation of the Bondowners' Trustee and the charges, expenses, counsel fees, disbursements and compensation of its agents and attorneys; and

(ii) second, to the payment to the persons entitled thereto first of required interest and then of unpaid principal amounts on any Parity Bonds that shall have become due (other than Parity Bonds previously called for redemption for the payment of which money is held pursuant to the provisions hereto), whether at maturity or by proceedings for redemption or otherwise, in the order of their due dates and, if the amount available shall not be sufficient to pay in full the principal amounts due on the same date, then to the payment thereof ratably, according to the principal amounts due thereon to the persons entitled thereto, without any discrimination or preference.

(d) *Duties and Obligation of Bondowners' Trustee*. The Bondowners' Trustee shall not be liable except for the performance of duties specifically set forth herein. During an Event of Default, the Bondowners' Trustee shall exercise the rights and powers vested in it hereby, and shall use the same degree of care and skill in its exercise as a prudent person would exercise or use under the circumstances in the conduct of his or her own affairs. The Bondowners' Trustee shall have no liability for any act or omission to act hereunder except for the Bondowners' Trustee's own negligent action, its own negligent failure to act or its own willful misconduct. The duties and obligations of the Bondowners' Trustee shall be determined solely by the express provisions of this ordinance, and no implied powers, duties or obligations of the Bondowners' Trustee shall be read into this ordinance.

The Bondowners' Trustee shall not be required to expend or risk its own funds or otherwise incur individual liability in the performance of any of its duties or in the exercise of any of its rights or powers as the Bondowners' Trustee, except as may result from its own negligent action, its own negligent failure to act or its own willful misconduct.

The Bondowners' Trustee shall not be bound to recognize any person as a owner of any Bond until his title thereto, if disputed, has been established to its reasonable satisfaction.

The Bondowners' Trustee may consult with counsel and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it hereunder in good faith and in accordance with the opinion of such counsel. The Bondowners' Trustee shall not be answerable for any neglect or default of any person, firm or corporation employed and selected by it with reasonable care.

(e) *Suits by Individual Bondowners Restricted.* No owner of any one or more of Parity Bonds shall have any right to institute any action, suit or proceeding at law or in equity for the enforcement of same unless:

(i) an Event of Default has happened and is continuing; and

(ii) a Bondowners' Trustee has been appointed; and

(iii) the owner previously shall have given to the Bondowners' Trustee written notice of the Event of Default on account of which such suit, action or proceeding is to be instituted; and

(iv) the owners of 25% in principal amount of the Parity Bonds, after the occurrence of such Event of Default, have made written request of the Bondowners' Trustee and have afforded the Bondowners' Trustee a reasonable opportunity to institute such suit, action or proceeding; and

(v) there have been offered to the Bondowners' Trustee security and indemnity satisfactory to it against the costs, expenses and liabilities to be incurred therein or thereby; and

(vi) the Bondowners' Trustee has refused or neglected to comply with such request within a reasonable time.

No owner of any Parity Bond shall have any right in any manner whatever by his action to affect or impair the obligation of the City to pay from the Revenues the principal of and interest on such Parity Bonds to the respective owners thereof when due.

Section 19. Amendments. So long as any 1994 Bonds remain Outstanding, Ordinance No. 94-1018 and this ordinance may be modified or amended under the circumstances set forth in Article IX of Ordinance No. 94-1018. When no 1994 Bonds remain Outstanding this ordinance may be modified or amended as follows:

(a) the Council may adopt supplemental ordinances that shall become a part of this ordinance, for any one or more or all of the following purposes:

(i) To add to the covenants and agreements of the City in this ordinance, other covenants and agreements thereafter to be observed, that shall not adversely affect the interests of the owners of any Parity Bonds, or to surrender any right or power herein reserved.

(ii) To make provisions for the purpose of curing any ambiguities or of curing, correcting or supplementing any defective provision contained in this ordinance or any ordinance authorizing Future Parity Bonds in regard to matters or questions arising under such ordinances as the Council may deem necessary or desirable and not inconsistent with such ordinances and that shall not adversely affect, in any material respect, the interest of the owners of Parity Bonds.

Any such supplemental ordinance may be adopted without the consent of the owners of any Parity Bonds at any time Outstanding, notwithstanding any of the provisions of subsection (b) of this section.

(b) With the consent of the owners of not less than 51% in aggregate principal amount of the Parity Bonds at the time Outstanding, the Council may pass a supplemental ordinance for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this ordinance or of any supplemental ordinance; provided, however, that no supplemental ordinance shall:

(i) Extend the fixed maturity of any Parity Bonds, or reduce the rate of interest thereon, or extend the time of payment of interest from their due date, or reduce the amount of the principal thereof, or reduce any premium payable on the redemption thereof, without the consent of the holder of each Parity Bond affected; or

(ii) Reduce the percentage of bondowners required to approve any such supplemental ordinance, without the consent of owners of all of the Parity Bonds then Outstanding.

It shall not be necessary for the consent of bondowners under this subsection (b) to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if the consent shall approve the substance thereof.

(c) Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations of the City under this ordinance and all owners of Parity Bonds Outstanding hereunder shall thereafter be determined, exercised and enforced thereunder, subject in all respects to such modification and amendments, and all terms and

conditions of any such supplemental ordinance shall be deemed to be part of the terms and conditions of this ordinance for any and all purposes.

Section 20. Undertaking to Provide Ongoing Disclosure.

(a) *Contract/Undertaking*. This section constitutes the City's written undertaking for the benefit of the owners of the Bonds as required by Section (b)(5) of the Rule.

(b) *Financial Statements/Operating Data*. The City agrees to provide or cause to be provided to each NRMSIR and to the SID, if any, in each case as designated by the SEC in accordance with the Rule, the following annual financial information and operating data for the prior fiscal year (commencing in 2000 for the fiscal year ended December 31, 1999):

1. Annual financial statements, which statements may or may not be audited, showing ending fund balances prepared in accordance with the Budget Accounting and Reporting System prescribed by the State Auditor pursuant to RCW;43.09.200;

2. The principal amount of Parity Bonds;

3. Debt service coverage for Parity Bonds; and

4. Local Option Transportation Taxes levied and collected.

Items 2-4 shall be required only to the extent that such information is not included in the annual financial statements.

The information and data described above shall be provided on or before nine months after the end of the City's fiscal year. The City's current fiscal year ends December 31. The City may adjust such fiscal year by providing written notice of the change of fiscal year to each then existing NRMSIR and the SID, if any. In lieu of providing annual financial information and operating data, the City may cross-reference to other documents provided to the NRMSIR, the SID or to the SEC and, if the document is a final official statement within the meaning of the Rule, available from the MSRB.

If not provided as part of the annual financial information discussed above, the City shall provide the City's audited annual financial statement prepared in accordance with the Budget Accounting and Reporting System prescribed by the State Auditor pursuant to RCW;43.09.200 (or any successor statute) when and if available to each then existing NRMSIR and the SID, if any.

(c) *Material Events*. The City agrees to provide or cause to be provided, in a timely manner, to the SID, if any, and to each NRMSIR or to the MSRB notice of the occurrence of any of the following events with respect to the Bonds, if material:

(i) Principal and interest payment delinquencies;

(ii) Non-payment related defaults;

(iii) Unscheduled draws on debt service reserves reflecting financial difficulties;

(iv) Unscheduled draws on credit enhancements reflecting financial difficulties;

(v) Substitution of credit or liquidity providers, or their failure to perform;

(vi) Adverse tax opinions or events affecting the tax-exempt status of the Bonds;

(vii) Modifications to the rights of Bond owners;

(viii) Bond calls (optional, contingent or unscheduled Bond calls other than scheduled sinking fund redemptions for which notice is given pursuant to Exchange Act Release 34-23856);

(ix) Defeasances;

(x) Release, substitution or sale of property securing repayment of the Bonds; and

(xi) Rating changes.

Solely for purposes of disclosure, and not intending to modify this undertaking, the City advises that no property secures payment of the Bonds.

(d) *Notification Upon Failure to Provide Financial Data*. The City agrees to provide or cause to be provided, in a timely manner, to each NRMSIR or to the MSRB and to the SID, if any, notice of its failure to provide the annual financial information described in subsection (b) above on or prior to the date set forth in subsection (b) above.

(e) *Termination/Modification*. The City's obligations to provide annual financial information and notices of material events shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. Any provision of this section shall be null and void if the City (1) obtains an opinion of nationally recognized bond counsel to the effect that the portion of the Rule that requires that provision is invalid, has been repealed retroactively or otherwise does not apply to the Bonds and (2) notifies each NRMSIR and the SID, if any, of this opinion and the cancellation of this section.

The City may amend this section with an opinion of nationally-recognized bond counsel in accordance with the Rule. In the event of any amendment of this section, the City shall describe such amendment in the next annual report, and shall include a narrative explanation of the reason for the amendment and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the City. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (i) notice of the change shall be given in the same manner as for a material event under subsection (c), and (ii) the annual report for the year in which the change is made shall present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

(f) *Bond Owner's Remedies Under This Section*. The right of any bondowner or beneficial owner of Bonds to enforce the provisions of this section shall be limited to a right to obtain specific enforcement of the City's obligations under this section, and any failure by the City to comply with the provisions of this undertaking shall not be an event of default with respect to the Bonds. For purposes of this section, "beneficial owner" means any person who has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds, including persons holding Bonds through nominees or depositories.

Section 21. Sale of Bonds. The Council finds that the purchase contract dated May 11, 1999 that has been distributed to the Council by NationsBanc Montgomery Securities LLC (the "Underwriter") is reasonable and that it is in the best interest of the City that the Bonds be sold upon the conditions set forth in the purchase contract. The City accepts the purchase contract and authorizes the City Manager or the Finance Director to execute the purchase contract and deliver it to the Underwriter. The Bonds shall be issued and delivered to the Underwriter upon payment of the purchase price specified in the purchase contract.

Section 22. Official Statement. The City approves the preliminary official statement presented to the Council and authorizes the Underwriter's distribution of the preliminary official statement in connection with the offering of the Bonds. Pursuant to the Rule, the City deems the preliminary official statement as final as of its date except for the

omission of information dependent upon the pricing of the Bonds and the completion of the purchase contract. The City agrees to cooperate with the Underwriter to deliver or cause to be delivered, within seven business days from the date of the sale of the Bonds and in sufficient time to accompany any confirmation that requests payment from any customer of the Underwriter, copies of a final official statement in sufficient quantity to comply with paragraph (b)(4) of the Rule and the rules of the MSRB. The City authorizes the Underwriter to use the official statement, substantially in the form of the preliminary official statement, in connection with the sale of the Bonds. The City Manager and the Finance Director are hereby authorized to review and approve on behalf of the City the final Official Statement relative to the Bonds with such additions and changes as may be deemed necessary or advisable to them.

Section 23. Refunding Plan and Procedures.

(a) *Refunding Plan.* For the purpose of realizing a debt service savings and benefiting the ratepayers of the City, the Council is issuing the Bonds to provide for the payment of the principal of, interest on and redemption price of $390,000 of the City's 1994 Bonds maturing on December 1, 2005 and all of the City's 1994 Bonds maturing on and after December 1, 2006 (the "Refunded Bonds").

(b) *Refunding Account*. There is created an account to be held by the Escrow Agent to be known as the "1994 Transportation Bond Refunding Account" (the "Refunding Account") which account is to be drawn upon for the sole purpose of paying the principal of and interest on the Refunded Bonds until their date of redemption and of paying costs related to the refunding of these bonds.

The proceeds of sale of the Bonds (exclusive of accrued interest thereon, which shall be paid into the Bond Fund and used to pay interest on the Bonds on December 1, 1999) shall be credited to the Refunding Account.

Money in the Refunding Account shall be used immediately upon receipt to defease the Refunded Bonds as authorized by Ordinance No. 94-1018 and to pay costs of issuance. The City shall defease the Refunded Bonds and discharge these obligations by the use of money in the Refunding Account to purchase certain Government Obligations (which obligations so purchased, are herein called "Acquired Obligations"), bearing interest and maturing as to principal and interest in amounts and at times that, together with any necessary beginning cash balance, will provide for the payment of:

(i) interest on the Refunded Bonds due and payable through and including December 1, 2003; and

(ii) the redemption price of the Refunded Bonds (102% of the principal amount thereof) on December 1, 2003.

These Acquired Obligations shall be purchased at a yield not greater than the yield permitted by the Code and regulations relating to acquired obligations in connection with refunding bond issues.

(c) *Escrow Agent/Escrow Agreement.* To carry out the advance refunding and defeasance of the Refunded Bonds, the Finance Director is hereby authorized to appoint as escrow agent a bank or trust company qualified by law to perform the duties described herein (the "Escrow Agent"). A beginning cash balance, if any, and Acquired Obligations shall be deposited irrevocably with the Escrow Agent in an amount sufficient to defease the Refunded Bonds. The proceeds of the Bonds remaining in the Refunding Account after acquisition of the Acquired Obligations and provision for the necessary beginning cash balance shall be utilized to pay expenses of the acquisition and safekeeping of the Acquired Obligations and expenses of the issuance of the Bonds.

In order to carry out the purposes of this section, the City Manager or the Finance Director of the City is authorized and directed to execute and deliver to the Escrow Agent, an Escrow Agreement, substantially in the form attached on file with the City.

(d) *Implementation of Refunding Plan*. The City hereby irrevocably sets aside sufficient funds out of the purchase of Acquired Obligations from proceeds of the Bonds to make the payments described in subsection (b) of this Section.

The City hereby irrevocably calls the Refunded Bonds for redemption on December 1, 2003 in accordance with the provisions of Section 4.02 of Ordinance No. 94-1018 authorizing the redemption and retirement of these bonds prior to

their fixed maturities. The defeasance and call for redemption of the Refunded Bonds shall be irrevocable after the final establishment of the escrow account and delivery of the Acquired Obligations to the Escrow Agent.

The Escrow Agent is hereby authorized and directed to provide for the giving of notices of the redemption of the Refunded Bonds in accordance with the applicable provisions of Ordinance No. 94-1018. The City Manager and Finance Director are authorized and requested to provide whatever assistance is necessary to accomplish such redemption and the giving of notices therefor. The costs of publication of such notices shall be an expense of the City.

The Escrow Agent is hereby authorized and directed to pay to the Bond Registrar sums sufficient to pay, when due, the payments specified in of subsection (b). All sums shall be paid from the money and Acquired Obligations deposited with the Escrow Agent pursuant to this section, and the income therefrom and proceeds thereof. All sums so paid to the Bond Registrar shall be credited to the Refunding Account. All money and Acquired Obligations deposited with said bank and any income therefrom shall be held, invested (but only at the direction of the Finance Director) and applied in accordance with the provisions of this ordinance and with the laws of the State of Washington for the benefit of the City and owners of the Refunded Bonds.

The City will take such actions as are found necessary to ensure that all necessary and proper fees, compensation and expenses of the Escrow Agent shall be paid when due.

Section 24. Bond Insurance.

(a) *Acceptance of Insurance*. In accordance with the offer of the Underwriter to purchase the Bonds, the Council hereby approves the commitment of the Insurer to provide a bond insurance policy guaranteeing the payment when due of principal of and interest on the Bonds (the "Bond Insurance Policy"). The Council further authorizes and directs all proper officers, agents, attorneys and employees of the City to cooperate with the Insurer in preparing such additional agreements, certificates, and other documentation on behalf of the City as shall be necessary or advisable in providing for the Bond Insurance Policy.

(b) *Payments Under the Bond Insurance Policy and Rights of the Insurer*.

(1) The Insurer shall be deemed to be the sole holder of the Bonds insured by it for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that the holders of the Bonds insured by it are entitled to take pursuant to this ordinance. The maturity of Bonds insured by the Insurer shall not be accelerated without the consent of the Insurer.

(2) The Insurer shall be included as a third party beneficiary to this ordinance.

(3) This ordinance may not be amended without the prior written consent of the Insurer. Copies of any modification or amendment to this ordinance shall be sent to Standard & Poor's Ratings Services, a Division of The McGraw-Hill Companies, Inc. and Moody's Investors Service at least 10 days prior to the effective date thereof.

(4) Amounts paid by the Insurer under the Bond Insurance Policy shall not be deemed paid for purposes of this ordinance and shall remain Outstanding and continue to be due and owing until paid by the City in accordance with this ordinance. The Insurer shall, to the extent it makes any payment of principal of or interest on the Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Bond Insurance Policy. This ordinance shall not be discharged unless all amounts due or to become due to the Insurer have been paid in full.

(5) Claims upon the Bond Insurance Policy and payments by and to the Insurer:

(i) If, on the third business day prior to the related scheduled interest payment date or principal payment date ("Payment Date") there is not on deposit with the Bond Registrar, after making all transfers and deposits required under this ordinance, money sufficient to pay the principal of and interest on the Bonds due on such Payment Date, the Bond Registrar shall make a claim under the Bond Insurance Policy and give notice to the Insurer and to its designated agent (if any) (the "Insurers Fiscal Agent") by telephone or telecopy of the amount of such deficiency and the allocation of such deficiency between the amount required to pay interest on the Bonds and the amount required to pay principal of the Bonds, confirmed in writing to the Insurer and the Insurer's Fiscal Agent by 12:00 noon, New York City time, on such second business day by filling in a form of Notice of Claim and Certificate delivered with the Bond Insurance Policy.

(ii) In the event the claim to be made is for a mandatory sinking fund redemption installment, upon receipt of the money due, the Bond Registrar shall authenticate and deliver to affected Bondholders who surrender their Bonds, a new Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond surrendered. The Bond Registrar shall designate any portion of payment of principal on Bonds paid by the Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Bonds registered to the then current Bondholder, whether DTC or its nominee or otherwise, and shall issue a replacement Bond to the Insurer, registered in the name of Financial Security Assurance Inc., in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Bond Registrar's failure to so designate any payment or issue any replacement Bond shall have no effect on the amount of principal or interest payable by the City of any Bond or the subrogation rights of the Insurer.

(iii) The Bond Registrar shall keep a complete and accurate record of all funds deposited by the Insurer into the Policy Payments Account and the allocation of such funds to payment of interest on and principal paid in respect to any Bond. The Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Bond Registrar.

(iv) Upon payment of a claim under the Bond Insurance Policy, the Bond Registrar shall establish a separate special purpose trust account for the benefit of Bondholders referred to herein as the "Policy Payments Account" and over which the Bond Registrar shall have exclusive control and sole right of withdrawal. The Bond Registrar shall receive any amount paid under the Bond Insurance Policy in trust on behalf of Bondholders and shall deposit any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Bond Registrar to Bondholders in the same manner as principal and interest payments are to be made with respect to the Bonds under the sections hereof regarding payment of Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments.

(v) Funds held in the Policy Payments Account shall not be invested and shall not be applied to satisfy any costs, expenses or liabilities of the Bond Registrar.

(vi) Any funds remaining in the Policy Payments Account following a Bond payment date shall promptly be remitted to the Insurer.

(6) The Insurer shall be provided with all reports, notices and correspondence to be delivered under the terms of this ordinance. The notice address of the Insurer is: Financial Security Assurance Inc., 350 Park Avenue, New York, New York 10022-6022, Attention: Managing Director -- Surveillance -- Re: Policy No. __. Telephone: (212) 826-0100; Telecopier: (212) 339-3529. In each case in which notice or other communication refers to an Event of Default, then a copy of such notice or other communication shall also be sent to the attention of General Counsel and shall be marked to indicate "URGENT MATERIAL ENCLOSED."

Section 25. Year 2000 Disclosure. The City certifies to the Underwriter that it has conducted a comprehensive review and assessment of the City's computer applications and made inquiry of the City's key suppliers, vendors and customers with respect to the "year 2000 problem" (that is, the risk that computer applications may not be able to properly perform date-sensitive functions after December 31, 1999) and, based on that review and inquiry, the City does not believe the year 2000 problem will result in a material adverse change in the City's business condition (financial or otherwise), operations, properties or prospects, or ability to repay the Bonds.

Section 26. Severability. If any provision in this ordinance is declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provision of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.

Section 27. General Authorization. The City Manager, the Finance Director and other appropriate officers of the City are authorized to take any actions and to execute documents as in their judgment may be necessary or desirable in order to carry out the terms of, and complete the transactions contemplated by, this ordinance. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified.

Section 28. Effective Date. This ordinance shall become effective five days after its publication as required by law.

ADOPTED by the City Council of the City of SeaTac, Washington, this 11th day of May, 1999.

CITY OF SEATAC,
WASHINGTON

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Terry Anderson, Mayor

ATTEST:

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Judith L. Cary, City Clerk

APPROVED AS TO FORM:

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-

Robert L. McAdams, City Attorney

CERTIFICATE

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I, the undersigned, Clerk of the City of SeaTac, Washington (the "City") and keeper of the records of the City Council of the City (the "Council"), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. _____ of the City, as finally passed at a regular meeting of the City Council of the City held on May 11, 1999 and duly recorded in my office.

2. That the meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of the meeting was given; that a quorum of the Council was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the passage of the ordinance; that all other requirements and proceedings incident to the proper adoption or passage of the ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

DATED this May 11, 1999.

Judith L. Cary, City Clerk

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CITY OF SEATAC, WASHINGTON

LOCAL OPTION TRANSPORTATION TAX REVENUE REFUNDING BONDS, 1999

$6,675,000

ORDINANCE NO. 99-1021

AN ORDINANCE OF THE CITY OF SEATAC, WASHINGTON, PROVIDING FOR THE ISSUANCE OF LOCAL OPTION TRANSPORTATION TAX REVENUE REFUNDING BONDS IN THE PRINCIPAL SUM OF $6,675,000 FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING LOCAL OPTION TRANSPORTATION TAX REVENUE BONDS; PROVIDING THE TERMS OF THE BONDS; AND APPROVING THE SALE OF THE BONDS.

Passed: May 11, 1999

Prepared By

Preston Gates & Ellis llp

5000 Columbia Center

701 Fifth Avenue

Seattle, Washington 98104-7078

(206) 623-7580

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ORDINANCE NO. 99-1022

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 1999 Annual City Budget for Local Option Transportation Tax Revenue Bonds.

WHEREAS, the City Council has reviewed Agenda Bill #1693 submitted by the Finance Department and authorized the issuance of Local Option Transportation Tax revenue bonds in order to refund a portion of the outstanding 1994 transportation tax bonds; and

WHEREAS, this expenditure requires additional appropriation authority;

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

Section 1. The 1999 Annual City Budget shall be amended to increase the Transportation Tax Bond Fund revenues by $6,700,000 (BARS 202.391.10.00.005) and expenditures by $6,700,000 (BARS 202.599.89.72.003 and 202.592.43.84.007).

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

ADOPTED this 11th day of May , 1999, and signed in authentication thereof on this the 11th day of May, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: May 19, 1999]

ORDINANCE NO. 99-1023

AN ORDINANCE OF THE CITY OF SEATAC, WASHINGTON, PROVIDING FOR THE ISSUANCE OF STORM WATER REVENUE REFUNDING BONDS IN THE PRINCIPAL SUM OF $3,320,000 FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING STORM WATER REVENUE BONDS; PROVIDING THE TERMS OF THE BONDS; AND APPROVING THE SALE OF THE BONDS.

WHEREAS, the City of SeaTac, Washington (the "City") owns and operates a storm water system (the "System") as a public utility under Chapter 35.67 of the Revised Code of Washington; and

WHEREAS, pursuant to Ordinance No. 94-1012 of the City, adopted on March 22, 1994, the City issued its Storm Water Revenue Bonds, Series 1994 (the "1994 Bonds") to finance improvements to the System, in an initial aggregate principal amount of $4,500,000 and currently outstanding in an aggregate principal amount of $3,795,000; and

WHEREAS, Section 3.03 of Ordinance No. 94-1012 provides that the City may issue additional bonds with a lien on the Revenues of the System equal to the lien of the 1994 Bonds for the purpose of refunding the 1994 Bonds upon compliance with certain conditions; and

WHEREAS, Section 4.02 of Ordinance No. 94-1012 provides that the 1994 Bonds maturing on or after December 1, 2004 may be redeemed on December 1, 2003 at a price of 102%, expressed as a percentage of the principal amount to be redeemed, plus accrued interest to the date of redemption; and

WHEREAS, it appears to the City Council that the callable 1994 Bonds may be refunded by the issuance of the storm water revenue refunding bonds of the City authorized herein so that there will be a savings to the City and its ratepayers; and

WHEREAS, the Council has received an offer from NationsBanc Montgomery Securities LLC to purchase the refunding bonds and finds that it is in the best interests of the City that the offer be accepted;

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

Section 1. Definitions. As used in this ordinance the following words and phrases have the meanings set forth below unless the context clearly indicates that another meaning is intended.

"Accreted Value" means, with respect to any Capital Appreciation Bond, the principal amount thereof plus the interest accrued, compounded and unpaid at the approximate interest rate thereon as of the most recent compounding date. The Accreted Value at any date shall be the amount set forth in the Accreted Value Table as of that date, if such date is a compounding date, or if not, as of the next preceding compounding date.

"Accreted Value Table" means the table denominated as such which appears as an exhibit to a supplemental ordinance providing for a series of Capital Appreciation Bonds issued pursuant to such supplemental ordinance.

"Acquired Obligations" means the Government Obligations acquired by the City under the terms of this ordinance and the Escrow Agreement to effect the defeasance and refunding of the callable 1994 Bonds.

"Annual Debt Service" means for any Fiscal Year the aggregate amount of principal and interest on all Parity Bonds becoming due and payable during the Fiscal Year calculated using the principles and assumptions set forth under the definition of Maximum Annual Debt Service.

"Assessments" means assessments or installations thereof levied in any utility local improvement district of the City, and shall include interest and penalties thereon and any interest earnings from the investment thereof.

"Bond Fund" means the Storm Water Revenue Bond Fund.

"Bond Insurance Policy" means the municipal bond insurance policy issued by the Insurer insuring the payment when due of the principal of and interest on the Bonds as provided therein.

"Bond Obligation" means, as of any given date of calculation, (1) with respect to any Outstanding Current Interest Bond, the principal amount of the bond, and (2) with respect to any Outstanding Capital Appreciation Bond, the Accreted Value of the bond.

"Bond Register" means the registration records for the Bonds maintained by the Bond Registrar.

"Bond Registrar" means the fiscal agency of the State of Washington in either Seattle, Washington, or New York, New York, whose duties include registering and authenticating the Bonds, maintaining the Bond Register, transferring ownership of the Bonds, and paying the principal of and interest on the Bonds.

"Bond Reserve Costs" means the amounts, including fees, expenses and accrued interest, owing to the provider of a letter of credit, insurance policy or surety bond that is used to satisfy all or a portion of the Bond Reserve Requirement.

"Bond Reserve Requirement" means, as of any date of calculation, an amount equal to the lesser of (i) Maximum Annual Debt Service on all Parity Bonds Outstanding; or (ii) 125% of average Annual Debt Service on allParity Bonds Outstanding; provided, that with respect to the issuance of any Future Parity Bonds, if the Reserve Account would have to be increased by an amount greater than 10% of the stated principal amount of the Future Parity Bonds (or, if the bonds have more than a de minimis amount of original issue discount or premium of their issue price) then the Bond Reserve Requirement shall be the lesser amount as is determined by a deposit of the 10%.

"Bonds" mean the $3,320,000 aggregate principal amount of City of SeaTac, Washington, Storm Water Revenue Refunding Bonds, 1999 issued pursuant to this ordinance.

"Capital Appreciation Bonds" means any Future Parity Bonds on which interest is compounded and paid at maturity or on prior redemption.

"City" means the City of SeaTac, Washington, a municipal corporation duly organized and existing under the laws of the State of Washington.

"Code" means the Internal Revenue Code of 1986, as amended, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued or amended by the United States Treasury Department or the Internal Revenue Service, to the extent applicable to the Bonds.

"Council" means the general legislative authority of the City.

"Current Interest Bonds" means Future Parity Bonds that pay interest at least semiannually, excluding the first payment of interest.

"DTC" means The Depository Trust Company of New York, as depository for the Bonds, or any successor or substitute depository for the Bonds.

"Escrow Agent" means Chase Manhattan Trust Company, National Association.

"Escrow Agreement" means the Escrow Agreement to be dated as of the date of closing of the Bonds.

"Event of Default" means, so long as any 1994 Bonds remain Outstanding, any of the events specified in Section 7.01 of Ordinance No. 94-1012 or, when no 1994 Bonds remain Outstanding, the events specified in Section 17.

"Finance Director" means the City's Finance and Systems Director, or any successor to her functions.

"Fiscal Year" means the fiscal year of the City, currently ending December 31.

"Future Parity Bonds" means any bonds of the City issued after the date of issuance of the Bonds that will have a lien upon the Revenues of the System equal to the lien upon these Revenues for the payment of the principal of and interest on the 1994 Bonds and the Bonds.

"Insurer" means Financial Security Assurance Inc., a New York stock insurance company, or any successor thereto or assignee thereof, as issuer of a Bond Insurance Policy for the Bonds.

"Letter of Representations" means the Blanket Letter of Representations from the City to DTC.

"Maintenance and Operation Costs" means the reasonable and necessary costs paid or incurred by the City for maintaining and operating the System, determined in accordance with generally accepted accounting principles, including all reasonable expenses of management and repair and other expenses necessary to maintain and preserve the System in good repair and working order, and including all administrative costs of the City that are charged directly or apportioned to the operation of the System, such as salaries and wages of employees, overhead, taxes (if any) and insurance premiums, and including all other reasonable and necessary costs of the City, such as compensation, reimbursement and indemnification of the Trustee or Bondowners' Trustee or Bond Registrar and fees and expenses of independent certified public accountants and independent engineers; but excluding in all cases Annual Debt Service, depreciation, replacement and obsolescence charges or reserves therefor and amortization of intangibles.

"Mandatory Sinking Account Payment" means the amount required to be deposited by the City in the Bond Fund for the payment of Parity Bonds that are Term Bonds.

"Maximum Annual Debt Service" means the greatest amount of Annual Debt Service becoming due and payable on all the Outstanding Parity Bonds in the Fiscal Year in which the calculation is made or any subsequent Fiscal Year; provided, however, that for the purpose of computing Maximum Annual Debt Service in determining the principal amount due in each Fiscal Year, payment shall be assumed to be made in accordance with any amortization schedule established for this debt, including any Mandatory Sinking Account Payments or any scheduled redemption or payment of Parity Bonds or on the basis of Accreted Value, and for this purpose, the redemption payment or payment of Accreted Value shall be deemed a principal payment and interest that is compounded and paid as Accreted Value shall be deemed due on the scheduled redemption or payment date of the Capital Appreciation Bond.

"Moody's" means Moody's Investors Service or its successor.

"MSRB" means the Municipal Securities Rulemaking Board or any successor to its functions.

"1994 Bonds" means the City of SeaTac, Washington, Storm Water Revenue Bonds, Series 1994 issued on May 5, 1994 pursuant to Ordinance No. 94-1012.

"Net Revenues" means the Revenues for any Fiscal Year, less all Maintenance and Operation Costs.

"NRMSIR" means a nationally recognized municipal securities information repository.

"Outstanding" means all Parity Bonds except (1) Parity Bonds cancelled by the Bond Registrar or surrendered to the Bond Registrar for cancellation; (2) Parity Bonds with respect to which all liability of the City shall have been discharged in accordance with Section 9 or the ordinance authorizing their issuance; and (3) Parity Bonds for the transfer or exchange of or in lieu of or in substitution for which other Parity Bonds shall have been authenticated and delivered by the Bond Registrar.

"Parity Bonds" means the 1994 Bonds, the Bonds and all Future Parity Bonds.

"Permitted Investments" means any securities in which the City is permitted to invest money under the laws of the State of Washington and, so long as the Bonds are insured by the Insurer, approved by the Insurer.

"Registered Owner" means the person in whose name a Bond is registered on the Bond Register. For so long as the City utilizes the book-entry system for the Bonds, DTC shall be deemed to be the Registered Owner.

"Reserve Account" means the Bond Reserve Fund established pursuant to Section 5.02 of Ordinance No. 94-1012.

"Revenue Fund" means the fund by that name established pursuant to Section 5.01 of Ordinance No. 94-1012.

"Revenues" means amounts determined in accordance with generally accepted accounting principals, including all charges received for, and all other income and receipts derived by the City from, the operation of the System (including, once no 1994 Bonds remain Outstanding, Assessments), or arising from the System, together with all receipts from the sale of any property pertaining to the System or incidental to the operation of the System, together with all interest, profits and other income from the investment of moneys in any fund or account established under Ordinance No. 94-1012 (other than any rebate fund), but exclusive of any money received from the levy or collection of taxes or, once no 1994 Bonds remain Outstanding, from the investment of Assessments by the City.

"Rule" means the SEC's Rule 15c2-12 under the Securities Exchange Act of 1934.

"S&P" means Standard & Poor's Ratings Services, a Division of The McGraw-Hill Companies, or its successor.

"SEC" means the Securities and Exchange Commission.

"SID" means a state information depository for the State of Washington (if one is created).

"System" means the entire storm water system of the City and all the facilities thereof, together with all additions, betterments, extensions or improvements thereto or any part of the System, including, at the option of the City, a sewerage system.

"Term Bonds" means Parity Bonds the payment of principal of which will be made from mandatory sinking fund redemptions prior to their maturity.

"Trustee" means, so long as any 1994 Bonds remain Outstanding, the trustee appointed and acting in its capacity as standby trustee under Article VIII of Ordinance No. 94-1012, or its successor as standby trustee.

Section 2. Compliance with Conditions for Issuing Future Bonds. In accordance with Section 3.03 of Ordinance No. 94-1012, the City covenants that, at the time that the Bonds are issued, the City will have on file a certificate signed by the Finance Director certifying, as of the date of sale of the Bonds, that Maximum Annual Debt Service on all Parity Bonds Outstanding following the issuance of the Bonds is less than or equal to the Maximum Annual Debt Service on all Parity Bonds Outstanding prior to the issuance of the Bonds.

Section 3. Authorization and Description of Bonds. The City shall issue and sell the Bonds in the principal amount of $3,320,000 to redeem the callable 1994 Bonds and pay all costs incidental thereto and to the issuance of the Bonds. The Bonds shall be designated the "City of SeaTac, Washington, Storm Water Revenue Refunding Bonds, 1999" (the "Bonds"), shall be dated as of May 1, 1999, shall be fully registered as to both principal and interest, shall be in the denomination of $5,000 each or any integral multiple thereof, provided that no Bond shall represent more than one maturity, shall be numbered separately in the manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification and control, and shall bear interest payable on December 1, 1999, and semiannually thereafter on the first days of December and June. Interest on the Bonds shall be calculated based on a 360-day year of 12 30-day months. The Bonds shall bear interest at the following rates and mature on December 1 in the following years and in the following amounts:

Maturity Year	Principal Amount	Interest Rates
1999	$ 100,000	3.25%
2000	35,000	3.55

2001	35,000	3.80
2002	35,000	3.90
2003	40,000	4.00
2004	255,000	4.05
2005	265,000	4.20
2006	275,000	4.30
2007	285,000	4.35
2008	300,000	4.40
2009	315,000	4.50
2010	320,000	4.45
2011	335,000	4.55
2012	355,000	4.60
2013	370,000	4.70

Section 4. Registration, Exchange and Payments.

(a) *Registrar/Bond Register*. The City hereby adopts the system of registration approved by the Washington State Finance Committee, which utilizes the fiscal agencies of the State of Washington in Seattle, Washington, and New York, New York, as registrar, authenticating agent, paying agent and transfer agent (collectively, the "Bond Registrar"). The Bond Registrar shall keep, or cause to be kept, at its principal corporate trust office, sufficient records for the registration and transfer of the Bonds (the "Bond Register"), which shall be open to inspection by the City. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of the Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance. The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Bonds.

(b) *Registered Ownership*. The City and the Bond Registrar may deem and treat the Registered Owner of each Bond as the absolute owner for all purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary. Payment of any Bond shall be made only as described in Section 4(h), but registration may be transferred as herein provided. All payments made as described in Section 4(h) shall be valid and shall satisfy the liability of the City upon the Bond to the extent of the amount or amounts paid.

(c) *DTC Acceptance/Letter of Representations*. The Bonds shall initially be held in fully immobilized form by DTC acting as depository. To induce DTC to accept the Bonds as eligible for deposit at DTC, the City has executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Letter of Representations").

Neither the City nor the Bond Registrar will have any responsibility or obligation to DTC participants or the persons for whom they act as nominees with respect to the Bonds for the accuracy of any records maintained by DTC or any DTC participant, the payment by DTC or any DTC participant of any amount in respect of the principal of or interest on Bonds, any notice that is permitted or required to be given to Registered Owners under this ordinance (except notices required to be given by the City to the Bond Registrar or to DTC), the selection by DTC or any DTC participant of any person to receive payment in the event of a partial redemption of the Bonds, or any consent given or other action taken by DTC as the Registered Owner. For so long as any Bonds are held in fully immobilized form hereunder, DTC or its successor depository shall be deemed to be the Registered Owner for all purposes, and all

references in this ordinance to the Registered Owners shall mean DTC or its nominee and shall not mean the owners of any beneficial interest in any Bonds.

(d) *Use of Depository*.

(i) The Bonds shall be registered initially in the name of CEDE & Co., as nominee of DTC, with a single Bond for each maturity in a denomination equal to the total principal amount of each maturity. Registered ownership of the immobilized Bonds, or any portions thereof, may not thereafter be transferred except (A) to any successor of DTC or its nominee, provided that any successor shall be qualified under any applicable laws to provide the service proposed to be provided by it; (B) to any substitute depository appointed by the City pursuant to subsection (ii) or the substitute depository's successor; or (C) to any person as provided in subsection (iv).

(ii) Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository or a determination by the City to discontinue the system of book entry transfers through DTC or its successor (or any substitute depository or its successor), the City may appoint a substitute depository. Any substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

(iii) In the case of any transfer pursuant to clause (A) or (B) of subsection (i), the Bond Registrar shall, upon receipt of all outstanding Bonds, together with a written request on behalf of the City, issue a single new Bond for each maturity then outstanding, registered in the name of the successor or substitute depository, or its nominee, all as specified in the written request of the City.

(iv) In the event that (A) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (B) the City determines that it is in the best interest of the Beneficial Owners of the Bonds that the Bonds be provided in certificated form, the ownership of the Bonds may then be transferred to any person or entity as herein provided, and shall no longer be held in fully immobilized form. The City shall deliver a written request to the Bond Registrar, together with a supply of definitive Bonds in certificated form, to issue Bonds in any authorized denomination. Upon receipt by the Bond Registrar of all then outstanding Bonds, together with a written request on behalf of the City to the Bond Registrar, new Bonds shall be issued in the appropriate denominations and registered in the names of the persons identified in the written request.

(e) *Transfer or Exchange of Registered Ownership; Change in Denominations*. The registered ownership of any Bond may be transferred or exchanged, but no transfer of any Bond shall be valid unless it is surrendered to the Bond Registrar with the assignment form appearing on the Bond duly executed by the Registered Owner or the Registered Owner's duly authorized agent in a manner satisfactory to the Bond Registrar. Upon surrender, the Bond Registrar shall cancel the surrendered Bond and shall authenticate and deliver, without charge to the Registered Owner or transferee, a new Bond (or Bonds at the option of the new Registered Owner) of the same date, maturity and interest rate and for the same aggregate principal amount in any authorized denomination, naming as Registered Owner the person or persons listed as the assignee on the assignment form appearing on the surrendered Bond, in exchange for the surrendered and canceled Bond. Any Bond may be surrendered to the Bond Registrar and exchanged, without charge, for an equal aggregate principal amount of Bonds of the same date, maturity and interest rate, in any authorized denomination. The Bond Registrar shall not be obligated to transfer or exchange any Bond during a period beginning at the opening of business on the 15th day of the month next preceding any interest payment date and ending at the close of business on the applicable interest payment date, or, in the case of any proposed redemption of the Bonds, after the mailing of notice of the call of the Bonds for redemption.

(f) *Bond Registrar's Ownership of Bonds*. The Bond Registrar may become the Registered Owner of any Bond with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as member of, or in any other capacity with respect to, any committee formed to protect the rights of the Registered Owners of the Bonds.

(g) *Registration Covenant*. The City covenants that, until all Bonds have been surrendered and canceled, it will maintain a system for recording the ownership of each Bond that complies with the provisions of Section 149 of the Code.

(h) *Place and Medium of Payment*. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. For so long as all Bonds are in fully immobilized form, payments of principal and interest shall be made as provided in accordance with the operational arrangements of DTC referred to in the Letter of Representations. In the event that the Bonds are no longer in fully immobilized form, interest on the Bonds shall be paid by check or draft mailed to the Registered Owners at the addresses for the Registered Owners appearing on the Bond Register on the 15th day of the month preceding the interest payment date, and principal of the Bonds shall be payable upon presentation and surrender of Bonds by the Registered Owners at the principal office of the Bond Registrar; provided, however, that if requested in writing by the Registered Owner of at least $1,000,000 principal amount of Bonds, interest will be paid by wire transfer on the date due to an account with a bank located within the United States.

Section 5. Redemption.

(a) *Optional Redemption*. The City reserves the right to redeem the Bonds maturing on and after December 1, 2010, in whole or in part on any date on or after December 1, 2009, at a price of par plus accrued interest to the date of redemption. If less than a whole of a maturity is called for redemption, the Bonds to be redeemed shall be chosen by lot in integral multiples of $5,000 by the Bond Registrar or, so long as the Bonds are registered in the name of CEDE & Co. or its registered assign, by DTC.

(b) *Partial Redemption*. If less than all of the principal amount of any Bond is redeemed, upon surrender of the Bond at the principal office of the Bond Registrar, there shall be issued to the Registered Owner, without charge, for the then unredeemed balance of the principal amount, a new Bond or Bonds, at the option of the Registered Owner, of like maturity and interest rate in any authorized denomination.

(c) *Notice of Redemption*. Written notice of any redemption of Bonds shall be given by the Bond Registrar on behalf of the City by first class mail, postage prepaid, not less than 30 days nor more than 60 days before the redemption date to the Registered Owners of Bonds that are to be redeemed at their last addresses shown on the Bond Register. So long as the Bonds are in book-entry form, notice of redemption shall be given as provided in the Letter of Representations. The Bond Registrar shall provide additional notice of redemption (at least 30 days) to each NRMSIR and SID, if any, in accordance with Section 20.

The requirements of this section shall be deemed complied with when notice is mailed, whether or not it is actually received by the owner.

Each notice of redemption shall contain the following information: (1) the redemption date, (2) the redemption price, (3) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the principal amounts) of the Bonds to be redeemed, (4) that on the redemption date the redemption price will become due and payable upon each Bond or portion called for redemption, and that interest shall cease to accrue from the redemption date, (5) that the Bonds are to be surrendered for payment at the principal office of the Bond Registrar, (6) the CUSIP numbers of all Bonds being redeemed, (7) the dated date of the Bonds, (8) the rate of interest for each Bond being redeemed, (9) the date of the notice, and (10) any other information needed to identify the Bonds being redeemed.

Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for this purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of the check or other transfer.

(d) *Effect of Redemption*. Unless the City has revoked a notice of redemption, the City shall transfer to the Bond Registrar amounts that, in addition to other money, if any, held by the Bond Registrar, will be sufficient to redeem, on the redemption date, all the Bonds to be redeemed. From the redemption date interest on each Bond to be redeemed shall cease to accrue.

(e) *Amendment of Notice Provisions*. The foregoing notice provisions of this section, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and

recommendations regarding notices of redemption of municipal securities.

(f) *Purchase on Open Market*. The City reserves the right to purchase any of the Bonds offered to the City at any price deemed reasonable by the City at any time.

Section 6. Lost or Destroyed Bonds. If any Bonds are lost, stolen or destroyed, the Bond Registrar may authenticate and deliver a new Bond or Bonds of like amount, maturity and tenor to the Registered Owner upon the owner paying the expenses and charges of the Bond Registrar and the City in connection with preparation and authentication of the replacement Bond or Bonds and upon his or her filing with the Bond Registrar and the City evidence satisfactory to both that the Bond or Bonds were actually lost, stolen or destroyed and of his or her ownership, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to both.

Section 7. Form of Bonds. The Bonds shall be in substantially the following form:

Financial Security Assurance Inc. ("Financial Security"), New York, New York, has delivered its municipal bond insurance policy with respect to the scheduled payments due of principal of and interest on this bond to The Bank of New York, New York, New York, or its successor, as paying agent for the Bonds (the "Paying Agent"). Said Policy is on file and available for inspection at the principal office of the Paying Agent and a copy thereof may be obtained from Financial Security or the Paying Agent.

UNITED STATES OF AMERICA

NO. $_____

STATE OF WASHINGTON
CITY OF SEATAC, WASHINGTON

Storm Water REVENUE Refunding Bond, 1999

INTEREST RATE: % MATURITY DATE: CUSIP NO.:

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The City of SeaTac, Washington (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest from May 1, 1999, or the most recent date to which interest has been paid or duly provided for, until payment of this bond at the Interest Rate set forth above, payable on December 1, 1999, and semiannually thereafter on the first days of each succeeding December and June. Both principal of and interest on this bond are payable in lawful money of the United States of America. For so long as the bonds of this issue are held in fully immobilized form, payments of principal and interest shall be made as provided in accordance with the operational arrangements of DTC referred to in the Blanket Issuer Letter of Representations from the City to The Depository Trust Company. In the event that the bonds of this issue are no longer held in fully immobilized form, interest on this bond shall be paid by check or draft mailed to the Registered Owner at the address appearing on the Bond Register on the 15th day of the month preceding the interest payment date, and principal of this bond shall be payable upon presentation and surrender of this bond by the Registered Owner at the principal office of the fiscal agency of the State of Washington in either Seattle, Washington, or New York, New York (collectively the "Bond Registrar"); provided, however, that if requested in writing by the Registered Owner of at least $1,000,000 principal amount of bonds, interest will be paid by wire transfer on the date due to an account with a bank located within the United States.

This bond is one of an authorized issue of bonds of like date and tenor, except as to number, amount, rate of interest and date of maturity, in the aggregate principal amount of $3,320,000 (the "Bonds"), and is issued pursuant to Ordinance No. _____ (the "Bond Ordinance") passed by the City Council on May 11, 1999 to redeem certain outstanding storm water revenue bonds of the City. Capitalized terms used in this bond and not otherwise defined shall have the meanings given them in the Bond Ordinance.

The City has reserved the right to redeem the Bonds maturing on and after December 1, 2010, in whole or in part (and if in part, with maturities to be selected by the City and by lot within a maturity) on any date on or after December 1, 2009 at a price of par plus accrued interest to the redemption date.

Portions of the principal amount of this bond in installments of $5,000 or any integral multiple thereof also may be redeemed, and if less than all of the principal amount is to be redeemed, upon the surrender of this bond at the principal offices of the Bond Registrar there shall be issued to the Registered Owner, without charge, for the then unredeemed balance of the principal sum, at the option of the owner, a Bond or Bonds of like series, maturity and interest rate in any of the denominations authorized by the Bond Ordinance.

Notice of redemption, unless waived, shall be given by the Bond Registrar by mailing an official redemption notice by regular mail, postage prepaid, not less than 30 days and not more than 60 days prior to the date fixed for redemption, to the Registered Owner of any Bond to be redeemed at the address appearing on the Bond Register. The notice requirements shall be deemed to be complied with when notice is mailed, regardless of whether it is actually received by the owner of any Bond.

If notice has been given and if the City has set aside, on the date fixed for redemption, sufficient money for the payment of all Bonds called for redemption, the Bonds called shall cease to accrue interest after the redemption date, and the redeemed Bonds shall no longer be deemed to be outstanding for any purpose, except that the Registered Owners shall be entitled to receive payment of the redemption price and accrued interest to the redemption date from the money set aside for this purpose.

The Bonds are payable solely from the special fund of the City known as the Storm Water Revenue Bond Fund (the "Bond Fund"). The City has irrevocably obligated and bound itself to pay into the Bond Fund out of Revenues of the System or from other money provided for this purpose certain amounts necessary to pay and secure the payment of the principal of and interest on the Bonds.

To the extent more particularly provided by the Bond Ordinance, the amounts so pledged to be paid from the Revenue Fund out of the Revenues of the System into the Bond Fund shall be a lien and charge thereon equal in rank to the lien and charge upon the Revenues of the amounts required to pay and secure the payment of the City's Storm Water Revenue Bonds, Series 1994, and any revenue bonds hereafter issued on a parity with the Bonds and superior to all other liens and charges of any kind or nature, except the Maintenance and Operation Costs of the System.

The City has designated the bonds of this issue as "qualified tax-exempt obligations" for purchase by financial institutions.

The City has further bound itself to maintain the System in good repair and working order, to operate the System in an efficient and economical manner, and to establish, maintain and collect rates and charges for as long as any of the Parity Bonds are Outstanding that will make available, for the payment of the principal thereof and interest thereon, Net Revenue in an amount that is at least equal to 1.25 times the Annual Debt Service minus the amount of Assessments collected in year once no 1994 Bonds remain Outstanding. The City hereby covenants that it will perform all the covenants of this bond and of the Bond Ordinance, and reference is hereby made to the Bond Ordinance for a complete statement of the covenants.

The pledge of Revenues of the System and other obligations of the City under the Bond Ordinance may be discharged at or prior to the maturity or redemption of the Bonds of this issue upon the making of provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

This bond is a special limited obligation of the City and is not an obligation of the State of Washington or any political

subdivision thereof other than the City, and neither the full faith and credit nor the taxing power of the City or the State of Washington is pledged to the payment of this bond.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication has been manually signed by the Bond Registrar.

This bond is transferable only on the records maintained by the Bond Registrar for that purpose upon the surrender of this bond by the Registered Owner or his/her duly authorized agent and only if endorsed in the manner provided hereon, and a new fully registered Bond of like principal amount, maturity and interest rate shall be issued to the transferee in exchange. The exchange or transfer shall be without cost to the Registered Owner or transferee. The City and Bond Registrar may deem the person in whose name this Bond is registered to be the absolute owner for the purpose of receiving payment of the principal of and interest on this bond and for all other purposes.

The Bond Registrar is not required to issue, register, transfer or exchange any Bonds during a period beginning at the opening of business on the 15th day of the month next preceding any interest payment date and ending at the close of business on the interest payment date, or, in the case of any proposed redemption of the Bonds, after the mailing of notice of the call of Bonds for redemption.

It is hereby certified that all acts, conditions and things required by the Constitution, statutes of the State of Washington and ordinances of the City to exist, to have happened, been done and performed precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond and the Bonds does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City may incur.

The City has caused this bond to be executed by the manual or facsimile signature of the Mayor and to be attested by the manual or facsimile signature of the City Clerk, and has caused the seal of the City to be impressed or imprinted on this bond, as of this May 1, 1999.

City OF SEATAC, WASHINGTON

By

Mayor

ATTEST:

City Clerk

The Bond Registrar's Certificate of Authentication on the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

This is one of the City of SeaTac, Washington, Storm Water Revenue Refunding Bonds, 1999 dated May 1, 1999, described in the Bond Ordinance.

WASHINGTON STATE FISCAL AGENCY, as Bond Registrar

By

Authorized Signatory

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

TEN ENT -- as tenants by the entireties

JT TEN -- as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT (TRANSFERS) MIN ACT -

Custodian

(Cust) (Minor)

under Uniform Gifts (Transfers) to Minors Act

(State)

Additional abbreviations may also be used, though not in the above list.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER OF TRANSFEREE

-

(Please print or typewrite name and address, including zip code, of transferee)

the within bond and does hereby irrevocably constitute and appoint as attorney-in-fact to transfer bond on the books kept for registration thereof with full power of substitution in the premises.

DATED: _____, _____.

SIGNATURE GUARANTEED:

NOTICE: Signature(s) must be guaranteed pursuant to law.

NOTE: The signature on this

Assignment must correspond with the name of the Registered Owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Section 8. Execution of Bonds. The Bonds shall be executed on behalf of the City with the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the City Clerk, and shall have the seal of the City impressed or imprinted thereon. In case either or both of the officers who have signed or attested any of the Bonds cease to be such officer before the Bonds have been actually issued and delivered, the Bonds shall be valid nevertheless and may be issued by the City with the same effect as though the persons who had signed or attested the Bonds had not ceased to be officers, and any Bond may be signed or attested on behalf of the City by officers who at the date of actual execution of the Bond are the proper officers, although at the nominal date of execution of the Bond the officer was not an officer of the City.

Only Bonds that bear a Certificate of Authentication in the form set forth in Section 7, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. The Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered and are entitled to the benefits of this ordinance.

Section 9. Bonds Deemed To Be No Longer Outstanding. In the event that the City, in order to effect the payment, retirement or redemption of any Bond, sets aside in a special account, held in trust by a trustee, cash or noncallable government obligations, as these obligations are now or hereafter defined in RCW;39.53, or any combination of cash and/or noncallable government obligations, in amounts and with maturities that, together with the known earned income therefrom, are sufficient to redeem or pay and retire the Bond in accordance with its terms and to pay when due the interest and redemption premium, if any, thereon, and the cash and/or noncallable government obligations are irrevocably set aside and pledged for this purpose, then no further payments need be made into the Bond Fund for the payment of the principal of and interest on the Bond. The owner of a Bond so provided for shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive payment of principal, premium, if any, and interest from the special account, and the Bond shall be deemed to be not Outstanding under this ordinance.

The trustee shall give written notice of defeasance to the owners of all Bonds so provided for within 30 days of the closing date and to the SID, if any, and to each NRMSIR or to the MSRB in accordance with Section 20.

Section 10. Issuance of Future Parity Bonds.

(a) The City may issue Future Parity Bonds payable from Revenues of the System and with a lien on these Revenues equal to the lien of the Outstanding Parity Bonds, but only upon compliance with the following conditions as of the date of issuance of the Future Parity Bonds:

(i) No Event of Default shall have occurred and then be continuing.

(ii) The balance in the Reserve Account, upon the receipt of the proceeds of the Future Parity Bonds shall be increased, if necessary, to an amount at least equal to the Bond Reserve Requirement with respect to all Parity Bonds Outstanding upon the issuance of the Future Parity Bonds. The deposit may be made from the proceeds of the sale of the Future Parity Bonds, from other funds of the City, including, once no 1994 Bonds remain Outstanding out of Assessments required to be paid into the account, or in the form of a letter of credit, surety bond or insurance policy as described in Section 14.

(iii) The aggregate principal amount of Future Parity Bonds issued shall not exceed any limitation imposed by State law.

(iv) The City shall have obtained a certificate signed by the Finance Director verifying that the amount of Net

Revenues received for any period of 12 consecutive months during the 18 months immediately preceding the date of issuance of the Future Parity Bonds was at least 1.25 times the amount of Maximum Annual Debt Service (after deducting, once no 1994 Bonds remain Outstanding, Assessments allocated to the year in which they would be received if the balance of each assessment roll were paid on the remaining number of installments with interest on the declining balance at the times and at the rate provided in the ordinance confirming the assessment roll) on all Parity Bonds then Outstanding and the Future Parity Bonds to be issued plus 1.0 times the amount of Bond Reserve Costs then due and owing; provided that if rates and charges then in effect will be greater than those in effect during the 12-month verification period, then the Net Revenues for the period may be augmented by 75% of the estimated increase in Net Revenues computed to accrue to the System in the first 12 months these rates and charges shall be in effect.

(v) Once no 1994 Bonds remain Outstanding, if there are Assessments levied in any utility local improvement district of the City in which addition, improvements to and extensions of the System will be constructed from the proceeds of such Future Parity Bonds, the ordinance authorizing the Future Parity Bonds shall require that such Assessment be paid into the Bond Fund.

(vi) Once no 1994 Bonds remain Outstanding, if there are Assessments pledged to be paid into a warrant or bond redemption fund for revenue bonds being refunded by the Future Parity Bonds, the ordinance authorizing the Future Parity Bonds shall require that the Assessments be used for the refunding or paid into the Bond Fund.

(b) The City may issue Future Parity Bonds for the purpose of refunding Outstanding Parity Bonds without compliance with the provisions of subsection (a) provided that Maximum Annual Debt Service on all Parity Bonds Outstanding following the issuance of the refunding bonds is less than or equal to Maximum Annual Debt Service on all Parity Bonds Outstanding prior to the issuance of the refunding bonds. Before the refunding bonds are issued, the City shall have on file a certificate signed by the Finance Director certifying (on the basis of calculations as of the date of sale of the refunding bonds) that the Maximum Annual Debt Service on all Parity Bonds Outstanding following the issuance of the refunding bonds is less than or equal to the Maximum Annual Debt Service on all Parity Bonds Outstanding prior to the issuance of the refunding bonds.

Section 11. Pledge of Revenues.

(a) The Bonds are special, limited obligations of the City payable exclusively from Revenues and other funds pledged hereunder, subject to the prior payment of Maintenance and Operation Costs. All Revenues are hereby pledged to secure the payment of the principal of, premium, if any, and interest on the Bonds and the Bond Reserve Costs. There are hereby pledged to secure the payment of the principal of, premium, if any, and interest on the Bonds in accordance with their terms all amounts (including proceeds of the Bonds) held by the City hereunder (except for amounts held in any rebate fund). This pledge shall constitute a first lien on the Net Revenues and amounts in the pledged funds equal to the lien of the 1994 Bonds on Net Revenues and amounts in the pledged funds. The pledge of Net Revenues shall be irrevocable until all of the Parity Bonds and all Bond Reserve Costs are no longer Outstanding.

The Bonds shall not constitute general obligations of the City, the State of Washington or any political subdivision thereof, and neither the full faith and credit nor the general taxing power of the City or the State of Washington is pledged.

(b) The Revenues shall be received and held in trust by the City for the benefit of the owners of the Bonds and shall be applied solely for the uses and purposes set forth herein. So long as any Parity Bonds are Outstanding, the City shall cause Revenues, when and as received, to be deposited in the Revenue Fund created by Ordinance No. 94-1012. Investment income on amounts held by the City under this ordinance (other than amounts held in any rebate fund) shall also be deposited in the Revenue Fund.

(c) The City Council has declared that in fixing the amounts to be paid into the Bond Fund, it has considered and had due regard for the Maintenance and Operation Costs and has not and will not set aside into the Bond Fund a greater amount or proportion of Revenues and proceeds than in its judgment will be available over and above the Maintenance and Operation Costs.

Section 12. Revenue Fund; Bond Fund.

(a) There is hereby created a Storm Water Revenue Bond Fund (the "Bond Fund") for the purpose of paying the principal of and interest on the Parity Bonds. The Bond Fund shall include the Interest Fund, the Principal Fund and Sinking Accounts created by Ordinance No. 94-1012. The Bond Reserve Fund created by Ordinance No. 94-1012 shall be an account within the Bond Fund. So long as any Parity Bonds remain Outstanding, the City will make the following deposits from Net Revenues in the Revenue Fund created pursuant to Ordinance No. 94-1012 in the following amounts and order of priority. The requirements of each fund (including the making up of any deficiencies in any fund resulting from lack of Net Revenues sufficient to make any earlier required deposit) at the time of deposit shall be satisfied before any deposit is made to any fund subsequent in priority:

(i) Bond Fund – Interest Payments. The City shall deposit in the Bond Fund as soon as practicable in each month, with respect to Outstanding Current Interest Bonds, an amount equal to one-sixth of the aggregate half-yearly amount of interest due and payable on the Outstanding Current Interest Bonds during the next six months (excluding any interest for which there are moneys deposited in the Bond Fund from the proceeds of any Parity Bonds or other source and reserved as capitalized interest to pay interest during the next six months); provided, that from the date of delivery of any Future Parity Bonds that are Current Interest Bonds until the first interest payment date with respect to these Current Interest Bonds the amounts paid with respect to these bonds shall be sufficient on a monthly pro rata basis to pay the aggregate amount of interest becoming due and payable on the next interest payment date. On December 1 of each year any excess amounts in the Bond Fund not needed to pay interest on that date shall be transferred to the Revenue Fund (but excluding, in each case, any moneys on deposit in the Bond Fund from the proceeds of any Parity Bonds or other source and reserved as capitalized interest to pay interest on any future interest payment dates). Once the 1994 Bonds are no longer Outstanding, monthly deposits shall not be required and the City shall deposit into the Bond Fund on or prior to an interest payment date the amount required to make such payment.

(ii) Bond Fund – Principal and Sinking Fund Payments. The City shall deposit in the Bond Fund as soon as practicable in each month an amount equal to at least one-twelfth of the aggregate yearly amount of Bond Obligation becoming due and payable within the next 12 months, plus one-twelfth of the aggregate of the Mandatory Sinking Account Payments to be paid during the next twelve-months into the Bond Fund. In the event that Revenues are not sufficient to make the required principal amount deposits, then moneys shall be applied on a proportionate basis. In the event that Revenues are not sufficient to pay in full all required Mandatory Sinking Account Payments, then payments shall be made on a proportionate basis, in the amount that each Mandatory Sinking Account Payments to be made during the then current 12-month period bears to the aggregate of the Mandatory Sinking Account Payments required to be made into the Bond Fund during the 12-month period.

No deposit need be made into the Bond Fund so long as the amount on deposit in the Bond Fund is sufficient to pay (i) the principal amount of all Parity Bonds Outstanding and maturing within the next 12 months plus (ii) the aggregate of all Mandatory Sinking Account Payments required to be made in the next 12 months. Once no 1994 Bonds remain Outstanding, monthly deposits shall no longer be required and the City shall deposit into the Bond Fund on or prior to a principal or sinking fund payment date the amount required to make such payments.

(iii) Reserve Account. The City shall deposit as soon as possible each month in the Reserve Account upon the occurrence of any deficiency therein, one-twelfth of the aggregate amount of each unreplenished prior withdrawal from the Reserve Account plus the Bond Reserve Costs relating to any draw on a letter of credit, insurance policy or surety bond and the full amount of any deficiency in the Reserve Account due to any required valuations of the investments in the Reserve Account until the balance in the Reserve Account is at least equal to the Bond Reserve Requirement.

(b) Any Revenues remaining in the Revenue Fund after the transfers described in subsection (a) shall be applied by the City for any lawful purpose.

Section 13. Bond Fund. All amounts in the Bond Fund shall be used by the City solely for the purpose of paying interest on Outstanding Parity Bonds as due and payable (including interest on any Parity Bonds purchased or redeemed prior to maturity), the Bond Obligation of Parity Bonds when due and payable, and to purchase, redeem or pay at maturity Term Bonds.

Section 14. Reserve Account.

(a) In lieu of making the required Bond Reserve Requirement deposit, or to replace amounts then on deposit in the Reserve Account, the City may obtain an irrevocable letter of credit issued by a financial institution having unsecured debt obligations rated in one of the two highest long-term rating categories of Moody's and S&P, in an amount, together with amounts, investment securities, surety bonds or insurance policies on deposit in the Reserve Account, equal to the Bond Reserve Requirement. Any letter of credit shall have an original term of no less than three years or, if less, the maturity of the Parity Bonds in connection with which the letter of credit was obtained. At least one year prior to the stated expiration of the letter of credit, the City shall either (i) obtain a replacement letter of credit, (ii) obtain an extension of the letter of credit for at least an additional year or, if less, the maturity of the Parity Bonds in connection with which the letter of credit was obtained, or (iii) obtain a surety bond or an insurance policy. If the City shall fail to deposit a replacement letter of credit, extended letter of credit, surety bond or insurance policy, it shall immediately commence to make monthly deposits to the Reserve Account so that an amount equal to the Bond Reserve Requirement will be on deposit in the Reserve Account no later than the stated expiration date of the letter of credit. If an amount equal to the Bond Reserve Requirement as of the date following the expiration of the letter of credit is not on deposit in the Reserve Account one week prior to the stated expiration date of the letter of credit (excluding from this determination the letter of credit), the City shall draw on the letter of credit to fund the resulting deficiency in the Reserve Account.

(b) In lieu of making the Bond Reserve Requirement deposit, or in replacement of money then on deposit in the Reserve Account, the City may obtain a surety bond or an insurance policy securing an amount, together with moneys, investment securities or letters of credit on deposit in the Reserve Account, equal to the Bond Reserve Requirement. The surety bond or insurance policy shall be issued by an insurance company whose unsecured debt obligations (or for which obligations secured by the insurance company's insurance policies) are rated in one of the two highest long-term rating categories of Moody's and S&P. The surety bond or insurance policy shall have a term of no less than the maturity of the Parity Bonds in connection with which the surety bond or insurance policy is obtained. In the event that the surety bond or insurance policy for any reason lapses or expires, the City shall immediately implement (i) or (iii) of the preceding paragraph or make the required deposits to the Reserve Account.

(c) All amounts in the Reserve Account (including all amounts that may be obtained from letters of credit, surety bonds and insurance policies on deposit in the Reserve Account) shall be used and withdrawn by the City solely for the purpose of making up any deficiency in the Bond Fund, or (together with any other money available therefor) for the payment or redemption of all Parity Bonds then Outstanding or, for the payment of the final principal and interest payment of a series of Parity Bonds, if following the payment the amounts in the Reserve Account (including the amounts that may be obtained from letters of credit, surety bonds and insurance policies on deposit therein) will equal the Bond Reserve Requirement and for the payment of all Bond Reserve Costs. The City shall, on a pro rata basis with respect to the portion of the Reserve Account held in cash or investment securities and amounts held in the form of letters of credit, surety bonds and insurance policies (calculated by reference to the maximum amounts of these letters of credit, surety bonds and insurance policies and the amount of the initial deposit of cash and investment securities), draw under each letter of credit, surety bond or insurance policy in a timely manner to obtain sufficient funds on or prior to the date funds are needed to pay the Bond Obligation of, Mandatory Sinking Account Payments with respect to, and interest on the Outstanding Parity Bonds when due. In the event that the City has notice that any payment of principal of or interest on a Parity Bond has been recovered from a Parity Bondholder by a trustee in bankruptcy in accordance with the final, nonappealable order of a court having competent jurisdiction, the City, provided that the terms of the letter of credit, surety bond or bond insurance policy, if any, securing the Parity Bonds so provide, shall notify the issuer thereof and draw on the letter of credit, surety bond or policy to the lesser of the extent required or the maximum amount of the letter of credit, surety bond or policy to pay to the Parity Bondowners the principal and interest recovered. Any amounts in the Reserve Account in excess of the Bond Reserve Requirement shall be transferred to the Revenue Fund on June 1 and December 1 of each year; provided, that amounts shall be transferred only from the portion of the Reserve Account held in the form of cash or investment securities.

(d) At the City's option it may provide for separate accounts within the Bond Fund or Reserve Account for each issue of Parity Bonds and, in such case, the Bond Reserve Requirement shall be calculated separately for each issue.

Section 15. Investment of Moneys in Funds and Accounts. All money in any of the funds and accounts held by the City and established pursuant to Ordinance No. 94-1012 or this ordinance shall be invested solely in investments legally permitted to the City. Money in the Bond Fund, including money in the Reserve Account, shall be invested in Permitted Investments, and money in the Reserve Account shall be invested in Permitted Investments that are available on demand or maturing within five years (or such longer period as determined by the City once the 1994 Bonds are no longer Outstanding) of the date of the investment. Money in the remaining funds and accounts shall be invested in investment securities maturing or available on demand not later than the date on which it is estimated that the money will be required by the City.

Unless otherwise provided, all interest, profits and other income received from the investment of moneys in any fund or account held hereunder, other than any rebate fund, shall be transferred to the Revenue Fund when received.

All investment securities credited to the Reserve Account shall be valued as of May 31 and November 30 of each year at their fair market value determined to the extent practicable by reference to the closing bid price published in The Wall Street Journal or any other financial publication or quotation service selected by the City in its sole discretion.

The City may commingle any of the funds or accounts, other than any rebate fund, into a separate fund or funds for investment purposes only, provided that all funds or accounts held by the City hereunder shall be accounted for separately.

Section 16. Bond Covenants.

(a) *Punctual Payment and Performance*. The City will punctually pay out of Revenues the interest on, the principal of and premiums, if any, due on every Bond.

(b) *Against Encumbrances*. The City will pay or cause to be paid when due the cost of labor, services, materials, supplies or equipment furnished to or for the City in, upon, about or relating to the System and will keep the System free of all liens against any portion of the System. In the event any lien attaches to or is filed against any portion of the System, the City will cause each lien to be fully discharged and released at the time the performance of any obligation secured by any lien matures or becomes due, except that if the City desires to contest any lien it may do so. If any lien is reduced to final judgment and the judgment or any process for enforcement is not promptly stayed, or if stayed and the stay expires, the City will pay or cause to be paid the judgment.

The City will not make any pledge of or place any charge or lien upon the Revenues except as provided herein. Nothing in this ordinance, however, shall prevent the City from authorizing and issuing obligations or evidences of indebtedness that (1) are payable from Net Revenues after and subordinate to the payment from Net Revenues of the principal of and interest on the Parity Bonds, or (2) are payable from money that is not Net Revenue as the term is defined in this ordinance.

(c) *Against Sale or Other Disposition of Property.* The City will not sell, lease or otherwise dispose of the System or any part of the System essential to the proper operation of the System or to the maintenance of Net Revenues, and will not enter into any agreement or lease that would impair the operation of the System or any part of the System necessary to secure adequate Net Revenues for the payment of the Parity Bonds; provided, that any real or personal property that has become nonoperative or that is not needed for the efficient and proper operation of the System, or any material or equipment that has worn out, may be sold if the sale will not reduce Net Revenues below the amount needed to maintain or exceed the Coverage Ratio as required in subsection (k).

Once no 1994 Bonds remain Outstanding, the City will not sell or otherwise dispose of the System in its entirety unless simultaneously with the sale or other disposition, provision is made for the payment into the Bond Fund of cash or government obligations sufficient, together with interest to be earned thereon, to pay the principal of and interest on the then outstanding Parity Bonds, nor will it sell or otherwise dispose of any part of the useful operating properties of the System unless such facilities are replaced or provision is made for payment into the Bond Fund of the greater of:

(i) An amount that will be in the same proportion to the net amount of Parity Bonds then Outstanding (defined as the total amount of the Parity Bonds less the amount of cash and investment in the Bond Fund and accounts therein) that

the Net Revenue from the portion of the System sold or disposed of for the preceding year bears to the total Net Revenue for such period; or

(ii) An amount that will be in the same proportion to the net principal amount of Parity Bonds then Outstanding that the book value of the part of the System sold or disposed of bears to the book value of the part of the System sold or disposed of bears to the book value of the entire System immediately prior to such sale or disposition.

(iii) An amount that will be in the same proportion to the net principal amount of Parity Bonds then Outstanding that the Revenues from the part of the System sold or disposed of bears to the Revenues of the part of the System from the part sold or disposed of bears to the Revenue of the entire System immediately prior to such sale or disposition.

(iv) An amount that will be in the same proportion to the net principal amount of Parity Bonds then outstanding that the customers from the part of the System sold or disposed of bears to the customers from the part of the System sold or disposed of bears to the total number of customers of the entire System immediately prior to such sale or disposition.

The proceeds of any such sale or disposition of a portion of the properties of the System (to the extent required above) shall be paid into the Bond Fund.

Notwithstanding any other provision of this subsection, the City may sell or otherwise dispose of any of the works, plant, properties and facilities of the System or any real or personal property comprising a part of the same with a book value less than five percent of the book value of the System or which shall have become unserviceable, inadequate, obsolete or unfit to be used in the operation of the System, or no longer necessary, material to or useful in such operation, without making a deposit into the Bond Fund.

(d) *Tax Covenants; Special Designation*. The City covenants to undertake all actions required to maintain the tax-exempt status of interest on the Bonds under Section 103 of the Code as set forth in the Arbitrage and Tax Certification that will be executed at the closing of the Bonds.

The City hereby designates the Bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code for banks, thrift institutions and other financial institutions.

(e) *Accounting Records and Reports*. The City will at all times keep, or cause to be kept, proper records and accounts, prepared in accordance with generally accepted accounting principles, in which accurate entries shall be made of all transactions relating to the Revenues. A copy of financial statements will be furnished to any owner of Bonds upon written request to the City.

(f) *Payment of Taxes*. The City will pay or cause to be paid all taxes, assessments and other governmental charges, if any, that may be levied, assessed or charged upon the System or any part of the System, or upon the Revenues or any part of the Revenues, promptly as and when due and payable. The City will not allow the System, or any part of the System, to be sold for any taxes, assessments or other charges, or to be forfeited.

(g) *Observance of Laws and Regulations*. The City will comply with all valid and lawful obligations or regulations imposed on it by contract, or prescribed by any law of the United States, or of the State of Washington, or by any officer, board or commission having jurisdiction or control, as a condition of the continued enjoyment of any right, privilege or franchise owned or acquired by the City, including its right to exist and carry on business as a public body, corporate and politic, to the end that the rights, privileges and franchises shall be maintained and preserved, and shall not be abandoned, forfeited or impaired.

(h) *Further Assurances*. Whenever reasonably requested to do so by the Trustee or Bondowners' Trustee, if applicable, or any bondowner, the City will promptly deliver or cause to be delivered all other assurances, documents or instruments, and promptly do or cause to be done all other things necessary or reasonably required to further and more fully vest in the bondowners all rights, interests, powers, benefits, privileges and advantages conferred or intended to be conferred upon them.

(i) *Maintenance and Operation of the System.* The City will maintain and preserve the System in good repair and working order at all times, will operate the System in an efficient and economical manner and will pay all Maintenance and Operation Costs as they become due and payable.

(j) *Extension of Payment of Parity Bonds*. The City shall not directly or indirectly extend or assent to the extension of the maturity of any of the Parity Bonds or the time of payment of interest, and in case the maturity of any of the Parity Bonds of the time of payment of interest shall be extended, the Parity Bonds or claims for interest shall not be entitled to the benefits of this ordinance, except subject to the prior payment in full of the principal of all of the Parity Bonds then Outstanding and of all claims for interest thereon that shall not have been extended. Nothing in this section shall be deemed to limit the right of the City to issue Parity Bonds for the purpose of refunding any Outstanding Parity Bonds, and such issuance shall not be deemed to constitute an extension of maturity of any of the Parity Bonds.

(k) *Establishment and Collection of Rates and Charges; Coverage Ratio*. So long as any Parity Bonds are Outstanding, the City will fix, charge and collect, or cause to be fixed, charged and collected, and if necessary increase, rates and charges for the use of and for the service furnished or to be furnished by the System that, together with all other receipts and Revenues of the System, will produce Net Revenues in each Fiscal Year sufficient:

(i) to pay the principal of and interest on any Outstanding Parity Bonds when due and payable, to make all payments required to be made for mandatory redemption of any Term Bonds, to make all payments that the City is required to make into the Reserve Account, to make all other payments that the City is required to make pursuant to this ordinance, and to pay all taxes, assessments or other governmental charges lawfully imposed on the System or the Revenues or payments in lieu thereof and any other amounts that the City may become obligated to pay from the Revenues of the System by law or contract; and

(ii) to maintain Net Revenues in each Fiscal Year at least equal to 1.25 times Annual Debt Service (the "Coverage Ratio") (and, once no 1994 Bonds remain Outstanding, minus the amount of Assessments collected in each year).

Section 17. Events of Default. So long as any 1994 Bonds remain Outstanding, the events specified in Section 7.01 of Ordinance No. 94-1012 shall be Events of Default. When no 1994 Bonds remain Outstanding, the following shall constitute "Events of Default":

(a) If default shall be made in the punctual payment of the principal of and premium, if any, on any of the Parity Bonds when due, either at maturity or by proceedings for mandatory redemption or otherwise;

(b) If default shall be made in the punctual payment of any installment of interest on any Parity Bond;

(c) If the City shall fail to purchase or redeem Term Bonds in an aggregate principal amount at least equal to the Mandatory Sinking Account Payment for the applicable Fiscal Year;

(d) If the City shall default in the observance and performance of any other of the covenants on the part of the City contained in this ordinance and the default or defaults shall have continued for a period of 90 days after the City has received from the Bondowners' Trustee or from the owners of not less than 20% in principal amount of Parity Bonds Outstanding, a written notice specifying and demanding the cure of the default;

(e) If an order, judgment or decree shall be entered by any court of competent jurisdiction: (i) appointing a receiver, trustee or liquidator for the City or the whole or any substantial part of the System; (ii) approving a petition filed against the City seeking the bankruptcy, arrangement or reorganization of the City under any applicable law of the United States or the State of Washington; or (iii) assuming custody or control of the City or of the whole or any substantial part of the System under the provisions of any other law for the relief or aid of debtors and the order, judgment or decree shall not be vacated or set aside or stayed (or, in case custody or control is assumed by the order, custody or control shall not be otherwise terminated) within 60 days from the date of the entry of the order, judgment or decree; or

(f) If the City shall: (i) admit in writing its inability to pay its debts generally as they become due; (ii) file a petition in bankruptcy or seeking a composition of indebtedness under any state or federal bankruptcy or insolvency law;

(iii) make an assignment for the benefit of its creditors; (iv) consent to the appointment of a receiver of the whole or any substantial part of the System; or (v) consent to the assumption by any court of competent jurisdiction under the provisions of any other law for the relief or aid of debtors of custody or control of the City or of the whole or any substantial part of the System.

Section 18. Trustee to Represent Bondowners. So long as any 1994 Bonds remain Outstanding, the provisions of Articles VII and VIII of Ordinance No. 94-1012 shall apply with respect to the Trustee for Bondowners. When no 1994 Bonds remain outstanding, the following provisions shall apply with respect to the Bondowners' Trustee.

(a) *Appointment of Bondowner's Trustee*. So long as an Event of Default has not been remedied, a bondowners' trustee (the "Bondowners' Trustee") may be appointed by the owners of 25% in principal amount of the Parity Bonds Outstanding, by an instrument or concurrent instruments in writing signed and acknowledged by the owners of the Parity Bonds or by their attorneys-in-fact duly authorized and delivered to the Bondowners' Trustee and notification thereof being given to the City. That appointment shall become effective immediately upon acceptance thereof by the Bondowners' Trustee. Any Bondowners' Trustee appointed under the provisions of this section shall be a bank or trust company organized under the laws of the State of New York or a national banking association. The bank or trust company acting as Bondowners' Trustee may be removed at any time, and a successor Bondowners' Trustee may be appointed, by the owners of a majority in principal amount of the Parity Bonds, by an instrument or concurrent instruments in writing signed and acknowledged by these owners of the Parity Bonds or by their attorneys-in-fact duly authorized. The Bondowners' Trustee may require the security and indemnity as may be reasonable against the costs, expenses and liabilities that may be incurred in the performance of its duties.

In the event that any Event of Default in the sole judgment of the Bondowners' Trustee is cured and the Bondowners' Trustee furnishes to the City a certificate so stating, that Event of Default shall be conclusively deemed to be cured and the City, the Bondowners' Trustee and the owners of the Parity Bonds shall be restored to the same rights and position which they would have held if no Event of Default had occurred.

The Bondowners' Trustee appointed in this manner, and each successor thereto, is declared to be a trustee for the owners of all the Parity Bonds and is empowered to exercise all the rights and powers herein conferred on the Bondowners' Trustee.

(b) *Suits at Law or in Equity*. Upon the happening of an Event of Default and during the continuance thereof, the Bondowners' Trustee may, and upon the written request of the owners of not less than 25% in principal amount of the Parity Bonds Outstanding shall, take those steps and institute those suits or other proceedings, all as it may deem appropriate for the protection and enforcement of the rights of the owners of the Parity Bonds, to collect any amounts due and owing to or from the City, or to obtain other appropriate relief, and may enforce the specific performance of any covenant, agreement or condition contained in this ordinance or in any of the Parity Bonds.

Nothing contained in this section shall, in any event or under any circumstance, be deemed to authorize the acceleration of maturity of principal on the Parity Bonds, and the remedy of acceleration is expressly denied to the owners of the Parity Bonds under any circumstances including, without limitation, upon the occurrence and continuance of an Event of Default.

Any action, suit or other proceedings instituted by the Bondowners' Trustee hereunder shall be brought in its name as trustee for the Bondowners and all such rights of action upon or under any of the Parity Bonds or the provisions of this ordinance may be enforced by the Bondowners' Trustee without the possession of any of those Parity Bonds and without the production of the same at any trial or proceedings relative thereto except where otherwise required by law. Any suit or proceeding instituted by the Bondowners' Trustee shall be brought for the ratable benefit of all of the owners of those Parity Bonds, subject to the provisions of this ordinance. The respective owners of the Parity Bonds, by taking and holding the same, shall be conclusively deemed irrevocably to appoint the Bondowners' Trustee the true and lawful trustee of the respective owners of those Parity Bonds, with authority to institute any suit or proceeding; to receive as trustee and deposit in trust any sums becoming distributable on account of those Parity Bonds; to execute any paper or documents for the receipt of money; and to do all acts with respect thereto that the owner himself or herself might have done in person. Nothing herein shall be deemed to authorize or empower the Bondowners' Trustee

to consent to accept or adopt, on behalf of any owner of the Parity Bonds, any plan of reorganization or adjustment affecting the Parity Bonds or any right of any owner thereof, or to authorize or empower the Bondowners' Trustee to vote the claims of the owners thereof in any receivership, insolvency, liquidation, bankruptcy, reorganization or other proceeding to which the City is a party.

(c) *Application of Money Collected by Bondowners' Trustee*. Any money collected by the Bondowners' Trustee at any time pursuant to this ordinance shall be applied in the following order of priority:

(i) first, to the payment of the charges, expenses, advances and compensation of the Bondowners' Trustee and the charges, expenses, counsel fees, disbursements and compensation of its agents and attorneys; and

(ii) second, to the payment to the persons entitled thereto first of required interest and then of unpaid principal amounts on any Parity Bonds that shall have become due (other than Parity Bonds previously called for redemption for the payment of which money is held pursuant to the provisions hereto), whether at maturity or by proceedings for redemption or otherwise, in the order of their due dates and, if the amount available shall not be sufficient to pay in full the principal amounts due on the same date, then to the payment thereof ratably, according to the principal amounts due thereon to the persons entitled thereto, without any discrimination or preference.

(d) *Duties and Obligation of Bondowners' Trustee*. The Bondowners' Trustee shall not be liable except for the performance of duties specifically set forth herein. During an Event of Default, the Bondowners' Trustee shall exercise the rights and powers vested in it hereby, and shall use the same degree of care and skill in its exercise as a prudent person would exercise or use under the circumstances in the conduct of his or her own affairs. The Bondowners' Trustee shall have no liability for any act or omission to act hereunder except for the Bondowners' Trustee's own negligent action, its own negligent failure to act or its own willful misconduct. The duties and obligations of the Bondowners' Trustee shall be determined solely by the express provisions of this ordinance, and no implied powers, duties or obligations of the Bondowners' Trustee shall be read into this ordinance.

The Bondowners' Trustee shall not be required to expend or risk its own funds or otherwise incur individual liability in the performance of any of its duties or in the exercise of any of its rights or powers as the Bondowners' Trustee, except as may result from its own negligent action, its own negligent failure to act or its own willful misconduct.

The Bondowners' Trustee shall not be bound to recognize any person as an owner of any Bond until his title thereto, if disputed, has been established to its reasonable satisfaction.

The Bondowners' Trustee may consult with counsel and the opinion of counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it hereunder in good faith and in accordance with the opinion of counsel. The Bondowners' Trustee shall not be answerable for any neglect or default of any person, firm or corporation employed and selected by it with reasonable care.

(e) *Suits by Individual Bondowners Restricted.* No owner of any one or more of Parity Bonds shall have any right to institute any action, suit or proceeding at law or in equity for the enforcement of same unless:

(i) an Event of Default has happened and is continuing; and

(ii) a Bondowners' Trustee has been appointed; and

(iii) the owner previously shall have given to the Bondowners' Trustee written notice of the Event of Default on account of which the suit, action or proceeding is to be instituted; and

(iv) the owners of 25% in principal amount of the Parity Bonds, after the occurrence of the Event of Default, have made written request of the Bondowners' Trustee and have afforded the Bondowners' Trustee a reasonable opportunity to institute a suit, action or proceeding; and

(v) there have been offered to the Bondowners' Trustee security and indemnity satisfactory to it against the costs, expenses and liabilities to be incurred therein or thereby; and

(vi) the Bondowners' Trustee has refused or neglected to comply with the request within a reasonable time.

No owner of any Parity Bond shall have any right in any manner whatever by his action to affect or impair the obligation of the City to pay from the Net Revenues the principal of and interest on the Parity Bonds to the respective owners thereof when due.

Section 19. Amendments. So long as any 1994 Bonds remain Outstanding, Ordinance No. 94-1012 and this ordinance may be modified or amended under the circumstances set forth in Article IX of Ordinance No. 94-1012. When no 1994 Bonds remain Outstanding this ordinance may be modified or amended as follows:

(a) the Council may adopt supplemental ordinances that shall become a part of this ordinance, for any one or more or all of the following purposes:

(i) To add to the covenants and agreements of the City in this ordinance, other covenants and agreements thereafter to be observed, that shall not adversely affect the interests of the owners of any Parity Bonds, or to surrender any right or power herein reserved.

(ii) To make provisions for the purpose of curing any ambiguities or of curing, correcting or supplementing any defective provision contained in this ordinance or any ordinance authorizing Future Parity Bonds in regard to matters or questions arising under such ordinances as the Council may deem necessary or desirable and not inconsistent with such ordinances and that shall not adversely affect, in any material respect, the interest of the owners of Parity Bonds.

Any supplemental ordinance may be adopted without the consent of the owners of any Parity Bonds at any time outstanding, notwithstanding any of the provisions of subsection (b) of this section.

(b) With the consent of the owners of not less than 51% in aggregate principal amount of the Parity Bonds at the time Outstanding, the Council may pass a supplemental ordinance for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this ordinance or of any supplemental ordinance; provided, however, that no supplemental ordinance shall:

(i) Extend the fixed maturity of any Parity Bonds, or reduce the rate of interest thereon, or extend the time of payment of interest from their due date, or reduce the amount of the principal thereof, or reduce any premium payable on the redemption thereof, without the consent of the holder of each Parity Bond affected; or

(ii) Reduce the percentage of bondowners required to approve any supplemental ordinance, without the consent of owners of all of the Parity Bonds then Outstanding.

It shall not be necessary for the consent of bondowners under this subsection (b) to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if the consent shall approve the substance thereof.

(c) Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations of the City under this ordinance and all owners of Parity Bonds Outstanding hereunder shall thereafter be determined, exercised and enforced thereunder, subject in all respects to such modification and amendments, and all terms and conditions of any such supplemental ordinance shall be deemed to be part of the terms and conditions of this ordinance for any and all purposes.

Section 20. Undertaking to Provide Ongoing Disclosure.

(a) *Contract/Undertaking*. This section constitutes the City's written undertaking for the benefit of the owners of the Bonds as required by Section (b)(5) of the Rule.

(b) *Financial Statements/Operating Data*. The City agrees to provide or cause to be provided to each NRMSIR and to the SID, if any, in each case as designated by the SEC in accordance with the Rule, the following annual financial information and operating data for the prior fiscal year (commencing in 2000 for the fiscal year ended

December 31, 1999):

1. Annual financial statements, which statements may or may not be audited, showing ending fund balances for the System prepared in accordance with the Budget Accounting and Reporting System prescribed by the State Auditor pursuant to RCW;43.09.200;

2. The principal amount of Parity Bonds;

3. Debt service coverage for Parity Bonds;

4. Rates for the System; and

5. Number of customers of the System.

Items 2-5 shall be required only to the extent that this information is not included in the annual financial statements.

The information and data described above shall be provided on or before nine months after the end of the City's fiscal year. The City's current fiscal year ends December 31. The City may adjust its fiscal year by providing written notice of the change of fiscal year to each then existing NRMSIR and the SID, if any. In lieu of providing annual financial information and operating data, the City may cross-reference to other documents provided to the NRMSIR, the SID or to the SEC and, if the document is a final official statement within the meaning of the Rule, available from the MSRB.

If not provided as part of the annual financial information discussed above, the City shall provide the City's audited annual financial statement prepared in accordance with the Budget Accounting and Reporting System prescribed by the State Auditor pursuant to RCW;43.09.200 (or any successor statute) when and if available to each then existing NRMSIR and the SID, if any.

(c) *Material Events*. The City agrees to provide or cause to be provided, in a timely manner, to the SID, if any, and to each NRMSIR or to the MSRB notice of the occurrence of any of the following events with respect to the Bonds, if material:

(i) Principal and interest payment delinquencies;

(ii) Non-payment related defaults;

(iii) Unscheduled draws on debt service reserves reflecting financial difficulties;

(iv) Unscheduled draws on credit enhancements reflecting financial difficulties;

(v) Substitution of credit or liquidity providers, or their failure to perform;

(vi) Adverse tax opinions or events affecting the tax-exempt status of the Bonds;

(vii) Modifications to the rights of Bond owners;

(viii) Bond calls (optional, contingent or unscheduled Bond calls other than scheduled sinking fund redemptions for which notice is given pursuant to Exchange Act Release 34-23856);

(ix) Defeasances;

(x) Release, substitution or sale of property securing repayment of the Bonds; and

(xi) Rating changes.

Solely for purposes of disclosure, and not intending to modify this undertaking, the City advises that no property

secures payment of the Bonds.

(d) *Notification Upon Failure to Provide Financial Data*. The City agrees to provide or cause to be provided, in a timely manner, to each NRMSIR or to the MSRB and to the SID, if any, notice of its failure to provide the annual financial information described in subsection (b) above on or prior to the date set forth in subsection (b) above.

(e) *Termination/Modification*. The City's obligations to provide annual financial information and notices of material events shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. Any provision of this section shall be null and void if the City (1) obtains an opinion of nationally recognized bond counsel to the effect that the portion of the Rule that requires that provision is invalid, has been repealed retroactively or otherwise does not apply to the Bonds and (2) notifies each NRMSIR and the SID, if any, of this opinion and the cancellation of this section.

The City may amend this section with an opinion of nationally-recognized bond counsel in accordance with the Rule. In the event of any amendment of this section, the City shall describe the amendment in the next annual report, and shall include a narrative explanation of the reason for the amendment and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the City. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (i) notice of the change shall be given in the same manner as for a material event under subsection (c), and (ii) the annual report for the year in which the change is made shall present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

(f) *Bond Owner's Remedies Under This Section*. The right of any bondowner or beneficial owner of Bonds to enforce the provisions of this section shall be limited to a right to obtain specific enforcement of the City's obligations under this section, and any failure by the City to comply with the provisions of this undertaking shall not be an event of default with respect to the Bonds. For purposes of this section, "beneficial owner" means any person who has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds, including persons holding Bonds through nominees or depositories.

Section 21. Sale of Bonds. The Council finds that the purchase contract dated May 11, 1999 that has been distributed to the Council by NationsBanc Montgomery Securities LLC (the "Underwriter") is reasonable and that it is in the best interest of the City that the Bonds be sold upon the conditions set forth in the purchase contract. The City accepts the purchase contract and authorizes the City Manager or the Finance Director to execute the purchase contract and deliver it to the Underwriter. The Bonds shall be issued and delivered to the Underwriter upon payment of the purchase price specified in the purchase contract.

Section 22. Official Statement. The City approves the preliminary official statement presented to the Council and authorizes the Underwriter's distribution of the preliminary official statement in connection with the offering of the Bonds. Pursuant to the Rule, the City deems the preliminary official statement as final as of its date except for the omission of information dependent upon the pricing of the Bonds and the completion of the purchase contract. The City agrees to cooperate with the Underwriter to deliver or cause to be delivered, within seven business days from the date of the sale of the Bonds and in sufficient time to accompany any confirmation that requests payment from any customer of the Underwriter, copies of a final official statement in sufficient quantity to comply with paragraph (b)(4) of the Rule and the rules of the MSRB. The City authorizes the Underwriter to use the official statement, substantially in the form of the preliminary official statement, in connection with the sale of the Bonds. The City Manager and the Finance Director are hereby authorized to review and approve on behalf of the City the final Official Statement relative to the Bonds with additions and changes deemed necessary or advisable to them.

Section 23. Refunding Plan and Procedures.

(a) *Refunding Plan*. For the purpose of realizing a debt service savings and benefiting the ratepayers of the City, the Council is issuing the Bonds to provide for the payment of the principal of, interest on and redemption price of the City's 1994 Bonds maturing on and after December 1, 2004 (the "Refunded Bonds").

(b) There is created a fund known as the "1994 Storm Water Bond Refunding Account" (the "Refunding Account"), to be held by the Escrow Agent which account is to be drawn upon for the sole purpose of paying the principal of and interest on the Refunded Bonds until their date of redemption and of paying costs related to the refunding of these bonds.

The proceeds of sale of the Bonds (exclusive of accrued interest thereon, which shall be paid into the Bond Fund and used to pay interest on the Bonds on December 1, 1999) shall be credited to the Refunding Account.

Money in the Refunding Account shall be used immediately upon receipt to defease the Refunded Bonds as authorized by Ordinance No. 94-1012 and to pay costs of issuance. The City shall defease the Refunded Bonds and discharge these obligations by the use of money in the Refunding Account to purchase certain Government Obligations (which obligations so purchased, are herein called "Acquired Obligations"), bearing interest and maturing as to principal and interest in amounts and at times that, together with any necessary beginning cash balance, will provide for the payment of:

(i) interest on the Refunded Bonds due and payable through and including December 1, 2003; and

(ii) the redemption price of the Refunded Bonds (102% of the principal amount thereof) on December 1, 2003.

These Acquired Obligations shall be purchased at a yield not greater than the yield permitted by the Code and regulations relating to acquired obligations in connection with refunding bond issues.

(c) *Escrow Agent/Escrow Agreement.* To carry out the advance refunding and defeasance of the Refunded Bonds, the Finance Director is hereby authorized to appoint as escrow agent a bank or trust company qualified by law to perform the duties described herein (the "Escrow Agent"). A beginning cash balance, if any, and Acquired Obligations shall be deposited irrevocably with the Escrow Agent in an amount sufficient to defease the Refunded Bonds. The proceeds of the Bonds remaining in the Refunding Account after acquisition of the Acquired Obligations and provision for the necessary beginning cash balance shall be used to pay expenses of acquiring and keeping the Acquired Obligations and expenses of issuing the Bonds.

In order to carry out the purposes of this section, the City Manager or the Finance Director of the City is authorized and directed to execute and deliver to the Escrow Agent, the Escrow Agreement.

(d) *Implementation of Refunding Plan*. The City hereby irrevocably sets aside sufficient funds out of the purchase of Acquired Obligations from proceeds of the Refunded Bonds to make the payments described in subsection (b) of this Section.

The City hereby irrevocably calls the 1994 Bonds maturing on and after December 1, 2004 for redemption on December 1, 2003 in accordance with the provisions of Section 4.02 of Ordinance No. 94-1012 authorizing the redemption and retirement of these bonds prior to their fixed maturities. The defeasance and call for redemption of the Refunded Bonds shall be irrevocable after the final establishment of the escrow account and delivery of the Acquired Obligations to the Escrow Agent.

The Escrow Agent is hereby authorized and directed to provide for the giving of notices of the redemption of the Refunded Bonds in accordance with the applicable provisions of Ordinance No. 94-1012. The City Manager and Finance Director are authorized and requested to provide whatever assistance is necessary to accomplish this redemption and the giving of notices therefor. The costs of publication of notices shall be an expense of the City.

The Escrow Agent is hereby authorized and directed to pay to the Bond Registrar sums sufficient to pay, when due, the payments specified in of subsection (b). All sums shall be paid from the money and Acquired Obligations deposited with the Escrow Agent pursuant to this section, and the income therefrom and proceeds thereof. All the sums so paid to the Bond Registrar shall be credited to the Refunding Account. All money and Acquired Obligations deposited and any income therefrom shall be held, invested (but only at the direction of the Finance Director) and applied in accordance with the provisions of this ordinance and with the laws of the State of Washington for the benefit of the City and owners of the Refunded Bonds.

The City will take necessary actions to ensure that all necessary and proper fees, compensation and expenses of the Escrow Agent shall be paid when due.

Section 24. Bond Insurance.

(a) *Acceptance of Insurance*. In accordance with the offer of the Underwriter to purchase the Bonds, the Council hereby approves the commitment of the Insurer to provide a bond insurance policy guaranteeing the payment when due of principal of and interest on the Bonds (the "Bond Insurance Policy"). The Council further authorizes and directs all proper officers, agents, attorneys and employees of the City to cooperate with the Insurer in preparing such additional agreements, certificates, and other documentation on behalf of the City as shall be necessary or advisable in providing for the Bond Insurance Policy.

(b) *Payments Under the Bond Insurance Policy and Rights of the Insurer*.

(1) The Insurer shall be deemed to be the sole holder of the Bonds insured by it for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that the holders of the Bonds insured by it are entitled to take pursuant to this ordinance. The maturity of Bonds insured by the Insurer shall not be accelerated without the consent of the Insurer.

(2) The Insurer shall be included as a third party beneficiary to this ordinance.

(3) This ordinance may not be amended without the prior written consent of the Insurer. Copies of any modification or amendment to this ordinance shall be sent to Standard & Poor's Ratings Services, a Division of The McGraw-Hill Companies, Inc. and Moody's Investors Service at least 10 days prior to the effective date thereof.

(4) Amounts paid by the Insurer under the Bond Insurance Policy shall not be deemed paid for purposes of this ordinance and shall remain Outstanding and continue to be due and owing until paid by the City in accordance with this ordinance. The Insurer shall, to the extent it makes any payment of principal of or interest on the Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Bond Insurance Policy. This ordinance shall not be discharged unless all amounts due or to become due to the Insurer have been paid in full.

(5) Claims upon the Bond Insurance Policy and payments by and to the Insurer:

(i) If, on the third business day prior to the related scheduled interest payment date or principal payment date ("Payment Date") there is not on deposit with the Bond Registrar, after making all transfers and deposits required under this ordinance, money sufficient to pay the principal of and interest on the Bonds due on such Payment Date, the Bond Registrar shall make a claim under the Bond Insurance Policy and give notice to the Insurer and to its designated agent (if any) (the "Insurers Fiscal Agent") by telephone or telecopy of the amount of such deficiency and the allocation of such deficiency between the amount required to pay interest on the Bonds and the amount required to pay principal of the Bonds, confirmed in writing to the Insurer and the Insurer's Fiscal Agent by 12:00 noon, New York City time, on such second business day by filling in a form of Notice of Claim and Certificate delivered with the Bond Insurance Policy.

(ii) In the event the claim to be made is for a mandatory sinking fund redemption installment, upon receipt of the money due, the Bond Registrar shall authenticate and deliver to affected Bondholders who surrender their Bonds, a new Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond surrendered. The Bond Registrar shall designate any portion of payment of principal on Bonds paid by the Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Bonds registered to the then current Bondholder, whether DTC or its nominee or otherwise, and shall issue a replacement Bond to the Insurer, registered in the name of Financial Security Assurance Inc., in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Bond Registrar's failure to so designate any payment or issue any replacement Bond shall have no effect on the amount of principal or interest payable by the City of any Bond or the subrogation rights of the Insurer.

(iii) The Bond Registrar shall keep a complete and accurate record of all funds deposited by the Insurer into the Policy Payments Account and the allocation of such funds to payment of interest on and principal paid in respect to any Bond. The Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Bond Registrar.

(iv) Upon payment of a claim under the Bond Insurance Policy, the Bond Registrar shall establish a separate special purpose trust account for the benefit of Bondholders referred to herein as the "Policy Payments Account" and over which the Bond Registrar shall have exclusive control and sole right of withdrawal. The Bond Registrar shall receive any amount paid under the Bond Insurance Policy in trust on behalf of Bondholders and shall deposit any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Bond Registrar to Bondholders in the same manner as principal and interest payments are to be made with respect to the Bonds under the sections hereof regarding payment of Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments.

(v) Funds held in the Policy Payments Account shall not be invested and shall not be applied to satisfy any costs, expenses or liabilities of the Bond Registrar.

(vi) Any funds remaining in the Policy Payments Account following a Bond payment date shall promptly be remitted to the Insurer.

(6) The Insurer shall be provided with all reports, notices and correspondence to be delivered under the terms of this ordinance. The notice address of the Insurer is: Financial Security Assurance Inc., 350 Park Avenue, New York, New York 10022-6022, Attention: Managing Director -- Surveillance -- Re: Policy No. __. Telephone: (212) 826-0100; Telecopier: (212) 339-3529. In each case in which notice or other communication refers to an Event of Default, then a copy of such notice or other communication shall also be sent to the attention of General Counsel and shall be marked to indicate "URGENT MATERIAL ENCLOSED."

Section 25. Year 2000 Disclosure. The City certifies to the Underwriter that it has conducted a comprehensive review and assessment of the City's computer applications and made inquiry of the City's key suppliers, vendors and customers with respect to the "year 2000 problem" (that is, the risk that computer applications may not be able to properly perform date-sensitive functions after December 31, 1999) and, based on that review and inquiry, the City does not believe the year 2000 problem will result in a material adverse change in the City's business condition (financial or otherwise), operations, properties or prospects, or ability to repay the Bonds.

Section 26. Severability. If any provision in this ordinance is declared by any court of competent jurisdiction to be contrary to law, then the provision shall be null and void and shall be deemed separable from the remaining provision of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.

Section 27. General Authorization. The City Manager, the Finance Director and other appropriate officers of the City are authorized to take any actions and to execute documents as in their judgment may be necessary or desirable in order to carry out the terms of, and complete the transactions contemplated by, this ordinance. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified.

Section 28. Effective Date. This ordinance shall become effective five days after its publication as required by law.

ADOPTED by the City Council of the City of SeaTac, Washington, this 11th day of May, 1999.

CITY OF SEATAC, WASHINGTON

-

Terry Anderson, Mayor

ATTEST:

-

Judith L. Cary, City Clerk

APPROVED AS TO FORM:

-

Robert L. McAdams, City Attorney

CERTIFICATE

-

I, the undersigned, Clerk of the City of SeaTac, Washington (the "City") and keeper of the records of the City Council of the City (the "Council"), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. _____ of the City, as finally passed at a regular meeting of the City Council of the City held on May 11, 1999 and duly recorded in my office.

2. That the meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of the meeting was given; that a quorum of the Council was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the passage of the ordinance; that all other requirements and proceedings incident to the proper adoption or passage of the ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

DATED May 11, 1999.

Judith L. Cary, City Clerk

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Page

CITY OF SEATAC, WASHINGTON

STORM WATER REVENUE REFUNDING BONDS, 1999

$3,320,000

ORDINANCE NO. 99-1023

AN ORDINANCE OF THE CITY OF SEATAC, WASHINGTON, PROVIDING FOR THE ISSUANCE OF STORM WATER REVENUE REFUNDING BONDS IN THE PRINCIPAL SUM OF $3,320,000 FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING STORM WATER REVENUE BONDS; PROVIDING THE TERMS OF THE BONDS; AND APPROVING THE SALE OF THE BONDS.

Passed: May 11, 1999

Prepared By

Preston Gates & Ellis llp

5000 Columbia Center

701 Fifth Avenue

Seattle, Washington 98104-7078

(206) 623-7580

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ORDINANCE NO. 99-1024

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 1999 Annual City Budget for Stormwater Revenue Bonds.

WHEREAS, the City Council has reviewed Agenda Bill #1695 submitted by the Finance Department and authorized the issuance of Stormwater revenue bonds in order to refund a portion of the outstanding 1994 stormwater revenue bonds; and

WHEREAS, this expenditure requires additional appropriation authority;

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

Section 1. The 1999 Annual City Budget shall be amended to increase the Stormwater Management Utility Fund revenues by $3,330,000 (BARS 403.382.20.00.001) and expenditures by $3,330,000 (BARS 403.599.89.72.004 and 403.592.38.84.008).

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

ADOPTED this 11th day of May, 1999, and signed in authentication thereof on this the 11th day of May, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 5/19/99]

ORDINANCE NO. 99-1026

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 1999 Annual City Budget for Street Overlays.

WHEREAS, the City Council has reviewed Agenda Bill #1697 submitted by the Public Works Department and authorized the City Manager to execute a contract for the 1999 City of SeaTac Overlay Project; and

WHEREAS, this expenditure requires additional appropriation authority;

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

Section 1. The 1999 Annual City Budget shall be amended to increase the Arterial Street Fund expenditures by $71,000 (BARS 102.000.15.595.30.63.086).

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

ADOPTED this 8th day of June, 1999, and signed in authentication thereof on this the 8th day of June, 1999.

CITY OF SEATAC

Shirley Thompson, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 6/18/99]

ORDINANCE NO. 99-1027

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 1999 Annual City Budget for additional staffing for Port of Seattle Capital Improvement Program Permit Review.

WHEREAS, the City Council has reviewed Agenda Bill #1714 submitted by the Public Works Department and authorized additional staffing for permit review functions related to the Port of Seattle's Capital Improvement Program; and

WHEREAS, this expenditure requires additional appropriation authority;

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

Section 1. The 1999 Annual City Budget shall be amended to increase General Fund plan review revenues by $89,000 (BARS 001.343.21.01.001).

Section 2. The 1999 Annual City Budget shall be amended to increase General Fund expenditures by $89,000 in Public Works and Planning salaries and benefits (BARS 001.000.11.532.21.11 & .21; 001.000.11.559.60.11 & .21; 001.000.13.558.60.11 & .21).

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

ADOPTED this 22nd day of June, 1999, and signed in authentication thereof on this the 22nd day of June, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 7/2/99]

ORDINANCE NO. 99-1028

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending a portion of the Comprehensive Plan Land Use Plan Map.

WHEREAS, concurrently with the City's official date of incorporation, the City Council enacted Ordinance No. 90-1018 which adopted by reference the King County Comprehensive Plan, the Highline Community's Plan, the Sea-Tac Community's Plan, the Sea-Tac Area Update, and the County Zoning Map, as the interim comprehensive plan and zoning classification designations of the City, and at the same time, the Council enacted Ordinance No 90-1019 which adopted by reference Title 21 of the King County Code (County Resolution No. 25789) as the City's interim Zoning Code; and

WHEREAS, former King County Zoning Code (Title 21 of the King County Code) provided that the suffix "P" appended to a zoning classification symbol on the County's official Zoning Map would give notice that "property-specific development standards" had been imposed as to development of a particular parcel or parcels; and

WHEREAS, the purpose of the property-specific development standards designation ("P" suffix to the map symbol) was to indicate that conditions beyond the minimum requirements of the zoning code had been applied to development on the property, including but not limited to increased development standards, limits on permitted uses or special conditions of approval, as a result of either a reclassification or area zoning ordinance. The "P" suffix was shown on the County's official zoning map and as a notation on the SITUS file which disclosed the conditions; and

WHEREAS, the "P" suffix standards and restrictions emanated from particularized concerns with development of individual parcels, or from County Hearing Examiner quasi-judicial proceedings on rezone and development applications, which standards became conditions precedent to the rezone and/or development; and

WHEREAS, in the City's early years, the County continued to process existing rezone and development permits, but inasmuch as the County was not anxious to continue performing these services, and the City desired to establish its own comprehensive plan and zoning regulations, on July 19, 1990, the City Council adopted Ordinance No. 90-1047, to establish a statutory planning agency, known as the City Planning Commission, with a mandate to develop and recommend to the Council Comprehensive Plan, Zoning Code, and Zoning Map, pursuant to Chapter 35A.63 RCW and

WHEREAS, the Planning Commission embarked upon its mission and held innumerable meetings and public hearings which ultimately resulted in a recommended zoning code, adopted by the City Council as Ordinance No. 92-1041, on October 27, 1992; and

WHEREAS, the new Zoning Code made no reference to property-specific development standards or to "P" suffixes, but provided at Section 15.11.140 of the SeaTac Municipal Code (which has not been amended since its original adoption by Ordinance No.92-1041), as follows:

> **15.11.140 Zoning Map and Boundaries.**
>
> A. The location and boundaries of the zones defined by this chapter shall be shown and delineated on the Official Zoning Map.
>
> B. Changes in the boundaries of the zones, including applications for amendment or interim zoning shall be made by ordinance amending the Zoning Map; and

WHEREAS, the King County Zoning Map continued, in the absence of any such amendatory ordinances, as the official Zoning Map following adoption of the City Zoning Code in 1992; and

WHEREAS, it was not until enactment of Ordinance No. 94-1014, on April 12, 1994, that the King County symbols for zoning classifications were changed to the symbols set forth in the two-year-old City Zoning Code adopted by Ordinance No. 92-1041, such as, for example, substituting the new City symbol UL for single-family residential use for the County symbol RS and substituting the new City symbol UH (Urban High Density) for the County symbol RM-900, yet, the intent of the Ordinance was merely to change the symbols on the map to conform to the Zoning Code (except as to public parks); and

WHEREAS, Ordinance No. 94-1014 was ministerial in that it merely authorized substitution of new for old zone classification symbols and was not the subject of deliberative legislative action and did not constitute City-wide rezoning; and

WHEREAS, the omission of the "P" suffixes from the exhibit "A" zoning map was a mistake and inadvertency, inasmuch as the ordinance and map were intended to reflect current zoning designations by new symbols; and

WHEREAS, the fact of mistake and inadvertency is clearly evident in the Planning Commission minutes of March 28, 1994, and April 4, 1994, wherein it was stated that adoption of the new zoning map, except as to designation of park lands, "primarily administrative" because it had not previously been adopted as required by Section 15.11.140 of the SeaTac Municipal Code, and also by language of the agenda bill accompanying Ordinance No. 94-1014; and

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, Chapter 36A.70 RCW the City developed a Comprehensive Plan, which was adopted by Ordinance No. 94-1051, on December 20, 1994; and

WHEREAS, because of the specific interest expressed by a number of City residents and property owners, as to a proposed apartment complex located generally at 21212 International Boulevard, the City Council imposed a moratorium on October 20, 1998, (which continues in effect), by Resolution No. 98-023, against acceptance of multi-family development applications, for the purpose of allowing time for investigation of omission of "P" suffix conditions and to consider adequacy of multi-family regulations and standards, and supporting findings of fact were adopted by Resolution No. 98-027 on December 15, 1998; and

WHEREAS, between the date of the moratorium and the present date, the Planning Department has diligently researched the issues, recovered documentation from King County, and has worked toward development of a process whereby property specific conditions may be imposed, and toward development of multi-family standards to ensure consistency with the comprehensive plan, to protect the public health, safety and welfare, to ensure neighborhood compatibility, and to protect adequate capacity of local public schools; and

WHEREAS, during the same period, the Planning Advisory Committee has considered these issues, and particularly as related to the subject property, at numerous open public meetings, as well as conducting public hearings, and the City Council has similarly considered these matters at regularly scheduled public meetings; and

WHEREAS, the City's research and consideration of the "P" suffix issue determined that pursuant to King County Ordinance No. 2637 and the conditions which were to be satisfied within one year of the adoption of King County Ordinance No. 6550, conditionally granting a zone reclassification form RS-7200 to RM900 for the property located at 21212 International Boulevard, now in the City of SeaTac, were not satisfied and the zone classification should never have been effective; and

WHEREAS, after a public hearing on June 21, 1999, to consider the proposed amendments, the Planning Advisory Committee of the City of SeaTac has recommended to the City Council adoption thereof to rectify the previous inadvertent mistakes and omission, in the interest of public health, safety and welfare; and

WHEREAS, the aforesaid change should be immediately effective in order to permit termination of the existing moratorium on multifamily projects as soon as possible and, further, to prevent vesting of projects under the apparent inadvertent zoning without special conditions, and to correct the said inadvertency; and

WHEREAS, the letter, dated March 24, 1994, from the Planning Department staff to Mr. David Shih, owner of the

subject property at all times material hereto, erroneously concluded that the property had been zoned UH-900 without condition by adoption of the City Zoning Code on November 26, 1992, and the owner did not rely upon that erroneous conclusion to his detriment or without knowledge of King County's actions;

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

Section 1. The Comprehensive Plan Land Use Plan Map is hereby amended as set forth on Exhibit A attached hereto.

Section 2. A copy of this Ordinance shall be transmitted to the King County Assessor's Office.

Section 3. A copy of this Ordinance shall be transmitted to the Department of Community, Trade and Economic Development, pursuant to RCW 36.70A.106(3).

Section 4. As found in the foregoing recitals to this Ordinance, the Comprehensive Plan Map change herein is of emergent nature and the one-year limitation on amendments pursuant to RCW 36.70a.130 is not applicable.

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

ADOPTED this 22nd day of June, 1999, and signed in authentication thereof on this 22nd day of June, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 7/22/99]

ORDINANCE NO. 99-1029

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the official Zoning Map of the City of SeaTac.

WHEREAS, the City Council has, concomitant herewith, adopted an ordinance amending the City of SeaTac Comprehensive Plan Land Use Plan Map; and

WHEREAS, it is required by the Growth Management Act that the City's development regulations be consistent with the Comprehensive Plan; and

WHEREAS, the City Zoning Map must be amended to implement the aforesaid change to the Comprehensive Plan's Land Use Plan Map; and

WHEREAS, concurrently with the City's official date of incorporation, the City Council enacted Ordinance No. 90-1018 which adopted by reference the King County Comprehensive Plan, the Highline Community's Plan, the Sea-Tac Community's Plan, the Sea-Tac Area Update, and the County Zoning Map, as the interim comprehensive plan and zoning classification designations of the City, and at the same time, the Council enacted Ordinance No 90-1019 which adopted by reference Title 21 of the King County Code (County Resolution No. 25789) as the City's interim Zoning Code; and

WHEREAS, former King County Zoning Code (Title 21 of the King County Code) provided that the suffix "P" appended to a zoning classification symbol on the County's official Zoning Map would give notice that "property-specific development standards" had been imposed as to development of a particular parcel or parcels; and

WHEREAS, the purpose of the property-specific development standards designation ("P" suffix to the map symbol) was to indicate that conditions beyond the minimum requirements of the zoning code had been applied to development on the property, including but not limited to increased development standards, limits on permitted uses or special conditions of approval, as a result of either a reclassification or area zoning ordinance. The "P" suffix was shown on the County's official zoning map and as a notation on the SITUS file which disclosed the conditions; and

WHEREAS, the "P" suffix standards and restrictions emanated from particularized concerns with development of individual parcels, or from County Hearing Examiner quasi-judicial proceedings on rezone and development applications, which standards became conditions precedent to the rezone and/or development; and

WHEREAS, in the City's early years, the County continued to process existing rezone and development permits, but inasmuch as the County was not anxious to continue performing these services, and the City desired to establish its own comprehensive plan and zoning regulations, on July 19, 1990, the City Council adopted Ordinance No. 90-1047, to establish a statutory planning agency, known as the City Planning Commission, with a mandate to develop and recommend to the Council Comprehensive Plan, Zoning Code, and Zoning Map, pursuant to Chapter 35A.63 RCW and

WHEREAS, the Planning Commission embarked upon its mission and held innumerable meetings and public hearings which ultimately resulted in a recommended zoning code, adopted by the City Council as Ordinance No. 92-1041, on October 27, 1992; and

WHEREAS, the new Zoning Code made no reference to property-specific development standards or to "P" suffixes, but provided at Section 15.11.140 of the SeaTac Municipal Code (which has not been amended since its original adoption by Ordinance No.92-1041), as follows:

15.11.140 Zoning Map and Boundaries.

A. The location and boundaries of the zones defined by this chapter shall be shown and delineated on the Official Zoning Map.

B. Changes in the boundaries of the zones, including applications for amendment or interim zoning shall be made by ordinance amending the Zoning Map; and

WHEREAS, the King County Zoning Map continued, in the absence of any such amendatory ordinances, as the official Zoning Map following adoption of the City Zoning Code in 1992; and

WHEREAS, it was not until enactment of Ordinance No. 94-1014, on April 12, 1994, that the King County symbols for zoning classifications were changed to the symbols set forth in the two-year-old City Zoning Code adopted by Ordinance No. 92-1041, such as, for example, substituting the new City symbol UL for single-family residential use for the County symbol RS and substituting the new City symbol UH (Urban High Density) for the County symbol RM-900, yet, the intent of the Ordinance was merely to change the symbols on the map to conform to the Zoning Code (except as to public parks); and

WHEREAS, Ordinance No. 94-1014 was ministerial in that it merely authorized substitution of new for old zone classification symbols and was not the subject of deliberative legislative action and did not constitute City-wide rezoning; and

WHEREAS, the omission of the "P" suffixes from the exhibit "A" zoning map was a mistake and inadvertency, inasmuch as the ordinance and map were intended to reflect current zoning designations by new symbols; and

WHEREAS, the fact of mistake and inadvertency is clearly evident in the Planning Commission minutes of March 28, 1994, and April 4, 1994, wherein it was stated that adoption of the new zoning map, except as to designation of park lands, was "primarily administrative" because it had not previously been adopted as required by Section 15.11.140 of the SeaTac Municipal Code, and also by language of the agenda bill accompanying Ordinance No. 94-1014; and

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, Chapter 36A.70 RCW the City developed a Comprehensive Plan, which was adopted by Ordinance No. 94-1051, on December 20, 1994; and

WHEREAS, because of the specific interest expressed by a number of City residents and property owners, as to a proposed apartment complex located generally at 21212 International Boulevard, the City Council imposed a moratorium on October 20, 1998, (which continues in effect), by Resolution No. 98-023, against acceptance of multi-family development applications, for the purpose of allowing time for investigation of omission of "P" suffix conditions and to consider adequacy of multi-family regulations and standards, and supporting findings of fact were adopted by Resolution No. 98-027 on December 15, 1998; and

WHEREAS, between the date of the moratorium and the present date, the Planning Department has diligently researched the issues, recovered documentation from King County, and has worked toward development of a process whereby property specific conditions may be imposed, and toward development of multi-family standards to ensure consistency with the comprehensive plan, to protect the public health, safety and welfare, to ensure neighborhood compatibility, and to protect adequate capacity of local public schools; and

WHEREAS, during the same period, the Planning Advisory Committee has considered these issues, and particularly as related to the subject property, at numerous open public meetings, as well as conducting public hearings, and the City Council has similarly considered these matters at regularly scheduled public meetings; and

WHEREAS, the City's research and consideration of the "P" suffix issue determined that pursuant to King County Ordinance No. 2637 and the conditions which were to be satisfied within one year of the adoption of King County Ordinance No. 6550, conditionally granting a zone reclassification form RS-7200 to RM900 for the property located at 21212 International Boulevard, now in the City of SeaTac, were not satisfied and the zone classification should never have been effective; and

WHEREAS, after a public hearing on June 21, 1999, to consider the proposed amendments, the Planning Advisory Committee of the City of SeaTac has recommended to the City Council adoption thereof to rectify the previous inadvertent mistakes and omission, in the interest of public health, safety and welfare; and

WHEREAS, the aforesaid change should be immediately effective in order to permit termination of the existing moratorium on multifamily projects as soon as possible and, further, to prevent vesting of projects under the apparent inadvertent zoning without special conditions, and to correct the said inadvertency; and

WHEREAS, the letter, dated March 24, 1994, from the Planning Department staff to Mr. David Shih, owner of the subject property at all times material hereto, erroneously concluded that the property had been zoned UH-900 without condition by adoption of the City Zoning Code on November 26, 1992, and the owner did not rely upon that erroneous conclusion to his detriment or without knowledge of King County's actions;

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

Section 1. The Official Zoning Map, as authorized by Section 15.11.140, is hereby amended as set forth on Exhibit A attached hereto.

Section 2. A copy of this Ordinance shall be transmitted to the King County Assessor's Office.

Section 3. A copy of this Ordinance shall be transmitted to the Department of Community, Trade and Economic Development, pursuant to RCW 36.70A.106(3).

Section 4. As found in the foregoing recitals to this Ordinance, the Comprehensive Plan Map change herein is of emergent nature and the one-year limitation on amendments pursuant to RCW 36.70a.130 is not applicable.

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

ADOPTED this 22nd day of June, 1999, and signed in authentication thereof on this 22nd day of June, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 7/22/99]

ORDINANCE NO. 99-1030

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 15.05.050, adding a new Section 15.05.055, and amending Section 15.05.080 of the City Zoning Code to provide for imposition of property-specific development standards.

WHEREAS, the Council was advised, late in 1998, that adoption of Ordinance No. 92-1041, which established the precursor to the current Zoning Code, granted to certain properties the equivalent City Zoning classification which would have been only potentially allowable under "P-suffixes" of the pre-existing King County Zoning Code and map and that reasonable and necessary conditions imposed by King County on any such potential changes were inadvertently omitted; and

WHEREAS, as a result, the Council was concerned that existing development regulations may not be sufficient to ensure that multi-family housing projects will be consistent with the City's Comprehensive Plan, will meet the tests of concurrency, and will be compatible with surrounding neighborhoods over the years; and

WHEREAS, the Council therefore adopted Resolution No. 98-023 imposing a moratorium on accepting and acting upon development and building permits within zones permitting multi-family uses, until the City staff and the Planning Advisory Committee have had time to research and study the situation and, if appropriate, to formulate amendments to present development regulations applicable to multi-family housing projects for consideration by the Council; and

WHEREAS, the City commenced research and study of the "P-suffix" issue and determined that approximately 289 parcels of land were subject to property-specific standards at the time of the City's incorporation, of which some 40 parcels relate to multi-family use; and

WHEREAS, the said County "P-suffix", property-specific standards were inadvertently not carried forward into the City's Zoning Regulations and official Zoning Map; and

WHEREAS, the property-specific conditions imposed by King County pursuant to potential rezones remain significant in terms of consistency with, and implementation of, the Comprehensive Plan and existing development regulations, as to only one property now zoned for multi-family development; and

WHEREAS, in order to protect the public health, safety and welfare, and ensure compatibility with adjacent neighborhoods, property-specific development standards may be needed to augment existing development regulations; and

WHEREAS, the Comprehensive Plan supports implementing standards to ensure quality multiple-family development (Policy 6.4D); and

WHEREAS, research supports the need to coordinate with the Highline School District in assuring that public schools have adequate capacity to serve anticipated growth, in accordance with the Growth Management Act and the City's Comprehensive Plan Policy 4.1B; and

WHEREAS, the Council deems it to be in the best interest of the public health, safety and welfare to provide for imposition of property-specific development standards when deemed appropriate;

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

Section 1. Section 15.05.050 of the SeaTac Municipal Code is hereby amended to read as follows:

15.05.050 Minimum Requirements

In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of the code. When deemed appropriate, the City Council or the Hearing Examiner, in the course of a quasi-judicial hearing, may impose property-specific development standards pursuant to Section 15.05.055. Additionally, the City Manager, or designee, shall issue an interpretation on areas of question as set forth in SMC 15.05.060.

Section 2. A new Section 15.05.055 is hereby added to the SeaTac Municipal Code, to read as follows:

15.05.055 Property-Specific Development Standards

A. In addition to the minimum requirements of this Title, property-specific development standards further restricting development may be imposed by the City Council or the City Hearing Examiner in either an individual or City-initiated zoning reclassification, provided that all other zone reclassification criteria as specified in 15.22.050 are met. The property-specific development standards are for the purpose of ensuring the public health and safety, neighborhood compatibility, and environmental protection and may include, but are not limited to, increased development standards, limits on permitted uses, or special conditions of approval. Such property-specific development standards shall not reduce the development standards specified elsewhere in this Title. An asterisk (*) shall be shown on the official zoning map and on appropriate GIS databases to provide notice of the property-specific development standards.

B. The Department of Planning and Community Development shall review all property-specific development standards previously imposed by King County upon individual properties now located within the incorporated boundaries of the City, and may recommend reinstatement of any such standards which do not conflict with the comprehensive plan and which address conditions unique to a particular property which have not been adequately addressed by the standards in this Zoning Code. Any such reinstatement shall be applied by the City Council through a City-initiated reclassification, and may be appealed to the City Hearing Examiner.

Section 3. Section 15.05.080 of the SeaTac Municipal Code is hereby amended to read as follows:

15.05.080 Administration and Review Authority

A. The Hearing Examiner shall have the authority to hold public hearings and make decisions and recommendations on reclassification, subdivisions and other development proposals and appeals as set forth in City ordinances, including Chapter 15.22 of this code, and subsequent amendments ~~(Ref: Chapter 15.22 SMC)~~. The Hearing Examiner shall also have the authority to impose property-specific development

standards pursuant to Section 15.05.055.

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

C. The City Manager, or designee, shall have the sole authority to issue official interpretations of the Zoning Code, in accordance with the criteria set forth in SMC 15.05.060. Such decisions shall be considered administrative decisions which can be appealed through the Hearing Examiner.

Section 4. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor by July 31, 1999.

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

ADOPTED this 22nd day of June, 1999, and signed in authentication thereof on this 22nd day of June, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 7/22/99]

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ORDINANCE NO. 99-1031

AN ORDINANCE of the City Council of the City of SeaTac, Washington repealing Sections 2.65.521, 2.65.522, and 2.65.523 of the SeaTac Municipal Code, relating to use of credit cards for travel and other city business.

WHEREAS, on November 26, 1991, the Council enacted Ordinance No. 91-1047 which added provisions to the City's personnel policies and procedures, codified at SMC 2.65.521 through .523, relating to use of credit cards for travel and other city related purposes, authorization and expense claim vouchers, and for repayment of disallowed charges; and

WHEREAS, by Resolution No. 93-034, adopted on March 23, 1993, the Council adopted written Travel Policies, Regulations and Procedures, which governed those topics generally, but made no reference to the credit card and other provisions of SMC 2.65.521 through .523; and

WHEREAS, with the concurrent amendment of the Travel Policies, Regulations and Procedures, it is appropriate that the said provisions be incorporated therein and that the similar provisions of the SeaTac Municipal Code be repealed;

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

Section 1. Sections 2.65.521, 2.65.522, and 2.65.523 of the SeaTac Municipal Code are hereby repealed in favor of written Travel Policies, Regulations and Procedures adopted by Resolution of the Council.

Section 2. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 13th day of July, 1999, and signed in authentication thereof on this 13th day of July, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: August 12, 1999]

ORDINANCE NO. 99-1032

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 1999 Annual City Budget for City Center Study costs.

WHEREAS, the City Council has reviewed Agenda Bill #1731 submitted by the Planning Department and authorized the expenditure of $22,400 in additional funds to complete the City Center Study; and

WHEREAS, the amendment requires additional appropriation authority in the 1999 Annual Budget;

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

Section 1. The 1999 Annual City Budget shall be amended to increase the General Fund expenditures by $22,400 (BARS 001.000.99.519.90.41.000) and the General Fund revenues by $11,200 (BARS 001.338.19.00.000).

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

ADOPTED this 17th day of August, 1999, and signed in authentication thereof on this the 17th day of August, 1999.

CITY OF SEATAC

Shirley Thompson, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: August 25, 1999]

ORDINANCE NO. 99-1033

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 1999 Annual City Budget for the Hotel/Motel Market Analysis Feasibility Study.

WHEREAS, the City Council has reviewed Agenda Bill #1747 submitted by the City Manager's Office and authorized the expenditure of $50,000 in Hotel/Motel tax revenues to conduct a Hotel/Motel Market Analysis Feasibility Study; and

WHEREAS, the amendment requires additional appropriation authority in the 1999 Annual Budget;

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

Section 1. The 1999 Annual City Budget shall be amended to increase the expenditures of the Hotel/Motel Tax Fund by $50,000 (BARS 107.000.24.557.30.41.076).

Section 2. 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 September, 1999, and signed in authentication thereof on this the 14th day of September, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 09/22/99]

ORDINANCE NO. 99-1034

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Chapter 5.50 of the SeaTac Municipal Code to clarify the requirements for placement on the ambulance operator rotation list.

WHEREAS, the City Council has considerable interest in containing ambulance costs and assuring a high level of service for its citizens; and

WHEREAS, the City Council finds that the application for placement on the ambulance rotation list and inspection conducted thereto are comprehensive and sufficient to ensure public health, welfare and safety; and

WHEREAS, requiring a license in addition to the requirements for placement on the ambulance rotation list is redundant and unnecessary; and

WHEREAS, the City Council finds that controlling and regulating rates and services of ambulance operators ensures the Fire Departments mission of providing emergency medical services, trauma care and transport for seriously injured patients;

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

Section 1. Section 5.50.020 of the SeaTac Municipal Code is hereby amended to read as follows:

5.50.020 Definitions.

For purposes of this chapter, the following definitions, as well as those other definitions set forth at RCW 18.73.030 and WAC 246-976-010, as currently exist and as may be hereafter amended, shall apply:

A. "Advanced life support (ALS)" means invasive emergency medical services requiring advanced medical treatment skills as defined by Chapter 18.71 RCW and as typically provided by King County Medic One.

B. "Agreement" means agreement between the City of SeaTac Fire Department and an ambulance operator setting forth general operational procedures required for placement on the Fire Department rotation list.

B.C. "Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in emergency medical procedure, which typically consist of Fire Department aid units, King County Medic One units, and Fire Department apparatus.

C.D. "Ambulance" means a privately-owned ground or air vehicle designed and used to transport patients and to provide personnel, facilities, and equipment to treat patients before and during transportation.

D.E. "Ambulance operator" means a person or entity owning one (1) or more ambulances and operating them as a private business.

E.F. "Basic life support" means noninvasive emergency medical services requiring basic medical treatment skills as defined in Chapter 18.73 RCW

F.G. "Dispatch" means the designation and direction by the South Communication (South-Com) dispatch

center of an emergency response unit to a service location.

G.H. "Emergency medical services (EMS)" means medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient to an appropriate medical facility.

H.I. "Emergency medical technician (EMT)" means a person who is authorized by the Washington State Department of Health to render emergency medical care pursuant to RCW 18.73.081.

I.J. "Fire Chief" means the titular head of the City Fire Department acting as such and in his or her role as "aid director" of the Department's emergency medical services.

J.K. "Fire Official" means the Fire Chief, or designee, and the Fire Department's Incident Commander at any emergency medical services incident.

K.L. "First response agency" means the City Fire Department, its emergency medical technicians, aid vehicles, and apparatus.

L.M. "Operator response time" means the time from notification by dispatch to an ambulance operator until the time of arrival on the scene of an emergency medical incident. This is the same as the combination of activation and enroute times defined under "system response time" at WAC 246-976-010.

M.N. "Patient" means a person who is ill, injured, or otherwise incapacitated or helpless, and in need of, or receiving, medical treatment, including trauma care.

N.O. "Person" means any individual, corporation, company, firm, joint stock company, co-partnership, joint venture, trust, business trust, club, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, or any receiver, administrator, executor, assignee, or trustee in bankruptcy.

P. "Rotation list" means a list of not more than three (3) ambulance operators who are referred calls and provide emergency response and transport services within the City of SeaTac on a continuing rotational basis.

O.Q. "Prehospital" means emergency medical care or transportation rendered to patients by emergency medical technicians prior to hospital admission.

P.R. "Triage" means the sorting of patients in terms of disposition, destination, and/or priority. Triage of prehospital trauma victims requires identifying injury severity so that the appropriate care level can be readily assessed according to patient care guidelines.

Section 2. Sections 5.50.030, 5.50.040, 5.50.090 and 5.50.100 of the SeaTac Municipal Code are hereby repealed.

Section 3. Section 5.50.050 of the SeaTac Municipal Code is hereby amended to read as follows:

5.50.050 Application for business license ambulance operator rotation placement.

No business license shall be issued except upon application pursuant to Section 5.05.060, and subject to the general qualifications of Section 5.05.090, and together with the following information specific to ambulance operators:

An ambulance operator shall complete an application, enter into an Agreement, and provide the following information before consideration of placement on the rotation list:

A. A copy of the ambulance operator's state license issued pursuant to RCW 18.73.130 and WAC 246-976-260.

B. A roster of all ambulances to be used, or to be potentially used, within the City to include year of manufacture, name of manufacturer, statement of compliance with the ambulance vehicle standards of WAC 246-976-290, statement of compliance with the ambulance vehicle equipment requirements of WAC 246-976-300, statement of compliance with the communications equipment requirements of WAC 246-976-310, and proof of current licensure pursuant to WAC 246-976-260 of each listed ambulance.

C. A roster by name, residence address, date of birth, social security number, and current Washington State driver's license number (or photo identification), together with proof of EMT certification statement of highest certification as advanced first aid qualification, first responder, emergency medical technician (including level and any medical equipment qualifications), intravenous therapy technician, airway technician, or paramedic, together with proof of such current license or certification.

D. A certificate or certificates of insurance as required by the State Department of Health (WAC 246-976-260(2)(c)).

E. A schedule of rates to be charged for services during the license Agreement period for which the application is made, together with a statement that the said rates shall not be increased during the Agreement period for which the license is issued.

F. The inspection fee required by Section 5.50.060.

Section 4. Section 5.50.060 of the SeaTac Municipal Code is hereby amended read as follows:

5.50.060 Fee.

By reason of the supersession of all local license fees pursuant to RCW 18.73.020, the business license fee set forth at Section 5.05.070 shall not be charged. However, an inspection fee in the sum $100.00 shall be imposed during the year 1997 to defray the costs and expenses of inspections by Fire Department personnel. Thereafter, An inspection fee shall be imposed and due at the time of submission of an application by an ambulance operator for placement on the rotation list. tThe inspection fee shall be as prescribed by resolution of the City Council establishing fees and charges.

Section 5. Section 5.50.070 of the SeaTac Municipal Code is hereby amended to read as follows:

5.50.070 Investigation, inspection and verification.

The Fire Chief or designee shall review and investigate all applications submitted by ambulance operators to ensure compliance with all application requirements and to verify the validity of all state or county certifications, verifications, and licenses. A Fire Official shall, upon receipt of an application, make physical inspection of the ambulance operator's premises, ambulances, equipment, and communication equipment. The Fire Official shall also determine that the schedule of rates submitted is competitive within the industry. As a condition of issuance of a business license placement on the rotation list, the ambulance operator shall permit a Fire Official to make regular inspections of the ambulances, equipment, and personnel of licensed ambulance operators, at all reasonable hours, with or without advance notice, upon presentation of appropriate credentials to an authorized representative of the ambulance operator. The provisions of Section 5.05.170 shall also apply.

Section 6. Section 5.50.080 of the SeaTac Municipal Code is hereby amended to read as follows:

5.50.080 Issuance of business license Placement on rotation list.

Upon satisfactory completion of investigation, inspection, and verification, as set forth at Section 5.50.070, the Fire Chief or designee shall provide written approval of the application to the City's Finance

Department and the business license shall be issued in the same manner as any other City business license enter into an Agreement with the ambulance operator, subject to Section 5.50.180.

Section 7. Section 5.50.110 of the SeaTac Municipal Code is hereby amended to read as follows:

5.50.110 Renewal of business license agreement.

The terms of the business license issued to ambulance operators, and renewal of such business licenses, shall be governed by Sections 5.05.110 and 5.05.130. Upon application for renewal, investigation, inspection, and verification shall be completed pursuant to Section 5.50.070. Agreement entered into with ambulance operators shall be for a period of one (1) year. An ambulance operator wishing to renew the Agreement must submit an application pursuant to Section 5.50.050 thirty (30) days before the expiration of the current Agreement.

Section 8. Section 5.50.120 of the SeaTac Municipal Code is hereby amended to read as follows:

5.50.120 Standards of operation.

All operations of, and services provided by, a licensed ambulance operator shall, as a minimum, fully comply with the following standards:

A. All applicable provisions of state law, regulations of the State Department of Health, and procedures adopted thereunder, including, but not limited to, Chapters 18.71, 18and 70.168 RCW andChapter 246-976 RCW must be fully met at all times.

B. All applicable provisions of county ordinances, and procedures adopted thereunder, including, but not limited to, Chapter 2.26 of the King County Code, must be fully met at all times.

C. For each ambulance available to respond to dispatches to locations within the City, the ambulance operator shall provide not less than two ambulance attendants currently certified as Emergency Medical Technicians (EMTs). The certificate of EMT status shall be in possession of each such ambulance attendant while on duty. Unless specifically requested, no ALS ambulances shall respond to locations within the City.

D. The ambulance operator shall provide for dispatch of ambulances when notified by the Fire Department, through the South Communications (South-Com) dispatch center. The ambulance operator shall advise South-Com from which location the ambulance is responding. Operator response time shall be in accordance with the following standard:

1. Ninety percent (90%) of all responses by an ambulance operator to dispatches of South-Com to locations within the boundaries of the City shall not exceed a maximum of ten (10) minutes under code red and fourteen (14) minutes under code yellow.

E. The ambulance operator shall respond on code red or code yellow as advised by South-Com or the Fire Official on the scene of an emergency medical incident. The ambulance operator shall be fully responsible for proper and safe operation of its ambulances, and the actions of its employees, in responding to such dispatches.

F. The ambulance operator shall be responsible for furnishing all required and necessary on-board equipment and for maintaining the same in good working condition.

G. The ambulance operator shall be responsible for providing and maintaining its communication system, channel selection, authorization for use, and proper operation of the system.

H. Upon arrival at the scene of an emergency medical incident, the ambulance attendant in charge shall report directly to the Fire Official and the ambulance attendants shall then follow instructions of the Fire Official until such time as responsibility for patient care is turned over to the ambulance attendants.

I. The ambulance operator may continue to respond to private calls for transportation not generated through the 911 system or South-Com. However, if the private call reports an incident which is of an emergency medical nature, the ambulance operator shall promptly advise South-Com for dispatch of Fire Department aid units.

J. No ambulance operator shall refuse to transport any patient when such patient is determined by the Fire Official to require transport to a hospital, trauma center, or other medical facility.

K. The ambulance operator shall transport a patient to the nearest hospital capable of providing appropriate medical services, or to a hospital designated by the patient. If, however, a specific hospital or trauma center is designated by the Fire Official at the scene, the ambulance operator shall transport the patient to that facility.

L. Charges for services shall be made by the ambulance operator only if a patient is actually transported, and such charges shall not exceed the rates filed by the ambulance operator with the City.

M. Unless requested to the contrary, every licensed ambulance operator shall be placed upon the Fire Department's rotation list for dispatch to the scene of emergency medical incidents within the boundaries of the City and for transport of patients, providing, however, that the ambulance operator enters into a written agreement in the form prepared by, and available from, the Fire Chief. The ambulance vehicles utilized by ambulance operators pursuant to this Section must be a color or color combination different than color schemes reserved for aid vehicles. The color schemes reserved for the exclusive use by aid vehicles shall be red or primarily red with white tops or striping.

Section 9. Section 5.50.140 of the SeaTac Municipal Code is hereby amended to read as follows:

5.50.140 Denial, suspension, or revocation removal of business license from rotation list.

In addition to the grounds set forth at Section 5.05.180, aAn application or license of an ambulance operator may be denied, or any agreement suspended, or revoked for any of the following reasons:

A. Failure to comply with applicable provisions of State law, regulations of the State Department of Health, or procedures adopted thereunder, or applicable provisions of county ordinances, or failure to comply with the requirements of this chapter.

B. Failure to equip and maintain ambulances and on-board equipment and communications equipment in proper manner.

C. Failure to meet the response time standards set forth at Section 5.50.120.

D. Failure to correctly advise South-Com of the location from which an ambulance is responding to a dispatch.

E. Failure to respond to a dispatch from South-Com unless the ambulance operator can document the nonavailability of any ambulance located within a reasonable distance from the City.

F. Failure to provide the required number of ambulance attendants with the minimum required certifications.

G. Charging for services not actually performed or charging at rates in excess of the rates filed by the ambulance operator with the City.

H. Unauthorized use of, or monitoring of, the Fire Department's radio channels for monetary gains, or responding to the scene of an emergency medical incident without having been dispatched by South-Com or the Fire Official.

I. Failure to notify South-Com of private calls for ambulance response to serious medical emergencies within the City.

J. Repeated, and verified, complaints from firefighters, emergency medical technicians, other emergency personnel, or from the general public, relating to unsafe, discourteous, uncooperative, or unprofessional conduct.

Section 10. Section 5.50.160 of the SeaTac Municipal Code is hereby amended to read as follows:

5.50.160 Violations.

Violations of Chapter 5.05 of this title and violations of this chapter may result in suspension, or revocation or of the business license of an ambulance operator, termination of the ambulance operator's inclusion on the Fire Department's rotation list, and also in civil or criminal penalties as set forth at Sections 5.05.240, 5.05.260, and 5.05.270.

Section 11. A new Section 5.50.180 is hereby added to the SeaTac Municipal Code to read as follows:

5.50.180 Agreement limitations.

At no time shall the City have agreements with more than three (3) ambulance operators for placement on the rotation list.

Section 12. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 12th day of October, 1999, and signed in authentication thereof on this 12th day of October, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: November 11, 1999]

ORDINANCE NO. 99-1035

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 1999 Annual City Budget for unanticipated items.

WHEREAS, the City Council has reviewed Agenda Bill #1754 submitted by the Finance and Systems Department and approves certain expenditures requiring additional or amended appropriation authority;

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

Section 1. The 1999 Annual City Budget shall be amended to increase the Municipal Facilities CIP Fund revenues by $500,000 (BARS 306.397.29.00.000 and BARS 306.397.34.00.000), offset by a reduction in LTGO Bond Debt Service Fund revenues by $500,000 (BARS 201.397.32.00.000 and BARS 201.397.33.00.000).

Section 2. The 1999 Annual City Budget shall be amended to increase expenditures of the following funds: Hotel/Motel Tax Fund ($9,945-BARS 107.000.24.592.79.84.005), LTGO Debt Service Fund ($4,000–BARS 201.000.22.592.19.89.000), Transportation Bond Fund ($4,000–BARS 202.000.29.592.43.89.000), and SWM Utility Fund ($4,000-BARS 403.000.25.592.38.89.000).

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

ADOPTED this 26th day of October, 1999, and signed in authentication thereof on this the 26th day of October, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 11/03/99]

ORDINANCE NO. 99-1036

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending and repealing certain Sections of Chapter 7.30 of the SeaTac Municipal Code for the purpose of updating burning regulations within the City to reflect the current standards of the Puget Sound Air Pollution Control Agency.

WHEREAS, in 1991 the City adopted its current burning regulations in accordance with then-existing Puget Sound Air Pollution Control Agency ("PSAPCA") standards; and

WHEREAS, PSAPCA controls the regulations for clean air within our region pursuant to state law by establishing and following air quality objectives and standards; and

WHEREAS, PSAPCA changed its standards in 1992 to disallow all residential burning; and

WHEREAS, although the City has not amended its regulations accordingly, the City has been following the PSAPCA standards and has not allowed residential burning since 1992; and

WHEREAS, the City Council finds it appropriate to update Chapter 7.30 of the SeaTac Municipal Code regarding burning regulations to reflect the Fire Department policy and PSAPCA standards;

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

Section 1. Section 7.30.010 of the SeaTac Municipal Code is hereby amended to read as follows:

7.30.010 Definitions.

For purposes of this chapter, the following terms shall be defined as indicated below:

A. "Agricultural burning" means outdoor fires consisting of natural vegetation resulting from the growing of crops, the raising of fowl, animals or bees as a gainful occupation and burned on the lands on which the material originated.

B. "Land clearing burning" means outdoor fires consisting of natural vegetation resulting from land clearing projects and burned on the lands on which the material originated.

C. "Outdoor fire" means the combustion of material in the open or in a container with no provision or control of such combustion or control of the emissions of combustion products.

D. "Residential burning" means outdoor fires consisting of natural vegetation resulting from the maintenance of lands immediately adjacent and in close proximity to a residential dwelling and burned on the lands on which the material originated.

E. "Recreational fire" means the burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and with a total fuel area of three feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial, cooking or similar purposes.

F. "Nuisance" means an emission of smoke or other emissions from any open fire that unreasonably interferes with the use and enjoyment of the property deposited on.

G. "Episode" means a period when a forecast, alert, warning, or emergency air pollution stage is declared.

Section 2. Sections 7.30.020 through .060, inclusive, of the SeaTac Municipal Code are hereby repealed.

Section 3. Section 7.30.070 of the SeaTac Municipal Code is hereby amended to read as follows:

7.30.070 ~~Other~~ Outdoor fires prohibited.

The following outdoor fires are prohibited within the City:

A. Any residential burning ~~in the absence of a valid permit as authorized by this chapter, to be available at the location of the burning for inspection by Fire Department personnel~~.

B. Any outdoor fire, other than ~~residential burning~~ recreational fires authorized by permit, with the exception of fires from torches, incense burners, insects pots, gas burners, and household barbecues, for pleasure, cooking or like social purposes.

C. Any agricultural burning.

D. Any outdoor fire containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than necessary to start a fire), cardboard, treated wood, construction debris, metal, processed lumber, or any substance (other than natural vegetation grown or utilized on the premises) which when burned releases toxic emissions, dense smoke, or odors.

E. Any land clearing burning or other outdoor fires for the purpose of demolition, salvage or reclamation of materials, unless specifically authorized in writing, based upon special needs and circumstances, by the City Fire Department and the Puget Sound Air Pollution Control Agency ("PSAPCA").

Section 4. A new Section 7.30.075 is hereby added to the SeaTac Municipal Code to read as follows:

7.30.075 Recreational fires.

Recreational fires are allowed within the City with prior approval of the Fire Department. A special use permit shall be issued for recreational fires. Recreational fires shall be in accordance with the following:

A. Location. Recreational fires shall not be conducted within 25 feet (7620mm) of a structure or combustible material unless contained. Conditions, which could cause a fire to spread to within 25 feet (7620mm) of a structure, shall be eliminated prior to ignition.

B. Fire-extinguishing equipment. Buckets, shovels, garden hoses or a fire extinguisher with a minimum 4-A rating shall be readily available for use at recreational fires.

C. Attendance. Recreational fires shall be constantly attended by a person knowledgeable in the use of the fire extinguishing equipment required by Subsection B above. An attendant shall supervise a recreational fire until such fire has been extinguished.

D. Discontinuance. The Fire Chief is authorized to require that recreational fires be immediately discontinued if such fires are determined by the Fire Chief to constitute a hazardous condition or public nuisance.

Section 5. A new Section 7.30.085 of the SeaTac Municipal Code is hereby added to read as follows:

7.30.085 Training fires.

This Section applies to structural fires set by fire departments, fire marshals, vocational schools, or fire

districts for training fire fighters under realistic conditions. Fire departments, fire marshals, vocational schools, or fire districts may conduct structural fire training provided all of the following requirements are met:

A. The fire training shall not occur during any stage of an air pollution episode or period of impaired air quality.

B. Before the training begins, the fire department, fire marshal, vocational school, or fire district conducting the training fire must have submitted to PSAPCA a copy of the asbestos survey for the structure, and a completed PSAPCA Asbestos/Demolition Notification form indicating all asbestos has been removed from the structure prior to training;

C. The fire department, fire marshal, vocational school, or fire district conducting the fire training must have a fire-training plan available to PSAPCA upon request, and the purpose of the structural fire must be to train fire fighters;

D. Composition roofing, asphalt roofing shingles, asphalt siding materials, miscellaneous debris from inside the structure, carpet, linoleum, and floor tile must not be burned. These materials must be lawfully removed from the structure and disposed of in a lawful manner prior to the training exercise;

E. Nuisance complaints or citizen inquiries relating to any training fire shall be resolved by thefire departments, fire marshals, vocational schools, or fire districts conducting the training fire; and

F. The fire departments, fire marshals, vocational schools, or fire districts conducting the training fire shall obtain any permits, licenses, or other approvals required by any entity for such training fires. All permits, licenses, and approvals must be kept on-site and available for inspection.

Section 6. Section 7.30.090 of the SeaTac Municipal Code is hereby amended to read as follows:

7.30.090 Violations and penalties.

The violation of, or failure to comply with, any provision of this chapter pertaining to outdoor fires~~,~~ ~~residential burning,~~ and permits, and of any duties placed upon the permittee by this chapter or terms of the permit, shall be a misdemeanor and shall be punishable by a jail term not to exceed ninety (90) days, or a fine not to exceed the sum of one thousand dollars ($1,000.00), or both. It shall be prima facie evidence that the person who owns or controls real property on which an outdoor fire occurs has caused or allowed the said outdoor fire.

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

ADOPTED this 26th day of October, 1999, and signed in authentication thereof on this 26th day of October, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 11/25/99]

ORDINANCE NO. 99-1037

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating that portion of South 195th Place lying between the new west right-of-way of 28th Ave. S. and a line 201 feet westerly and perpendicular to said road centerline pursuant to petition of abutting property owners.

WHEREAS, a petition seeking street vacation was previously filed with King County by Paul A. Rickard and Mary A. Rickard, husband and wife, being all of the owners of property abutting that portion of South 195th Place lying between the new west right-of-way of 28th Ave. S. and a line 201 feet westerly and perpendicular to said road centerline, within the City; and

WHEREAS, pursuant to SMC 11.05.090 and RCW 35.79.010, the City Council adopted Resolution No. 99-023 fixing the date of a public hearing on the petition; and

WHEREAS, although RCW 35.79.020 requires only that notice of the hearing be posted in three public places and on the street sought to be vacated, the Council's aforesaid Resolution provided that, in order to promote public participation, notice be mailed to all property owners within 500 feet of the exterior boundaries of the said portion of South 195th Place; and

WHEREAS, the public hearing was held before the Council prior to action on this Ordinance; and

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

WHEREAS, in connection with the 28th/24th Avenue South arterial project, the City must acquire a portion of the Rickard property (Parcels No. 260 and 261) which abut the street and right-of-way sought to be vacated; and

WHEREAS, the parties are in the process of finalizing an agreement relating to acquisition by the City of the said property for right-of-way purposes at an agreed fair compensation against which compensation for the vacated property may be credited, generally pursuant to that certain letter, dated October 6, 1999, from the City's Project Manager to the attorney for the abutting property owner, which is on file with the City Department of Public Works;

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

Section 1. Vacation of Right-of-Way. That portion of South 195th Place lying between the new west right-of-way of 28th Ave. S. and a line 201 feet westerly and perpendicular to said road centerline, within the City of SeaTac, and as more particularly described at Exhibit "A" attached to this Ordinance, is hereby vacated.

Section 2. Compensation Required. The owners of the real property abutting upon the aforesaid portion of South 195th Place to be vacated, which property is shown on the map attached to this Ordinance as Exhibit "B" shall compensate the City in an amount equal to one-half of the appraised value of the area so vacated, pursuant to law. One half of the appraised value of the vacated area is the sum of $65,722.50.

Section 3. Codification. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 4. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of

the King County Recorder, upon payment of the compensation required by Section 2 of this Ordinance pursuant to agreement of the parties as described in the final recital paragraph of this Ordinance.

Section 5. Effective Date. This Ordinance shall be in full force and effect upon receipt of the compensation required by Section 2 of this Ordinance, but in no event sooner than thirty (30) days after passage.

ADOPTED this 26th day of October, 1999, and signed in authentication thereof on this 26th day of October, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date:]

ORDINANCE NO. 99-1038

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating that portion of the right-of-way of 34th Avenue South generally between South 222nd Street and the south boundary line of 3333 South 222nd Street pursuant to petition of abutting property owners.

WHEREAS, a petition seeking street vacation was previously received, signed by Bruce A. Davis and Janis L. Davis, being all of the owners of property abutting the not previously vacated portion of the right-of-way of 34th Avenue South generally between South 222nd Street and the south boundary line of 3333 South 222nd Street, within the City; and

WHEREAS, the said portion consists of the westerly one-half of the original right-of-way of 34th Avenue South, the easterly half having been previously vacated by King County to the Skyline Park Condominium property; and

WHEREAS, pursuant to SMC 11.05.090 and RCW 35.79.010, the City Council adopted Resolution No. 99-024 fixing the date of a public hearing on the petition; and

WHEREAS, although RCW 35.79.020 requires only that notice of the hearing be posted in three public places and on the street sought to be vacated, the Council's aforesaid Resolution provided that, in order to promote public participation, notice be mailed to all property owners within 500 feet of the exterior boundaries of the said portion of 34th Avenue South; and

WHEREAS, the public hearing was held before the Council prior to action on this Ordinance; and

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

WHEREAS, the said portion of the right-of-way has never been opened or improved, consists of only one-half of the normal right-of-way width, and cannot interconnect to any other public street or right-of-way, and therefore is without value;

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

Section 1. Vacation of Right-of-Way. That portion of the right-of-way of 34th Avenue South generally between South 222nd Street and the south boundary line of 3333 South 222nd Street, within the City of SeaTac, and as more particularly described at Exhibit "A" attached to this Ordinance, is hereby vacated.

Section 2. Reservation of Easements. Notwithstanding Section 1 of this Ordinance, the City retains and reserves the existing easement over the easterly 15 feet of the vacated right-of-way for the construction, repair, and maintenance of public utilities.

Section 3. Compensation Required. The owners of the real property abutting upon the aforesaid portion of 34th Avenue South, and the right-of-way thereof, which property is shown on the map attached to this Ordinance as Exhibit "B" shall compensate the City $250.00 for the road application fee and the $250.00 application processing fee. The said portion of the right-of-way, being one-half the width of a standard right-of-way, being unopened and unimproved, and not providing for connection with any other public street or right-of-way, is deemed of no value and compensation

by the abutting property owners is waived.

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

Section 5. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder, upon payment of the fees required by Section 3 of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon receipt of the fees required by Section 3 of this Ordinance, but in no event sooner than thirty (30) days after passage.

ADOPTED this 26th day of October, 1999, and signed in authentication thereof on this 26th day of October, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date:]

ORDINANCE NO. 99-1039

AN ORDINANCE of the City Council of the City of SeaTac,

Washington, adopting the Annual Budget for the year 2000 and

appropriating funds for the estimated expenditures.

WHEREAS, State Law, Chapter 35A.33 RCW the City to adopt an annual budget and provides procedures for the filing of estimates, a preliminary budget, deliberations, public hearings, and final fixing of the budget; and

WHEREAS, a preliminary budget for the fiscal year 2000 has been prepared and filed; two public hearings have 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 2000 Annual Budget for the City of SeaTac, covering the period from January 1, 2000, through December 31, 2000, is hereby adopted by reference with appropriations in the amount of $56,371,453.

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:

Fund Number	Fund Name	Appropriations
001	General	$ 22,472,304
101	City Street	712,353
102	Arterial Street	4,202,282
105	Port ILA	573,680
106	Transit Planning	363,341
107	Hotel/Motel Tax	103,000
201	LTGO Bond	427,300
202	Transportation Bond	869,300
203	Hotel/Motel Tax Bond	386,425
302	Building Reserve	1,720,000
303	Fire Equipment Capital Reserve	493,530
306	Municipal Facilities CIP	4,128,434

(continued)

Fund Number	Fund Name	Appropriations
307	Transportation CIP	$ 16,904,375
403	SWM Utility	1,429,579
406	SWM Construction	1,397,000
501	Equipment Rental	188,550
TOTAL ALL FUNDS		**$ 56,371,453**

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. Three complete copies 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 2000 five (5) days after passage and publication as required by law.

ADOPTED this 23rd day of November, 1999, and signed in authentication thereof on this 23rd day of November, 1999.

CITY OF SEATAC

_____

Shirley Thompson, Deputy Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to form:

_____

Robert L. McAdams, City Attorney

[Effective Date: 12/6/99]

ORDINANCE NO. 99-1040

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to ad valorem property taxes; establishing the amount to be levied in 2000 by taxation on the assessed valuation of the property of the City; and setting the levy rate for the year 2000.

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 now certified the assessed valuation of all taxable property situated within the boundaries of the City at $2,695,703,965; and

WHEREAS, the City Council has determined that, due to the anticipated loss of Motor Vehicle Excise Tax (MVET) revenues in 2000, there is a substantial need to increase the regular property tax limit factor above the rate of inflation to maintain the current level of services provided by the City;

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

SECTION 1. Levy Rate Fixed.

The regular ad valorem levy for collection during the fiscal year of 2000 is hereby set at $2.90 per thousand dollars of assessed value of all taxable property situated within the boundaries of the City.

SECTION 2. Estimated Amount to be Collected by Ad Valorem Taxation.

The amount of revenue to be collected by the City in the fiscal year 2000 by taxation on the assessed valuation of all taxable property situated within the boundaries of the City is estimated to be the sum of $7,817,540. This levy amount is determined as follows:

1999 Actual Tax Levy $7,549,269

2000 Base Tax Levy $7,751,634 (2.68% increase over prior year)

+ levy on new construction

and increase in value of

state assessed property 65,906

Total 2000 Tax Levy **$7,817,540**

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, 1999, and signed in authentication thereof on this 23rd day of November, 1999.

CITY OF SEATAC

_____

Shirley Thompson, Deputy Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Robert L. McAdams, City Attorney

[Effective Date: 12/6/99]

ORDINANCE NO. 99-1041

AN ORDINANCE of the city Council of the City of SeaTac, Washington amending the Surface Water Management Program and establishing a rate structure

THIS ORDINANCE FAILED

ORDINANCE NO. 99-1042

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending the Surface Water Management Program and establishing a rate structure.

WHEREAS, the City Council, in the absence of staff and equipment, initially passed Resolution No. 90-48 appointing King County as the City's agent, pursuant to an approved Interlocal Agreement (ILA) for surface water management services and for charging and collection of surface water management fees; and

WHEREAS, through Ordinance No. 90-1016, adopted February 13, 1990, now codified as Chapter 12.10 ofthe SeaTac Municipal Code, the Council adopted by reference a number of Sections of Chapter 9.08, King County Code, to constitute the City's surface water management program and rate structure substantially conforming to the County program, as required by the said ILA; and

WHEREAS, because King County thereafter updated its surface water design manual, the City Council adopted Ordinance No. 90-1046, on August 14, 1990, which established definitions, requirements for drainage review and engineering plans, standards for construction of storm drainage control facilities, provisions for bonds and insurance, and requirements for maintenance of retention/detention facilities, all in conformance with the new County standards; and

WHEREAS, due to the Council's concern with a substantial surface water management fee increase by King County, and in recognition of professional staff then employed by the City, Ordinance No. 92-1004 was adopted on February 10, 1992, to transfer surface water management authority from King County to the City's Public Works Director (but retaining King County as collecting and disbursing agent) and establishing a rate structure considerably less than that of the rates of King County; and

WHEREAS, as a "technical corrections" matter, the Council adopted Ordinance No. 92-1007 on February 25, 1992, to effect certain amendments including reductions to certain rates and acknowledging pre-emption of RCW 90.03.525 as to rates pertaining to state highways; and

WHEREAS, following conclusion of a surface water management system review and evaluation, the City Council adopted Ordinance No. 92-1052, on December 8, 1992, establishing a new, and increased, rate structure for surface water management fees applicable to the year 1993 and to the year 1994 and thereafter; and

WHEREAS, following consideration of public improvements benefiting surface water management facilities, the Council, by Ordinance No. 93-1045, enacted on November 23, 1993, exempted City roads and streets to the same extent as the exemption applicable to state highways, and further provided for a rate adjustment, in lieu of King County's one-class adjustment, of 25% of the surface water management fee applicable to properties in the residential, VL and L classes served by local retention/detention facilities; and

WHEREAS, in conjunction with a general amendment of authority, the City Council changed the surface water management official from the Public Works Director to the City Manager by Ordinance No. 95-1012, adopted on March 28, 1995; and

WHEREAS, in recognition of a substantially amended King County Surface Water Design Manual, the City Council enacted Ordinance No. 98-1054, on December 8, 1998, which eliminated the "purpose" statement of SMC 12.10.010, adopted the 1998 Edition of the County Surface Water Design Manual, and repealed various definitions and provisions of the SeaTac Municipal Code of which were included in the new Surface Water Design Manual; and

WHEREAS, a dispute arose between the City and the Port of Seattle in regard to respective municipal powers and jurisdiction, including authority of the City to impose surface water management fees against Port property devoted to

the Seattle-Tacoma International Airport, which dispute resulted in a declaratory judgment lawsuit; and

WHEREAS, the City and the Port, over a considerable period of time, negotiated an Interlocal Agreement (ILA), as authorized by Chapter 39.34 RCW effective September 4, 1997, to resolve the aforesaid lawsuit and to establish the relative jurisdictional authorities of the two parties; and

WHEREAS, Section 3 and Exhibit B to the said ILA acknowledged the salutory purposes of surface water management programs and recited that a surface water management study would be completed to determine whether the fees are accurately and fairly applied to all property in the City, including the Port's property, but that adjustments to any fees paid by the Port will only occur if certain statutory conditions are met; and

WHEREAS, Item 1 of the said Exhibit B, although not a basis for modifying or changing the City's SWM program or rates, allows the Port and City to review and jointly discuss whether rate adjustments are appropriate and whether any fee reduction or rebate should be owed the Port for City drainage detained and treated by the Port facilities; and

WHEREAS, the requisite surface water management study was completed by Economic and Engineering Services, Inc. as of September, 1999, a copy of which is available for public review at the office of the City Clerk; and

WHEREAS, the City is willing to discuss with the Port any rate adjustment over and beyond that provided by this Ordinance, based upon the said study and the applicable criteria of RCW 35.67.020 and RCW 90.03.510; and

WHEREAS, the said study appropriately details surface water management facility needs, extensions, maintenance, and improvement requirements, and on-going operational expenses, pro-rated as to each class of percentage of impervious surface; and

WHEREAS, the Council desires to clarify the previous provisions of SMC 12.10.220 which were intended, upon adoption, to eliminate the King County "one class" reduction and to emplace in lieu thereof the sole reduction of the applicable surface water management fee by 25% as to only those properties classified as Residential, VL, and L, without any other adjustment whatsoever;

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

Section 1. Section 12.10.160 of the SeaTac Municipal Code is hereby amended to read as follows:

12.10.160 Maintenance of ~~subdivision~~ retention/detention facilities.

A drainage facility or retention/detention facility located within and servicing only an individual parcel shall not be accepted by the City for maintenance and will remain the responsibility of persons holding title to the property within which the facility is located.

Maintenance of all subdivision drainage facilities or retention/detention facilities shall remain the responsibility of the person required to construct the ~~retention/detention~~ facilities until all conditions of this section have been met.

Only after all of the following conditions have been met shall the City assume maintenance of the subdivision retention/detention facility:

A. All of the requirements of SMC 12.10.110 through 12.10.150 have been fully met.

B. All necessary easements of tracts entitling the City to ingress and egress and to properly maintain the retention/detention facility have been conveyed to the City and boundary survey stakes established.

C. The Public Works Director has conducted an inspection and determined that the facility has been properly maintained and is operating as designed. This inspection shall occur within two (2) years after posting of the defect and maintenance bond.

~~D. Exception: A retention/detention facility located within and servicing only an individual lot shall not be accepted by the City for maintenance and will remain the responsibility of persons holding title to the property within which the facility is located.~~

Section 2. A new Section 12.10.165 is hereby added to the SeaTac Municipal Code to read as follows:

12.10.165 Contracts for cleaning.

Any person responsible for the maintenance of a drainage facility may apply to the Department of Public Works for cleaning services, at cost, by the City's storm drain cleaning contractor. "Cleaning" is generally defined as the removal of trash, debris, and sediment from tanks, vaults, pipes, catch basins, control structures, flow restrictors, wetvaults, and oil/water separators requiring maintenance as set forth in Appendix A to the Surface Water Design Manual.

Section 3. Section 12.10.220 of the SeaTac Municipal Code is hereby amended to read as follows:

12.10.220 Surface water management program.

A. There is hereby created and established a Surface Water Utility and SWM Program, implementation of which shall be governed by the SWD Manual adopted pursuant to Section 12.10.010 of this Code.

B. The Surface Water Management Program is necessary in order to promote public health, safety and welfare by establishing and operating a comprehensive approach to surface and storm water problems which would reduce flooding, erosion and sedimentation, prevent and mitigate habitat loss, enhance groundwater recharge and prevent water quality degradation. This comprehensive approach includes the following elements: basin and sub-basin planning, land use regulation, construction of facilities, maintenance, public education, and provision of surface water management services. The most cost effective and beneficial approach to surface water management is through preventative actions and protection of the natural drainage system. In approaching surface water problems the Surface Water Management Program shall give priority to methods which provide protection or enhancement of the natural surface water drainage system over means which primarily involve construction of new drainage facilities or systems. The purpose of the rates and charges established at Section 12.10.225 is to provide a method for payment of all or any part of the cost and expense of surface water management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such services and facilities. These rates and charges are necessary in order to promote the public health, safety and welfare by minimizing uncontrolled surface and storm water, erosion, and water pollution; to preserve and utilize the many values of the City's natural drainage system including water quality, open space, fish and wildlife habitat, recreation, education, urban separation and drainage facilities; and to provide for the comprehensive management and administration of surface water.

C. The following sections of Chapter 9.08 King County Code as now in effect, and as may be subsequently amended, are adopted by reference, except that, unless the context indicates otherwise, the word "county" and the words "King County" shall refer to the City~~.~~, and references to County Codes shall be deemed references to the Surface Water Design Manual or Municipal Code, as applicable:

~~9.08.010 Definitions~~

~~9.08.020 Authority.~~

~~9.08.040 Purpose.~~

~~9.08.050 Applicability.~~

Subsections B through L and N through Q of 9.08.060 Policy.

~~9.08.080 Rate adjustments and appeals.~~

~~Except that where property in the "Light", "Very Light" and "Residential" classifications, as set out in Section 12.10.225 of the City Code, are entitled to a discount or a rate reduction pursuant to Section 9.08.080 of the King County Code, the rate as set by Section 12.10.225 of the City Code shall be reduced by twenty-five percent (25%).~~

9.08.090 Billing procedure.

~~9.08.120 Administrative procedures.~~

Section 4. Section 12.10.225 of the SeaTac Municipal Code is hereby amended to read as follows:

12.10.225 Rate structure ~~[effective 1994]~~.

A. Surface water management service charges shall be based on the relative contribution of increased surface and storm water runoff from a given parcel to the surface and storm water management system, a pro-rata share of City-wide surface water management services, and the policy considerations adopted at Section 12.10.220 of this Code. The percentage of impervious surfaces on the parcel and the total parcel acreage will be used to indicate the relative contribution of increased surface and storm water runoff from the parcel to the surface and storm water management system. The relative contribution of increased surface and storm water runoff from each parcel determines that parcel's share of the ~~service charge~~ program's revenue needs. The service charge revenue needs of the program are based upon all or any part, as determined by the Council with advice of the Department of Public Works, of the cost and expense within the service area of maintaining and operating ~~storm~~ surface water control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing, and improving any of such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

B. The Department of Public Works shall determine the service charge for each parcel within the service area by the following methodology: Residential ~~and very light nonresidential~~ parcels shall receive a flat rate. Parcels shall be classified into the appropriate rate category in subsection C of this section by their percentage of impervious surface coverage. Land use codes and data collected from parcel investigations will be used to determine each parcel's percentage of impervious surface coverage. After a parcel has been assigned to the appropriate rate category, the service charge for the parcel will be calculated by multiplying the total acreage of the parcel times the rate of that category.

C. There is imposed upon all developed properties in the service area annual service charges as follows:

Impervious

Surface

Class Percentage Rate

Residential (R) ~~*~~ NA $~~60.00~~82.80/parcel/year

Very Light (VL) 0 - 10% $~~60.00~~49.50/~~parcel~~acre/year

Light (L) 10 - 20% $~~122.11~~168.50/acre/year

Moderate (M) ~~**~~ 20 - 45% $~~252.95~~349.00/acre/year

Moderately Heavy (MH) ~~**~~ 45 - 65% $~~488.45~~674.00/acre/year

Heavy (H) ~~**~~ 65 - 85% $~~619.29~~855.00/acre/year

Very Heavy (VH) ~~**~~ 85 - 100% $~~811.17~~1,120.00/acre/year

City Roads, State Highways n/a ~~***~~

D. ~~*~~ The charge for a residential parcel which is owned by and is the personal residence of a person or persons determined by the King County Assessor as qualified for a low income senior citizen rate adjustment or a low income disabled citizen rate adjustment pursuant to ~~Section 9.08.080 of the King County Code~~ RCW 84.36.381, or as the same may hereafter be amended, shall be $29.89, rather than the rate~~s~~ set forth above.

E. ~~**~~ The minimum service charge for parcels within the VL class shall be $49.50, and the minimum service charge for parcels within the L, M, MH, H, and VH classes shall be $~~60.00~~82.80/parcel/year. ~~The maximum annual service charge for mobile home parks shall be $60.00 (the minimum service charge) times the number of mobile home spaces.~~

F. The rate charged mobile home parks shall be $62.10 multiplied by the total number of spaces available for rent or lease.

G. Non-residential parcels upon which are located one or more retention/detention facility, or equivalent, designed, engineered, and maintained to the standards of the Surface Water Design Manual shall be entitled, upon application, to a rebate equal to 25% of the surface water management fee which would be applicable to the acreage served by each facility multiplied by the surface water management fee applicable to that acreage. Application for rebates shall be submitted prior to October 31 of each year in which a rebate is requested. Applications shall include documentation that the retention/detention facility, or equivalent, has been maintained in accordance with the requirements of Appendix A of the Surface Water Design Manual. If all maintenance has been performed as required by the said Appendix A, the rebate will be forwarded to the applicant prior to December 31 of the said year, provided that the annual surface water management fee applicable to that year has been paid in full.

H. Parcels owned by a public school district shall be exempt from surface water management charges, pursuant to Section 9.08.060B of the King County Code.

I. The rate charged to the City of SeaTac and/or the Washington State Department of Transportation for public highways, roads and right-of-ways will be determined in accordance with RCW 90.03.525.

~~D.~~ J. The City Council, by ordinance, may supplement or alter charges within specific basins or subbasins of the service area so as to charge properties or parcels of one basin or subbasin

for improvements, studies, or maintenance which the Council deems to provide service or benefit the property owners of one or more basin(s) or subbasin(s).

Section 5. A new Section 12.10.227 is hereby added to the SeaTac Municipal Code to read as follows:

12.10.227 Rate Adjustments and Appeals.

A. Any person billed for service charges may file a "Request for Rate Adjustment" with the Public Works Department within three years of the date from which the bill was sent. However, filing of such a request does not extend the period for payment of the charge.

B. Requests for rate adjustment may be granted or approved by the director only when one of the following conditions exists:

1. The acreage of the parcel charged is in error;

2. The parcel is non-residential and the actual impervious surface coverage of the parcel charged places it in a different rate category than the rate category assigned by the Department;

3. The parcel is non-residential and the parcel meets the definition of open space in section 15.10.435 of this Code. Parcels qualifying hereunder will be charged only for the area of impervious surface and at the rate which the parcel is classified under using the total parcel acreage;

4. The service charge bill was otherwise not calculated in accordance with the terms of this chapter.

C. The property owner shall have the burden of proving that the rate adjustment sought should be granted.

D. Decisions on requests for rate adjustments shall be made by the director based on information submitted by the applicant and by the division within thirty days of the adjustment request except when additional information is needed. The applicant shall be notified in writing of the director's decision. If an adjustment is granted which reduces the charge for the current year or two prior years, the applicant shall be refunded the amount overpaid in the current and two prior years.

E. If the director finds that a service charge bill has been undercharged, then either an amended bill shall be issued which reflects the increase in the service charge or the undercharged amount will be added to the next year's bill. The director may include in the bill the amount undercharged for two previous billing years in addition to the current bill.

F. Decisions of the director on requests for rate adjustments shall be final unless within thirty days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the City Hearing Examiner. The Examiner's decision shall be a final decision.

Section 6. Section 12.10.230 of the SeaTac Municipal Code shall be amended to read as follows:

12.10.230 Delinquencies and foreclosures.

Delinquent service charges shall bear interest at the rate of eight percent (8%) per annum from the date of delinquency until paid. The City shall have a lien for delinquent service charges,

including interest thereon, against any property subject to service charges. The lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective as to a total amount not in excess of one year's delinquent charges without necessity for any writing or recording of the lien. ~~shall be effective and shall be enforced and foreclosed pursuant to Chapter 35.67 RCW~~

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

ADOPTED this 30th day of November, 1999, and signed in authentication thereof on this 30th day of November, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 12/30/99]

ORDINANCE NO. 99-1043

AN ORDINANCE OF THE CITY OF SEATAC, WASHINGTON, GRANTING SEATTLE CITY LIGHT, AN ELECTRIC UTILITY OWNED AND OPERATED BY THE CITY OF SEATTLE A MUNICIPAL CORPORATION, A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE AND REPAIR AN ELECTRIC LIGHT AND POWER SYSTEM, IN, ACROSS, OVER, ALONG, UNDER, THROUGH AND BELOW CERTAIN DESIGNATED PUBLIC RIGHTS-OF-WAY OF THE CITY OF SEATAC, WASHINGTON

WHEREAS, RCW 35A.11.020 grants the City broad authority to regulate the use of the public right-of-way; and

WHEREAS, RCW 35A.47.040 authorizes the City "to grant nonexclusive franchises for the use of public streets, bridges or other public ways, structures or places above or below the surface of the ground for ... poles, conduits, tunnels, towers and structures, pipes and wires and appurtenances thereof for transmission and distribution of electrical energy ..."; and

WHEREAS, the Council finds that it is in the best interests of the health, safety and welfare of residents of the SeaTac community to grant a non-exclusive franchise to Seattle City Light for the operation of an electric light and power system within the City right-of-way;

IN CONSIDERATION OF the mutual benefits and conditions set forth below, the parties hereto agree as follows:

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

1. Definitions. The following terms contained herein, unless otherwise indicated, shall be defined as follows:

1.1. City: The City of SeaTac, a municipal corporation of the State of Washington, specifically including all areas incorporated therein as of the effective date of this ordinance and any other areas later added thereto by annexation or other means.

1.2. Days: Calendar days.

1.3. Director: The head of the Public Works Department of the City or his/her designee.

1.4. Facilities: All wires, lines, cables, conduits, equipment, and supporting structures, located in the City's right-of-way, utilized by the grantee in the operation of activities authorized by this Ordinance. The abandonment by grantee of any facilities as defined herein shall not act to remove the same from this definition.

1.5. Grantee: As incorporated or used herein shall refer to Seattle City Light (SCL).

1.6. Permittee: SCL as represented by it's authorized employees to obtain permits from the City of SeaTac.

1.7. Permitting Authority: The head of the City department authorized to process and grant permits required to perform work in the City's right-of-way, or the head of any agency authorized to perform this function on the City's behalf. Unless otherwise indicated, all references to Permitting Authority shall include the designee of the department or agency head.

1.8. Person: An entity or natural person.

1.9. Revenue: This term as used herein shall have the same meaning as utilized by the City of Seattle in calculating the amount of utility tax payable by SCL to the City of Seattle.

1.10. Right-of-way: As used herein shall refer to the surface of and the space along, above, and below any street, road, highway, freeway, lane, sidewalk, alley, court, boulevard, parkway, drive, utility easement, and/or road right-of-way now or hereafter held or administered by the City of SeaTac.

1.11. SCL: Seattle City Light, an electric utility owned and operated by the City of Seattle a municipal corporation, and its respective successors and assigns.

2. Franchise Granted.

2.1. Pursuant to RCW 35A.47.040, the City hereby grants to SCL, its heirs, successors, and assigns, subject to the terms and conditions hereinafter set forth, a franchise beginning on the effective date of this Ordinance.

2.2. This franchise shall grant SCL the right, privilege and authority, subject to the terms and conditions hereinafter set forth, to construct, operate, maintain, replace, and use all necessary equipment and facilities for an electric light and power system, in, under, on, across, over, through, along or below the public right-of-way located in the City of SeaTac, as approved under City permits issued by the Permitting Authority pursuant to this franchise and City ordinances.

2.3. This franchise specifically does not authorize SCL to place facilities or to otherwise utilize facilities in the City's right-of-way to provide telecommunications, cable television, point-to-point data communications, or similar services either via wire or wireless technologies regardless of whether these services are provided to any person outside SCL's organization. This Paragraph does not restrict SCL's ability to utilize telemetric devices to monitor and operate its electrical distribution system or the usage of electrical energy.

2.4. 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, along, over, through, under, below or across any right-of-way. Such franchise shall in no way prevent or prohibit the City from using any Right-of-way or other City property or affect its jurisdiction over them or any part of them, and the City shall retain the authority to make all necessary changes, relocations, repairs, maintenance, establishment, improvement, dedication of the same as the City may deem fit, including the dedication, establishment, maintenance, and improvement of all new right-of-ways or other public properties of every type and description.

3. Franchise Term. The term of the franchise granted hereunder shall be for the period of fifteen (15) years counted from the first day of the calendar month after which this ordinance became effective.

4. Consideration. It is recognized by the City and by SCL that the City has the authority to establish its own municipal electric utility, and the authority to acquire SCL electric distribution properties in the City for that purpose.

4.1. In consideration for the City agreeing not to exercise such authority during the term of this franchise, SCL agrees to the following:

4.1.1. SCL shall pay the City six percent of the amount of revenue derived from the power portion of SCL service to customers in the City, and shall pay the City zero percent of the amount of revenue derived from the distribution portion of SCL service to customers in the City. The City retains the authority to change the above percentages, to a maximum of six percent on the power portion of SCL service and to a maximum of six percent on the distribution portion of SCL service during the course of the franchise upon one year written notice to SCL.

4.1.2. SCL shall not include any part of the power portion of the payment to the City provided in Section 4.1.1 above as a component of any rate differential between customers served by SCL in the City and customers served by SCL in other jurisdictions.

4.1.3. SCL shall not charge greater than an eight percent differential in the power portion of the rates to customers in the City compared to the power portion of the rates charged to similar customers in the City of Seattle, and any differential in the power portion of the rates charged to customers in the City shall be the result of a rate review process conducted by the Seattle City Council. The power portion of SCL service to customers in the City is approximately fifty percent of the rates at the time of entering into this franchise. Any subsequent shift in the proportion of power vs. distribution in the rates to SCL customers in the City shall be the result of a rate review process conducted by the Seattle City Council.

4.1.4. SCL shall provide the City with a good faith estimate and supporting information, within a reasonable time from the City's request, of the likely differential rate impact on the distribution portion of the rates in the City, which other than the payment related to the distribution portion of SCL service under Section 4.1.1 above, may only be created by an operational request or requirement of the City which is different from operational standards in other areas served by SCL.

4.1.5. SCL shall appoint a member nominated by the City and other suburban cities to its Citizens' Rate Advisory Committee who will represent the interests of suburban cities served in whole or in part by SLC

4.2. Should the City of Seattle be prevented by judicial or legislative action from collecting a utility tax on all or a part of the revenues derived by SCL from customers in the City, SCL shall reduce the payments to the City provided in Section 4.1.1 above by an equivalent amount.

4.3. Should a court of competent jurisdiction declare the consideration to be paid to the City in Section 4.1.1 above invalid, in whole or in part, or should a change in law make the consideration to be paid to the City in Section 4.1.1 above invalid, in whole or in part, this entire Agreement may be terminated by the City at any time thereafter upon 180 days written notice. During such notice period, however, SCL and the City shall attempt to agree upon acceptable, substitute provisions.

4.4. Payments provided for under this Section shall be paid monthly within 30 days following the end of each month.

5. City Ordinances and Regulations.

5.1. 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 ordinance 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 of SCL located within the City right-of-way. SCL shall promptly conform with all such regulations, unless compliance would cause SCL to violate other requirements of law.

6. Right-of-Way Management.

6.1. Excavation and Notice of Entry.

6.1.1. During any period of relocation or maintenance, all surface structures, if any, shall be erected and used in such places and positions within the right-of-way so as to interfere as little as possible with the safe and unobstructed passage of traffic and the unobstructed use of

adjoining property. SCL 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 or state law, including RCW 39.04.180, for the construction of trench safety systems.

6.1.2. Whenever SCL excavates in any right-of-way 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 in accord with the ordinances and regulations of the City requiring permits to operate in the right-of-way. In no case shall any such work commence within any right-of-way without a permit, except as otherwise provided in this Ordinance. During the progress of the work, SCL shall not unnecessarily obstruct the passage or use of the right-of-way, and shall provide the City with plans, maps, and information showing the proposed and final location of any facilities in accord with Section 6.11 of this Ordinance.

6.1.3. At least ten (10) days prior to its intended construction of facilities, Grantee shall inform all residents in the immediately affected area, that a construction project will commence, the dates and nature of the project, and provide a toll-free or local number which the resident may call for further information. A pre-printed door hanger may be used for this purpose.

6.1.4. At least twenty-four (24) hours prior to entering a right-of-way to perform the installation, maintenance, repair, reconstruction, or removal of facilities, except those activities exempted from permit requirements in accord with Section 6.7, a written notice describing the nature and location of the work to be performed shall be physically posted on or near the affected private property by the Grantee. The Grantee shall make a good faith effort to comply with the property owner/resident's preferences, if any, regarding the location or placement of underground facilities consistent with sound engineering practices.

2. Abandonment of SCL's Facilities.

1. No facilities laid, installed, constructed, or maintained in the right-of-way by SCL may be abandoned by SCL without the prior written consent of the Director of Public Works of a removal plan. The removal plan shall also include the removal of all other utility improvements attached to SCL's facilities. All necessary permits must be obtained prior to such work.
2. SCL shall cause all utility attachments to be removed from abandoned poles and remove the abandoned poles themselves no later than 120 calendar days after the removal of SCL equipment, or as otherwise agreed in writing with the City.

6.3. Restoration after Construction.

6.3.1. SCL shall, after any installation, construction, relocation, maintenance, or repair of facilities within the franchise area, restore the right-of-way to at least the condition the same was in immediately prior to any such abandonment, installation, construction, relocation, maintenance or repair. 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. SCL agrees to promptly complete all restoration work and to promptly repair any damage caused by such work at its sole cost and expense.

6.3.2. If it is determined that SCL has failed to restore the right-of-way in accord with this Section, the City shall provide SCL with written notice in the form of a punch list which will include a description of actions the City believes necessary to restore the right-of-way. If the right-of-way is not restored in accord with the City's notice within thirty (30) days receipt of that written notice, the City, or its authorized agent, may restore the right-of-way. SCL is responsible for all costs and expenses incurred by the City in restoring the right-of-way in accord with this Section. The rights granted to the City under this Paragraph shall be in

addition to those otherwise provided by this franchise.

6.4. Bonding Requirement. SCL, as a public agency, is not required to comply with the City's standard bonding requirement for working in the City's right-of-way.

6.5. Tree Trimming. Upon approval of the Director, which shall not be unreasonably withheld or delayed, and in accordance with City ordinances, the Grantee shall have the authority to trim trees and other plant life under the supervision of a certified arborist upon and overhanging the right-of-way to prevent interference with the Grantee's facilities. SCL shall provide the City with at least forty-eight (48) hours notice prior to beginning vegetation control activities.

6.5.1. The Grantee shall provide at least seven (7) days advanced written notice the owner of the property on which any tree or plant life Grantee desires to trim is located. Said notice may be in the form of a doorknob hanger and shall contain a contact name, address, and telephone number where the property owner can obtain information from the Grantee regarding its vegetation management plans. The Grantee shall make a good faith effort to conform with property owners' requests regarding the trimming of trees or plant life on their property without jeopardizing the safety or the operational reliability of their Facilities.

6.5.2. In regards to trees or other plant life in the right-of-way, the Grantee shall provide at least a seven (7) days advanced written notice to the nearest adjacent property owner. Said notice may be in the form of a doorknob hanger and shall contain a contact name, address, and telephone number where the property owner can obtain information regarding vegetation management plans and express concerns. The Grantee shall obtain authorization from the Director of all vegetation management plans regarding trees and other plant life in the right-of-way including tree removal or replacement programs.

6.5.3. The Grantee shall be responsible for removal of debris generated during its vegetation management activities. The City may, at its sole discretion, remove and dispose of any such debris on City right-of-way that is not removed within twenty-four (24) hours and charge the Grantee for the cost of said removal and disposal.

6.5.4. The forgoing notwithstanding, Grantee shall have the right during non-work hours to trim vegetation in the right-of-way that has caused a system failure, or is in imminent risk of doing so, without delay for prior notice.

6.6. Emergency Work, Permit Waiver. In the event of any emergency where any facilities located in the right-of-way are broken or damaged, or if SCL's construction area for their facilities is in such a condition as to place the health or safety of any person or property in imminent danger, SCL shall immediately take any necessary emergency measures to repair or remove its facilities without first applying for and obtaining a permit as required by this franchise. During normal work hours, SCL however, shall verbally notify the Director as soon as possible after the event of the need to perform emergency repairs. However, this emergency provision shall not relieve SCL from later obtaining any necessary permits for the emergency work. SCL shall apply for the required permits the next business day following the emergency work or as soon as practical.

6.7. Public Works Permits. SCL shall secure a permit for all work in the public right-of-way, which will disturb any surface. A permit will also be required for any non-invasive work by SCL on an arterial roadway. A permit for non-invasive work by SCL on non-arterial roadways will also be required if the work by SCL requires that a traveled lane be closed to vehicle and/or pedestrian traffic.

6.7.1. SCL shall pay the City a permit inspection/processing fee in the amount set out in the City's Fee Schedule.

6.7.2. The City will provide a report by the 20th of the following month listing SCL's previous month's activity and fees for work within the City of SeaTac.

6.7.3. SCL shall reimburse the City for the fees incurred for the prior month's activity within 30 days of receipt of the monthly billing.

6.7.4. For each separate use of the right-of-way under this Section, and prior to commencing any work in the right-of-way under this Section, SCL shall:

6.7.4.1. Phone, fax or otherwise deliver, at least twenty-four (24) hours in advance of beginning the work covered by the permit, to the Engineering Division of the City as called for in the permit. Said notice shall include at a minimum the following information: Public Works permit number, street address nearest to the proposed work site and a brief description of work to be performed.

6.7.4.2. Phone, fax or otherwise provide a notice, at least seventy-two (72) hours after completion of the work covered by the permit, to the Engineering Division of the City.

6.8. Safety.

6.8.1. The Grantee, in accordance with applicable federal, state, and local safety rules and regulations shall, at all times, employ ordinary care in the installation, maintenance, and repair utilizing methods and devices commonly accepted in their industry of operation to prevent failures and accidents that are likely to cause damage, injury, or nuisance to persons or property.

6.8.2. All of Grantee's facilities in the right-of-way shall be constructed and maintained in a safe and operational condition.

6.9. Dangerous Conditions, Authority for City to Abate.

6.9.1. Whenever Facilities or the operations of the Grantee cause or contribute to a condition that appears to endanger any person or substantially impair the lateral support of the adjoining right-of-way, public or private property, the Director may direct the Grantee, at no charge or expense to the City, to take actions to resolve the condition or remove the endangerment. Such directive may include compliance within a prescribed time period.

6.9.2. In the event the Grantee fails or refuses to promptly take the directed action, or fails to fully comply with such direction, or if emergency conditions exist which require immediate action to prevent imminent injury or damages to persons or property, the City may take such actions as it believes are necessary to protect persons or property and the Grantee shall be responsible to reimburse the City for its costs.

6.10. Relocation of System Facilities.

6.10.1. Grantee agrees and covenants to protect, support, temporarily disconnect, relocate or remove from any right-of-way its facilities without cost to the City, when so required by the City, provided that SCL shall in all such cases have the privilege to temporarily bypass, in the authorized portion of the same right-of-way and upon approval by the City, any facilities required to be temporarily disconnected or removed.

6.10.2. If the City determines that a public project necessitates the relocation of SCL's existing facilities, the City shall:

6.10.2.1. As soon as possible, but not less than sixty (60) days prior to the commencement of the construction for such project, provide SCL with written notice requiring such relocation; and

6.10.2.2. Provide SCL with copies of any plans and specifications pertinent to the requested relocation and a proposed temporary or permanent relocation for SCL's facilities.

6.10.2.3. After receipt of such notice and such plans and specifications, SCL shall complete relocation of its facilities at no charge or expense to the City at least ten (10) days prior to commencement of the construction for the project.

6.10.3. SCL 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 SCL in writing if any of the alternatives are suitable to accommodate the work that necessitates the relocation of the facilities. If so requested by the City, SCL shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by SCL full and fair consideration. In the event the City ultimately determines that there is no other reasonable alternative, SCL shall relocate its facilities as provided in this Section.

6.10.4. The provisions of this Section 6.10 shall in no manner preclude or restrict SCL from making any arrangements it may deem appropriate when responding to a request for relocation of its facilities by any person other than the City, where the improvements to be constructed by said person are not or will not become City-owned, operated or maintained, provided that such arrangements do not unduly delay or increase the cost of a planned City construction project.

6.10.5. Whenever any person shall have obtained permission from the City to use any right-of-way for the purpose of moving any building or other oversized structure, SCL, upon fourteen (14) days written notice from the City or the Permittee (Provided the same can show sufficient evidence of a valid City permit), shall raise or remove, at the expense of the Permittee desiring to move the building or structure, any of SCL’s facilities that may obstruct the movement thereof; provided, that the moving of such building or structure shall be done in accordance with regulations and general ordinances of the City. Where more than one path is available for the moving of such building or structure, the path of least interference, as determined by the City, shall be utilized.

6.11. SCL's Maps and Records. As a condition of this franchise, and without charge to the City, SCL agrees to provide the City with as-built plans, maps, and records that show the vertical and horizontal location of its facilities within the right-of-way, measured from the center line of the right-of-way, using a minimum scale of one inch equals one hundred feet (1"=100’). Maps shall be provided in Geographical Information System (GIS) or other digital electronic format used by the City and, upon request, in hard copy plan form used by SCL. This information shall be provided between one hundred twenty (120) and one hundred eighty (180) days of the effective date of this Ordinance and shall be updated upon reasonable request by the City.

7. Undergrounding. SCL hereby affirms its understanding and agreement that its activities within the City must comply with the City of SeaTac Ordinance No. 97-1002, establishing minimum requirements and procedures for the underground installation of electric and communication facilities within SeaTac.

7.1. Information. SCL shall provide to the City of SeaTac, or any entity that has noticed SCL of a joint trenching project under Section 11.20.070 of SeaTac City Ordinance No 97-1002, all reasonably requested information regarding the nature and location of facilities installed, owned, operated, or maintained by SCL within a proposed undergrounding area. Said information will be

provided within a reasonable period of time, not to exceed thirty (30) days following the request.

7.2. Notice. SCL shall respond to any notification pursuant to Section 11.20.070 of City of SeaTac Ordinance No.97-1002, within forty-five (45) days following such notification with written commitment either to participate in the proposed project or to remove its facilities.

7.3. Cost. SCL agrees to bear its proportionate share of all costs common to participants in any joint trenching project and to bear the entire cost of all materials and labor particularly necessary for the underground installation of its facilities and, upon the completion of that installation, the removal of the overhead facilities replaced thereby.

8. Street Lighting. As a condition of placing its facilities in the public streets and as part of the electric service it provides to its customers in SeaTac, SCL shall install, maintain, and furnish equipment and power for street illumination in accord with recommended lighting levels based upon roadway classification and adjacent land use per ANSI/IES RP-8-83, American National Standard Practice for Roadway Lighting and as directed by the Director of Public Works for the City of SeaTac.

9. Implementation of Service Requirements.

9.1. Rate Information. SCL shall provide the City with copies of all studies, reports, memoranda, or other documents provided to the legislative branches of the City of Seattle regarding the establishment of the rates, or any portion thereof, to be charged to customers in the City of SeaTac within seven (7) days of the transmission of said documents to the legislative branches of the City of Seattle. SeaTac shall be provided a reasonable opportunity to review said documents and to comment or otherwise participate in Seattle's rate setting process. SCL shall ensure that the City receives reasonable advanced notice of all public hearings or other opportunities for the City to represent the interests of SCL customers within SeaTac during Seattle's rate setting process.

9.2. City Council to Review Rates. The City Council shall have the authority to establish policies regarding the implementation of SCL service requirements included in Sections 7 and 8. SCL shall assist the City Council in establishing these policies and in determining the impact, if any, such policies may have upon SCL customers within the City limits.

9.3. Amortization. The term of the Franchise herein notwithstanding, SCL shall amortize capital expenditures incurred in order to meet the requirements of this franchise in accordance with its standard financial policies.

9.4. Communication with City Customers. SCL will review with the City in advance any planned communication to its customers in the City regarding the services and rates affected by this franchise.

10. Planning Coordination.

10.1. Growth Management. SCL agrees, as follows, to participate in the development of, and reasonable updates to, the utilities element of the City's comprehensive plan:

10.1.1. For SCL's service within the City limits, SCL will participate in a cooperative effort with the City of SeaTac to develop a Comprehensive Plan Utilities Element, which meets the requirements ddescribed in RCW;36.70A.070(4).

10.1.2. SCL will participate in a cooperative effort with the City to ensure that the Utilities Element of SeaTac's Comprehensive Plan is accurate as it relates to SCL's operations and is updated to ensure continued relevance at reasonable intervals.

10.1.3. SCL shall submit information related to the general location, proposed location, and

capacity of all existing and proposed electrical lines as requested by the Director within a reasonable time, not exceeding sixty (60) days from receipt of a written request for such information.

10.1.4. SCL will update information provided to the City under this Section 10 whenever there are major changes in SCL's electrical system plans for SeaTac.

10.2. System Development Information. SCL will assign a representative whose responsibility shall be to coordinate with the City on planning for CIP projects including those that involve undergrounding. At a minimum, such coordination shall include the following:

10.2.1. By February 1st of each year, SCL shall provide the Director of Public Works or his/her designee with a schedule of its planned capital improvements, which may affect the right of way for that year;

10.2.2. SCL shall meet with the City, other franchisees and users of the right-of-way, according to a schedule to be determined by the City, to schedule and coordinate construction; and

10.2.3. All construction locations, activities, and schedules shall be coordinated, as required by the Director of Public Works or his/her designee, to minimize public inconvenience, disruption, or damages.

10.3. Development of Right-of-Way Standards. SCL herein agrees to provide the staff-support necessary to enable SCL to meaningfully participate in the City's ongoing development of Right-of-Way Standards. By way of illustration and not limitation, this participation shall include attendance at City planning meetings, review and comment on documents proposed for adoption, and any other activities that may be required in the formulation of Right of Way Standards.

10.4. Emergency Operations. The City and SCL agree to cooperate in the planning and implementation of emergency operations response procedures.

11. Service Quality. SCL shall exercise the same degree of technical, professional and administrative quality in serving its customers in the City that is required within the electrical energy industry and that is provided to all other customers with similar circumstances within SCL's service territory. SCL shall at all times comply with the minimum regulatory standards presently in effect or as may be amended for the sale and distribution of electrical energy.

12. Indemnification.

12.1. SCL hereby releases, covenants not to bring suit, and agrees to indemnify, defend and hold harmless the City, its elected officials, employees, agents, and volunteers from any and all claims, costs, judgments, awards or liability to any person, including claims by SCL's own employees to which SCL might otherwise be immune undTitle 51 RCW arising from injury, sickness, or death of any person or damage to property of which the negligent acts or omissions of SCL, its agents, servants, officers or employees in performing activities authorized by this franchise. SCL further releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its elected officials, employees, agents, and volunteers from any and all claims, costs, judgments, awards or liability to any person (including claims by SCL's own employees, including those claims to which SCL might otherwise have immunity undTitle 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 SCL's exercise of the rights granted herein, or by virtue of the City's permitting SCL's use of the right-of-way or other public property based upon the inspection or lack of inspection of work performed by SCL, 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, claims against the City arising as a result of the negligent acts or omissions of SCL, its agents, servants, officers or employees in barricading, instituting trench safety systems or providing other adequate warnings of any excavation, construction, or work in any right-of-way or other public place in performance of work or services permitted under this franchise. If final judgment is rendered against the City, its elected officials, employees, agents, and volunteers, or any of them, SCL shall satisfy the same.

12.2. Inspection or acceptance by the City of any work performed by SCL 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 that are not reduced to a suit and any claims that may be compromised prior to the culmination of any litigation or the institution of any litigation.

12.3. In the event SCL refuses to undertake the defense of any suit or any claim, after the City's request for defense and indemnification has been made pursuant to the indemnification clauses contained herein, and SCL's 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 SCL, then SCL shall pay all of the City's costs and expenses for defense of the action, including reasonable attorneys' fees of recovering under this indemnification clause as well as any judgment against the City.

12.4. Should a court of competent jurisdiction determine that 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 SCL and the City, its officers, employees and agents, SCL's liability hereunder shall be only to the extent of SCL's negligence. The parties have mutually negotiated this waiver.

13. Enforcement.

13.1. In addition to all other rights and powers retained by the City under this franchise, the City reserves the right to revoke and terminate this franchise and all rights and privileges of the Grantee in the event of a substantial violation or breach of its terms and conditions. Likewise, SCL may terminate this franchise in the event of a substantial violation or breach of its terms and conditions by the City.

13.2. A substantial violation or breach by a Grantee shall include, but shall not be limited to, the following:

13.2.1. An uncured violation of any material provision of this franchise, or any material rule, order or regulation of the City made pursuant to its power to protect the public health, safety and welfare;

13.2.2. An intentional evasion or knowing attempt to evade any material provision of this franchise or practice of any fraud or deceit upon the system customers or upon the City;

13.2.3. Failure to begin or substantially complete any system construction or system extension as set forth in a franchise or right-of-way use agreement;

13.2.4. Failure to provide the services specified in the franchise;

13.2.5. Misrepresentation of material fact during negotiations relating to this franchise or the implementation thereof;

13.2.6. A continuous and willful pattern of grossly inadequate service and failure to respond

to legitimate customer complaints;

13.2.7. An uncured failure to pay fees associated with this franchise

13.3. No violation or breach shall occur which is without fault of the Grantee or the City, or which is as a result of circumstances beyond the Grantee's or the City's reasonable control. Neither the Grantee, nor the City, shall be excused by economic hardship nor by nonfeasance or malfeasance of its directors, officers, agents or employees; provided, however, that damage to equipment causing service interruption shall be deemed to be the result of circumstances beyond a Grantee's or the City's control if it is caused by any negligent act or unintended omission of its employees (assuming proper training) or agents (assuming reasonable diligence in their selection), or sabotage or vandalism or malicious mischief by its employees or agents. A Grantee, or the City, shall bear the burden of proof in establishing the existence of such conditions.

13.4. Except in the case of termination pursuant to Paragraph 13.1.5 of this Section, prior to any termination or revocation, the City, or the Grantee, shall provide the other with detailed written notice of any substantial violation or material breach upon which it proposes to take action. The party who is allegedly in breach shall have a period of 60 days following such written notice to cure the alleged violation or breach, demonstrate to the other's satisfaction that a violation or breach does not exist, or submit a plan satisfactory to the other to correct the violation or breach. If, at the end of said 60-day period, the City or the Grantee reasonably believes that a substantial violation or material breach is continuing and the party in breach is not taking satisfactory corrective action, the other may declare that the party in breach in default, which declaration must be in writing. Within 20 days after receipt of a written declaration of default from, the party that is alleged to be in default may request, in writing, a hearing before a "hearing examiner" as provided by the City's development regulations. The hearing examiner's decision may be appealed to any court of competent jurisdiction.

13.5. The City may, in its discretion, provide an additional opportunity for the Grantee to remedy any violation or breach and come into compliance with this agreement so as to avoid the termination or revocation.

13.6. In addition to any other remedy provided for herein for violation of any provision, or failure to comply with any of the requirements of this franchise, the City may levy liquidated damages of up to $500.00 for each of the first five days that a violation exists and up to $1,000.00 for each subsequent day that a violation exists. Payment of such liquidated damages shall not relieve any person of the duty to correct the violation.

13.7. Any violation existing for a period greater then 30 days may be remedied by the City at the Grantee's expense.

14. **Survival.** All of the provisions, conditions and requirements of Sections 6.1 Excavation And Notice Of Entry, 6.2 Abandonment Of SCL's Facilities, 6.3 Restoration After Construction, 6.9 Dangerous Conditions, Authority For City To Abate, 6.10 Relocation Of System Facilities, and 12 Indemnification, of this franchise shall be in addition to any and all other obligations and liabilities SCL may have to the City at common law, by statute, or by contract, and shall survive the City's franchise to SCL for the use of the areas mentioned in Section 2 herein, and any renewals or extensions thereof. All of the provisions, conditions, regulations and requirements contained in this franchise Ordinance shall further be binding upon the heirs, successors, executors, administrators, legal representatives and assigns of SCL and all privileges, as well as all obligations and liabilities of SCL shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever SCL is named herein.
15. **Most Favored Nation.** If any other municipal jurisdiction served by SCL enters into a substantially similar franchise agreement with SCL or grants a substantially similar franchise to SCL that includes terms or provisions that are more favorable to that city than the terms hereof or are in addition to the terms hereof, those

terms or provisions shall be added, at the option of the City, to this franchise, and SCL shall be bound and obligated thereby as if such term(s) and/or provisions were set forth and fully included herein. For the purposes hereof, "jurisdictions" refers to the cities of Burien, Lake Forest Park, Shoreline, Normandy Park, and Renton, all located in King County, Washington. The City of Tukwila will also be included as a "jurisdiction," should Tukwila enter into a substantially similar franchise with SCL in place of Tukwila's current 50-year franchise, that expires in 2008.

16. **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. The Parties may amend, repeal, add, replace, or modify any provision of this Franchise to preserve the intent of the parties as expressed herein prior to any finding of invalidity or unconstitutionality.

17. Assignment. This franchise shall not be sold, transferred, assigned, or disposed of in whole or in part either by sale, voluntary or involuntary merger, consolidation or otherwise, without the written approval of the City. Any costs associated with the City's review of any transfer proposed by the Grantee shall be reimbursed to the City by the Grantee.

16.1. An assignment of this franchise shall be deemed to occur if there is an actual change in control or where ownership of fifty percent (50%) or more of the beneficial interests, singly or collectively, are obtained by other parties. The word "control" as used herein is not limited to majority stock ownership only, but includes actual working control in whatever manner exercised.

16.2. Except as otherwise provided herein, the Grantee shall promptly notify the City prior to any proposed change in, or transfer of, or acquisition by any other party of control of the Grantee's company. Every change, transfer, or acquisition of control of the Grantee's company shall cause a review of the proposed transfer. In the event that the City denies its consent and such change, transfer or acquisition of control has been effected, the Franchise is terminated.

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

Superintendent of Seattle City Light	Director of Public Works
700 Fifth Avenue, Suite 3300	City of SeaTac
Seattle, WA 98104-5031	17900 International Blvd. – Suite 401
Phone: (206) 684-3200	SeaTac, WA 98188
Fax: (206) 684-3158	Phone: (206) 241-1996
	Fax: (206) 241-3999

19. Non-Waiver. The failure of either party to enforce any breach or violation by the other party of any provision of this Franchise shall not be deemed to be a waiver or a continuing waiver by the non-breaching party of any subsequent breach or violation of the same or any other provision of this Franchise.

20. Alternate Dispute Resolution. If the parties are unable to resolve disputes arising from the terms of this franchise, prior to resorting to a court of competent jurisdiction, the parties shall submit the dispute to a non-binding alternate dispute resolution process agreed to by the parties. Unless otherwise agreed between the parties or determined herein, the cost of that process shall be shared equally.

21. Entire Agreement. This franchise constitutes the entire understanding and agreement between the parties as to the subject matter herein and no other agreements or understandings, written or otherwise, shall be binding upon the parties upon execution and acceptance hereof.

22. Directions to City Clerk. The City Clerk is hereby authorized and directed to forward certified copies of this ordinance to the Grantee set forth in this ordinance. The Grantee shall have sixty (60) days from receipt of the certified copy of this ordinance to accept in writing the terms of the franchise granted to the Grantee in this ordinance.

23. Publication and Publication Costs. In accord with state law, the City Clerk is hereby directed to publish this ordinance. The costs of said publication shall be borne by the Grantee.

24. Effective Date. This ordinance shall take effect and be in full force thirty days after passage.

PASSED BY THE CITY COUNCIL ON the 30th day of November, 1999.

_____

Mayor Terry Anderson

ATTEST: APPROVED AS TO FORM:

_____ _____

Judith Cary Robert McAdams

City Clerk City Attorney

Date of Publication: 12/08/99

Effective Date: 12/30/99

ORDINANCE NO. 99-1044

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 5.05.010 of the SeaTac Municipal Code to include the renting or leasing of residential occupancies within the definition of "business" required to be licensed.

WHEREAS, the City is desirous of obtaining a database as to residential rental premises, and is further desirous of ensuring decent, safe, and sanitary housing, over and above the provisions of the Residential Landlord-Tenant Act; and

WHEREAS, the City has been hosting meetings with residential rental property owners and managers to determine the most appropriate and acceptable means of regulation to accomplish those purposes; and

WHEREAS, the said meetings and receipt of comments and input are continuing; and

WHEREAS, it is necessary to immediately include the renting or leasing of residential occupancies within the definition of businesses subject to the standard business license fee; and

WHEREAS, the City Council is committed to modifying, as soon as practicable, specific regulations applicable to rental businesses after all input from owners, managers, and other interested persons is obtained and reviewed;

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

Section 1. Section 5.05.010 of the SeaTac Municipal Code is hereby amended to read as follows:

5.05.010 Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "Business" includes all activities engaged in with the object of gain, benefit, or advantage, directly or indirectly. The term "business" shall specifically include the letting for rent or lease for residential occupancy on a month-to-month basis, or longer term, of any single family structure, any multi-family structure containing more than one dwelling unit, or spaces within a mobile home park.

B. "Person" means any individual, corporation, company, firm, joint stock company, copartnership, joint venture, trust, business trust, club, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, receiver, administrator, executor, assignee, or trustee in bankruptcy.

C. "Tax year" means the calendar year commencing January 01 and ending on December 31.

Section 2. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 30th day of November, 1999, and signed in authentication thereof on this 30th day of November, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: 12/30/99]

ORDINANCE NO. 99-1045

AN ORDINANCE of the City Council of the City of SeaTac, Washington establishing a procedure for consideration and approval of Development Agreements, amending Section 15.22.010, adding new Sections 15.05.057 and 15.22.055, and amending Sections 16.03.040, 16.07.010E, and 16.07.030 of the SeaTac Municipal Code.

WHEREAS, RCW 36.70B.170 through .210 authorize a city governed by the Growth Management Act, such as the City of SeaTac, to enter into Development Agreements with persons and entities having ownership or control of real property within its jurisdiction; and

WHEREAS, the State Legislature based its intent to allow local governments, as a proper exercise of their police power and contract authority, to execute Development Agreements with owners and developers of real property upon the following findings, as set forth at Chapter 347, Section 501, Laws of 1995: "The legislature finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies and regulations, and subject to conditions of approval, all as set forth in a Development Agreement, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development; and

WHEREAS, by statute, a Development Agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the Agreement, and shall be consistent with applicable development regulations then in effect; and

WHEREAS, the aforesaid statutes provide no procedure for negotiation and approval of Development Agreements except that, at RCW 36.70B.200, a city may approve a Development Agreement, by ordinance or resolution, only after a public hearing which may be conducted by the City Council, Planning Commission, Hearing Examiner or other body designated by the Council; and

WHEREAS, the City Council has been previously requested to consider and act upon proposed Development Agreements without benefit of any established local procedures; and

WHEREAS, the Department of Planning & Community Development has drafted a procedure for evaluating and acting upon future Development Agreements; and

WHEREAS, the City Council finds that the proposed procedure and amendment to existing provisions of the SeaTac Municipal Code are appropriate and will be of benefit to the City, owners and developers of real property, and to the public;

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

Section 1. A new Section 15.05.057 is hereby added to the SeaTac Municipal Code to read as follows:

15.05.057 Development Agreements

In order to obtain particular and demonstrable public benefits to the City, to establish development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of specific real property, to engender funding or providing of

services, infrastructure, and other facilities, including potential reimbursement over time for private financing of public facilities, and to permit imposition of impact fees, inspection fees, dedications, other financial contributions, and mitigation measures where the same are expressly authorized by provisions of state law, Development Agreements may be entered into by and between the City and persons and entities having ownership or control of real property, pursuant to RCW 36.70B.170 through 36.70B.200; provided, that the terms of any such Development Agreement shall be consistent with the Comprehensive Plan and with the development regulations of this Code, and shall conform to the purpose of Section 15.22.010 and the criteria set forth in Section 15.22.055 of this Code. Development Agreements are subject to the public hearing notice requirements contained in Section 16.07.030 A. of this Code.

Section 2. Section 15.22.010 of the SeaTac Municipal Code is hereby amended to read as follows:

15.22.010 Purpose

The purposes of this chapter are to allow for consistent evaluation of land use applications and any other quasi-judicial matters considered by ~~dealt with through~~ the Hearing Examiner, or City Council when acting upon a proposed Development Agreement, ~~which shall be reviewed~~ pursuant to the applicable ordinances and authority, and to protect nearby properties from the possible effects of such requests by:

A. Providing clear criteria on which to base a decision;

B. Recognizing the effects of unique circumstances upon the development potential of a property;

C. Avoiding the granting of special privileges;

D. Avoiding development which may be unnecessarily detrimental to neighboring properties;

E. Requiring that the design, scope and intensity of development is in keeping with the physical aspects of a site and adopted land use policies for the area; and

F. Providing criteria which emphasize protection of the general character of neighborhoods.

Section 3. A new Section 15.22.055 is hereby added to the SeaTac Municipal Code to read as follows:

15.22.055 Development Agreements

A person or entity having ownership or control of real property within the City may file an application for a Development Agreement with the Department of Planning and Community Development, together with the filing fee set forth in the current edition of the City's Fee Schedule as adopted by Resolution, and the Department is authorized to enter into preliminary negotiations to establish mutually agreeable terms. The proposed Development Agreement, and negotiations, shall be subject to the Development Review Committee process set forth at Sections 16.05.020 and 16.05.050 of this Code. The applicant's proposed form of Development Agreement, including all mutually agreed provisions, shall, at the conclusion of the Development Review Committee process and negotiations, be placed upon the agenda of the City Council for public hearing and recommendation to the City Council for final action of approval, approval with modifications, or rejection, based upon the criteria set forth within this Section. In addition to the requirements of Section 16.09.040A of this Code, the Department of Planning and Community Development may present to the Council omissions, additions, or alternative provisions to the terms and conditions of the Development Agreement proposed by the applicant, and may recommend rejection of the Development Agreement.

A. The City Council shall base its recommendation upon the following criteria:

1. The Development Agreement conforms to the existing Comprehensive Plan policies.

2. The terms of the Development Agreement are generally consistent with the development regulations of the City then in effect.

3. Appropriate project or proposal elements such as permitted uses, residential densities, and nonresidential densities and intensities or structure sizes are adequately provided, to include evidence that the site is adequate in size and shape for the proposed project or use, conforms to the general character of the neighborhood, and would be compatible with adjacent land uses.

4. Appropriate provisions are made for the amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications.

5. Adequate mitigation measures, development conditions, and other requirements under chapter 43.21C RCW provided.

6. Adequate and appropriate design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features are provided.

7. If applicable, targets and requirements regarding affordable housing are addressed.

8. Provisions are sufficient to assure requirements of parks and open space preservation.

9. Interim uses and phasing of development and construction is appropriately provided. In the case of an interim use of a parcel of property, deferments or departures from development regulations may be allowed without providing a demonstrated benefit to the City, provided that any departures or deferments to the Code requested for a final use of the property shall comply with criteria No. 11 below. The Agreement shall clearly state the conditions under which the interim use shall be converted to a permanent use within a stated time period and the penalties for non compliance if the interim use is not converted to the permanent use is the stated period of time.

10. Where a phased Development Agreement is proposed, a site plan shall be provided and shall clearly show the proposed interim and final use subject to the Agreement.

11. In the case of a Development Agreement where the proposed use would be the final use of the property, it shall be clearly documented that any departures to the standards of the Code, requested by the applicant, are in the judgment of the City, off-set by providing a benefit to the City of equal or greater value relative to the departure requested. In no case shall a departure to the Code be granted if no benefit to the City is proposed in turn by the applicant.

12. Conditions are set forth providing for review procedures and standards for implementing decisions.

13. A build-out or vesting period for applicable standards is provided.

14. Any other appropriate development requirements or procedures necessary to the specific project or proposal are adequately addressed.

15. If appropriate, and if the applicant is to fund or provide public facilities, the Development Agreement shall contain appropriate provisions for reimbursement over time to the applicant.

16. Appropriate statutory authority exists for any involuntary obligation of the applicant to fund or provide services, infrastructure, impact fees, inspection fees, dedications, or other service or financial contributions.

B. The City Council shall take final action, by resolution, to authorize entry into the Development Agreement as proposed, or as modified, or may reject entry into the Development Agreement. In addition, the Council may continue the hearing for the purpose of clarifying issues, or obtaining additional information, facts, or documentary evidence.

C. The decision of the Council shall be final immediately upon adoption of a Resolution authorizing or rejecting the Development Agreement. The decision of the Council shall be appealable to the Superior Court pursuant to law.

D. Following approval of a Development Agreement by the Council, and execution of the same, the Development Agreement shall be recorded with the King County Recorder.

Section 4. Section 16.03.040 of the SeaTac Municipal Code is hereby amended to read as follows:

In addition to its legislative responsibility, the City Council shall review and act on the following subjects:

A. Individual or Citywide rezones initiated by the City.

<u>B. Development Agreements pursuant to SMC 15.22.055.</u>

Section 5. Sub-Section E. of Section 16.07.010 of the SeaTac Municipal Code is hereby amended to read as follows:

E. A notice of application is not required for the following actions when they are categorically exempt from SEPA review:

1. Application for building permits;

2. Application for lot line adjustments;

3. Variance;

4. Temporary use permits;

5. Storage tank permit;

6. Grading permit;

7. Aircraft repair hanger permit;

8. Commercial rubbish-handling operation permit;

9. Dry cleaning plant permit;

10. Lumber yard permit;

11. Motor vehicle fuel dispensing stations permit;

12. Repair garages permit;

13. Application for administrative approvals;

14. Special projects initiated by the City;

15. Home occupation permit;

16. Special home occupation permit;

~~17. Temporary use permit;~~

17. ~~18.~~ Separate lot determinations;

18. Development agreements pursuant to SMC 15.22.055

19. Applications for conditional use permits – essential public facilities (EPF).

Section 6. Sub-Section A. of Section 16.07.030 of the SeaTac Municipal Code is hereby amended to read as follows:

Notice of a public hearing for all development applications, development agreements pursuant to SMC 15.22.055, and all open record appeals shall be given as follows:

A. Time of Notices. Except as otherwise required, public notification of meetings and hearings pursuant to Titles 13 through 16 of this code shall be made by:

1. Publication at least fourteen (14) days before the date of a public meeting, hearing, or pending action in the official newspaper; and

2. Mailing at least fourteen (14) days before the date of a public meeting, hearing, or pending action to all property owners as shown on the records of the County Assessor and to all street addresses of properties within a minimum of 500 or 1,000 feet of the exterior boundaries of the property which is the subject of the meeting or pending action. Addressed, pre-stamped envelopes shall be provided by the applicant as required by Section 16.05.040 of this title. Additional notification to property owners beyond 500 or 1,000 feet may be required at the discretion of the City Manager or designee. The criteria for determining the area of notification is listed below.

Adjacent property owners within 500 or 1,000 feet of the exterior property line shall be notified by first class mail, at a minimum, based on the following criteria:

a. For the following actions, adjacent property owners within 500 feet shall be notified:

i. All actions normally exempt from SEPA review, but which require SEPA review due to "sensitive areas" on-site (i.e., construction of a single-family house);

ii. All actions within "shoreline" jurisdiction that normally are exempt from SEPA review, but require SEPA review due to being subject to shoreline regulations (i.e., construction of a single-family house);

iii. Variances;

iv. Home occupation permits;

v. Special home occupation permits;

vi. Temporary use permits;

vii. Lot line adjustments;

viii. Appeals from administrative decisions regarding minor conditional use permits;

ix. Development agreements pursuant to SMC 15.22.055

b. For the following actions, adjacent property owners within 1,000 feet shall be notified:

i. All other actions requiring an NOA that do not meet the criteria listed above;

ii. Short plats; and

3. Posting at least fourteen (14) days before the meeting, hearing, or pending action in three (3) public places where ordinances are posted and at least two (2) notices on the subject property. One (1) of the notices on the property shall be posted on a "notice board" at a conspicuous place where it can be viewed from the public right-of-way and by persons passing by the property. Such "notice board" may be located adjacent to the property upon approval of the City Manager or his designee. The City Manager or designee may require additional notice boards when a site does not abut a public right-of-way or as determined to be necessary. The posting shall be on-site for at least thirty (30) days; and

4. The "notice board" shall have the minimum following dimensions: The notice board shall be four (4) feet by five (5) feet and shall have a sky blue background with white lettering. Lettering size shall be the following:

a. Helvetica or similar standard type face;

a. Three (3) inch capital letters for the following title:

"NOTICE OF PROPOSED LAND USE ACTION";

c. Two (2) inch capital letters for all other letters except of the 8.5 by 11-inch laminated city notice sheet.

The property owner or his/her representative shall be responsible for the installation of the "notice board". An affidavit shall be submitted to the City by the property owner or his/her representative stating when the "notice board" has been installed and the location of the "notice board". The "notice board" shall be the same as illustrated in Section 16.07.010B.

B. Content of Notice. The public notice shall include a general description of the proposed project, action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing (when applicable) and the place where further information may be obtained.

C. Continuations. If, for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required.

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

ADOPTED this 7th day of December, 1999, and signed in authentication thereof on this 7th day of December, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date January 6, 2000]

ORDINANCE NO. 99-1046

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to employment and employees and amending the Pay and Compensation Plan of the City for non-represented employees,

WHEREAS, the City Council of the City of SeaTac, Washington, has previously enacted Ordinance No. 93-1030 and various amendments thereto, codified at Chapter 2.65 SMC, establishing personnel policies and procedures and adopting a pay and compensation plan for City employees; and

WHEREAS, the City Council of the City of SeaTac, Washington, has annually considered and amended the classification and compensation plan, including establishing cost of living increases, pursuant to SMC 2.65.030 and .040; and

WHEREAS, in order to address the need for a reasonable and fair compensation to non-represented city employees, and to provide a reasonable cost of living allowance, it is appropriate that modification of the pay and compensation plan be made.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as a non-codified Ordinance, as follows:

1. The salaries ranges for the various positions of the employees of the City not represented by labor unions, shall be increased by the amount of 2.9 percent over the current level to reflect the COLA for 2000, effective January 1, 2000.

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

ADOPTED this 14th day of December, 1999, and signed in authentication thereof on this 14th day of December, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. -99-1047

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, it is necessary to update the Comprehensive Plan's implementation strategies, 6-year Capital Facilities Element, and other sections as identified through public process, and

WHEREAS, the City Council authorized, by Resolution No. 97-001, a process for amending the Comprehensive Plan, and

WHEREAS, procedures for amending the Plan have been implemented in 1999, including a public meeting 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;

WHEREAS, the environmental impacts of the proposed amendments have been assessed and a Determination of Nonsignificance, File No. SEP 0022-99, was issued November 12, 1999; and

WHEREAS, after a public hearing on November 8, 1999 to consider proposed amendments to the Comprehensive Plan, the Planning Advisory Committee recommended to the City Council adoption of proposed amendments to the Comprehensive Plan,including the recommendation that no changes be made to the future land use/zoning of Potential Annexation Areas; and

WHEREAS,

WHEREAS, after consideration of the recommendation of the Planning Advisory Committee, 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 (Attachment 1); and

WHEREAS, the Comprehensive Plan Land Use Plan Map (Map 1.5) must be amended to reflect the map-related amendments as set forth on Exhibit A hereto; and

WHEREAS, following consideration of comments received at the Public Hearing of December 7, 1999, the proposed Comprehensive Plan Land Use Plan Map affecting various Westside properties (Exhibit A, Map #1), the property at 16253 International Boulevard (Exhibit A, Map #4), and the property at 4040 S. 188th St. (Exhibit A, Map #6, A) would limit the land uses of the subject properties as shown in Exhibit C; and

WHEREAS, all of the foregoing recitals are deemed by the City Council to be findings of fact; and

WHEREAS, five copies of these proposed amendments were filed with the 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, is hereby amended as set forth in Exhibits A, B and C (attached) and a copy of the amendments shall be maintained on file with the Office of the City Clerk for public inspection.

Section 2. The City Clerk is directed to transmit a complete and accurate copy this Ordinance, as adopted, to the Department of Community, Trade and Economic 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 3. The Comprehensive Plan Land Use Plan Map (Map 1.5) is hereby amended to be consistent with the map-related amendments as set forth on Exhibit A hereto; and

Section 4. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 14th day of December 1999 and signed in authentication thereof this 14th day of December 1999.

CITY OF SEATAC

_____

Terry Anderson, Mayor

ATTEST:

_____

Judith L. Cary, City Clerk

Approved as to Form:

_____

Bob McAdams, City Attorney

[Effective Date: January 13, 2000]

Exhibit A

Maps

Exhibit B

Text Amendments

Exhibit C

Conditions

Map #1: Westside

Uses and development shall be compatible in scale and intensity with adjacent properties to the west in Burien.

Map #4: SunReal (16253 International Boulevard)

A. Approved Lot Line Adjustment.
B. Transfer of title of subject property to SunReal, Inc.

Map #6 (A): Lutheran Social Services

Uses shall be limited to the following: Senior Housing, 24-Hour Day Care, or Social Service Offices.

ORDINANCE NO. 99-1048

AN ORDINANCE of the City Council of the City of SeaTac, Washington, approving and confirming the final assessment roll for Local Improvement District No. 1 and levying and assessing the amount thereof against the lots, tracts, parcels of land and other property shown on the roll.

WHEREAS, pursuant to Resolution No. 97-025, adopted on September 23, 1997, the City Council declared its intention to order the formation of Local Improvement District No. 1 ("LID No. 1") within the area shown on Exhibit "A" to the said Resolution for the purpose of acquisition, design, construction and installation of a four lane arterial street with a center median and turning lane from South 188th Street to South 204th Street, as well as drainage, lighting, landscaping, and other appurtenances for the complete functioning of the improvements;

WHEREAS, a hearing was held on October 14, 1997, after notice as provided by law, and after discussion of the proposed improvements and due consideration thereof and of all objections thereto, the Council determined, by Ordinance No. 97-1017 to order the local improvements and to create LID No. 1; and

WHEREAS, estimates of the costs and expenses of the proposed improvements, a description of the boundaries of the District, a statement of that portion of the costs and expenses which would be borne by the property within the District, and a diagram showing the lots, tracts and parcels to be benefited and other information pertaining to the said District were filed with the City Clerk and certified to the City Council; and

WHEREAS, although construction of the improvements within LID No. 1 have not been completed, the engineering estimate of cost has been received, the project has been let to bid, and firm bid proposals have been received within the said engineering estimate, and the lowest, responsible bidder has been identified; and

WHEREAS, Initiative 695 which was approved by the statewide electorate on November 2, 1999, provides, at Section 2, that "any monetary charge by government" shall require voter approval; and

WHEREAS, upon advice of Bond Counsel, it is deemed necessary to confirm the final assessment roll prior to the effective date of the said Initiative, January 1, 2000, in order to avoid the anomalous and unprecedented submission to the City electorate of an LID assessment roll applicable only to specific parcels of property; and

WHEREAS, notice of the time and place of a hearing before the City Hearing Examiner on the assessment roll and on objections to individual assessments was duly published at and for the time and in the manner provided by law, fixing the time and place of hearing thereon for the 6th day of December, 1999, at the hour of 4:00 p.m. at Valley Ridge Community Center, located at 4644 S. 188th Street, SeaTac, Washington, and further notice was duly mailed by the City Clerk to each property owner on the roll; and

WHEREAS, at the time and place fixed and designated in the notice, the hearing on the assessment roll was duly held and the City Hearing Examiner gave due consideration to the said assessment roll and to all written and oral objections received and to all persons appearing at the said hearing, to all exhibits presented at the hearing, and to the written responses also submitted into the record; and

WHEREAS, the City Hearing Examiner has prepared and filed with the City Clerk Findings of Fact, Conclusions of Law, and Recommendation; and

WHEREAS, as required by state law, the property owners that filed written objections were notified by the Hearing Examiner that they had the opportunity to present a written or oral appeal of the Hearing Examiner's recommendations to the City Council; and

WHEREAS, the City Hearing Examiner has, pursuant to law, made recommendations to the City Council as to adoption or rejection of the final assessment roll and as to each objection to owners' assessments made pursuant to law; and

WHEREAS, the City's Public Works Department has discovered a miscalculation in the final assessment roll with respect to LID Parcel No. 130, owned by Gilbert A. Griffin, which should reflect an assessment of $10,105, rather than $14,034, which reduce the amount of the total final assessment roll by $3,929; and

WHEREAS, the City Council has determined to hear and act upon the recommendations of the Hearing Examiner as to the final assessment roll and as to individual objections, as appeals;

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

Section 1. The Council, sitting as a board of equalization, and having made all revisions to the roll it deems necessary, and having heard and considered any appeals from the Hearing Examiner's recommendations concerning objections of individual property owners, hereby finds and determines that the final assessment roll for LID No. 1, a copy of which is attached hereto and incorporated herein by this reference as Exhibit "A", is just and equitable and that no assessment against property within LID No. 1 is greater than the special benefits to be derived from the improvements. Accordingly, the final assessment roll, in the total amount of $7,216,977.54, (which is net of $3,000,000 of special institutional benefit to the Port of Seattle) is hereby approved and confirmed, and the assessments set forth therein are hereby levied against each lot, tract and parcel of property described in the roll, except as to the said institutional benefit which is the subject of a separate agreement between the City and the Port of Seattle, and except as to LID Parcel No. 130, owned by Gilbert A. Griffin, which is corrected to reflect the proper assessment of $10,105.

Section 2. The Council having heard the objections of the following named property owners, as appealed from recommendations of the City Hearing Examiner, hereby accepts the said recommendations and denies the said appeals, except as indicated below:

Alaska Airlines. Parcel #140.

Budget Rent a Car. Parcel #125.

Condor Development. Parcel #216, 218, and 219.

Highline School District. Parcel #267.

Horizon Air Industries. Parcel #226 and 227.

Lee, Eddie Y.F. Parcel #124, 126, and 127.

Malmberg, Donald and Irene. Parcel #111-117.

Port of Seattle. Numerous parcels and addresses (airport operations and SASA), except that the $3 million of special institutional benefit is removed from LID Parcel No. 141.

Puget Sound Energy. Parcel #254.

Sheen, S.Y. Parcel #201-215 and 269.

Hong Louie. Parcel #229.

Section 3. The City Clerk is hereby directed to place in the hands of the City Finance Director for collection the final assessment roll for LID No. 1. Upon such placement, the amount of each assessment set forth in the roll, together with any interest or penalty imposed from time to time, shall become a lien against the property so assessed. The lien shall

be paramount and superior to any other lien or encumbrance whatsoever, theretofore or thereafter created, except a lien for general taxes.

Section 4. Upon receipt of the final assessment roll for LID No. 1, the City Finance Director is hereby directed to publish notice at the times and in the manner required by RCW 35.49.010, stating that the roll is in her hands for collection and that such assessments or any portion thereof may be paid to the City at any time within 90 days from the date of the first publication of such notice, without penalty, interest or costs.

Section 5. The amount of any assessment, or any portion thereof, against property in LID No. 1 not paid within the 90-day period from the date of the first publication of the City Finance Director's notice shall be payable in fifteen (15) equal annual installments, together with interest on the diminishing principal balance thereof at a rate of ½% per annum higher than the interest rate of the bonds sold in LID No. 1. Interest shall commence on the 90th day following first publication of such notice. The first installment shall become due and payable one year from the expiration of the 90-day prepayment period. Annual installments, including interest and any penalty, shall be paid in full when due, and no partial payments shall be accepted by the Finance Director of the City.

Section 6. Any installment not paid when due shall thereupon become delinquent. All delinquent installments shall be subject to a penalty equal to 12% per annum of the amount of the installment, including interest, from the date of the delinquency until paid.

Section 7. The lien of any assessment may be discharged at any time after the 90-day prepayment period by payment of the entire principal amount of the assessment remaining unpaid together with interest thereon to the due date of the next installment.

Section 8. If any one or more of the provisions of this Ordinance shall be declared by a court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed severable from the remaining provisions of this Ordinance and shall in no way affect the validity of the other provisions of this Ordinance.

Section 9. This Ordinance shall be in full force and effect five (5) days after passage and publication.

ADOPTED this 14th day of December, 1999, and signed in authentication thereof on this 14th day of December, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: December 22, 1999]

ORDINANCE NO. 99-1049

AN ORDINANCE of the City Council of the City of SeaTac, Washington adopting a Subarea Plan for the City Center

WHEREAS, the City of SeaTac is a diverse suburban South King County community with approximately 24,000 residents and a large, short-term transient population moving through the SeaTac International Airport and the hotels located within the City. A portion of the City involves airport, airport commercial, commercial business, and industrial land uses, with the remainder of the City being primarily residential in nature. Proposed corridors for the extension of SR 509, the 28th/24th Avenue South arterial, the Airport South Access, the Central Puget Sound Regional Transit Authority (RTA) projects, and potential "people-mover-systems" are located within the City. There is, however, no defined "downtown" or city center" to serve as a focal point for city identity, business and commerce, and cultural, entertainment, retail, and public and private service facilities. The Council finds that such a city center would be greatly in the public interest; and

WHEREAS, the Puget Sound Regional Council (PSRC) has forecast significant growth for the region in which the City is located, over the coming several decades, based on trends of expanding business in the Puget Sound area. In accordance with the Growth Management Act, the City must take actions that will cause future growth to differ from past trends. The City has modified the PSRC forecasts based on City and County policies, including the designation of SeaTac as an Urban Center, and the existing regional plans for high capacity transit; and

WHEREAS, visitors to the City include people arriving through the airport as well as local people from neighboring communities. While some people simply drive through SeaTac on their way to more distant places, others come specifically for the businesses, activities and amenities of the City. The Seattle-Tacoma International Airport transported 18.8 million air passengers in 1993, with the majority of flights being domestic. The number of passengers has nearly doubled in the last ten years. The City has over 30 hotels/motels with a total of over 5,000 hotel/motel rooms. Occupancy rates for hotels typically vary from 50 to 90 percent, depending on the season. Assuming these are single occupancy rooms, SeaTac has an average of 2,500 to 4,500 overnight visitors. International Boulevard and highways SR 509 and SR 518 are major traffic routes passing through SeaTac. A major freeway, I-5, abuts the easterly boundary of the City. Many auto-oriented businesses are located along International Boulevard and draw customers from people who use these routes. People from neighboring communities visit the City for such amenities as Angle Lake Park and North SeaTac Park and Community Center. The Community Center offers a wide variety of classes and activities, while Angle Lake Park offers life-guarded swimming and water activities; and

WHEREAS, the City's comprehensive plan calls for designation and creation of an "Urban Center" that has clearly defined boundaries, a mixture of land uses and densities sufficient to support high capacity transit, a pedestrian emphasis, public open spaces and recreational opportunities, and both daytime and nighttime activities; and

WHEREAS, the Countywide Planning Policies and Vision 2020 emphasize the designation of "Urban Centers" in major employment centers throughout the Puget Sound Region. The presence of the Seattle-Tacoma International Airport has resulted in a concentration of employment and commercial activities, which makes the City a significant and desirable place within which to focus future employment growth, transit linkages, recreational, and residential opportunities. The SeaTac City Council has nominated a section of the City as an "Urban Center". This nomination has been approved by King County's Growth Management Planning Council; and

WHEREAS, one of the major objectives of designating an Urban Center is to create a development area that has employment and residential densities large enough to be served by a high capacity transit system and diverse enough to result in an inviting and vibrant urban environment. In order to accomplish these objectives, it is important that the City's future commercial and housing development be concentrated within the urban center. Encouraging new commercial and residential development in the urban center will also preserve the City's stable residential areas from

inappropriate commercial and high-density residential development projects; and

WHEREAS, the comprehensive plan further encourages the creation of a "town center," or "central business district", within the Urban Center's boundaries, which is referred to herein as the "City Center"; and

WHEREAS, most cities in Washington have a recognizable downtown or city center, which typically serve as a focal point within each city, and provide a sense of community identity and civic pride. They may include retail and commercial establishments, parking facilities, condominiums and multi-family housing, government buildings, parks, open spaces, and provisions for vehicular and pedestrian circulation. A City Center may be smaller in size than an "urban center". A City Center area, however, often is the focal point of the larger Urban Center; and

WHEREAS, even though it is a relatively built-up city, SeaTac does not have a distinct and identifiable City Center. This is due, in part, to the fact that this is a new city. Much of its built-up land area was developed in response to the presence of the Seattle-Tacoma International Airport and the major arterial now known as International Boulevard, and before a comprehensive land use plan was in place. As the City grows and evolves, it would be a positive step to have the creation of a City Center occur as well; and

WHEREAS, in order for the City Center area of the City's Urban Center to evolve into a true town center or central business district, as contemplated by the City's comprehensive plan, it will be necessary to produce a number of fundamental changes in its form and appearance. Developers, whether private or public, choose to invest in an area when they are confident that the level of quality and economic return of their projects will be matched and reinforced by other projects. It is, therefore, appropriate to encourage a uniformly high level of quality and compatibility, which, in turn, will act as a catalyst for further development and improvement by the private sector; and

WHEREAS, a City Center would be promoted by adoption of policies for mixed land uses densities and concentration, pedestrian amenities and connections, relationships to transit systems, urban design qualities, relationship to surroundings, perimeter and internal circulation and parking, Automated People Mover/Van circulation, and relocation of low intensity, auto oriented uses; and

WHEREAS, the City Center must encourage a relationship between land uses and enhanced transit systems such as High Capacity Transit (HCT) technologies. The reason for having an enhanced transit system is to provide mobility that is equal to or more effective and convenient than private, and especially, single-occupancy, vehicles. More intensive land uses should be clustered near transit and rail stations. The type and mixture of uses is extremely important. Because a transit system attracts and discharges people on foot, the uses within close proximity to the stations should provide a wide range of goods and services. Cafes and restaurants, convenience shops and personal service establishments should be encouraged. There should be a number of uses that are varied, small, and highly visible. "Storefront" designs, with large expanses of glass, prominent entrances, display lighting and small-scale signs are important in establishing an ambience that is conducive to transit users; and

WHEREAS, the area around an HCT station has the potential of evolving into an area characterized by pedestrian amenities and connections and a concentrated mix of commercial, residential and office uses. Not only should there be a concentration of economic activities, but there should be public spaces and uses as well. It is important to establish the character and level of quality prior to the initial phases of development, in order to advance the design and development of these areas and to prevent an uncoordinated "patchwork" development pattern. The City may also consider entry into a series of public/private agreements to promote such economic development and public uses; and

WHEREAS, for a City Center to be lively and appealing, and to produce return investment, it must offer safe, convenient and attractive places for people who move on foot. While vehicles need to have access and ability to circulate and park, the pedestrian, although often neglected in the built environment, is key to a viable City Center. Therefore, it is necessary to pay at least the same amount of attention to pedestrians as to drivers in planning, designing and developing streets, pathways, open spaces, and buildings. If a City Center is not oriented to pedestrians, it will be lifeless, intimidating and even hazardous; and

WHEREAS, public space may be in the form of streets, large parks, small parks, plazas, courtyards, gardens, and walkways. A City Center should provide all of these choices. Some may be developed by the City or other agencies,

while some may be privately provided. It is important that public spaces be provided throughout the City Center area and in association with each major development project so that, eventually, there can be a wide variety of types and sizes throughout the City Center; and

WHEREAS, the City Center should not be seen as an isolated, free-standing area of the community. It should provide for linkages between and among individual parcels and it should be linked to the neighborhoods surrounding it. Such linkages can be enhanced by a street grid or interconnections, and by transit. A principal means of linkage should be through sidewalks, walkways and other pedestrian corridors. These may be developed as a part of public streets and open space, or by easements and improvements on private property; and

WHEREAS, the City Center should be designated to accommodate residents, employees, and visitors in a mix of uses and structures. Moderate and high density residential uses are appropriate within the Center. Residents, employees, and visitors should be able to walk or ride mass transit to work and to take advantage of activities within the Center; and

WHEREAS, development within the City Center will likely require parking availability in the form of parking structures. While some of this may be underground, multi-story garages may also be expected. It will be necessary to ensure that these structures, which may have large floor areas and heights, contribute positively to the image of the City Center. Innovative and quality architectural design solutions should be encouraged. In addition, while parking structures require lighting for reasons of safety and security, such lighting should be directed and shielded so as to not create glare or intrude upon adjacent residential communities; and

WHEREAS, ensuring high quality design is a very difficult thing to do through land use regulations alone. Regulations address quantities and dimensions but qualitative criteria are harder to codify. Design guidelines can be used, but they require a standardized method of application and enforcement. Typically this takes place through some form of design review. A potentially better type of review is administrative, so that the review process can be more collaborative and less time-consuming. Within the City Center, buildings should interact with one another and with the network of public streets, sidewalks, and open spaces. There must be proper concern for the effect of each building on its surroundings. For many years the City Center will be in a state of flux, with some properties being under construction while others remain in their current condition. This will, almost unavoidably, produce sharp contrasts. Because of the City's long-term vision, it will be necessary to set in motion a number of new directions for configuring development while living with some degree of discontinuity and awkwardness; and

WHEREAS, while the height and bulk of structures in a City Center are important factors in the scale of development, there are other qualities that should be addressed when permitting construction of new buildings. Specifically, these have to do with the proportions and details of building facades. The facades should include a number of features, such as cornice lines, stepbacks, terraces, overhangs, projecting bays, offsets and other devices that create shadow lines and articulation. In addition, the degree of detail on lower floors should be much more refined than is necessary for the upper portions of buildings. Visible window frames and richer colors and materials should be provided where they can be appreciated by people on foot; and

WHEREAS, in many major development projects there has been a tendency to produce isolated, inward-oriented buildings that are isolated from their surroundings and are directed to interior, privately controlled spaces. The City must ensure that development within the City Center balances its orientation between the private and public realm. More attention should be paid to the solid-to-void ratio of facades; for example, and architectural designs should provide more windows and openings as opposed to solid, plain walls. Another important feature of building orientation is that entrances should be readily identifiable and accessible from a public sidewalk, or other pedestrian walkway; and

WHEREAS, multi-family development is a driver of the commercial uses that will give the City Center a pedestrian-friendly character, and hotel/motel businesses should be located in commercial rather than residential zones; and

WHEREAS, single-family areas can be protected from the impacts of higher intensity multi-family and commercial land uses by the use of development standards and land uses that provide for gradual transition of building height, setbacks, land use intensities, and new housing types, including townhouses; and

WHEREAS, the City's existing comprehensive plan and development regulations, at Section 15.13.110, provide for an

Urban Center and special development standards. However, despite testimony to the contrary, the City Council finds that the said standards are inadequate to address the foregoing concerns and needs; and

WHEREAS, the RTA adopted on November 18, 1999 a Locally Preferred Alternative for the central light rail transit line and stations within the City that includes two stations serving the City Center area and connecting to Seattle-Tacoma International Airport; and

WHEREAS, as a subarea plan, the City Center Plan should amend the Comprehensive Plan's Land Use Plan Map where needed to provide consistency between the two plans; and

WHEREAS, notices were published, public participation was obtained, comments were received, and public hearings held during the course of formulating the special standards; and

WHEREAS, a formal City Center Study has recommended adoption of the City Center Plan; and

WHEREAS, following consideration of comments received at the Public Hearing of December 7, 1999, the proposed City Center Subarea Map affecting parcels 342304012 and 3423049324 (Colacurcio) has been revised to amend the land use classifications and zoning to limit the land uses subject to conditions; and

WHEREAS, the requirements of the State Environmental Policy Act (SEPA) have been satisfied through issuance of a Final Supplemental Environmental Impact Statement on November 12, 1999; and

WHEREAS, all of the foregoing recitals are deemed by the City Council to be findings of fact; and

WHEREAS, non-substantive editorial and technical edits to the City Center Subarea Plan should be made subsequent to adoption of the Plan; and

WHEREAS, an Executive Summary of the adopted City Center Subarea Plan shall be prepared for subsequent distribution to interested parties following adoption of the Plan; and

WHEREAS, five copies of the proposed City Center Plan was filed with the 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 Center Subarea Plan is hereby adopted as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2. The Department of Planning and Community Development is hereby directed to prepare necessary non-substantive editorial and technical edits and an Executive Summary to the City Center Subarea Plan following adoption of the Plan.

Section 3. The City Clerk is directed to transmit a complete and accurate copy this Ordinance, as adopted, to the Department of Community, Trade and Economic 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 43. This ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 14th day of December, 1999, and signed in authentication thereof on this 14th day of December, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: January 13, 2000]

Exhibit A

City Center Plan

ORDINANCE NO. 99-1050

AN ORDINANCE of the City Council of the City of SeaTac, Washington enacting a new Chapter 15.35 to the SeaTac Municipal Code establishing Special Standards for the City Center, amending other affected provisions of the Zoning Code, and repealing the Interim Special Standards for the City Center.

WHEREAS, the City of SeaTac is a diverse suburban South King County community with approximately 24,000 residents and a large, short-term transient population moving through the SeaTac International Airport and the hotels located within the City. A portion of the City involves airport, airport commercial, commercial business, and industrial land uses, with the remainder of the City being primarily residential in nature. Proposed corridors for the extension of SR 509, the 28th/24th Avenue South arterial, the Airport South Access, the Central Puget Sound Regional Transit Authority (RTA) projects, and potential "people-mover-systems" are located within the City. There is, however, no defined "downtown" or city center" to serve as a focal point for city identity, business and commerce, and cultural, entertainment, retail, and public and private service facilities. The Council finds that such a city center would be greatly in the public interest; and

WHEREAS, the Puget Sound Regional Council (PSRC) has forecast significant growth for the region in which the City is located, over the coming several decades, based on trends of expanding business in the Puget Sound area. In accordance with the Growth Management Act, the City must take actions that will cause future growth to differ from past trends. The City has modified the PSRC forecasts based on City and County policies, including the designation of SeaTac as an Urban Center, and the existing regional plans for high capacity transit; and

WHEREAS, visitors to the City include people arriving through the airport as well as local people from neighboring communities. While some people simply drive through SeaTac on their way to more distant places, others come specifically for the businesses, activities and amenities of the City. The Seattle-Tacoma International Airport transported 18.8 million air passengers in 1993, with the majority of flights being domestic. The number of passengers has nearly doubled in the last ten years. The City has over 30 hotels/motels with a total of over 5,000 hotel/motel rooms. Occupancy rates for hotels typically vary from 50 to 90 percent, depending on the season. Assuming these are single occupancy rooms, SeaTac has an average of 2,500 to 4,500 overnight visitors. International Boulevard and highway SR-509 and SR 518 are major traffic routes passing through SeaTac. A major freeway, I-5, abuts the easterly boundary of the City. Many auto-oriented businesses are located along International Boulevard and draw customers from people who use these routes. People from neighboring communities visit the City for such amenities as Angle Lake Park and North SeaTac Park and Community Center. The Community Center offers a wide variety of classes and activities, while Angle Lake Park offers life-guarded swimming and water activities; and

WHEREAS, the City's comprehensive plan calls for designation and creation of an "Urban Center" that has clearly defined boundaries, a mixture of land uses and densities sufficient to support high capacity transit, a pedestrian emphasis, public open spaces and recreational opportunities, and both daytime and nighttime activities; and

WHEREAS, the Countywide Planning Policies and Vision 2020 emphasize the designation of "Urban Centers" in major employment centers throughout the Puget Sound Region. The presence of the Seattle-Tacoma International Airport has resulted in a concentration of employment and commercial activities, which makes the City a significant and desirable place within which to focus future employment growth, transit linkages, recreational, and residential opportunities. The SeaTac City Council has nominated a section of the City as an "Urban Center". This nomination has been approved by King County's Growth Management Planning Council; and

WHEREAS, one of the major objectives of designating an Urban Center is to create a development area that has employment and residential densities large enough to be served by a high capacity transit system and diverse enough to result in an inviting and vibrant urban environment. In order to accomplish these objectives, it is important that the

City's future commercial and housing development be concentrated within the urban center. Encouraging new commercial and residential development in the urban center will also preserve the City's stable residential areas from inappropriate commercial and high-density residential development projects; and

WHEREAS, the comprehensive plan further encourages the creation of a "town center," or "central business district", within the Urban Center's boundaries, which is referred to herein as the "City Center"; and

WHEREAS, most cities in Washington have a recognizable downtown or city center, which typically serves as a focal point within each city, and provides a sense of community identity and civic pride. They may include retail and commercial establishments, parking facilities, condominiums and multi-family housing, government buildings, parks, open spaces, and provisions for vehicular and pedestrian circulation. A City Center may be smaller in size than an "urban center". A City Center area, however, often is the focal point of the larger Urban Center; and

WHEREAS, even though it is a relatively built-up city, SeaTac does not have a distinct and identifiable City Center. This is due, in part, to the fact that this is a new city. Much of its built-up land area was developed in response to the presence of the Seattle-Tacoma International Airport and the major arterial now known as International Boulevard, and before a comprehensive land use plan was in place. As the City grows and evolves, it would be a positive step to have the creation of a City Center occur as well; and

WHEREAS, in order for the City Center area of the City's Urban Center to evolve into a true town center or central business district, as contemplated by the City's comprehensive plan, it will be necessary to produce a number of fundamental changes in its form and appearance. Developers, whether private or public, choose to invest in an area when they are confident that the level of quality and economic return of their projects will be matched and reinforced by other projects. It is, therefore, appropriate to encourage a uniformly high level of quality and compatibility, which, in turn, will act as a catalyst for further development and improvement by the private sector; and

WHEREAS, a City Center would be promoted by adoption of policies for mixed land uses densities and concentration, pedestrian amenities and connections, relationships to transit systems, urban design qualities, relationship to surroundings, perimeter and internal circulation and parking, Automated People Mover/Van circulation, and relocation of low intensity, auto oriented uses; and

WHEREAS, the City Center must encourage a relationship between land uses and enhanced transit systems such as High Capacity Transit (HCT) technologies. The reason for having an enhanced transit system is to provide mobility that is equal to or more effective and convenient than private, and especially, single-occupancy, vehicles. More intensive land uses should be clustered near transit and rail stations. The type and mixture of uses is extremely important. Because a transit system attracts and discharges people on foot, the uses within close proximity to the stations should provide a wide range of goods and services. Cafes and restaurants, convenience shops and personal service establishments should be encouraged. There should be a number of uses that are varied, small, and highly visible. "Storefront" designs, with large expanses of glass, prominent entrances, display lighting and small-scale signs are important in establishing an ambience that is conducive to transit users; and

WHEREAS, the area around an HCT station has the potential of evolving into an area characterized by pedestrian amenities and connections and a concentrated mix of commercial, residential and office uses. Not only should there be a concentration of economic activities, but there should be public spaces and uses as well. It is important to establish the character and level of quality prior to the initial phases of development, in order to advance the design and development of these areas and to prevent an uncoordinated "patchwork" development pattern. The City may also consider entry into a series of public/private agreements to promote such economic development and public uses; and

WHEREAS, for a City Center to be lively and appealing, and to produce return investment, it must offer safe, convenient and attractive places for people who move on foot. While vehicles need to have access and ability to circulate and park, the pedestrian, although often neglected in the built environment, is key to a viable City Center. Therefore, it is necessary to pay at least the same amount of attention to pedestrians as to drivers in planning, designing and developing streets, pathways, open spaces, and buildings. If a City Center is not oriented to pedestrians, it will be lifeless, intimidating and even hazardous; and

WHEREAS, public space may be in the form of streets, large parks, small parks, plazas, courtyards, gardens, and walkways. A City Center should provide all of these choices. Some may be developed by the City or other agencies, while some may be privately provided. It is important that public spaces be provided throughout the City Center area and in association with each major development project so that, eventually, there can be a wide variety of types and sizes throughout the City Center; and

WHEREAS, the City Center should not be seen as an isolated, free-standing area of the community. It should provide for linkages between and among individual parcels and it should be linked to the neighborhoods surrounding it. Such linkages can be enhanced by a street grid or interconnections, and by transit. A principal means of linkage should be through sidewalks, walkways and other pedestrian corridors. These may be developed as a part of public streets and open space, or by easements and improvements on private property; and

WHEREAS, the City Center should be designated to accommodate residents, employees, and visitors in a mix of uses and structures. Moderate and high density residential uses are appropriate within the Center. Residents, employees, and visitors should be able to walk or ride mass transit to work and to take advantage of activities within the Center; and

WHEREAS, development within the City Center will likely require parking availability in the form of parking structures. While some of this may be underground, multi-story garages may also be expected. It will be necessary to ensure that these structures, which may have large floor areas and heights, contribute positively to the image of the City Center. Innovative and quality architectural design solutions should be encouraged. In addition, while parking structures require lighting for reasons of safety and security, such lighting should be directed and shielded so as to not create glare or intrude upon adjacent residential communities; and

WHEREAS, ensuring high quality design is a very difficult thing to do through land use regulations alone. Regulations address quantities and dimensions but qualitative criteria are harder to codify. Design guidelines can be used, but they require a standardized method of application and enforcement. Typically this takes place through some form of design review. A potentially better type of review is administrative, so that the review process can be more collaborative and less time-consuming. Within the City Center, buildings should interact with one another and with the network of public streets, sidewalks, and open spaces. There must be proper concern for the effect of each building on its surroundings. For many years the City Center will be in a state of flux, with some properties being under construction while others remain in their current condition. This will, almost unavoidably, produce sharp contrasts. Because of the City's long-term vision, it will be necessary to set in motion a number of new directions for configuring development while living with some degree of discontinuity and awkwardness; and

WHEREAS, while the height and bulk of structures in a City Center are important factors in the scale of development, there are other qualities that should be addressed when permitting construction of new buildings. Specifically, these have to do with the proportions and details of building facades. The facades should include a number of features, such as cornice lines, stepbacks, terraces, overhangs, projecting bays, offsets and other devices that create shadow lines and articulation. In addition, the degree of detail on lower floors should be much more refined than is necessary for the upper portions of buildings. Visible window frames and richer colors and materials should be provided where they can be appreciated by people on foot; and

WHEREAS, in many major development projects there has been a tendency to produce isolated, inward-oriented buildings that are isolated from their surroundings and are directed to interior, privately controlled spaces. The City must ensure that development within the City Center balances its orientation between the private and public realm. More attention should be paid to the solid-to-void ratio of facades; for example, and architectural designs should provide more windows and openings as opposed to solid, plain walls. Another important feature of building orientation is that entrances should be readily identifiable and accessible from a public sidewalk, or other pedestrian walkway; and

WHEREAS, multi-family development is a driver of the commercial uses that will give the City Center a pedestrian-friendly character, and hotel/motel businesses should be located in commercial rather than residential zones; and

WHEREAS, single-family areas can be protected from the impacts of higher intensity multi-family and commercial land uses by the use of development standards and land uses that provide for gradual transition of building height, setbacks, land use intensities, and new housing types, including townhouses; and

WHEREAS, the City's existing comprehensive plan and development regulations, at Section 15.13.110, provide for an Urban Center and special development standards. However, despite testimony to the contrary, the City Council finds that the said standards are inadequate to address the foregoing concerns and needs; and

WHEREAS, the RTA adopted on November 18, 1999 a Locally Preferred Alternative for the central light rail transit line and stations within the City that includes two stations serving the City Center area and connecting to Seattle-Tacoma International Airport; and

WHEREAS, Interim City Center Standards were adopted by Ordinance No. 98-1019 on May 19, 1998 and continued by subsequent resolutions up to and including Resolution 99-026, for that portion of the Urban Center designated as the "City Center", to permit time for the formulation of special standards for development within the City Center; and

WHEREAS, notices were published, public participation was obtained, comments were received, and public hearings held during the course of formulating the special standards; and

WHEREAS, a formal City Center Study has recommended adoption of special standards applicable to the development of the City Center, and

WHEREAS, the requirements of the State Environmental Policy Act (SEPA) have been satisfied through issuance of a Determination of Non-Significance on November 12, 1999, and

WHEREAS, all of the foregoing recitals are deemed by the City Council to be findings of fact; and

WHEREAS, five copies of these proposed development regulations were filed with the 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 Introductory Section of Chapter 15.11 of the SeaTac Municipal Code is hereby amended to read as follows:

Sections:

15.11.080 Urban High Density Zone (UH)

15.11.090 Neighborhood Business Zone (NB)

95. Office/Commercial Medium Zone (O/CM)

15.11.097 Office/Commercial/Mixed Use Zone (O/C/MU)

15.11.100 Community Business Zone (CB)

15.11.110 Aviation Business Center Zone (ABC)

15.11.115 Business Park Zone (BP)

15.11.130 Industrial Zone (I)

15.11.135 Mobile Home Park Zone (MHP)

15.11.140 Zoning Map and Boundaries

Section 2. Section 15.1.010 of the SeaTac Municipal Code is hereby amended to read as follows:

Zones and Map Designations – Established

In order to accomplish the purposes of the code, the following zone classifications and zoning map symbols are established:

Zone Map Symbol

Park P

Airport Use AU

Aviation Commercial AVC

Aviation Operations AVO

Urban Low Density UL

Urban Medium Density UM

Townhouse T

Urban High Density UH

Neighborhood Business NB

Community Business CB

Office/Commercial Medium O/CM

Office/Commercial/Mixed Use O/C/MU

Aviation Business Center ABC

Business Park BP

Industrial I

Mobile Home Park MHP

Section 3. A new Section 15.11.075 is hereby added to the SeaTac Municipal Code to read as follows:

15.11.075 Townhouse Zone (T)

The purpose of this zone is to create a medium density residential environment for the City Center that functions as a buffer between adjacent single family areas and more intensely developed higher density residential or commercial/mixed use areas in the City Center. This is accomplished by applying design standards that result in a building type that has some single family characteristics, while allowing medium residential densities that will support transit ridership; and allowing some commercial uses in the mixed use context.

Section 4. A new Section 15.11.097 is hereby added to the SeaTac Municipal Code to read as follows:

15.11.097 Office/Commercial/Mixed Use Zone (O/C/MU)

The purpose of this zone is to create a commercial mixed use medium density designation that is more resident-oriented and less intense than the O/CM zone. This is accomplished by excluding larger scale commercial uses, and requiring that most retail and commercial uses be allowed only in the mixed use context.

Section 5.Chapter 15.12, Zone Classification Use Chart, of the SeaTac Municipal Code is hereby amended to incorporate the O/C/MU and Townhouse Zone uses as listed in Exhibit A.

Section 6. Section 15.13.010 of the SeaTac Municipal Code is hereby amended to read as follows:

Standards Chart

The zone classifications as set forth in this chart have minimum setbacks, lot size, lot area and lot coverage that is related to each classification. The minimum lot areas for properties under the UL, UM or UH zone categories apply to the specific zone that is indicated on the Official Zoning Map by a suffix (for example, the minimum lot area is fifteen thousand (15,000) square feet for a UL-15,000 zone classification and seven thousand two hundred (7,200) square feet for a UL-7,200 zoning classification).

Zone	Minimum Lot Area (Sq. Ft.)	Front Yard Setback		Minimum Side Yard Setback	Minimum Rear Yard Setback	Building Lot Coverage	Maximum Structure Height	Minimum Lot Width
		Minimum	Maximum					
P	N/A	-	-	10´	10´	N/A	N/A	N/A
AU	N/A	-	-	5´	5´	85% (7)	75´ (10)	N/A
MHP	3 Acres	-	-	5´	5´	N/A	N/A	N/A
UL	15,000 9,600 7,200 5,000 (SDO)	-	-	5´ (3)	15´ (3)	35% (2)	30´	60´

UM	3,600/2,400	20´		5´ (3) (16)	15´ (3) 0 (16)	45% (2)	40´ (15)	N/A
UH	1,800/900 UCR	10´ (9)	10´ (9)	5´	5´	75%/90% (2)(11)	55´ (8)	N/A
NB	N/A	10´	-	5´	5´	65%	35´	N/A
CB	N/A	0´/10´ (9)	10´ (9)	-	-	75% (2)	FAA/UFC STDS. (1)	N/A
ABC	N/A	-	-	-	-	75%, 85% (2)	FAA/UFC STDS. (1)	N/A
BP	5 acres (12)	10´	-	5´	5´	75% (2)(5)	75´	N/A
O/CM Restricted O/CM	N/A N/A	0´ (9) 0' (17)	10´(9) 10' (9)	5´ 5'	5´ 5'	75% (2) 65%	45´ (6) 35'(18)/45'	N/A N/A
O/C/MU	N/A	0' (17)	10' (9)	5'	5'	65%	35'(18)/45'	N/A
Townhouse	12-24 d.u./acre in City Center(14) 12-16 d.u./acre outside City Center (14)	0'/10' in City Center (16) - 15' outside of City Center		0´/5´(16)	0´/10 (16)´	55%	35´ (15)	180' frontage along primary street
I	N/A	10´	-	5´	5´	85% (2)	75´	

1. Limited by FAA height limits and Uniform Fire Code.
2. See Residential/Commercial Density Incentives (Chapter 15.24 SMC).
3. Five (5) foot setback for accessory structures in the UM-2,400, UM-3,600, UL-5,000, UL-7,200 and UL-9,600 zones. Fifteen (15) foot setback in the UL-15,000 zone.
4. See SMC 15.13.110 or 15.13.111 for additional development standards.
5. This standard applies to the maximum total impervious surface coverage of a site, and not to building lot coverage.
6. If density incentives and bonuses are granted by the City, a maximum height of up to that permitted by the FAA and the Uniform Fire Code may be allowed.
7. Eighty-five percent (85%) on property owned by the Port of Seattle only, thirty-five percent (35%) on all other properties.
8. Except that UH-UCR zones shall be governed by the FAA/UFC standards.
9. Except within the City Center, properties zoned UH-UCR, CB-C, OC/M and O/C/MU shall have zero (0) foot minimum and ten (10) foot maximum setbacks applied. Within the City Center as specified in SMC 15.35.030, properties zoned UH-UCR, CB-C and, O/CM and O/C/MU shall have twenty (20) foot maximum setbacks adjacent to International Boulevard, and ten (10) foot maximum setbacks adjacent to all other public or private City Center streets. Properties zoned UH-900, UH-1800, and CB shall have a ten (10) foot minimum setback applied, with no maximum setback. See SMC 15.13.110 for additional development standards, except within the City Center, in which Chapter 15.35 SMC shall apply.
10. Except that FAA/UFC standards shall govern the height of the airport terminal building, the airport terminal's main parking garage, and any building immediately adjacent to and east of the airport terminal's main parking garage.
11. Ninety percent (90%) building lot coverage standard applies to only properties zoned UH-UCR.
12. See SMC 15.13.111(E) for lot size waiver requirements.
13. See SMC 15.31.040 for setback standards specific to wireless telecommunications facilities.
14. Up to 30% increase in base density allowed with the incentives identified in SMC 15.35.730.
15. Up to forty feet (40´) as specified in SMC 15.35.730.
16. May be zero lot line with approved design providing property in not immediately adjacent to a UL zone.
17. 10' foot setback if adjacent to a UL zone.
18. Applies to properties within the City Center Area as specified in SMC 15.35.030 wWithin 1060 feet of a UL or UM zone.

(SDO) Special District Overlay

Section 7. Section 15.14.060 of the SeaTac Municipal Code is hereby amended to include the following:

15.14.060 Landscaping Standards for Residential, Accessory, Recreational/Cultural Uses

USE #	LAND USE	STREET FRONTAGE (Type/Width)	BUILDING FACADE IF > 30 FT. HIGH OR 50 FT. WIDE (Type/Width)	SIDE/REAR YARDS (Type/Width)	SIDE/REAR BUFFER FOR NON-COMPATIBLE USES (Type/Width)	PARKING LOT LANDSCAPE STANDARDS APPLICABLE*
	RESIDENTIAL USES					
001	Single-Family	-	-	-	-	-
001A	Single-Family Attached Dwelling Unit	-	-	-	-	-
002	Duplex	-	-	-	-	-
003	Townhouses	~~II~~ III/20 ft.	IV/5 ft.	III/10 ft.	II/15 ft.	Yes (over 3 units)
004	Multifamily	II/20 ft.	IV/5 ft.	III/5 ft.	I/15 ft.	Yes
005	Senior Citizen Multi	II/20 ft.	IV/5 ft.	III/5 ft.	I/15 ft.	Yes
006	Manufactured Home	-	-	-	-	-
006A	Mobile Home	-	-	-	-	-
007	Bed and Breakfast/Guesthouse	-	-	-	-	-
008	Community Residentail Facility I	-	-	-	-	-
008a	Community Residentail Facility II	II/20 ft.	IV/5 ft.	III/5 ft.	I/15 ft.	Yes
008b	Halfway House	II/20 ft.	IV/5 ft.	II/10 ft.	I/20 ft.	Yes
009	Overnight Shelter	II/20 ft.	IV/5 ft.	II/20 ft.	I/20 ft.	Yes
010	Convalescent Center/Nursing Home	II/20 ft.	IV/5 ft.	II/15 ft.	-	Yes
011	Mobile Home Park	II/20 ft.	-	I/20 ft.	-	-
012	Hotel/Motel and Associated Uses	II/10 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (SF)	Yes
013	College Dormitory	IV/10 ft.	-	IV/5 ft.	II/10 ft.	Yes
	ACCESSORY USES					-
018	Home Occupation	-	-	-	-	-
019	Shed/Garage	-	-	-	-	-
	RECREATIONAL/CULTURAL USES					
022	Community Center	II/10 ft.	-	-	-	Yes
023	Golf Course	-	-	-	-	Yes
024	Theater	II/20 ft.	-	I/5 ft.	I/20 ft. (SF)	Yes
025	Drive-In Theater	IV/20 ft.	-	I/5 ft.	I/20 ft. (SF)	Yes
026	Stadium/Arena	IV/20 ft.	III/5 ft.	II/5 ft.	I/20 ft. (SF)	Yes
027	Amusement Park	IV/20 ft.	III/5 ft.	II/5 ft.	I/20 ft. (SF)	Yes
028	Library	IV/10 ft.	-	II/5 ft.	-	Yes
029	Museum	IV/10 ft.	-	II/10 ft.	-	Yes
030	Conference/ Convention Center	IV/10 ft.	IV/5 ft.	I/5 ft.	I/20 ft. (SF)	Yes
031	Cemetery	IV/20 ft.	-	-	-	-
032	Private/Public Stable	-	-	-	-	-
033	Park	-	-	-	-	-
034	Church	IV/10 ft.	-	-	I/10 ft.	Yes
035	Church Accessory	IV/10 ft.	-	-	I/10 ft.	Yes
036	Recreational Center	IV/10 ft.	IV/5 ft.	IV/5 ft.	II/10 ft.	Yes
036.5	Health Club	IV/10 ft.	IV/5 ft.	III/5 ft.	I/10 ft.	Yes
037	Arcade (Games/Food)	IV/10 ft.	-	IV/5 ft.	II/10 ft.	Yes

* See SMC 15.14.090.

(SF) Adjacent to single-family uses for buffering purposes.

Section 8. Chapter 15.35 to Title 15 of the SeaTac Municipal Code is hereby amended to read as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 9. The Department of Planning and Community Development is hereby directed to prepare

necessary non-substantive editorial and technical edits to codify the amendments incorporated herein.

Section 10. The City Clerk is directed to transmit a complete and accurate copy this Ordinance, as adopted, to the Department of Community, Trade and Economic 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 11. This ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 14th day of December, 1999, and signed in authentication thereof on this 14th day of December, 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: January 13, 2000]

Exhibit A

Special Standards for the City Center

ORDINANCE NO. 99-1051

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the Official Zoning Map for areas within the City Center.

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, the City of SeaTac is required to develop and adopt development regulations which are consistent with and implement the adopted Comprehensive Plan and applicable subarea plans; and

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, development regulations include the Official Zoning Map; and

WHEREAS, the comprehensive plan encourages the creation of a "town center," or "central business district", within the Urban Center's boundaries, which is referred to herein as the "City Center"; and

WHEREAS, most cities in Washington have a recognizable downtown or city center, which typically serves as a focal point within each city, and provides a sense of community identity and civic pride. They may include retail and commercial establishments, parking facilities, condominiums and multi-family housing, government buildings, parks, open spaces, and provisions for vehicular and pedestrian circulation. A City Center may be smaller in size than an "urban center". A City Center area, however, often is the focal point of the larger Urban Center; and

WHEREAS, even though it is a relatively built-up city, SeaTac does not have a distinct and identifiable City Center. This is due, in part, to the fact that this is a new city. Much of its built-up land area was developed in response to the presence of the Seattle-Tacoma International Airport and the major arterial now known as International Boulevard, and before a comprehensive land use plan was in place. As the City grows and evolves, it would be a positive step to have the creation of a City Center occur as well; and

WHEREAS, in order for the City Center area of the City's Urban Center to evolve into a true town center or central business district, as contemplated by the City's comprehensive plan, it will be necessary to produce a number of fundamental changes in its form and appearance. Developers, whether private or public, choose to invest in an area when they are confident that the level of quality and economic return of their projects will be matched and reinforced by other projects. It is, therefore, appropriate to encourage a uniformly high level of quality and compatibility, which, in turn, will act as a catalyst for further development and improvement by the private sector; and

WHEREAS, a City Center would be promoted by adoption of policies for mixed land uses, densities and concentration, pedestrian amenities and connections, relationships to transit systems, urban design qualities, relationship to surroundings, perimeter and internal circulation and parking, Automated People Mover/Van circulation, and relocation of low intensity, auto oriented uses; and

WHEREAS, the City Center should be designated to accommodate residents, employees, and visitors in a mix of uses and structures. Moderate and high density residential uses are appropriate within the Center, particularly in mixed use development in close proximity to transit services such that residents, employees, and visitors should be able to walk or ride mass transit to work and to take advantage of activities within the Center; and

WHEREAS, multi-family development is a driver of the commercial uses that will give the City Center a pedestrian-friendly character, and hotel/motel businesses should be located in commercial rather than residential zones; and

WHEREAS, single-family areas can be protected from the impacts of higher intensity multi-family and commercial land uses by the use of development standards and land uses that provide for gradual transition of building height, setbacks, land use intensities, and new housing types, including townhouses; and

WHEREAS, notices were published, public participation was obtained, comments were received, and public hearings held during the course of formulating the special standards; and

WHEREAS, a formal City Center Study has recommended that the zoning of specific properties within the City Center area be amended to conform with the subarea plan for the City Center (City Center Plan), which is to be adopted December 14, 1999, and

WHEREAS, City Center Plan supports future land uses and zoning for specific properties which change the zoning designation of said properties; and

WHEREAS, the requirements of the State Environmental Policy Act (SEPA) have been satisfied through issuance of a Determination of Non-Significance on November 12, 1999, File No. SEP0029-99, and

WHEREAS, following consideration of comments received at the Public Hearing of December 7, 1999, the proposed zoning amendment of the property at 17840 32nd Ave. S. (Ponderosa Apartments) has been withdrawn from consideration at this time; and

WHEREAS, following consideration of comments received at the Public Hearing of December 7, 1999, the proposed zoning of parcels 342304012 and 3423049324 (Colacurcio) has been revised to limit the land uses subject to conditions as shown in Exhibit B; and

WHEREAS, the zoning of the properties as shown in Exhibit A would implement the Comprehensive Plan and City Center Plan; and

WHEREAS, all of the foregoing recitals are deemed by the City Council to be findings of fact; and

WHEREAS, five copies of these proposed development regulations were filed with the 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 Official Zoning Map of the SeaTac Municipal Code , as authorized by Section 15.11.140, is hereby amended as set forth on Exhibit A hereto.

Section 2. The City Clerk is directed to transmit a complete and accurate copy this Ordinance, as adopted, to the Department of Community, Trade and Economic 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 3. This ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 14th day of December , 1999, and signed in authentication thereof on this 14th day of December , 1999.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: January 13, 2000]

Exhibit A

Maps

Exhibit B

Property-Specific Conditions

Map #7: Colacurcio

Under Development.