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ORDINANCE NO. 98-1001

An ORDINANCE of the City Council of the City of SeaTac, Washington, amending one section and adding two sections to the Zoning Code in regard to aviation uses, and adding a new Chapter 15.25 to the SeaTac Municipal Code, and amending Official Zoning Map.

WHEREAS, Ordinance No. 97-1025, adopted December 9, 1997, amends the City Comprehensive Plan, pursuant to the requirements of the Washington State Growth Management Act, to be consistent with the region's Metropolitan Transportation Plan ("MTP"); and

WHEREAS, the Port of Seattle ("Port") is a municipal corporation that owns and operates Seattle-Tacoma International Airport ("Airport"), which is substantially located within City limits; and

WHEREAS, the third runway has been incorporated into the MTP adopted by the Puget Sound Regional Council; and

WHEREAS, the Port adopted a Master Plan update including a third Airport runway on August 1, 1996 by Resolution 3212 (as amended) ("Port Master Plan") to implement the MTP; and

WHEREAS, the City Comprehensive Plan recognizes that an Airport is an essential public facility pursuant to [RCW 36.70A.200](#), and further recognizes its importance to the City as well as to the region; and

WHEREAS, the Interlocal Agreement dated September 4, 1997 ("ILA"), adopted by the Port and the City, contains appropriate provisions for development, mitigation and operation of the Port Master Plan improvements, and includes provisions for project-specific review of Port Master Plan improvements; and

WHEREAS, the City Zoning Map must be amended to implement the Comprehensive Plan's 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 Municipal Code must be amended to implement the Comprehensive Plan, as amended; and

WHEREAS, the environmental impacts of the proposed amendments have been assessed in the Final Supplemental Environmental Impact Statement for the City Of SeaTac Comprehensive Plan Amendments and Zoning Changes published November 26, 1997; and

WHEREAS, after a public hearing to consider proposed amendments to the Municipal Code, the Planning Commission made no recommendation to the City Council regarding adoption of the proposed amendments,

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 hereto.

Section 2. Section 15.11.010 of the SeaTac Municipal Code is hereby amended to read as follows:

15.11.010 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
<u>Aviation Commercial</u>	<u>AVC</u>
<u>Aviation Operations</u>	<u>AVO</u>
Urban Low Density	UL
Urban Medium Density	UM
Urban High Density	UH
Neighborhood Business	NB
Community Business	CB
Office/Commercial Medium	O/CM
Aviation Business Center	ABC
Business Park	BP
Industrial	I
Mobile Home Park	MHP

Section 3. There is hereby added a new Section 15.11.045 of the SeaTac Municipal Code to read as follows:

15.11.045 Aviation Commercial (AVC)

The purpose of this designation is to create a zone for development that provides support to operations of the airport, the traveling public, and air cargo, and for other development that provides economic benefit to the Airport and community while maintaining compatibility with airport operations and activities.

Section 4. There is hereby added a new Section 15.11.055 of the SeaTac Municipal Code to read as follows:

15.11.055 Aviation Operations (AVO)

The purpose of this designation is to create a zone for development of the range of facilities that provide for safe and efficient commercial operations and support, together with security, access, the needs and convenience of the traveling public, and handling of air cargo.

Section 5. There is hereby added a new Chapter 15.25 to Title 15 of the SeaTac Municipal Code to read as follows:

CHAPTER 15.25 ZONING AND DEVELOPMENT STANDARDS FOR THE AVO AND AVC AIRPORT ZONES

15.25.01 Purpose.

The purpose of this Chapter is to coordinate the City's zoning with the Port of Seattle's Master Plan for the Seattle-Tacoma International Airport; to implement the Interlocal Agreement (ILA) between the Port of Seattle and the City of SeaTac, dated September 4, 1997; to establish a mutual and cooperative system for exercising their respective statutory authorities; and to standardize the uses and development standards for property along the perimeter of the Airport.

15.25.02 Authority and Application.

A. The provisions of this chapter shall apply to:

All properties within the City of SeaTac owned or proposed to be owned by the Port of Seattle under the Airport Master Plan (updated August 1, 1996), and related to either "Aviation Operations" or "Aviation Commercial" uses, as specified in the ILA.

B. Port of Seattle development standards as referenced by the term "Port standards apply" are those contained in the

Port of Seattle's Regulations for Airport Construction (RAC), 1996 Edition. City of SeaTac development standards are those contained in the SeaTac Municipal Code as of April 30, 1997.

15.25.03 Administration.

A. The City shall administer this Chapter consistent with the terms of the ILA and other City ordinances. For non-Port owned property covered by this Chapter, the City shall have authority to hold public hearings and make recommendations and decisions on development proposals.

B. The Port of Seattle shall have the authority to hold public hearings and make recommendations and decisions on development proposals and appeals for proposed uses on Port-owned property, subject to the provisions of the ILA. The City's Zone Classification Use Chart implements the agreed land uses that are set forth in ILA Attachment A-2.

15.25.04 Interpretation.

A. Where changes are proposed to, or uncertainties exist as to the location of zone boundaries or other provisions of this Chapter, the procedures contained in the ILA regarding Joint Consultation and/or Dispute Resolution shall apply.

B. For proposed developments that are not listed as "Permitted" in the Zone Classification Use Charts of this Chapter, the provisions of SMC Title 15 shall apply, except as otherwise stated in the ILA.

15.25.05 Public Notice.

A. Except as specified in Section 2.3.1.2 of the ILA, proposed uses that are specifically listed as "Permitted" in the Zone Classification Use Charts of this Chapter shall be subject to Port requirements for public notice and exempt from other requirements for public notice otherwise contained in the SeaTac Municipal Code.

B. The Port shall provide a "Project Notice" to the City for each proposed action by the Port using the format set forth in the ILA, Attachment A3 (including a full description of compliance with pre-approved development standards). Such notice shall be sent as early as possible, in any event no later than the Port's preparation of a SEPA checklist for the project or the Port's determination the action is not covered by SEPA (e.g., categorical exemption).

15.25.06 Rezoning.

Except as specified in the Interlocal Agreement (ILA), the proposed rezoning of property under this Chapter shall be subject to the provisions of SMC Chapter 15.

15.25.07 Definitions.

(Reserved for definitions of permitted Airport land uses, as listed in the Zone Classification Use Chart.)

15.25.08 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
Aviation Operations	AVO
Aviation Commercial	AVC

A. Aviation Operations (AVO)

The purpose of this zoning designation is to provide for safe and efficient commercial aviation operations and support, together with security, access, the needs and convenience of the traveling public, and the handling of air cargo. Note:

those properties in the Aviation Operations zone that were formerly designated "Business Park" as indicated on map Attachment A-6 of the ILA are subject to certain development standards as provided for in Attachment A-4 of the ILA.

B. Aviation Commercial (AVC)

The purpose of this zoning designation is to allow for development that provides support to operations of the airport, the traveling public, and air cargo, and for other development that provides economic benefit to the Airport and the City of SeaTac while maintaining compatibility with Airport operations and activities. Note: those properties in the Aviation Commercial zone that were formerly designated "Business Park" as indicated on map Attachment A-6 of the ILA are subject to certain development standards as provided for in Attachment A-4 of the ILA.

15.25.09 Zone Classification Use Chart.

If this chart does not specify that a proposed land use is permitted, then the proposed land use shall be considered a prohibited land use within the Airport zones. This chart may be amended in accordance with the provisions of the ILA.

	LAND USE	ZONE CLASSIFICATION	
		AVO	AVC
		PERMITTED PRINCIPAL USES	
1A	Runways, Taxiways, & Safety Areas	P	
2A	Aircraft Ramp & Parking Areas	P	
3A	Airfield Lighting	P	
4A	Aviation Navigation, Communication & Landing Aids For Airport And Aircraft Operations	P	P
5A	Airfield Control Towers & FAA Air Traffic Control Facilities	P	
6A	Meteorological Equipment	P	P
7A*	Communications Equipment	P	P
8A	Designated Airfield Safety Areas, Clear Zones & Runway Protection Zones	P	P
9A	Aircraft Runup Areas	P	
10A	Airport Access Roadways And Public Transportation Facilities	P	P
11A	Airfield Infrastructure & Utilities Serving Uses Permitted In Zone	P	P
12A	Infrastructure and Utilities Serving Other Zones Or Areas	P	P
13A	Aircraft Fueling Systems	P	
14A	Airfield Crash/Fire/Rescue (ARFF) Facilities, Including Staff Quarters & Offices	P	
15A	Other Aviation Activities Or Facilities Whose Location Is Fixed By Function By FAA Requirements	P	P
16A	Passenger Terminal Facilities	P(1)	
17A*	Hotel Facilities	P(2)	P(3)
18A*	Parking For Public And Employees	P	P
19A	Access, Parking, Transfer & Holding Areas, Intermodal Connections For Public Transit, High Capacity Transit, Buses, Taxis, Shuttles, And Other Forms Of Transportation	P	P
20A*	Passenger Vehicle Rental, Including Parking, Service And Preparation, And Customer Facilities	P	P
21A	Air Cargo Aircraft Loading And Unloading	P	
22A	Air Cargo Warehousing And Customer Service Facilities	P	P
23A	Flight Kitchens	P	P
24A*	Offices And Work & Storage Areas For Airline & Aviation Support	P	P
25A*	Facilities For The Maintenance Of Aircraft	P	0
26A	Facilities For The Maintenance Of Airline & Airfield Equipment	P	P(4)

27A	Facilities For The Maintenance Of Airport & Airfield facilities	P	P(4)
28A*	Heavy Equipment Maintenance	P	
29A	Heavy Equipment Parking And Storage	P	
30A	Parking And Storage For Airline And Airfield Ground Service Equipment (GSE), Excluding The Parking And Storage Of Heavy Equipment		P
31A*	Conference Facilities		P
32A	Wholesale Sales And Distribution Facilities		P
33A	Retail Sales And Distribution Facilities		P
34A*	Warehousing And Distribution Facilities		P(5)
35A*	Manufacturing: Furniture/Fixtures		P(6)
36A*	Biomedical Product Facility		P(6)
37A*	Manufacturing: Computer/Office Equipment		P(6)
38A*	Manufacturing: Electronic Assembly		P(6)
39A*	Manufacturing: Aerospace Equipment		P(6)
40A*	Misc. Light Manufacturing		P(6)
41A*	Self-service Storage		P(6)
42A*	Public parks, trails or viewpoints	P(7)	P(7)
	ACCESSORY USES		
43A	Airfield Service Roads And Access Improvements	P	P
44A	Airfield Security Facilities Such As Fencing, Gates, And Guard Stations	P	P
45A	Parking And Storage For Airline And Airfield Ground Service Equipment (GSE)	P	
46A	Inter-/Intra Terminal Transfer Facilities For People, Baggage, & Cargo	P	P
47A	Office And Staff Facilities To Serve Permitted Uses	P	P
48A	Employee Support Facilities Such as Cafeterias, Locker Rooms, Rest Areas, Restrooms And Exercise Areas	P	P
49A*	Temporary On-Site Hazardous Waste Treatment and Storage Facility	P	

* Designates a use that is not exclusive to the AVO and AVC zones

1. Including accessory uses approved in the ILA.
2. Limited to hotel facilities immediately adjacent and providing direct physical access to Passenger Terminal Facilities.
3. Hotel convention facilities are an allowed associated use.
4. Excluding maintenance of heavy equipment (e.g. fuel tanks, runway snowplows)
5. Excluding Truck Terminals.
6. Provided that the use conforms with the requirements of Section 15.13.111A of the SMC.
7. The following special conditions shall apply to any AVO and AVC zone areas which are designated for public access parks, trails, or viewpoints:
 - o Public access or recreational uses shall be limited as necessary to assure compatibility with airport and aviation activities. If use of Port-owned property by the public for access and recreation is permitted, it shall be considered compatible with airport operations, including noise and other impacts, and shall not establish a recreation use or other public activity under the U.S. Department of Transportation 4(f) provisions.
 - o Public use and access shall be generally of low intensity. Density guidelines for numbers of people may be established by the Port and FAA, with input from the public and City of SeaTac.
 - o Public use and access shall be subject to the requirements and needs of airport and aviation activities, including security, as determined by the Port and/or the FAA.

15.25.10 AVO/AVC Zone Classification Standards

Development standards not addressed in this Chapter shall conform to the Port of Seattle's Regulations for Airport Construction (RAC).

15.25.11 Setback Standards.

Port standards apply, with the following exception:

For properties fronting International Boulevard, the Port shall be required to coordinate development to City setback standards, provided the standards are consistent with the Port's safety and security requirements.

15.25.12 Lot Coverage.

Port standards apply, with the following exception:

For properties within the City's current (1997) Business Park zone, the City's requirements for 25% pervious surface shall apply.

15.25.13 Height Restrictions.

Port standards apply.

15.25.14 Setback Projections.

Port standards apply.

15.25.15 Parking and Circulation.

A. For non-aviation development, such as the Bai Tong Restaurant or the SeaFirst Bank, City parking requirements shall apply.

B. For the Port's existing parking garages and any new parking garages, the Port's parking standards shall apply.

C. For aviation-related development that will not be using the Port's remote employee parking lots, City parking requirements will be applied, except in case where:

1. Work sites have multiple work shifts over a 24-hour period;
2. Where employees have reasonable access to alternative, non-SOV modes as shuttle vans, buses, taxis, HOVs, or walking.

D. When one or both of these conditions exist, the City and Port will meet and decide on parking standards on a case-by-case basis; or

E. For aviation-related development that will use the Port's remote Airport Employee parking lots, the Port's parking requirements will apply.

15.25.16 Signage.

Port standards apply.

15.25.17 Illumination (Light/Glare).

Port standards apply.

15.25.18 Landscape Standards.

A. General Standards

1. Perimeter Landscaping

Port standards apply.

2. Loading Bay Landscaping

Port standards apply.

3. Surface Parking Lot Landscaping

Port standards apply.

4. Service Area Landscaping

Port standards apply.

5. General Landscape Requirements

- a. Deciduous trees shall have a diameter (caliper) of at least (2) inches measured four (4) feet above the ground at the time of planting.
- b. Evergreen (broadleaf or conifer) trees shall be at least eight (8) feet in height measured from treetop to the ground at the time of planting.
- c. Shrubs shall be at least twenty-four (24) inches high or wide at the time of planting and shall be a minimum two (2) gallon rootball size.
- d. Ground covers shall be planted and spaced to result in total coverage of the landscape strip within one (1) year. Ground covers shall be planted at a maximum of twenty-four (24) inches on center or as approved by the City.
- e. If fences, hedges or other architectural designs are used along street frontage, they shall be placed inward of the landscape strip. Openings shall be provided to accommodate pedestrian circulation requirements.
- f. Berms shall not exceed a slope of three horizontal feet to one vertical foot (3:1).

B. Landscape Standards for Aviation Operations-Business Park and Aviation Commercial-Business Park

1. Perimeter Landscaping

- a. Perimeter landscaping shall be located along the property lines of a lot and shall include:
 - i. A minimum twenty (20) foot wide landscape strip adjacent to public rights-of-ways consisting of the following:
 1. A mix of evergreen and deciduous trees and shrubs spaced to create a filtered screen within three years;
 2. At least 50% deciduous trees and at least 30% evergreen trees;
 3. Evergreen trees spaced no more than fifteen (15) feet on center;
 4. Deciduous trees spaced no more than twenty (20) feet on center;
 5. Ground cover.
 - ii. A minimum twenty (20) foot wide landscape strip adjacent to residential zoned properties consisting of the following:
 1. A solid wall of trees and/or a dense hedge with a mix of deciduous and evergreen trees placed to form a continuous screen within three (3) years;
 2. At least 70% evergreen trees;
 3. Evergreen trees spaced no more than fifteen (15) feet on center;
 4. Deciduous trees spaced no more than twenty (20) feet on center;
 5. Evergreen shrubs spaced no more than four (4) feet apart and to achieve a height of six (6) feet within three (3) years;
 6. Ground cover.

2. Loading Bay Landscaping

a. Loading bays shall be fully screened from residential properties or adjacent rights-of-ways using one or a combination of the following methods unless there is conflicting guidance from the FAA or Airport security,:

i. Orient the building design and layout to screen the loading bays from adjacent residential properties and rights-of-way;

ii. Provide twenty (20) feet of Type I landscaping as specified in 15.14.030 between subject property and adjacent residential properties and rights-of-way. Incorporate into the landscape buffer either a minimum six (6) foot high decorative fence or landscaped berm, as approved by the Port of Seattle.

3. Surface Parking Lot Landscaping

a. Surface Parking Lot Landscaping shall provide shade and visual relief, and maintain clear site lines within parking areas. Interior Landscaping within surface parking lots shall be a minimum of 10% of the interior parking lot including parking spaces and drive aisles.

b. Parking area landscaping shall consist of:

i. Canopy type trees or broadleaf evergreen trees, evergreen shrubs and a mix of evergreen and deciduous ground covers planted in wells, raised planters or parking strips;

ii. Shrubs that do not exceed a height of four (4) feet at maturity;

iii. Plantings contained in:

1. planting wells or parking strips having an area of at least seventy-five (75) square feet and with a narrowest inside dimension of at least five (5) feet in width; or
2. planters with a maximum dimension of five (5) feet in length and width;

iv. Planting wells or strips which each contain at least one (1) tree; and

v. Ground cover;

1. Street frontage landscaping can be located in front of or behind the sidewalk.

c) In lieu of the above plantings located within the paved parking areas, landscaping may consist of a landscaped buffer which functions as a visual separator between the parking area and non-airport property. Plant materials within the alternative landscape buffer shall be of the same type, size, number and area as needed to comply with items 2.a. through 2.f. above.

4. Service Area Landscaping

a. Service Area Landscaping provides screening of outdoor storage and dumpster areas, and provides visual relief while maintaining clear sight lines of the Airport Operating Area (AOA) security fence.

b. Service Area Landscaping shall consist of:

i. A "see-through" buffer which functions as a partial visual separator to soften the appearance of loading and service areas. "See-through" buffering is intended for use between public streets and Airport related service areas located adjacent to the AOA security fence.

ii. A mix of canopy type deciduous trees, evergreen trees, broadleaf evergreen trees and shrubs spaced to create a continuous canopy within ten (10) years;

iii. At least seventy percent (70%) deciduous trees;

- iv. Trees spaced no more than twenty-five (25) feet on center;
- v. Shrubs that do not exceed a height of three (3) feet at maturity;
- vi. Berms shall not exceed a slope of three horizontal feet to one vertical foot (3:1);
- vii. Landscaping located a minimum of five (5) feet away from the AOA security fence; and
 - 1. Grass ground covering.

c. Exceptions to Service Area Landscaping:

- i. Airport related uses located within the AOA or where landscaping is restricted by either Federal regulations or the Airport Security Plan; and
- ii. Surface parking areas located within or directly adjacent to the AOA.

5. General Landscape Requirements

- a. Deciduous trees shall have a diameter (caliper) of at least (2) inches measured four (4) feet above the ground at the time of planting.
- b. Evergreen (broadleaf or conifer) trees shall be at least eight (8) feet in height measured from treetop to the ground at the time of planting.
- c. Shrubs shall be at least twenty-four (24) inches high or wide at the time of planting and shall be a minimum two (2) gallon rootball size.
- d. Ground covers shall be planted and spaced to result in total coverage of the landscape strip within one (1) year. Ground covers shall be planted at a maximum of twenty-four (24) inches on center or as approved by the City.
- e. If fences, hedges or other architectural designs are used along street frontage, they shall be placed inward of the landscape strip. Openings shall be provided to accommodate pedestrian circulation requirements.
- f. Berms shall not exceed a slope of three horizontal feet to one vertical foot (3:1).

15.25.19 Design Guidelines.

Port of Seattle design guidelines apply to all development within the AVO and AVC zones, except that City of SeaTac design standards as listed under Section 15.13.111(G) of the Zoning Code shall also apply to all properties formerly designated as "Business Park" as provided for in Attachment A-4 of the ILA.

15.25.20 Environmentally Sensitive Area Standards.

A. The City's Sensitive Areas regulations and standards, as they existed on September 4, 1997, shall apply to Port of Seattle land uses except as noted below. The City's standards and regulations shall be applied or modified in recognition of federal regulations or provisions affecting airports.

B. The following are exempt from the City's Sensitive Area provisions provided that they conform to the mitigation measures set forth in the Port Master Plan Final EIS and Final Supplemental EIS:

- 1. The third runway;
- 2. Miller Creek stream relocation as shown in the Port's Section 404 Corps Permit Application (ILA-Exhibit C, Section 15.2);

3. Port Master Plan projects without an asterisk (*) in Attachment A-1 of the ILA.

Section 6. 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 7. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 13th day of January, 1998 and signed in authentication thereof this 13th day of January, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1002

An ORDINANCE of the City Council of the City of SeaTac, Washington, approving the amendment of portions of the City of SeaTac Zoning Map subject to certain conditions and procedures.

WHEREAS, the Port of Seattle ("Port") is a municipal corporation that owns and operates Seattle-Tacoma International Airport ("Airport"), which is substantially located within City limits; and

WHEREAS, the Port of Seattle adopted a Master Plan update including a third Airport runway on August 1, 1996 by Resolution 3212 (as amended) ("Port Master Plan") to implement the region's Metropolitan Transportation Plan (MTP); and

WHEREAS, the third runway at the Seattle-Tacoma International Airport has been incorporated into the MTP adopted by the Puget Sound Regional Council; and

WHEREAS, Ordinance No. 97-1025, adopted December 9, 1997, amends the City of SeaTac Comprehensive Plan, pursuant to the requirements of the Washington State Growth Management Act, to be consistent with the region's Metropolitan Transportation Plan ("MTP"); and

WHEREAS, concurrent with adoption of this Ordinance, the City Council has amended portions of the City of SeaTac Zoning Map to be consistent with the Comprehensive Plan for specified properties owned by the Port of Seattle; and

WHEREAS, the Port of Seattle has proposed to acquire certain residential and commercial properties for aviation uses and associated construction mitigation, as set forth in the Port adopted Master Plan; and

WHEREAS, it is desirable that such properties remain zoned for their current use and be subject to the current City zoning regulations and administration, until such time as these properties are acquired by the Port of Seattle for the above stated uses; and

WHEREAS, it is desirable for the health and safety of remaining residents on the Westside that conversion to Aviation Operations and Aviation Commercial zoning, and the commencement of associated construction activities, occur in cohesive blocks; and

WHEREAS, the environmental impacts of the proposed amendments have been assessed in the Final Supplemental Environmental Impact Statement for the City Of SeaTac Comprehensive Plan Amendments and Zoning Changes published November 26, 1997; and

WHEREAS, the public, property owners, and adjacent property owners have been notified of the proposed change of zoning; and

WHEREAS, testimony was given at a public hearing to consider proposed amendments to the Zoning Code, and that such testimony included favor for the zoning conversion of privately owned properties to public airport uses only after purchase by the Port of Seattle;

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

Section 1. The Properties depicted on Exhibit B be reclassified to Aviation Commercial and Aviation Operations zones in accordance with Exhibit A, according to the conditions and procedures set forth in Exhibit C.

Section 2. 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 3. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 13th day of January 1998 and signed in authentication thereof this 13th day of January 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

City Attorney

ORDINANCE NO. 98-1003

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, 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 previously enacted Ordinance No. 94-1015 and various amendments thereto establishing a salary pay plan ; 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. **SALARY RANGES:** The salary ranges for the various positions of the non-represented employees of the City shall be increased by the amount of 3.33 percent over the current level to reflect the COLA for 1998, effective January 1, 1998.
2. That the provisions of Ordinance No. 94-1015 and Ordinance 96-1001 and the pay and compensation Ordinances of the City shall remain in full force and effect except as inconsistent herewith.
3. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary as required by law.

ADOPTED this 13th day of January, 1998, and signed in authentication thereof on this 13th day of January, 1998.

CITY OF SEATAC
Terry Anderson, Mayor

ATTEST:
Judith L. Cary, City Clerk

Approved as to Form:
Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1004

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending provisions of certain sections of Chapter 13.06 and 13.08 of the SeaTac Municipal Code.

WHEREAS, Section 13.06.030 of the SeaTac Municipal Code provides a definition for the term "grade" and "level" that are not relevant and conflict with other adopted definitions and;

WHEREAS, the Uniform Building Code does not clearly require reinforcement steel in residential foundations but it is the industry standard and the expectation of the public that reinforcement steel be installed in residential foundations and;

WHEREAS, The mechanical permit fees provided in Section 13.08.030 regarding residential remodels, are unnecessarily complicated and;

WHEREAS, the City Council finds that the amendments, additions and deletions to certain sections of Chapter 13.06 and 13.08 of the SeaTac Municipal set forth herein are now necessary and appropriate;

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

Section 1. Section 13.06.030 of the SeaTac Municipal Code is hereby amended to read as follows:

13.06.030 Permit fees adopted.

A. Table 1-A of the 1994 Edition of the Uniform Building Code is not adopted and the table of fees set forth at Appendix A to this chapter is hereby adopted, and all references to Table 1-A within the said Uniform Building Code shall be deemed to be references to Appendix A, subject to the following:

~~A.~~ 1. Appendix A shall apply to permits for the installation of underground fuel storage tanks, fuel tank piping and vapor extraction systems. In addition to the permit fee, a plan review fee of 65% of the permit fee shall be required.

~~B.~~ 2. The permit fee for the removal of an underground fuel storage tank (UST) system, other than a farm or residential UST of capacity less than 1,100 gallons, shall be \$250.00 for the first tank and \$100.00 for each additional tank if inspected at the same time.

~~C.~~ 3. The permit fee for installing a moved residential structure, including new or relocated manufactured homes and mobile homes, onto a new site shall be \$250.00, which will include plan review.

4. The permit fee for the re-roofing of a residential structure shall be \$45.00.

~~D.~~ 5. For the purpose of determining permit fees, buildings shall be assigned a minimum valuation based upon Table 3C.

~~E.~~ 6. Permits issued under the provisions of this chapter for new single family residential construction, additions, remodels, carports and garages other structures associated with single family uses shall expire one year from the date of issue. A six month extension may be granted by the building official. The fee for renewal, beyond the extension that may be granted, shall be equal to one half the original building permit fee.

~~F.~~ 7. Commercial building permits shall expire two years from the date of issue.

~~G.~~ 8. Other fees, including, but not limited to, plan review, drainage plan review, and inspections, shall be as set forth in the City Schedule of License Fees, Permit Fees, and Other Fees and Charges adopted by Resolution.

B. A new Table 3B, establishing fire sprinkler fees, is added to Chapter 3 of the Uniform Building Code, as follows:

**TABLE 3B
FIRE SPRINKLER PERMIT FEE SCHEDULE**

~~For issuance of each permit \$15.00~~

~~For supplemental permits 5.00~~

SINGLE FAMILY DWELLINGS

~~New, less than 3000 square feet \$160.00~~

~~New, over 3000 square feet \$185.00~~

New single family dwelling \$175.00

Addition to existing system \$110.00

MULTI-FAMILY AND COMMERCIAL

Contract amount:

\$250 or less ~~\$30.00~~ 45.00

251 - 1,000 ~~\$30~~ 45 plus 4% of cost over \$250

1,001 - 5,000 ~~\$60~~ 75 plus 1.5% of cost over \$1,000

5,001 - 50,000 ~~\$120~~ 135 plus 1.4% of cost over \$5,000

50,001 - 250,000 ~~\$750~~ 765 plus 1% of cost over \$50,000

250,001 - 1,000,000 ~~\$2,750~~ 2,765 plus .8% of cost over \$250,000

1,000,001 and up ~~\$8,750~~ 8,765 plus .4% of cost over \$1,000,000

Plan review for fire sprinkler permits shall be computed at 50% of the permit fee as based on the contract amount.

Plan review for revisions or modifications \$50/hr.

Inspection or Plan Review Not Specified Elsewhere \$50/hr.

C. A new Table 3C, establishing minimum valuation for buildings for the purposes of calculating permit fees is established as follows:

**TABLE 3C
BUILDING VALUATION**

The determination of value or valuation under any of the provisions of this code shall be made by the Building Official. For the purposes of determining the Value to be used in computing the building permit fees and building plan review fees, building valuation shall be based on the most recent "Building Valuation Data" as printed in the Building Standards magazine, published by the International Conference of Building Officials, or the contract price, whichever is higher. Valuation for purposes of determining a demolition permit fee shall be based upon the contract price or the fair market value of the demolition work, with a minimum fee of \$150.00. In addition to the regional modifier, the valuation shall be reduced by the following multipliers:

1. Residential additions .70

2. Residential remodels .30

3. Residential decks .20

4. Commercial tenant improvements .30

~~D. Amendment of Section 208 of the 1994 Edition of the Uniform Building Code. The following definition shall replace the existing definition of the term "grade" contained in Section 208 of the Uniform Building Code:~~

~~Grade (adjacent ground elevation) is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 15 feet from the building, between the building and line 15 feet from the building.~~

~~E. Amendment of Section 213 of the 1994 Edition of the Uniform Building Code. The following definition of the term "level" shall be added to Section 213 of the Uniform Building Code:~~

~~Level shall mean the finished floor surface of any story or portion of a story, or the finished floor surface of any basement as defined in the Uniform Building Code.~~

~~F D.~~ Addition to Section 403.7 of the Uniform Building Code. There is hereby added to the 1994 Edition of the Uniform Building Code an additional requirement under Section 403.7 to read as follows:

4. All elevator shafts shall be pressurized with a supply of air from the outdoors to a minimum of 0.15 inch of water column in a fire alarm mode.

~~G E.~~ Amendment of Section 403.1 of the Uniform Building Code. Section 403.1 of the 1994 Edition of the Uniform Building Code is hereby amended to read as follows:

403.1 Scope. This section applies to all Group B office buildings and Group R, Division 1 Occupancies, each having floors used for human occupancy located more than 65 feet above the lowest level of fire department vehicle access. Such buildings shall be of Type 1 or 2 - F.R. construction and shall be provided with an approved automatic sprinkler system in accordance with Section 403.2.

~~H E.~~ Section 904.2.1 of the Uniform Building Code is hereby amended to read as follows:

Section 904.2.1 where required. An automatic fire extinguishing system shall be installed in the occupancies and locations as set forth in this section.

In addition to the requirements of the Uniform Building Code and the Uniform Fire Code, 1994 Editions, there is hereby established a minimum requirement for the installation of fire sprinkler systems. All structures, excluding single family residential buildings, shall have a fire sprinkler system installed, which meets or exceeds all of the parameters contained within this Ordinance, the Uniform Building Code and the Uniform Fire Code when the gross floor area is 6,000 square feet or more. For purposes of determining gross floor area, the installation of area separation walls will not be considered as creating separate buildings. It is provided however that the existing structures are exempt from this provision provided:

- a. There is no increase in floor area or,
- b. The area to be improved does not exceed 50% of the total floor area including mezzanines or,
- c. There is no change of occupancy or use and,
- d. A fire alarm system, meeting all applicable requirements for the occupancy, is installed.

~~F G.~~ Amendment of Section 904.2.8 of the Uniform Building Code. Section 904.2.8 of the Uniform Building Code is

hereby amended to read as follows:

Group R, Division 1 Occupancies. An automatic sprinkler system shall be installed throughout apartment houses three or more levels in height or containing 5 or more dwelling units, in congregate residences three or more stories in height and having an occupant load of 50 or more and in hotels three or more levels in height or containing 10 or more guest rooms. Residential or quick-response standard sprinklers shall be used in the dwelling units and guest room portions of the building. The sprinkler system shall comply with the requirements of Uniform Building Code Standard Numbers 9-1 and 9-3.

J-H. Section 1006.3 of the 1994 Edition of the Uniform Building Code is hereby adopted as contained therein and the amended Section 1006.3 of the Washington State Building Code is not adopted.

I. Section 1806.2 of the 1994 Edition of the Uniform Building Code is hereby amended to read as follows:

Bearing Walls. Bearing walls shall be supported on masonry or concrete foundations or piles or other approved foundation system which shall be of sufficient size to support all loads. Where a design is not provided, the minimum foundation requirements for stud bearing walls shall be as set forth in Table 18-1-D and Table 18-1-E.

EXCEPTIONS:

1. A one-story wood or metal frame building not used for human occupancy and not over 400 square feet (37.2 M2) in floor area may be constructed with walls supported on a wood foundation plate when approved by the building official.

2. The support of buildings by posts embedded in earth shall be designed as specified in Section 1806.7. Wood posts or poles embedded in earth shall be pressure treated with an approved preservative. Steel posts or poles shall be protected as specified in Section 1807.9.

J. A new Table 18-1-E establishing minimum reinforcement requirements for Group R-3 and U-1 foundations as an alternate to an engineered design, is added to Chapter 18 of the Uniform Building Code, as follows:

**Table No. 18-I-E Prescriptive Foundation Design
for Residential R-3 and U-1**

Note: Foundation walls must not be subjected to more than 30 PCF equivalent fluid pressure (well drained soil) nor surcharge

Material Type ⁸	Wall Height ^{2,6}	Min. Wall		Required Reinforcing ³	
		Thickness	Sill Plate Anchorage ^{4,5}	Vertical	Horizontal
Hollow Unit Masonry support at top of by floor system & at bottom by slab ¹ .	4' or less	8"	½" x 10" A.B. at 6" O.C.	#4 @ 4' O.C.	#4 Bond beam @ top, 2-#4 @ footing
	Over 4'	Not allowed unless an engineered design is submitted and approved			
Concrete under wood cripple wall and supported by slab ⁷	3' or less	6"	½" x 10" A.B. at 6" O.C.	#4 @ 18" O.C.	#4 @ top and 2 - #4 at footing
	4' or less	8"	½" x 10" A.B. at 6" O.C.	#4 @ 16" O.C.	#4 @ top and 2 - #4 at footing
	Over 4'	Not allowed unless an engineered design is submitted and approved			
Concrete supported at top by floor system & at bottom by slab ¹ .	9' or less	8"	½" x 10" A.B. at 6" O.C.	#4 @ 16" O.C. ^{4,6}	#4 @ top 16" O.C. and 2 - #4 at footing

Over 9'

Not allowed unless an engineered design is submitted and approved

1. Where there is no slab at bottom of wall as in a crawl space, maximum unbalanced backfill shall be 30" unless an alternate design is approved.
2. The floor diaphragm shall be completed before backfilling or the foundations wall sufficiently braced to prevent damage by the backfill.
3. This table is not intended to prevent temperature and shrinkage cracks. Reinforcing steel shall be placed within the inside half of the wall and not closer than 3/4" clear from the inside face of the wall. Concrete against earth shall be spaced a minimum of 3" from the soil.
4. Solid block first two joist spaces adjacent to anchor bolts where floor joists are parallel to the wall.
5. There shall be a minimum of two (2) anchor bolts per foundation (sill) plate with one bolt located within twelve (12) inches of each end of each foundation (sill) plate. Foundation plates and sills shall be the kind of wood specified in Section 2317.4.
6. Wall height is measured as the vertical distance from the top of the footing to the top of the concrete wall.
7. If the slab is eliminated, a special design is required regardless of the back-fill height.
8. Minimum 4" perforated footing drains are required at all footings. All roof drains must be tight-lined to a public drainage system or an approved on-site system through smooth nonperforated drain-line. The footing drains may connect into the roof drain-line downhill from the last roof drain connection and where the invert elevation of the roof drain-line is 2" lower than the invert of the footing drain. The roof drain-line size must be increased one pipe size where the footing drains connect into it.

K. Section 1923.10.3 of the 1994 Edition of the Uniform Building Code is hereby amended to read as follows:

Seismic Zones 2, 3 and 4. Structural plain concrete members are not permitted in buildings located in Seismic Zones 2, 3 and 4.

EXCEPTIONS:

1. Footings for buildings of Group R, Division 3 or Group U, Division I Occupancy constructed in accordance with Table 18-1-D and Table 18-1-E.

2. Nonstructural slabs supported directly on the ground or by approved structural systems.

Section 2. Section 13.08.030 of the SeaTac Municipal Code is hereby amended to read as follows:

13.08.030 Amendments and exceptions to the mechanical code.

Table 3A of the Uniform Mechanical Code is excepted from the Code adopted in this Chapter. Instead, the following mechanical permit fee schedule is adopted:

MECHANICAL PERMIT FEE SCHEDULE

~~For issuance of each permit \$15.00~~

~~For supplemental permits 5.00~~

SINGLE FAMILY DWELLINGS

~~Less than 3000 square feet* \$135.00~~

~~Over 3000 square feet* 160.00~~

New single family dwelling* \$150.00

New installation* (existing dwelling with no existing ducting or venting) \$150.00

ADDITIONS AND REMODELS TO SINGLE FAMILY DWELLINGS

~~New furnace* or change out \$25.00~~

New water heater* or change out 25.00

~~One ventilation fan or residential hood 20.00~~

~~Two mechanical equipment/appliance items 30.00~~

~~Three to five mechanical equipment/appliance items* 60.00~~

~~Six or more mechanical equipment/appliance items* 90.00~~

Up to two new or replaced appliance* \$50.00

More than two new or replaced appliances* \$150.00

Gas piping only (no equipment or appliances) ~~\$30.00~~ 45.00

*Gas piping included under these permits.

MULTI-FAMILY AND COMMERCIAL

~~Contract~~ Valuation amount:

\$250 or less ~~\$30~~ 45

251 - 1,000 ~~\$30~~ 45 plus 4% of cost over \$250

1,001 - 5,000 ~~\$60~~ 75 plus 1.5% of cost over \$1,000

5,001 - 50,000 ~~\$120~~ 135 plus 1.4% of cost over \$5,000

50,001 - 250,000 ~~\$750~~ 765 plus 1% of cost over \$50,000

250,001 - 1,000,000 ~~\$2,750~~ 2,765 plus .8% of cost over \$250,000

1,000,001 and up ~~\$8,750~~ 8,765 plus .4% of cost over \$1,000,000

Permit costs include the normal plan review associated with the application.

Plan review for revisions or modifications \$50/hr.

Inspection or Plan Review Not Specified Elsewhere \$50/hr.

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

ADOPTED this 10th day of February, 1998, and signed in authentication thereof on this 10th day of February, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1005

AN ORDINANCE of the City Council of the City of SeaTac, Washington, accepting King County Ambulance Company's donation of a surplus vehicle.

WHEREAS, [RCW 35A.79.010](#) grants to code cities "all powers provided by general law to cities of any class relating to the receipt of donations of money and property; and

WHEREAS, the general law applicable to all cities in regard to donations is [RCW 35.21.100](#); and

WHEREAS, the said [RCW 35.21.100](#) requires that acceptance of any donation be made by ordinance; and

WHEREAS, King County Ambulance Company has offered to donate a surplus vehicle to the City which could be used to replace the aging van now used in the City's Explorer Scout Program; and

WHEREAS, the Fire Department, with the assistance of a certified automotive mechanic, has selected what is believed to be the best of King County Ambulance Company's surplus vehicles; and

WHEREAS, the City Council finds that acceptance of the selected vehicle as a donation to the City, would be in the public interest and could be well utilized for municipal purposes;

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

Section 1. The donation by King County Ambulance Company to the City of that certain 1984 Ford Ambulance, barring vehicle identification number 1FDJS34L8EHB98447 is hereby accepted, and the City Manager is authorized to effect transfer of title and registration.

Section 2. This Ordinance shall not be codified in the SeaTac Municipal Code.

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

ADOPTED this 10th day of February, 1998, and signed in authentication thereof on this 10th day of February, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1006

AN ORDINANCE of the City Council of the City of SeaTac, Washington retitling and amending Chapter 3.80 of the SeaTac Municipal Code relating to the Hotel-Motel Tax so as to impose a tax and provide for use of tax revenues.

WHEREAS, [Chapter 67.28 RCW](#) counties and cities to impose a "special excise tax" on the furnishing of lodging by a hotel, motel or similar business enterprise, subject to certain terms and conditions; and

WHEREAS, pursuant to the said statutory authority, the City Council previously imposed the special excise tax by Ordinance No. 94-1028, now codified at Chapter 3.80 of the SeaTac Municipal Code, entitled "Transient Occupancy Tax"; and

WHEREAS, the City has, to date, been barred from collecting any portion of the tax revenue due to statutory restrictions, relating primarily to revenue bonds issued by King County in connection with the Kingdome stadium facility; and

WHEREAS, the State Legislature has now amended Chapter [67.28 RCW](#) ways which permit the City to collect tax revenues subject to specified credits and limitations; and

WHEREAS, the Council desires to amend the existing City Code to conform with current law, to allow collection of Hotel-Motel Tax revenues, to provide for use of those revenues pursuant to law, as well as to revise the title of the original Ordinance to reflect the common usage "Hotel-Motel Tax"; and

WHEREAS, by Resolution No. 97-021, the City Council established an ad hoc Lodging Tax Advisory Committee, and appointed a Chair and members as required by [RCW 67.28.181](#); and

WHEREAS, the Committee was referred a proposal to impose all authorized Hotel-Motel Taxes and to make recommendation thereon and as to use of tax revenues, and the Committee having considered and deliberated upon the proposals for more than forty five days, and having made written recommendation to the Council;

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

Section 1. The Title to Chapter 3.80 of the SeaTac Municipal Code is hereby amended to read as follows:

Chapter 3.80

~~TRANSIENT OCCUPANCY TAX~~

HOTEL - MOTEL EXCISE TAX

Section 2. Section 3.80.010 of the SeaTac Municipal Code is hereby amended to read as follows:

3.80.010 Levied - Amount.

Pursuant to ~~provisions of Section Chapter 67.28-180~~ provisions of Section Chapter 67.28-180 of the Revised Code of Washington, there is levied a special excise tax ~~of two percent in the maximum amount authorized by the said law~~ of two percent in the maximum amount authorized by the said law on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp and the granting of any similar license to use real property as distinguished from the renting or leasing of real property; provided, that it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property, and not a mere license to use or enjoy the same.

Section 3.

Section 3.80.020 of the SeaTac Municipal Code is hereby amended to read as follows:

3.80.020 Definitions.

The definitions of "selling price," "seller," "buyer," "consumer," and all other definitions as are now contained in [RCW 82.08.010](#) and in [RCW 67.28.080](#), and subsequent amendments thereto, ~~be, and they~~ are adopted as the definitions for the tax levied in applicable to this chapter.

Section 4. Section 3.80.030 of the SeaTac Municipal Code is hereby amended to read as follows:

3.80.030 Tax deemed in addition to license fee or other taxes.

The tax levied herein shall be in addition to any license fee or any tax imposed or levied under any law or any other ordinance of the city; provided, however, that ~~puto RCW Chapter 67.28.190~~ [67.28.190 RCW](#), ~~such tax shall be deducted from the amount of tax the seller would otherwise be required to collect and to pay to the State Tax Commission under the pr~~ [provisions of RCW 82.08.](#)

~~Section 5. Section 3.80.040 of the SeaTac Municipal Code is hereby amended to read as follows:~~

~~3.80.040 Fund created - Use of funds.~~

~~There is created a special fund in the treasury of the city, that into which all such taxes collected herein shall be placed in such fund for the purpose of paying all or any part of the costs of acquisition, construction, or operation of stadium facilities, convention center facilities, performing arts center facilities and/or visual arts center facilities tourism promotion, acquisition of tourism-related facilities, or operation of tourism related facilities, or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under the prov of RCW Chap~~ [67.28 RCW](#), ~~and amendments thereto, or to pay for advertising, publicizing or otherwise distributing information for the purpose of attracting visitors and encouraging tourism expansion, or for such other use or uses as may from time to time be authorized for such taxes pursuant to RCW 67.28, and amendments thereto. The nature of tourism-related facilities and operation of tourism-related facilities shall be as defined in applicable bond ordinances.~~

~~Section 6. Section 2 of Ordinance No. 94-1028 (not codified in the SeaTac Municipal Code) is hereby repealed.~~

~~Section 7. This Ordinance shall be in full force and effect on April 1, 1998.~~

~~ADOPTED this 24th day of February, 1998, and signed in authentication thereof on this 24th day of February, 1998.~~

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1007

AN ORDINANCE of the City Council of the City of SeaTac, Washington, redesignating Chapter 15.40 of the SeaTac Municipal Code as Chapter 11.30 and amending the Commute Trip Reduction Program to comply with State law.

WHEREAS, under State law as set forth in [RCW 70.94.521](#) through 70.94.551, the City is required to develop and implement a program and plan to reduce single occupant vehicle commute trips and vehicle miles traveled by City employees and by the employees of affected employers; and

WHEREAS, by Ordinance 93-1002, now codified as Chapter 15.40 of the SeaTac Municipal Code, the City implemented the required Commute Trip Reduction Program; and

WHEREAS, the 1997 Legislature made certain changes to the aforesaid State statutes and, accordingly, the City should amend its commute trip reduction plan so as to remain consistent with the statutes and with CTR State Task Force Guidelines, as well as with ordinances of other local jurisdictions within King County; and

WHEREAS, the Commute Trip Reduction Program should be removed from the City Zoning Code and be redesignated as a Chapter within Title 11 of the SeaTac Municipal Code which pertains to streets, sidewalks and public thoroughfares;

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

Section 1. Chapter 15.40 of the SeaTac Municipal Code is hereby removed from Title 15 and is redesignated as a new Chapter 11.30 to Title 11 of the SeaTac Municipal Code.

Section 2. A new Chapter 11.30 is hereby added to Title 11 of the SeaTac Municipal Code to consist of the previously adopted Chapter 15.40, with amendments as follows:

Chapter 11.30

COMMUTE TRIP REDUCTION

11.30.010 Definitions. The following definitions shall apply to this Chapter:

A. **Affected Employee** - A full-time employee who is scheduled to begin his or her regular work day at a single worksite between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays per week for at least twelve continuous months. For the purposes of this ordinance, principles and associates in a corporation, partners (general or limited) in a partnership and participants in a joint venture are to be considered employees.

B. **Affected Employer** - means a public or private employer that employs 100 or more affected employees at a single worksite who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for twelve continuous months. The individual employees may vary during the year. Construction worksites, when the expected duration of the construction is less than two years, are excluded from this definition.

C. **Alternative Mode** - means any type of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting and compressed work weeks if they result in reducing commute trips.

D. **Alternative Work Schedules** - means programs such as compressed work weeks, flextime, and working on Saturday and/or Sunday that eliminate peak period work trips for affected employees.

E. **Base Year** - means the period from January 1, 1992, through December 31, 1992, on which goals for vehicle miles traveled (VMT) per employee and proportion of single-occupant vehicle (SOV) trips shall be based.

F. **City** - means the City of SeaTac.

G. **Commute Trips** - means trips made from a worker's home to a worksite with a regularly scheduled arrival time of 6:00 a.m. to 9:00 a.m. (inclusive) on weekdays.

H. **CTR (Commute Trip Reduction) Administrator** - means the person designated by the City to administer the City's CTR responsibilities and to oversee enforcement of the City ordinance.

I. **CTR (Commute Trip Reduction) Plan** - means the City of SeaTac's plan as set forth in conformity with this ordinance to regulate and administer the CTR programs of affected employers within its jurisdiction.

J. **CTR (Commute Trip Reduction) Program** - means an employer's strategies to reduce affected employees' SOV use and VMT per employee.

K. **CTR (Commute Trip Reduction) Task Force** - means a group of individuals designated by the governor whose primary responsibility is to establish guidelines for implementation of the CTR law.

L. **CTR (Commute Trip Reduction) Task Force Guidelines** - means the model standards for local jurisdictions to use in the creation and administration of commute trip reduction plans and programs. The standards are guidelines to create consistency among local jurisdictions.

M. **CTR (Commute Trip Reduction) Zone** - means the area, such as a census tract or combination of census tracts within the City of SeaTac. The area is characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of SOV commuting.

N. **Compressed Work Week** - means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four 10-hour days or 80 hours in nine days, but may also include other arrangements. Compressed work weeks are understood to be an ongoing arrangement.

O. **Dominant Mode** - means the mode of travel used for the greatest distance of a trip.

P. **Employee** - means anyone who receives financial or other remuneration in exchange for work provided to an employer, including owners or partners of the employer.

Q. **Employer** - means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, non-profit, or private, that employs workers.

R. **Employee Transportation Coordinator (ETC)** - means the person designated by applicable employers to coordinate the employer's compliance with the City pursuant to Section 15.40.070 of this code.

S. **Flex-Time** - an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes.

T. **Full-Time Employee** - a person other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks per year for an average of at least 35 hours per week.

U. **Good Faith Effort** - means that an employer has met the minimum requirements identified in [RCW 70.94.531](#) and this ordinance, and is working collaboratively with the City to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed upon length of time.

V. Implementation - means active pursuit by an employer of the CTR goals of [RCW 70.94.521-551](#) and this ordinance as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and commencement of other measures according to their CTR program and schedule.

1. **Mode** - means the type of transportation used by employees, such as single-occupant vehicles, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, and walking.

X. Peak Period - means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

Y. Peak Period Trip - means any employee trip that delivers the employee to begin his or her regular workday between 6:00 a.m. and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

Z. Proportion of SOV (Single-Occupant Vehicle) Trips or SOV Rate - means the number of commute trips over a set period made by affected employees in SOVs divided by the number of affected employees working during that period.

AA. Single-Occupant Vehicle (SOV) - means a motor vehicle occupied by one (1) employee for commute purposes, including a motorcycle.

BB. Single-Occupant Vehicle (SOV) Trips - means trips made by affected employees in SOVs.

CC. Single Worksite - means a building or group of buildings on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way occupied by one or more affected employers.

DD. Telecommuting - means the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

EE. Transportation Demand Management (TDM) - means the method of creating programs to reduce the number of Single Occupancy Vehicle (SOV) trips during AM/PM rush hours.

FF. Transportation Management Association (TMA) - means a group of employers or an association representing a group of employers in a defined geographic area. A TMA may represent employers within specific city limits, or may have a sphere of influence that extends beyond city limits.

GG. Vehicle Miles Traveled (VMT) Per Employee - means the sum of the individual vehicle commute trip lengths in miles made by affected employees over a set period divided by the number of affected employees during that period.

HH. Waiver - means an exemption from CTR program requirements granted to an employer by the City based on unique conditions that apply to the employer or employment site.

II. Week - means a seven day calendar period, starting on Monday and continuing through Sunday.

JJ. Weekday - means any day of the week except Saturday or Sunday.

11.30.020 Commute Trip Reduction Goals.

The commute trip reduction goals for employers affected by this ordinance are to achieve the following reductions in vehicle miles traveled per employee as well as in the proportion of single-occupant vehicles from the 1992 base year value of SeaTac's CTR Zone:

A. 15 percent by ~~January 1, 1995~~ after two years

1. 20 percent after four years

1. 25 percent ~~by January 1, 1997~~ after six years

D. 35 percent ~~by January 1, 1999~~ after twelve years

11.30.030 Designation of CTR Zone and Base Year Values.

Employers in the City of SeaTac fall within the South King County CTR zone designated by the boundaries shown on the map in Attachment A.

The base year value of this zone for proportion of SOV trips shall be 85 percent. The base year value for vehicle miles traveled (VMT) per employee shall be set at 9.3. Commute trip reduction goals for major employers shall be calculated based on these values. Therefore, affected employers in the City of SeaTac that have been participating in the CTR program since the beginning, shall establish programs designed to result in SOV rates of not more than 72 percent in 1995, 68 percent in 1997, ~~and 64 percent in 1999~~, and 55 percent in 2005 and VMT per employee of not more than 7.9 miles in 1995, 7.4 miles in 1997, 7.0 miles in 1999, and 6.0 miles in 2005.

11.30.040 City Employee CTR Plan.

The 1992 City of SeaTac CTR plan is set forth in Attachment B hereto, and incorporated herein by this reference, and a copy shall be on file in the Office of the City Clerk. The plan may be amended by further action of the City Council.

11.30.050 Implementation Responsibility.

The City of SeaTac Public Works Department and the designated CTR Administrator shall be responsible for implementing this ordinance, the CTR Plan, and the City's CTR program for its own employees. The Public Works Director shall have the authority to issue such rules and administrative procedures as are necessary to implement this ordinance.

11.30.060 Applicability.

The provisions of this ordinance shall apply to any affected employer at any single worksite within the corporate limits of the City of SeaTac. Employees will only be counted at their primary worksite. The following classifications of employees are excluded from the counts of employees:

1. Seasonal agricultural employees, including seasonal employees of processors of agricultural products; and
2. Employees of construction worksites when the expected duration of the construction is less than two years.

A. NOTIFICATION OF APPLICABILITY

1. In addition to SeaTac's established public notification for adoption of an ordinance, the following notification steps will be taken:

- A notice of availability of a summary of this ordinance; and
- A notice of requirements; and
- criteria for affected employers to comply with the ordinance; and
- Any subsequent revisions shall be published at least once in a newspaper of general circulation in the general SeaTac area.

2. Known affected employers located in the City will receive formal written notification by certified mail that they are subject to this ordinance within 30 days after passage of this ordinance.

3. Affected employers that, for whatever reason, do not receive notice within 30 days of adoption of the ordinance must identify themselves to the City within 180 days of the adoption of this ordinance. Once they identify themselves, such employers will be granted 150 days within which to develop and submit a CTR program for approval.

4. Any existing employer of 75 or more employees who obtains a business license in the City, shall be required to complete an Employer Assessment Form, provided to the applicant by the City to determine whether or not an employer will be deemed affected or non-affected in accordance with the provisions of this ordinance.

B. NEW AFFECTED EMPLOYERS

1. Employers that meet the definition of the "affected employer" in this ordinance must identify themselves to the City within 180 days of either moving into the City or growing in employment at a worksite to one hundred (100) or more affected employees. Such employers will be granted a minimum of 150 days, after applying for a business license or renewal, to develop and submit a CTR program.

2. New affected employers shall have two (2) years to meet the first CTR goal of a fifteen (15%) percent reduction from the base year values identified in Section 3 of this ordinance; four (4) years to meet the second goal of a twenty-five (25 ~~20~~%) percent reduction; ~~and six years to meet the third goal of a thirty-five (35 ~~25~~%) percent reduction; and twelve years to meet the fourth goal of a thirty-five (35%) percent reduction~~ from the time they begin their program.

C. CHANGE IN STATUS AS AN AFFECTED EMPLOYER

1. If an affected employer can document that it faces an extraordinary circumstance that will change its status as an affected employer, it can apply for a waiver pursuant to Section 15.40.100 hereof.

2. If an employer initially designated as affected employer no longer employs one hundred (100) or more affected employees and has not employed one hundred (100) or more affected employees for the past twelve (12) months, that employer is no longer an affected employers. It is the responsibility of the employer to provide documentation to the City that it is no longer an affected employer.

3. If the same employer returns to the level of one hundred (100) or more affected employees twelve (12) or more months after its change in status to an "unaffected" employer, that employer shall be treated as a new affected employer, and will be subject to the same program requirements as other new affected employers.

11.30.070 REQUIREMENTS FOR EMPLOYERS.

An affected employer is required to make a good faith effort as defined in [RCW 70.94.534\(2\)](#) and this ordinance to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and SOV commute trips. The CTR program must include the mandatory elements described below, including submittal of a CTR program description and annual progress report.

A. DESCRIPTION OF EMPLOYER'S CTR PROGRAM

Each affected employer is required to submit a description of its CTR program to the City on the official form available from the CTR Administrator or Public Works Department. At a minimum, the employer's description must include:

1. General description of each employment site location within the City limit including, transportation characteristics, surrounding services and, including unique conditions experienced by the employer or its employees;
2. Number of employees affected by the CTR program;
3. Documentation of compliance with the mandatory CTR program elements (Noted in Subsection B);

4. Description of the additional elements included in the CTR program; and
5. Schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources to carry out the CTR program.

B. MANDATORY PROGRAM ELEMENTS

Each employer's CTR program shall include the following mandatory elements:

1. EMPLOYEE TRANSPORTATION COORDINATOR (ETC).

The employer shall designate a transportation coordinator to administer the CTR program. The coordinator's and/or designee's name, location, and telephone number must be displayed prominently at each affected worksite. The coordinator shall oversee all elements of the employer's CTR program and act as liaison between the employer and the City of SeaTac. An affected employer with multiple sites may have one transportation coordinator for all sites.

2. INFORMATION DISTRIBUTION.

Information about an employer's CTR program as well as alternatives to SOV commuting shall be provided to employees at the time of their hire and thereafter at least once a year. This shall consist of, at a minimum:

- A. Summary of the employer's program; and
- B. ETC name and phone number; and
- C. Schedule of accessible bus/train routes; and
- D. Phone Number of local transit agencies.

3. ANNUAL PROGRESS REPORT.

The CTR program must include an annual review of employee commuting and of progress toward meeting the SOV reduction goals. Affected employers shall file a progress report annually with the City, including, but not limited to a program description and a description of information distributed to employees and the method of distribution. The employer should contact the City's CTR Administrator or Public Works Department for the correct report packet. Survey information or approved alternative by the City's CTR Administrator shall be required in the 1995, 1997, and 1999 reports information must be provided in the reports submitted in the second, fourth, sixth, eighth, tenth, and twelfth years after program Implementation begins. For worksites that have been participating in the CTR program since the beginning, this requirement applies to the 1995, 1997, 1999, 2001, 2003, and 2005 annual reports.

4. ADDITIONAL PROGRAM ELEMENTS.

In addition to the specific program elements noted above, the employer's CTR program shall designate a set of measures created to meet the CTR goals. The measures can be derived from the following elements, as noted below:

- a. Providing preferential parking or reduced parking charges, or both, for high occupancy vehicles;
- b. Instituting or increasing parking charges for single occupant vehicles;
- c. Providing commuter ride matching services to facilitate employee ridesharing for commute trips;
- d. Providing subsidies for transit fares, carpools or vanpools;
- e. Permitting the use of the employer's vehicles for carpooling or vanpooling;
- f. Allowing flex-time work schedules to facilitate or encourage employees' use of transit, car pools or vanpools;

- g. Coordinating with transportation providers to provide additional regular or express service to the worksite;
- h. Constructing special loading and unloading facilities for transit, car pool, and van pool users;
- i. Providing bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
- j. Providing parking incentives such as rebates for employees who do not use the parking facilities;
- k. Providing guarantee Ride Home Programs and emergency taxi service;
- l. Other innovative elements or technology as approved by the City.

11.30.080 Record Keeping.

Affected employers shall maintain all records required by the Director of Public Works and the CTR Administrator for the duration of the CTR ordinance.

11.30.090 Schedule and Process for CTR Reports, Program Review and Implementation.

A. CTR PROGRAM - Not more than six (6) months after the adoption of this ordinance, or within six (6) months after an employer becomes subject to the provisions of this ordinance, the employer shall develop a CTR program and shall submit to the City a description of that program for review.

B. CTR Annual Reporting Date - Employers will be required to submit an annual CTR report to the City beginning with the first annual reporting date assigned during the initial program submittal. The annual reporting date shall be no less than twelve (12) months from the day the initial program description is submitted. Subsequent year's reports will be due on ~~the same date each year thereafter~~ September 1 to maintain consistency with other affected employers in the City.

C. Content of Annual Report - The annual progress report shall describe each of the CTR measures that were in effect for the previous year, the results of any commuter surveys undertaken during the year, and the number of employees participating in CTR programs. Survey information or approved alternative information ~~approved by the Director of Public Works~~ must be provided in the ~~1995, 1997, and 1999~~ reports submitted in the second, fourth, sixth, eighth, tenth, and twelfth years after program implementation begins.

D. Program Review - The City shall provide the employer with written notification indicating whether a CTR program was approved or deemed unacceptable.

1. Initial program descriptions will be deemed acceptable if: 1) all required information on the program description form is provided, and, 2) the program description includes the following information:

- a. Name, location and telephone number of the Employee Transportation Coordinator for each worksite.
- b. Plan for and documentation of regular distribution of information to employees about the employer's CTR program at the worksite, including alternatives to driving alone to work.
- c. Plan for and implementation of at least one additional measure designed to achieve the applicable goal.

2. Annual reports will be deemed acceptable if the annual report form is complete and contains information about implementation of the prior year's program elements and proposed new program elements and implementation schedule. Annual reports must also contain a review of employee commuting and report of progress toward meeting SOV goals.

~~Beginning in 1995, the programs described in the annual reports will be deemed acceptable if either the SOV trip or~~

the VMT per employee goals have been met. If neither goal has been met, the employer must propose modifications designed to make progress toward the applicable goal in the coming year. If the revised program is not approved, the City shall propose modifications to the program and direct the employer to revise its program within 30 days to incorporate those modifications or modifications which the jurisdiction determines to be equivalent.

3. Program Modification Criteria

1. If an employer makes a good faith effort as defined in RCW 70.94.534(2) and this ordinance, and meets either or both the applicable SOV or VMT goal, the employer has satisfied the objectives of the CTR plan and will not be required to modify its CTR program.
2. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this ordinance, but has not met or is not likely to meet the applicable SOV or VMT goal, the City shall work collaboratively with the employer to make modifications to its CTR program. After agreeing on modifications, the employer shall submit a revised CTR program description to the City for approval within 30 days of reaching an agreement.
3. If an employer fails to make a good faith effort, as defined in RCW 70.94.534(2) and this ordinance, and fails to meet either the applicable SOV or VMT reduction goal, the City shall work collaboratively with the employer to identify modifications to the CTR program and shall direct the employer to revise its program within 30 days to incorporate the modifications. In response to the recommended modifications, the employer shall submit a revised CTR program description, including the requested modifications or equivalent measures, within 30 days of receiving written notice to revise its program. The City shall review the revisions and notify the employer of acceptance or rejection of the revised program. If a revised program is not accepted, the City will send written notice to that effect to the employer within 30 days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by the City within ten working days of the conference.

E. Implementation of Employer's CTR Program - The employer shall implement the approved CTR program not more than 180 days after the program was first submitted to the City unless extensions allow for late implementation. Implementation of programs that have been modified based on non-attainment of CTR goals must occur within 30 days following City approval of such modifications.

11.30.100 Request for Waivers/Modification of CTR Requirements.

A. Waivers

1. **Employer Waiver** - An affected employer may submit a request to the CTR Administrator that the City grant a waiver from CTR program requirements for a particular worksite. The employer must demonstrate that it would experience undue hardship in complying with the requirements of the ordinance as a result of the characteristics of its business, its work force, or its location(s). A waiver may be granted if and only if the affected employer demonstrates that it faces an extraordinary circumstance, such as bankruptcy, as a result of the characteristics of its business, its work force, or its location(s), and is unable to implement any measures that could reduce the proportion of SOV trips and VMT per employee. Requests for waivers applying to the initial program submittals are due within three months after the employer has been notified that it is subject to this ordinance, and, thereafter, requests can be made at any time. Requests must be made in writing by certified mail or delivery, return receipt. The notice should clearly explain the conditions for which the affected is seeking an exemption from the requirements of the CTR program. The City shall review annually all employers receiving waivers, and shall determine whether the waiver will continue to be in effect during the following program year.

2. Employee Exemptions - Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a worksite's CTR program. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts. The City will use the criteria identified in the CTR Task Force Guidelines to assess the validity of employee exemption requests. The City shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year.

B. Goal Modification

Any affected employer may request to ~~that the CTR Administrator a~~ City modification ~~modify~~ of its CTR program goals. Such requests shall be submitted in writing by certified mail or delivery, return request, at least 60 days prior to the date the worksite is required to submit its program description and annual report. The goal modification request must clearly explain why the worksite is unable to achieve the applicable goal. The worksite must also demonstrate that it has implemented all of the elements contained in its approved CTR program. The City will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR Task Force Guidelines. An employer may not request a modification of the applicable goals until one year after the City approves its initial program description or annual report.

~~Grounds for granting modification are limited to the following:~~

~~1. An affected employer can demonstrate it requires:~~

~~a) significant numbers of its employees to use the vehicles they drive to work during the work day for work purposes, that no reasonable alternative commute mode exists for these employees, and that the vehicles cannot reasonably be used for carpools or vanpools; and/or~~

~~b) some employees to work variable shifts during the year, so that these employees sometimes begin their shifts within the 6:00 a.m. to 9:00 a.m. time period and other times begin their shifts outside that time period.~~

~~If the employer provides documentation indicating how many employees meet either of these conditions, the applicable goals will not be changed but the employees who fall into these categories will not be included in the calculations of proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals.~~

~~It is provided however, that employers may only request a modification based on the above conditions within three months after being notified that they are subject to this ordinance. Additionally, all requests for modifications of CTR program goals must be made in writing by certified mail or delivery, return request.~~

~~2. An affected employer demonstrates that its worksite is contiguous with a CTR zone boundary and that the worksite conditions affecting alternative commute options are similar to those for employers in the adjoining CTR zone. Under this condition, the employer's worksite may be made subject to the same goals for VMT per employee and proportion of SOV trips as employers in the adjoining CTR zone.~~

~~It is provided however, that employers may only request a modification based on the above conditions within three months after being notified that they are subject to this ordinance. Additionally, all requests for modifications of CTR program goals must be made in writing by certified mail or delivery, return request.~~

~~3. Unanticipated conditions, such as unavailability of alternative commute modes due to factors relating to the worksite, an employer's workforce, or characteristics of the business that are beyond the employer's control. A request for goal modification based on this condition must be made by the employer's assigned reporting dates in 1995 and 1997.~~

~~4. Relocation of a worksite to another CTR zone. Requests for goal modification based on this condition may be made at any time.~~

~~All requests for modification of CTR program goals must be made in writing by certified mail or delivery, return receipt.~~

C. MODIFICATION OF CTR PROGRAM ELEMENTS

If an employer wants to change a particular aspect of its CTR program during the period of time between annual reporting dates, the employer must contact the City.

D. EXTENSIONS

An employer may request to the CTR Administrator for additional time to submit a CTR program or a CTR annual progress report, or to implement or modify a program. Such requests shall be made in writing prior to the due date anytime a program submission is going to be more than one week late. Extensions for the program or implementing measures not to exceed ninety (90) days shall be considered for reasonable cause. Employers will be limited to a total of 90 days allowed extension per year. Extensions shall not exempt an employer from any responsibility in meeting program goals. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements. An employer's annual reporting date shall not be adjusted permanently as result of any extension. An employer's annual reporting date may be extended at the discretion of the CTR Administrator.

11.30.110 CREDIT FOR TRANSPORTATION DEMAND MANAGEMENT EFFORTS.**A. CREDIT FOR PROGRAMS IMPLEMENTED PRIOR TO THE BASE YEAR**

Employers with successful TDM programs implemented prior to the 1992 base year may apply to the City for program credit.

1. Employers whose VMT per employee and proportion of SOV trips are already equal to or less than the goals for one or more future goal years, and who commit in writing to continue their current level of effort, shall be exempt from the following year's annual report.
2. Employers applying for the program credit in their initial 1993 program description shall be considered to have met the 1995 CTR goals if their VMT per employee and proportion of SOV trips are equivalent to a 12 percent or greater reduction from the base year zone values. This three (3%) percentage point credit applies only to the 1995 CTR goals.

Application for a program exemption credit shall include results from a survey of employees, or equivalent information that establishes the applicant's VMT per employee and proportion of SOV trips.

B. CREDIT FOR ALTERNATIVE WORK SCHEDULES, TELECOMMUTING, BICYCLING and WALKING BY AFFECTED EMPLOYEES

The City will count commute trips eliminated through alternative work schedules, telecommuting options, bicycling and walking as 1.2 vehicle trips eliminated. This assumption

applies to both the proportion of SOV trips and VMT per employee. This type of credit is applied when calculating the SOV and VMT rates of affected employers. Refer to administrative guidelines for over-all calculation equations and review process.

11.30.120 Employer Peer Review Group.

A. Appointment of Members - The City shall appoint member(s) from affected employers to subregional employer peer review groups created through interlocal agreement with other jurisdictions. Membership on an employer peer review group shall be determined in such interlocal agreement.

B. Review of Staff Recommendations - Employers may file a written request for review by the Employer Peer Review Group of staff recommendations issued regarding the following actions:

1. Rejection of an employer's proposed program.
2. Denial of an employer's request for a waiver or modification of any of the requirements under this ordinance or a modification of the employer's program.
3. Denial of credits requested under Section 15.40.110 hereof.

Such requests must be filed with the City within ten (10) days after the employer receives notice of a staff recommendation. Timely requests for review shall be forwarded by the City to the Employer Peer Review Group. Any peer review group shall be advisory in nature. The City shall not be bound by any comments or recommendations of any peer review group.

11.30.130 Appeals.

A. Appeal of Final Decisions - Employers may file a written appeal of the City's final decisions regarding the following actions:

1. Rejection of an employer's proposed program.
2. Denial of an employer's request for a waiver or modification of any of the requirements under this ordinance or a modification of the employer's program.
3. Denial of credits requested under Section 15.40.110

Such appeals must be filed with the City within twenty (20) days after the employer receives notice of a final decision.

Timely appeals shall be heard by the City's Hearing Examiner. Determinations on appeals shall be based on whether the decision being appealed was consistent with the state law.

11.30.140 Enforcement.

A. Compliance

For purposes of this section, compliance shall mean submitting required reports and documentation at prescribed times and fully implementing all provisions in an accepted CTR program.

B. Violations

The following actions shall constitute a violation of this ordinance:

1. Failure to make a good faith effort, as defined in [RCW 70.94.534\(2\)](#) and this ordinance.
2. Failure to implement an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed VMT and SOV goals as specified in this ordinance. Failure to implement a CTR program includes but is not limited to:
 - a. Failure of any affected employer to submit a complete CTR program within the deadlines specified in Section 15.40.090 hereof.
 - b. Failure to submit required documentation for annual reports
 - c. Submission of fraudulent data.
3. Failure to modify a CTR program found to be unacceptable by the City under Section 15.40.090, paragraph D.

C. PENALTIES

Each day of failure by an employer to implement a commute trip reduction program or modify an unacceptable commute trip reduction program shall constitute a separate violation and is classified as a Class I civil infraction pursuant to [RCW 7.80.120](#). The penalty for this violation shall be \$250.00 per day.

An employer shall not be liable for civil penalties if failure to implement an element of a CTR program was the result

of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they do the following:

1. Propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Acts; and
2. Advise the union of the existence of the statute and mandates of the CTR program approved by the City of SeaTac and advise the union that the proposal being made is necessary for compliance with state law ([RCW 70.94.531](#))

No affected employer with an approved CTR program may be held liable for failure to reach the applicable SOV or VMT goals.

D. Appeals of Penalties Affected employers may appeal penalties pursuant to [RCW 7.80.100](#).

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

ADOPTED by the City Council on this 10th day of March 1998, and signed in authentication thereof this 10th day of March 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1008

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Subsection 13.06.030(F) of the SeaTac Municipal Code.

WHEREAS, Subsection 13.06.030(F) of the SeaTac Municipal Code requires all new structures of more than 6,000 square feet, except single family residences, to have an automatic fire sprinkler system installed; and

WHEREAS, open parking garages are inherently fire resistant and are not required by the nationally recognized codes to have a fire sprinkler system installed; and

WHEREAS, the City Council finds that the amendments, additions and deletions to Subsection 13.06.030(F) of the SeaTac Municipal set forth herein are now necessary and appropriate;

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

Section 1. Subsection 13.06.030(F) of the SeaTac Municipal Code is hereby amended to read as follows:

F. Section 904.2.1 of the Uniform Building Code is hereby amended to read as follows:

Section 904.2.1 where required. An automatic fire extinguishing system shall be installed in the occupancies and locations as set forth in this section. In addition to the requirements of the Uniform Building Code and the Uniform Fire Code, 1994 Editions, there is hereby established a minimum requirement for the installation of fire sprinkler systems. All structures, ~~excluding single family residential buildings~~, shall have a fire sprinkler system installed, which meets or exceeds all of the parameters contained within ~~this Ordinance~~, the Municipal Code, Uniform Building Code and the Uniform Fire Code when the gross floor area is 6,000 square feet or more. For purposes of determining gross floor area, the installation of area separation walls will not be considered as creating separate buildings.

1. It is provided however that the existing structures undergoing remodeling or improvement are exempt from ~~this~~ the provisions of this subsection (F), provided:

- a. There is no increase in floor area or,
- b. The area to be improved does not exceed 50% of the total floor area including mezzanines or,
- c. There is no change of occupancy or use and,
- d. A fire alarm system, meeting all applicable requirements for the occupancy, is installed.

2. It is further provided that the following new and existing structures are exempt from the provisions of this subsection (F):

1. Single family residential structures.
2. Portions of structures used as open parking garages when there are no other occupancies above or on a side of the open parking garage.

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

ADOPTED this 10th day of March, 1998, and signed in authentication thereof on this 10th day of March, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1009

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget to include 1997 Carryover Items.

WHEREAS, certain expenditures were included in the 1997 Annual City Budget which were not initiated or completed during the 1997 fiscal year; and

WHEREAS, City staff recommend that these expenditures be made in 1998;

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

Section 1. The 1998 Annual City Budget shall be amended to increase the total General Fund budget by \$120,540 from \$ 19,983,914 to \$ 20,104,454.

Section 2. The 1998 Annual City Budget shall be amended to increase the total Equipment Rental Fund by \$13,000 from \$ 289,082 to \$ 302,082.

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

ADOPTED this 24th day of March, 1998, and signed in authentication thereof on this 24th day of March, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1010

AN ORDINANCE of the City Council of the City of SeaTac, Washington, creating a new Special Revenue Fund and Amending the 1998 Annual City Budget for supplemental revenues and expenditures due to the Regional Transportation Authority (RTA) Memorandum of Understanding (MOU).

WHEREAS, the City Council has authorized the City Manager to sign a Memorandum of Understanding with the Regional Transportation Authority; and

WHEREAS, the MOU provides for the payment of money to the City for the delivery of specific services; and

WHEREAS, this MOU will result in additional revenue and expenditures for the City in 1998;

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

Section 1. A new Special Revenue Fund of the City shall be established to account for revenues and expenditures resulting from the Memorandum of Understanding with the Regional Transportation Authority.

Section 2. The 1998 Annual City Budget shall be amended to establish a Revenue budget in this new fund of \$200,000.

Section 3. The 1998 Annual City Budget shall be amended to establish appropriations in this new fund totalling \$200,000. Expenditures will include salary and related costs of one additional full-time planning position funded for two years, one additional full-time clerical support position funded for two years, and consulting expenses.

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

ADOPTED this 24th day of March, 1998, and signed in authentication thereof on this 24th day of March, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1011

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget to perform electrical plan review and electrical inspections for the City of Burien.

WHEREAS, the City Council has reviewed agenda bill #1504 and authorizes the City Manager to amend the Interlocal Agreement with the City of Burien to provide electrical plan review and electrical inspection services for the City of Burien; and

WHEREAS, this amendment to the ILA will result in additional revenue and expenditures in the City General Fund for 1998;

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

Section 1. The 1998 Annual City Budget shall be amended to increase the total General Fund Revenue budget by \$70,000 for additional permit revenues.

Section 2. The 1998 Annual City Budget shall be amended to increase the total General Fund expenditures budget by \$77,250 for salary, benefits, vehicle and related costs of one additional electrical inspector position in the Public Works Department.

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

ADOPTED this 24th day of March, 1998, and signed in authentication thereof on this 24th day of March, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1012

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Chapter 5.40 of the SeaTac Municipal Code, to change and clarify the regulations of sexually-oriented businesses, in particular relating to standards of conduct and operation and regulation of certain physical features of adult cabarets.

WHEREAS, in 1995 the City of SeaTac adopted its current Ordinance regulating sexually-oriented businesses; and

WHEREAS, based on police records and other evidence presented to it, the City Council has determined that the secondary effects of adult entertainment activities continue to be detrimental to the public health, safety, morals and general welfare of the citizens of SeaTac; and

WHEREAS, proximity between entertainers and patrons during adult entertainment performances can facilitate sexual contact, prostitution and related crimes; and

WHEREAS, concerns about crime and public sexual activity are legitimate and compelling concerns of the City which demand reasonable regulation of adult entertainment establishments in order to protect the public health, safety and general welfare; and

WHEREAS, it is the intent of the ordinance not to suppress constitutionally protected speech but to enact time, place and manner regulations which address the compelling interests of the City in mitigating the secondary effects of adult entertainment establishments; and

WHEREAS, the City further takes notice of and specifically relies upon the experiences of, and studies utilized by other cities and counties in combating the specific adverse impacts of sexually-oriented businesses, in particular nude and semi-nude dancing; and

WHEREAS, on February 2, 1998, the Public Safety and Justice Council Committee reviewed the Ordinance and heard testimony regarding enforcement problems with the City's existing Ordinance, and moved that the amended Ordinance be forwarded to the entire City Council for approval;

WHEREAS, on April 7, 1998, the City Council heard public comment from any and all persons wishing to speak to matters relating to the subject matter of this Ordinance; and

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

Section 1. Chapter 5.40 of the SeaTac Municipal Code is hereby amended to read as follows:

Chapter 5.40**ADULT ENTERTAINMENT****5.40.010 Purpose and Intent.**

It is the purpose of this Chapter to regulate sexually-oriented businesses and related activities to promote health, safety, morals, and general welfare of the citizens of the City of SeaTac, and to establish reasonable and uniform regulations to prevent the deleterious location of sexually-oriented businesses within the City. It is not the intent of the City that it should be the purpose or effect of this Chapter to impose a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent of the City that it should be the effect of this Chapter to restrict or deny access by adults to sexually-oriented materials protected by the State or Federal Constitutions, or to deny access by the distributors and exhibitors of sexually-oriented material to their intended market. Neither is it the intent of the City that it should be the purpose or effect of this Chapter to condone or legitimize the distribution of obscene materials.

5.40.020 Findings.

Based upon a wide range of evidence presented to the SeaTac City Council and to other jurisdictions, including but not limited to the testimony of law enforcement officers and members of public, and on other evidence, information, publications, articles, studies, documents, case law and material submitted to and reviewed and considered by the City Council and staff, the councils of other cities within the region and in other jurisdictions, nonprofit organizations and other legislative bodies, the City Council makes the following findings:

A. Certain conduct occurring on premises offering sexually-oriented business creates secondary impacts that are detrimental to the public health, safety and general welfare of the citizens of the City, and therefore such conduct must be regulated as provided herein.

B. Regulation of the sexually-oriented business industry through permitting and/or licensing is necessary because, in the absence of such regulation, significant criminal activity has historically and regularly occurred.

C. Proximity between entertainers and patrons during adult entertainment performances can facilitate sexual contact, prostitution and related crimes. Concerns about crime and public sexual activity are legitimate and compelling concerns of the City which demand reasonable regulation of adult entertainment establishments in order to protect the public health, safety and general welfare.

~~E.D.~~ It is necessary to license entertainers in the sexually-oriented industry to prevent the exploitation of minors; to ensure that each such entertainer is an adult; and to ensure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible.

~~D.E.~~ The evidence supporting the need to protect minors and families from the criminal and other unlawful activities associated with the operation of sexually-oriented businesses is compelling. The provisions of this Chapter are necessary to ensure that sexually-oriented uses in SeaTac are conducted a reasonable distance away from places where minors regularly gather, often in large numbers.

~~E.F.~~ It is necessary to have a licensed manager on the premises of sexually-oriented businesses at such times as such establishments are offering sexually-oriented business so there will, at all necessary times, be an individual responsible for the overall operation of the establishment, including the actions of patrons, entertainers and other employees.

~~F.G.~~ The license fees required herein are nominal fees imposed as necessary cost recoupment measures designed to help defray the substantial expenses incurred by the City in regulating the sexually-oriented businesses, and in increased police costs in enforcement.

~~G.H.~~ Enterprises providing sexually-oriented businesses are increasingly associated with ongoing prostitution, disruptive conduct and other criminal activity. Such businesses are currently not subject to effective regulation and constitute an immediate threat to the public peace, health and safety. The hours of operation of such businesses have a significant impact on the occurrence of illegal drug transactions, and other criminal activities.

~~H.I.~~ Due to the information presented regarding the connection of prostitution with sexually-oriented businesses, there is concern over sexually-transmitted diseases which is a legitimate health concern of the City and thus requires regulation of sexually-oriented businesses in order to protect the health, safety and well-being of the public.

~~I.J.~~ Many cities, including Seattle and Tacoma, have experienced negative secondary impacts from sexually-oriented business land uses. The skid row effect is one of these secondary impacts and is evident in certain parts of Seattle. Such an effect would be significantly magnified in SeaTac due to the difference in size and characteristics of the City.

~~J.K.~~ The City of SeaTac may rely on the experiences and studies of other cities, counties and organizations in assessing the need for regulation of sexually-oriented business use, operations and licensing.

~~K.L.~~ The City takes notice of studies and experiences of other cities and counties in combating the specific adverse impacts of sexually-oriented businesses.

~~E.M.~~ Regulation of sexually-oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than in response to an existing problem.

~~M.N.~~ Increased levels of criminal activities occur in the vicinity of sexually-oriented businesses. Additionally, hidden ownership interests for the purpose of skimming profits, avoiding payment of taxes, and racketeering have historically occurred in sexually oriented businesses, in the absence of regulations.

~~N.O.~~ The City Council therefore finds that the protection and the preservation of the public health, safety and welfare requires establishment of this Chapter.

~~O.P.~~ There are sufficient important and substantial government interests to provide a constitutional basis for reasonable regulation of time, place, and manner under which sexually-oriented businesses can operate.

Q. Since 1995, police officers have conducted numerous investigations at the City of SeaTac's existing adult entertainment establishment. These investigations conducted by both uniformed officers and undercover officers, have resulted in the issuance of over 60 citations for criminal violations. A majority of the violations involved physical contact between an entertainer and a patron.

~~P.R.~~ It is not the intent of this Chapter to unconstitutionally suppress any speech activities protected by the First Amendment of the United States Constitution nor Article 1, Section 5 of the Washington State Constitution, but to enact content neutral ordinances which address the secondary effects of sexually-oriented businesses, as well as the health problems associated with such businesses.

~~Q.S.~~ In a family community, sexually-oriented businesses are not uniformly compatible with community standards, as defined during the numerous public hearings.

~~R.T.~~ The law enforcement resources available for responding to problems associated with or created by sexually-oriented businesses are limited and are best conserved by regulating and licensing sexually-oriented businesses and those associated with them.

~~S.U.~~ In order to assure that all conditions, regulations, etc. are met, the City has established a reasonable time period for review of license applications.

5.40.030 Definitions.

For the purposes of this Chapter, certain terms and words are defined as follows:

A. "Sexually-oriented business" shall mean those businesses defined as follows:

1. ADULT ARCADE: "Adult Arcade" shall mean an establishment containing any individual viewing areas or booths, where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines are used to show films, motion pictures, video cassettes, slides, or other photographic reproduction of specified sexual activities or specified anatomical areas.

2. ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE: "Adult bookstore", "adult novelty store", or "adult video store" shall mean a commercial establishment which has 30% or more of its inventory or floor space used for the sale or rental, for any form of consideration, any one or more of the following:

a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations or sexually oriented paraphernalia or novelty items, which are characterized by the depiction, description or reproduction of specified sexual activities or specified anatomical areas; or

b. An establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting, describing or reproducing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to

exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as 30% or more of its inventory or floor space is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

c. Video stores that sell and/or rent video tapes or other photographic reproductions and associated equipment shall come within this definition if 30% or more of the inventory or floor space includes the rental or sale of video tapes or other photographic reproductions or associated equipment which are characterized by the depiction, description or reproduction of specified sexual activities or specified anatomical areas.

3. ADULT CABARET: "Adult cabaret" shall mean a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which features: ~~1) persons who appear semi-nude or nude; or 2) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities~~ sexually-oriented live entertainment.

4. ADULT MOTEL: means a hotel, motel, or similar commercial establishment:

a. Which offers sleeping accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

b. Which offers a sleeping room for rent for a rental fee period of time that is less than twenty (20) hours; or

c. Which allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty (20) hours.

5. ADULT MOTION PICTURE THEATER: "Adult motion picture theater" shall mean a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of specified anatomical areas or specified sexual activities are shown for any form of consideration.

6. ADULT THEATER: "Adult theater" shall mean a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, features persons who appear live in a semi-nude or nude state, or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities.

7. ESCORT AGENCY: "Escort agency" means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as its business purpose for a fee, tip, or other consideration. This shall not include any escort service offered by a charity or non-profit organization for medical assistance or assistance to the elderly or infirm.

8. NUDE OR SEMI-NUDE MODEL STUDIO: "Nude or semi-nude model studio" shall mean any place where a person, who appears nude or semi-nude, or displays specified anatomical areas, is provided for money or any other form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

B. BARKER: "Barker" shall mean any person who is located at the entrance of or outside of a sexually oriented business, and attempts to solicit business for the same by using voice, or gestures.

C. CITY: "City" means the City of SeaTac, Washington.

D. DIRECTOR: "Director" means the City Manager, or designee.

E. EMPLOYEE: "Employee" means any and all persons, including managers, entertainers, and independent contractors

who work in or at or render any services directly related to the operation of any sexually-oriented business of live entertainment, adult theater, or adult use establishments, whether or not such person is paid compensation by the operator of said business.

F. ENTERTAINER: "Entertainer" means any person who provides sexually-oriented live entertainment in an adult cabaret or adult theater, whether or not they are an employee of the business and whether or not a fee is charged or accepted for such entertainment, and whether or not nude, semi-nude or clothed.

G. MANAGER: "Manager" means any person who manages, directs, administers, or is in charge of, the affairs and/or the conduct of a sexually oriented business.

H. ESCORT: "Escort" means a person who, provides services for an escort service as defined herein, who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person

I. ESTABLISHMENT: "Establishment" shall mean and include any of the following:

1. The opening or commencement of any sexually-oriented business as a new business; or
2. The conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented businesses defined herein; or
3. The addition of any of the sexually-oriented businesses defined herein to any other existing sexually-oriented business; or
4. The relocation of any such sexually-oriented business; or
5. An existing sexually-oriented business.

J. NUDE OR STATE OF NUDITY: "Nude or State of Nudity" shall mean the appearance or less than complete and opaque covering of the human anus, male genitals, female genitals, or the areola or nipple of the female breast.

K. OPERATOR: "Operator" shall mean and include the owner, significant stockholder or significant owner of interest, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed premises.

L. PERMITTED OR LICENSED PREMISES: "Permitted and/or Licensed Premises" shall mean any premises that requires a license and/or permit and that is classified as a sexually-oriented business.

M. PERMITTEE AND/OR LICENSEE: "Permittee and/or Licensee" shall mean a person in whose name a permit and/or license to operate a sexually-oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

N. PERSON: "Person" shall mean any individual, firm, joint venture, co-partnership, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver or any other group or combination acting as a unit.

O. SEMI-NUDE: "Semi-Nude" shall mean a state of dress in which clothing completely and opaquely covers no more than the genitals, pubic region, and areola and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

P. SPECIFIED ANATOMICAL AREAS: "Specified anatomical areas" shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, anus, or areola of the female breasts or any artificial depiction of the same; or
2. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

Q. SPECIFIED CRIMINAL ACTIVITIES: "Specified criminal activities" shall mean any conviction for acts which are sexual crimes against children, sexual abuse, rape, or distribution of obscenity or erotic material to minors, prostitution, pandering, or racketeering.

R. SPECIFIED SEXUAL ACTIVITY: "Specified sexual activity" shall mean and include any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. Masturbation, actual or simulated; or
4. Human genitals or artificial depictions of the same in a state of sexual stimulation, arousal or tumescence; or
5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 4 of this subsection.

S. SEXUALLY-ORIENTED LIVE ENTERTAINMENT: "Sexually-oriented live entertainment" means: ~~a live performance which is characterized by the performer's exposure of specified anatomical areas or performance of specified sexual activities.~~

1. Any performance or dance of any type conducted in a commercial premises for a member or members of the public where such exhibition, performance or dance involves a person who is nude or semi-nude; or
2. Any exhibition, performance or dance of any type conducted in a commercial premises for a member or members of the public where such exhibition, performance or dance is distinguished or characterized by the performer's exposure of specified anatomical areas or performance of specified sexual activities; or
3. Any exhibition, performance or dance intended to sexually stimulate a member of the public where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all members of the public on the premises at the time, with separate consideration paid, either directly or indirectly for such performance, exhibition or dance.

T. OBSCENITY: "Obscenity" shall mean the definition of lewd material provided by [RCW 7.48.050](#), including any matter:

1. which the average person applying contemporary community standards would find when considered as a whole, appeals to the prurient interests in sex; or
2. which explicitly depicts or describes patently-offensive representations or descriptions of:
 - a. ultimate sexual acts, normal or perverted, actual or simulated; or
 - b. masturbation, fellatio, cunnilingus, bestiality, excretory functions or lewd exhibitions of the genital or genital areas; or
 - c. violent or destructive sexual acts, including, but not limited to, human and or animal mutilation, dismemberment, rape and or torture; or
 - d. has a dominant theme which appeals to the prurient interests of minors and sex; which is patently offensive because it affronts contemporary community standards relating the description of representation of sexual matters or sadomasochistic abuse; and
3. which when considered as a whole lacks serious, literary, artistic, political or scientific value.

U. TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY-ORIENTED BUSINESS: "Transfer of Ownership or Control" of a sexually-oriented business" shall mean and include any of the following:

1. The sale, lease, or sublease of the business; or
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

5.40.040 Prohibition.

For the reasons stated in the recitals and in Section 5.40.010 and 5.40.020 of the Code, a person shall not use any property or premises for a sexually-oriented business within the City of SeaTac, except as permitted in this Chapter.

5.40.050 Regulated uses.

All sexually-oriented businesses are subject to the provisions of Section 5.40.040 of the Code and the regulations contained in this Chapter.

5.40.060 Sexually-oriented business permit required.

~~A. No sexually-oriented business shall be permitted to operate without a valid sexually-oriented business permit, issued by the City for the particular type of business. It shall be unlawful and a person commits a misdemeanor if he/she operates, knowingly allows or causes to be operated a sexually-oriented business without said permit. A person may not conduct or operate a sexually-oriented business without a permit issued by the City for the particular type of business.~~

B. The City Manager or designee, is responsible for granting, denying, revoking, renewing, suspending, and canceling sexually-oriented business permits and related licenses. The City Manager, along with the Building Official and/or his/her/their designee(s) are responsible for ascertaining whether a proposed sexually-oriented business for which a permit and/or license is being applied for complies with all requirements enumerated herein and all other applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date of this Chapter.

C. An application for a sexually-oriented business permit shall be made on a form provided by the City. Each person desiring to operate a sexually-oriented business shall file with the City Director of Finance or designee an application supplied by the City.

D. The completed application shall contain the following information and shall be accompanied by the following documents:

1. If the applicant is:

a. An individual/sole proprietor, the individual/owner shall state his/her legal name and any aliases, stage names, or previous names, date of birth, social security number and submit satisfactory proof that he/she is eighteen (18) years of age or older, business, mailing and residential address and business telephone number.

b. A partnership, the partnership shall state its complete name, and the legal names of all partners, including their dates of birth, social security numbers, and submit satisfactory proof that each is eighteen (18) years of age and whether the partnership is general or limited, and a copy of the partnership agreement, if any.

c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the

corporation is in good standing under the laws of the State of Washington, the legal names, dates of birth, social security numbers, proof that each is eighteen (18) years of age or older and the capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, and the address of the registered office for service of process.

d. As a part of the application process, each officer, director, or principal stockholder, as defined above, shall provide the City Director of Finance or designee with an affidavit attesting to their identity and relationship to the corporation. Principal stockholder shall mean those persons who own ten percent (10%) or greater interest in the sexually-oriented business.

~~2. Whether the applicant or any other individuals listed pursuant to Subsections D1, (a), (b) and (c) of this Section within a four (4) year period immediately preceding the date of the application has been convicted of a specified criminal activity and, if so, the specified criminal act involved, the date of conviction and the place of conviction a partner, corporate officer, or director of the applicant holds another license under this Chapter or a license for a similar live adult entertainment or sexually oriented business, including a motion picture theater and a panoram, from the jurisdiction or another city or county or state, and, if so, the name and address of each other licensed business;~~

~~3. Whether the applicant or any of the other individuals listed pursuant to this Section has, within the last four (4) years, had a previous permit or license under this Chapter or other similar ordinances from another city or county denied, suspended, or revoked, including the name and location of the sexually-oriented business for which the permit or license was denied, suspended, or revoked, the entity denying the same, as well as the date of the denial, suspension, or revocation. A summary of the business history of the applicant and applicant control persons in owning or operating the live adult entertainment or other sexually oriented business, providing names, addresses, and dates of operation for the businesses and whether a business license or live adult entertainment establishment license has been revoked or suspended and the reason for the revocation or suspension;~~

~~4. Whether the applicant or any other entity listed pursuant to this Section holds any other permits and/or licenses under this Chapter or any other Chapter of the City Code, or other similar sexually-oriented business license from another city or county, and, if so, the names and locations of such other permitted businesses. For the applicant and all applicant control persons, all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions, including the dates of conviction, nature of the crime, name and location of the court, and disposition;~~

~~5. The single classification of permit for which the applicant is filing. For the applicant and all applicant control persons, a description of business, occupation, or employment history for the three years immediately preceding the date of the application;~~

~~6. The location of the proposed sexually-oriented business, including a legal description of the property, street address, and telephone number(s), if any. Authorization for the jurisdiction and the jurisdiction's agents and employees to seek information to confirm statements set forth in the application;~~

~~7. The applicant's mailing address and residential address. The location and doing-business-as name of the proposed live adult entertainment establishment, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property;~~

~~8. Each application shall be accompanied by a complete set of fingerprints of each person required to be a party to the application, including all corporate applicants as defined above, utilizing fingerprint forms as prescribed by the Chief of Police or his/her designee. A complete set of fingerprints for the applicant or each applicant control person, taken by the law enforcement agency for the jurisdiction, or such other entity as authorized by the law enforcement agency; and~~

~~9. In the case of all sexually-oriented businesses, a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram must be professionally prepared and accepted by the City, and it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. A scale drawing or diagram showing the~~

configuration of the premises for the proposed live adult entertainment establishment, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms, and service areas must be clearly marked on the drawing. An application for a license for a live adult entertainment establishment must include building plans that demonstrate conformance with the jurisdiction's building code requirements.

10. Applicants for a permit and/or license under this Chapter shall have a continuing duty to promptly supplement application information required in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change by supplementing the application on file with the City Finance Department, shall be grounds for suspension of a permit and/or license.

11. In the event the City Manager or designee determines or learns at any time that the applicant has improperly completed the application for a proposed sexually-oriented business permit or license, he/she shall promptly notify the applicant of such fact and allow the applicant ten (10) days to properly complete the application. (The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application).

12. The applicant must be qualified according to the provisions of this Section, must have a current City business license, and the premises must be inspected and found to be in compliance with all health, fire, and building codes applicable in the City.

13. The applicant shall be required to pay a preliminary non-refundable processing fee established by resolution at the time of filing an application under this Section. Note: This is a processing fee. License fees shall also be required in the event the application is approved.

14. The fact that a person possesses other types of State or City permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually-oriented business permit.

15. The application form for licenses and permits issued under this Chapter shall contain a provision providing that under penalty of perjury the applicant verifies that the information contained therein is true to the best of his/her knowledge.

16. Attached to the license shall be a one and one half inch by two inch (12" x 2") color photographs of the applicant, including corporate applicants, showing the full face of the same, taken by the City, at a charge of two dollars (\$2.00), to be paid by the applicant at the time of the application. The license, when issued, shall have affixed to it the photograph of the applicant.

5.40.070 Investigation and application.

A. Upon receipt of an application properly filed with the City Director of Finance or designee, and upon payment of the non-refundable processing fee, the City Manager or designee shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to the various departments of the City or other agencies responsible for enforcement of health, fire, and building codes and laws. Each department or agency shall promptly conduct an investigation of the application and the proposed sexually-oriented business. Said Investigation shall be completed within twenty (20) working days of receipt of the application by the City Director of Finance or designee, unless circumstances support extending the same. If so, the City shall inform the applicant of the same and why. At the conclusion of its investigation, an appropriate representative of each department or agency shall indicate on the photocopy of the application its recommendation as to approval or disapproval of the application, date it, sign it, forward it to the City Director of Finance or designee, and in the event that the department or agency recommendation is for disapproval, the specific reasons for the recommendation shall be stated, citing applicable laws, regulations and reasons.

B. A department or agency shall recommend disapproval of an application if it finds that the proposed sexually-oriented business will be in violation of any provision of any statute, code, ordinance, regulation, or other law in effect

in the City, or if the applicant does not meet the conditions as specified in this Chapter. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the City Director of Finance or designee.

5.40.080 Issuance of permit.

A. The City Manager or designee shall grant or deny an application for a permit within thirty (30) days from the date of its proper filing unless the City or applicant establishes a good reason for an extension.

B. Grant of Application for Permit:

1. The City Manager or designee shall grant the application unless one or more of the criteria set forth in Subsection C below (Denial of Application for Permit) is present.

2. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually-oriented business. The permit shall be posted in a conspicuous place, at or near the entrance to the sexually-oriented business so that it can be easily read at any time. It shall be valid for the period of time provided in this Chapter.

C. Denial of Application for Permit: The City Manager or designee shall deny the application for any of the following reasons:

1. An applicant is under eighteen (18) years of age or will be employing a person under eighteen (18) years of age.
2. An applicant is overdue on his/her payment to the City of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually-oriented business.
3. An applicant has failed to provide information required by this Chapter, Section 5.40.060 or the application for the issuance of the permit, or has falsely answered a question or request for information on the application form.
4. The applicant has failed to comply with any provision or requirement of this Chapter.
5. The applicant has failed to comply with any City codes or other state or federal regulations or court order.
6. The applicant has been convicted, forfeited bail or otherwise had an adverse finding against him or her for a specified criminal activity within the four years prior to the application date.

5.40.090 Licenses for managers and entertainers of sexually-oriented business required.

~~For adult cabarets the required license shall be the adult cabaret license set forth in subsection B below. It is unlawful for any entertainer, employee, or operator to knowingly work in or about or knowingly perform any service directly related to the operation of an unlicensed adult cabaret business. Any adult cabaret must meet all of the requirements for a sexually-oriented business license as set forth above.~~

A. A person may not work as a manager, assistant manager, or entertainer at a live adult entertainment establishment without a manager's or an entertainer's license issued by the City. An applicant for a manager's or entertainer's license must complete an application on forms provided by the Director of Finance or designee containing the information identified in this subsection. A nonrefundable application fee must accompany the application. The Director of Finance or designee shall provide a copy of the application to the law enforcement agency of the jurisdiction for its review, investigation, and recommendation. An application for a manager's or entertainer's license must be signed by the applicant and certified to be true under penalty of perjury. The manager's or entertainer's license application must require the following information:

(1) The applicant's name, home address, home telephone number, date and place of birth, fingerprints taken by the law enforcement agency of the jurisdiction or such other entity as authorized by the local law enforcement agency, social

security number, and any stage names or nicknames used in entertaining;

(2) The name and address of each live adult entertainment establishment at which the applicant intends to work;

(3) Documentation that the applicant has attained the age of eighteen years. Any two of the following are acceptable as documentation of age:

(a) A motor vehicle operator's license issued by a state, bearing the applicant's photograph and date of birth;

(b) A state-issued identification card bearing the applicant's photograph and date of birth;

(c) A passport issued by the United State of America;

(d) An immigration card issued by the United States of America; or

(e) Other identification that the jurisdiction determines to be acceptable and reliable;

(4) A complete statement of all convictions of the applicant for misdemeanor or felony violations in the jurisdiction or another city, county, or state within five years immediately preceding the date of the application, except parking violations or minor traffic infractions;

(5) A description of the applicant's principal activities or services to be rendered;

(6) Two two-inch by two-inch color photographs of the applicant, taken within six months of the date of application showing only the full face; and

(7) Authorization for the City and its agents and employees to investigate and confirm statements in the application.

B. The Director of Finance or designee may request additional information or clarification if necessary to determine compliance with this Chapter.

C. The contents of an application for an entertainer's license and any additional information submitted by an applicant for an entertainer's license are confidential and are not subject to public disclosure under [Chapter 42.17 RCW](#) Nothing in this subsection prohibits the exchange of information among government agencies for law enforcement or licensing purposes.

D. An entertainer shall provide the entertainer's license to the live adult entertainment establishment manager on duty on the premises before the entertainer's performance. The manager shall retain the license of the entertainer so as to be readily available for inspection by the jurisdiction during business hours of the live adult entertainment establishment.

E. The Director of Finance or designee shall issue a live adult entertainment establishment manager's or entertainer's license within fourteen days from the date the complete application and fee are received unless the Director of Finance or designee determines that the applicant failed to provide information required to be supplied according to this Chapter, made a false, misleading, or fraudulent statement of material fact in the application, failed to meet a requirement for issuance of a license under this Chapter, failed to comply with any city codes or other state regulations, or has been convicted, forfeited bail or otherwise had an adverse finding against him or her for a specified criminal activity within the four years prior to the application date. If the Director of Finance or designee determines that the applicant does not qualify for the license, then he/she shall deny the application in writing and shall cite the specific reasons for the denial, including applicable laws. If the Director of Finance or designee fails to approve or deny an application for a live adult entertainment establishment manager's license within fourteen days of filing of a complete application, the applicant may, subject to all other applicable laws, commence work as a live adult entertainment establishment manager in a licensed live adult entertainment establishment until notified by the City designee that the license is denied, but the City designee may not extend the application review time for more than an additional twenty days.

F. An applicant for an entertainer's or manager's license must be issued a temporary license upon receipt of a complete license application and fee. The temporary license automatically expires on the fourteenth day following the filing of the complete license application and fee unless the Director of Finance or designee fails to approve or deny the license application, in which case the temporary license is valid until approval or denial of the application or until the final determination of an appeal from a denial of the application. The City designee may not extend the application review time for more than an additional twenty days.

5.40.090100 Licenses required for sexually oriented businesses - Fees.

A. No sexually-oriented business shall be operated or maintained in the City of SeaTac unless the owner or operator has obtained a sexually-oriented business permit as set forth in this Chapter, and the applicable licenses from the City Director of Finance or designee.

B. The annual fee for an ~~adult cabaret~~ sexually-oriented business license shall be established in resolution, in the amount provided as the annual fee for an Adult Entertainment Business License. The amount shall be used for the cost of administration and enforcement of this Chapter.

~~C. The annual license fee for all other sexually-oriented businesses described in Subsection B above shall be established by resolution, in the amount provided as the annual fee for an Adult Entertainment Business License. The amount shall be used for the cost of administration and enforcement of this Chapter.~~

~~D. C. The above-referenced licenses expires on the 31st day of December 31 of the each year, of issuance or renewal, and must be renewed by January 1 of the next year. Application for renewal must be made no later than 30 days before expiration.~~

D. The Director of Finance or designee shall renew a license upon application unless he/she is aware of a fact that would disqualify the applicant from being issued the license for which the applicant seeks renewal; and if the application complies with this Chapter. The Director of Finance or designee shall provide written notice to the licensee of the decision to not renew the license. The notice must include the reason for the decision to not renew and inform the licensee of the right to appeal the decision to the designated hearing body.

E. The applicant must be 18 years of age or older.

5.40.100110 License for managers and entertainers of sexually-oriented business required - Fee.

A. No person shall work as a manager or entertainer at any sexually-oriented business without having first obtained the appropriate entertainer's or manager's license from the City, as described above. ~~Each such applicant shall not be required to obtain a sexually-oriented business permit, but shall complete an application containing the information identified in Paragraph D, Section 5.40.060 above and the same procedures shall be followed as set forth in Sections 5.40.050, 5.40.060, 5.40.070 and 5.40.080. A non-refundable processing fee established by resolution shall accompany the application.~~

B. The annual fee for such a license shall be established by resolution, in the amount provided as the annual fee for an Adult Entertainer/Manager License. The amount shall be used for the cost of administration and enforcement of this Chapter.

C. The above-referenced licenses expire one year after the date of issuance or renewal, and must be renewed no later than 14 days prior to the expiration date. ~~by the anniversary date of such issuance or renewal.~~

D. The Director of Finance or designee shall renew a license upon application unless he/she is aware of a fact that would disqualify the applicant from being issued the license for which the applicant seeks renewal; and if the application complies with this Chapter. The Director of Finance or designee shall provide written notice to the licensee of the decision to not renew the license. The notice must include the reason for the decision to not renew and inform the licensee of the right to appeal the decision to the designated hearing body.

5.40.110 Licenses for models and escorts.

No person shall work as a model at a nude or semi-nude model studio or as an escort as defined herein without having first obtained a model or escort license from the City Director of Finance or designee.

A. Each such applicant ~~shall not be required to obtain a sexually-oriented business permit, but~~ shall complete an application containing the information identified in ~~Paragraph D, Section 5.40.0690~~ above and the same procedures shall be followed as set forth in Sections ~~5.40.110 5.40.050, 5.40.060, 5.40.070 and 5.40.080~~. A non-refundable processing fee established in resolution shall accompany the application.

B. The annual fee for such a license shall be established in resolution, in the amount provided as the annual fee for an Adult Entertainer/Manager License. The amount shall be used for the cost of administration and enforcement of this Chapter.

C. The above-referenced licenses expire one year after the date of issuance or renewal, and must be renewed ~~by the anniversary date of such issuance or renewal~~ no later than 14 days prior to the expiration date.

D. The applicant must be 18 years of age or older ~~and not qualify for denial pursuant to Section 5.40.080 hereof.~~

5.40.120 Due date for license fees.

~~All licenses required in this Chapter must be issued and the applicable fees paid to the City Director of Finance or designee at least fourteen (14) calendar days before commencing work at a sexually-oriented business, and on an annual basis as described above. The sexually-oriented business permit required by Section 5.40.060 above must be renewed/reapplied for yearly and whenever there are changed circumstances as set forth in Subsection (D) (12) of Section 5.40.060. The fee structure for all fees and fines in this Chapter shall be reviewed annually after a renewal has been applied for, to assure that the fees accurately reflect the cost of enforcement and administration of this Chapter.~~

5.40.130 Manager on premises.

~~A. A licensed manager shall be on duty at all sexually-oriented business premises at all times, whether the business provides live or other performances. The responsibilities of the manager include but are not limited to:~~

~~(1) A licensed manager shall be on duty at a live adult entertainment establishment at all times adult entertainment is provided or members of the public are present on the premises. The name and license of the manager must be prominently posted during business hours. The manager is responsible for verifying that a person who provides adult entertainment within the premises possesses a current and valid entertainer's license;~~

~~(2) The licensed manager on duty may not be an entertainer;~~

~~(3) The manager or an assistant manager licensed under this Chapter must maintain visual observation of each member of the public at all times an entertainer is present in the public or performance areas of the live adult entertainment establishment. If there is more than one performance area, or the performance area is of such a size or configuration that one manager or assistant manager is unable to visually observe, at all times, each entertainer, each employee, and each member of the public, a manager or assistant manager licensed under this Chapter must be provided for each public or performance area or portion of a public or performance area visually separated from other portions of the live adult entertainment establishment; and~~

~~(4) The manager is responsible for and must ensure that the actions of members of the public, the entertainers, and all other employees comply with this Chapter.~~

~~B. The licensed manager on duty shall not be an entertainer.~~

~~C. It shall be the responsibility of the manager to verify that any entertainer who works or appears within the premises possesses a current and valid entertainer's license posted in the manner required by this Chapter.~~

~~D. The manager shall not knowingly allow a violation of this code to continue or exist at the facility.~~

5.40.140 License nontransferable.

No license or permit issued pursuant to this Chapter shall be transferable.

5.40.150 License - Posting and display.

A. Every entertainer, manager, escort or model shall post his/her license in his/her work area so that it is readily available for public inspection.

B. Every person, corporation, partnership, or association licensed under this Chapter shall display its license in a prominent place within the establishment. In the case of adult cabarets, the name of the manager on duty shall be prominently posted during business hours.

5.40.160 Specifications - adult cabarets and adult theaters.

A. SEPARATION OF SEXUALLY-ORIENTED LIVE ENTERTAINMENT PERFORMANCE AREA: The portion of adult cabaret, adult theater or any other premises in which sexually-oriented ~~business~~ live entertainment is performed shall be either: (1) a stage or platform, visible to all members of the public at the premises, at least twenty-four (24) inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least six (6) feet from all areas of the premises to which patrons have access. A continuous railing at least three (3) feet in height and located at least six (6) feet from all points of the sexually-oriented live entertainment performance area shall separate the performance area and the patron areas; or (2) a private table stage comprised of seating, beverage tray, and entertainment surface. The beverage tray shall be no more than 38" from the floor and the performance surface shall be no less than 50" above the floor level. Additionally, the outermost edge of the entertainment surface shall be separated from the outermost edge of the beverage tray by no less than 24" measured horizontally. All private table stages shall be visible from the entrance of the establishment and from a manager's station and shall not be obscured by any curtain, door, wall or other enclosure.

B. LIGHTING: Sufficient lighting shall be provided and equally distributed in and about the parts of the premises which are open to and used by patrons so that all objects are plainly visible at all times, and so that on any part of the premises which are open to and used by patrons a program, menu, or list printed in 8 point type will be readable by the human eye with 20/20 vision from two feet away.

C. SUBMITTAL OF PLANS: Building plans and lighting calculations showing conformance with the requirements of this Section shall be included with any application for an adult cabaret or adult theater business license. Building plans must be in compliance with all building, planning and other applicable state, local and federal regulations.

5.40.170 Standards of conduct and operation applicable to adult cabarets.

A. STANDARDS FOR PATRONS, EMPLOYEES AND ENTERTAINERS: The following standards of conduct must be adhered to by patrons, entertainers and/or employees of adult cabarets at all times live performances are provided.

~~1. No employee or entertainer shall be unclothed or in less than opaque and complete attire, costume or clothing so as to expose to view any portion of female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except in the performance areas described above in Section 5.40.160(A). may appear nude on any part of the premises open to view of members of the public, except in the entertainment performance areas described in Paragraph A of Section 5.40.160 above. No entertainer may perform anywhere on the premises except in said entertainment performance area with the exception of subsection 2 below.~~

2. An employee or entertainer mingling with the public may not be unclothed or in less than opaque and complete attire, costume, or clothing as described in (1) above.

3. An employee or entertainer mingling with a member of the public may not conduct a dance, performance, or

exhibition in or about the nonperformance area of the live adult entertainment establishment unless that dance, performance, or exhibition is performed at a distance of at least six (6) feet from the member of the public for whom the dance, performance, or exhibition is performed. The distance of six feet is measured from the torso of the dancer to the torso of the member of the public.

2.4. No patron or customer shall go into or upon the sexually-oriented live performance areas described in Paragraph A of Section 5.40.160 above.

~~3.4. No member of the public, employee or entertainer or patron shall allow, encourage, or knowingly permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus, pubic area, or genitals of themselves or another.~~

~~4. No member of the public, employee or entertainer or patron shall touch, caress, or fondle the breasts, buttocks, anus, pubic area, or genitals of themselves or another for the purpose of arousing or exciting the sexual desires of either party.~~

~~5. No member of the public, employee or entertainer shall allow, encourage, or permit physical contact between an employee or entertainer and any member of the public for the purpose of arousing or exciting the sexual desires of either party.~~

5. An employee or entertainer may not caress, fondle, or erotically touch a member of the public or another employee. An employee may not encourage or permit a member of the public to caress, fondle, or erotically touch that employee. A member of the public may not caress, fondle or erotically touch an employee or entertainer.

6. No employee or entertainer shall perform acts of or acts which simulate: a. Sexual intercourse, masturbation, bestiality, sodomy, oral copulation, flagellation, or any sexual acts the performance of which are prohibited by law.

~~b. The touching, caressing, or fondling of the breasts, buttocks, pubic area, or genitals~~

7. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection.

8. No entertainer shall be visible from any public place outside the premises during the actual or apparent hours of his/her employment or performance on the premises.

~~9. No entertainer or other employee employed or otherwise working at an adult cabaret or adult theater shall solicit, demand, accept, or receive any gratuity or other payment directly from a patron, customer, or member of the public in the nonperformance area. Any gratuity or tip offered to an entertainer in the nonstage area must be placed into a common receptacle provided by the management. It is provided, however, that gratuities or other payments may be indirectly made to entertainers or other employees such that said gratuities or payments be placed upon the stage or platform separation rail or in the case of private table stages placed directly upon the stage surface. only if such gratuities or other payments are deposited into a common container or receptacle into which all such gratuities or payments are made. Such payments shall be for gratuities only, and not payment for any other services, performances, products, function or items for which a charge or cost is attached.~~

9. No tip or gratuity or other payment offered to or accepted by an adult entertainer may be offered or accepted prior to any performance, dance or exhibition provided by the entertainer. No entertainer performing in the performance area shall be permitted to accept any form of gratuity or other payment offered directly to the entertainer by any patron. Any gratuity or other payment offered to any entertainer performing upon any stage area must be placed upon the stage or platform separation rail, or in the case of private table stages, placed directly upon the table stage surface. Any gratuity or tip or other payment offered to any adult entertainer conducting any performance, dance or exhibition in or about the non-stage area of the adult entertainment establishment shall be placed into a receptacle provided for receipt of gratuities by the adult entertainment establishment or provided through a manager on duty on the premises.

10. It is unlawful for any entertainer, employee, manager, or wait person to perform more than one such function at an

adult cabaret on the same business day.

11. Except as provided in Paragraph A.8~~9~~, of Section 5.40.170 hereof, no customer or patron of an adult cabaret shall give to an entertainer, either directly or indirectly, or otherwise provide an entertainer with, a gratuity or other payment, except an initial entrance fee or similar fee set out by the premises, ~~and no entertainer shall accept, either directly or indirectly, any gratuity or other payment from a customer or patron of an adult cabaret, except as provided in Paragraph A.8, of Section 5.40.170 hereof.~~

12. ~~When not performing, entertainers are prohibited from being present in areas of the establishment that are open to the patrons of the establishment.~~ Entertainers are required to use separate restroom facilities.

13. At least ~~one two~~ signs ~~on each private table stage in English, 12 point print or larger of sufficient size to be readable at twenty (20) feet shall be conspicuously displayed in the public area of the establishment stating the following:~~

~~THIS ADULT CABARET OR ADULT THEATER IS REGULATED BY THE CITY OF SEATAC ENTERTAINMENT REGULATIONS: ENTERTAINERS ARE:~~

- ~~(a) Entertainers may not extend any portion of their body beyond the edge of the performance stage; Not permitted to engage in any type of specified sexual activity;~~
- ~~(b) Touching or any physical contact is prohibited and may lead to arrest of patron and/or entertainer; Not permitted to appear nude except on stage;~~
- ~~(c) Entertainers are not permitted to accept tips or gratuities or other payments directly from patrons. All tips or gratuities or other payments must be placed upon the stage surface, railing, or placed in common receptacle. Not permitted to appear semi-nude or clothed and dance or model, except on stage;~~
- ~~(d) Not permitted to dance or model except on stage;~~
- ~~(e) Not permitted to solicit, demand, accept, or receive directly or indirectly any gratuity or other payment from a patron, except as provided in Paragraph A.8, of Section 5.40.170 hereof.~~

14. ~~At least two additional signs, readable from at least 20 feet distance, shall be posted in the premises. One shall be posted conspicuously at the entrance to the establishment, and the other shall be conspicuously placed within the entertainer's dressing room. These signs shall state the following:~~

~~THE ADULT CABARET OR ADULT THEATER IS REGULATED BY THE CITY OF SEATAC. ENTERTAINERS ARE:~~

- ~~(a) Not permitted to engage in any type of sexual conduct;~~
- ~~(b) Not permitted to appear semi-nude or nude except on stage;~~
- ~~(c) Entertainers are not permitted to accept tips or gratuities or other payments directly from patrons. All tips or gratuities or other payments must be placed upon the stage surface or placed in common receptacle.~~
- ~~(d) Touching between patrons and entertainers is prohibited and may lead to arrest of patron and/or entertainer.~~

~~14.15.~~ There must be at least one employee not an entertainer on duty and situated in any public area at all times that any patron, member or customer is present inside the premises.

~~15.16.~~ Doors to areas on the premises which are available for use by persons other than the owner, manager, operator or their agents or employees may not be locked during business hours.

~~16.17.~~ No person may operate or maintain any warning system or device, of any nature or kind, for the purpose of

warning or aiding and abetting the warning of patrons, members, customers or any other persons that police officers or health, fire or building inspectors are approaching or have entered the premises.

B. STANDARDS FOR OWNER OR OPERATOR OF ADULT CABARETS OR ADULT THEATERS: At any adult cabaret or adult theater where live performances are provided:

1. Admission must be restricted to persons of the age of eighteen (18) years or more pursuant to [RCW 9.68A.150](#); and the identification of all patrons must be checked by the employees of the premises.
2. Sufficient lighting shall be provided in or about the parts of the premises which are open to and used by the public so that all objects are plainly visible at all times, and allows for the reading of a program, menu, or list printed in 8-point type by the human eye with 20/20 vision from two feet away.
3. It is unlawful for any manager to perform more than one such function at an adult cabaret on the same business day, and it is unlawful for any manager to allow or permit any entertainer, employee, manager, or wait person to perform more than one such function at an adult cabaret on the same business day.
4. All prices, costs, charges of any services, performances, products, function or items for which a charge or cost is to be paid shall be listed and identified, in English, on a chart, sign or similar board, of sufficient size to be readable at twenty (20) feet, conspicuously displayed and visible from the entrance area of the establishment.

~~5. Other than non-obligated gratuities, made in accordance with Paragraph A.8, of Section 5.40.170 hereof, all payments made by customers or patrons for any services, performances, products, functions or items provided in the establishment shall be income of the business, and shall be appropriately reflected in the records and books of the business, and shall be subject to sales tax and other applicable taxes of the business.~~

5.40.180 Regulations of adult book stores, novelty stores, arcades and video stores

All adult bookstores, adult novelty stores, adult arcades, or adult video stores having facilities for customers' viewing of depictions of human nudity and/or specified sexual activity of any nature, including depictions of specified sexual activities, shall comply with the following regulations:

A. CONSTRUCTION/MAINTENANCE:

1. The viewing areas within the sexually-oriented adult arcade premises shall each be visible from the entrance of the establishment and from a manager's station and shall not be obscured by any curtain, door, wall or other enclosure. As used in this section "viewing area" means the area where a patron or customer would be positioned while watching a film, video or other viewing device.
2. All areas shall be maintained in a clean and sanitary condition at all times with sufficient lighting so that all objects are plainly visible at all times or listed print in 8 point type will be readable by the human eye with 20/20 vision from two (2) feet away.
3. Restrooms may not contain video reproduction equipment.
4. No steps or risers are allowed in any adult arcade booth or station.
5. No adult arcade station or booth shall have more than one stool type seat. In order to prevent obscuring the occupant of an adult arcade station or booth from view, no stool for seating within an adult arcade station or booth shall have any seat back or sides.
6. All ventilation devices between the adult arcade booths must be covered by a permanently affixed ventilation cover. Ventilation holes may only be located one foot from the top of the booth walls or one foot from the bottom of the booth walls. There may not be any other holes or openings ("Glory Holes," etc.) in the booths.

7. No person may operate any kind of warning device or system for the purpose of warning or aiding or abetting the warning of any patron, employee or other persons that the police, health, fire or building inspector or other public officials are approaching or entering the premises.

8. The licensee shall not permit any doors to public areas on the premises to be locked during business hours, in violation of the applicable provisions of the SeaTac Building Code, Uniform Fire Code, and National Fire Protection Association Code, or other applicable codes.

9. No person under 18 years of age shall be permitted in such premises. The employees shall check identification of all who enter.

B. UNLAWFUL CONDUCT: The following conduct or activity is unlawful:

1. Masturbation or sexual activity of any kind in viewing booths
2. Two (2) or more customers in a viewing booth at the same time
3. For the owner or manager to knowingly allow any of the disallowed conduct.
4. Non-compliance with any other regulations set forth in this Chapter.

C. SIGNS:

1. At least two signs shall be conspicuously and permanently posted on the premises in readable English type from 10 feet away, advising customers using viewing booths that:

- a. Masturbation in such booths is prohibited and unlawful.
- b. That it is unlawful for more than one (1) customer to occupy a viewing booth at any time.
- c. Violations are subject to criminal prosecution.

5.40.190 Other video store regulations.

Video stores that do not fit the definition of a sexually-oriented business as provided above but that sell or otherwise distribute films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and less than 30% of their revenues inventory or floor space includes such items, shall be subject to state regulations, and the following:

A. All such items as are described above shall be physically segregated and closed off from other portions of the store such that these items are not visible and/or accessible from other portions of the store.

B. No advertising for such items shall be posted or otherwise visible, except where such items are authorized by law for display.

C. Signs, in English, readable at a distance of 20 feet shall be posted at the entrance to the area where such items are displayed stating that persons under the age of eighteen (18) are not allowed access to the area where "erotic" items as defined by state statute and/or court order are displayed.

D. The manager or attendant shall take reasonable steps to monitor the area where such "erotic" items are displayed to ensure that persons under eighteen (18) years of age do not access the age-restricted area.

E. Rental or sale of obscene material (as defined herein) shall be considered a moral nuisance, and subject to abatement pursuant to this Chapter and [RCW 7.48.058](#).

F. Employees of such video stores shall check identification for the age of all persons renting or purchasing such

"erotic" items.

G. The store shall not employ anyone under eighteen (18) if the store sells or otherwise distributes films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

5.40.200 Exemptions.

This Chapter shall not be construed to prohibit:

A. A person appearing in a state of nudity or semi-nudity, modeling in a class operated by: a proprietary school, licensed by the State of Washington; a college, junior college, or university supported entirely or partly by taxation; a private college university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or the modeling of clothing or lingerie in a full-service restaurant where no consideration is charged, whether directly or indirectly, specified anatomical areas are opaquely covered and not exposed by the model and the models are not within six (6) feet of any patron of the restaurant.

B. Plays, operas, musicals, or other dramatic works that are not obscene;

C. Classes, seminars, and lectures held for serious scientific or educational purposes that are not obscene; or

D. Exhibitions, performances, expression or dances that are not obscene.

5.40.210 License - Name of business and place of business.

No person granted a permit and/or license pursuant to this Chapter shall operate a sexually oriented business under a name not specified in his/her license, nor shall he/she conduct business under any designation or at a location not specified in his/her permit and/or license.

5.40.220 Inspections.

A. All books and records required to be kept pursuant to this Chapter shall be open to inspection by the Chief of Police or designee of the City of SeaTac during the hours when the licensed premises is open for business. The purpose of such inspection shall be to determine if the books and records meet the requirements of this Chapter.

B. The licensed premises shall be (as an implied condition of receiving a sexually-oriented business permit and/or license) open to inspection by the City's Chief of Police, fire or health officials, or their designees during the hours when the sexually-oriented business premises is open for business. The purpose of such inspection shall be to determine if the licensed premises is operated in accordance with the requirements of this Chapter. It is hereby expressly declared that unannounced inspections are necessary to ensure compliance with this Chapter.

5.40.230 Hours of operation.

It is unlawful for any sexually-oriented business premises, except adult motels, to be conducted, operated, or otherwise open to the public between the hours of ~~one~~ four a.m. (~~1:00~~ 4:00 a.m.) and ~~four~~ eleven a.m. p.m. (~~4:00 p.m~~ 11:00 a.m.).

5.40.240 Alcohol prohibited.

Alcoholic beverages are prohibited from being served or present at any business subject to regulation under this Chapter.

5.40.250 Barkers prohibited.

The use of "Barkers" as defined herein by any sexually oriented business, or business offering sexually oriented

material, shall be prohibited.

5.40.260 Record keeping requirements.

A. Within thirty (30) days following each calendar quarter, each sexually-oriented business licensee shall file with the ~~City~~ Director of Finance or designee a verified report showing the licensee's gross receipts and amounts paid to entertainers, models, or escorts, if applicable, by quarter for the preceding calendar year.

B. Each sexually-oriented business licensee shall maintain and retain for a period of two (2) years from the date of termination of employment, the names, addresses, social security numbers and ages of all persons employed or otherwise retained as entertainers, models, and escorts by the licensee.

5.40.270 Denial, suspension or revocation of license or permit procedures - Appeal.

A. When the ~~City Manager~~ Director of Finance or designee refuses to grant a license or permit, or revokes or suspends the same, the applicant shall be notified in writing of the same, describing the reasons therefore, and shall inform the applicant of his right to appeal to the ~~City Council~~ Hearing Examiner within ten (10) days of the date of the written notice by filing a written notice of appeal with the City Clerk containing a statement of the specific reasons for the appeal and a statement of the relief requested.

B. Whenever the ~~City Manager~~ Director of Finance or designee has found or determined that any violation or change in circumstances of this Chapter has occurred, s/he shall issue a Notice of Violation and Suspension or Revocation ("Notice") to the licensee or permit holder.

The Notice shall include the following: (1) Name(s) of person(s) involved; (2) Description of the violation(s), including date and Section of this Chapter violated; (3) Description of the administrative action taken; and (4) Rights of appeal as set forth above.

The Notice shall be served either personally or by mailing a copy of the Notice by certified mail, postage prepaid, return receipt requested, to the licensee at his or her last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury, executed by the person effecting the service, declaring the time, date, and the manner by which service was made. The decision may be appealed to the ~~City Council~~ Hearing Examiner if request for appeal is filed with the City Clerk within 10 days of receipt of the notice. Said request shall be in writing, state specific reasons for the appeal, and the relief requested.

C. The suspension or revocation of a license shall be immediately effective unless a stay thereof is specifically requested in the written request for an appeal.

D. Within ten (10) days of receiving a timely appeal, the City Clerk shall forward the administrative record of the licensing decision to the ~~City Council~~ Hearing Examiner.

E. When an applicant has appealed the ~~City Manager's~~ Director of Finance or designee's decision according to the provisions hereof, the ~~City Council~~ Hearing Examiner shall review the administrative record at the next regularly scheduled meeting for which proper notice can be given. Written notice of the date and time of the scheduled meeting will be given to the applicant by the City Clerk by mailing the same, postage prepaid, to the applicant at the address shown on the license or permit application.

F. If the licensee appeals the Notice to the ~~City Council~~ Hearing Examiner, the licensee shall be afforded a reasonable opportunity to be heard as to the violation and action taken. The applicant and ~~City Manager~~ Director of Finance or designee shall be given an opportunity to argue the merits of the issues of the appeal before the ~~City Council~~ Hearing Examiner. Oral argument by each party shall not exceed ten (10) minutes and shall be limited to the administrative record before the ~~Council~~ City Hearing Examiner.

G. The ~~City Council~~ Hearing Examiner shall uphold the ~~City Manager's~~ Director of Finance or designee's decision unless it finds the decision is not supported by substantial evidence in the administrative record. The ~~City Manager~~

Director of Finance or designee shall have the initial burden of proof.

H. The City ~~Council~~ Hearing Examiner shall issue a written decision within ten (10) days of hearing the appeal, The ~~Council~~ City Hearing Examiner may uphold the ~~City Manager's~~ Director of Finance or designee's decision and deny the permit, overrule the ~~City Manager's~~ Director of Finance or designee's decision and grant the permit, or remand the matter to the ~~City Manager~~ Director of Finance or designee for further review and action. The ~~City Manager~~ Director of Finance or designee shall complete further action or review within thirty (30) days of receiving the remand.

I. The decision by the City ~~Council~~ Hearing Examiner shall constitute final administrative review. Applicant shall be responsible for the cost of any preparation of record for appeal.

J. Either party may seek judicial review of a final decision of ~~the~~ the City Council Hearing Examiner as provided by law.

K. The applicant shall be responsible for the cost of any preparation of record for appeal.

5.40.275 Suspension or revocation of license/permit - Duration.

A. The City shall suspend any license as required by this Chapter for a period of ~~ninety (90)~~ thirty (30) days upon the licensee's first violation of this Chapter or other applicable ordinances, statutes or regulations.

B. The City shall suspend any license required by this Chapter for a period of ~~one hundred eighty (180)~~ ninety (90) days upon the licensee's second violation within a 24 month period of this Chapter or other applicable ordinances, statutes or regulations.

C. The City shall revoke any license required by this Chapter for a period of two (2) years upon the licensee's third, or any subsequent, violation of this Chapter or other applicable ordinances, statutes or regulations.

D. Notwithstanding the other provisions of this Chapter, the City shall revoke or deny the renewal of any license required by this Chapter for two (2) years if the licensee has made any false or misleading statements or misrepresentations to the City.

E. Application for a new license may be made following the expiration of the applicable revocation period.

5.40.280 Applicability to currently operating businesses.

Any sexually-oriented business legally operating upon the effective date of this Chapter shall be exempted from the permit and application requirements of Sections 5.40.060, 5.40.070 and 5.40.080, above for the remainder of 1995~~8~~. This Section shall not be construed to exempt any legally operating adult bookstore from ceasing to operate portions of such business as an adult arcade pursuant to other regulations.

5.40.290 Limitations of liability.

None of the provisions of this Chapter are intended to create a cause of action or provide the basis for a claim against the City, its officials, or employees for the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.

5.40.300 Penalties for violation.

Any person violating any provision(s) of this Chapter shall be guilty of a misdemeanor. Any person convicted of such a violation shall be punished by a fine of not more than one thousand dollars (\$1,000) or a jail term of not more than ninety (90) days, or both. Each such person is guilty of a separate misdemeanor for each and every day which any violation of this Chapter is committed, continued, or permitted by any such person and said person shall be punished accordingly. Any persons violating any of the provisions of this Chapter shall also be subject to license suspension or

revocation and nuisance abatement as set forth herein.

5.40.310 Public nuisance/injunctions.

Any sexually-oriented businesses in violation of this Chapter shall be deemed a public nuisance, which, in addition to all other remedies, may be abated by injunctive relief.

Section 2. If any portion of this ordinance as now or hereafter amended, or its application to any person or circumstance is held invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision, or part thereof not adjudged to be invalid or unconstitutional, and its application to other persons or circumstances shall not be affected. In the case of a conflict between this Ordinance and any other ordinance or regulation of the City, this Ordinance shall prevail.

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

ADOPTED this 14th day of April, 1998, and signed in authentication thereof on this 14th day of April, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1013

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to fire lanes and violations thereto.

WHEREAS, by Ordinance No. 90-1022, the City Council adopted by reference certain provisions of the King County Code relating to the Uniform Fire Code and to fire safety lanes; and

WHEREAS, by Ordinance No. 90-1065, the Uniform Fire Code was directly adopted by reference and the majority of the aforesaid Ordinance was repealed; and

WHEREAS, the Council, by Ordinance No. 92-1006 adopted specific provisions relating to fire lanes and violations, which included a provision that violations of the requirements to mark and maintain fire lanes and violation of the prohibition against obstruction of fire lanes was a misdemeanor; and

WHEREAS, based upon statutory decriminalization of miscellaneous civil matters and parking violations, the City Council deems it appropriate to amend the aforesaid violations as civil infractions and traffic infractions, respectively; and

WHEREAS, the Council finds that it is essential to redesignate violations of fire lane regulations from a misdemeanor to a parking infraction or civil infraction to permit equal law enforcement within the City and King County, and to avoid issuance of warrants, all of which constitutes a public emergency and that immediate adoption is necessary for the protection of public health and public safety;

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

Section 1. There is hereby added a new Section 9.15.040 to Chapter 9.15 of the SeaTac Municipal Code, to read as follows:

9.15.040 Parking in fire lanes prohibited.

Any person who parks a vehicle in, or allows the parking of a vehicle in, a designated fire lane, as defined in Chapter 13.16 of this Code, shall be guilty of a parking infraction and shall be subject to a monetary penalty in the sum of fifty dollars (\$50.00).

Section 2. Section 13.16.100 of the SeaTac Municipal Code is hereby amended to read as follows:

13.16.100 Violation - Misdemeanor - Penalty.

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

Section 3. This public emergency Ordinance shall be in full force and effect upon adoption by a majority plus one of the whole membership of the Council.

ADOPTED this 28th day of April, 1998, and signed in authentication thereof on this 28th day of April, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1014

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending certain provisions of Chapter 2.10 of the SeaTac Municipal Code relating to Municipal Court procedures and to appointment of Judges Pro Tempore.

WHEREAS, Section 2.10.130 of the SeaTac Municipal Code, enacted in 1990, erroneously adopted the District Court procedure for appointment by the regular Municipal Court Judge of Judges Pro Tempore (Pro Tem), pursuant to [RCW 3.34.130](#), and for appointment of Court Commissioners, pursuant to [RCW 3.46.145](#); and

WHEREAS, [RCW 3.50.090](#), which governs appointment of Judges Pro Tem in Municipal Courts, requires that the "mayor shall, in writing, appoint judges pro tem"; and

WHEREAS, [RCW 3.50.003](#) defines the term "mayor" to mean the "chief administrative officer of the city" which, pursuant to [RCW 35A.13.080](#), is the City Manager; and

WHEREAS, there is no provision for appointment of Court Commissioners within a Municipal Court organized pursuant to Chapter [3.50 RCW](#) and none have been appointed; and

WHEREAS, the City Council finds that SMC 2.10.130 should be revised to provide for appointment of Judges Pro Tem by the City Manager, and to eliminate reference to Court Commissioners, in accordance with state law; and

WHEREAS, the Council further finds that prior appointments of Judges Pro Tem by the regular Municipal Court Judge, and all judicial actions of such Pro Tem Judges should be ratified and confirmed as a non-codified Section of this Ordinance; and

WHEREAS, SMC 2.10.040, which makes reference to placing forfeited money into the "current expense fund", should be amended to reflect current terminology, being the "general fund"; and

WHEREAS, in 1997 the Legislature enacted [RCW 39.34.180](#) which mandated jurisdiction of Municipal Courts over all misdemeanors and gross misdemeanors whether cited under state statutes or local ordinances and, accordingly, SMC 2.10.080 should be amended to include this additional authority; and

WHEREAS, the need to comply with state law in regard to the appointment of Judges Pro Tem and to ratify previous appointments and actions constitutes this matter as a public emergency Ordinance necessary for the public safety and peace;

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

Section 1. Section 2.10.040 of the SeaTac Municipal Code is hereby amended to read as follows:

2.10.040 Forfeited moneys to ~~current expense~~ general fund.

All moneys paid as bail or penalties and forfeited to the Traffic Violations Bureau for violations of ordinances of the City shall be placed in the ~~current expense~~ general fund of the City.

Section 2. Section 2.10.080 of the SeaTac Municipal Code is hereby amended to read as follows:

2.10.080 Jurisdiction.

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under City ordinances, ~~and~~ exclusive original criminal jurisdiction of all violations of City ordinances duly adopted by the City, and concurrent

jurisdiction over all misdemeanors and gross misdemeanors whether cited under state law or City ordinances. The municipal court shall have original jurisdiction of all other actions brought to enforce or recover license, permit or code enforcement penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, including traffic and civil infractions, arising under such ordinances or statutes and to pronounce judgment in accordance therewith.

Section 3. Section 2.10.130 of the SeaTac Municipal Code is hereby amended to read as follows:

2.10.130 Judges pro tem – ~~Court commissioners.~~

~~A. The Municipal Judge~~ City Manager shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of the Municipal Court or subsequent to the filing of an affidavit of prejudice. The City Manager may consult with and accept recommendations of the regular judge prior to making such appointments. The judges pro tem shall be qualified to hold the position of judge of the Municipal Court as provided herein. The judges pro tem shall receive such compensation as is received, on an hourly basis, by the Municipal Judge, or as otherwise fixed by resolution or ordinance. The term of the appointment shall be specified in writing, ~~but in any event shall not extend beyond the term of the appointing Municipal Judge.~~

~~B. The Municipal Judge may appoint one or more municipal court commissioners, who shall hold office during the pleasure of the Municipal Judge. Each municipal court commissioner shall have such power, authority and jurisdiction in civil and criminal matters as the Municipal Judge shall prescribe by court order.~~

Section 4. As a non-codified Section of this Ordinance, it is hereby declared as follows:

All prior appointments of Judges Pro Tempore by the regularly appointed Municipal Court Judge from February 28, 1990 to the effective date of this Ordinance, including those listed on Exhibit A hereto, and all judicial actions of such Judges Pro Tem are hereby ratified and confirmed.

Section 4. This public emergency Ordinance shall be in full force and effect upon adoption by a majority plus one of the whole membership of the Council.

ADOPTED this 28th day of April, 1998, and signed in authentication thereof on this 28th day of April, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1015

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Section 3.40.110 of the SeaTac Municipal Code regarding budget amendments.

WHEREAS, SMC 3.40.110 currently requires that all transfers between individual appropriations within any fund may be made upon approval by the City Council; and

WHEREAS, this procedure is deemed to place a significant administrative burden on Council and staff; and

WHEREAS, the City Council members wish to promote greater flexibility in allowing the City Manager and department directors to meet unanticipated operational demands throughout the year;

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

Section 1. Section 3.40.110 of the SeaTac Municipal Code is hereby amended to read as follows:

Transfers within a fund.

Transfers between individual appropriations within any one department or fund may be made during any current fiscal year by the Director of Finance following approval by the City ~~Council~~ Manager. ~~Subject to such approval by the City Council, transfers may be made within the same fund regardless of the various offices, departments or divisions of the City which may be affected.~~ Transfers of appropriations between departments or between funds may be made upon approval of a budget amendment ordinance by the City Council.

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

ADOPTED this 12th day of May, 1998, and signed in authentication thereof on this 12th day of May, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1016

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the City purchasing system regarding purchases and contracts in excess of \$5,000 but less than \$25,000, subject to approval by the City Council, as specified in its administrative procedures, and repealing the Bid Committee.

WHEREAS, state law, [RCW 35A.11.010](#), grants authority to code cities to "purchase, lease, receive, or otherwise acquire real and personal property of every kind, and use, enjoy, hold, lease, control, convey, or otherwise dispose of it for the common benefit"; and,

WHEREAS, code cities are not required to follow formal competitive bidding procedures when acquiring supplies, equipment, and other assets, except as to Public Works projects as defined by state law; and,

WHEREAS, the City Council annually reviews, during the budget process, all requests for purchases of substantial items of personal property and services; and,

WHEREAS, the City Council finds that delegation of authority to the City Manager for determining appropriate safeguards, including competitive bidding when appropriate, for use in purchasing or leasing materials, equipment, supplies, and services, would improve and make more efficient the City's purchasing system, but would maintain administrative and fiscal accountability; and,

WHEREAS, the City Council finds that revision of the City's purchasing system is in the public interest of reduction of paperwork, elimination of delay, and cost savings, without loss of adequate safeguards; and

WHEREAS, the Bid Committee established by SMC 3.30.200 for the purpose of opening sealed bids has not been maintained and is deemed no longer necessary, but should be repealed;

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

Section 1. Subsection 3.30.050A of the SeaTac Municipal Code is hereby amended to read as follows:

3.30.050 Exceptions to competitive, sealed bid procedures.

A. The City Purchasing Agent is granted authority to let any contract, lease or purchase of material, equipment, services or supplies involving a purchase value less than twenty-five thousand dollars (\$25,000), without advertisement and without competitive bidding. However, purchases of value in excess of five thousand dollars (\$5,000) but less than twenty-five thousand dollars (\$25,000) shall be reported by voucher to the City Council for approval by motion in accordance with the Council's administrative procedures.

Section 2. Subsections 3.30.060D and E of the SeaTac Municipal Code are hereby each amended to read as follows:

3.30.060 Procedure for solicitation and purchase of professional and/or technical service consultant contracts.

D. If formal requests for proposals or requests for qualifications are deemed appropriate, the City Purchasing Agent shall:

1. Develop bid specifications or a project description in the form of a request for proposal in concert with the requesting department;
2. Publicly advertise the request for proposals and the name of the contact person from whom the project specifications shall be available;

3. Rank the proposals submitted based upon the criteria set forth in subsection C above, and submit the ranked proposals to the City ~~Council~~ Manager and Department head with appropriate recommendations.

E. The ~~City Council~~ appropriate consultant shall then ~~be selected~~ be selected ~~the consultant~~ to be awarded the contract; subject to reporting by voucher to the City Council for approval by motion in accordance with the Council's administrative procedures. ~~provided, that if~~ In the event the City Purchasing Agent fails to negotiate satisfactory terms with the selected consultant, ~~with consent of the City Council~~, the City Purchasing Agent shall then begin negotiations with the next highest ranked consultant.

Section 3. Section 3.30.200 of the SeaTac Municipal Code is hereby repealed.

Section 4. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 12th day of May, 1998, and signed in authentication thereof on this 12th day of May, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1017

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Sections 15.12.020, 15.13.010, 15.13.080, 15.13.090, 15.13.105, and 15.31.040 B of the SeaTac Municipal Code.

WHEREAS, since the adoption of the initial zoning code of the City of SeaTac, the City has adopted a city-wide comprehensive plan pursuant to the Growth Management Act, and has further amended the zoning code by subsequent ordinances; and,

WHEREAS, in order to better meet the needs of the City and to provide development regulations which are responsive to the needs of the City, the zoning code requires periodic review and amendment; and,

WHEREAS, in connection with the review of the zoning code, certain classifications, land uses and standards have been identified as needing definition and greater clarity; and,

WHEREAS, the Planning Commission of the City of SeaTac has completed a thorough review of the zoning code, and has held public hearings for the purposes of soliciting public comment regarding zoning code changes, and has recommended certain changes to the City Council for amendment of the City's zoning code;

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

Section 1. Section 15.12.020 of the SeaTac Municipal Code is hereby amended to read as follows:

- | | | |
|-------------------------------|---------------------------------------|--|
| 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	Multi-Family					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 (non-HUD)			P(9)									
007	Boarding House/Bed & Breakfast				P(2)	P(2)	P*(2)	P(2)				C*	
008	Transitional Housing				P(3)	P(3)	P*	P				P*(3)	
009	Convalescent/CRF					P	P*	P				P*	
010	Rest/Nursing Home (24 hr. care)				C	P	P*	P				P*	
011	Mobile Home Park			P	C(4)	C(4)	C*(4)						
012	Hotel/Motel & 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 for additional development standards.

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

- A. No more than 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 & Breakfast:

- A. Number of guests limited to six (6), with no more than three (3) bedrooms;
- B. Parking area for three (3) non-resident 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:

- A. No more than five (5) non-support people;
- B. No more than two (2) support people;
- C. Parking area to be screened and not visible from public streets;
- D. House shall maintain residential character with no outward change of appearance beyond upgrades.

(4) A park outside established or proposed mobile home park zone is permitted after approval through the CUP process.

(5) Limited to 1,000 gsf and a 20 foot height limit (highest point) except as allowed under Section 15.13.105 B.

(6) See Section 15.17 for standards and limitations.

(7) Efficiency Unit permitted within primary dwelling, not exceeding 25% of gross square feet of dwelling.

(8) Ground floor uses must be retail service or commercial uses as described in 15.13.107.

(9) See Chapter 15.26 for additional development standards

(10) For new development and redevelopment residential projects that are located in the UH-UCR zone, at least 50 percent of the building's ground floor shall be a retail, service, or commercial use as described in 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.

Section 2. Section 15.13.010 of the SeaTac Municipal Code is hereby amended to read as follows:

15.13.010 Standards chart

Zone	Minimum Lot Area (Sq. Ft.)	Front Yard Setback (13)		Minimum Side Yard Setback (13)	Minimum Rear Yard Setback (13)	Building Lot Coverage	Maximum Structure Height	Minimum Lot Width
		Minimum	Maximum					
P	N/A	10'	-	10'	10'	N/A	N/A	N/A
AU	N/A	10'	-	5'	5'	85% (7)	75' (10)	N/A
MHP	3 acres	10'	-	5'	5'	N/A	N/A	N/A
UL	15,000 9,600 7,200 5,000(SDO)	20'	-	5' (3)	15' (3)	35% (2)	30'	60'
UM	3,600/2,400	20'	-	5' (3)	15' (3)	45% (2)	40'	N/A
UH	1,800/900 UCR	0/10'(9)	10'(9)	5'	5'	75%/90% (2,11)	55' (8)	N/A
NB	N/A	10'	-	5'	5'	65%	35'	N/A
CB(4)	N/A	0/10'(9)	10'(9)	-	-	75%(2)	FAA/UFC STDS. (1)	N/A
ABC(4)	N/A	-	-	-	-	75%,	FAA/UFC	N/A

						85%(2)	STDS.(1)	
BP(4)	5 acres (12)	10'	-	5'	5'	75% (2,5)	75'	N/A
O/CM(4)	N/A	0'(9)	10'(9)	5'	5'	75% (2)	45' (6)	N/A
I	N/A	10'	-	5'	5'	85%(2)	75'	N/A

(1) Limited by FAA height limits and Uniform Fire Code.

(2) See Residential/Commercial Density Incentives (Chapter 15.24).

(3) 5' setback for accessory structures ~~only~~ in the UM - 2,400, UM - 3,600, UL - 5,000, UL - 7,200, and Fifteen (15') foot setback in the UL - 15,000 zone.

(4) See Section 15.13.110 or Section 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.

1. (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) 85% on property owned by the Port of Seattle only, 35% on all other properties.

(8) Except that UH-UCR zones shall be governed by the FAA/UFC standards.

(9) Properties zoned UH-UCR, CB-C and O/CM shall have 0' minimum and 10' maximum setback standards applied. Properties zoned UH-900, UH-1,800 and CB shall have a 10' minimum setback standard applied, with no max. setback. See Section 15.13.110 for additional development standards.

(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) 90% building lot coverage standard applies only to properties zoned UH-UCR.

(12) See Section 15.13.111(E) for lot size waiver requirements.

(13) See Section 15.31.040 for setback standards specific to Wireless Telecommunication Facilities

(SDO) Special District Overlay

Section 3. Section 15.13.080 of the SeaTac Municipal Code is hereby amended to read as follows:

15.13.080 Setbacks - Projections allowed.

Projections may extend into required setbacks as follows:

A. Fireplace structures (including flues and exhaust projections), bay or garden windows, enclosed stair landings and closets may project into any setback provided such projections:

1. Are limited to two (2) per facade;

2. Are not wider than ten (10) feet; and

3. Project no more than twentyfour (24) inches, inclusive of rain gutters, into any yard setback; (See Figures 15.13.080a and 15.13.080b).

Figure 15.13.080a RAIN GUTTERS INCLUDED IN MEASUREMENTS OF BAY WINDOWS. A BAY WINDOW MAY PROJECT A MAXIMUM OF 24" INTO THE YARD SETBACK.

Figure 15.13.080b VENT HOUSING INCLUDED IN THE MEASUREMENT OF FIREPLACES. A FIREPLACE MAY PROJECT A MAXIMUM OF 24" INTO A YARD SETBACK.

B. Uncovered porches and decks which exceed eighteen (18) inches above the finished grade may project:

1. Eighteen (18) inches into interior side yard setbacks, and

2. Five (5) feet into the front/rear yard setback;

C. Uncovered porches and decks not exceeding eighteen (18) inches above the finished grade may project ten (10) feet into only the rear yard setback only;

D. Eaves, including rain gutters and down spouts, may not project more than:

1. Eighteen (18) inches into an interior side yard setback (See Figure 15.13.080c) or
2. Twentyfour (24) inches into a front/rear yard setback;

Structures that do not have rain gutters and are currently legal nonconforming in regard to the building setback from the property line may be remodeled to provide rain gutters that extend beyond the maximum projection of an eave into the side, front and rear setback area (See Figure 15.13.080a d), providing that, under no circumstances, will the edge of the existing roof line be extended further into any yard setback.

Figure 15.13.080c RAIN GUTTERS COUNTED IN MEASUREMENTS OF EAVES. AN EAVE MAY PROJECT A MAXIMUM OF 18" INTO A SIDE YARD SETBACK AND 24" INTO A FRONT/REAR YARD SETBACK.

Figure 15.13.080ad RAIN GUTTERS ALLOWED FOR EXISTING LEGAL NONCONFORMING STRUCTURES IN REGARDS TO YARD SETBACKS.

E. Wireless telecommunications antennae mounted on the sides of existing buildings, up to a maximum of 24 inches;

F. Within residential zone classifications, any fence in the front yard of the lot shall be limited to four (4) feet in height ~~in the front yard of the lot~~. Fences along all side and rear property boundaries shall be limited to six (6) feet in height, except as provided in Section 13.50.030 (swimming pool fence requirements), or in Section 15.31.040 (wireless telecommunication facilities) ~~along all side and rear property boundaries~~. The height limit of a fence along property boundaries is to be measured from existing or finished grade, whichever is the lowest grade on the property boundary.

1. Fence height limits may be exceeded only under the following conditions:

a. When a side or rear yard fence is to be built along a sloping grade, the maximum six (6) foot height may be averaged in six (6) foot stepped segments, to allow the fence to follow the natural rise and fall of the slope. However, under no circumstances shall any portion of the fence exceed eight (8) feet above finished grade. (See Figure 15.13.080e)

b. When a front yard fence is to be built along a sloping grade the maximum four (4) foot height may be averaged in six (6) foot stepped segments, to allow the fence to follow the natural rise and fall of the slope. However, under no circumstances shall any portion of the fence exceed six (6) feet above finished grade.

Figure 15.13.080e FENCE HEIGHT ON A SLOPING GRADE

c. When a property owner raises the existing grade of a sloping residential lot through the construction of a bulkhead or retaining wall and the addition of fill, then the height of such bulkhead or wall shall not exceed six (6) feet above existing grade. If a new fence is to be placed on top of such a bulkhead or wall, the maximum combined height of the bulkhead or retaining wall and the fence is limited to nine and one half (9 ½) feet. (See Figure 15.13.080f)

Figure 15.13.080f

d. When a bulkhead or retaining wall is used to stabilize an excavation into existing grade on a sloping site, then the height of any such structure is limited to six (6) feet above finished grade, providing however, that , if additional wall height is necessary to retain the fill, then maximum height shall be as established through a grading permit. Any new fence to be placed above a bulkhead or retaining wall permitted to exceed six (6) feet, must be set back three (3) feet from the bulkhead or retaining wall along all property lines, and be limited to four (4) feet in height above the top of the bulkhead or retaining wall. (See Figure 15.13.080g). The three (3) foot setback area between the bulkhead or retaining wall and a fence shall be landscaped to at lease the minimum standard established in Section 15.14.040(E).

Figure 15.13.080g

e. Single-family and multi-family dwelling units may have fences to a height of six (6) feet when fronting on a major arterial/highway. Such fences may be stepped as provided in Section 15.13.080 F.1.a. In all cases, the fence shall have

an adequate setback in order to maintain sight distance requirements established in Section 15.13.100.

2. Architectural features (such as trellises or lattice panels) may be added to the top of a permitted fence in the side and rear yard setback as long as the following standards are met:

a. An architectural feature (such as a trellis or lattice panel), which is no more than **twelve (12) inches** in height, may be added above the six (6) foot height limit as long as there remains at least six (6) inches of open space above the top of the fence.

b. Supports for the architectural feature placed on top of the fence shall be spaced no closer than three (3) feet on centers.

c. The overall height of the fence, including any architectural features, shall not exceed eight (8) feet in height above finished grade. (See Figure 15.13.080h)

Figure 15.13.080h

Section 4. Section 15.13.090 of the SeaTac Municipal Code is hereby amended to read as follows:

15.13.090 Height - Exceptions to limits

The following structures may be erected above the height limits established under Section 15.13.010:

A. Roof structures, housing elevators, stairways, tanks, ventilating fans or similar equipment required for building operations and maintenance; and

B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, approved communication transmission structures (including, but not limited to ham radio towers and cellular phone structures), approved utility line towers and similar structures, ~~and~~

~~C. Single Family and multi-family dwelling units may have fences to a height of six (6) feet when fronting on a major arterial highway, but must have adequate setback in order to maintain sight distance requirements established in 15.13.100.~~

Section 5. Section 15.13.105 of the SeaTac Municipal Code is hereby amended to read as follows:

15.13.105 Accessory Structures

A. Accessory structures in all residential zone classifications, except as permitted by subsection B below, including storage buildings and private garages, shall be designed to accommodate not more than four cars, and shall maintain the same residential character of the primary structure with no more than one thousand (1,000) gross square feet of floor area, and an exterior height limit of twenty (20) feet to the top of the peak or gable of the roof.

B. Accessory structures, including storage buildings and private garages, within the UL - 15,000 residential zone classification, shall be no greater than two (2) times the gross square footage of the primary residence on the property (not including the area of an attached garage), and shall maintain the same residential character of the primary structure with a maximum height limit of twenty (20) feet to the top of the peak or gable of the roof, providing, however, that the maximum lot coverage pursuant to sections 15.10.375 and 15.13.010 is not exceeded.

Section 6. Sub-Section 15.31.040 B of the SeaTac Municipal Code is hereby amended to read as follows:

15.31.040 General siting approach and development standards

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:

1. **Collocation:** Collocation is encouraged. No additional setback or landscaping standards are required for WTFs collocating on existing support structures or existing structures.
 1. The maximum number of platforms on any support structure shall be four.
 2. The number of WTFs allowed on existing structures is not limited, except that not more than one WTF shall be allowed on a utility pole, and only WTFs that meet the definition of a microcell shall be allowed on a utility pole.
 3. Each service provider shall be limited to an equipment shelter installation not to exceed 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.
2. **Height:** The height of WTFs collocating on existing structures shall not exceed 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 80 feet. This height may be increased to 100 feet if the support structure is designed to accommodate collocation by another wireless telecommunications service provider.

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

1. **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:

Front - 10 feet

Side - 5 feet

Rear - 5 feet

The setbacks shall be a minimum of 20 feet on the sides adjacent to P, UL, UM, UH, and MHP zones. For collocating 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 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.

1. **Landscaping:** For new support structures, the street frontage landscaping shall be Type II, 10 feet, and Type II 5 feet on the sides and rear. Where adjacent to UL, UM, UH, MHP or P zones, new support structures shall provide 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.

1. 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 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).

1. **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 15.31.030.(B).(3).(c.) of this Code.
 1. The maximum number of platforms on any support structure shall be four, except where the Planning Director determines that a lower number is needed to protect the character of the existing neighborhood.
 2. The number of WTFs located on existing structures is not limited, except that not more than one WTF shall be allowed on a utility pole, and only WTFs that meet the definition of a microcell shall be allowed on a utility pole.
 3. Each service provider shall be limited to an equipment shelter installation not to exceed 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.

2. **Height:** The height of WTFs located on existing structures shall not exceed 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 60 feet. This height may be increased to 80 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.

1. **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.
2. **Landscaping:** For new support structures, the landscaping shall be Type I, 10 feet on all sides. 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.

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

ADOPTED this 12th day of May, 1998, and signed in authentication thereof on this 12th day of May, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1018

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget to pay off the balance of a Local Improvement District Assessment for McMicken Heights Park to Val Vue Sewer District.

WHEREAS, the City of SeaTac is a participant in a sewer Local Improvement District by virtue of its ownership of McMicken Heights Park; and

WHEREAS, there remains eleven (11) years of annual principal and interest payments before the assessment fully matures in the year 2008; and

WHEREAS, a financial analysis indicates it would be of economic benefit to the City to pay off the existing balance and avoid additional interest charges;

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

Section 1. The 1998 Annual City Budget shall be amended to increase the total General Fund expenditures budget by \$ 11,937 for principal and interest related to the payoff of the existing balance of a Local Improvement District sewer assessment at McMicken Heights Park.

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 May, 1998, and signed in authentication thereof on this 12th day of May, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. M cAdams, City Attorney

ORDINANCE NO. 98-1019

AN ORDINANCE of the City Council of the City of SeaTac, Washington enacting a new Chapter 15.35 to the SeaTac Municipal Code establishing interim special standards for the City Center and amending other affected provisions of the Zoning Code.

WHEREAS, the City of SeaTac is a diverse suburban South King County community with approximately 24,000 citizens 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 for 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 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 most of the City's future commercial and housing development occur 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 town 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, PRT/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 a village-like place. 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 there be some form of public space associated 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 which 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 belt courses, 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, architectural designs should be encouraged to 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, 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 City is currently negotiating with the RTA for the purpose of formulating an intergovernmental cooperation agreement relative to mutual planning for the central light rail transit line and stations within the City. It is considered by the Council to be mandatory that development standards applicable to the City Center protect and provide for, to the extent possible, such siting of these essential public facilities, and for connection to the City Center and Seattle-Tacoma International Airport; and

WHEREAS, a moratorium prohibiting development within that portion of the Urban Center designated as the "City Center" was enacted by Resolution No. 97-031 on November 25, 1997, as amended by Resolution No. 98-001 on January 27, 1998, 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 is being commissioned jointly by the City and the Port of Seattle and for which a work plan is developed for studies related to the special standards applicable to the development of the City Center, and to comply with requirements of the State Environmental Policy Act (SEPA), which should be completed within less than one year; and

WHEREAS, all of the foregoing recitals are deemed by the City Council to be findings of fact; and

WHEREAS, the special standards adopted by this Ordinance are deemed interim controls subject to potential revision as a result of the City Center Study, upon completion thereof, but which may become final if no changes are recommended at the conclusion of the said Study; and

WHEREAS, threshold determination of adverse environmental impacts under SEPA are hereby waived as to these interim controls in favor of threshold determination and any further environmental studies through the City Center Study process; and

WHEREAS, the aforesaid moratorium cannot be terminated until the effective date of the standards established by this Ordinance and, therefore, any delay in the effective date of this Ordinance may result in hardship to owners and developers and unnecessary delay in completion of infrastructure, structures, and projects to the detriment of public health, safety, property, and peace, which constitutes this matter as a public emergency Ordinance;

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

Section 1. A new Section 15.10.107 is hereby added to the SeaTac Municipal Code to read as follows:

15.10.107 City Center.

A portion of the City of SeaTac Urban Center delineated as the City Center area on the City Center Vehicular and Pedestrian Access Plan (15.35.210). Within the City Center area, design standards shall apply to all properties, except those zoned Urban Low (UL), Aviation Operations (AVO), and Aviation Commercial (AVC).

Section 2. Section 15.10.380 of the SeaTac Municipal Code is hereby amended to read as follows:

15.10.380 Lot lines.

The property lines that establish the boundaries of buildable lots.

A. Front.

1. Interior Lot. The boundary that abuts the street right-of-way.
2. Corner Lot. Those boundaries that abut a public right-of-way.
3. Through Lot. The boundary that abuts the public right-of-way with the highest street or arterial classification according to the City of SeaTac Comprehensive Plan. If the two streets have the same classification, then the property owner shall choose which is the front lot line, except within the City Center, in which Chapter 15.35.320 shall apply.
4. Other Lots. For properties not abutting any public rights-of-way, the front lot line shall be determined pursuant to Section 15.13.035 of this title.

B. Rear. The line opposite, most distant and most parallel with the front lot line. For irregularly shaped lots, a line ten (10) feet in length within the lot and farthest removed from the front line and at right angles to the line comprising the depth of the lot shall be used as the rear lot line.

C. Side. All lot lines which do not qualify as a rear or front lot line.

Section 3. Section 15.10.396 of the SeaTac Municipal Code is hereby amended to read as follows:

15.10.396 Major redevelopment.

~~Redevelopment or additions to a building totaling 50% or more of the gross floor area of the existing building.~~ Additions or alterations to a building or site, excluding interior-only improvements, which total 50% or more of the gross square footage (GSF) of the existing building(s) or site.

Section 4. Section 15.10.398 of the SeaTac Municipal Code is hereby amended to read as follows:

15.10.398 Maximum yard setback.

The maximum distance from a front property line that the edge of a building may be placed. Within the City Center, at least fifty (50) percent of the building's front facade shall be located within the maximum front yard setback. The remaining portions of the front facade may be stepped back a maximum of twenty (20) feet more than the established maximum setback, as approved by the Director of Planning and Community Development, for the purpose of accommodating public open space, porte cocheres, or recessed building entries.

Section 5. Section 15.10.435 of the SeaTac Municipal Code is hereby amended to read as follows:

15.10.435 Open space.

A variety of lands which are created and preserved for park and open space purposes, including:

- A. Natural areas with outstanding scenic or recreational (active or passive) value;
- B. Public access areas to creeks, rivers, lakes or Puget Sound;
- C. Lands that define, through natural features, urban and rural areas;
- D. Lands that create corridors between natural features;
- E. Areas defined as sensitive areas under the Sensitive Areas Ordinance;
- F. Any landscaped area that exceeds the minimum adopted landscape requirements;
- G. Active outdoor recreation areas;
- H. Multi-purpose green-spaces;
- I. Pedestrian and bicycle-only corridors separate from the public or private roadway system and dedicated to passive recreation, including access links in sensitive area buffers. The square footage (length times width) of pedestrian and bicycle-only corridor shall be counted as usable open space; and/or
- J. Publicly accessible plazas, courtyards, and pocket parks located either within the front yard setback or elsewhere on site.

Section 6. Subsection A of Section 15.12.010 of the SeaTac Municipal Code is hereby amended to read as follows:

15.12.010 Establishment of uses/ interpretation of land use tables.

A. The use of a property means the purpose or activity for which the building or lot is intended, designed, arranged, occupied or maintained. All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in the City of SeaTac, except within the area delineated as the SeaTac City Center, in which case, the City Center land use charts contained within Chapter 15.35 shall apply.

Section 7. Footnote 9 to the Standards Chart of Section 15.13.010 of the SeaTac Municipal Code is hereby amended to read as follows:

(9) Except within the City Center, properties zoned UH-UCR, CB-C and O/CM shall have 0' minimum

and 10' maximum setbacks applied. Within the City Center, properties zoned UH-UCR, CB-C and O/CM shall have 20' maximum setbacks adjacent to International Boulevard, and 10' maximum setbacks adjacent to all other public or private City Center streets. Properties zoned UH-900, UH-1800 and CB shall have a 10" minimum setback applied, with no maximum setback. See Section 15.13.110 for additional development standards, except within the City Center, in which Chapter 15.35 shall apply.

Section 8. Subsection C of Section 15.13.030 of the SeaTac Municipal Code is hereby amended to read as follows:

15.13.030 Yard setbacks.

C. Through lots shall have a front yard setback on the street with the highest road classification as determined in the City of SeaTac Comprehensive Plan. If two streets have the same classification, then the property owner shall choose which yard shall have a front yard setback, except for properties within the City Center.

Section 9. Subsection B of Section 15.13.085 of the SeaTac Municipal Code is hereby amended to read as follows:

15.13.035 Yard setbacks for panhandle lots.

B. For the purposes of determining front yard building setbacks for a panhandle lot, the front property line shall be determined by the property owner at the time of construction.

Section 10. Subsection C of Section 15.13.090 of the SeaTac Municipal Code is hereby amended to read as follows:

15.13.090 Height - Exceptions to limits.

C. Single-family and multi-family dwelling units, excluding residential mixed use structures within the City Center, may have fences to a height of six (6) feet when fronting on a major arterial/highway, but must have adequate setback in order to maintain sight distance requirements established in Section 15.13.100. For Residential mixed use structures within the City Center, fences over four feet in height or other features that from continuous visual barriers or block views to the street wall windows of a ground level retail/commercial or service use are prohibited within the frontyard setback zone.

Section 11. Section 15.13.107 of the SeaTac Municipal Code is hereby amended to read as follows:

15.13.107 Mixed use in residential projects.

In order to create a street environment that facilitates pedestrian activity and convenience, ground floor space in residential mixed use projects shall be used for pedestrian-oriented retail, service, or commercial uses such as those specified below, except within the City Center, in which case, the City Center Mixed

Use standards contained within Chapter 15.35 shall apply.

- A. Retail. Retail uses such as retail food shops, groceries, drug stores, florists, apparel and specialty shops, and other retail uses that are not specifically auto oriented in scale or nature.
- B. Services. Personal, professional, financial, insurance and real estate services, such as beauty salons, dry cleaners, shoe repair shops, banks, health and social services, libraries, health clubs.
- C. Commercial. Hotels, and general offices.

Section 12. Subsection A of Section 15.13.110 of the SeaTac Municipal Code is hereby amended to read as follows:

15.13.110 Special standards for the CB-C, ABC, UH-UCR and O/CM zones.

A. Standards Common to the CB-C, ABC, UH-UCR and O/CM Zones. The following standards will apply to properties except within the City Center zoned Community Business that are located in the Urban Center (CB-C) as defined in Section 15.10.660 and delineated on the City of SeaTac Official Zoning Map, and to all properties zoned Aviation Business Center (ABC), Office/Commercial Medium (O/CM), and Urban High-Urban Center Residential (UH-UCR). See Chapter 15.35 for Special Standards specific to the City Center.

1. Sign Standards. In addition to sign standards of Chapter 15.16 for commercial or multi-family residential zones, the following special sign standards shall apply: For buildings with less than a five (5) foot setback, awnings shall be allowed to extend two (2) feet into the sidewalk areas of fully improved street rights-of-way. Awnings shall be constructed at a height that does not hamper pedestrian traffic (minimum height of eight (8) feet and a maximum height of twelve (12) feet).

2. Maximum Lot Coverage. Lot coverage standards as stated in the zone standards chart (15.13.010), subject to the following restrictions and incentives:

- a. Landscaping required by the code may not be counted toward the open space requirement;
- b. Land dedicated to the City without compensation for public rights-of-way and public transit may be included in calculating total land area for the purpose of determining maximum lot coverage;
- c. Upon finding that the request for lot coverage bonuses meet the purpose of the zone, the Planning Commission shall recommend to the City Council whether or not to accept the benefit option. The benefit options include the following:
 - i. Park Fund. A lot coverage bonus up to 3% may be granted upon contribution of \$5,000 per acre of land developed. For the purpose of this bonus, per acre of land shall be determined as total parcel area minus any portions of the property that may be constrained due to wetlands, steep slopes, etc. Land may be dedicated to the City for the purpose of parks and/or open space in lieu of payment. Payments may be phased over a five (5) year period with a 10% surcharge on all phased payments. Proof of payment or method of payment must be approved prior to the issuance of a building permit. Funds will be administered by the Department of Planning and Community Development and must be spent on projects consistent with an adopted City Parks and Recreation Plan.
 - ii. Child Care. A lot coverage bonus up to 5% may be granted for development which provides child care facilities for employees. The facility shall be available to all employees of the development in conformance with the State Department of Social and Health Services requirements. A cooperatively

managed child care facility established and run by employees is allowed.

iii. Art Exhibit Area. A lot coverage bonus of 1% may be granted for each one thousand (1,000) square feet designated for an outdoor art exhibit. A minimum of two thousand (2,000) square feet for exhibiting art must be granted in order to use this option. A maximum bonus of 3% may be established upon recommendation by the Planning Commission. The art exhibit areas must be established in building and site plans that are submitted for permits. The art exhibit must be easily accessible to the general public.

iv. Transit Center. A lot coverage bonus up to 10% may be granted for property dedicated for a transit center. Land donated shall be transferred to and accepted by the local agency and transit operator who will be responsible for development of the transit center site. Proof of an acceptable site must be furnished at the time of submittal of the permit applications. Land area dedicated may be included to determine the maximum lot coverage for the development.

v. Structured Parking. A lot coverage bonus up to 5% may be granted for projects that include a parking structure with a minimum of 275 stalls.

vi. Mobile Home Relocation Assistance. A lot coverage bonus up to 10% shall be granted for redevelopment projects that provide relocation assistance to residents of mobile home parks consistent with an approved relocation plan. The City shall include any lot coverage bonus as part of an approved relocation plan.

3. Urban Design.

a. Buildings shall accentuate the natural topography and preserve important view corridors where appropriate;

b. New utility distribution lines shall be located underground, with the exception of high voltage electrical transmission lines.

c. All business signs shall be an integral part of and architecturally similar to the architectural design of the development, and shall be reviewed in the site plan.

d. Circulation. The following circulation standards apply to all parcels in the CB-C, ABC, UH-UCR and O/CM zones, and are especially relevant to large parcels within these zones:

i. Adjacent developments shall link open space;

ii. Pedestrian and bicycle pathways shall be integral features of the development. These pathways shall be designed to tie together different businesses. The pedestrian and bicycle pathways shall be separate from the internal roadway system. Where possible, the pedestrian and bicycle pathways shall connect to off-site pedestrian and bicycle systems;

iii. Access points to surrounding arterial streets shall be designed and developed to minimize traffic congestion and potentially hazardous turning movements. Access points and street intersections should be designed in such a way as to not inhibit pedestrian activity;

iv. An internal circulation plan shall be encouraged to assure smooth pedestrian and vehicular traffic flow in and between developments. Access and internal circulation shall be approved by the Public Works Department;

v. To promote public transit use, paved walkways and adequate lighting shall be provided between buildings and the nearest transit stop. Paved, covered passenger waiting areas with good visibility shall be provided at all transit stop locations. Development should be sited to enhance pedestrian access between buildings and transit service. Efforts shall be made to orient buildings toward transit stops and approaches

rather than parking lots.

4. Parking Standards. In addition to the parking standards established under Chapter 15.15, the following parking standards shall apply:

a. No parking shall be located between the building and the front property line. On corner lots, no parking shall be located between the building and either of the two front property lines. If a parcel abuts more than two streets, no parking shall be located between the building and the front property line abutting the two streets with the highest roadway classification.

b. The joint use of driveways and parking shall be encouraged to reduce overall parking needs. A convenient pedestrian connection must exist between the properties.

5. Additional Development Conditions.

a. In order to reduce the use of single occupancy vehicles, a Transportation Demand Management (TDM) program shall be created and established based on a transportation study's findings and/or as determined by the City Manager or designee. At a minimum, the property owner shall provide vanpool/carpool loading and parking facilities contained within the parking and circulation plan.

b. A Solid Waste Management Program to reduce solid waste generation and to recycle waste shall be established prior to development. During site plan review, the program shall be reviewed by the Public Works Department for consistency with City policies and other regulatory requirements. The City, if requested, will provide technical assistance to the applicant in developing such a program. At a minimum, this program shall include:

i. An in-house recycling program;

ii. An on-site collection program for recyclable material.

c. Additional development conditions may be imposed as mitigating measures on developments as part of the SEPA, site plan review, and rezone process.

6. Other Standards Applicable. Except as specified in this section of the Zoning Code, all other relevant standards and requirements in this Code shall apply.

Section 13. Subsection C of Section 15.14.020 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.020 Authority and application.

C. Where the width of a required landscape strip exceeds the normally required setback of a zone or specific use, the required setback shall be increased to accommodate the full width of the required landscaping, with the following exception:

The street frontage front yard landscape strip requirement shall not apply to uses in the Urban High-Urban Center Residential (UH-UCR) zoning category, Community Business zoning category in the Urban Center (CB-C), or Office/Commercial Medium (O/CM) zoning category, and within the area delineated as the City Center. Within the City Center, front yard open space as per section 15.35.420 shall be required in lieu of street frontage landscaping.

If the normal required landscaping is reduced through this exception for all applicable zones except in the City Center, 50% of said landscaping shall be placed into plazas, roof-top gardens and other pedestrian

amenities, and street trees shall be planted within the public right-of-way in locations and amounts to be determined by the City Manager or designee.

Section 14. There is hereby added a new Chapter 15.35 to Title 15 of the SeaTac Municipal Code to read as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 15. The special standards set forth at the new Chapter 15.35 are deemed interim controls subject to change or finalization as a result of the joint City and Port of Seattle City Center Study and SEPA determinations and statements concluded through the said Study.

Section 16. Termination of Moratorium. Upon the effective date of this Ordinance, Resolutions No. 97-031 and No. 98-001, and the moratorium imposed thereby, shall terminate and expire, providing, however, that if this Ordinance, or the new Chapter 15.35 of the SeaTac Municipal Code, is appealed to a hearings body of court of competent jurisdiction and an order or injunction issues to stay the effect of the standards contained in the said Chapter 15.35, then, in that event the moratorium imposed by Resolutions No. 97-031 and No. 98-001 shall be again in effect for the period of six (6) months thereafter based upon the findings of fact stated therein and stated in this Ordinance.

Section 17. Severability. If any section, subsection, sentence, clause, phrase, part, or portion of this Ordinance or new Chapter 15.35 of the SeaTac Municipal Code is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted each and every remaining portion of this Ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts, or portions, hereof be declared invalid or unconstitutional.

Section 18. This public emergency Ordinance shall be in full force and effect upon adoption by a majority plus one of the whole membership of the Council.

ADOPTED this 19th day of May, 1998, and signed in authentication thereof on this 19th day of May, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1020

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget to purchase and install a security camera system at North SeaTac Park Community Center.

WHEREAS, the City Council has reviewed agenda bill #1517 and approves the purchase and installation of a security camera system at North SeaTac Park Community Center; and

WHEREAS, this purchase requires an increase in the Parks Department 1998 Budget; and

WHEREAS, King County police-related grant proceeds have been allocated and credited to the contract cities, with SeaTac's portion exceeding the cost of this purchase;

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

Section 1. The 1998 Annual City Budget shall be amended to increase the Parks Department General Fund expenditures budget by \$18,974 in account 001.000.10.594.76.62.002.

Section 2. The 1998 Annual City Budget shall be amended to decrease the Police Department General Fund expenditures budget by \$18,974 in account 001.000.08.521.20.51.006.

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 May, 1998, and signed in authentication thereof on this 26th day of May, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1021

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Sections 13.06.010, 13.06.030, 13.08.010, 13.09.010, 13.14.010, 13.19.010, 13.21.010, 13.22.010, 13.40.010, 13.45.010 and 13.50.010 of the SeaTac Municipal Code relating to adoption of the Uniform Building and Fire Codes

WHEREAS, The City has, pursuant to its municipal authority, adopted certain codes as the building and fire codes of the City, utilizing the Uniform Building Code and Standards published by the International Conference of Building Officials and the Uniform Fire Code published by the Western Fire Chiefs Association; and,

WHEREAS, those uniform codes are, generally, updated and revised every three years, with the edition adopted in the City Code currently being the 1994 version; and,

WHEREAS, since the adoption of the current provisions of the City Code, the uniform codes have been updated, and pursuant to the provisions of [Chapter 19.27 RCW](#) it would be appropriate for the City to likewise update its adoption of the uniform codes, even though the City does have the opportunity to maintain certain distinctions and choose some options over others;

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

1. Section 13.06.010 of the SeaTac Municipal Code is hereby amended to read as follows:

13.06.010 Uniform Building Code.

The ~~1994~~ 1997 Edition of the Uniform Building Code and the Uniform Building Code Standards, published by the International Conference of Building Officials as amended by the Washington State Building Code Council and published as ~~Chapter 51.30~~ [Chapter 51.40 RCW](#) hereby adopted except provisions thereof specifically not adopted, and except for amendments and additions specifically adopted in this chapter.

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2. Section 13.06.030 of the SeaTac Municipal Code is hereby amended to read as follows:

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13.06.030 Permit fees adopted.

A. Table 1-A of the ~~1994~~ 1997 Edition of the Uniform Building Code is not adopted and the table of fees set forth at Appendix A to this chapter is hereby adopted, and all references to Table 1-A within the said Uniform Building Code shall be deemed to be references to Appendix A, subject to the following:

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1. Appendix A shall apply to permits for the installation of underground fuel storage tanks, fuel tank piping and vapor extraction systems. In addition to the permit fee, a plan review fee of 65% of the permit fee shall be required.

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2. The permit fee for the removal of an underground fuel storage tank (UST) system, other than a farm or residential UST of capacity less than 1,100 gallons, shall be \$250.00 for the first tank and \$100.00 for each additional tank if inspected at the same time.

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3. The permit fee for installing a moved residential structure, including new or relocated manufactured homes and mobile homes, onto a new site shall be \$250.00, which will include plan review.

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4. The permit fee for the re-roofing of a residential structure shall be \$45.00.

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5. For the purpose of determining permit fees, buildings shall be assigned a minimum valuation based upon ~~Table 3C~~ Table 1C.

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6. Permits issued under the provisions of this chapter for new single family residential construction, additions, remodels, carports and garages other structures associated with single family uses shall expire one year from the date of issue. A six month extension may be granted by the building official. The fee for renewal, beyond the extension that may be granted, shall be equal to one half the original building permit fee.

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7. Commercial building permits shall expire two years from the date of issue.

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8. Other fees, including, but not limited to, plan review, drainage plan review, and inspections, shall be as set forth in the City Schedule of License Fees, Permit Fees, and Other Fees and Charges adopted by Resolution.

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B. A new ~~Table 3B~~ Table 1B, establishing fire sprinkler fees, is added to ~~Chapter 3~~ Chapter 1 of the Uniform Building Code, as follows:

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TABLE 3B TABLE 1B

FIRE SPRINKLER PERMIT FEE SCHEDULE

SINGLE FAMILY DWELLINGS

New single family dwelling \$175.00

Addition to existing system \$110.00

MULTI-FAMILY AND COMMERCIAL

Contract amount:

\$250 or less \$45.00

251 - 1,000 \$45 plus 4% of cost over \$250

1,001 - 5,000 \$75 plus 1.5% of cost over \$1,000

5,001 - 50,000 \$135 plus 1.4% of cost over \$5,000

50,001 - 250,000 \$765 plus 1% of cost over \$50,000

250,001 - 1,000,000 \$2,765 plus .8% of cost over \$250,000

1,000,001 and up \$8,765 plus .4% of cost over \$1,000,000

Plan review for fire sprinkler permits shall be computed at 50% of the permit fee as based on the contract amount.

Plan review for revisions or modifications \$50/hr.

Inspection or Plan Review Not Specified Elsewhere \$50/hr.

C. A new Table 3C-1C, establishing minimum valuation for buildings for the purposes of calculating permit fees is established as follows:

TABLE 3C TABLE 1C**BUILDING VALUATION**

The determination of value or valuation under any of the provisions of this code shall be made by the Building Official. For the purposes of determining the Value to be used in computing the building permit fees and building plan review fees, building valuation shall be based on the most recent "Building Valuation Data" as printed in the Building Standards magazine, published by the International Conference of Building Officials, or the contract price, whichever is higher. Valuation for purposes of determining a demolition permit fee shall be based upon the contract price or the fair market value of the demolition work, with a minimum fee of \$150.00. In addition to the regional modifier, the valuation shall be reduced by the following multipliers:

1. Residential additions .70
2. Residential remodels .30
3. Residential decks .20
1. Commercial tenant improvements .30

D. Addition to Section 403.7 of the Uniform Building Code. There is hereby added to the ~~1994 Edition of the~~ Uniform Building Code an additional requirement under Section 403.7 to read as follows:

4. All elevator shafts shall be pressurized with a supply of air from the outdoors to a minimum of 0.15 inch of water column in a fire alarm mode.

E. Amendment of Section 403.1 of the Uniform Building Code. Section 403.1 of the ~~1994 Edition of the~~ Uniform Building Code is hereby amended to read as follows:

403.1 Scope. This section applies to all Group B office buildings and Group R, Division 1 Occupancies, each having floors used for human occupancy located more than 65 feet above the lowest level of fire department vehicle access. Such buildings shall be of Type 1 or 2 - F.R. construction and shall be provided with an approved automatic sprinkler system in accordance with Section 403.2.

F. Section 904.2.1 of the Uniform Building Code is hereby amended to read as follows:

Section 904.2.1 where required. An automatic fire extinguishing system shall be installed in the occupancies and locations as set forth in this section.

In addition to the requirements of the Uniform Building Code and the Uniform Fire Code, 1994 Editions, there is hereby established a minimum requirement for the installation of fire sprinkler systems. All structures, excluding single family residential buildings, shall have a fire sprinkler system installed, which meets or exceeds all of the parameters contained within this Ordinance, the Uniform Building Code and the Uniform Fire Code when the gross floor area is 6,000 square feet or more. For purposes of determining gross floor area, the installation of area separation walls will not be considered as creating separate buildings. It is provided however that the existing structures are exempt from this provision provided:

a. There is no increase in floor area or,

b. The area to be improved does not exceed 50% of the total floor area including mezzanines or,

c. There is no change of occupancy or use and,

d. A fire alarm system, meeting all applicable requirements for the occupancy, is installed.

G. Amendment of ~~Section 904.2.8~~ Section 904.2.9 of the Uniform Building Code. ~~Section 904.2.8~~ Section 904.2.9 of the Uniform Building Code is hereby amended to read as follows:

Group R, Division 1 Occupancies. An automatic sprinkler system shall be installed throughout apartment houses three or more levels in height or containing 5 or more dwelling units, in congregate residences three or more stories in height and having an occupant load of 50 or more and in hotels three or more levels in height or containing 10 or more guest rooms. Residential or quick-response standard sprinklers shall be used in the dwelling units and guest room portions of the building. The sprinkler system shall comply with the requirements of Uniform Building Code Standard Numbers 9-1 and 9-3.

H. ~~Section 1006.3~~ Section 1003.3.3.3 of the Uniform Building Code is hereby adopted as contained therein and the amended ~~Section 1006.3~~ 1003.3.3.3 of the Washington State Building Code is not adopted.

I. ~~Section 1806.2~~ Section 1806.3 of the Uniform Building Code is hereby amended to read as follows:

Bearing Walls. Bearing walls shall be supported on masonry or concrete foundations or piles or other approved foundation system which shall be of

sufficient size to support all loads. Where a design is not provided, the minimum foundation requirements for stud bearing walls shall be as set forth in ~~Table 18-1-D and Table 18-1-E~~ Table 18-1-C and Table 18-1-D, unless expansive soils of a severity to cause differential movement are known to exist.

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EXCEPTIONS:

1. A one-story wood or metal frame building not used for human occupancy and not over 400 square feet (37.2 M2) in floor area may be constructed with walls supported on a wood foundation plate when approved by the building official.

2. The support of buildings by posts embedded in earth shall be designed as specified in ~~Section 1806.7~~. Section 1806.8. Wood posts or poles embedded in earth shall be pressure treated with an approved preservative. Steel posts or poles shall be protected as specified in Section 1807.9.

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J. A new ~~Table 18-1-E~~ Table 18-1-D establishing minimum reinforcement requirements for Group R-3 and U-1 foundations as an alternate to an engineered design, is added to Chapter 18 of the Uniform Building Code, as follows:

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Table No. 18-I-E Table No. 18-I-D Prescriptive Foundation Design
for Residential R-3 and U-1

Note: Foundation walls must not be subjected to more than 30 PCF equivalent fluid pressure (well drained soil) nor surcharge

Material Type ⁸	Wall Height ^{2,6}	Min. Wall Thickness	Sill Plate Anchorage ^{4,5}	Required Reinforcing ³	
				Vertical	Horizontal
Hollow Unit Masonry support at top of by floor system & at bottom by slab ¹ .	4' or less	8"	½" x 10" A.B. at 6" O.C.	#4 @ 4' O.C.	#4 Bond beam @ top, 2-#4 @ footing
	Over 4'	Not allowed unless an engineered design is submitted and approved			
Concrete under wood cripple wall and supported by slab ⁷	3' or less	6"	½" x 10" A.B. at 6" O.C.	#4 @ 18" O.C.	#4 @ top and 2 - #4 at footing
	4' or less	8"	½" x 10" A.B. at 6" O.C.	#4 @ 16" O.C.	#4 @ top and 2 - #4 at footing
	Over 4'	Not allowed unless an engineered design is submitted and approved			
Concrete supported at top by floor system & at	9' or less	8"	½" x 10" A.B. at 6" O.C.	#4 @ 16" O.C. ^{4,6}	#4 @ top 16" O.C. and 2 -

bottom by slab ¹ .				#4 at footing
	Over 9'	Not allowed unless an engineered design is submitted and approved		

1. Where there is no slab at bottom of wall as in a crawl space, maximum unbalanced backfill shall be 30" unless an alternate design is approved.
2. The floor diaphragm shall be completed before backfilling or the foundations wall sufficiently braced to prevent damage by the backfill.
3. This table is not intended to prevent temperature and shrinkage cracks. Reinforcing steel shall be placed within the inside half of the wall and not closer than 3/4" clear from the inside face of the wall. Concrete against earth shall be spaced a minimum of 3" from the soil.
4. Solid block first two joist spaces adjacent to anchor bolts where floor joists are parallel to the wall.
5. There shall be a minimum of two (2) anchor bolts per foundation (sill) plate with one bolt located within twelve (12) inches of each end of each foundation (sill) plate. Foundation plates and sills shall be the kind of wood specified in Section 2317.4.
6. Wall height is measured as the vertical distance from the top of the footing to the top of the concrete wall.
7. If the slab is eliminated, a special design is required regardless of the back-fill height.
8. Minimum 4" perforated footing drains are required at all footings. All roof drains must be tight-lined to a public drainage system or an approved on-site system through smooth nonperforated drain-line. The footing drains may connect into the roof drain-line downhill from the last roof drain connection and where the invert elevation of the roof drain-line is 2" lower than the invert of the footing drain. The roof drain-line size must be increased one pipe size where the footing drains connect into it.

K. Section 1923.10.3 Section 1922.10.3 of the 1994 Edition of the Uniform Building Code is hereby amended to read as follows:

Seismic Zones 2, 3 and 4. Structural plain concrete members are not permitted in buildings located in Seismic Zones 2, 3 and 4.

EXCEPTIONS:

1. Footings for buildings of Group R, Division 3 or Group U, Division I Occupancy constructed in accordance with Table 18-1-D and Table 18-1-E. Table 18-1-C and Table 18-1-D.

2. Nonstructural slabs supported directly on the ground or by approved structural systems.

3. Section 13.08.010 of the SeaTac Municipal Code is hereby amended to read as follows:

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13.08.010 Uniform Mechanical Code.

The ~~1994~~ 1997 Edition of the Uniform Mechanical Code, as published by the International Conference of Building Officials, as amended by the Washington State Building Code Council on ~~November 18, 1994~~ November 14, 1997 and published as ~~Chapter 51-32~~ [Chapter 51-42 RCW](#) adopted, except as amended and/or excepted in Section 13.08.030 of ~~the Code~~ this Chapter.

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4. Section 13.09.010 of the SeaTac Municipal Code is hereby amended to read as follows:

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13.09.010 Uniform Plumbing Code and Uniform Plumbing Code Standards.

The ~~1991~~ 1997 Editions of the Uniform Plumbing Code and the Uniform Plumbing Code Standards as published by ~~the International Conference of Building officials~~ International Association of Plumbing and Mechanical Officials, as amended by the Washington State Building Code Council on ~~November 18, 1994~~ November 14, 1997 and as published as ~~Chapters 51-26 and 51-27~~ Chapters ~~5~~ [and 51-47 RCW](#), are adopted, except as amended and/or excepted in Section 13.09.030 of ~~the Code~~ this Chapter.

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5. Section 13.14.010 of the SeaTac Municipal Code is hereby amended to read as follows:

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13.14.010 Uniform Fire Code adopted by reference.

The ~~1994~~ 1997 Editions of the Uniform Fire Code and the Uniform Fire Code standards as amended by the Washington State Building Code Council be, and they hereby are adopted as the Uniform Fire Code provisions of the SeaTac Municipal Code.

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6. Subsection B of Section 13.14.030 of the SeaTac Municipal Code is hereby amended to read as follows:

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13.14.030 Additional provisions in the Uniform Fire Code.

B. Article 10, Section 1003.32.9 is amended to provide for Group R Division 1 occupancies as follows:

An approved automatic sprinkler system shall be installed throughout every apartment house three or more levels in height or containing five or more dwelling units and every hotel three or more levels in height or containing ten or more guest rooms. Residential or quick response sprinkler heads shall be used in the dwelling unit and guest room portions of the buildings. The sprinkler system

shall comply with the requirements of the Uniform Building Code Standard Numbers 9-1 or 9-3.

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7. Section 13.19.010 of the SeaTac Municipal Code be, and the same hereby is amended to read as follows:

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13.19.010 Washington State Energy Code.

The Washington State Energy Code, 1994 Edition, as amended by the Washington State Building Code Council on ~~November 18, 1994~~, on November 14, 1997 and filed as [Chapter 51-11 RCW](#) adopted.

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8. Section 13.21.010 of the SeaTac Municipal Code is hereby amended to read as follows:

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13.21.010 Washington State Ventilation And Indoor Air Quality Code.

The Washington State Ventilation and Indoor Air Quality Code, as adopted by the Washington State Building Code Council on ~~November 18, 1994~~ November 14, 1997 and filed as [Chapter 51-13 RCW](#) adopted.

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9. Section 13.22.010 of the SeaTac Municipal Code is hereby amended to read as follows:

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13.22.010 Uniform Administrative Code.

The ~~1994~~ 1997 Edition of the Uniform Administrative Code, as published by the International Conference of Building Officials is hereby adopted, except as amended and/or accepted in ~~Section 13.22.030 of the Code~~ this Chapter.

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10. Section 13.40.010 of the SeaTac Municipal Code is hereby amended to read as follows:

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13.40.010 Uniform Code for the Abatement of Dangerous Buildings.

The ~~1994~~ 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials, ~~the Western Fire Chiefs Association, and the International Association of Plumbing and Mechanical Officials~~ is adopted.

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11. Section 13.45.010 of the SeaTac Municipal Code is hereby amended to read as follows:

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13.45.010 Uniform Housing Code.

The 1994 1997 Edition of the Uniform Housing Code, as published by the International Conference of Building Officials, the Western Fire Chiefs Association, and the International Association of Plumbing and Mechanical Officials is adopted.

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12. Section 13.50.010 of the SeaTac Municipal Code is hereby amended to read as follows:

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13.50.010 Uniform Swimming Pool, Spa and Hot Tub Code.

The 1994 1997 Edition of the Uniform Swimming Pool, Spa and Hot Tub Code, as published by the International Conference of Building Officials, the Western Fire Chiefs Association and the International Association of Plumbing and Mechanical Officials is adopted.

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

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ADOPTED this 26th day of May, 1998, and signed in authentication thereof on this 26th day of May, 1998.

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CITY OF SEATAC

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Terry Anderson, Mayor

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ATTEST:

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Judith L. Cary, City Clerk

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Approved as to Form:

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Robert L. McAdams, City Attorney

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ORDINANCE NO. 98-1022

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Section 2.35.030 and adding a new Section 2.35.035 of the SeaTac Municipal Code to temporarily incorporate noncommissioned Fire Department employees within the Civil Service System.

WHEREAS, pursuant to the authorization of [Chapter 41.12 RCW](#) the City has previously adopted its own Civil Service System as codified at Chapter 2.35 of the SeaTac Municipal Code; and

WHEREAS, in a decision of Division III of the Washington State Court of Appeals, being [Teamsters v. Moses Lake](#), 70 Wn. App. 404, 853 P.2d 951 (1993), the Court held that noncommissioned employees of a police department (and therefore of a fire department) are required to be included under the provisions of the City's Civil Service System in order to "substantially accomplish" the purposes of the statutory Civil Service Act; and

WHEREAS, the Washington State Supreme Court declined review of the [Moses Lake](#) case, but a similar case is now proceeding through the Courts which may result in a different decision if ultimate resolution is made by the Washington State Supreme Court; and

WHEREAS, the State Legislature may provide legislative clarification which would permit exemption of noncommissioned employees from the Civil Service System; and

WHEREAS, the City Council deems it appropriate to include noncommissioned employees of the Fire Department within the Civil Service System, but only until this issue is ultimately resolved by the Courts or the State Legislature, reserving to the City the sole right to remove such individuals from civil service if their continued inclusion is not required; and

WHEREAS, the City Council finds that the selection of qualified noncommissioned employees to be assigned on a full-time basis to the Fire Department is a process which should continue to be administered by the Human Resources Department following the City's usual employment and promotion selection processes and applicable Collective Bargaining Agreements, and that the "rule of three" should not be followed;

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

Section 1. Section 2.35.030 of the SeaTac Municipal Code is hereby amended to read as follows:

2.35.030 Covered employees.

All full ~~paid -time~~ employees who are commissioned officers; or firefighters of the City's Fire Department, ~~and who devote their whole time to firefighting and emergency services, except the fire chief and assistant fire chief; and all full paid employees of the City's police department, except the police chief, and assistant police chief~~ shall be covered by and included within the classified civil service.

Section 2. There is hereby added a new Section 2.35.035 of the SeaTac Municipal Code to read as follows:

2.35.035 Noncommissioned personnel - Temporary inclusion without vesting rights.

In recognition of a decision by the Washington State Court of Appeals, it is determined to be in the public interest to provide for temporary inclusion of noncommissioned employees of the Fire Department within the classified civil service system subject to the following:

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A. Until such time as the Washington State Supreme Court or State Legislature determines that cities' civil service systems are not required to include noncommissioned employees, all noncommissioned positions, except the fire chief and assistant fire chief, shall be included within the classified civil service system.

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B. The City reserves the right to remove from the civil service system all noncommissioned employees whether incumbents in the position or hired after the effective date hereof. Such persons and their positions are subject to removal from the classified civil service system and no vested rights shall be created by their temporary inclusion in the system or their removal from the system. Such persons are included in the civil service system and shall be disciplined or removed only in accordance with the provisions of this Chapter until such time as the City Council, in its sole discretion, deems it appropriate to remove such positions from civil service coverage.

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C. Notwithstanding the Civil Service Commission's role in hiring commissioned, uniformed officers and firefighters, the design and administration of the selection, promotion, and testing process for full-time, noncommissioned positions shall be governed by the City's usual personnel policies and procedures under supervision of the Human Resources Department, to include the period of probation, except that the AFSCME Collective Bargaining Agreement shall apply to all members of that bargaining unit. The civil service "rule of three" shall not be applicable.

Section 3. 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 Ordinance.

Section 4. 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, 1998, and signed in authentication thereof on this 8th day of June, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1023

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 11.20.020 of the SeaTac Municipal Code to provide for payment by the City up to \$2,500 to defray the cost to each parcel of land required to connect service to newly undergrounded electric and communication facilities.

WHEREAS, SMC 11.20.020 presently grants to the Council authority to determine by motion or resolution whether to assume and pay as part of the cost of a City project requiring undergrounding, all or a portion of the cost of undergrounding service connections from rights-of-way to the buildings, residences, or structures to be served; and

WHEREAS, the Council now desires to require a payment for those purposes up to the sum of \$2,500 per parcel of property;

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

Section 1. Section 11.20.020 of the SeaTac Municipal Code is hereby amended to read as follows:

11.20.020 Cost.

Except as provided in currently valid tariffs on file with the Washington State Utilities and Transportation Commission, issued prior to December 26, 1996, which provide for greater responsibility for payment of undergrounding costs by the customer and/or the City than is provided herein, the cost and expense of converting existing overhead facilities to underground, or installing new facilities underground, and connection from such facilities to buildings, residences and other structures, shall be borne by the serving utilities, or the owners or occupants of the real property served or persons applying for such underground service. However, if the City determines that the public health, welfare, convenience and pedestrian and vehicular traffic safety in any street or road widening or relocation project requires conversion of existing overhead facilities to an underground installation, with connection to the buildings, residences and other structures served thereby, then in any such event, the utility or utilities affected shall provide such work at its/their own cost and expense; provided, however, that in order for the utility or utilities to be responsible for the costs of connecting the undergrounded services to buildings, residences and other structures to be served, each property owner shall convey and grant to the utility or utilities easements or licenses and permission to enter onto the property of such owner for the purpose of connecting such service; provided, further, that the City ~~may, but shall not be required, to determine by motion or resolution~~ to assume and pay, as part of the cost of the project, all or a portion of the cost of underground connection from rights-of-way to buildings, residences or structures to be served, but not to exceed the actual cost or the sum of \$2,500, whichever is less, for each parcel of property.

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

ADOPTED this 8th day of June, 1998, and signed in authentication thereof on this 8th day of June, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1024

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Chapter 2.15 of the SeaTac Municipal Code in regard to membership, structure and duties of the Planning Commission and repealing Chapters 2.20, 2.22, 2.24, 2.27, 2.40, 2.44, and 2.47 of the SeaTac Municipal Code relating to other committees, boards and commissions advisory to the City Council, so as to permit re-creation of the same by Resolution.

WHEREAS, [RCW 35A.13.080](#)(2) authorizes the City Council to provide for appointment by the Mayor, subject to confirmation by the Council, of citizens' committees, commissions, and boards advisory to the City Council; and

WHEREAS, pursuant to the said authority, the Council has, by Ordinance, created certain advisory committees, commissions, and boards consisting of the Planning Commission, Human Services Commission, Human Relations Commission, ADA Citizens' Access Committee, Senior Citizen Commission, Library Board, Parks, Arts & Recreation Advisory Board, and Solid Waste Advisory Board, which Ordinances are now codified at Chapters 2.20, 2.22, 2.24, 2.27, 2.40, 2.44, and 2.47 of the SeaTac Municipal Code; and

WHEREAS, certain other bodies are mandated by various statutes, including the Civil Service Commission, LEOFF I Disability Board, Volunteer Fire Fighters' Pension Board, Emergency Management Organization, and the Hotel-Motel Tax Advisory Committee, but which are not affected by this Ordinance; and

WHEREAS, the Council has, at various times over the years since the original date of incorporation, considered many concerns and recommendations regarding its advisory committees, boards, and commissions, including, but not limited to, the Council Retreats of January 1997, January 1998 and April 1998; and

WHEREAS, at its retreat of January 10, 1998 through January 11, 1998, the City Council appointed a Task Force on Citizens' Advisory Committees, consisting of Councilmembers Thompson, Gehring, and Brennan, to consider matters pertaining to the advisory committees, boards, and commissions; and

WHEREAS, at the Council's Study Session of March 3, 1998, the said Task Force provided its written and verbal report to the full Council; and

WHEREAS, at the Regular Council Meeting of March 10, 1998, a verbal motion was made to adopt the recommendations of the Task Force, but which motion was withdrawn when it was noted that the existing advisory committees, boards, and commissions were established by Ordinance and that amendments could only be made by Ordinance; and

WHEREAS, the Council deems it appropriate to repeal the Ordinances and provisions of the Municipal Code creating the aforesaid advisory committees, boards, and commissions, and to re-create the same by Resolution so as to permit amendment of the membership, structure, procedures, and responsibilities of such committees, boards, and commissions by simple motion; and

WHEREAS, [RCW 35A.63.020](#) authorizes the City to create a planning agency, but only by Ordinance, which Ordinance was adopted by the Council and is now codified at Chapter 2.15 of the SeaTac Municipal Code to create the authorized planning agency denominated the City Planning Commission; and

WHEREAS, the Council further deems it appropriate to adopt the general statements of membership, structure and

purpose propounded by the Council Task Force on Citizens' Advisory Committees;

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

Section 1. Chapters 2.20, 2.22, 2.24, 2.27, Sections 2.40.040 through 2.40.120, and Chapters 2.44 and 2.47 of the SeaTac Municipal Code are hereby repealed, so as to permit re-creation of the same by Resolution of the City Council.

Section 2. Chapter 2.15 of the SeaTac Municipal Code is hereby amended to read as follows:

Chapter 2.15

PLANNING ~~COMMISSION~~ ADVISORY COMMITTEE

Sections:

- 2.15.010 Agency created.
- 2.15.020 Membership.
- 2.15.030 Appointment.
- 2.15.040 Term of office.
- 2.15.050 Rules of procedure.
- 2.15.060 Compensation.
- 2.15.070 Expenses.
- 2.15.080 Conflicts of interest.
- 2.15.090 Meetings.
- 2.15.100 Joint meetings authorized.
- 2.15.110 Comprehensive plan.
- 2.15.120 Development regulations.
- 2.15.130 Research.
- 2.15.140 Reports of planning progress.

2.15.010 Agency created.

There is hereby created a planning agency to be known as "The Planning ~~Commission~~ Advisory Committee of the City of SeaTac," to serve in an advisory capacity to the City Council, and to serve at the pleasure of the Council.

2.15.020 Membership.

There shall be ~~seven~~ five members of the Planning ~~Commission~~ Advisory Committee. ~~Five~~ Three of the members shall be residents of the City. Two of the members shall own, operate or be employed by business entities located within the City, but, if such candidates cannot be found, then the forth and/or fifth member shall be residents of the City.

2.15.030 Appointment.

The members of the Planning ~~Commission~~ Advisory Committee shall be appointed by the Mayor, subject to confirmation by the City Council.

2.15.040 Term of office.

Commencing upon expiration of the term of any member serving on the effective date hereof, the members of the Planning ~~Commission~~ Advisory Committee shall serve at the pleasure of the City Council for a term of three years, or until appointment of a successor member, whichever is later. If a member of the Planning ~~Commission~~ Advisory Committee shall be absent, without prior notification and excuse, from three consecutive regularly scheduled meetings of the ~~Commission~~ Committee, the Chairperson shall report that fact and circumstances to the Mayor, who of the Planning Commission may declare the position held by that member vacant and a new member may be appointed in the manner set forth at Section 2.15.030. In the event of the extended excused absence or disability of a member, the Mayor, with concurrence of the City Council, may appoint a member pro tempore to serve during the absence or disability; provided, that any such pro tempore appointments ~~or re-appointments~~ shall be for a period of time not to exceed eight months, ~~with any appointments, re-appointments or~~ unless extended extensions of appointments thereafter being reviewed and considered by the Mayor, with concurrence of the City Council.

2.15.050 Rules of procedure.

The Planning ~~Commission~~ Advisory Committee shall elect its own Chairperson ~~and may create and fill such other offices as may be determined to be required.~~ A majority of the membership of the Planning ~~Commission~~ Advisory Committee shall constitute a quorum for the transaction of business. Any action taken by a majority of the members present, when those present constitute a quorum, at any ~~regular or special~~ meeting of the Planning ~~Commission~~ Advisory Committee shall be deemed to be the action of the ~~Commission~~ Committee. The Planning ~~Commission~~ Advisory Committee ~~is authorized to adopt~~ shall follow the latest edition of Robert's Rules of Order and, if desired, may submit to the City Council, for adoption, rules of procedure for the conduct of its business.

2.15.060 Compensation.

The members of the Planning ~~Commission~~ Advisory Committee shall serve without compensation.

2.15.070 Expenses.

The City Council may appropriate a funds within the budget of the Department of Planning and Community Development to provide for staff support and supplies for use of the Planning Commission Advisory Committee in meeting such expenses and expenditures as may be approved by the Director of the Department necessary. The City shall provide to the Planning Commission Advisory Committee adequate space and facilities and necessary supplies to facilitate the official business of the ~~Commission Committee.~~

2.15.080 Conflicts of interest.

If any member of the Planning ~~Commission~~ Advisory Committee concludes that ~~such member~~ he or she has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the ~~Commission Committee~~, that member shall disqualify himself or herself from participating in the deliberations and the decision-making process with respect to that matter. If the Mayor and City Manager conclude that a member has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the Commission Committee, that member shall be disqualified himself or herself from participating in the deliberations and the decision-making process with respect to that matter. ~~If this occurs,~~ In either event, the Mayor may appoint, without necessity of confirmation by the City Council, a person to serve as an alternate on the Planning ~~Commission~~ Advisory Committee in regard to that particular matter.

2.15.090 Meetings.

The Planning ~~Commission~~ Advisory Committee shall hold such ~~regular, and, as may be necessary, special,~~ meetings; as may be required for the completion of its responsibilities, but regular meetings shall be held not less than ~~twice per month through the end of the calendar year 1992. Thereafter, regular meetings shall be held at least once per month~~ bi-monthly unless there is no business to be considered by the ~~Commission Committee~~. The City Manager, ~~or designee~~ shall designate a City employee to act as staff liaison to the Planning Advisory Committee. The staff liaison person shall produce, in cooperation with the Chair, an agenda for distribution to the Council and interested persons and entities not later than one week prior to the next meeting of the Committee. The staff liaison shall attend each meeting of the Planning Commission Committee, and shall take and publish minutes of each meeting and each public hearing. The City Manager, or designee staff liaison, shall provide copies of the agenda, the published minutes of meetings and public hearings to each member of the Planning Commission Advisory Committee and to each member of the City Council. Prior to any public hearing, the staff liaison person shall prepare and provide to the Committee a City Staff Report and all appropriate documentary information. The membership of the Planning Advisory Committee may, if desired, request that a Councilmember act as the staff liaison person.

2.15.100 Joint meetings authorized.

The Planning ~~Commission~~ Advisory Committee may hold joint meetings with one or more city or county planning agencies and may engage in regional planning activities.

2.15.105 General duties.

The general duties of the Planning Advisory Committee shall be as set forth in the following language of the Report on the Council's Task Force on Citizens Advisory Committees:

The Committee shall assist in providing additional information and work on projects assigned by the Council as the Council establishes policy for the City. It is important that the Committee maintains creditability and open communication with the Council in order to be of utmost assistance to the Council's decision making process. The Council's function of establishing policy for the City can be greatly enhanced by quality advice presented from the Planning Advisory Committee in a manner that supports the Council's policies.

2.15.110 Comprehensive plan.

The Planning ~~Commission~~ Advisory Committee shall prepare a ~~the~~ comprehensive plan for the City, in accordance with state law, specifically including the Growth Management Act, and shall recommend the same to the City Council for adoption. The Planning ~~Commission~~ Advisory Committee may thereafter, from time to time, but not more frequently than once every year, recommend to the City Council such changes, amendments or additions to the comprehensive plan as may be deemed desirable. In preparing such recommendations, the Committee shall adhere to the City's Comprehensive Plan Amendment Procedures. If directed by the City Council, the Planning Advisory Committee shall prepare and recommend a comprehensive plan and/or proposed zoning regulations for territory which may be annexed, and to hold public hearings on such plans and regulations.

2.15.120 Development regulations.

The Planning ~~Commission~~ Advisory Committee shall recommend to the City Council such development regulations which may be deemed necessary, ~~but which. Such development regulations~~ shall be consistent with and shall implement the comprehensive plan, to include the following:

A. Amendments to the Environmental Code, Title 13 of this code;

B. Amendments to the Subdivision Code, Title 14 of this code;

C. Amendments to the Zoning Code, Title 15 of this code, or the Official Zoning Map;

D. Individual or Citywide rezones initiated by the City;

E. Amendments to the Development Review Code, Title 16 of this code;

F. Hear applications for Special District Overlays as area zoning is adopted in conjunction with amendments to the comprehensive plan, pursuant to Section 15.28.070A of this code;

G. Holding of public hearings as required;

H. Such other actions as may be requested or remanded by the City Council.

2.15.130 Research.

The Planning ~~Commission~~ Advisory Committee shall, with the assistance of the staff liaison, and the City Manager, or designee, act as the research and fact finding agency of the City in regard to land uses, housing, capital facilities, utilities, transportation, and in regard to classification of lands as agriculture, forest, mineral lands, critical areas, wetlands and geologically hazardous areas. The ~~Commission~~ Committee may undertake such surveys, analyses, research and reports as may be generally authorized or as may be specifically requested by the City Council. The ~~Commission~~ Committee is specifically authorized to join with and cooperate with the planning agencies of other cities and counties, to include regional planning agencies, in furtherance of such research and planning.

2.15.135 Annual work plan.

Annually, by July 15 of each year, to coincide with the City's preliminary budget review process, the Planning Advisory Committee shall submit to the City Council a work plan for the ensuing calendar year for the purpose of assisting the Council in establishing a budget to support the Committee, as follows:

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A. A description of all anticipated amendments to the comprehensive plan;

B. Anticipated preparation of subarea plans;

C. Area rezones;

D. Adoption or amendment of development regulations together with public hearings;

E. Any other studies and projects reasonably expected to be undertaken;

F. Estimated hours of staff liaison time to prepare for those projects and to attend meetings;

G. Any estimated direct expenses.

2.15.140 Reports of planning progress.

The Planning ~~Commission~~ Advisory Committee shall ~~annually~~ provide to the City Council on every fifth Tuesday of each month in which there is a fifth Tuesday, a report on progress made in implementing the goals and requirements of state law and on the status of land use policies and procedures within the City. In addition, the Planning Advisory Committee shall provide to the City Council a written summary of every public hearing held by the Committee at the next following study session or regular meeting of the City Council.

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

ADOPTED this 8th day of June, 1998, and signed in authentication thereof on this 8th day of June, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1025

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Sections 15.10.360, 15.10.625, 15.12.020, 15.13.110 B., 15.14.040, 15.14.130, 15.15.030, and 15.15.110 B and adding new Sections 15.14.125, 15.15.100 J., and 15.15.100 K. of the SeaTac Municipal Code. the Zoning Code to define "city hall", to permit a city hall in the UL zone and to provide for landscaping and parking standards, to authorize use of an independent consultant for sensitive areas studies, and to assign to the City Council final action on subdivisions and planned unit developments.

WHEREAS, since the adoption of the initial zoning code of the City of SeaTac, the City has adopted a city-wide comprehensive plan pursuant to the Growth Management Act, and has further amended the zoning code by subsequent ordinances; and,

WHEREAS, in order to better meet the needs of the City and to provide development regulations which are responsive to the needs of the City, the zoning code requires periodic review and amendment; and,

WHEREAS, in connection with the review of the zoning code, certain classifications, land uses and standards have been identified as needing definition and greater clarity; and,

WHEREAS, the Planning Commission of the City of SeaTac has completed a thorough review of the zoning code, and has held public hearings for the purposes of soliciting public comment regarding zoning code changes, and has recommended certain changes to the City Council for amendment of the City's zoning code;

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

Section 1. Section 15.13102.360 of the SeaTac Municipal Code is hereby amended to read as follows:

3215.160.360 Kennel.

An commercial establishment, ~~generally retail in nature~~, which houses, cares for, breeds, raises or sells dogs or cats. Four (4) or more adult dogs or cats or any combination thereof, constitute a kennel. Small animal hospitals and clinics and up to two (2) dwelling units, to be used as manager/caretaker residences, either attached or detached, from the kennel are included. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of four months

Section 2. Section 15.10.625, Street, Private of the SeaTac Municipal Code is hereby amended to read as follows:

15.16.625 Street, Private.

Any easement, tract or street, for ingress and egress which is not a public street. ~~For purposes of this Code, a private street will be considered as being a public street for determining setback provisions.~~ Driveways which are not part of an easement, tract, or street, for ingress and egress shall not be considered a street.

Section 3. The graphic representation at Section 15.12.020 of the SeaTac Municipal is hereby amended to read as follows:

* See Chapter 15.13 for additional development standards.

(1) Accessory living quarters permitted with the following restrictions (Ref. 15.10.016)

- A. No more than 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 & Breakfast:

- A. Number of guests limited to six (6), with no more than three (3) bedrooms;
- B. Parking area for three (3) non-resident 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:

- A. No more than five (5) non-support people;
- B. No more than two (2) support people;
- C. Parking area to be screened and not visible from public streets;
- D. House shall maintain residential character with no outward change of appearance beyond upgrades.

(4) A park outside established or proposed mobile home park zone is permitted after approval through the CUP process.

(5) Limited to 1,000 gsf and a 20 foot height limit (highest point).

(6) See Section 15.17 for standards and limitations.

(7) Efficiency Unit permitted within primary dwelling, not exceeding 25% of gross square feet of dwelling.

(8) Ground floor uses must be retail service or commercial uses as described in 15.13.107.

(9) See definition in Chapter 15.26.015 for additional development standards.

(10) For new development and redevelopment residential projects that are located in the UH-UCR zone, at least 50 percent of the building's ground floor shall be a retail, service, or commercial use as described in 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) Domestic Animals allowed. See Definition 15.10.180.

Section 42. Section 15.13.110 B. of the SeaTac Municipal Code d. is hereby amended to add

read as the followings:

Section 1. Section 15.12.050 of the SeaTac Municipal Code is hereby amended to read as follows:

15.12.050 Government/Office, Business 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
	GOVERNMENT/OFFICE USES												
O71	Social Service Office		P(6)				C*	P	P*	P*	P	P*	C*(1)
O72	Public Agency Office		P(6)				P*	P	P*	P*	P	P*	C*(1)
O73	Public Agency Yard	C(2)	P(5)		P(4)				P*	C*	P	C*	C*
O74	Public Archives	C(3)	C					C	P*	P*	P	P*	C*
O75	Court		P						P*	P*	P	P*	C*(1)
O76	Police Facility	P	P		C	P	P*	P	P*	P*	P	P*	P*
O77	Fire Facility	P	P		C	P	P*	P	P*	P*	P	P*	P*
O79	Helipad/Airport & Facilities		P(5)								P		
O80	Utility Use		P		C	C	C*	C	C*	P*	P	C*	C*
O81	Utility Substation		P				C*	C	P*	P*	P	C*	C*
O82	Financial Institution		P(6)					P	P*	P*	P	P*	C*(1)
<u>O83</u>	<u>City Hall</u>				<u>P</u>								
	BUSINESS SERVICES USES												
O86	Construction/Trade		C(5)						C*	P*(1)	P	C*	
O87	Truck Terminal		C(5)						C*	P*(1)	P	C*	
O88	Airport Support Facility		P							P*			
O89	Warehouse/Storage		P					C	C*	P*	P	C*	P*
O90	Professional Office		P				P*	P	P*	P*	P	P*	P*(1)
O91	Heavy Equipment Rental		C(5)							C*	P		
O92	Misc. Equipment Rental Facility							C	P*		P	P*(1)	

O93	Auto Rental/Sales		P						P*	P*(1)	P	C*(1)	
O94	Public/Private Parking		P					C	P*	P*	P	C*(1)	
O95	Motor Freight Repair		C(7)								P		
O96	Heavy Equipment Repair		P(7)								P		
O97	R & D/Testing		P(5)					C	C*	P*	P	C*	P*
O98	Commercial/Industrial Accessory Uses		C(5)						P	P*	P*	P	C*

* See Chapters 15.13 and 15.35 for additional development standards.

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

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

(3) A public archives facility located on property within the park zone is limited to existing structures.

(4) Applies only to City of SeaTac Public Works Maintenance Facility located at the Glacier High School site, on an interim basis. The City of SeaTac shall be allowed to expand the maintenance facility at that site to the extent authorized by the City Council; until such time as a replacement facility at another site is operational.

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

(6) Inside airport terminal facilities only.

(7) Airport/aviation related only.

15.13.110 B. Standards Applicable to the CB-C, UH-UCR AND O/CM Zones.

Unless otherwise stated, the following standards will apply to properties zoned Community Business that are located in the Urban Center (CB-C) as defined in Section 15.10.660 and delineated on the City of SeaTac Official Zoning Map and to all properties zoned Office/Commercial Medium (O/CM), and Urban High - Urban Center Residential (UH-UCR).

1. Maximum Front Yard Setback. The following maximum setback standard will apply to properties zoned CB-C, O/CM and UH-UCR.

a. In addition to the minimum front yard setback specified in Section 15.13.010, a maximum front yard setback of ten feet (10') shall be applied to new development and major redevelopment. A maximum front yard setback of ten feet (10') shall mean that the edge of the primary building shall be located no further than ten feet (10') from the property line.

b. If a building is on a corner lot and abuts more than two streets, the maximum front yard setback will apply to two streets only; the setback will apply to the two streets with the highest roadway classification as defined by the SeaTac Comprehensive Plan. If three or more streets have the same roadway classification, then the property owner shall select the two streets to which the maximum front yard setback shall be applied.

c. For through lots, the maximum front yard setback requirements shall apply to the street with the highest roadway classification as defined by the SeaTac Comprehensive Plan. If both streets have the same roadway classification, then the property owner shall determine the location of the front yard.

d. Exceptions to the maximum building setback shall be granted for:

i. Auto sales/rentals, and other outdoor sales;

ii. Car washes;

iii. Communications facilities;

iv. Utility substations;

v. Auto service stations; ~~and~~

vi. Site designs, approved by the City Manager or designee, that are intended to enhance pedestrian convenience and activity; and

vii. Toll Booths

2. Landscaping. Except as otherwise provided in this subsection, landscaping shall be required in conformance with Section 15.14 of the SeaTac Municipal Code.

a. Alternative Landscaping on street frontages in the CB-C, O/CM and UH-UCR zones. In order to create a building-sidewalk relationship that promotes pedestrian access and activity, the following landscaping standard will apply to the street frontages of properties zoned CB-C, O/CM, and UH-UCR. Where the building setback is smaller than the width of the street frontage landscaping normally required for a use per Section 15.14.060, the width of the street frontage landscaping shall be reduced to correspond with the building setback and the following alternative landscaping shall be required:

i. 50% of the amount of landscaping normally required along the street frontage shall be placed into plazas, roof-top gardens, and other pedestrian amenities (such as restrooms) accessible to the public during business hours. Additionally, street trees shall be planted within the public right-of-

way in locations and amounts to be determined by the City Manager or designee.

ii. A percentage of the street frontage landscaping requirements will be waived for placing parking underground. Excluding the requirement for street trees, up to a maximum of 80% of the alternative landscaping will be waived, on a percentage-by-percentage basis, for placing parking underground (e.g., placing 75% of the site's required parking underground would meet 75% of the square footage portion of the alternative landscaping requirement.)

b. Bufferyard Requirements in the ABC zone. Bufferyard requirements shall be as stated in Section 15.14.060 except as follows:

In the ABC zone, Type III landscaping, fifteen (15) feet wide berm to conceal service areas, backs of buildings, and parking areas from street level view.

Section 53. FA new subsection J is hereby added to Section 15.14.040 of the SeaTac Municipal Code, to read as follows::

15.14.040E General Landscape Requirements.

FE, except as provided in Section 13.50.030 (swimming pool fence requirements), or in Section 15.31.040 (wireless telecommunication facilities) (For swimming pool fence requirements, see Section 13.50.030 of the SeaTac Municipal Code. Ord. No. 94-1024, Effective 7/28/94.)

J. The area of vehicle overhangs into landscaped areas shall not be counted towards required landscaping.

Section 642. Section 15.1414.130060 of the SeaTac Municipal Code is hereby amended to read as follows:

15.14.060 Landscaping Standards for Government/Office, Business 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*
	GOVERNMENT/ OFFICE					
O71	Social Service Office	IV/10 ft.	IV/5 ft.	III/5 ft.	II/10 ft.	Yes
O72	Public Agency Office	IV/10 ft.	IV/5 ft.	III/5 ft.	II/10 ft.	Yes
O73	Public Agency Yard	III/20 ft.	IV/5 ft.	IV/5 ft.	II/20 ft. (SF)	Yes
O74	Public Archives	IV/10 ft.	IV/5 ft.	II/5 ft.	-	Yes
O75	Court	IV/10 ft.	IV/5 ft.	II/5 ft.	-	Yes
O76	Police Facility	IV/10 ft.	IV/5 ft.	II/5 ft.	-	Yes
O77	Fire Facility	IV/10 ft.	IV/5 ft.	II/5 ft.	II/20 ft. (SF)	Yes
O79	Helipad/Airport Facility	I/10 ft.	-	I/10 ft.	-	-
O80	Utility Use	III/10 ft.	IV/5 ft.	IV/10 ft.	IV/10 ft. (SF)	Yes
O81	Utility Substation	I/10 ft.	-	I/10 ft.	-	-
O82	Financial Institution	IV/10 ft.	IV/5 ft.	IV/5 ft.	II/10 ft. (SF)	Yes
<u>O83</u>	<u>City Hall</u>	<u>IV/10 ft.</u>	<u>iv/5 ft.</u>	<u>III/10 ft.</u>	<u>I/20 ft. (RESSF)</u>	Yes
	BUSINESS SERVICES					
O86	Construction/ Trade	III/5 ft.	-	-	-	-
O87	Truck Terminal	II/10 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (RES)	Yes
O88	Airport Support Facility	IV/10 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (RES)	Yes
O89	Warehouse/ Storage	II/10 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (RES)	Yes
O90	Professional Office	IV/10 ft.	IV/5 ft.	II/5 ft.	I/10 ft. (RES)	Yes
O91	Heavy Equipment Rental	III/10 ft.	IV/5 ft.	III/5 ft.	I/10 ft. (RES)	Yes

O92	Misc. Equipment Rental Facility	IV/10 ft.	IV/5 ft.	II/5ft.	I/10 ft. (SF)	Yes
O93	Auto Rental/Sales	IV/10 ft.	IV/5 ft.	II/10 ft.	I/20 ft. (RES)	Yes
O94	Public/Private Parking	III/10 ft.	IV/5 ft.	II/10 ft.	II/20 ft. (RES)	Yes
O95	Motor Freight Repair	II/10 ft.	IV/5 ft.	II/10 ft.	I/20 ft. (RES)	Yes
O96	Heavy Equipment Repair	II/10 ft.	IV/5 ft.	II/5 ft.	II/20 ft. (SF)	Yes
O97	R & D/Testing	II/20 ft.	IV/5 ft.	II/10 ft.	I/20 ft. (SF)	Yes
O98	Commercial/ Industrial Accessory Uses	II/10 ft.	IV/5 ft.	III/5 ft.	II/10 ft. (SF)	Yes

*See Section 15.14.090.

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

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

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 Government/Office/Business Uses

USE #	LAND USE	MINIMUM SPACES REQUIRED
	GOVERNMENT/OFFICE USES	
O71	Social Service Office	1 per 250 sf
O72	Public Agency Office	1 per 250 sf
O73	Public Agency Yard	1 per 200 sf, plus 1 per 1000 sf of indoor storage or repair areas
O74	Public Archives	1 per employee, plus 1 per 400 sf of waiting/review areas
O75	Court	1 per employee, plus 1 per 40 sf of fixed seats or assembly areas
O76	Police Facility	1 per employee, plus 1 per 100 sf of public office areas
O77	Fire Facility	1 per employee, plus 1 per 100 sf of public office areas
O79	Helipad/Airport & Facilities	Helipad: 4 per pad; Airport: 1 per 500 sf of building
O80	Utility Use	1 per 250 sf
O81	Utility Substation	1 per substation site
O82	Financial Institution	1 per 250 sf, plus 5 stacking spaces
<u>O83</u>	<u>City Hall</u>	<u>1 space per 250 sf of office area plus 1 per 40 sf of fixed seats or assembly area if a municipal court use is located in City Hall</u>
	BUSINESS SERVICES USES	

O86	Construction/Trade	1 per 250 sf of office
O87	Truck Terminal	1 per 250 sf of office or 1 per employee, whichever is greater
O88	Airport Support Facility	1 per 250 sf
O89	Warehouse/Storage	1 per 250 sf of office, plus 1 per 3500 sf of storage areas
O90	Professional Office	1 per 300 sf of office building
O91	Heavy Equipment Rental	1 per 250 sf of building
O92	Misc. Equipment Rental Facility	1 per 250 sf of building
O93	Auto Rental/Sales	1 per 300 sf, plus 1 per employee, plus a minimum of 3,000 sf of display area
O94	Public/Private Parking	1 per employee (designated)
O95	Motor Freight Repair	1 per 300 sf of office, plus 1 per 1000 sf of indoor repair areas
O96	Heavy Equipment Repair	1 per 300 sf of office, plus 1 per 1000 sf of indoor repair areas
O97	R & D/Testing	1 per 300 sf
O98	Commercial/Industrial Accessory Uses	1 per 300 sf

Section 4. Section 15.30.110 of the SeaTac Municipal Code is hereby amended to read as follows:

15.30.110 Sensitive Area Special Study Requirement

A. An applicant for a development proposal which includes a sensitive area or is within an identified sensitive area buffer shall ~~submit~~ enter into a three party agreement, as approved by the City, whereby the applicant shall pay the costs for the City to hire the appropriate consultant/s to provide a sensitive area special study to adequately evaluate the proposal and all probable impacts. The selection of the consultant/s hired by the City shall be at the sole discretion of the City.

B. The City may waive the requirement for a special study if the applicant shows, to the City's satisfaction, that:

1. There will be no alteration of the sensitive area or buffer;
2. The development proposal will not have an impact on the sensitive area in a manner contrary to the goals, purposes, objective and requirements of this chapter; and

3. The minimum standards required by this chapter are met.

C. If necessary to insure compliance with this chapter, the City may require additional information from the applicant, ~~separate from the special study~~ or consultant pursuant to the agreement specified in subsection A of this section.

Section 5. A new Section 15.10.107 is hereby added to the SeaTac Municipal Code to read as follows:

15.10.107 City Hall

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A structure maintained and used as a place to transact business, legislative and administrative functions, public meetings and hearings, and other operations of a Code City as defined under [RCW 35A.01.035](#). City Hall may include a municipal court for the purpose of providing for the administration of justice, including court offices, court rooms and facilities for processing civil and/or criminal cases and related functions.

Section 6. Section 16.03.040 of the SeaTac Municipal Code is hereby amended to read as follows:

16.03.040 City Council

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.

B. Final Subdivisions.

C. Final Planned Unit Developments

15.14.130 Street Landscaping.

Street trees, shrubs, and/or groundcover shall be planted along the property frontage within City right-of-way adjacent to the subject property. The type and location of plantings shall be determined by the City Manager or designee. Street trees shall be planted on a maximum of thirty (30) feet on center and to be a minimum 2 2 inch caliper upon planting. Upon review and approval by the City Manager or designee, street landscaping and street frontage landscaping may be combined and be variable widths, no less than five (5) feet, provided the total required amount of the street landscaping and street frontage landscaping is located on-site.

Section 75. Section 15.15.030 of the SeaTac Municipal Code is hereby amended to read as follows:

Section 86. Section 15.15.110 B of the SeaTac Municipal Code . is hereby amended to read as follows:

15.15.110 Off-Street Parking Construction Standards.

B. Asphalt-surfaced parking areas shall have parking spaces marked by surface paint lines or a suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. Wheel stops are required where a parked vehicle would encroach upon adjacent property, pedestrian access, circulation areas or landscaping areas. Typically approved markings and wheel stop locations are illustrated on the following page. A vehicle overhang may be allowed into the landscaped area, provided the area of the vehicle overhang is not counted towards required landscaping.

Section 97. A new Section 15.14.125 is hereby added to Section 15.14.125 is hereby added to the SeaTac Municipal Code, to read as follows:

15.14.125 Street Frontage Landscaping

Street frontage landscaping shall be installed on the subject (private) property and is separate from street landscaping as described in Section 15.14.130 fo the SMC.

Section 810. A new Subsection J Section 15.15.100 J. is hereby added to Section 15.15.100 of the SeaTac Municipal Code, to read as follows:

15.15.100 Off-Street Parking Plan Design Standards.

J. In determining the length of an off-street parking stall as required under Sections 15.15.100 C and E, overhangs from a wheel stop as required under Section 15.15.110 B. and illustrated in Figure 15.15.110b may be included.

Section 119. A new Subsection 15.15.100 K. is hereby added to Section 15.15.100 of the SeaTac Municipal Code, to read as follows:

15.15.100 Off-Street Parking Plan Design Standards.

K. Compact parking stalls shall not be allowed across drive aisles from each other except under the following circumstance: Compact parking stalls may be located across drive aisles from each other provided that the applicant/business owner/land owner institutes a parking lot management plan, approved by the Director of Planning and Community Development, that would designate only compact cars to compact off-street parking spaces. The approved plan shall be filed as a covenant running with the property for as long as the parking lot layout provides for compact off-street parking spaces across drive aisles from each other.

Section 120Section 7. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 8th day of June, 19978, and signed in authentication thereof on this 8th day of June, 19978.

CITY OF SEATAC

Don DeHanTerry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1026

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the building permit fee schedule Appendix "A" of Chapter 13.06 of the SeaTac Municipal Code

WHEREAS, Section 13.06.030 of the SeaTac Municipal Code establishes building permit fees as set forth in Appendix A of Chapter 13.06 of the SeaTac Municipal Code; and

WHEREAS, due to inflation, and the need for City staff to invest more time in processing permits, performing plan review, conducting inspections, and in ensuring compliance, the building permit fee schedule, Appendix A of Chapter 13.06 of the SeaTac Municipal Code should be increased approximately 10%;

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

1. Appendix A of Chapter 13 of the SeaTac Municipal Code is hereby amended to read as follows:

Appendix A

TOTAL VALUATION	PERMIT FEE
\$1.00 to \$25,000.00	\$50.00 for the first \$2,000.00 plus \$8.50 for each additional \$1,000, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$50,000.00
\$50,001 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$250,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000, or fraction thereof, to and including \$250,000.00
\$250,001.00 to \$500,000.00	\$2,043.00 for the first \$250,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000.00
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
Over \$1,000,000	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof
Other Inspections and fees:	
<ol style="list-style-type: none"> 1. Inspections outside the normal business hours (min. 2 hours) \$75.00 per hour 1. Reinspection fees asses under provisions of Section 305.8 \$50.00 per hour 1. Inspections for which no fee is specifically indicated (min. 1 hour) \$50.00 per hour 	

- | |
|--|
| <ol style="list-style-type: none">1. Additional plan review required by changes, additions or revisions to plans (min. 1 hour) \$50.00 per hour1. For use of outside consultants for plan checking and inspections, or both Actual cost |
|--|

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

ADOPTED this 23rd day of June, 1998, and signed in authentication thereof on this 23rd day of June, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1027

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Subsection A of Section 8.05.450 of the SeaTac Municipal Code to add custodial interference in the second degree and to provide for assessment of costs.

WHEREAS, the current SeaTac Municipal Code addresses special offenses relative to minors at Subsection A of Section 8.05.450; and

WHEREAS, [RCW 9A.40.070](#) addresses the crime of custodial interference in the second degree, but has not previously been adopted by the City; and

WHEREAS, [RCW 9A.40.080](#) provides for recovery of expenses incurred in locating or returning a child or incompetent person as well as certain defenses, but has not previously been adopted by the City;

WHEREAS, amending the City Code to incorporate both of these statutes would provide consistency between state law and the City Criminal Code and would promote uniformity of action by the Municipal Court and the Police Department;

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

Section 1. Subsection A of Section 8.05.450 of the SeaTac Municipal Code is hereby amended to read as follows:

8.05.450 Special offenses relative to minors.

A. The following sections of Titles [and 9A RCW](#) now in effect, and as may subsequently be amended, are hereby adopted by reference to establish special crimes involving minors under the SeaTac Criminal Code:

9.68A.120 Seizure and forfeiture of property.

9.68A.140 Definitions.

9.68A.150 Allowing minor on premises of live erotic performance.

9.68A.160 Penalty.

9.69.100 Duty of witness of offense against child or any violent offense - Penalty.

9A.40.070 Custodial interference in the second degree.

9A.40.080 Custodial interference-Assessment of costs-Defense-Consent defense, restricted.

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

ADOPTED this 14th day of July, 1998, and signed in authentication thereof on this 14th day of July, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1028

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 8.10.010 of the SeaTac Municipal Code relating to Domestic Violence Prevention.

WHEREAS, the current SeaTac Municipal Code addresses Domestic Violence Prevention in Section 8.10.010; and

WHEREAS, [RCW 26.09.300](#) and [RCW 10.99.050](#) address violations of domestic violence orders but which were not previously adopted by reference in the SeaTac Municipal Code; and

WHEREAS, amending the City Code to incorporate [RCW 26.09.300](#) and [RCW 10.99.050](#) will provide consistency between state law and the City Criminal Code and will promote uniformity of action by the Municipal Court and the Police Department;

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

Section 1. Section 8.10.010 of the SeaTac Municipal Code is hereby amended to read as follows:

8.10.010 Domestic violence prevention.

The following sections of Chapters 9A.36, 10.99, 26.09 and 26.50 RCW now in effect, and as may subsequently be amended, are hereby adopted by reference to establish domestic violence offenses and procedures for domestic violence prevention:

9A.36.150 Interfering with reporting of domestic violence.

10.99.020 Definitions.

10.99.040 Violation of No Contact Order.

10.99.050 Victim contact-Restriction, prohibition-Violation, penalties- Written order-Procedures

26.09.300 Restraining orders-Notice-Refusal to comply-Arrest-Penalty-Defense-Peace officers, immunity.

26.50.010 Definitions.

26.50.020 Commencement of action - Jurisdiction - Venue.

26.50.030 Petition for order for protection - Availability of forms and instructional brochures - Filing fee, when required - Bond not required.

26.50.040 Application for leave to proceed in forma pauperis.

26.50.050 Hearing - Service - Time.

26.50.060 Relief - Realignment of designation of parties.

26.50.070 Ex parte temporary order for protection.

26.50.080 Issuance of order - Assistance of peace officer - Designation of appropriate law enforcement agency.

26.50.090 Order - Service - Fees.

26.50.100 Order - Transmittal to law enforcement agency - Record in law enforcement information system - Enforceability.

26.50.110 Violation of order - Penalties.

26.50.120 Violation of order - Prosecuting attorney or attorney for municipality may be requested to assist - Cost and attorney's fees.

26.50.130 Order - Modification - Transmittal.

26.50.140 Peace officers - Immunity.

26.50.200 Title to real estate - Effect.

26.50.210 Proceedings additional.

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

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ADOPTED this 14th day of July , 1998, and signed in authentication thereof on this 14th day of July , 1998.

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CITY OF SEATAC

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Terry Anderson, Mayor

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ATTEST:

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Judith L. Cary, City Clerk

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Approved as to Form:

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Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1029

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Section 8.05.500 and Subsection B of Section 8.05.510 of the SeaTac Municipal Code relating to theft and possession of stolen property and fraud.

WHEREAS, the current SeaTac Municipal Code addresses theft and possession of stolen property at Section 8.05.500 and addresses fraud at Subsection B of Section 8.05.510; and

WHEREAS, the State Legislature has repealed [RCW 9.45.062](#) "Failure to deliver leased personal property - Requisites for prosecution - Construction", which the City previously adopted under Subsection B of Section 8.05.510 of the SeaTac Municipal Code; and

WHEREAS, the State Legislature has adopted a new Sect[Section 9A.56.096 RCW](#) relating to theft of rental, leased, or lease-purchased property in place of the former statute; and

WHEREAS, amending the City Code to incorporate the changes made to the state statute would provide consistency between state law and the City Criminal Code and will promote uniformity of action by the Municipal Court and the Police Department;

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

Section 1. Section 8.05.500 of the SeaTac Municipal Code is hereby amended to read as follows:

8.05.500 Theft and possession of stolen property.

The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the crimes of theft and stolen property under the SeaTac Criminal Code:

9A.56.010 Definitions.

9A.56.020 Theft - Definition, defense.

9A.56.050 Theft in the third degree.

9A.56.060 Unlawful issuance of checks or drafts.

9A.56.096 Theft of rental, leased, or lease-purchased property.

9A.56.100 Theft and larceny equated.

9A.56.140 Possessing stolen property - Definition - Access devices, presumption.

9A.56.170 Possessing stolen property in the third degree.

9A.56.180 Obscuring identify of a machine.

9A.56.220 Theft of cable television services.

9A.56.230 Unlawful sale of cable television services.

9A.56.240 Forfeiture and disposal of device used to commit violation.

9A.56.260 Connection of channel converter.

9A.56.270 Shopping cart theft.

Section 2. Section 8.05.510 of the SeaTac Municipal Code is hereby amended to read as follows:

8.05.510 Fraud.

B. The following sections [Title 9 RCW](#) now in effect, and as may subsequently be amended, are hereby adopted by reference to establish the following crimes of fraud under the SeaTac Criminal Code:

9.45.060 Encumbered, leased, or rented personal property - Construction.

~~9.45.062 Failure to deliver leased personal property - Requisites for prosecution - Construction.~~

9.45.070 Mock auctions.

9.45.080 Fraudulent removal of property.

9.45.090 Knowingly receiving fraudulent conveyance.

9.45.100 Fraud in assignment for benefit of creditors - Fraud in operating coin-box telephone or other receptacle.

9.45.190 Penalty for manufacture or sale of slugs to be used for coin.

9.45.240 Fraud in obtaining telephone or telegraph service - Penalty.

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

ADOPTED this 14th day of July, 1998, and signed in authentication thereof on this 14th day of July, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1030

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 8.05.470 of the SeaTac Municipal Code to include [RCW 9.73.030](#) and 9.73.080 relating to intercepting, recording or divulging private communication where consent is required.

WHEREAS, the current SeaTac Municipal Code addresses crimes relating to violation of the right of privacy at Section 8.05.470; and

WHEREAS, there are two state statutes which apply to the right of privacy but which were not previously adopted by the City; and

WHEREAS, one such statute is [RCW 9.73.030](#) which relates to intercepting, recording or divulging private communication where consent is required; and

WHEREAS, the other statute is [RCW 9.73.080](#) which establishes the penalty for violation of [RCW 9.73.030](#) as a gross misdemeanor; and

WHEREAS, amending the City Code to incorporate the [RCW 9.73.030](#) and 9.73.080 would provide consistency between state law and the City Criminal and would promote uniformity of action by the Municipal Court and the Police Department;

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

Section 1. Section 8.05.470 of the SeaTac Municipal Code is hereby amended to read as follows:

8.05.470 Violating right of privacy.

The following sections [Title 9 RCW](#) now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to violation of the right of privacy under the SeaTac Criminal Code:

9.73.010 Divulging telegram.

9.73.020 Opening sealed letter.

9.73.030 Intercepting, recording or divulging private communication -- Consent required – Exceptions.

9.73.080 Intercepting, recording, or divulging private communication – Penalty.

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

ADOPTED this 14th day of July, 1998, and signed in authentication thereof on this 14th day of July, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1031

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating that portion of 29th Avenue South generally between South 170th Street and South 171st Street pursuant to petition of abutting property owners.

WHEREAS, a petition seeking street vacation was previously received, signed by all of the owners of property abutting that portion of 29th Avenue South generally between South 170th Street and South 171st Street, within the City; and

WHEREAS, pursuant to SMC 11.05.090 and [RCW 35.79.010](#), the City Council adopted Resolution No. 98-012 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 29th 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 Council finds that vacation of the aforesaid portion of 29th Avenue South is in the public interest of redevelopment as set forth in the Development Agreement between the City and Gateway Investment LLC authorized by Resolution No. 98-008, subject to reservation of certain easements and payment to the City by abutting owners pursuant to [RCW 35.79.030](#);

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 29th Avenue South generally between South 170th Street and South 171st Street, and the right-of-way thereof, 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, all existing utility easements located within the said right-of-way are reserved and the City further retains and reserves an easement and the right to exercise and grant easements within the vacated right-of-way for the construction, repair, and maintenance of public utilities and services. In addition, the City retains and reserves an easement for public access over, under, and across the southerly forty eight (48) feet of the vacated area, being more particularly described on Exhibit "B" attached to this Ordinance, pursuant to the Development Agreement between the City and Gateway Investment LLC.

Section 3. Compensation Required. The owners of the real property abutting upon the aforesaid portion of 29th Avenue South, and the right-of-way thereof, which properties are shown on the map attached to this Ordinance as Exhibit "C" and more particularly described on Exhibit "D" to this Ordinance, 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 \$276,666.

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.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon receipt of the compensation required by Section 3 of this Ordinance, but in no event sooner than thirty (30) days after passage.

ADOPTED this 14th day of July, 1998, and signed in authentication thereof on this 14th day of July, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1032

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget for the South 188th Street Reconstruction Project.

WHEREAS, the City Council has reviewed agenda bill #1554 submitted by the Public Works Department and authorizes the City Manager to execute a contract for the South 188th Street Reconstruction project; and

WHEREAS, the total project cost of \$1,928,384 exceeds available funding in the Transportation CIP Fund; and

WHEREAS, parking tax revenue collected by the City is intended to fund capital improvements to City streets;

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

Section 1. The 1998 Annual City Budget shall be amended to increase the transfer of parking tax revenue from the Arterial Street Fund to the Transportation CIP Fund by the amount of \$728,388 (BARS 102.000.15.597.25.00.000).

Section 2. The 1998 Annual City Budget shall be amended to increase the revenue and expenditures of the Transportation CIP fund by \$728,388 (BARS 307.397.25.00.000 and BARS 307.000.37.595.30.63.047).

Section 3. 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 July, 1998, and signed in authentication thereof on this the 14th day of July, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1033

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget for a Youth At-Risk Program.

WHEREAS, the City Council has reviewed agenda bill #1575 submitted by the Parks and Recreation Department and approves of the use of Criminal Justice grant funding to be used for a Youth At-Risk Program; and

WHEREAS, the \$10,000 grant funds are currently appropriated in the Police Department 1998 Budget;

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

Section 1. The 1998 Annual City Budget shall be amended to transfer \$10,000 in Criminal Justice Program Area #2 monies from the Police Department budget to the Parks & Recreation Department budget (BARS 001.000.08.521.20.51.013 and BARS 001.000.10.576.11.11.000).

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

ADOPTED this 28th day of July, 1998, and signed in authentication thereof on this the 28th day of July, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1034

AN ORDINANCE of the City Council of the City of SeaTac, Washington enacting a new Chapter 16.15 to the SeaTac Municipal Code establishing a procedure for docketing, public participation, and action as to proposed new or amended development regulations.

WHEREAS, the Growth Management Act requires that the City establish a procedure for accepting, docketing, obtaining public participation, and annually acting upon amendments to its Comprehensive Plan and also to its development regulations; and

WHEREAS, the City has established a procedure relating to Comprehensive Plan amendments, but not as to enactment of new or amendatory development regulations; and

WHEREAS, the Department of Planning & Community Development has proposed such a procedure for processing new development regulations and amendments thereto; and

WHEREAS, the Council finds the proposed procedure to be appropriate and to be of benefit to the public;

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

Section 1. A new Chapter, 16.15 is hereby added to the SeaTac Municipal Code to read as follows:

**CHAPTER 16.15 DEVELOPMENT REGULATIONS
- AMENDMENT PROCEDURES**

SECTIONS:

16.15.010 Development Regulations

16.15.020 Development Regulations - Review Procedures

16.15.010 Development Regulations

The City shall consider suggested amendments to its development regulations by any interested person, including applicants, citizens, the SeaTac hearing examiners, and staff of other agencies, pursuant to the requirements of [RCW 36.70A.130](#).

A. "Development Regulations," as stated in [RCW 376.70A.030](#), means the controls placed on development or land use activities by a county or city including, but not limited to:

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

B. A development regulation **does not include** a project permit or project permit application as defined in [RCW 36.70B.020](#), including:

1. Building permits
2. Subdivisions
3. Binding site plans
4. Planned unit developments
5. Conditional uses
6. Shoreline substantial development permits
7. Site plan review

8. Permits or approvals required by critical area ordinances

9. Site-specific rezones

16.15.020 Development Regulations - Review Procedures

A. Suggested amendments from interested persons, including citizens, applicants, the SeaTac hearing examiner and the staff of other agencies shall be docketed and considered on an annual basis. The Department of Planning and Community Development shall establish a procedure for review that generally implements the following:

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

B. Suggested amendments by the City Council, Planning Advisory Committee, and City staff need not be docketed under this procedure, and may be considered on a more frequent basis than provided under this procedure.

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

ADOPTED this 28th day of July, 1998, and signed in authentication thereof on this 28th day of July, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

G:\GROUP\PLANNING\ORDINANCE\CHP16.15.NEW

Revised 7/21/98

ORDINANCE NO. 98-1035

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget for the South 170th Street Improvements, Phase 1, International Boulevard to 37th Avenue South.

WHEREAS, the City Council has reviewed agenda bill #1581 submitted by the Public Works Department and authorizes the City Manager to execute a contract for the aforementioned project; and

WHEREAS, the total project cost of \$2,218,918 exceeds available funding in the Transportation CIP Fund; and

WHEREAS, parking tax revenue collected by the City is intended to fund capital improvements to City streets;

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

Section 1. The 1998 Annual City Budget shall be amended to increase the transfer of parking tax revenue from the Arterial Street Fund to the Transportation CIP Fund by the amount of \$988,282 (BARS 102.000.15.597.25.00.000).

Section 2. The 1998 Annual City Budget shall be amended to increase the revenue and expenditures of the Transportation CIP fund by \$988,282 (BARS 307.397.25.00.000 and BARS 307.000.37.595.30.63.064).

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

ADOPTED this 18th day of August, 1998, and signed in authentication thereof on this the 18th day of August, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1036

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to the siting of wireless telecommunication facilities (WTFs) and amending SMC 15.10.061.05 which defines "antenna", and amending SMC 15.22.030B, 15.31.030A, 15.31.040B and 16.03.050B applying the minor conditional use permit process to WTFs.

WHEREAS, the City Council adopted Ordinance No. 97-1013 on August 26, 1997 adding a new Chapter 15.31 to the SeaTac Municipal Code establishing a process and standards for siting of commercial wireless telecommunication facilities; and

WHEREAS, the definition of "antenna" at SMC 15.10.061.05 should be expanded due to changing technology; and

WHEREAS, SMC 15.22.030B, which describes the purpose of a minor conditional use permit, was inadvertently not amended to reflect the fact that such permits may apply to siting of WTFs; and

WHEREAS, the Department of Planning & Community Development has received and acted upon an application for collocating an antenna on a higher, replacement utility pole; and

WHEREAS, the original standards did not clearly address application of the minor conditional use permit process to the siting of WTFs on existing or replacement utility poles; and

WHEREAS, it is appropriate that the Department bring zoning code amendments, such as those referred to above, to the Council for action; and

WHEREAS, the Council finds that appropriate corrections to those sections of the Municipal Code dealing with wireless telecommunication facilities should be made;

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

Section 1. Section 15.10.061.05 of the SeaTac Municipal Code is hereby amended to read as follows:

5. Antenna

Any system of electromagnetically tuned wires, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points. Types of antenna(e) include:

- A. Omni-directional (or "whip") antenna(e) which transmit and receive radio frequency signals in a 360 degree radial pattern. For the purpose of this document, an omni-directional antenna(e) is up to 24 feet in

height and up to 6 inches in average diameter.

- B. Directional (or "panel") antenna(e) which transmit and receive radio frequency signals in a specific directional pattern of less than 360 degrees.

- C. Tubular antenna(e), which consist of two or more directional antennae arranged to transmit and receive radio frequency signals in a three hundred sixty (360) degree pattern, and which are enclosed within a cylindrical tube.

~~ED.~~Parabolic (or dish) antenna(e) is a bowl-shaped device for the reception and/or transmission of communications signals in a specific directional pattern.

Section 2. Sub-Section B of Section 15.22.030 of the SeaTac Municipal Code is hereby amended to read as follows:

B. A minor conditional use permit is a permit granted by the City Manager, or designee, to allow the expansion of an existing legal conditional use, pursuant to the criteria set forth in SMC 16.03.050, or to allow permitting of a wireless telecommunications facility pursuant to SMC 15.31.030, subject to the criteria set forth in SMC 16.03.050.

Section 3. Sub-Section A of Section 15.31.030 of the SeaTac Municipal Code is hereby amended to read as follows:

A. Permits Required.

- 1. Building/Electrical Permits. A building and/or electrical permit is required for all WTFs, unless specifically exempted under SMC 15.31.020.

2. Minor Conditional Use Permits. A minor conditional use permit is required for:

- a. A WTF collocated on an existing support structure in park, urban low, urban medium, urban high, and mobile home park zones; or

- b. A WTF that is not a microcell and is located on a utility pole.

3. Major Conditional Use Permits (Major CUP). A major conditional use permit is required for WTFs and/or new support structures in Park, Urban Low, Urban Medium, Urban High, and Mobile Home Park Zones, unless the proposed WTF will be located on an existing support structure, a water tower, a school building higher than thirty feet, or a utility pole.

1. Other Permits. In addition to the building and/or electrical permit, other permits may be required, including but not limited to grading, and right-of-way permits.

The following table summarizes the types of permits required:

PERMITS REQUIRED

WTF TYPE/LOCATION	ZONES*	
	HIGH INTENSITY	LOW INTENSITY
New WTFs collocated on an existing support structure	<ul style="list-style-type: none"> • Building/Electrical 	<ul style="list-style-type: none"> • Minor CUP and • Building/Electrical
<p>New WTFs on other existing structures:</p> <p>1. Water Towers, <u>and</u> school buildings higher than 30 feet, and</p> <p>2. <u>Utility poles</u></p> <p> a. <u>Microcells</u></p> <p> -</p> <p> b. <u>WTFs that are not Microcells</u></p> <p>2.3. <u>Other Structures</u></p>	<ul style="list-style-type: none"> • Building/Electrical • <u>Building/Electrical</u> • <u>Minor CUP and Building/Electrical</u> • Building/Electrical 	<ul style="list-style-type: none"> • Building/Electrical • <u>Building/Electrical</u> • <u>Minor CUP and Building/Electrical</u> • Major CUP and Building/Electrical
New Support Structures	<ul style="list-style-type: none"> • Building/Electrical 	<ul style="list-style-type: none"> • Major CUP and • Building/Electrical

- o High intensity zones are as follows: I, AU, BP, ABC, CB, CB-C, O/CM, and NB.

Low intensity zones are as follows: UL, UM, UH, MHP, and P.

Section 4. Sub-Section B of Section 15.31.040 of the SeaTac Municipal Code is hereby amended to read as follows:

A. 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, ~~and only WTFs that meet the definition of a microcell 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.

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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;

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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;

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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;

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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;

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

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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;

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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.

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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.

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b. c. Height: The height of WTFs collocated on existing structures shall not exceed 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 80 feet. This height may be increased to 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.

~~e.~~ 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 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 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.

~~d.~~ e. Landscaping: For new support structures, the street frontage landscaping shall be Type II, 10 feet, and Type II 5 feet on the sides and rear. Where adjacent to UL, UM, UH, MHP or P zones, new support structures shall provide 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.

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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.

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 allowed on existing structures is not limited, except that not more than one (1) WTF shall be allowed on a utility pole, ~~and only WTFs that meet the definition of a microcell shall be allowed on a utility pole.~~

iii. Each service provider shall be limited to an equipment shelter installation not to exceed two hundred (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. WTFs locating on utility poles shall either meet the definition of a microcell, or conform to the following:

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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;

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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;

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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;

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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;

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

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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;

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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;

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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 cabinets exists at the site.

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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.

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b. c. Height: The height of WTFs collocated on existing structures shall not exceed 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 80 feet. This height may be increased to 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.

e. 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 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 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.

~~d.~~ e. Landscaping: For new support structures, the street frontage landscaping shall be Type II, 10 feet, and Type II 5 feet on the sides and rear. Where adjacent to UL, UM, UH, MHP or P zones, new support structures shall provide 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.

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Section 5. Sub-Section B of Section 16.03.050 of the SeaTac Municipal Code is hereby amended to read as follows:

B. Minor conditional use permits (CUP) which conform to the following criteria:

1. A "minor CUP" shall only be allowed upon request to:

a. expand an existing, legal conditional use which has previously been permitted within the zone classification; or

b. locate a WTF on a utility pole or an existing support structure, subject to the requirements set forth in Chapter 15.31 SMC

2. The requested expansion of the existing conditional use is either:

a. No greater than twenty percent (20%) of the gross floor area or gross area of the existing

conditional use; or

b. The addition of one WTF to an existing WTF established as a conditional use; provided, that the requested addition meets all other requirements of Chapter 15.31 SMC.

3. The requested "minor CUP" is exempt from environmental review under the State Environmental Policy Act (SEPA), unless it is a WTF that meets all requirements for Minor CUP permitting as set forth in Chapter 15.31 SMC.

4. The minor conditional use must conform to the criteria as set forth under SMC 15.22.030.

5. The minor conditional use must conform to all other requirements of this code.

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

ADOPTED this 18th day of August, 1998, and signed in authentication thereof on this 18th day of August, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

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ORDINANCE NO. 98-1037

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to Essential Public Facilities; establishing the procedures, criteria and legislative approval process for the siting of Essential Public Facilities within the City of SeaTac.

WHEREAS, [RCW 36.70A.200](#) requires King County and its cities to establish a formal process for identifying and siting Essential Public Facilities (EPF) that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, landfills, sewage treatment facilities, communication towers and antennas; and in-patient facilities including substance abuse facilities and mental health facilities; and

WHEREAS, the City Council finds that regulations for identifying and siting EPF's, consistent with the City Comprehensive Plan and with [WAC 365-195-840](#), should be adopted; and

WHEREAS, the formal siting process for an EPF should be clarified and defined to ensure that the requirements of the City's Comprehensive Plan Policies and the provisions of [WAC 365-195-340](#) implementing the Growth Management Act (GMA) are met; and

WHEREAS, the Port of Seattle and the City entered into the Interlocal Agreement dated September 4, 1997 ("ILA"), which contains appropriate provisions for siting, development, mitigation, and operation of Port projects on Port property, and includes adequate provision for review of such projects.

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

Section 1. There is hereby added a new Section 15.10.249 to Chapter 15.10 of the SeaTac Municipal Code to read as follows:

1. Essential public facility.

A facility providing public services, or publicly funded services that is difficult to site or expand and which meets any of the following criteria: meets the Growth Management Act definition of an Essential Public Facility (EPF), at [RCW 36.70A.200](#), as now existing or hereafter amended; is on the State, King County, or City list of essential public facilities; serves a significant portion of the County or region, or is part of a countywide or multi-county service system, and is difficult to site or expand. Essential public facilities include, but are not limited to, the following: airports, state and local correction facilities, state educational facilities, state and regional transportation facilities, landfills, solid waste handling facilities, sewage treatment facilities, and in-patient facilities such as mental health facilities and substance abuse

facilities.

Section 2. There is hereby added a new Section 15.22.035 to Chapter 15.22 of the SeaTac Municipal Code to read as follows:

15.22.035 Siting of essential public facilities.

- A. **Purpose.** The purpose of this section is to establish a formal process for identifying and siting of Essential Public Facilities (EPF's) as defined at Section 15.10.249 of this Code.
- B. **Included Essential Public Facilities.** EPF's subject to this section include, but are not limited to, those facilities identified at Section 15.10.249 of this Code, the Seattle-Tacoma International Airport; Interstate 5; State Route 509 (both current and proposed extensions); State Route 518; the Federal Detention Center; the King County Bow Lake Solid Waste Transfer Station; and the Sound Transit's "LINK" Light Rail System.
- A. **Threshold Review.**
1. During, and subsequent to the mandatory pre-application Development Review Committee meeting required by Section 16.05.020 of this Code, the Director of Planning and Community Development shall make a threshold determination, and advise the potential applicant in writing of such determination, whether the proposed project is an EPF and, if so, whether it is difficult to site. In making said determinations, the Director shall broadly and liberally apply the definition of an EPF in consideration of the full range of proposed and potential services to be provided to the public, whether provided directly by, funded by, or contracted for by a governmental agency, or provided by a private entity or entities subject to public service obligations. The determination of whether an EPF will be difficult to site shall be made by Director, upon known or reasonably perceived and articulable facts. Proposed projects determined not to be EPF's, and proposed projects determined to be EPF's but also determined to be not difficult of siting, shall be reviewed and processed as any other similar project pursuant to the City Development Code without regard to this Section.
 2. The Interlocal Agreement, dated Sept. 4, 1997, (ILA) between the City of SeaTac and Port of Seattle specifically lists Airport Master Plan projects in its Attachment A-1 to Exhibit A and other uses in its Attachment A-2 to Exhibit A. The ILA does not determine whether the listed projects and uses are EPF's but section 2 of the ILA provides that these projects and uses shall be reviewed and developed pursuant to the standards in the ILA. Therefore, and due to the extensive public and environmental review of the Airport Master Plan, the City's EPF siting process is deemed complete for the projects listed in the ILA's Attachment A-1 to Exhibit A, "List of Port Master Plan Projects" and for uses that are defined under State law to be airport uses. However, this ordinance shall apply to any non-airport uses which otherwise meets the definition of an EPF in Section 15.10.249.

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A. Applications for EPF Projects.

All proposed projects determined to be EPF's and determined to be difficult to site or expand, shall be reviewed and conditioned in accordance with all requirements of this Code and, in addition, with the Conditional Use Permit procedure, herein referred to as the CUP-EPF review procedure. All applications shall contain the following information:

1. A detailed written description of the proposed and potential public services to be provided, the source or sources of funding, and identification of any applicable public regulatory agencies;
2. A written statement of the need, in statistical or narrative form, for the proposed project currently and over the following ten-year period;
3. An inventory of known, existing or proposed facilities, by name and address, within King County, or within the region, serving the same or similar needs as the proposed project;
4. An explanation of the need and suitability for the proposed facility in the proposed City location(s);
5. An assessment of the suitability of the proposed location in the City or another jurisdiction in terms of local, county, regional and/or state needs in order to minimize public costs (where appropriate) and environmental impacts, to discern the suitability of the facility's location in the City or within another jurisdiction, to determine the number of jurisdictions affected or served by the proposed EPF, and to decide what interjurisdictional approach is most appropriate;
6. An analysis of the environmental, social, economic, financial and infrastructure impacts of the proposed EPF, including an assessment of the proportionate financial impacts on affected jurisdictions, and consideration copies of agreements which allocate the financial burdens of the proposed project on the City and other jurisdictions;
7. An analysis of the proposal's consistency with the City of SeaTac Comprehensive Plan and development regulations, and plans and policies of other affected jurisdictions, including but not limited to King County Countywide Planning Policies F-217 to F-220;
8. Documentation of public involvement efforts to date, including public and agency comments received, and plans for future public participation;

9. Such information as requested by staff to complete the preliminary analysis and/or information to assist the Ad Hoc Committee City Staff and City Council City Council in making the final determination on the CUP-EPF.

E. CUP-EPF Review Process.

All EPFs, once determined by the City to not be exempt as an EPF, shall be subject to the following CUP-EPF review procedure:

1. **Project Notification:** The applicant, after a pre-application meeting, shall notify the City as soon as possible of intent to submit a CUP-EPF review application. If the applicant does not notify the City of a pending EPF review application, the City may make an initial determination of whether the proposed project is subject to CUP-EPF review, and shall notify the project proponent, in writing, of the City's determination.
2. **Environmental Review:** The EPF project shall comply with all applicable SEPA/NEPA requirements and the proponent shall mitigate identified environmental impacts as conditions of CUP-EPF approval.
1. **Formation of Ad Hoc Committee:** The City Council shall establish an Ad Hoc Committee, by appointing up to seven (7) members and the Planning Advisory Committee appointing one (1) member, for each EPF-CUP application. The Ad Hoc Committee may include representatives of the Planning Advisory Committee or other persons with detailed knowledge of City land use or transportation issues.
 - a. The City Council will establish a timeframe of between 30 to 60 days, unless a long time frame is necessary due to an EPF project timeline, in which the Ad Hoc Committee must review, consult and issue a preliminary recommendation. At the end of the 30-60 day period, this timeframe may be extended only by the authority of the City Council.
 - b. Prior to accepting an appointment on the Ad Hoc Committee, an appointee must divulge any vested interest in any properties or businesses, the value of which could be substantially affected by the committee's recommendation.
4. **Ad Hoc Committee Review & Coordination:** City staff shall prepare an analysis of the CUP-EPF application for use of the Ad Hoc Committee. The Ad Hoc Committee shall review the analysis and the EPF project under the criteria of 15.22.035(E) and prepare draft recommendations on each of the following:

- a. Whether the project is consistent with each of the Ad Hoc Committee Review Criteria, 15.22.035(E); and
- b. Whether the project should include a Special District Overlay Zone (Defined in Chapter 15.28 of the STMC); and
- c. Conditions or restrictions for siting and mitigating the impacts of the proposed EPF under the authority of the City's SEPA ordinances, Comprehensive Plan and development regulations.

The Ad Hoc Committee shall present its draft recommendations to the Planning Advisory Committee, upon receiving their input, shall prepare final written recommendations.

1. **City Council Determination.** The City Council shall determine if an Essential Public Facility shall be heard by the Hearing Examiner or City Council, based on the following factors:

- a. Size of project;
- b. Area of City affected by proposed project;
- c. Environmental impact on sensitive areas; and
- d. Timing of project

6. **Staff Report:** The Department of Planning and Community Development shall prepare a Staff Report, which shall include Planning Advisory Committee comments, as well the final recommendations of the Ad Hoc Committee. The Staff Report shall also include an evaluation of the consistency of the proposed EPF, as recommended by the Ad Hoc Committee, with the City's adopted comprehensive plan and development regulations; and shall include proposed findings, conclusions and proposed recommendations for disposition of the proposed CUP-EPF to the designated hearing body for a Public Hearing.

7. Public Hearing & Decision: The designated hearing body shall hold a Public Hearing pursuant to Section 16.03.040 of the SeaTac Municipal Code make findings, and issue a decision. The Notice of such Public Hearing shall be consistent with Chapter 16.09 of this Code.

F. Ad Hoc Committee Review Criteria:

The Ad Hoc Committee shall determine whether the proposed EPF is consistent with the following criteria:

1. The feasibility of the proposed facility and whether there is a more appropriate siting alternative for the proposed facility.
2. The proposed site is adequate in size and shape for the proposed project and the use conforms, or can aesthetically conform, to the general character of the neighborhood; and
3. The proportionate financial burdens of the proposed EPF on the City and other affected jurisdictions, and whether they are reasonably mitigated as provided in an inter-jurisdictional agreement, or by other means.
4. The proposed EPF is consistent with the following:
 - a. Availability and physical constraints of land.
 - b. Compatibility with adjacent and nearby land uses.
 - c. Mitigation of likely adverse environmental impacts, including but not limited to, erosion, sensitive areas, noise, odor, traffic, and air and water quality.
 - d. Basic infrastructure standards, such as vehicular traffic, and the availability of necessary utilities and services.
 - e. The City of SeaTac's Comprehensive Plan and development regulations, and the plans and policies of other affected jurisdictions.
 - f. Applicable City inter-jurisdictional agreements

G. Designated Hearing Body Review Criteria:

The designated hearing body, giving substantial weight to the recommendations of the Ad Hoc Committee and the Staff Report, shall review the application under the following criteria:

1. Whether the proposed action as recommended by the Ad Hoc Committee is consistent with the criteria established under section 15.22.035(E);
2. Whether modifications to recommended conditions or restrictions, if any, are adequate to mitigate impacts in a manner which meets the standards of this Code and any related Development Agreement; and
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3. Whether project conditions cumulatively are reasonable and would not preclude development of the EPF.

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Section 3. A Sub-Section L is hereby added to Section 1.20.110 of the SeaTac Municipal Code to read as follows:

L. Conditional Use Permit - Essential Public Facilities (CUP-EPF).

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Section 4. 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:

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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;
18. Separate lot determinations-;
19. Applications for Conditional Use Permits - Essential Public Facilities (EPF).

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

ADOPTED this 18th day of August, 1998, and signed in authentication thereof on this 18th day of August, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1038

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to the City's Zoning Code in regard to the definition of lot area, and amending Sections 15.10.370, and Sub-section 15.13.020 D, 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 15.10.370 of the SeaTac Municipal Code is hereby amended to read as follows:

15.10.370 Lot Area.

The total horizontal area within the boundary lines of a lot, including access easements; however, the area contained in tracts or panhandles shall not be included in the lot area of a lot within for any plats containing more than over two lots. In addition, the area of any easements over one or more servient lots in favor of a dominant lot for the purpose of granting the owner of the dominant lot rights of personal use, possession and occupancy which are typically attributes of ownership, shall not be included in the lot area of any servient lot.

Section 2. Sub-Section D of Section 15.13.020 of the SeaTac Municipal Code is hereby amended to read as follows:

- D. Lot area shall be the total horizontal area contained within the boundaries of a lot, calculated pursuant to Section 15.10.370, but all subdivisions and short plats shall maintain required front, side and rear setbacks from any access easement. However, any short plat with of only two lots shall not be required to meet the side yard setbacks from approved access easements.

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

ADOPTED this 18th day of August, 1998, and signed in authentication thereof on this 18th day of August, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1039

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to the City Criminal Code and amending SMC 8.05.280 creating a new definition of Disorderly Conduct, amending SMC 8.05.380 making it a crime to possess, with intent to use drug paraphernalia, and amending SMC 8.05.400 of the SeaTac Municipal Code to create a new definition of the crime of Assault in the Fourth Degree.

WHEREAS, the current SeaTac Municipal Code addresses public disturbance crimes at Section 8.05.280 and adopts by reference the state statute relating to disorderly conduct; and

WHEREAS, cases charged under the state statute are often difficult to prosecute because the statute is limited in its scope and because of First Amendment protections; and

WHEREAS, the City is desirous to prosecute persons engaging in behavior that disturbs the public peace, provokes disorder or endangers the safety of others; and

WHEREAS, amendment of the SeaTac Municipal Code to create a new definition of disorderly conduct would enable the City to prosecute cases that fall outside the state definition thereby preserving public safety and reducing or eliminating undesirable behaviors that otherwise the City would not be able to curtail or prohibit;

WHEREAS, the current SeaTac Municipal Code addresses controlled substances criminal violations at Section 8.05.380 and adopts by reference the state statute related to drug paraphernalia; and

WHEREAS, the state statute does not prohibit simple possession of drug paraphernalia, but rather prohibits the use of drug paraphernalia in the City; and

WHEREAS, the City police routinely find drug paraphernalia on persons or in vehicles while conducting searches incident to arrests and cite persons for violating the state statute ; and

WHEREAS, the City prosecutor has had to dismiss cases under these circumstances because mere possession is not a crime under the state statute unless it can be proven that the person actually used the drug paraphernalia within the City; and

WHEREAS, amendment of the SeaTac Municipal Code to make possession of drug paraphernalia, with the intent to use, a crime as well as use of drug paraphernalia, would allow the City law enforcement officials to take the appropriate enforcement action when miscellaneous drug paraphernalia is found on persons, vehicles or the like, and there is reason to believe the person has the intent to use such paraphernalia;

WHEREAS, the current SeaTac Municipal Code addresses assault and other crimes involving physical harm at Section 8.05.400 and adopts by reference the state statute related to assault in the fourth degree; and

WHEREAS, occasionally an assault fits the statutory definition, but not the severity, of assault in the first, second, or third degree (all felonies), and therefore is filed as a fourth degree assault (a gross misdemeanor) in the municipal court; and

WHEREAS, certain defendants have made successful motions to dismiss their fourth degree assault cases when the facts of the assault amount to a first, second or third degree assault; and

WHEREAS, the City places high value on the safety and welfare of its citizens; and

WHEREAS, amendment of the SeaTac Municipal Code to create a new definition of assault would enable the City to prosecute cases that may factually conform to the state definition of first, second or third degree assault yet are more appropriately filed in the municipal court;

WHEREAS, amendment to the criminal code to include these changes will assist in the prosecution of criminal cases;

WHEREAS, the Public Safety and Justice Council Committee reviewed the Ordinance on July 20, 1998, and moved that the Ordinance be forwarded to the entire City Council for approval;

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

Section 1. Section 8.05.280 of the SeaTac Municipal Code is hereby amended to read as follows:

8.05.280 Public disturbance.

A. The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish crimes relating to public disturbance under the SeaTac Criminal Code:

9A.84.010 Riot.

9A.84.020 Failure to disperse.

~~9A.84.030 Disorderly conduct.~~

9A.84.040 False reporting.

B. Disorderly conduct.

A person is guilty of disorderly conduct if he/she:

-

(1) Intentionally engages in any conduct which tends to or does disturb the public peace, provoke disorder or endanger the safety of others; or

(2) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or

(3) Intentionally obstructs vehicular or pedestrian traffic without lawful authority.

Section 2. Section 8.05.380 of the SeaTac Municipal Code is hereby amended to read as follows:

8.05.380 Controlled substances.

A. The following sections [Title 69 RCW](#) in effect, and as may subsequently be amended, are hereby

adopted by reference to establish regulations and crimes regarding controlled substances under the SeaTac Criminal Code:

69.50.101 Definitions.

69.50.401(e) Possession of forty grams or less of marihuana a misdemeanor.

~~69.50.412(1) Drug paraphernalia prohibited.~~

69.50.420 Violations - Juvenile driving privileges.

69.50.505 Seizure and forfeiture.

B. Possession of Drug Paraphernalia.

It is unlawful for any person to use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, produce, process, prepare, test, analyze, inject, ingest, inhale or otherwise introduce into the human body a controlled substance, as defined by this chapter and RCW 69.50, as now or hereafter amended.

-

Possession of drug paraphernalia shall be a misdemeanor.

Section 3. Section 8.05.400 of the SeaTac Municipal Code is hereby amended to read as follows:

8.05.400 Assault and other crimes involving physical harm.

A. Assault in the Fourth Degree.

A person is guilty of assault in the fourth degree when that person:

-

(1) With unlawful force and with intent touches, strikes, cuts or shoots the person or body of another, regardless of whether any actual physical harm is done to the other person; or

(2) Acts with unlawful force and with intent to inflict bodily injury upon another, tending but failing to accomplish it and such act is accompanied with the present ability to inflict the bodily injury if not prevented. It is not necessary for a conviction under this subsection that bodily injury be inflicted, but it is sufficient if a reasonable apprehension and fear of bodily injury is created in another; or

(3) Acts with unlawful force and with intent to create in another a reasonable apprehension and fear of bodily injury even though he or she does not intend to inflict bodily injury.

-

Assault in the fourth degree is a gross misdemeanor.

B. The following sections of the Washington Criminal Code as now in effect, and as may subsequently be amended, are hereby adopted by reference to establish ~~the crimes of assault and~~ other crimes involving physical harm under the SeaTac Criminal Code:

~~9A.36.041 Assault in the fourth degree.~~

9A.36.050 Reckless endangerment in the second degree.

9A.36.070 Coercion.

9A.42.010 Abandonment of dependent persons.

Section 4. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 18th day of August, 1998 and signed in authentication

thereof on this 18th day of August, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1040

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget for Acquisition of Property.

WHEREAS, the City Council has discussed agenda bill #1518 and approves of the acquisition of property for a City Hall site; and

WHEREAS, the resolution authorizing the purchase of 6.54 acres at the intersection of 37th Avenue South and 188th Street, commonly referred to as the Shun Yuan Limited property, will result in expenditures of \$1,298,000 in the Municipal Facilities CIP Fund;

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

Section 1. The 1998 Annual City Budget shall be amended to increase the total Municipal Facilities CIP Fund expenditures budget by \$1,298,000.

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

ADOPTED this 8th day of September, 1998, and signed in authentication thereof on this 8th day of September, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1041

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget for outside legal services.

WHEREAS, the City of SeaTac has incurred significant outside legal services costs in 1998 due to several legal matters, necessitating an amendment to the 1998 Annual City Budget; and

WHEREAS, parking tax revenue and one-time 1998 General Fund revenue exists to cover the additional costs;

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

Section 1. The 1998 Annual City Budget shall be amended to increase the General Fund 1998 budget by \$ 181,595 for outside legal services (BARS 001.000.06.515.20.41.022).

Section 2. The 1998 Annual City Budget shall be amended to transfer a total of \$126,000 of parking tax revenue from the Arterial Street Fund to the General Fund.

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

ADOPTED this 8th day of September, 1998, and signed in authentication thereof on this the 8th day of September, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1042

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget for City Hall improvements.

WHEREAS, City staff have proposed a tenant improvement plan for the existing City Hall which will accommodate City staff growth, allow for a second large conference room, and provide needed privacy to the Assistant City Attorney and Legal Advocate; and

WHEREAS, the total project cost of \$33,500 exceeds available funding in the General Fund; and

WHEREAS, one-time 1998 General Fund revenue exists to cover the additional project costs;

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

Section 1. The 1998 Annual City Budget shall be amended to increase the General Fund 1998 budget by \$18,500 for City Hall improvements (BARS 001.000.99.519.90.41.040).

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 September, 1998, and signed in authentication thereof on this the 8th day of September, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1043

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget for the South 175th Street Drainage Improvements.

WHEREAS, the City Council has reviewed agenda bill #1586 submitted by the Public Works Department and authorizes the City Manager to execute a contract for the South 175th Street Street Drainage Improvements; and

WHEREAS, the total project cost of \$152,944 exceeds available appropriation in the Surface Water Management Construction Fund; and

WHEREAS, other appropriations exist in this fund which can be reallocated;

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

Section 1. The 1998 Annual City Budget shall be amended to transfer \$85,081 in the SWM Construction Fund from BARS 406.000.28.596.38.63.105 to BARS 406.000.28.596.38.63.054.

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 September, 1998, and signed in authentication thereof on this the 8th day of September, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1044

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating certain streets, alleys, and rights-of-way abutted on both sides by Port of Seattle property.

WHEREAS, the Port of Seattle has previously requested vacation of certain City rights-of-way within territory which has been acquired by the Port for Sea-Tac International Airport purposes; and

WHEREAS, Article 9 of Exhibit C to the Interlocal Agreement between the City and the Port, entered into on September 4, 1997, provides for vacation of certain enumerated rights-of-way; and

WHEREAS, SMC 11.05.090 adopts the street vacation procedures of [Chapter 35.79 RCW](#) and

WHEREAS, [RCW 35.79.010](#) authorizes the City Council to initiate such street vacation procedures by resolution and further requires setting of a public hearing and date for council action which was, in this case, established by Resolution No. 98-019 fixing the public hearing for October 13, 1998, to be followed by Council action; and

WHEREAS, no apparent municipal use of the said rights-of way continues to exist, but the Port has reason to convert the rights-of-way to airport related purposes; 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 Council finds that vacation of the aforesaid rights-of-way, as legally described on Exhibit A and as depicted on the map marked Exhibit B, to this Ordinance, is in the public interest;

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

Section 1. Vacation of Rights-of-Way. Those rights-of-way and portions of rights-of-way legally described on Exhibit A to this Ordinance, and depicted on the map marked Exhibit B to this Ordinance, within the City of SeaTac, are hereby vacated, subject to payment pursuant to Section 3, below.

Section 2. Reservation of Easements. Notwithstanding Section 1 of this Ordinance, all existing utility easements located within the said rights-of-way are reserved until release by the Grantees thereof.

Section 3. Compensation Required. The Port of Seattle, which is the sole abutting landowner on both sides of the aforesaid rights-of-way shall compensate the City in an amount equal to one-half of the appraised value of the total areas so vacated, pursuant to law, which has been determined to be the sum of \$1,726,570.20.

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.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon receipt of the compensation required by Section 3 of this Ordinance, but in no event sooner than thirty (30) days after passage.

ADOPTED this 13th day of October, 1998, and signed in authentication thereof on this 13th day of October, 1998.

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. 98-1045

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget for the issuance of hotel/motel tax bonds.

WHEREAS, the City Council has reviewed agenda bill #1606 submitted by the Finance Department and approves the issuance of \$5 million in Limited Tax General Obligation bonds backed by hotel/motel tax revenue; and

WHEREAS, the bond issue proceeds and costs are not appropriated in the 1998 Budget of the Hotel/Motel Tax Fund;

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

Section 1. The 1998 Annual City Budget shall be amended to increase the revenue of the Hotel/Motel Tax Fund by \$5,000,000 for bond issue proceeds (BARS 107.391.10.00.000).

Section 2. The 1998 Annual City Budget shall be amended to increase the expenditures of the Hotel/Motel Tax Fund by \$85,000 estimated bond issue costs (BARS 107.000.24.592.79.84.005).

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

ADOPTED this 24th day of November, 1998, and signed in authentication thereof on this the 24th day of November, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

-

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1046

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget for the issuance of LTGO refunding bonds.

WHEREAS, the City Council has reviewed agenda bill #1607 submitted by the Finance Department and approves the issuance of Limited Tax General Obligation bonds to refund certain 1994 LTGO outstanding bonds; and

WHEREAS, the bond issue proceeds and costs are not appropriated in the 1998 Budget of the Municipal Facilities CIP Fund;

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

Section 1. The 1998 Annual City Budget shall be amended to increase the revenue of the Municipal Facilities CIP Fund by \$3,800,000 for bond issue proceeds (BARS 306.391.10.00.003).

Section 2. The 1998 Annual City Budget shall be amended to increase the expenditures of the Municipal Facilities CIP Fund by \$3,800,000 in bond issuance costs and transfer of bond issue proceeds to escrow (BARS 306.000.36.592.19.84.006).

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

ADOPTED this 24th day of November, 1998, and signed in authentication thereof on this the 24th day of November, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

-

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1047

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1998 Annual City Budget for the South Airport Link Project.

WHEREAS, the City Council has reviewed agenda bills #1612 and #1613 submitted by the Public Works Department and approves the City's participation in this project; and

WHEREAS, the total project cost of \$150,000 is not appropriated in the 1998 Budget of the Transportation CIP Fund; and

WHEREAS, parking tax revenue collected by the City is intended to fund transportation improvements;

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

Section 1. The 1998 Annual City Budget shall be amended to increase the transfer of parking tax revenue from the Arterial Street Fund to the Transportation CIP Fund by the amount of \$150,000 (BARS 102.000.15.597.25.00.000).

Section 2. The 1998 Annual City Budget shall be amended to increase the revenue and expenditures of the Transportation CIP fund by \$150,000 (BARS 307.397.25.00.000 and BARS 307.000.37.595.30.63.116).

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

ADOPTED this 24th day of November, 1998, and signed in authentication thereof on this the 24th day of November, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

-

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1048

AN ORDINANCE of the City Council of the City of SeaTac,
Washington, adopting the Annual Budget for the year 1999 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 1999 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 1999 Annual Budget for the City of SeaTac, covering the period from January 1, 1999, through December 31, 1999, is hereby adopted by reference with appropriations in the amount of \$46,291,416.

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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 \$ 20,721,823

101 City Street 560,351

102 Arterial Street 2,266,795

105 Port ILA 593,539

106 Transportation Planning 264,150

201 LTGO Bond 931,600

202 Transportation Bond 893,030

203 Hotel/Motel Tax Bond 380,000

303 Fire Equipment Capital Reserve 303,316

306 Municipal Facilities CIP 595,000

Ordinance _____

(continued)

Fund Number Fund Name Appropriations

307 Transportation CIP \$ 15,855,564

403 SWM Utility 1,311,845

406 SWM Construction 1,509,753

501 Equipment Rental 104,650

TOTAL ALL FUNDS \$ 46,291,416

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 1999 five (5) days after passage and publication as required by law.

-

ADOPTED this 24th day of November, 1998, and signed in authentication thereof on this 24th day of November, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to form:

Robert L. McAdams, City Attorney

CITY OF SEATAC, WASHINGTON
LIMITED TAX GENERAL OBLIGATION (HOTEL/MOTEL TAX) BONDS, 1998

\$5,000,000

ORDINANCE NO. 98-1049

AN ORDINANCE OF THE CITY OF SEATAC, WASHINGTON, PROVIDING FOR THE ISSUANCE AND SALE OF LIMITED TAX GENERAL OBLIGATION (HOTEL/MOTEL TAX) BONDS OF THE CITY IN THE PRINCIPAL SUM OF \$5,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE VARIOUS TOURISM-RELATED FACILITIES AND PROVIDING THE DATE, FORM, TERMS AND MATURITIES OF THE BONDS.

Passed: November 24, 1998

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. 98-1049

An Ordinance of the City of SeaTac, Washington, providing for the issuance and sale of limited tax general obligation (hotel/motel tax) bonds of the City in the principal sum of \$5,000,000 for the purpose of providing funds to finance various tourism-related facilities and providing the date, form, terms and maturities of the bonds.

WHEREAS, the City Council of the City of SeaTac, Washington (the "City") has determined that it is in the best interest of the City to construct and acquire certain tourism-related facilities; and

WHEREAS, in order to provide the funds required for such facilities, the City now desires to authorize the issuance of limited tax levy general obligation (hotel/motel tax) bonds in the principal amount of \$5,000,000, and to authorize the sale of such bonds; and

WHEREAS, the City provided notice of its intent to sell the Bonds by competitive bid in the form of the Official Notice of Bond Sale, dated November 16, 1998, and received six bids for the purchase of the Bonds; and

WHEREAS, NationsBanc Montgomery Securities LLC (the "Purchaser") submitted the bid, attached hereto as Exhibit A, to purchase the Bonds at the lowest true interest cost to the City;

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

SECTION 1. Definitions. As used in this ordinance, the following words shall have the following meanings, unless a different meaning clearly appears from the context:

"**Bond Fund**" means the "City of SeaTac Limited Tax General Obligation Bond Redemption Fund, 1998" created by Section 6 of this ordinance.

"**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, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, effecting transfer of ownership of the Bonds and paying principal of and interest on the Bonds.

"**Bonds**" means the \$5,000,000 principal amount of the City of SeaTac, Washington, Limited Tax General Obligation (Hotel/Motel Tax) Bonds, 1998, issued pursuant to this ordinance.

"**City**" means the City of SeaTac, Washington, a municipal corporation duly organized and existing under and by virtue of the Constitution and 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 with respect thereto by the United States Treasury Department of the Internal Revenue Service, to the extent applicable to the Bonds.

"Commission" means the Securities and Exchange Commission.

"Council" means the legislative authority of the City as the same shall be duly and regularly constituted from time to time.

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

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

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

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

"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.

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

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

SECTION 2. Findings and Authorization of Improvements. The City Council hereby finds that the public interest, welfare and benefit of the inhabitants of the City require that the City provide funds to finance, in whole or in part, the acquisition of and improvements to Bow Lake Park, a jogging trail connecting the park to the City Center, a meeting and visitor center/convention facility, Personal Rapid Transit, pedestrian connections between SeaTac International Airport and City Center, the Hughes Property on Angle Lake, a performing arts center, an entertainment/retail/meeting facility and other tourism-related facilities. The cost of those improvements shall be provided from the proceeds of sale of the Bonds.

SECTION 3. Authorization of Bonds. The City shall issue and sell the Bonds in the aggregate principal amount of \$5,000,000 to provide money to finance the improvements described in Section 2, and all costs incidental thereto and to the issuance of the Bonds. The Bonds shall be general obligations of the City; shall be designated "City of SeaTac, Washington, Limited Tax General Obligation (Hotel/Motel Tax) Bonds, 1998"; shall be dated November 15, 1998; shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof, provided that no Bond shall represent more than one maturity; shall be numbered separately and in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification and control; shall bear interest (calculated based on a 360-day year of 12 30-day months) at the rates set forth below from their date, until the Bonds have been paid or their payment duly provided for, payable on June 1, 1999, and semiannually thereafter on the first day of each December and June and shall mature on December 1 of each year as follows:

Maturity Year	Principal Amount	Interest Rates	Maturity Year	Principal Amount	Interest Rates
1999	\$ 140,000	4.20%	2009	\$ 250,000	4.20%
2000	175,000	4.20	2010	260,000	4.25
2001	185,000	4.20	2011	270,000	4.30
2002	190,000	4.20	2012	280,000	4.35
2003	195,000	4.20	2013	290,000	4.40

2004	205,000	4.125	2014	305,000	4.45
2005	215,000	4.125	2015	315,000	4.55
2006	220,000	4.125	2016	330,000	4.60
2007	230,000	4.125	2017	345,000	4.65
2008	240,000	4.20	2018	360,000	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 such 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 such Bond shall be made only as described in Section 4(h), but such registration may be transferred as herein provided. All such payments made as described in Section 4(h) shall be valid and shall satisfy the liability of the City upon such Bond to the extent of the amount or amounts so 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 shall execute and deliver 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 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 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) below or such substitute depository's successor; or (C) to any person as provided in subsection (iv) below.

(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 such

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) above, 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 such successor or substitute depository, or its nominee, all as specified in such 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 such 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 such persons as are provided in such 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 such Registered Owner's duly authorized agent in a manner satisfactory to the Bond Registrar. Upon such 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 such 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 such interest payment date, or, in the case of any proposed redemption of the Bonds, after the mailing of notice of the call of such 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 such 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 such Bonds by the Registered Owners at the principal office of the Bond Registrar; provided, however, that if so 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. Optional Redemption; Purchases.

(a) *Optional Redemption.* The City hereby reserves the right to redeem the outstanding Bonds maturing on and after December 1, 2009, in whole or in part (maturities to be selected by the City and by lot within a maturity in such

manner as DTC or the Bond Registrar, as appropriate, shall determine) on December 1, 2008, and on any date thereafter, at par, plus accrued interest to the date of redemption.

(b) *Partial Redemption.* If less than all of the principal amount of any Bond is redeemed, upon surrender of such 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 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 such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such 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 in the open market at any time and at any price.

SECTION 6. Creation of Bond Fund and Provision for Tax Levy Payments. A special fund of the City known as the "City of SeaTac Limited Tax General Obligation Bond Redemption Fund, 1998" (the "Bond Fund"), is hereby authorized and directed to be created in the office of the Finance and Systems Director of the City. The Bond Fund shall be drawn upon for the sole purpose of paying the principal of and interest on the Bonds.

The City hereby irrevocably covenants for as long as any of the Bonds are outstanding and unpaid that each year it will include in its budget and levy hotel/motel taxes in the maximum amount authorized by [Chapter 67.28 RCW](#) but in no event less than 1%, and, to the extent that hotel/motel taxes are insufficient, to levy an ad valorem tax, within and as a part of the tax millage levy permitted to cities without a vote of the people, upon all the property within the City subject to taxation in an amount which will be sufficient to pay the principal of and interest on the Bonds as the same shall become due. All of such taxes and any of such other money so collected shall be paid into the Bond Fund. None of the money in the Bond Fund shall be used for any other purpose than the payment of the principal of and interest on the Bonds. Money in the Bond Fund not needed to pay the interest or principal next coming due may temporarily be

deposited in such institutions or invested in such obligations as may be lawful for the investment of City money. Any interests or profit from the investment of such money shall be deposited in the Bond Fund.

The City hereby irrevocably pledges that a sufficient portion of each annual levy to be levied and collected by the City prior to the full payment of the principal of and interest on the Bonds will be and is hereby irrevocably set aside, pledged and appropriated for the payment of the principal of and interest on the Bonds. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of said taxes and for the prompt payment of the principal of and interest on the Bonds as the same shall become due.

SECTION 7. 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 the Bond Fund or in another 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 maturities which, together with the known earned income therefrom, are sufficient to redeem or pay and retire such Bond in accordance with its terms and to pay when due the interest and redemption premium, if any, thereon, and such cash and/or noncallable government obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Bond Fund for the payment of the principal of and interest on such 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 such special account, and such Bond shall be deemed to be not outstanding under this ordinance.

The City shall provide, or cause to be provided, written notice of defeasance to the Registered 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 15.

SECTION 8. Tax Covenant; 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. The City has designated the Bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code for banks, thrift institutions and other financial institutions.

SECTION 9. 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 such 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 10. Form of the 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

LIMITED TAX GENERAL OBLIGATION (HOTEL/MOTEL TAX) BOND, 1998

INTEREST RATE: MATURITY DATE: CUSIP NO:

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

The City of SeaTac, Washington, a municipal corporation organized and existing under and by virtue of the laws and Constitution of the State of 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 specified above, unless redeemed prior thereto as provided herein, together with interest on such Principal Amount from the date hereof or the most recent date to which interest has been paid or duly provided for at the Interest Rate set forth above payable June 1, 1999, and semiannually thereafter on each December 1 and June 1 until payment of the principal sum has been made or duly provided for. 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 thereon 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 so 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 issue of limited tax general obligation bonds of the City of like date and tenor, except as to number, interest rate and date of maturity, in the aggregate principal amount of \$5,000,000, issued pursuant to Ordinance No. _____ of the City, passed November 24, 1998 (the "Bond Ordinance"), to provide financing for tourism-related facilities.

The City has reserved the right to redeem the bonds of this issue maturing on or after December 1, 2009, on or after December 1, 2008, in whole or in part (maturities to be selected by the City and by lot within a maturity in such manner as DTC or the Bond Registrar shall determine) on any date thereafter, at par plus accrued interest to the date of redemption.

Notice of any such intended redemption shall be given not less than 30 nor more than 60 days prior to the redemption date by first class mail, postage prepaid, to the Registered Owner of any bond to be redeemed at the address appearing on the Bond Register. The requirements of the Bond Ordinance shall be deemed to be complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owner of any bond. Interest on all such bonds so called for redemption shall cease to accrue on the date fixed for redemption unless such bond or bonds so called for redemption are not redeemed upon presentation made pursuant to such call.

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

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

The City has irrevocably covenanted with the owner of this bond that so long as any of the Bonds are outstanding and unpaid that each year it will include in its budget and levy hotel/motel taxes in the maximum amount authorized by [Chapter 67.28 RCW](#) but in no event less than 1%, and, to the extent that hotel/motel taxes are insufficient, to levy ad valorem taxes, within and as a part of the tax levy permitted to cities without a vote of the electorate, upon all the property subject to taxation in amounts sufficient, together with other money legally available therefor, to pay the principal of and interest on this bond as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest.

The pledge of tax levies for payment of principal of and interest on the bonds may be discharged prior to maturity of the bonds by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

The bonds of this issue are issued in fully registered form in the denomination of \$5,000 each or any integral multiple thereof, provided that no bond shall represent more than one maturity. Upon surrender to the Bond Registrar, bonds are interchangeable for bonds in any authorized denomination of an equal aggregate principal amount and of the same interest rate and maturity. 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 hereof or his/her duly authorized agent and only if endorsed in the manner provided hereon, and thereupon a new fully registered bond of like principal amount, maturity and interest rate shall be issued to the transferee in exchange therefor. Such exchange or transfer shall be without cost to the registered owner or transferee. The City may deem the person in whose name this bond is registered to be the absolute owner hereof for the purpose of receiving payment of the principal of and interest on this bond and for any and all other purposes whatsoever.

Reference also is made to the Bond Ordinance as more fully describing the covenants with and the rights of Registered Owners of the bonds or registered assigns and the meanings of capitalized terms appearing on this bond which are defined in such ordinance.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance (as hereinafter defined) until the Certificate of Authentication hereon shall have been manually signed by the Bond Registrar.

It is hereby certified and declared that this bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of Washington and ordinances of the City, that all acts, conditions and things required to be done precedent to and in the issuance of this bond and the bonds of this issue have happened, been done and performed, and that this bond and the bonds of this issue do not exceed any constitutional or statutory limitations.

IN WITNESS WHEREOF, the City of SeaTac, Washington, has caused this bond to be signed on behalf of the City with the manual or facsimile signature of the Mayor, to be attested by the manual or facsimile signature of the Clerk of the City, and the seal of the City to be reproduced or impressed hereon, as of this November 15, 1998.

CITY OF SEATAC,
WASHINGTON

By

Mayor

ATTEST:

Clerk of the City

The Certificate of Authentication for the Bonds shall be in substantially the following form and shall appear on the front of each Bond:

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This bond is one of the City of SeaTac, Washington, Limited Tax General Obligation (Hotel/Motel Tax) Bonds, 1998, dated November 15, 1998.

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 -- 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 all rights thereunder and does hereby irrevocably constitute and appoint _____ of _____, or its successor, as Agent to transfer said bond on the books kept by the Bond Register 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 11. Execution of the 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, such 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 such Bonds had not ceased to be such officers, and any Bond may be signed or attested on behalf of the City by officers who at the date of actual execution of such Bond are the proper officers, although at the nominal date of execution of such Bond such officer was not an officer of the City.

Only Bonds that bear a Certificate of Authentication in the form set forth in Section 10, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such 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.

In case either of the officers of the City who shall have executed the Bonds shall cease to be such officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. Any Bond may also be signed and attested on behalf of the City by such persons as at the actual date of execution of such Bond shall be the proper officers of the City although at the original date of such Bond any such person shall not have been such officer.

SECTION 12. Subaccount; Application of Proceeds of Bonds. A special Subaccount of the City in the "City of SeaTac Hotel/Motel Tax Fund" (the "Subaccount") is hereby created in the office of the Finance and Systems Director of the City. The Subaccount shall be used to pay the costs of the improvements described in Section 2.

At the time of delivery of the Bonds, the proceeds of the Bonds shall be deposited as follows:

- (a) The accrued interest, if any, to the date of delivery shall be deposited to the Bond Fund and used to pay a portion of interest on the Bonds on June 1, 1999.
- (b) The remaining proceeds shall be deposited into the Subaccount and used to pay the costs of the improvements described in Section 2 hereof and all costs incidental thereto and to the issuance of the Bonds.

Money remaining in the Subaccount after all of such costs have been paid or reimbursed, or the Council determines not to construct portions of such project, may be used to pay costs of other legally authorized tourism-related capital expenditures of the City or shall be deposited in the Bond Fund. Money in the Subaccount may be invested as permitted by law. All interest earned and profits derived from such investments shall be retained in and become a part of the Subaccount or deposited into the Bond Fund.

SECTION 13. Award of Bid; Sale of the Bonds. The Council finds that the competitive bid submitted by NationsBanc Montgomery Securities LLC (the "Purchaser") and attached hereto as Exhibit A is reasonable and that it is in the best interest of the City that the Bonds shall be sold upon the conditions set forth in the bid, the Official Notice of Bond Sale dated November 16, 1998, and this Ordinance. The City therefore accepts the bid. The Bonds shall be issued and delivered to the Purchaser upon payment of the purchase price specified in the bid.

SECTION 14. Official Statement. The City approves the preliminary official statement presented to the Council and ratifies the Purchaser'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 Purchaser 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 Purchaser, 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 Purchaser 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 and Systems 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 15. 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 Commission in accordance with the Rule, the following annual financial information and operating data for the prior fiscal year (commencing in 1999 for the fiscal year ended December 31, 1998):

1. Annual financial statements, which statements may or may not be audited, showing ending fund balances for the City's general fund prepared in accordance with the Budget Accounting and Reporting System prescribed by the Washington State Auditor [pursuant to RCW;43.09.200](#) (or any successor statute) and generally of the type included in the official statement for the Bonds under the table "Comparative General Fund Statement of Revenues, Expenditures and Changes in Fund Balance";
2. The assessed valuation of taxable property in the City;
3. Ad valorem taxes due and percentage of taxes collected;
4. Property tax levy rate per \$1,000 of assessed valuation;
5. Outstanding general obligation debt of the City; and

6. Hotel/Motel taxes collected.

Items 2-6 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 such annual financial information and operating data, the City may cross-reference to other documents provided to the NRMSIR, the SID or to the Commission and, if such 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 Washington 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:

- Principal and interest payment delinquencies;
- Non-payment related defaults;
- Unscheduled draws on debt service reserves reflecting financial difficulties;
- Unscheduled draws on credit enhancements reflecting financial difficulties;
- Substitution of credit or liquidity providers, or their failure to perform;
- Adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- Modifications to the rights of Bond owners;
- 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);
- Defeasances;
- Release, substitution or sale of property securing repayment of the Bonds; and
- Rating changes.

Solely for purposes of disclosure, and not intending to modify this undertaking, the City advises that no debt service reserves or 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 such 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 such 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 16. Bond Insurance. The Purchaser has acquired a municipal bond insurance policy from Financial Security Assurance Inc. to insure the payment when due of principal of and interest on the Bonds.

SECTION 17. General Authorization; Ratification of Prior Acts. The City Manager and Finance and Systems 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 18. 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 provisions of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.

ADOPTED by the City Council of the City of SeaTac, Washington, this November 24, 1998.

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

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

1. That the attached ordinance is a true and correct copy of Ordinance No. _____ of the City (herein called the "Ordinance"), as finally passed at a regular meeting of the City Council of the City held on November 24, 1998, and duly recorded in my office.
2. That said 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 such 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 said Ordinance; that all other requirements and proceedings incident to the proper adoption or passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this November 24, 1998.

Judith L. Cary, City Clerk

ORDINANCE NO. 98-1050

An ordinance of the City of SeaTac, Washington, providing for the issuance and sale of limited tax general obligation refunding bonds of the City in the principal sum of \$3,645,000 for the purpose of refunding certain outstanding limited tax general obligation bonds of the City; providing the date, form, terms and maturities of the bonds; and approving the sale of the bonds.

WHEREAS, the City now has outstanding its Limited Tax General Obligation Bonds, Series 1994, in the aggregate principal amount of \$5,000,000, issued under date of May 5, 1994 (the "1994 Bonds"), of which \$3,210,000 are callable for redemption in advance of the maturity thereof; and

WHEREAS, Ordinance No. 94-1011 of the City adopted by the Council on March 22, 1994, which authorized the issuance of the 1994 Bonds, provides that the City may call such bonds for redemption 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 Council that the callable 1994 Bonds (the "Refunded Bonds") may be refunded by the issuance of the limited tax general obligation bonds of the City authorized herein so that there will be a savings to the City and its taxpayers; and

WHEREAS, it appears to the Council that it is in the best interest of the City that its limited tax general obligation refunding bonds be sold in an aggregate principal amount of \$3,645,000 to effect such savings;

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

SECTION 1. Definitions. As used in this ordinance, the following words shall have the following meanings, unless a different meaning clearly appears from the context:

"**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 Refunded Bonds.

"**Bond Fund**" means the "City of SeaTac Limited Tax General Obligation Refunding Bond Redemption Fund, 1998" created by Section 6 of this ordinance.

"**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 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, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, effecting transfer of ownership of the Bonds and paying principal of and interest on the Bonds.

"**Bonds**" means the \$3,645,000 principal amount of the City of SeaTac, Washington, Limited Tax General Obligation Refunding Bonds, 1998, issued pursuant to this ordinance.

"**City**" means the City of SeaTac, Washington, a municipal corporation duly organized and existing under and by virtue of the Constitution and 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 with respect thereto by the United States Treasury Department of the Internal Revenue Service, to the extent applicable to the Bonds.

"Commission" means the Securities and Exchange Commission.

"Council" means the legislative authority of the City as the same shall be duly and regularly constituted from time to time.

"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 Deposit Agreement to be dated as of the date of closing of the Bonds and substantially in the form on file with the City.

"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.

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

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

"Refunded Bonds" means the 1994 Bonds maturing on and after December 1, 2004 in the principal amount of \$3,210,000.

"Refunding Account" means the account by that name established pursuant to Section 12.

"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.

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

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

SECTION 2. Findings. For the purpose of refunding the Refunded Bonds and thereby effecting a savings to the City and its taxpayers, the City shall issue its limited tax general obligation refunding bonds.

SECTION 3. Authorization of Bonds. The City shall issue and sell the Bonds in the aggregate principal amount of \$3,645,000 to provide money to effect the refunding of the Refunded Bonds and pay all costs incidental thereto and to the issuance of the Bonds. The Bonds shall be general obligations of the City; shall be designated "City of SeaTac, Washington, Limited Tax General Obligation Refunding Bonds, 1998"; shall be dated December 1, 1998; shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof, provided that no Bond shall represent more than one maturity; shall be numbered separately and in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification and control; shall bear interest (calculated based on a 360-day year of 12 30-day months) at the rates set forth below from their date, until the Bonds have been paid or their payment duly provided for, payable on June 1, 1999, and semiannually thereafter on the first day of each December and June and shall mature on December 1 of each year as follows:

Maturity Year	Principal Amount	Interest Rates
1999	\$ 40,000	3.35%

2000	40,000	3.50
2001	40,000	3.70
2002	45,000	3.80
2003	45,000	3.85
2004	285,000	3.85
2005	300,000	4.00
2006	310,000	4.05
2007	320,000	4.10
2008	330,000	4.15
2009	345,000	4.15
2010	360,000	4.25
2011	380,000	4.30
2012	395,000	4.35
2013	410,000	4.40

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 such 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 such Bond shall be made only as described in Section 4(h), but such registration may be transferred as herein provided. All such payments made as described in Section 4(h) shall be valid and shall satisfy the liability of the City upon such Bond to the extent of the amount or amounts so 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 such notices as shall be 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 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) below or such substitute depository's successor; or (C) to any person as provided in subsection (iv) below.

(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 such 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) above, 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 such successor or substitute depository, or its nominee, all as specified in such 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 such 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 such persons as are provided in such 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 such Registered Owner's duly authorized agent in a manner satisfactory to the Bond Registrar. Upon such 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 such 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 such interest payment date, or, in the case of any proposed redemption of the Bonds, after the mailing of notice of the call of such 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 such 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 such Bonds by the Registered Owners at the principal office of the Bond Registrar; provided, however, that if so 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 and Purchases.

(a) *Optional Redemption.* The City hereby reserves the right to redeem the outstanding Bonds maturing on and after December 1, 2009, in whole or in part (maturities to be selected by the City and by lot within a maturity in such manner as DTC or the Bond Registrar, as appropriate, shall determine) on December 1, 2008, and on any date thereafter, at par, plus accrued interest to the date of redemption.

(b) *Partial Redemption.* If less than all of the principal amount of any Bond is redeemed, upon surrender of such 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 15.

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 such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such 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 in the open market at any time and at any price.

SECTION 6. Creation of Bond Fund and Provision for Tax Levy Payments. A special fund of the City known as the "City of SeaTac Limited Tax General Obligation Refunding Bond Redemption Fund, 1998" (the "Bond Fund"), is hereby authorized and directed to be created in the office of the Finance and Systems Director of the City. The Bond Fund shall be drawn upon for the sole purpose of paying the principal of and interest on the Bonds.

The City hereby irrevocably covenants for as long as any of the Bonds are outstanding and unpaid that each year it will include in its budget and levy an ad valorem tax, within and as a part of the tax millage levy permitted to cities without a vote of the people, upon all the property within the City subject to taxation in an amount which will be sufficient to pay the principal of and interest on the Bonds as the same shall become due. All of such taxes and any of such other money so collected shall be paid into the Bond Fund. None of the money in the Bond Fund shall be used for any other purpose than the payment of the principal of and interest on the Bonds. Money in the Bond Fund not needed to pay the interest or principal next coming due may temporarily be deposited in such institutions or invested in such obligations as may be lawful for the investment of City money. Any interest or profit from the investment of such money shall be deposited in the Bond Fund.

The City hereby irrevocably pledges that a sufficient portion of each annual levy to be levied and collected by the City prior to the full payment of the principal of and interest on the Bonds will be and is hereby irrevocably set aside, pledged and appropriated for the payment of the principal of and interest on the Bonds. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and for the prompt payment of the principal of and interest on the Bonds as the same shall become due.

SECTION 7. 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 the Bond Fund or in another 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 maturities which, together with the known earned income therefrom, are sufficient to redeem or pay and retire such Bond in accordance with its terms and to pay when due the interest and redemption premium, if any, thereon, and such cash and/or noncallable government obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Bond Fund for the payment of the principal of and interest on such 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 such special account, and such Bond shall be deemed to be not outstanding under this ordinance.

The City shall provide, or cause to be provided, 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 15.

SECTION 8. Tax Covenant; 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. 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.

SECTION 9. 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 such 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 10. Form of the 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

LIMITED TAX GENERAL OBLIGATION REFUNDING BOND, 1998

INTEREST RATE: MATURITY DATE: CUSIP NO:

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

The City of SeaTac, Washington, a municipal corporation organized and existing under and by virtue of the laws and Constitution of the State of 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 specified above, unless redeemed prior thereto as provided herein, together with interest on such Principal Amount from the date hereof or the most recent date to which interest has been paid or duly provided for at the Interest Rate set forth above payable June 1, 1999, and semiannually thereafter on each December 1 and June 1 until payment of the principal sum has been made or duly provided for. 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 thereon 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 so 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 issue of limited tax general obligation refunding bonds of the City of like date and tenor, except as to number, interest rate and date of maturity, in the aggregate principal amount of \$3,645,000, issued pursuant to Ordinance No. _____ of the City, passed December 8, 1998 (the "Bond Ordinance"), to refund certain outstanding limited tax general obligation bonds of the City.

The City has reserved the right to redeem the bonds of this issue maturing on or after December 1, 2009, on or after December 1, 2008, in whole or in part (maturities to be selected by the City and by lot within a maturity in such manner as DTC or the Bond Registrar shall determine) on any date thereafter, at par plus accrued interest to the date of redemption.

Notice of any such intended redemption shall be given not less than 30 nor more than 60 days prior to the redemption date by first class mail, postage prepaid, to the Registered Owner of any bond to be redeemed at the address appearing on the Bond Register. The requirements of the Bond Ordinance shall be deemed to be complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owner of any bond. Interest on all such bonds so called for redemption shall cease to accrue on the date fixed for redemption unless such bond or bonds so called for redemption are not redeemed upon presentation made pursuant to such call.

If less than all of the principal sum hereof is to be redeemed, upon the surrender of this bond at the principal office of the Bond Registrar there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum hereof, at the option of the owner, a bond or bonds of like maturity and interest rate in any of the denominations authorized by the Bond Ordinance.

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

The City has irrevocably covenanted with the owner of this bond that it will annually include in its budget and levy taxes, within and as a part of the tax levy permitted to cities without a vote of the electorate, upon all the property subject to taxation in amounts sufficient, together with other money legally available therefor, to pay the principal of and interest on this bond as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest.

The pledge of tax levies for payment of principal of and interest on the bonds may be discharged prior to maturity of the bonds by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

The bonds of this issue are issued in fully registered form in the denomination of \$5,000 each or any integral multiple thereof, provided that no bond shall represent more than one maturity. Upon surrender to the Bond Registrar, bonds are

interchangeable for bonds in any authorized denomination of an equal aggregate principal amount and of the same interest rate and maturity. 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 hereof or his/her duly authorized agent and only if endorsed in the manner provided hereon, and thereupon a new fully registered bond of like principal amount, maturity and interest rate shall be issued to the transferee in exchange therefor. Such exchange or transfer shall be without cost to the registered owner or transferee. The City may deem the person in whose name this bond is registered to be the absolute owner hereof for the purpose of receiving payment of the principal of and interest on this bond and for any and all other purposes whatsoever.

Reference also is made to the Bond Ordinance as more fully describing the covenants with and the rights of Registered Owners of the bonds or registered assigns and the meanings of capitalized terms appearing on this bond which are defined in such ordinance.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance (as hereinafter defined) until the Certificate of Authentication hereon shall have been manually signed by the Bond Registrar.

It is hereby certified and declared that this bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of Washington and ordinances of the City, that all acts, conditions and things required to be done precedent to and in the issuance of this bond and the bonds of this issue have happened, been done and performed, and that this bond and the bonds of this issue do not exceed any constitutional or statutory limitations.

IN WITNESS WHEREOF, the City of SeaTac, Washington, has caused this bond to be signed on behalf of the City with the manual or facsimile signature of the Mayor, to be attested by the manual or facsimile signature of the Clerk of the City, and the seal of the City to be reproduced or impressed hereon, as of this December 1, 1998.

CITY OF SEATAC,
WASHINGTON

By

Mayor

ATTEST:

Clerk of the City

The Certificate of Authentication for the Bonds shall be in substantially the following form and shall appear on each

Bond:

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This bond is one of the City of SeaTac, Washington, Limited Tax General Obligation Refunding Bonds, 1998, dated December 1, 1998.

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 all rights thereunder and does hereby irrevocably constitute and appoint _____ of _____, or its successor, as Agent to transfer said bond on the books kept by the Bond Register 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 11. Execution of the 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, such 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 such Bonds had not ceased to be such officers, and any Bond may be signed or attested on behalf of the City by officers who at the date of actual execution of such Bond are the proper officers, although at the nominal date of execution of such Bond such officer was not an officer of the City.

Only Bonds that bear a Certificate of Authentication in the form set forth in Section 10, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such 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.

In case either of the officers of the City who shall have executed the Bonds shall cease to be such officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the

City, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. Any Bond may also be signed and attested on behalf of the City by such persons as at the actual date of execution of such Bond shall be the proper officers of the City although at the original date of such Bond any such person shall not have been such officer.

SECTION 12. Refunding Plan and Procedures.

(a) *Refunding Plan.* For the purpose of realizing a debt service savings and benefiting the taxpayers of the City, the Council proposes to issue refunding bonds for the purpose of providing for the payment of the principal of and interest on and the redemption price of the City's 1994 Bonds maturing on and after December 1, 2004, which bonds shall be called for redemption at a price of 102% (expressed as a percentage of the principal amount to be redeemed) on December 1, 2003 (the "Refunding Plan").

(b) *Refunding Account.* There is hereby authorized to be created in the Bond Fund for the Refunded Bonds, an account known as 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 the Refunded 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 June 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. 94-1011 and to pay costs of issuance. The City shall defease the Refunded Bonds and discharge such 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 such interest and maturing as to principal and interest in such amounts and at such times which, 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.

Such 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 and Systems 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 Finance and Systems Director of the City is authorized and directed to execute and deliver to the Escrow Agent an Escrow Deposit Agreement, substantially in the form 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 Refunded 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 Ordinance No. 94-1011 authorizing the redemption and retirement of the Refunded 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. 94-1011. The City's Finance and Systems Director is 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 subsection (b) of this section. All such 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 such sums so paid to said Bond Registrar shall be credited to the Refunding Account. All money and Acquired Obligations deposited with the Escrow Agent and any income therefrom shall be held, invested (but only at the direction of the Bond Registrar) 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 for the Refunded Bonds shall be paid when due.

SECTION 13. Sale of the Bonds. The Council finds that the purchase contract that has been distributed to the Council is reasonable and that it is in the best interest of the City that the Bonds shall be sold upon the conditions set forth in the purchase contract. The City accepts the purchase contract and authorizes the City Manager or Finance and Systems Director to execute the purchase contract and deliver it to NationsBanc Montgomery Securities LLC (the "Underwriter"). The Bonds shall be issued and delivered to the Underwriter upon payment of the purchase price specified in the purchase contract.

SECTION 14. Official Statement. The City approves the preliminary official statement presented to the Council and ratifies 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 and Systems 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 15. 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 Commission in accordance with the Rule, the following annual financial information and operating data for the prior fiscal year (commencing in 1999 for the fiscal year ended December 31, 1998):

1. Annual financial statements, which statements may or may not be audited, showing ending fund balances for the City's general fund prepared in accordance with the Budget Accounting and Reporting System prescribed by the Washington State Auditor [pursuant to RCW;43.09.200](#) (or any successor statute) and generally of the type included in the official statement for the Bonds under the table "Comparative General Fund Statement of Revenues, Expenditures and Changes in Fund Balance";
2. The assessed valuation of taxable property in the City;

3. Ad valorem taxes due and percentage of taxes collected;
4. Property tax levy rate per \$1,000 of assessed valuation; and
5. Outstanding general obligation debt of the City.

Items 2-5 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 such annual financial information and operating data, the City may cross-reference to other documents provided to the NRMSIR, the SID or to the Commission and, if such 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 Washington 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:

- Principal and interest payment delinquencies;
- Non-payment related defaults;
- Unscheduled draws on debt service reserves reflecting financial difficulties;
- Unscheduled draws on credit enhancements reflecting financial difficulties;
- Substitution of credit or liquidity providers, or their failure to perform;
- Adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- Modifications to the rights of Bond owners;
- Bond calls (optional, contingent or uncheduled Bond calls other than scheduled sinking fund redemptions for which notice is given pursuant to Exchange Act Release 34-23856);
- Defeasances;
- Release, substitution or sale of property securing repayment of the Bonds; and
- Rating changes.

Solely for purposes of disclosure, and not intending to modify this undertaking, the City advises that no debt service reserves or property secure 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 such 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 such 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 bond owner 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 16. Bond 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.

SECTION 17. Year 2000 Disclosure. The City certifies 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 18. General Authorization; Ratification of Prior Acts. The City Manager, the City's Finance and Systems 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 19. 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 provisions of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.

SECTION 20. 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 December 8, 1998.

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

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 (the "Ordinance"), as finally passed at a regular meeting of the City Council of the City held on December 8, 1998 and duly recorded in my office.
2. That said 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 such 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 said Ordinance; that all other requirements and proceedings incident to the proper adoption or passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this December 8, 1998.

Judith L. Cary, City Clerk

ORDINANCE NO. 98-1051

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 1999 by taxation on the assessed valuation of the property of the City; and setting the levy rate for the year 1999.

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 \$2,603,558,609;

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 1999 is hereby set at \$2.90 per thousand dollars of assessed value of all taxable property situated within the boundaries of the City.

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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 1999 by taxation on the assessed valuation of all taxable property situated within the boundaries of the City is estimated to be the sum of \$7,550,320. This levy amount is determined as follows:

1998 Tax Levy \$ 7,004,692

Base 1999 Tax Levy \$ 6,982,528

+ Levy on new construction 59,623

+ Levy on increase in AV

of State-assessed property 508,169

Total 1999 Tax Levy \$ 7,550,320

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 8th day of December, 1998, and signed in authentication thereof on this 8th day of December, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1052

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending the environmental rules and procedures set forth at Chapter 13.30 of the SeaTac Municipal Code to comply with SEPA rules as amended by the Department of Ecology.

WHEREAS, due primarily to the Regulatory Reform Act (ESHB 1724; Chapter 347, Laws of 1995) and 1997 amendments to the Growth Management Act (SB 6094; Chapter 429, Laws of 1997), the Department of Ecology (DOE) has adopted revisions to its State Environmental Policy Act (SEPA) rules contained in Chapter 197-11 of the Washington Administrative Code; and

WHEREAS, [RCW 43.21C.120](#) and [WAC 197-11-020](#) and -900 require the City to adopt local SEPA rules, consistent with the state-wide rules, to guide review of actions affecting the environment; and

WHEREAS, the Council finds that the City's environmental rules and procedures should be amended so as to comply with the new SEPA rules of DOE;

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

Section 1. Section 13.30.020 of the SeaTac Municipal Code is hereby amended to read as follows:

13.30.020 Adoption by reference.

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

197-11-040 Definitions.

197-11-050 Lead agency.

197-11-055 Timing of the SEPA process.

197-11-060 Content of environmental review.

197-11-070 Limitations on actions during SEPA process.

197-11-080 Incomplete or unavailable information.

197-11-090 Supporting documents.

197-11-100 Information required of applicants.

197-11-158 GMA project review – Reliance on existing plans, laws, and regulations

197-11-164 Planned actions – Definition and criteria.

197-11-168 Ordinances or resolutions designating planned actions – Procedures for adoption.

197-11-172 Planned actions – Project review.

197-11-210 SEPA/GMA integration.

197-11-220 SEPA/GMA definitions.

197-11-228 Overall SEPA/GMA integration procedures.

197-11-230 Timing of an integrated GMA/SEPA process.

197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.

197-11-235 Documents.

197-11-238 Monitoring.

197-11-250 SEPA/Model Toxics Control Act integration.

197-11-253 SEPA lead agency for MTCA actions.

197-11-256 Preliminary evaluation.

197-11-259 Determination of nonsignificance for MTCA remedial action.

197-11-262 Determination of significance and EIS for MTCA remedial actions.

197-11-265 Early scoping for MTCA remedial actions.

197-11-268 MTCA interim actions.

197-11-300 Purpose of this part.

197-11-305 Categorical exemptions.

197-11-310 Threshold determination required.

197-11-315 Environmental checklist.

197-11-330 Threshold determination process.

197-11-335 Additional information.

197-11-340 Determination of Non-Significance (DNS).

197-11-350 Mitigated DNS.

197-11-360 Determination of significance (DS)/initiation of scoping.

- 197-11-390 Effect of threshold determination.
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS Timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping.
- 197-11-420 EIS Preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuances of DEIS.
- 197-11-460 Issuances of FEIS.
- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-510 Public notice.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.

197-11-600 When to use existing environmental documents.

197-11-610 Use of NEPA documents.

197-11-620 Supplemental environmental impact statement - Procedures.

197-11-625 Addenda - Procedures.

197-11-630 Adoption - Procedures.

197-11-635 Incorporation by reference - Procedures.

197-11-640 Combining documents.

197-11-650 Purpose of this part.

197-11-655 Implementation.

197-11-660 Substantive authority and mitigation.

197-11-680 Appeals.

197-11-700 Definitions.

197-11-702 Act.

197-11-704 Action.

197-11-706 Addendum.

197-11-708 Adoption

197-11-710 Affected tribe.

197-11-712 Affecting.

197-11-714 Agency.

197-11-716 Applicant.

197-11-718 Built environment.

197-11-720 Categorical exemption.

197-11-721 Closed Record Appeal.

197-11-722 Consolidated appeal.

197-11-724 Consulted agency.

197-11-726 Cost-benefit analysis.

197-11-728 County/city.

197-11-730 Decision maker.

197-11-732 Department.

197-11-734 Determination of nonsignificance (DNS).

197-11-736 Determination of significance (DS).

197-11-738 EIS.

197-11-740 Environment.

197-11-742 Environmental checklist.

197-11-744 Environmental document.

197-11-746 Environmental review.

~~197-11-748 Environmentally sensitive area.~~

197-11-750 Expanded scoping.

197-11-752 Impacts.

197-11-754 Incorporation by reference.

197-11-756 Lands covered by water.

197-11-758 Lead agency.

197-11-760 License.

197-11-762 Local agency.

197-11-764 Major action.

197-11-766 Mitigated DNS.

197-11-768 Mitigation.

197-11-770 Natural environment.

197-11-772 NEPA.

197-11-774 Nonproject.

197-11-775 Open record appeal.

197-11-776 Phased review.

197-11-778 Preparation.

197-11-780 Private project.

197-11-782 Probable.

197-11-784 Proposal.

197-11-786 Reasonable alternative.

197-11-788 Responsible official.

197-11-790 SEPA.

197-11-792 Scope.

197-11-793 Scoping.

197-11-794 Significant.

197-11-796 State agency.

197-11-797 Threshold determination.

197-11-799 Underlying governmental action.

197-11-800 Categorical exemptions.

197-11-880 Emergencies.

197-11-890 Petitioning DOE to change exemptions.

197-11-900 Purpose of this part.

197-11-902 Agency SEPA policies.

197-11-908 Critical Areas. ~~Environmentally sensitive areas.~~

197-11-916 Application to ongoing actions.

197-11-920 Agencies with environmental expertise.

197-11-922 Lead agency rules.

197-11-926 Lead agency for governmental proposals.

197-11-928 Lead agency for public and private proposals.

197-11-930 Lead agency for private projects with one agency with jurisdiction.

197-11-932 Lead agency for private projects requiring licenses from more than one Agency, when one of the agencies is a county/city.

197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.

197-11-936 Lead agency for private projects requiring licenses from more than one state agency.

197-11-938 Lead agencies for specific proposals.

197-11-940 Transfer of lead agency status to a state agency.

197-11-942 Agreements on lead agency status.

197-11-944 Agreements on division of lead agency duties.

197-11-946 DOE resolution of lead agency disputes.

197-11-948 Assumption of lead agency status.

197-11-950 Severability.

197-11-960 Environmental checklist.

197-11-965 Adoption notice.

197-11-970 Determination of nonsignificance (DNS).

197-11-980 Determination of significance and scoping notice (DS).

197-11-985 Notice of assumption of lead agency status.

197-11-990 Notice of action.

Section 2. A new Section 13.30.065 is hereby added to the SeaTac Municipal Code to read as follows:

13.30.065 Critical Areas Categorical Exemptions – No Longer Exempt.

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The following categorical exemptions, listed under [WAC 197-11-800](#) and 197-11-908, shall not apply if there are critical areas located on-site as defined in Title 15 of this Code:

-

1. [WAC 197-11-800\(1\)](#)
2. [WAC 197-11-800\(2\)\(a\)](#)
3. [WAC 197-11-800\(2\)\(b\)](#)
4. [WAC 197-11-800\(2\)\(d\)](#)
5. [WAC 197-11-800\(2\)\(e\)](#)
6. [WAC 197-11-800\(2\)\(f\)](#)
7. [WAC 197-11-800\(2\)\(g\)](#)
8. [WAC 197-11-800\(6\)\(a\)](#)
9. [WAC 197-11-800\(14\)\(c\)](#)
10. [WAC 197-11-800\(24\)\(a\) through \(g\)](#)

Section 3. A new Section 13.30.155 is hereby added to the SeaTac Municipal Code to read as follows:

155. Content of Appeals.

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

-

A. The basis for the Appellant's standing, including:

-
1. How the Appellant's interests are arguably within the zone of interests protected by SEPA; and
 2. How the SEPA decision being appealed will cause the Appellant injury-in-fact. If the alleged injury-in-fact has not already occurred, the Appellant must set forth facts establishing the immediate, concrete, and specific future injury-in-fact that will occur to the Appellant as a result of the SEPA determination under appeal.
-
-

A. The specific alleged errors in the SEPA decision being appealed:

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B. The relief requested; and

-

C. The signature, address, and phone number of the Appellant and the name and address of the Petitioner's designated representative, if any.

-

Section 4. Section 13.30.160 of the SeaTac Municipal Code is hereby amended to read as follows:

160. Time limitation on appeals.

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

-
- A. Any party intending to offer a document in support of its position must serve on all parties a notice, accompanied by a copy of the document and the name, address and telephone number of its author or maker, at least twenty one (21) days prior to the hearing date. The notice shall be filed with the Hearing Examiner. Documents not so identified by notice and copy shall not be admitted at the time of the hearing.
-

- B. Any other party may, within ten (10) days prior to the hearing date, serve a written objection to any document proposed to be offered under this Section. In the event of objection, admissibility of the document shall be determined by the Hearing Examiner

Section 5. Section 13.30.170 of the SeaTac Municipal Code is hereby amended to read as follows:

13.30.170 Fee to accompany notice of appeal.

A fee of ~~seventy~~ fifty dollars (\$~~750.00~~) shall accompany the written notice of appeal and be filed within the appeal period with the City Clerk. No notice of appeal shall be accepted unless accompanied by full payment of the filing fee. This fee shall be utilized to cover publication costs, mailing, and other costs directly associated with the appeal.

Section 6. Section 13.30.240 of the SeaTac Municipal Code is hereby repealed.

Section 7. Section 13.30.250 of the SeaTac Municipal Code is hereby amended to read as follows:

13.30.250 Superior Court review – Limitations for appeal.

The decision of the Hearing Examiner on appeal from a threshold determination ~~that is not applicable to the City Council~~ may be appealed to the Superior Court of King County in accordance with ~~Ordinance No. 90-1045, codified in Chapter 1.20 SMC, as amended by Ordinance No. 90-1051. Any such appeal must be brought within the time limits specified therein. Such Superior Court review shall be conducted on the record compiled by the Hearing Examiner, consistent with other applicable law~~ SMC 16.11.040.

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

ADOPTED this 8th day of December, 1998, and signed in authentication thereof on this 8th day of December, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date:]

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ORDINANCE NO. 98-1053

AN ORDINANCE of the City Council of the City of SeaTac, Washington declaring a future substantial need to protect future property tax levy capacity.

WHEREAS, Part II of Referendum 47 which modified the "Limitations Upon Regular Property Taxes" of [Chapter 84.55 RCW](#) became effective for the budget year 1998; and

WHEREAS, the limitation upon regular property tax authority is now generally restricted to a "limit factor", which is equal to inflation measured as the percentage change in the "implicit price deflator" as published for the most recent twelve-month period by the Federal Department of Commerce in September of the year before the taxes are payable; and

WHEREAS, this City's property tax levy for the budget year 1999, therefore, cannot generally exceed the limit factor multiplied by the amount of regular property taxes lawfully levied by the City in the highest of the three most recent years in which such taxes were levied, together with certain increases in assessed valuations as set forth by law; and

WHEREAS, notwithstanding the foregoing general limitations, Referendum 47 added a provision, now codified at [RCW 84.55.0101](#), which permits the City to adopt, as a limit factor, a percentage increase up to 106% provided that the Council enters a finding of substantial need and approves the increased limit factor by an affirmative vote of a majority plus one vote; and

WHEREAS, the Council has held two public hearings in regard to the 1999 Annual Budget which included consideration of revenue sources for anticipated current expenses of the said year, and possible increases in property tax revenues; and

WHEREAS, the Council has heretofore established by ordinance, stating the actual dollar and percentage increase above the prior year's levy, a levy rate of \$2.90 per thousand dollars of assessed value of taxable property situated within the City which complies with the limit factor calculation of [RCW 84.55.010](#), and will produce revenue sufficient, together with other revenues, to meet current expenses in 1999; and

WHEREAS, the Council is also cognizant of its responsibility to protect the City's levy authority against adverse consequences to future levy capacity which may result from imposition of a levy rate less than the 106% maximum permitted by [RCW 84.55.0101](#); and

WHEREAS, [RCW 84.55.092](#) specifically provides for protection of future levy capacity in event a city does not impose a tax levy at the maximum possible level; and

WHEREAS, the State Department of Revenue has issued a memorandum, dated October 9, 1998, concluding that cities which do not utilize the maximum authority of [RCW 84.55.0101](#), may protect levy capacity in future years up to the maximum allowed by law, by adopting an ordinance, in addition to the ordinance setting the levy rate for the ensuing year, upon a finding of future substantial need for establishment of levies as if previous levies had been imposed at the maximum rate or rates allowed by law; and

WHEREAS, the Council hereby finds, as a fact, that a future substantial need exists for protection of the City's maximum levy authority pursuant to the foregoing recitations and pursuant to declaration of needs set forth hereinbelow:

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

follows:

Section 1. The City Council does hereby incorporate the foregoing recitals as Findings of Fact in support of the substantive provisions of this Ordinance and further finds and declares that future substantial need exists whereby the Council could have employed the authority of [RCW 84.55.0101](#) to impose the maximum real property tax levy allowed by law, but chose to levy a lesser rate anticipated to produce revenues sufficient to meet 1999 current expenses.

Section 2. The City Council does hereby find and declare the specific needs and projects described below to constitute the aforesaid future substantial need to protect the highest lawful levy to protect future levy capacity above the rate of inflation up to the maximum allowed by law:

- The local economic impact of the present Asian recession;
- The substantial and increasing costs of necessary infrastructure additions and improvements to vehicular and pedestrian transportation facilities, including those projects listed on the City's ten-year transportation improvement plan, and telecommunication and electric distribution facilities;
- Additional equipment, staffing, and new and improved facilities for fire suppression, fire prevention, and emergency medical services to be determined by the City's on-going fire services study;
- Design and construction of a new City Hall on real property owned by the City abutting South 188th Street;
- Acquisition of additional municipal park lands and community facilities, and improvements to park and recreation facilities;
- Acquisition and construction of storage and maintenance facilities for the Department of Public Works and the Department of Parks and Recreation;
- Acquisition and maintenance of operating equipment and machinery, including heavy equipment, for use by the Department of Public Works and the Department of Parks and Recreation;
- Employment of additional full-time and part-time employees due to accelerating work-loads of every City department resulting, in part, from the impact of the Port of Seattle's extensive master plan for improvements to the Sea-Tac International Airport, the impact of Sound Transit's Light Rail System and associated facilities, and the on-going increase in private real property developments;

- Establishment of facilities, communication equipment, and rescue and survival equipment necessary to equip one or more emergency operations centers and to effect disaster response capabilities.

Section 3. This Ordinance shall not be codified within the SeaTac Municipal Code.

Section 4. This Ordinance shall be in full force and effect five (5) days after passage by not less than a majority plus one vote of the City Council, and publication.

ADOPTED this 8th day of December, 1998, and signed in authentication thereof on this 8th day of December, 1998.

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. 98-1054

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending and repealing certain Sections of Chapter 12.10 of the SeaTac Municipal Code relating to Surface and Storm Water Management, so as to adopt the King County Surface Water Management Code.

WHEREAS, the State Department of Ecology has established strict pollutant discharge elimination system guidelines that the City's required to follow; and

WHEREAS, the new guidelines require the City to adopt a Surface Water Design Manual consistent with ecology standards; and

WHEREAS, the City's current surface and storm water management guidelines are insufficient to meet the new standards; and

WHEREAS, to re-write the City's current guidelines to meet the new standards would be a complex undertaking beyond the City's current resources; and

WHEREAS, King County has adopted significant revisions to its Surface Water Design Manual to meet the standards required by the Department of Ecology; and

WHEREAS, adoption of the King County Surface Water Design Manual by the City would be an efficient method to achieve compliance with the new ecology standards;

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

Section 1. Section 12.10.010 of the SeaTac Municipal Code is hereby amended to read as follows:

12.10.010 Purposes King County Surface Water Design Manual adopted by Reference.

~~The City Council finds this chapter is necessary in order to promote the public health, safety and welfare by providing for the comprehensive management of surface and storm waters and erosion control, especially that which preserves and utilized the many values of the City's natural drainage system.~~

The 1998 Edition of the King County Surface Water Design Manual as adopted by the King County Department of Natural Resources as now in effect and as may be subsequently amended is hereby adopted by reference, except that reference to King County shall mean the City and references to the Department of Development and Environmental Services shall mean the Department of Public Works.

Section 2. Section 12.10.020 of the SeaTac Municipal Code is hereby amended to read as follows:

12.10.020 Definitions. Copy on file.

~~"Basin" means a drainage area which drains directly to Puget Sound.~~

~~"Basin plan" means a plan and all implementing regulations and procedures including but not limited to land use management adopted by ordinance for managing surface and storm water management facilities and features within individual sub-basins.~~

~~"Bond" means a surety bond, cash deposit or escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to or required by the Public Works Director to guarantee that work is completed in compliance with the project's engineering plan and in compliance with all City requirements.~~

~~"Closing depression" means an area of the City which is low-lying and either has no, or such a limited, surface water outlet that during storm events the area acts as a retention basin, holding water that has a surface area of more than five thousand square feet at overflow.~~

~~"Department" means the Department of Public Works.~~

~~"Design storm" means a rainfall (or other precipitation) event or pattern of events for use in analyzing and designing drainage facilities.~~

~~"Development" means for the purposes of this chapter any activity that requires a permit or approval, including but not limited to a building permit, grading permit, shoreline substantial development permit, conditional use permit, unclassified use permit, zoning variance or reclassification, planned unit development, subdivision, short subdivision, master plan development, building site plan, or right-of-way.~~

~~"Director" means the City Manager, or designee.~~

~~"Drainage" means the collection, conveyance, containment and/or discharge of surface and storm water runoff.~~

~~"Drainage facility" means the system of collection, conveying and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and man-made.~~

~~"Drainage review" means an evaluation by the City staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual.~~

~~"Erosion/sedimentation control" means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation, and ensure that sediment laden water does not leave the site.~~

~~"Infiltration facility" means a drainage facility designed to use the hydrologic process of surface and storm water runoff soaking into the ground, commonly referred to as percolation, to dispose of surface and storm water runoff.~~

~~"Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural~~

infiltration of surface and storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of this chapter.

~~"Improvement" means streets (with or without curbs or gutters), sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, street trees and other appropriate items.~~

~~"Master drainage plan" means a comprehensive drainage control plan intended to prevent significant adverse impacts to the natural and man-made drainage system, both on and off-site.~~

~~"Multifamily/commercial retention/detention facility" means a retention/detention facility which is not a subdivision retention/detention facility as defined in this chapter.~~

~~"Preapplication" for the purposes of this chapter refers to the meeting(s) and/or form(s) used by applicants for some development permits to present initial project intentions to the City. Preapplication does not mean application.~~

~~"Professional civil engineer" means a person registered with the State of Washington as a professional engineer in civil engineering.~~

~~"Project" means the proposed action of a permit application or approval which requires drainage review.~~

~~"Retention/detention facility" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and storm water management system.~~

~~"Site" means the portion of a piece of property that is directly subject to development.~~

~~"Subdivision retention/detention facility" means a retention/detention facility which is both located within or associated with a short or formal subdivision containing only single-family or duplex residential structures located on individual lots and which is required to handle excess runoff generated by development of an area of which two-thirds or more is designated for single-family or duplex residential structures located on individual lots.~~

~~"Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water. The term "runoff" is synonymous.~~

~~"Surface and storm water management system" means drainage facilities and any other natural features which collect, store, control, treat and/or convey surface and storm water.~~

~~"Surface Water Design Manual" means the manual (and supporting documents as appropriate) describing surface and storm water design and analysis requirements, procedures and guidance which is hereby adopted by reference. A copy of the manual is on file in the office of the City Clerk for use and examination by the public.~~

~~"Water quality swale" means an open vegetated drainage channel intended to optimize water quality treatment of surface and storm water runoff by following the specific design criteria described in the Surface Water Design Manual.~~

~~"Wetponds" and "wetvaults" mean drainage facilities for water quality treatment that contain a permanent pool of water, usually four feet in depth, that are filled during the initial runoff from a storm event. They are designed to optimize water quality by providing retention time (on the order of a week or more) in order to settle out particles of fine sediment to which pollutants such as heavy metals absorb, and to allow biologic activity to occur that metabolizes nutrients and organic pollutants. For wetvaults the permanent~~

pool of water is covered by a lid which blocks sunlight from entering the facility, limiting the photo-dependent biologic activity.

At least one (1) copy of the adopted edition of the King County Surface Water Design Manual shall be on file in the office of the City Clerk.

Section 3. Sections 12.10.030, .040, .050, .060, .070, and .090 of the SeaTac Municipal Code are hereby repealed.

Section 4. Section 12.10.170 of the SeaTac Municipal Code is hereby amended to read as follows:

12.10.170 Construction site hazards.

Whenever the Public Works Director determines that any existing construction site, erosion/sedimentation problem and/or drainage facility poses a hazard to life and limb, endangers any property and/or adversely affects the condition or capacity of other drainage facilities, the safety and operation of City rights-of-way, utilities and/or other property owned or maintained by the City, the person to whom the permit was issued pursuant to ~~Section 12.10.030~~ this chapter, the owner of the property within which the drainage facility is located, the person responsible for maintenance of the facility and/or other person or agent in control of said property, upon receipt of notice in writing from the Public Works Director shall within the period specified therein repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.

Should the Public Works Director have reasonable cause to believe that the situation is so adverse as to preclude written notice, the Director may take immediate measures necessary to eliminate the hazardous situation, provided that a reasonable effort shall be made to locate the owner before acting. In such instances, the person of whom a drainage plan was required pursuant to ~~Section 12.10.030~~ this chapter, the owner of the property and/or the person responsible for the maintenance of the facility, shall be obligated for the payment of all costs incurred. If costs are incurred and a bond pursuant to this chapter or other City requirement has been posted, the Public Works Director shall have the authority to collect against the bond to cover costs incurred.

Section 5. Section 12.10.210 of the SeaTac Municipal Code is hereby amended to read as follows:

12.10.210 Appointment of surface water management authority.

The City's Department of Public Works ~~and the Roads and Surface Water Management Supervisor~~ are is designated as the City's agent for providing drainage and surface water management services under the surface water management program to the residents and property owners of the City.

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

ADOPTED this 8th day of December, 1998, and signed in authentication thereof on this 8th day of December, 1998.

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. 98-1055

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 of SeaTac 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 of SeaTac 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 1998, 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 in a Determination of Nonsignificance, File No. SEP 0037-98, issued November 4, 1998; and

WHEREAS, after a public hearing on November 16, 1998 to consider proposed amendments to the Comprehensive Plan, the Planning Advisory Committee of the City of SeaTac has recommended to the City Council adoption of the proposed amendments to the Comprehensive Plan,

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 and B (attached) and that a copy of the amendments be maintained on file with the Office of the City Clerk for public inspection.

Section 2. 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 3. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 8th day of December, 1998 and signed in authentication thereof this 8th day of December, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Bob McAdams, City Attorney

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ORDINANCE NO. 98-1056

An ORDINANCE of the City Council of the City of SeaTac, Washington, amending the Official Zoning Map of the City of SeaTac.

WHEREAS, Ordinance No. 98-1055, adopted December 8, 1998, amends the City of SeaTac Comprehensive Plan, pursuant to the requirements of the Washington State Growth Management Act; 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 Comprehensive Plan's Land Use Plan Map; and

WHEREAS, the environmental impacts of the proposed amendments have been assessed in a Determination of Nonsignificance, issued November 4, 1998, File No. SEP0037-98; and

WHEREAS, after a public hearing on November 16, 1998 to consider proposed amendments to the Municipal Code, the Planning Advisory Committee recommended to the City Council adoption of the proposed Zoning Map amendment,

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

ADOPTED this 8th day of December, 1998 and signed in authentication thereof this 8th day of December, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to form:

Robert L. McAdams, City Attorney

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ORDINANCE NO. 98-1058

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, 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 previously enacted ordinances and various amendments thereto establishing cost of living increases; 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 for the various positions of the employees of the City not represented by labor unions, shall be increased by the amount of 2.25 percent over the current level to reflect the COLA for 1999, effective January 1, 1999.

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

ADOPTED this 15th day of December, 1998, and signed in authentication thereof on this 15th day of December, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

ORDINANCE NO. 98-1059

AN ORDINANCE of the City Council of the City of SeaTac, Washington, Amending the 1999 Annual City Budget for the Joint Transportation Study.

WHEREAS, the City Council has reviewed agenda bill #1620 submitted by the Public Works Department and authorizes the City Manager to execute a contract for the joint transportation study; and

WHEREAS, the total project cost of \$1,271,056 exceeds available appropriation in the Transportation CIP Fund; and

WHEREAS, the Port of Seattle will fund a portion of the costs above the available appropriation;

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 Transportation CIP Fund by the amount of \$271,056 (BARS 307.000.37.595.30.63.099).

Section 2. The 1999 Annual City Budget shall be amended to increase the revenues in the Transportation CIP fund by \$253,353 (BARS 307.338.95.06.000).

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

ADOPTED this 15th day of December, 1998, and signed in authentication thereof on this the 15th day of December, 1998.

CITY OF SEATAC

Terry Anderson, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

