



## City Ordinances Archive

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**ORDINANCE NO. 01-1001**

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Ordinance No. 00-1032 fixing compensation for City Councilmembers and Mayor.

**WHEREAS**, Ordinance No. 00-1032 was adopted by the Council on July 25, 2000 for the purpose of repealing automatic cost of living adjustments to Councilmembers' salaries and establishing fixed compensation for Councilmembers and the Councilmember selected to serve as Mayor; and

**WHEREAS**, the Council is cognizant of Article XI, Section 8 of the Constitution of the State of Washington which provides that salaries of elected municipal officials shall not be increased during their current term of office; and

**WHEREAS**, the Council is also cognizant of RCW 35A.13.040 which provides, in pertinent part, that the compensation of the Mayor shall not be increased or diminished after the Mayor has been chosen by the Council; and

**WHEREAS**, it was the intent, pursuant to the aforesaid statute, that the Councilmember selected to serve as Mayor be entitled to the compensation established by Ordinance No. 00-1032, but that the language of Section 1 is ambiguous and, therefore, should be clarified; and

**WHEREAS**, this Ordinance is intended to clarify the language of Ordinance No. 00-1032 so as to ensure effectuation of RCW 35A.13.040 and should take effect prior to selection of the Councilmember to serve as Mayor for the years 2002 and 2003, it is designated as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace;

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

Section 1. Section 1 of Ordinance No. 00-1032 is hereby amended, for the purpose of clarifying the language thereof in order to ensure effectuation of its intent, to read as follows:

The compensation to be paid to the members of the SeaTac City Council, ~~and to the Councilmember selected to serve as Mayor,~~ who are elected to their positions in an general election subsequent to the effective date of this Ordinance August 2, 2000, and the compensation to be paid, pursuant to RCW 35A.13.040, to the Councilmember selected to serve as Mayor, shall be as follows:

Councilmembers \$800.00 per month

Councilmember selected as Mayor \$1,000.00 per month

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

Section 3. This Ordinance is passed by a majority plus one of the whole membership of the Council and is designated as an emergency ordinance, as recited above, and shall therefore be in full force and effect upon adoption.

**ADOPTED** this 25th day of July, 2002, and signed in authentication thereof on this 25th day of July, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 02-1002**

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating certain portions of 31<sup>st</sup> Avenue South and 31<sup>st</sup> Place South lying south of South 170<sup>th</sup> Street abutted on both sides by Gateway Investment LLC property.

**WHEREAS**, Gateway Investment LLC, is the sole owner of property abutting those portions of 31<sup>st</sup> Avenue South and 31<sup>st</sup> Place South lying south of South 170<sup>th</sup> Street, as described on Exhibit A and depicted on Exhibit B; and

**WHEREAS**, pursuant to Amendment dated July 1, 2001 to the Development Agreement dated May 26, 1998, between the City and Gateway, vacation of the said rights-of-way may be granted "in exchange for construction at Gateway's expense and dedication to the City of the new connecting street shown as S. 172<sup>nd</sup> St. Extension at either of the alternative locations shown on Exhibit C1 or C6", which said Alternative C1, depicted on Exhibit B to this Ordinance, has been selected by Gateway; and

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

**WHEREAS**, RCW 35.79.010 authorizes the City Council to initiate street vacation by resolution setting a public hearing which was, in this case, established by Resolution No. 01-033 fixing the public hearing for January 22, 2002, to be followed by Council action; and

**WHEREAS**, the municipal use of the said rights-of-way is superseded by Gateway's economic use of the same in exchange for the aforesaid new interconnecting extension to South 172<sup>nd</sup> Street; and

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

**WHEREAS**, the Council finds that vacation of the aforesaid 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 portions of the rights-of-way of 31<sup>st</sup> Avenue South and 31<sup>st</sup> Place South 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 construction at the expense of Gateway Investment LLC and dedication to the City of the "South 172<sup>nd</sup> Street Extension" as shown on Exhibit B to this Ordinance, consisting of a forty-eight (48) foot wide right-of-way improved with a two lane street, curbs, gutters, sidewalks and planting strip constructed to City standards and specifications, pursuant to Section 1 of the June 1, 2001 Amendment to the May 26, 1998 Development Agreement between the City and Gateway.

Section 2. Reservation of Easements. Notwithstanding Section 1 of this Ordinance, all existing utility easements located within the said portions of the rights-of-way of 31<sup>st</sup> Avenue South and 31<sup>st</sup> Place South are reserved until released by the Grantees thereof.

Section 3. Compensation Not Required. Monetary compensation equal to 100% of the appraised value of the aforesaid vacated rights-of-way is waived solely by reason of the obligation of Gateway Investment LLC to construct and dedicate the new connecting street pursuant to Section 1, above, and Section 1 of the aforesaid Amendment to the

Development Agreement between the City and Gateway.

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

Section 5. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder upon acceptance by the City of the right-of-way and street improvements of the South 172<sup>nd</sup> Street Extension.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon acceptance by the City of dedication of the said right-of-way and street improvements of the South 172<sup>nd</sup> Street Extension.

**ADOPTED** this 8th day of January, 2002, and signed in authentication thereof on this 8th day of January, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 02-1003**

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating certain portions of 31<sup>st</sup> Avenue South and 31<sup>st</sup> Place South lying south of South 170<sup>th</sup> Street abutted on both sides by Gateway Investment LLC property.

**WHEREAS**, Gateway Investment LLC, is the sole owner of property abutting those portions of 31<sup>st</sup> Avenue South and 31<sup>st</sup> Place South lying south of South 170<sup>th</sup> Street, as described on Exhibit A and depicted on Exhibit B; and

**WHEREAS**, pursuant to Amendment dated July 1, 2001 to the Development Agreement dated May 26, 1998, between the City and Gateway, vacation of the said rights-of-way may be granted "in exchange for construction at Gateway's expense and dedication to the City of the new connecting street shown as S. 172<sup>nd</sup> St. Extension at either of the alternative locations shown on Exhibit C1 or C6", which said Alternative C1, depicted on Exhibit B to this Ordinance, has been selected by Gateway; and

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

**WHEREAS**, RCW 35.79.010 authorizes the City Council to initiate street vacation by resolution setting a public hearing which was, in this case, established by Resolution No. 01-033 fixing the public hearing for January 22, 2002, to be followed by Council action; and

**WHEREAS**, the municipal use of the said rights-of-way is superseded by Gateway's economic use of the same in exchange for the aforesaid new interconnecting extension to South 172<sup>nd</sup> Street; and

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

**WHEREAS**, the Council finds that vacation of the aforesaid 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 portions of the rights-of-way of 31<sup>st</sup> Avenue South and 31<sup>st</sup> Place South 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 construction at the expense of Gateway Investment LLC and dedication to the City of the "South 172<sup>nd</sup> Street Extension" as shown on Exhibit B to this Ordinance, consisting of a forty-eight (48) foot wide right-of-way improved with a two lane street, curbs, gutters, sidewalks and planting strip constructed to City standards and specifications, pursuant to Section 1 of the June 1, 2001 Amendment to the May 26, 1998 Development Agreement between the City and Gateway.

Section 2. Reservation of Easements. Notwithstanding Section 1 of this Ordinance, all existing utility easements located within the said portions of the rights-of-way of 31<sup>st</sup> Avenue South and 31<sup>st</sup> Place South are reserved until released by the Grantees thereof.

Section 3. Compensation Not Required. Monetary compensation equal to 100% of the appraised value of the aforesaid vacated rights-of-way is waived solely by reason of the obligation of Gateway Investment LLC to construct and dedicate the new connecting street pursuant to Section 1, above, and Section 1 of the aforesaid Amendment to the

Development Agreement between the City and Gateway.

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

Section 5. Recordation. The City Clerk shall cause a certified copy of this Ordinance to be recorded in the records of the King County Recorder upon acceptance by the City of the right-of-way and street improvements of the South 172<sup>nd</sup> Street Extension.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon acceptance by the City of dedication of the said right-of-way and street improvements of the South 172<sup>nd</sup> Street Extension.

**ADOPTED** this 22nd day of January, 2002, and signed in authentication thereof on this 22nd day of January, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 02-1004**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget relating to the New City Hall Remodel Project.

**WHEREAS**, in 2001, the City purchased the property commonly referred to as the Valley Ridge Corporate Center; and

**WHEREAS**, this property was acquired for the purpose of locating the SeaTac City Hall at this location; and

**WHEREAS**, certain capital improvements are necessary to make optimum use of this building as a City Hall facility;

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

Section 1. The 2002 Annual City Budget shall be amended to adopt Municipal Facilities Fund appropriations in the amount of \$3,000,000.

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

**ADOPTED** this 12th day of February, 2002, and signed in authentication thereof on this 12<sup>th</sup> day of February, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]



**ORDINANCE NO. 02-1005**

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending certain sections of Chapter 7.15 of the SeaTac Municipal Code related to property maintenance.

**WHEREAS**, it is the desire of the City Council to enhance the beautification and property values of the City's neighborhoods through the enforcement of the City's Property Maintenance Code; and

**WHEREAS**, the City's Property Maintenance Code, has not been updated since the City's incorporation and contains redundant and confusing language; and

**WHEREAS**, simplifying then City's Property Maintenance Code enables code enforcement officers to more effectively enforce its provisions.

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

Section 1. Section 7.15.010 of the SeaTac Municipal Codes is hereby amended to read as follows:

**7.15.010 Definitions.**

The definitions set forth in Ordinance No. 90-1019, codified in Chapter 15.10, as presently existing or as may subsequently be amended, shall apply to this chapter and, in addition, the following definitions shall apply:

A. Junk. "Junk" means discarded, broken or disabled material including, but not limited to: furniture; appliances; ~~discarded lumber~~; toys; or other items that are not in functioning condition.

~~B. Litter. "Litter" means discarded waste materials, including but not limited to: paper wrappings; packaging materials; discarded or used bottles; and discarded or used cans.~~

~~C. B. Owner. "Owner" means any person owning property, as shown on the real property records of King County or on the last assessment role for taxes, and shall also mean any lessee, tenant, occupant or other person having control or possession of the property.~~

~~D. C. Property. "Property" means land and any buildings or structures located thereon.~~

E. D. Trash. "Trash" means waste food products and other household garbage.

Section 2. Section 7.15.020 of the SeaTac Municipal Code is hereby amended to read as follows:

**7.15.020 Duty to maintain property.**

No person owning, leasing, renting, occupying, being in possession or having charge of any property in the City, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other City ordinance, any of the following conditions visible from any public street or alley, or from any other private property:

A. Junk, trash, ~~litter, boxes, discarded lumber, discarded items, or salvage materials, or other similar materials in any front yard, side yard, rear yard or vacant lots;~~

~~B. Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts~~ Any accumulation of material including but not limited to bottles, cans, glass, plastic, ashes, scrap metal, broken stone or cement, rags, boxes, crates, packing cases, tools, equipment, packing material;

~~C. Broken or discarded furniture, household equipment and furnishings in any front yard, side yard, rear yard or vacate lot~~ Household items, furniture and appliances intended for indoor use that are stored or used outdoors. For the purposes of this section, decks, carports and open garages are considered outdoors;

~~D. Shopping or baggage carts in any front yard, side yard, rear yard or vacant lot of any property;~~

~~E. Dead, decayed, diseased or hazardous trees, or any other vegetation to include a majority of vegetation (other than vegetation located in flower beds, or trees or shrubbery) which exceeds twelve (12) inches in height, or which is dangerous to public health, safety and welfare, located in any front yard, side yard, rear yard, or upon any vacant lot~~ Indoor personal items stored outdoors for more than 24 hours including but not limited to clothing, bedding, toys, cooking and eating utensils, newspapers and magazines;

~~F. Graffiti or signs, not in compliance with the City zoning code, on the exterior of any building, fence or other structure in any front yard, side yard or rear yard or vacant lot~~ Building, plumbing, electrical and mechanical materials unless neatly stacked and intended to be used for improvements to the premises on which it is stored, within six months;

~~G. Vehicle parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot~~ Firewood unless neatly stacked and intended to be used on the premises on which it is stored;

~~H. Any accumulation of weeds, brambles, berry vines, or other vegetation which is over-growing any structure or which exceeds an average height of three (3) feet, or any accumulation of junk, litter, trash, dead organic matter, debris, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constituting fire, health or safety hazard~~ Dead, decayed, diseased or hazardous trees, which are dangerous to public health, safety and welfare;

~~I. Dilapidation or state of filthiness or uncleanness of any dwelling or other structure which endangers health or life or which permits entrance by rats, mice or other rodents. Berry vines which exceed an average height of three (3) feet, except on vacant lots provided the berry vines do not encroach on adjacent properties;~~

~~J. Any accumulation of weeds or grass which exceeds twelve (12) inches in height.~~

~~K. Regardless if visible from adjacent property, any attractive nuisances dangerous to children, including but not limited to equipment, machinery, unused refrigerators and freezers, excavations, wells or shafts.~~

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

**ADOPTED** this 12th day of February, 2002, and signed in authentication thereof on this 12th day of February, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 02-1006**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to the City Zoning Code, adding new Section 15.15.180 to provide for parking standards within the single-family zones regarding total parking area, parking location, and parking construction standards.

**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 Advisory Committee 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. A new Section 15.15.180 is hereby added to the SeaTac Municipal Code, to read as follows:

**Section 15.15.180 Single-family Maximum Off-Street Vehicle Parking Requirements**

Within the single-family zones (UL-5,000, UL-7,200, UL-9,600, and UL-15,000), the following maximum off-street parking standards shall apply. These standards shall be applicable to new and existing parking areas and are in addition to the off-street parking standards for a single-family residence specified under Section 15.15.030 of this Chapter.

A. All motor vehicles, trailers, boats, and RV's must be parked on one of the approved surfaces listed in 15.15.180 B.

B. All required off-street parking spaces shall be constructed in conformance with Sections 15.15.030, 15.15.100, and 15.15.110 of this Chapter. Additional off-street parking surfaces shall be constructed of one, or a combination of, the following materials:

1. Concrete, (4" Portland cement concrete over compact native soils) or;
2. Blacktop, (2" Asphalt concrete pavement over gravel section as described under 3 below), or;
3. Two (2) inches of 3/4 minus compacted rock provided mud or other fine material do not work their way to the surface of the rock.

C. Off-street parking surfaces outside of structures on-site may cover a maximum of 1,200 square feet or ten percent (10%) of the lot surface, whichever is greater. For the purposes of this section, a parking area includes any portion of a driveway or access road used for parking.

D. No more than fifty percent (50%) of the front yard or 800 square feet, whichever is *smaller*, can be off-street parking surface. For the purposes of this section the front yard shall be the area between the right-of-way and the portion of the house frontage that is farthest from the right-of-way. The width of the front

yard shall extend to each side property line. Other unique front yard configurations may be allowed subject to City approval. The remainder of the front yard not used for parking shall be landscaped. For the purpose of this section, landscaping shall either be one, or a combination of, the following:

1. Grass or Sod
2. Trees
3. Groundcover
4. Shrubs

E. On properties facing on two or more public rights-of-way, the total off-street parking surfaces for all front yards shall not be greater than 800 square feet. All remaining areas of the front yards not use for off street parking or driving surfaces shall be landscaped as provided in Section 15.15.180 D. above.

F. Off-street parking is allowed in the side yard setback and within five (5) feet of the rear yard property line. Screening of vehicles parked in the side yard setback or within five (5) feet of the rear property line, shall be required if requested by the adjacent property owner/s. If screening is requested, the screening shall be a solid wood fence or made of an alternate material, as approved by the City. Fences shall conform with the maximum height requirements of 15.13.080 F. of the SMC.

Section 2. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Office of Community Development within ten (10) days after adoption, and to the King County Assessor by February 22, 2002.

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

**ADOPTED** this 12th day of February, 2002, and signed in authentication thereof on this 12th day of February, 2002.

**CITY OF SEATAC**

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Kathy Gehring-Waters, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Robert L. McAdams, City Attorney

[Effective Date:

**ORDINANCE NO. 02-1007**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to the SeaTac Municipal Code, amending Section 7.25.100 to delete parking requirements for recreational vehicles, boats and trailers as such parking requirements currently exist in Section 15.15.180 of the SeaTac Municipal Code.

**WHEREAS**, City Council on February 12, 2002 adopted an Ordinance regulating the parking of motor vehicles, recreational vehicles, boats and trailers on residential property; and

**WHEREAS**, Section 7.25.100 of the SeaTac Municipal Code also addresses certain types of this parking and conflicts with the intent of the City Council and the new Residential Parking Ordinance;

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

Section 1. Section 7.25.100 of the SeaTac Municipal Code, is hereby amended to read as follows:

**Section 7.25.100 Storage of certain vehicles and components prohibited.**

No person owning, leasing, renting, occupying, being in possession or having charge of any property in the City, including vacant lots, shall retain or store, except as may be permitted by any other City ordinance, any of the following:

- A. One or more wrecked, dismantled or partially dismantled, inoperative, or unlicensed (vehicle licensing plates and current tabs) and uninsured vehicles;
- B. Body parts, engines or drive-train parts, or any other parts, assemblies or components of automobiles and other motor vehicles;
- ~~C. Any recreational vehicle, boat or trailer within the required front yard, or within the required five-foot side yard setbacks, unless parked and stored within the driveway;~~
- ~~D. C.~~ Any pickup truck campers or canopies (not mounted on a pickup truck), unless safely located within the driveway or side yard, but not within the required side yard setback.

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

**ADOPTED** this 12th day of March, 2002, and signed in authentication thereof on this 12th day of March, 2002.

**CITY OF SEATAC**

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Kathy Gehring, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Robert L. McAdams, City Attorney

[Effective Date \_\_\_\_\_]

**ORDINANCE NO. 02-1008**

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Chapter 2.15 of the SeaTac Municipal Code to return the title of the Planning Advisory Committee to the original title Planning Commission, to conform references to the Planning Advisory Committee within the Zoning Code, and to modify reporting requirements of the Commission.

**WHEREAS**, RCW 35A.63.020 authorizes the City to create a planning agency by ordinance, pursuant to which the Council adopted Ordinance No. 90-1047, codified at Chapter 2.15 of the SeaTac Municipal Code, to create the authorized planning agency originally denominated the City Planning Commission; 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;

**WHEREAS**, the Task Force recommended various changes to the membership and duties of the Planning Commission and also recommended changing the title thereof to the Planning Advisory Committee; and

**WHEREAS**, by Ordinance No. 98-1024, the recommended changes were adopted by the Council and the appropriate changes were codified at Chapter 2.15 of the SeaTac Municipal Code; and

**WHEREAS**, most cities which have established a statutory planning agency employ the title "Planning Commission" and the said title is generally used in conversation, correspondence, textbooks and articles, and court opinions; and

**WHEREAS**, within the SeaTac Municipal Code, many references are made to the Planning Commission, necessitating a preface to Chapter 2.15 indicating that references "to the Planning Commission are intended to refer to the Planning Advisory Committee"; and

**WHEREAS**, the Council finds it appropriate to return the title of the Planning Advisory Committee to the original title Planning Commission and to make the same change where ever the term Planning Advisory Committee appears; and

**WHEREAS**, the Council also finds it appropriate to modify the reporting requirements set forth at SMC 2.15.135 and 2.15.140;

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

Section 1. Chapter 2.15 of the SeaTac Municipal Code is hereby amended to read as follows:

**Chapter 2.15**

**PLANNING ADVISORY COMMITTEE COMMISSION**

**2.15.010 Agency created.**

There is hereby created a planning agency to be known as "The Planning ~~Advisory Committee~~ Commission 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 five (5) members of the Planning ~~Advisory Committee~~ Commission. Three (3) of the members shall be residents of the City. Two (2) 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 fourth and/or fifth member shall be residents of the City.

#### **2.15.030 Appointment.**

The members of the Planning ~~Advisory Committee~~ Commission 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~~ of Ordinance No. 90-1047, the members of the Planning ~~Advisory Committee~~ Commission shall serve at the pleasure of the City Council for a term of three (3) years, or until appointment of a successor member, whichever is later. If a member of the Planning ~~Advisory Committee~~ Commission shall be absent, without prior notification and excuse, from three (3) consecutive regularly scheduled meetings of the ~~Committee~~ Commission, the Chairperson shall report that fact and circumstances to the Mayor, who may declare the position held by that member vacant and a new member may be appointed in the manner set forth at SMC 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 appointment shall be for a period of time not to exceed eight (8) months, unless extended by the Mayor, with concurrence of the City Council.

#### **2.15.050 Rules of procedure.**

The Planning ~~Advisory Committee~~ Commission shall elect its own Chairperson. A majority of the membership of the Planning ~~Advisory Committee~~ Commission 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 meeting of the Planning ~~Advisory Committee~~ Commission shall be deemed to be the action of the ~~Committee~~ Commission. The Planning ~~Advisory Committee~~ Commission 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 ~~Advisory Committee~~ Commission shall serve without compensation.

#### **2.15.070 Expenses.**

The City Council may appropriate funds within the budget of the Department of Planning and Community Development to provide for staff support and supplies for use of the Planning ~~Advisory Committee~~ Commission as may be approved by the Director of the Department. The City shall provide to the Planning ~~Advisory Committee~~ Commission adequate space and facilities and necessary supplies to facilitate the official business of the ~~Committee~~ Commission.

#### **2.15.080 Conflicts of interest.**

If any member of the Planning ~~Advisory Committee~~ Commission concludes that he or she has a conflict of interest or an appearance of fairness problem with respect to a matter pending before the ~~Committee~~ Commission, 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 ~~Committee~~ Commission, that member shall be disqualified from participating in the deliberations and the decision-making process with respect to that matter. 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 ~~Advisory Committee~~ Commission in regard to that particular matter.

### **2.15.090 Meetings.**

The Planning ~~Advisory Committee~~ Commission shall hold such meetings as may be required for the completion of its responsibilities, but regular meetings shall be held not less than bimonthly unless there is no business to be considered by the ~~Committee~~ Commission. The City Manager shall designate a City employee to act as staff liaison to the Planning ~~Advisory Committee~~ Commission. The staff liaison shall produce, in cooperation with the Chair, an agenda for distribution to the Council and interested persons and entities not later than one (1) week prior to the next meeting of the ~~Committee~~ Commission. The staff liaison shall attend each meeting of the ~~Committee~~ Commission and shall take and publish minutes of each meeting and each public hearing. The staff liaison shall provide copies of the agenda, the published minutes of meetings and public hearings to each member of the Planning ~~Advisory Committee~~ Commission and to each member of the City Council. Prior to any public hearing, the staff liaison person shall prepare and provide to the ~~Committee~~ Commission a City staff report and all appropriate documentary information. The membership of the Planning ~~Advisory Committee~~ Commission may, if desired, request that a Councilmember act as the staff liaison person.

### **2.15.100 Joint meetings authorized.**

The Planning ~~Advisory Committee~~ Commission may hold joint meetings with one (1) 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~~ Commission shall be as set forth in the following language of the report ~~in~~ on the Council's Task Force on Citizens Advisory Committees:

The ~~Committee~~ Commission 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~~ Commission 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~~ Commission in a manner that supports the Council's policies.

### **2.15.110 Comprehensive Plan.**

The Planning ~~Advisory Committee~~ Commission shall prepare 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 ~~Advisory Committee~~ Commission 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~~ Commission shall adhere to the City's Comprehensive Plan amendment procedures. If directed by the City Council, the Planning ~~Advisory Committee~~ Commission shall prepare and recommend a Comprehensive Plan and/or proposed zoning regulations for territory which may be annexed, and hold public hearings on such plans and regulations.

### **2.15.120 Development regulations.**

The Planning ~~Advisory Committee~~ Commission shall recommend to the City Council such development regulations which may be deemed necessary, but which shall be consistent with and shall implement the Comprehensive Plan, to include the following:

- A. Amendments to the Environmental Code, Chapter 13.30 SMC;
- B. Amendments to the Subdivision Code, SMC Title 14;
- C. Amendments to the Zoning Code, SMC Title 15, or the Official Zoning Map;
- D. Individual or City-wide rezones initiated by the City;
- E. Amendments to the Development Review Code, SMC Title 16;
- F. Hear applications for special district overlays as area zoning is adopted in conjunction with amendments to the Comprehensive Plan, pursuant to SMC 15.28.070(A);
- 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 ~~Advisory Committee~~ Commission 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 ~~Committee~~ Commission may undertake such surveys, analyses, research and reports as may be generally authorized or as may be specifically requested by the City Council. The ~~Committee~~ Commission 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 15th of each year, to coincide with the City's preliminary budget review process, the Planning ~~Advisory Committee~~ Commission shall submit to the City Council a work plan for the ensuing calendar year, together with 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. for the purpose of assisting the Council in establishing a budget to support the ~~Committee~~ Commission, as follows:

- 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 Summaries of planning progress public hearings.**

~~The Planning Advisory Committee shall 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, t~~The Planning ~~Advisory Committee~~ Commission shall provide to the City Council a written summary of every public hearing held by the ~~Committee~~ Commission ~~at the next a following study session or regular meeting of the City Council~~ but not less than two weeks prior to the Council's action on the subject of the public hearing.

Section 2. Subsection E of Section 15.22.035 of the SeaTac Municipal Code is hereby amended to read as follows:

E. CUP-EPF Review Process. All EPFs, once determined by the City not to be exempt as an EPF, shall be subject to the following CUP-EPF review procedure:

1. Project Notification. The applicant, after a preapplication 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.
3. 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~~ Commission appointing one (1) member, for each EPF-CUP application. The Ad Hoc Committee may include representatives of the Planning ~~Advisory Committee~~ Commission or other persons with detailed knowledge of City land use or transportation issues.
  - a. The City Council will establish a time frame of between thirty (30) to sixty (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 thirty (30) to sixty (60) day period, this time frame 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 and 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 subsection (F) of this section and prepare draft recommendations on each of the following:
  - a. Whether the project is consistent with each of the Ad Hoc Committee review criteria, subsection (F) of this section; and
  - b. Whether the project should include a special district overlay zone (defined in Chapter 15.28 SMC); 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~~ Commission and, upon receiving input of the Planning ~~Advisory Committee~~ Commission, shall prepare final written recommendations to the Hearing Examiner or City

Council.

5. 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;
- d. Timing of project.

6. Staff Report. The Department on Planning and Community Development shall prepare a staff report, which shall include ~~Planning Advisory Committee~~ Commission comments, as well as 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 and Decision. The designated hearing body shall hold a public hearing pursuant to SMC 16.03.040 to make findings and issue a decision. The notice of such public hearing shall be consistent with Chapter 16.09 SMC.

Section 3. Section 16.03.070 of the SeaTac Municipal Code is hereby amended to read as follows:

**16.03.070 ~~Planning Advisory Committee~~ Commission**

The ~~Planning Advisory Committee~~ Commission shall review and make recommendations on the following applications and subjects:

- A. Amendments to the Comprehensive Plan;
- B. Amendments to Chapter 13.30 SMC, Environmental Rules/Procedures;
- C. Amendments to SMC Title 14, Subdivisions;
- D. Amendments to SMC Title 15, Zoning Code, or the Official Map;
- E. Individual or Citywide rezones initiated by the City;
- F. Amendments to SMC Title 16, Development Code Administration;
- G. Other actions requested or remanded by the City Council.

Section 4. Subsection B of Section 16.15.020 of the SeaTac Municipal Code is hereby amended to read as follows:

B. Suggested amendments by the City Council, ~~Planning Advisory Committee~~ Commission, and City staff need not be docketed under this procedure, and may be considered on a more frequent basis than provided under this procedure.

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

**ADOPTED** this 12th day of March, 2002, and signed in authentication thereof on this 12th day of March, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 02-1009**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget to establish a project budget for the New City Hall.

**WHEREAS**, in 2001, the City purchased the property commonly referred to as the Valley Ridge Corporate Center; and

**WHEREAS**, this property was acquired for the purpose of locating the SeaTac City Hall at this location; and

**WHEREAS**, certain capital improvements are necessary to make optimum use of this building as a City Hall facility; and

**WHEREAS**, the Council has reviewed and approve a proposed project budget for improvements not to exceed \$4,986,233; and

**WHEREAS**, the Council has previously amended the 2002 Annual City Budget to provide for \$3 million in improvements;

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

Section 1. The 2002 Annual City Budget shall be amended to adopt Municipal Facilities Fund revenue in the amount of \$9,720,816.

Section 2. The 2002 Annual City Budget shall be amended to increase Municipal Facilities Fund expenditures by \$1,986,233.

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

**ADOPTED** this 9th day of April, 2002, and signed in authentication thereof on this 9th day of April, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante, Senior Assistant City Attorney

Effective Date: 04/17/02

**ORDINANCE NO. 02-1010**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget to include 2001 Budget Carryovers.

**WHEREAS**, certain expenditures were included in the 2001 Annual City Budget which were not initiated or completed during the 2001 fiscal year; and

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

**WHEREAS**, City staff recommend that the remaining expenditures be made in 2002;

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

Section 1. The 2002 Annual City Budget shall be amended to increase the total General Fund revenues by \$17,850 and General Fund expenditures by \$163,934.

Section 2. The 2002 Annual City Budget shall be amended to increase the total Arterial Street Fund expenditures by \$89,103.

Section 3. The 2002 Annual City Budget shall be amended to increase the total Hotel/Motel Tax Fund expenditures by \$22,500.

Section 4. The 2002 Annual City Budget shall be amended to increase the total SWM Utility Fund expenditures by \$7,500.

Section 5. The 2002 Annual City Budget shall be amended to increase the total SWM Construction Fund expenditures by \$26,769.

Section 6. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this 23rd day of April, 2002, and signed in authentication thereof on this 23rd day of April, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

Effective Date: \_05/01/02



**ORDINANCE NO. 02-1011**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget to provide for increased expenses and revenues.

**WHEREAS**, the City Council has approved a Consultant Contract for Project Management services; and

**WHEREAS**, it is prudent that a single jurisdiction manage the consultant contract; and

**WHEREAS**, the City of Des Moines, the Port of Seattle, and WSDOT have agreed to share in the cost of these project management services; and

**WHEREAS**, the jurisdictions have executed an Memorandum of Understanding (MOU) agreeing to reimburse the City for their share of the project management costs; and

**WHEREAS**, said revenue and expense was not anticipated in the 2002 Annual City Budget previously adopted by the City Council;

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

Section 1. The 2002 Annual City Budget shall be amended to increase revenue and expenditures in the Surface Water Management Fund by \$54,750.

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

**ADOPTED** this 23rd day of April, 2002, and signed in authentication thereof on this 23rd day of April, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

Effective Date: 05/01/02

**ORDINANCE NO. 02-1012**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget to Defer July 1 General Fund budget reductions.

**WHEREAS**, the 2002 Annual City Budget anticipated significant reductions in sales tax revenue, necessitating potential reductions in staffing; and

**WHEREAS**, the City Council requested quarterly budget reviews throughout the year to determine the continuing need for phased budget reductions; and

**WHEREAS**, the first quarter review indicates that sales tax collections might be recovering slightly; and

**WHEREAS**, the City Council desires to avoid layoffs for City staff if possible; and

**WHEREAS**, sufficient additional one-time revenue exists to defer the cuts scheduled for July 1 until October 1, 2002; and

**WHEREAS**, additional appropriation authority is required to retain these positions for one additional quarter;

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

Section 1. The 2002 Annual City Budget shall be amended to increase the total General Fund revenues by \$1,250 and to increase General Fund expenditures by \$43,742.

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

**ADOPTED** this 14th day of May, 2002, and signed in authentication thereof on this 14th day of May, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

Effective Date: \_05/22/02

**ORDINANCE NO. 02-1013**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget to reallocate Community Development Block Grant Funds (CDBG) for McMicken Heights Elementary School Improvements.

**WHEREAS**, the City Council has previously approved the expenditure of CDBG funds for improvements to Madrona and McMicken Heights Elementary Schools; and

**WHEREAS**, recent voter approval of a Highline School District bond issue will provide funds to improve Madrona Elementary School; and

**WHEREAS**, additional improvements can be made at McMicken Heights Elementary School with the CDBG funds designated for Madrona; and

**WHEREAS**, additional CDBG funds in the amount of \$8,975 are available in addition to the original \$90,000 allocation;

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

Section 1. The 2002 Annual City Budget shall be amended to increase the total General Fund revenues by \$18,975 and to increase General Fund expenditures by \$18,975, thus allowing for total improvements at McMicken Heights Elementary School in the amount of \$98,975.

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

**ADOPTED** this 14th day of May, 2002, and signed in authentication thereof on this 14<sup>th</sup> day of May, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

Effective Date: 05/22/02

**ORDINANCE NO. 02-1014**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget for the redemption of Local Improvement District #1 Bonds.

**WHEREAS**, in 2000, the City issued Local Improvement District #1 bonds associated with the 28<sup>th</sup>/24<sup>th</sup> Avenue S. arterial project; and

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

**WHEREAS**, sufficient assessment payments have been received to redeem \$290,000 in additional bonds on June 1, 2002; and

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

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

Section 1. The 2002 Annual City Budget shall be amended to increase both revenues and expenditures in the Special Assessment Debt Fund by \$290,000.

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 May, 2002, and signed in authentication thereof on this 28<sup>th</sup> day of May, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 02-1015**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget for an agreement with the Southwest King County Chamber of Commerce.

**WHEREAS**, the City Council has considered and approved agenda bill #2138 authorizing the City Manager to enter into a service agreement with the Southwest King County Chamber of Commerce for 2002; and

**WHEREAS**, funding for this agreement was provided for in the 2002 Annual City Budget in the Hotel/Motel Tax Fund; and

**WHEREAS**, the City Attorney has recommended that the funding be split between the General Fund and the Hotel/Motel Tax Fund;

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

Section 1. The 2002 Annual City Budget shall be amended to increase expenditures in the General Fund by \$5,000.

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 May, 2002, and signed in authentication thereof on this 28th day of May, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 02-1016**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget to provide additional funding for the Highline Botanical Garden.

**WHEREAS**, the City Council has approved Agenda Bill #2150 and Motion submitted by the City Manager's Office requesting additional funding assistance for the Highline Botanical Garden; and

**WHEREAS**, the associated costs were not anticipated in the 2002 Annual City Budget previously adopted by the City Council;

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

Section 1. The 2002 Annual City Budget shall be amended to increase the total Hotel/Motel Tax Fund expenditures by \$14,000.

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

**ADOPTED** this 11th day of June, 2002, and signed in authentication thereof on this 11th day of June, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 02-1017**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending SMC 15.15.130 regarding Off-Site Parking Location.

**WHEREAS**, the Zoning Code contains an existing provision that allows for location of up to 30% of required parking to be located on a site other than the subject parcel; and

**WHEREAS**, a proposed development has requested that this provision be applicable to neighboring nonprofit uses; and

**WHEREAS**, it is desirable to protect single family neighborhoods from incursion of parking of a commercial nature; and

**WHEREAS**, the ordinance provides for the case-by-case evaluation of whether off-site parking can be done safely and without impacts; and

**WHEREAS**, there is a public purpose in allowing for cost-savings for non-profit uses, since they often provide necessary services to the community; and

**WHEREAS**, the Comprehensive Plan supports the provision of human services to the community, (Goal 10.1); and

**WHEREAS**, a public hearing was held and testimony given in favor of the proposed changes; and

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

Section 1. Section 15.15.130 of the SeaTac Municipal Code is hereby amended to read as follows:

130.

**131. Off-Site Parking Location**

A. The City Manager, or designee, may authorize a portion of the ~~necessary~~ required parking for an accessory use (or for up to thirty percent (30%) of the primary use) to be located on a site other than the subject property if:

1. Adequate parking exists for the primary use on the subject property;
2. Adequate pedestrian, van or shuttle connection between the sites exists; and
3. The sites are within one (1) mile of each other; and
4. The site used for off-site parking is zoned to allow public/private parking as a permitted use.

A. Nonprofit uses adjacent to each other shall be allowed to share parking, regardless of zoning classification, provided that:

1. If the parking requires an expansion of the parking lot, all permit requirements otherwise required for such expansion (such as a conditional use permit and environmental (SEPA) review), must be met.
2. All requirements of SMC 15.15.130, subsections A 1-3 and C are met.

C. Criteria to be used by the City Manager or designee in authorizing off-site parking are:

1. Off-site parking shall be accessed only by employees, not by the general public;
2. The proposed connections between the sites are safe for pedestrians and vehicles.
3. The proposed plan is compatible with adjacent uses.
4. Off-site impacts are negligible or minimized.



5. A contingency plan is submitted by the applicant and approved by the City that would provide for the parking to be developed on the subject property or established elsewhere if the off-site parking arrangement is no longer available.

~~B.~~ D. Legal documentation is required for the approved, off-site parking location and shall be recorded with the City of SeaTac City Clerk and the Department of Planning and Community Development. Off-site parking may be removed only if alternative parking is provided in conformance with the code and such parking is approved by the City Manager or designee.

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

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

**ADOPTED** this 11th day of June, 2002 and signed in authentication thereof on this 11th day of June, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

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**ORDINANCE NO. 02-1018**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget to create the position of Deputy City Manager.

**WHEREAS**, the City Council has considered and approved a recommendation to create the position of Deputy City Manager; and

**WHEREAS**, salary savings are anticipated in the Public Works Department budget that will be sufficient to cover the salaries and benefits for the new position;

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

Section 1. The 2002 Annual City Budget shall be amended to transfer \$54,600 from the Public Works Department to the City Manager Department in the General Fund.

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

**ADOPTED** this 11th day of June, 2002, and signed in authentication thereof on this 11th day of June, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

ORDINANCE NO. 02-1019

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to solid waste management; ratifying, approving, and confirming, the grant of a franchise to Waste Management of Washington, Inc. d/b/a Washington Waste Hauling and Recycling, Inc. a/k/a Nick Raffo Garbage Co., Inc. ("Waste Management"), consistent with RCW 35.02.160; extending such franchise for solid waste handling; and alternatively granting certain franchise rights.

**THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:****Section 1. Recitals and Findings**

1.1 It is essential that residential, commercial and industrial solid waste be properly collected and recycled or disposed of in order to avoid adverse environmental and social effects.

1.2 The City has authorized and supported the provision of such services within the City by Waste Management of Washington, Inc. d/b/a Washington Waste Hauling and Recycling, Inc. d/b/a Nick Raffo Garbage Co., Inc. ("Waste Management") since the City's incorporation in 1990.

1.3 Prior to the City's incorporation in 1990, Waste Management operated a municipal solid waste collection business within the territory that became the City of SeaTac. Waste Management's pre-incorporation operations were pursuant to Certificate of Public Convenience and Necessity (G-Certificate #237) issued by the Washington Utilities and Transportation Commission (WUTC).

1.4 Under RCW 35.02.160, in effect at the time of the City's incorporation in 1990, the City's incorporation automatically canceled Waste Management's G-Certificate with respect to the incorporated areas.

1.5 RCW 35.02.160 further provided for the City to grant a franchise to Waste Management to enable Waste Management to continue its business in the City for a period of not less than five years.

1.6 Pursuant to RCW 35.02.160, following the City's incorporation, Waste Management had no authority to operate within City limits except pursuant to a grant of authority from the City.

1.7 Businesses are not allowed to operate in the City of SeaTac without obtaining a business license. Following incorporation, Waste Management obtained and has maintained a license from the City to operate its solid waste collection business. The City has not authorized competing businesses to operate within Waste Management's territory in the City.

1.8 Under Washington law, a franchise is the right of a public service business to use of city streets for the purpose of carrying on the business in which it is generally engaged. See, e.g., *Washington Fruit & Produce Co. v. City of Yakima*, 3 Wash.2d 152, 157-58, 100 P.2d 8, 103 P.2d 1106 (1940).

1.9. The City has allowed and permitted Waste Management the exclusive right to operate its solid waste collection business at all times since the City's incorporation in 1990. Since the incorporation, Waste Management has continuously operated its business in the City.

1.10 The City has not previously documented its grant of exclusive authority to Waste Management to continue to operate in the City or Waste Management's continued operation pursuant to such franchise.

1.11 Following incorporation, the City of SeaTac by ordinance authorized an interlocal agreement with King County, Washington to direct solid waste collected with the City to the King County Disposal system. Waste Management has operated in compliance with the interlocal agreement and City Ordinance.

1.12 The City Council's Transportation and Public Works Committee reviewed this issue at its February 5, 2002 and June 18, 2002 meetings and recommended adoption of this ordinance to the City Council.

1.13 The Council finds that this ordinance is in the best interest of the public and necessary for the public health and safety of the community.

Section 2. Franchise Ratified. Consistent with RCW 35.02.160, the City hereby reaffirms the grant of the franchise granted upon the City's incorporation to Waste Management to continue to operate its business in the City. The City further confirms that the franchise was and is on the same terms as Waste Management operated under its G-Certificate prior to City incorporation.

Section 3. Term-Extension. The term of the franchise commenced upon the City's incorporation and shall continue through December 31, 2002. Thereafter, the franchise shall automatically renew on the same terms and conditions for additional one-year terms, provided however, that if the City gives Waste Management written notice nine-months prior to the end of any term (i.e., nine months prior to the end of any calendar year) of the City's intent to allow the franchise to expire, the franchise shall expire at the end of that term.

Section 4. Alternative Franchise Grant. In the event that a court of competent jurisdiction rules that the exclusive rights granted to Waste Management to continue its business following incorporation do not satisfy the franchise requirements of RCW 35.02.160, this ordinance alternatively constitutes a grant of a franchise to Waste Management, consistent with RCW 35.02.160. The franchise shall be on the same terms as those under which Waste Management operated pursuant to its G-certificate, or such other terms as the parties may agree from time to time.

Section 5. Service and Charges. Consistent with the franchise, Waste Management shall not change rates or services levels without authorization from the City.

Section 6. Replacement Franchise. Waste Management and the City may determine to replace the applicable franchise with a written contract.

Section 7. Compliance with Law. Consistent with the applicable franchise, Waste Management shall continue to comply with all City, County, State and Federal laws and regulations applicable to the services provided under its franchise.

Section 8. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 9. Ratification. All actions consistent with this ordinance taken prior to the effective date of this ordinance are hereby ratified, approved and confirmed.

Section 10. Effective Date. This ordinance shall be in full force and effect five (5) days after passage by a majority of the full Council and publication.

**ADOPTED** this 25th day of June, 2002, and signed

in authentication thereof on this 25<sup>th</sup> day of June, 2002.

**CITY OF SEATAC**

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Kathy Gehring-Waters, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Robert L. McAdams, City Attorney

(Effective Date:\_)

ORDINANCE NO. 02-1020

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to solid waste management; ratifying, approving, and confirming, the grant of a franchise to Rabanco Ltd. & Rabanco Recycling, Inc. d/b/a Rabanco Companies, Tri-County Disposal a/k/a SeaTac Disposal Co., consistent with RCW 35.02.160; extending such franchise for solid waste handling; and alternatively granting certain franchise rights.

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

Section 1. Recitals and Findings

1.1 It is essential that residential, commercial and industrial solid waste be properly collected and recycled or disposed of in order to avoid adverse environmental and social effects.

1.2 The City has authorized and supported the provision of such services within the City by SeaTac Disposal since the City's incorporation in 1990.

1.3 Prior to the City's incorporation in 1990, Rabanco Ltd. & Rabanco Recycling, Inc. d/b/a Rabanco Companies, Tri-County Disposal a/k/a SeaTac Disposal Co. ("Rabanco") operated a municipal solid waste collection business within the territory that became the City of SeaTac. Rabanco's pre-incorporation operations were pursuant to Certificate of Public Convenience and Necessity (G-Certificate #12) issued by the Washington Utilities and Transportation Commission (WUTC).

1.4 Under RCW 35.02.160, in effect at the time of the City's incorporation in 1990, the City's incorporation automatically canceled Rabanco's G-Certificate with respect to the incorporated areas.

1.5 RCW 35.02.160 further provided for the City to grant a franchise to Rabanco to enable Rabanco to continue its business in the City for a period of not less than five years.

1.6 Pursuant to RCW 35.02.160, following the City's incorporation, Rabanco had no authority to operate within City limits except pursuant to a grant of authority from the City.

1.7 Businesses are not allowed to operate in the City of SeaTac without obtaining a business license. Following incorporation, Rabanco obtained and has maintained a license from the City to operate its solid waste collection business. The City has not authorized competing businesses to operate within Rabanco's territory in the City.

1.8 Under Washington law, a franchise is the right of a public service business to use of city streets for the purpose of carrying on the business in which it is generally engaged. See, e.g., *Washington Fruit & Produce Co. v. City of Yakima*, 3 Wash.2d 152, 157-58, 100 P.2d 8, 103 P.2d 1106 (1940).

1.9. The City has allowed and permitted Rabanco the exclusive right to operate its solid waste collection business at all times since the City's incorporation in 1990. Since the incorporation, Rabanco has continuously operated its business in the City.

1.10 The City has not previously documented its grant of exclusive authority to Rabanco to continue to operate in the City or Rabanco's continued operation pursuant to such franchise.

1.11 Following incorporation, the City of SeaTac by ordinance authorized an interlocal agreement with King County, Washington to direct solid waste collected with the City to the King County Disposal system. Rabanco has operated in compliance with the interlocal agreement and City Ordinance.

1.12 The City Council's Transportation and Public Works Committee reviewed this issue at its February 5, 2002 meeting, recommending adoption of this ordinance to the City Council.

1.13 The Council finds that this ordinance is in the best interest of the public and necessary for the public health and safety of the community.

Section 2. Franchise Ratified. Consistent with RCW 35.02.160, the City hereby reaffirms the grant of the franchise granted upon the City's incorporation to Rabanco to continue to operate its business in the City. The City further confirms that the franchise was and is on the same terms as Rabanco operated under its G-Certificate prior to City incorporation.

Section 3. Term-Extension. The term of the franchise commenced upon the City's incorporation and shall continue through December 31, 2002. Thereafter, the franchise shall automatically renew on the same terms and conditions for additional one-year terms, provided however, that if the City gives Rabanco written notice nine-months prior to the end of any term (i.e., nine months prior to the end of any calendar year) of the City's intent to allow the franchise to expire, the franchise shall expire at the end of that term.

Section 4. Alternative Franchise Grant. In the event that a court of competent jurisdiction rules that the exclusive rights granted to Rabanco to continue its business following incorporation do not satisfy the franchise requirements of RCW 35.02.160, this ordinance alternatively constitutes a grant of a franchise to Rabanco, consistent with RCW 35.02.160. The franchise shall be on the same terms as those under which Rabanco operated pursuant to its G-certificate, or such other terms as the parties may agree from time to time.

Section 5. Service and Charges. Consistent with the franchise, Rabanco shall not change rates or services levels without authorization from the City.

Section 6. Replacement Franchise. Rabanco and the City may determine to replace the applicable franchise with a written contract.

Section 7. Compliance with Law. Consistent with the applicable franchise, Rabanco shall continue to comply with all City, County, State and Federal laws and regulations applicable to the services provided under its franchise.

Section 8. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 9. Ratification. All actions consistent with this ordinance taken prior to the effective date of this ordinance are hereby ratified, approved and confirmed.

Section 10. Effective Date. This ordinance shall be in full force and in effect five (5) days after passage by a majority of the full Council and publication.

**ADOPTED** this 25<sup>th</sup> day of June, 2002, and signed

in authentication thereof on this 25<sup>th</sup> day of June, 2002.

**CITY OF SEATAC**

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Kathy Gehring-Waters, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Robert L. McAdams, City Attorney

(Effective Date:\_)



**ORDINANCE NO. 02-1021**

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending certain Sections of Chapter 5.35 of the SeaTac Municipal Code regarding fireworks, to comply with recent amendments to State law and to prohibit sale or use of fireworks from December 27 through January 1 of each year.

**WHEREAS**, the City Council of the City of SeaTac has adopted Ordinances regulating fireworks within the City, codified as Chapter 5.35 of the SeaTac Municipal Code; and

**WHEREAS**, the Washington State Legislature adopted Engrossed Second Substitute Senate Bill 6080 as Chapter 370 of the Laws of 2002, which amended definitions and otherwise affected fireworks regulations in the State of Washington, including those of the City; and

**WHEREAS**, one of the new provisions of the Legislative Act provides for an expanded period of time during which fireworks may be sold, purchased, used and discharged from December 27 through December 30, in addition to the previous period of December 31 through January 1; and

**WHEREAS**, the Legislative Act also provided that cities and counties may, by ordinance, prohibit the sale or discharge of consumer fireworks during this expanded period of time from December 27 through December 30, 2002, and thereafter; and

**WHEREAS**, the City prohibits sale and use of consumer fireworks at any time except on the 4<sup>th</sup> of July of each year and now finds that the said prohibition should include the period of December 27 through December 30, 2002 and each year thereafter;

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

Section 1. Section 5.35.010 of the SeaTac Municipal Code is hereby amended to read as follows:

The words and phrases herein used for the purposes of this chapter shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

A. The term "Common fireworks" includes only such fireworks that have been ~~includes only such fireworks that have been~~ shall have the meaning defined in RCW 70.77.1326.

B. The terms "Dangerous display fireworks", "consumer fireworks", and "articles pyrotechnic" shall have the meanings defined in ~~includes all fireworks which do not meet the common fireworks definition under RCW Chapter 70.77.436~~ RCW. Consumer fireworks shall further be limited to those on file pursuant to RCW 70.77.575.

C. "Fireworks stands" includes all ~~displays and~~ locations where consumer fireworks are displayed in connection with sale of fireworks, offered for sale or are stored. Fireworks stands includes temporary ~~fireworks stands~~ as well as permanent structures where fireworks are offered for sale or are stored.

D. "License" means the state authorization defined in RCW 70.77.170.

E. "Permit" means the official authorization granted by the City for the purpose of establishing and maintaining a place within the City where fireworks are manufactured, constructed, produced, packaged,

stored, sold, or exchanged and the official authorization granted by the City for a public display of fireworks.

~~DE.~~ "Person" includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate or any other group or combination acting as a unit.

~~EG.~~ "Public display of fireworks" means an entertainment feature where the public ~~is or could be~~ admitted or ~~permitted~~ allowed to view the display or discharge of ~~dangerous display~~ fireworks.

~~FH.~~ "Sale at retail" includes any offer to sell, sale or transfer ~~exchange for consideration~~, including contracts or orders for sales or ~~transfers, exchanges wherein any person~~ at a fixed location or a place of business ~~sells, transfers or gives~~ of consumer fireworks to a consumer or user.

~~GI.~~ "Sale at wholesale" includes a sale or transfer of consumer fireworks to a retailer or any other person for resale, and ~~which~~ also includes any sale or transfer of display fireworks to a ~~permittee of a public display of fireworks~~ licensee.

Section 2. Section 5.35.020 of the SeaTac Municipal Code is hereby amended to read as follows:

Each of the following are hereby declared to be unlawful within the City:

A. For any person to offer for sale, at retail or wholesale, or to sell, at retail or wholesale, any fireworks without having first obtained a permit ~~or~~ and license to do so;

B. For any person to sell, purchase, possess, use, discharge, ~~or explode,~~ or make a public display of any fireworks except as provided in this chapter and by state law;

C. For any person to sell, at retail or wholesale, or offer for sale, at retail or wholesale, any consumer fireworks ~~to be sold~~ within the City at any time, including ~~on the period from December 31, 2002 through and January 1, 2002 and the same period every year thereafter,~~ except during the period from 9:00 a.m. to 9:00 p.m. on the 4th of July of any every year;

D. For any person to use, discharge or explode any fireworks in a negligent or reckless manner, or during a period other than from 9:00 a.m. to 11:00 p.m. on the 4th of July of any year.

For the purposes of this section, "negligent manner" means in a manner which endangers or is likely to endanger persons or property.

For the purposes of this section "reckless manner" means in a manner with willful and wanton disregard for the safety of persons or property;

~~E. For the purposes of this section "during a period other than from 9:00 a.m. to 11:00 p.m. on the 4th of July of any year" includes on December 31 and January 1, so as to provide that no fireworks may be sold, purchased, used and/or discharged on December 31 and January 1;~~

~~FE.~~ For any person to sell, at retail or wholesale, or to offer for sale, at retail or wholesale, consumer fireworks to any person under the age of sixteen (16) years of age. It shall be the responsibility of any seller of consumer fireworks to obtain and/or require proof of age of any customer at the time of purchase, which proof requirement may be satisfied by inspecting the customer's valid Washington State Photo Driver's License or valid Washington State ~~Photo~~ Identification Card or the equivalent thereof issued by another state or jurisdiction;

~~GE.~~ For any person under the age of sixteen (16) years of age to purchase, possess or to discharge any

fireworks within the City without direct supervision of an adult.

Section 3. Section 5.35.060 of the SeaTac Municipal Code is hereby amended to read as follows:

~~The sale at retail of any fireworks other than common consumer fireworks is prohibited; provided, however, that toy pistols, toy canes, toy guns or other similar devices, in which paper caps containing not more than 25/100ths of a grain of explosive compound for each cap is used, may be sold at any time. The transfer of dangerous fireworks, whether by sale, at wholesale or retail, by gift or by means of conveyance, or the delivery of any fireworks to any person who does not possess a valid permit issued pursuant to Section 5.35.050 of this chapter at the time of such transfer is prohibited, except as permitted by state law and this chapter, including Section 5.35.080.~~

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

**ADOPTED** this 9<sup>th</sup> day of July, 2002, and signed in authentication thereof on this 9<sup>th</sup> day of July, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 02-1022**

AN ORDINANCE of the City Council of the City of SeaTac, Washington authorizing the purchase of a Xerox digital plan copier/printer/scanner and amending the 2002 Annual City Budget to effect interdepartmental General Fund transfers into the Finance Department's Computer Hardware line item to provide funding of \$25,800 for the purchase.

**WHEREAS**, the 2002 Annual City Budget contains an appropriation of \$8,000 within the Finance Department's "Computer Hardware" BARS Line Item 001.000.04.594.18.64.094 to provide payment for a replacement pen plotter; and

**WHEREAS**, the 2002 Annual City Budget contains an appropriation of \$12,500 within the Public Works "Tools and Equipment" BARS Line Item 001.000.11.594.32.64.097 to provide payment for a replacement full-size plan copier; and

**WHEREAS**, the Council finds it desirable and necessary to authorize purchase of a combination full-size plan copier/printer/scanner at a cost of approximately \$25,800 and to effect interdepartmental transfers of General Fund monies to provide for payment of the said equipment;

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

Section 1. The 2002 Annual City Budget is hereby amended to decrease the following departmental budgets within the General Fund, by the amounts shown, with no net impact on the General Fund budget total:

Department/Division	BARS Line Item Number	Amount
City Clerk	001.000.05.514.30.41.000	\$ 1,100
Parks	001.000.10.594.76.62.002	\$ 2,600
Public Works	001.000.11.594.32.64.097	\$12,500
Building Division	001.000.11.559.60.41.000	\$ 1,600
Total		\$17,800

Section 2. The 2002 Annual City Budget is hereby amended to increase the following departmental budget within the General Fund, by the amount shown, with no net impact on the General Fund Budget total:

Department/Division	BARS Line Item Number	Amount
Finance	001.000.04.594.18.64.094	\$17,800

Section 3. The City Manager is authorized and directed to effect the purchase of one Xerox 8830 2Roll full-size digital plan copier/printer/scanner using monies within the increased Finance Department BARS Line Item identified above, and to take all actions necessary to complete the purchase of the said equipment and such accessories and maintenance or service contracts as may be deemed necessary.

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

**ADOPTED** this 9<sup>th</sup> day of July, 2002, and signed in authentication thereof on this 9<sup>th</sup> day of July, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 02-1023**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the City's Sign Code, Chapter 15.16 of the SeaTac Municipal Code, regarding directional and informational signs, adding a section to create regulations for secondary signage such as banners, portable signs, and event signage, and making other clarifying and/or technical amendments to the Sign Code, and repealing certain sections of the criminal code related to signs and posters.

**WHEREAS**, the purposes of the Sign Code are to allow signs that promote local businesses and which are responsive to the needs of the public in locating a business, while also enhancing the visual environment of the City; and

**WHEREAS**, businesses requested that the City Council review the Sign Code and consider amendments to allow greater flexibility in advertising; and

**WHEREAS**, the City Council desires to support businesses within the City, while avoiding visual clutter; and

**WHEREAS**, for these reasons the City Council finds it necessary to amend the Sign Code to allow for additional signage; and

**WHEREAS**, certain technical and clarifying amendments to the Sign Code are recommended by legal counsel; and

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

Section 1. Chapter 15.16 of the SeaTac Municipal Code is hereby amended to read as follows:

## **Chapter 15.16 Sign Code**

### **Sections:**

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<b>15.16.010</b>	<b><del>General Provisions</del> <u>Purpose</u></b>
<b>15.16.015</b>	<b><u>Applicability</u></b>
<b>15.16.020</b>	<b>Definitions</b>
<b>15.16.025</b>	<b><del>Number of Primary Signs Permitted</del> <u>General Sign Provisions</u></b>
<b>15.16.030</b>	<b>Commercial/Office/Industrial Zone Classification Signs</b>
<b>15.16.040</b>	<b>Multi-Family Residential Zone Classification Signs</b>
<b>15.16.060</b>	<b>Single-Family Residential Zone Classification Signs</b>
<b>15.16.070</b>	<b><u>Signage-Zero (0') Front Property Line Setback Criteria</u></b>
<b>15.16.080</b>	<b><del>Temporary and Special Signs</del> <u>Secondary Signage</u></b>
<b>15.16.087</b>	<b><u>Political Signs</u></b>
<b>15.16.088</b>	<b><u>Real Estate Signs</u></b>

<b>15.16.089</b>	<b>Garage and Yard Sale Signs</b>
<b>15.16.090</b>	<b>Exempt Signs or Displays</b>
<b>15.16.110</b>	<b>Prohibited Signs</b>
<b>15.16.115</b>	<b>Electronic Signs</b>
<b>15.16.120</b>	<b>Nonconforming Signs</b>
<b>15.16.125</b>	<b>Billboards</b>
<b>15.16.126</b>	<b>Sign Inventory Survey – Costs</b>
<b>15.16.130</b>	<b>Permits and Fees</b>
<b>15.16.140</b>	<b>Requirements Applicable to All Signs</b>
<b>15.16.150</b>	<b>Administration, Enforcement and Sign Removal</b>
<b>15.16.160</b>	<b>Variance from Sign Code</b>
<b>15.16.170</b>	<b>Repealed</b>
<b>15.16.180</b>	<b>Appeals</b>

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### **15.16.010 ~~General Provisions~~ Purpose**

- A. This chapter shall be known as the SeaTac Sign Code, may be cited as such, and will be referred to herein as “this code.”
- B. The purpose and scope of this code is to protect the health, safety, property and welfare of the citizens of the City of SeaTac (hereafter “City”), by establishing standards for the design, placement, size and maintenance of all exterior signs and sign structures in the City. Furthermore, it is the purpose of the regulations, standards and criteria of this code to permit and encourage the design of signs which are responsive to the needs of the public in locating a business establishment by identification, address and product and/or services information.

### **15.16.015 ~~Applicability~~**

- A. The provisions of this chapter shall apply to all exterior signs visible from public or private streets, and all signs in the interior of a building intended to be viewed from the exterior.
- B. All signs not specifically defined and allowed or exempted by this code are prohibited.
- C. Permits shall be required of all signs nine (9) square feet or greater in surface area, and illuminated or electronic signs of any size. Nonilluminated signs less than nine (9) square feet in surface area are not required to obtain a permit, but must meet all requirements of this code.

### **15.16.020 Definitions**

- 1. Animation.** Movement or the appearance of movement of a sign display through the use of patterns of lights, changes in color or light intensity, computerized special effects, video display, or through any other method; except for the scrolling of a static message or scene onto or off a sign board in one direction per message. Note that animation is prohibited per SMC 15.16.110(E D).
- 2. Area or Surface Area of Sign.** The area of a sign excluding sign support structures, which do not form part of the sign proper or the display. Surface area shall be measured as follows:
  - a. ~~“Surface area” includes only one (1) face of a double-faced sign.~~ The "surface area" of the sign is determined by the height times the width of a typical rectangular sign, or other appropriate mathematical computation of surface area, for non-rectangular signs.
  - b. "Surface area" includes only one (1) face of a double-faced sign where the faces of the sign are parallel. If any face is off-set from parallel by more than five (5) degrees, such face shall be

counted as a separate surface area.

- b. c. "Surface area" of a sign with more than two faces, such as a cube or pyramid, shall be calculated as the sum of the surface area of all faces, divided by two.
- e. d. In the event of an irregular, three-dimensional object that serves as signage, where the surface area is not readily measurable, the surface area shall be calculated by the largest area of the three-dimensional object visible from any one viewing angle.



### **Figure 15.16.020a. SIGN SURFACE AREA CALCULATION**

2.2 Awning. A roof-like cover that projects from the wall of a building for the purpose of shielding a door or window from the elements. See Figure 15.16.020a.1.



### **Figure 15.15.020a.1. AWNING**

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2.3 Awning Sign Any sign erected upon, or against an awning.

2.5 Banner. A sign of a nonpermanent nature constructed of nonrigid materials.

2.6 Banner, Decorative Pole-Mounted. A cloth or fabric banner without text or corporate logos mounted to a pole and secured at the top and bottom.

3. **Billboard.** Generally, a large outdoor advertising sign with two (2) structural supports, containing a message, commercial or otherwise, unrelated ~~or related~~ to any the use or activity on the property on which the sign is located, and which is customarily leased for commercial purposes, but not including attached directional signs (not within the billboard face) as defined herein. The approximate sizes of the billboard faces range from twelve (12) to fourteen (14) feet in height and



twenty-four (24) to forty-eight (48) feet in width.

4. **Building-Mounted Sign.** A single or multiple-faced sign of a permanent nature, made of rigid material, attached to the facade of a building or the face of a marquee.



**Figure 15.16.020b. BUILDING MOUNTED (WALL) SIGN**

5. **Canopy.** A freestanding structure affording protection from the elements to persons or property thereunder.
6. **Canopy-Mounted Sign.** Any sign or awning erected upon, or against, or directly above a canopy.

**Figure 15.16.020c. CANOPY SIGN**

Graphic to be added



7. **Community Use.** A public community center, library, museum, park, city hall, fire station or other public use operated for the benefit of the community.
8. **Construction Sign.** An informational sign which identifies the architect, engineers, contractors and other individuals of firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.

**8.5 Dawn to Dusk.** That time of the day between sunrise and sunset.

9. **Directional Sign.** A single or double-faced sign not exceeding nine (9) square feet in surface area designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience.

**Interior Directional Sign.** Directional signs oriented to the interior of a site and at least thirty (30) feet from the right-of-way, or not readable from the street.

**Perimeter Directional Sign.** Directional signs oriented to and readable from the street.

10. **Display.** The visual information shown on a sign, including text, graphics, pictures, lights, and

background.

11. **Electronic Sign.** A sign containing a display that can be changed, by electrical, electronic or computerized process. See SMC 15.16.115 for requirements regarding electronic signs.
12. **Façade.** The exterior wall face of a building, extending from the ground to the top of the parapet or eaves, but not including any portion of the roof. Each side of a building, (i.e. each architectural elevation) is considered one façade (See Figure 15.16.020(c)(1). For buildings with more than one occupant, the façade for each occupant shall be that portion of the exterior wall face between the points where the interior walls between tenants intersect with the exterior wall.

**Figure 15.16.020 c.1. FAÇADE**



13. **Flashing.** A sign display that appears for less than one and one-half (1.5) consecutive seconds.
14. **Freestanding Sign.** A sign permanently mounted into the ground, supported by poles, pylons, braces or a solid base and not attached to any building. Freestanding signs include those signs otherwise known as "pedestal signs," "pole signs," "pylon signs," and "monument signs." ~~that has one (1) or two (2) (architecturally covered) columns supporting a sign and limited to the height standards established in this code.~~



**Figure 15.16.020 d. FREESTANDING SIGN**

15. **Grade (Ground Level).** The elevation or level of the street (or parking lot) closest to the sign to which reference is made. In cases where the property on which the sign is located is lower than the immediately adjacent street level, the ground level shall be considered the street level to facilitate visibility of signage.
16. **Height of Sign.** The vertical distance from the grade to the highest point of a sign or any vertical

projection thereof, including its supporting columns, or the vertical distance from the relative ground level in the immediate vicinity.

17. **Holographic Display.** Any display that creates a three-dimensional image through projection. (Note: Holographic Displays are prohibited by SMC 15.16.110(G)).

17.5 Inflatable Object. An inflatable object larger than 18 inches in diameter, such as a blimp, large air balloon or inflatable sport equipment, used to attract attention to a special event or grand opening.

18. **Incidental Informational Sign.** ~~Small signs, A single or double-faced sign not exceeding nine (9) square feet or less in surface area, intended primarily for the convenience of the public or to ensure the orderly operation of the site, .Included are including, but not limited to signs designating restrooms, address numbers, hours of operation, business directories entrances to buildings, directions, help wanted, public telephone, and instructions regarding parking. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business building or development by means of a directory designating names and addresses only. Promotional signs are not considered incidental signs.~~

Interior Informational Sign. Informational signs oriented to the interior of a site and at least thirty (30) feet from the right-of-way, or not readable from the street.

Perimeter Informational Sign. Informational signs oriented to and readable from the street.

19. **Marquee.** ~~A covering structure projecting horizontally from and attached to a building, affording protection from the elements to persons or property thereunder. A permanent roof-like structure extending from part of a wall of a building a maximum of six (6) feet and supported solely by the building.~~
20. **Marquee Sign.** ~~A sign mounted to the fascia of a Marquee. Any sign that forms part of or is integrated into a marquee and that does not extend above the height or beyond the limits of such marquee.~~ Also considered an extension of a building-mounted sign.

#### Figure 15.16.020d.1. Marquee/Marquee Sign

aphic to be added



21. **Message.** In an electronic sign, a set of sequential displays that convey related information about a product, service or company.
22. **Monument Sign.** A ground-mounted, fixed sign with a height ranging from five (5) to fifteen (15) feet above the average ground elevation. The base (not included in the sign surface area calculation) is attached to the ground as a wide base of solid construction.



**Figure 15.16.020e. MONUMENT SIGN**

23. **Multiple Building Complex.** A group of structures housing more than one (1) type of retail business, office or commercial venture, and generally under one ownership and control.
24. **Multiple Occupancy Building.** A single structure housing more than one (1) type of retail business office or commercial venture.
25. **Noncommercial Public Service Sign.** Noncommercial signs devoted to religious, charitable, cultural, governmental or educational messages. ~~including, but not limited to, the advertising of events sponsored by a governmental agency, school, church, civic or fraternal organization or other organization engaged in activities for profit.~~
26. **Office Building.** An office building as defined by the City of SeaTac Zoning Code.
27. **Parapet.** That portion of a building wall which extends above the roof of the building on all building facades (See Figure 15.16.020f).
28. **Parapet Sign.** Any sign erected upon the parapet of a building, not to exceed the height of any roof structures housing building/ventilation equipment.

**Figure 15.16.020f. PARAPET**



28.5 **Pennants.** A triangular tapering flag made of any lightweight fabric or other non-rigid material suspended in a series from a rope, wire, or string.

29. **Penthouse.** A structure on top of a building roof which houses an elevator shaft or similar form.

30. **Political Sign.** Signs advertising a candidate or candidates for public elective office or a political party, or signs urging a particular vote on a public issued decided by ballot.

30.5 **Portable Sign.** A movable sign that is not permanently attached to a structure or the ground. Portable signs include A-frame signs, and signs mounted on a portable base, but not portable readerboards.

30.6 **Porte-Cochere.** A covering structure projecting horizontally from and attached to a building, affording protection from the elements; typically used for loading and unloading of vehicles.

31. **Primary Sign(s).** All permitted permanent monument/freestanding and building-mounted signs (see SMC 15.16.030 and 15.16.040). signs of a user which are not exempt (see SMC 15.16.090). The term “primary sign” is intended to include virtually all signs of a commercial nature.

32. **Property Line.** The line denoting the limits of legal ownership of property.

33. **Readerboard.** A sign or part of a sign on which the letters are replaceable by manual means, such as changing magnetic letters on a sign board.

34. **Roof Sign.** A sign or sign structure erected above a roof, parapet, canopy, or porte cochere of a building or structure.

35. **Scrolling.** The vertical movement of a static message or display on an electronic sign.

35.5 **Secondary Signs.** Allowable signage not falling within the definition of a primary sign: includes directional and informational signs, as well as temporary signs and displays. (See SMC 15.16.080).

36. **Sign.** All surfaces/structures (permitted, exempt, or prohibited) regulated by this chapter that have letters, figures, design, symbols, trademark or devices intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever.

37. **Sign, Off-premises.** A sign which displays a message relating to a use of property or sale of goods or services at a location other than that on which the sign is located.

38. **Sign, On-premises.** A sign which displays a message which is directly related to the use of the property on which it is located.

39. **Single Occupancy Building.** A commercial building or structure with one (1) major enterprise. A building is classified as “single occupancy” only if:

- a. It has only one (1) occupant;
- b. It has no wall in common with another building; and
- c. It has no part of its roof in common with another building.

~~40. **Special Signs.** See “Temporary and Special Signs.”~~

40. **Subdivision Signs.** Signs used to identify a land development of a residential nature.

41. **Streamer.** A long narrow strip of lightweight fabric or other material suspended in a series from a

rope, wire, or string.

42. **Surface Area.** See “Area or Surface Area of Sign.”

43. **Surface Area of Facade.** The area of that continuous front, side or back surface, including doors and windows, but excluding any roof area and structures or elevators or air conditioning equipment thereon; provided, that in the case of a roof sign, the surface area of the facade shall be the area of that continuous front, side or back surface immediately beneath the roof, including doors and windows, but excluding the roof area and structures for elevators or air conditioning thereon.

~~44. **Temporary Freestanding and Special Signs.** A nonpermanent sign securely attached to the ground, intended for use for a limited period of time. ~~and includes any banner, pennant or advertising display constructed of canvas, fabric, wood, plastic, cardboard or wallboard, with or without a frame. Different types of temporary and special signs included in this category are: construction signs, grand opening displays, real estate signs, open house signs, residential land subdivision signs and subdivision directional signs.~~~~

45. **Travelling.** The horizontal movement of a static message or display on an electronic sign.

46. **Window Sign.** All signs located inside and affixed to or within three (3) feet of a window of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. The term does not include merchandise located within three (3) feet of a window.

## **15.16.025 General Sign Provisions Number of Primary Signs Permitted**

### **A. Number of Primary Signs.**

1. Primary signage, consisting of monument/free-standing signage and façade/building-mounted signage, is allowed within the commercial/industrial/office zones, multi-family zones, and for churches, schools and community uses in the Single Family Residential zones as described in SMC 15.16.030, 15.16.040, and 15.16.060. Within these For all zoning classifications, only one monument/free-standing sign is allowed per site, as described in subsection (B) below. A site shall be considered a single business, multiple-occupancy building, or multiple building complex. Each business shall also be allowed the façade signage described within SMC 15.16.030(B)(2) or SMC 15.16.040(B)(2).

~~B.-2. For all zoning classifications, w~~Where a site has multiple street frontages, one monument/freestanding sign shall be allowed on each street frontage, providing that there shall be a minimum of 100' between each freestanding sign.

### **B. Site.**

A site shall be considered to be the largest applicable area of the following:

1. A single business located on one or more tax parcels;

2. Multiple uses sharing the area of one or more tax parcels, whether in a multiple-occupancy building, a multiple building complex, or other common use of a parcel for business operations.

### **C. Secondary Signage.**

Secondary signage shall be allowed in commercial/industrial/office zones, multi-family zones, and for churches, schools and community uses in the Single-family residential zones as described in section 15.16.080.

**D. Street Identification.**

Each enterprise, including each building in a multiple building complex, shall display and maintain on-premises street address number identification.

**E. Each Sign Complete.**

In no case shall any sign contain a letter, word, or phrase that is continued onto another sign.

**15.16.030 Commercial/Office/Industrial Zone Classification Signs****A. General.**

~~1. In general, signs should be sealed to the building to which the sign is related. Accordingly, the following sections contain regulations on the area, number and height of signs which are a function of the size of the building to which the sign is related.~~

~~2. Each enterprise shall display and maintain on-premises street address number identification.~~

1. This section regulates signs in the following zones: NB, CB, CB-C, ABC, I, O/CM, and BP.

2. Illumination. Monument/freestanding and building-mounted signs in the commercial/office/industrial zones may be illuminated through internal and external illumination, provided that such illumination does not create glare on adjacent properties or traffic corridors, and that the following conditions are met:

a. Internal Illumination. Internal Illumination shall be allowed, provided that if the sign is located adjacent to or across from a single family zone, one of the following methods shall be used:

i. only the lettering and symbols on the sign shall be illuminated; or

ii. If the entire cabinet is illuminated, the background shall be a dark shade or color that minimizes glare, with the foreground (letters and symbols) being light or contrasting.

b. External Illumination. If external illumination is used, documentation shall be provided that clearly shows that light or glare from the external illumination will not impact traffic corridors or adjacent properties. The type of external illumination shall be approved by the City Manager or designee prior to issuance of a sign permit.

**B. Standards.** ~~The following standards regulate signs in the following zones NB, CB, ABC, I, O/CM, BP:~~

**1. Monument and Freestanding Signs.** Any monument or freestanding sign must be “integrated,” that is, all elements of the sign must be incorporated in a single design. Auxiliary projections or attachments not a part of a single design are prohibited. Poles or other supports must be architecturally covered, painted, or otherwise treated to prevent weathering, and to coordinate with the design of the sign. Monuments and freestanding signs may be illuminated through internal and external illumination. Internal or external illumination shall not create glare on adjacent traffic corridors. If external illumination is used, documentation shall be provided that clearly shows that light or glare from the external illumination will not impact traffic corridors or adjacent properties. The type of external illumination shall be approved by the City Manager or designee prior to issuance of a sign permit.

a. Setbacks:

- i. Interior lots: Five (5) feet from the front property line; ten (10) feet from the side property lines. Exception: Signs may be set back between zero (0) and five (5) feet from the front property line and five (5) feet from the side property line subject to the criteria contained in SMC 15.16.070.
- ii. Corner lots: Five (5) feet from all property lines. Exception: Signs may be set back between zero (0) and five (5) feet from the front property line subject to the criteria contained in SMC 15.16.070.

Sign projections shall not obstruct any access points as required in SMC 15.13.100.

b. Maximum height: Fifteen (15) feet.

c. Maximum surface area:

- i. Eighty-five (85) square feet;
- ii. The size of electronic monument or freestanding signs is limited by SMC 15.16.115.

2. **Building-Mounted Signs, (Including Parapet, Awning, Marquee, Porte-cochere, and Canopy-Mounted Signs).** The surface area of any building-mounted sign ~~and parapet or canopy-mounted sign~~ shall not exceed the figures derived from the following schedule. The size of electronic signs for building-mounted, ~~parapet and canopy~~ signs is limited by SMC 15.16.115.



Additionally, the following conditions apply:

- a. In multiple occupancy buildings, the facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user. The sign displayed by the tenant or user must be located on the facade that was used to determine the size of the sign, except as provided in this section.
- b. Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy building if:
  - i. The applicant files with the City a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area that is directly related to the tenant.
  - ii. The display of a sign on that facade by the secondary sign user will not create a significant adverse impact on dependent sign users of that facade.
  - iii. The display of a secondary sign is necessary to reasonably identify and locate the use,



and the provisions of this code do not provide the use with adequate sign display options.

- c. Sign Height – Parapet Signs. The height of any building-mounted wall/canopy sign or parapet sign shall not extend above the highest exterior wall of the building. Additionally, no parapet can be extended above the highest roof ventilation structure.
- d. No sign shall be mounted on top of a marquee, porte-cochere, canopy, roof, or other similar structure.
- ed. Any building-mounted sign, including any marquee sign, or awning sign attached to a building, shall not project more than six (6) feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.
- fe. All parapet, marquee, and canopy awning signs must be manufactured in such a way that they appear to be a part of the building itself.
- f. ~~All building-mounted, marquee, parapet, roof, and canopy signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure.~~
- g. Any sign mounted to the façade of a free-standing canopy structure or the façade of a porte-cochere extending more than six (6) feet from a building, shall not exceed thirty (30) inches in height.
- hg. Window signs shall be considered a building-mounted sign for the purposes of this section, and shall be counted as part of the aggregate sign surface area allowed. Window signs shall not be mounted between three (3) feet and seven (7) feet of floor level on any floor of a building, unless such signage does not obstruct visibility through the window.
- i. Decorative lighting including neon and other accent lighting, and any lighted canopy of building panel, shall be considered a building-mounted sign for the purposes of this section, and shall be counted as part of the aggregate sign surface area allowed.
- j. The width of any decorative lighting strip or accent shall be considered to extend six (6) inches beyond the limits of the actual strip, or accent, where the light flow is unencumbered in that direction.
- hk. In no case may the maximum sign surface area permitted on a building facade be exceeded.

~~C. **Incidental Informational Signs.** Incidental signs (SMC 15.16.020(11)) are not included in the number of primary signs so long as the individual signs do not exceed nine (9) square feet in surface area;~~

~~D. **Directional Signs.** Directional signs shall not exceed nine (9) square feet in surface area, and may be located only on the premises to which the sign is intended to guide or direct pedestrian or vehicular traffic. Off-premises directional signs may be approved through a variance process described in SMC 15.16.160, when the applicant has demonstrated that his premises are located such that on-premises, directional signs are inadequate to reasonably apprise the public of the location of the premises.~~

## 15.16.040 Multi-Family Residential Zone Classification Signs

A. **General.** This section applies to:

1. Multiple-family buildings and any commercial use, church, school or community use located in

the T, UM, UH, and O/C/MU zone classifications;

2. A sign in these classifications may be internally illuminated, provided that:

a. The maximum size allowed for an internally illuminated sign shall be 25 s.f.

b. The background of any internally-illuminated sign shall be dark with only the letters or message of the sign illuminated.

c. Neon signage shall not be allowed.

d. Internal or external illumination shall not create glare on adjacent traffic corridors.

3. See SMC 15.16.115 for separate size and other limitations regarding electronic signs.

4. The light source for any externally-illuminated sign shall be shaded, shielded, directed or reduced so that the light source is not visible from a public street or adjoining residential property. If external illumination is used, documentation shall be provided that clearly shows that light or glare from the external illumination will not impact traffic corridors or adjacent properties. The type of external illumination shall be approved by the City Manager or designee prior to issuance of a sign permit.

## B. Standards.

1. **Monument and Freestanding Signs.** The following limits shall apply to monument and freestanding signs:

a. Setback: Five (5) feet from the property line. Exception: Signs may be set back between zero (0) and five (5) feet from the front property line subject to the criteria contained in SMC 15.16.070.

b. Maximum sign height: Fifteen (15) feet.

c. Maximum surface area:

i. Thirty-five (35) square feet for multi-family uses;

ii. Thirty-five (35) square feet for any nonresidential use not on an arterial street;

iii. Sixty (60) square feet for any nonresidential use fronting on a minor or collector arterial street as defined within the City of SeaTac Comprehensive Plan;

iv. Eighty-five (85) square feet for any nonresidential use fronting on a principal arterial street as defined in the City of SeaTac Comprehensive Plan.

v. See SMC 15.16.115 for size limitations on electronic signs.

d. Design. Any monument sign must be “integrated” (that is, all elements of the sign must be incorporated in a single design). Auxiliary projections or attachments not a part of a single design are prohibited.

2. **Facade Limitations, Building-Mounted Signs; (Including Parapet, Awning, Marquee, Porte-cochere, and Canopy-Mounted Signs).** The surface area of any building-mounted sign ~~or canopy-mounted sign~~ shall not exceed the figures derived from the following schedule. The size of electronic signs ~~on building-mounted and canopy~~ signs is limited by SMC 15.16.115.

Additionally, the following conditions apply:

- a. In multiple occupancy buildings, the facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user, and the sign displayed by the tenant or user must be located on the facade used to determine the size of the sign, except as provided in this section.
- b. Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy building, if:
  - i. The applicant files with the City a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area.
  - ii. The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade.
  - iii. The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.
- ~~c. Sign Height – Parapet Signs. The height of any building-mounted/canopy or parapet sign shall not extend above the highest exterior wall of the building. Additionally, no parapet can be extended above the highest roof ventilation structure.~~
- ~~d. No sign shall be mounted on top of a marquee, porte-cochere, canopy, roof, or other similar structure.~~
- ~~e. Window signs shall be considered a building-mounted sign for the purposes of this section and shall be counted as part of the aggregate sign surface area allowed.~~
- ~~e. Any building-mounted sign, including any marquee sign, or awning sign attached to a building, shall not project more than six (6) feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.~~
- ~~f. All parapet, marquee, and awning signs must be manufactured in such a way that they appear to be a part of the building itself.~~
- ~~d. All building-mounted, marquee, parapet, roof and canopy signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure.~~

- g. Any sign mounted to the façade of a free-standing canopy structure, or the façade of a porte-cochere extending more than six (6) feet from a building shall not exceed thirty (30) inches in height.
  - h. Window signs shall be considered a building-mounted sign for the purposes of this section and shall be counted as part of the aggregate sign surface area allowed. Window signs shall not be mounted between three (3) feet and seven (7) feet of floor level on any floor of a building, unless such signage does not obstruct visibility through the window.
  - i. Decorative lighting including neon and other accent lighting, and lighted canopy or wall panels, shall be considered a building-mounted sign for the purposes of this section, and shall be counted as part of the aggregate sign surface area allowed.
  - j. The width of any exposed neon sign, and any decorative or accent lighting where the light flow is unencumbered by a cover, shall be considered to extend six (6) inches beyond the limits of the actual sign, strip, or accent, where the light flow is unencumbered in that direction
- k-e. In no case may the maximum sign surface area permitted on a building facade be exceeded.
- f. ~~Each building or complex of buildings shall display and maintain on-premises street address number identification.~~
3. ~~**Sign Height – Parapet Signs.** The height of any such sign shall not exceed the height of the building to which it is attached.~~
- C. ~~Signs or portions of signs indicating premises for rent (e.g., “Apartment for Rent,” “Apartment Available,” “Vacancy,” “Now Renting,” etc.) shall not exceed a surface area of six (6) square feet.~~

~~**B. – Incidental Signs.** In addition to the permitted primary signs, each building or complex of buildings is permitted the incidental signs as described and limited in SMC 15.16.030(C), so long as the individual signs do not exceed nine (9) square feet in surface area. Signs advertising premises for rent are considered primary signs, not incidental.~~

### **15.16.060 Single-Family Residential Zone Classification Signs**

- A. In individual dwelling units within the residential UL and T zones, a sign with the occupant’s name two (2) square feet is permitted.
- B. Each residential dwelling shall display and maintain on-premises street address number identification.
- C. Each subdivision, development of five (5) or more units in a townhouse zone, or senior citizen multi-family complex is permitted a monument/freestanding sign at its major entrances, not to exceed thirty-five (35) square feet per face and a total of seventy (70) square feet.
- D. Churches, schools, ~~and~~ community uses, ~~and~~ agricultural crop sales located within the UL and T zones shall be allowed the signage described and regulated under SMC 15.16.040 and SMC 15.16.080.
- E. Any home occupation shall be allowed the signage described and regulated in SMC 15.17.020(C).
- F. Any daycare, ~~or~~ bed and breakfast, or specialized instruction school (other than a specialized instruction school located at a former school district facility) within the UL or T zones shall be

allowed a nine (9) square foot sign.

- G. Electronic signs are not allowed, except as permitted by SMC 15.16.115.
- H. Internally illuminated signs are not allowed except as permitted and regulated by under SMC 15.16.040 for churches, schools, and community uses, and agricultural crop sales.
- I. One temporary free-standing sign is allowed while a property is for sale, for rent, or under construction, per SMC 15.16.080(D)(1)(f).
- J. Portable off-premises signs on private property no more than four (4) square feet in surface area and two (2) feet in height are allowed with the permission of the owner, if such signs are authorized under SMC 15.16.080(E)(4) Grand Opening/ Special events, SMC 15.16.087 Political Signs, SMC 15.16.088 Real Estate Signs, and SMC 15.16.089, Garage and Yard Sale Signs.

#### **15.16.070 Signage - Zero (0') Front Property Line Setback Criteria**

A sign may be setback between zero feet (0') and five feet (5') from the front property line, provided it conforms to all of the following criteria as determined by the Public Works Director and Director of the Department of Planning and Community Development.

- A. A survey of the location of the front property line, relative to the proposed sign, is prepared, staked in the field, and submitted by a surveyor licensed in Washington State.
- B. A sight distance study by a licensed professional engineer verifying that the proposed sign location will not interfere with sight distances of pedestrians and vehicles at a public or private road intersection or at driveway approaches.
- C. The sign is not located in an area where road right-of-way may be necessary for future road projects as currently identified by the City's 10-year Transportation Improvement Plan.
- D. The sign shall not preclude or interfere with any utility lines located within an easement, including but not limited to public water, sewer, storm drainage, electric, communication, or signalization.

#### **15.16.080 Temporary and Special Signs**

~~Temporary and special signs or displays are nonpermanent in nature and are intended for use only for a short period of time. The category includes any banner, pennant or advertising display constructed of canvas, fabric, wood, plastic or other semi-durable material, with or without a frame. Permissible signs, with applicable limitations, are as follows:~~

- ~~A. **Construction Signs.** These signs identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and announce the character of the building, or the purpose for which the building is intended. Only one (1) such sign (which may be double-faced) is permitted per construction project for each public street upon which the project fronts. The sign shall be removed upon completion of the construction.~~

~~— In all zones other than single-family residential zones (UM, UH, NB, CB, ABC, I), no construction sign shall exceed thirty-two (32) square feet in surface area or ten (10) feet in height, nor be located closer than ten (10) feet from the property line or closer than thirty (30) feet from the property line of the abutting owner. The sign shall be removed upon completion of the construction phase. In single-family residential zones, no construction sign shall exceed eight (8) square feet of surface area or be located closer than ten (10) feet from the property line of the abutting owner.~~

- ~~B. **Grand Opening Displays.** Temporary signs, posters, banners, strings of lights, clusters of flags,~~

blinking lights, balloons and searchlights are permitted for one (1) week only to announce the opening of a completely new enterprise or the opening of an enterprise under new management. All such materials shall be removed immediately upon the expiration of one (1) week (seven (7) consecutive days). Use of the above-described devices within the limits specified shall be an exception to the general prohibition on these devices in this code. For further limitations on searchlights, see SMC 15.16.110(H). Such displays are not exempt from permit requirements, and are permitted only where the enterprise so advertised is allowed under zone classification regulations.

**C. Real Estate Signs.** All exterior real estate signs must be of wood or plastic or other durable materials. The permitted signs, with applicable limits, are as follows (Note: Signs in the public right-of-way must be placed in accordance with City policy):

1. Residential “For Sale” and “Sold” Signs. Signs advertising residential property “For Sale” or “Sold” shall be limited to one (1) single- or double-faced sign per street frontage. The sign may not exceed four (4) square feet in surface area, and must be placed wholly on the property for sale. The “For Sale” sign may remain up for one (1) year or until the property is sold, whichever occurs first.
2. Residential Directions and “Open House” Signs. Signs advertising “Open House” and the direction to a residence for sale shall be limited to one (1) sign on the premises for sale and three (3) off-premises signs on private property with permission of the property owner. However, if a realtor has more than one (1) house open for inspection in a single development or subdivision, off-premises signs are limited to four (4) for the entire development or subdivision. Such signs are permitted only during daylight hours and when the realtor or seller or an agent is in attendance at the property for sale. No such sign shall exceed four (4) square feet in surface area.
3. Undeveloped Commercial or Industrial Property “For Sale or Rent” Signs. Signs advertising undeveloped commercial or industrial property “For Sale or Rent” shall be limited to one (1) single- or double-faced sign per street frontage. Signs may be displayed while the property is actually for sale or rent. The sign may not exceed sixteen (16) square feet in surface area, or a height of eight (8) feet.
4. Developed Commercial or Industrial Property “For Sale or Rent” Signs. Signs advertising developed commercial or industrial property “For Sale or Rent” shall be limited to one (1) single- or double-faced sign per street frontage. Signs may be displayed while the building is actually for rent or sale. The sign may not exceed sixteen (16) feet in surface area, or a height limit of eight (8) feet.
5. Residential Land Subdivision Signs. Signs advertising residential subdivisions shall be limited to one (1) single- or double-faced sign not exceeding thirty-two (32) square feet in surface area placed at a right angle to the street, or two (2) signs not exceeding thirty-two (32) square feet in surface area facing the street, which shall be at least two hundred (200) feet apart. Such signs must be placed more than thirty (30) feet from the abutting owner’s property line and may not exceed a height of twelve (12) feet. Such signs shall be removed by the end of one (1) year or when seventy-five percent (75%) of the houses in the subdivision are sold or occupied, whichever occurs first. Permanent subdivision or neighborhood designation signs shall be as approved by the Administrator of this code as set forth in SMC 15.16.060(C).
6. Undeveloped Multifamily Property “For Sale” Signs. Permissible signs and their limitations for undeveloped multifamily zoned property shall be identical to those for undeveloped commercial and industrial property “For Sale” signs as set forth in SMC 15.16.080(C)(3).
7. Undeveloped Single-Family Acreage “For Sale” Signs. Permissible signs and their limitations for undeveloped, unsubdivided, single-family property which may be legally divided into four

~~(4) or more single lots shall be identical to those for undeveloped commercial and industrial property "For Sale" signs as set forth in SMC 15.16.080(C)(3).~~

~~8. Multifamily Property "For Rent" Signs. One (1) A-frame sign, per street frontage, not exceeding thirty-two (32) square feet is permitted on the private property of which the complex or unit is located.~~

## **15.16.080 Secondary Signage**

### **A. General.**

1. In addition to the primary signage allowed, the following secondary signage shall be allowed within the parameters specified for each site in the commercial/office/industrial zones, multi-family residential zones, and for churches, schools, community uses, and agricultural crop sales in the single-family residential zones.
2. Permits. Signs and displays that meet the standards of this subsection do not require a permit, if they are not illuminated, except that the placement of pole-mounted banners and decorative flags shall be approved through a sign permit to ensure code compliance.
3. Illumination of secondary signage
  - a. Secondary signage shall not be illuminated, except as set forth in the following section.
  - b. The following secondary signage may be illuminated provided that such illumination is approved through issuance of an electrical permit and meets the standards of section 15.16.030A for commercial/office/ industrial zones and 15.16.040A for multi-family zones:
    - i. Illumination of permanent directional and informational signs;
    - ii. External illumination of decorative flags.
  - c. Secondary signage shall not be electronic.
4. Readerboard signs shall not be allowed as secondary signs.
5. Quality and Condition:
  - a. All signs under this section must appear to be professionally produced and must be maintained in an appearance of newness, free of tears, holes, mold, dirt, decay, chipped paint, fading, sagging, and other signs of wear.
  - b. The City may, at its discretion, and without notice, remove any temporary or portable sign not in compliance with this section.

**B. Informational Signs.** Informational signs (SMC 15.16.020(11)) are not included in the number of primary signs so long as the following conditions are met:

1. Interior Informational Sign. The sign shall not exceed nine (9) square feet in surface area.
2. Perimeter Informational Sign, The sign shall not exceed three (3) square feet in surface area, and the number of perimeter informational signs shall not exceed one per street frontage.

Additional signs oriented to the street may be allowed only if shown to be necessary for safety purposes and granted by the Director of Planning and Community Development.

3. The sign shall be located on the subject site, and meet all other standards of the code. If an

informational sign is portable, or constructed of non-rigid materials, it is subject to the limitations on number and placement of portable and banner signs per SMC 15.16.080, except that an interior informational sign only may be portable in excess of the limits on portable signs if necessary for orderly site operations.

**C. Directional Signs.** Directional signs are not included in the number of primary signs so long as the following conditions are met:

1. Interior Directional Sign. The sign shall not exceed nine (9) square feet in surface area.
2. Perimeter Directional Sign:
  - a. The sign shall not exceed six (6) square feet in surface area;
  - b. Business identification shall comprise no more than twenty-five percent (25%) of the sign;
  - c. The number of perimeter directional signs shall not exceed one (1) per entrance to a site, except that two (2) such directional signs shall be allowed if necessary for safety and oriented to traffic approaching the entrance from two different directions.

Additional signs oriented to the street may be allowed only if shown to be necessary for safety purposes and granted by the Director of Planning and Community Development.

3. The sign is located on the premises to which the sign is intended to guide or direct pedestrian or vehicular traffic, and meets all other standards of the code. If a directional sign is portable, or constructed of non-rigid materials, it is subject to the limitations on number and placement of portable and banner signs per SMC 15.16.080, except that an interior directional sign only may be portable in excess of the limits on portable signs if necessary for orderly site operations.
4. Where a property lacks direct street frontage, an off-premises directional signs may be approved through a variance process described in SMC 15.16.160.

**D. Temporary Signs, Displays, and other Secondary Signage.**

The signage or displays described in this section are allowed within the limits described in each category, provided that no more than three (3) categories shall be concurrently displayed.

1. **Portable Signs on Private Property.** One (1) portable sign, as defined in SMC 15.16.020 30.5, per street frontage displayed on the site it advertises, provided it meets the requirements of this section.
  - a. Size. The sign may not exceed nine (9) square feet in surface area or three and one-half (3.5) feet in height. Only one (1) side of a double-faced temporary portable sign will be counted.
  - b. Placement. The sign shall be placed within three (3) feet of a vehicular or pedestrian entrance, and shall not obstruct traffic, pedestrian circulation, or access for the disabled.
  - c. Hours Displayed. Portable signs shall only be displayed only during the hours of business operation. If displayed after dusk, portable signs shall be displayed only in well-lighted areas.
2. **Building-and Fence-Mounted Banners.** One banner per site per street frontage within the following limitations:
  - a. Banners must be constructed of non-rigid materials suitable for an exterior environment, such as fabric, vinyl, or plastic.
  - b. Size. Banners may not be greater than thirty-two (32) square feet.



c. No banner sign shall be allowed on a street frontage where there is a temporary-freestanding sign displayed on that frontage; and

d. Placement. Banners may only be placed in the following manner:

i. On Buildings, securely mounted at four corners, and not blocking any window;

ii. On fences, stretched tightly and fastened at four corners;

iii. For a new business only, over an existing monument or fixed sign for a maximum of sixty (60) days.

3. **Temporary Freestanding Sign.** One temporary freestanding on-premise sign, as defined in SMC 15.16.020 (44) per site, per street frontage, under the following circumstances:

a. A temporary freestanding sign is allowed for a maximum of sixty (60) days for a new business awaiting permanent signage; or

b. A temporary freestanding sign is allowed during the time a property is under construction, remodel, or for sale or rent; and

c. No temporary freestanding sign shall be allowed on a street frontage where there is a banner sign displayed on that frontage; and

d. Such signs shall be constructed of durable, rigid materials and mounted securely into the ground; and

e. In commercial, industrial and multi-family zones, no temporary freestanding sign shall exceed thirty-two (32) square feet in surface area or ten (10) feet in height, nor be located closer than five (5) feet from the property line, or closer than ten (10) feet from the property line of the abutting owner; and

f. In single-family residential and townhouse zones, no temporary freestanding sign shall exceed eight (8) square feet of surface area, six (6) feet in height, or be located closer than ten (10) feet from the property line of the abutting owner, except that a new subdivision may be allowed one sign thirty-two (32) square feet in surface area, located no closer than ten (10) feet from the property line of the abutting owner. All signs shall comply with the "sight distance" requirements of SMC 15.13.100.

4. **Pennants.** Pennants without text or logos, provided that they are made of nonreflective material. The maximum length of all such strings of pennants shall be no greater than the linear footage associated with the perimeter of the site. Each pennant may not exceed twelve (12) inches in height or width. Pennants shall be mounted a minimum of thirteen and one-half (13.5) feet above any vehicular way, as measured from the ground level of the vehicular way to the string or rope from which the pennant is suspended.

5. **Strings of Flags.** Strings of flags of a governmental or noncommercial institution, provided that they are made of nonreflective material. The maximum length of all such strings of flags shall be limited to the linear footage associated with the perimeter of the site. Each flag may not exceed twelve (12) inches in height or width. Strings of flags shall be mounted a minimum of thirteen and one-half (13.5) feet above any vehicular way, as measured from the ground level of the vehicular way to the string or rope from which the flag is suspended.

6. **Decorative Flags or Decorative Pole-Mounted Banners.**

Decorative flags or decorative pole-mounted banners, but not both, shall be allowed to be

displayed on a site.

a. **Decorative flags**, without text or corporate logos, limited one (1) flag per fifty (50) feet of street frontage. The allowable number of flags shall be grouped together within 50 feet of an entrance. The flag shall not exceed twenty (20) square feet, nor be smaller than five (5) square feet in surface area, shall be pole mounted on one side only, shall be no greater in its vertical dimension than in its horizontal dimension, and shall be left loose to fly in the breeze. The flag shall be mounted at a minimum distance of twelve (12) feet, as measured from the street elevation to the lowest point of mounting; the pole shall be a maximum of 20 feet in height;

b. **Decorative Pole-Mounted Banners**. Decorative banners, without text or corporate logos, mounted on poles and secured at the top and bottom, limited to one per fifty (50) feet of street frontage, placed along the street frontage at a minimum distance fifty (50) feet apart. Decorative banners may not be illuminated. Decorative banners may be a maximum dimension of two and one half (2.5) feet wide by six (6) feet high and mounted at a minimum distance of twelve (12) feet, as measured from the street elevation to the lowest point of the banner. The pole shall be a maximum of 20 feet in height.

7. **Special Directional Sign**. One permanent on-site directional sign per street frontage, no greater than nine (9) square feet, which may include business identification up to fifty percent (50%) of the sign.

#### **E. Grand Opening and Special Event Signs.**

1. Otherwise prohibited posters, banners, strings of lights, clusters of flags, balloons, as limited by subsection (3) below, and up to three (3) off-premises portable directional signs as limited by subsection four (4) below are permitted for four (4) weeks only (twenty-eight (28) consecutive days) to announce the opening of a completely new enterprise or the opening of an enterprise under new management, and for two (2) weeks (fourteen (14) consecutive days) twice per year for any business to advertise a special event or sale, provided that no site shall have more than four (4) weeks (twenty-eight (28) days) total of grand opening or special event display in any one calendar year.

2. *[Intentionally left blank.]*

3. Balloons may be displayed only as part of a grand opening or special event provided they are no greater than eighteen (18) inches in diameter with a tether no longer than thirty-six (36) inches and must be securely attached to a structure. No more than two displays with a maximum of five (5) balloons per display (or 10 individual balloons) are permitted per site. Displays are only allowed from dawn to dusk.

4. Any grand opening or special event shall register with the City by filing a registration form. All such materials shall be removed immediately upon the expiration of the allowed period. Use of the above-described devices within the limits specified shall be an exception to the general prohibition on these devices as set forth in SMC 15.16.110.E. in this code. However, such displays are subject to all other code requirements.

5. Three (3) off-premises portable signs advertising the grand opening or special event are allowed; provided, that such signs shall not exceed four (4) square feet in area nor two (2) feet in height, and shall be displayed only from dawn to dusk.

Off-premises grand opening/special event signs may be located on private property with the permission of the owner of the property on which the sign is placed and within the public right-of-way; provided, that the signs do not encroach into a driveway, parking area, sidewalk, pedestrian pathway, vehicular travel lane, median or traffic island, and is at least four (4) feet

from the outer pavement edge of a roadway when curb and gutter are not present. No signs shall be posted, tacked, nailed, or in any manner affixed upon any utility pole, tree or public or private sign.

#### **~~D. Political Headquarters Signs:~~**

- ~~1. Party Headquarters. On-premises political signs are permitted on the premises of political headquarters located in the commercial and industrial zones (SMC 15.16.030) and on office buildings in the commercial and apartment classifications (SMC 15.16.040) so long as the signs meet the requirements of those classification districts.~~
- ~~2. Headquarters for Candidate or Ballot Issue. On-premises political signs are permitted on the premises of the headquarters of a candidate for public elective office (whether partisan or nonpartisan) or at the headquarters of persons supporting or opposing a public issue decided by ballot, and located in a commercial zone, manufacturing zone or office building (SMC 15.16.030). The signs shall remain for a period no longer than six (6) months. Such signs shall be removed within seven (7) days after the general election.~~

#### **~~E. Political Signs on Private Property That is Not a Headquarters:~~**

- ~~1. Signs, posters or bills promoting or publicizing candidates for public office or issues that are to be voted upon in a primary, general or special election may be displayed on private property with the owner's permission.~~
  - ~~— Such signs, posters or bills shall be permitted upon filing for office until a period of seven (7) days following such election; provided, that signs, posters or bills promoting successful candidates in a primary election may remain displayed on private property until seven (7) days following the immediately subsequent general election.~~
- ~~2. Removal of Signs Following Election. Any such sign, poster or bill shall be removed within seven (7) days following an election. It shall be the responsibility of the campaign officer or responsible campaign official to have the signs, posters, or bills removed.~~
- ~~3. Political Signs Not Allowed on Public Property. It is unlawful for any person to paste, paint, affix or fasten on any utility pole, the sidewalk, roadway, or on any public building or structure any such sign, poster, bill or other advertising device when such facilities are located on public property or within public easements.~~
- ~~4. Public Notices Unaffected. Nothing in this section shall be construed to prohibit the placement of public notices required by law~~
- ~~5. The display of any political sign in violation of SMC 15.16.080(D) and (E), or any portion or part thereof, shall be presumed to have been done at the direction and request of the campaign officer or responsible official. (Ord. 92-1041 § 1)~~

### **15.16.087 Political Signs**

All signs which are displayed out-of-doors on real property relating to the nomination or election of any individual for a public political office, or advocating any measure to be voted on in any general or special election, shall be subject to the following regulations:

- A. Such political signs shall not be displayed more than seven days after the date of the election for which intended. In cases where a general election follows a primary election, those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up

to seven days after the general election. In all instances herein in which political signs are required to be removed within seven (7) days after the election for which the political sign was displayed, it shall be the responsibility of the campaign officer or responsible campaign official to have the signs removed.

- B. Political signs placed in single-family residential zones shall not exceed eight (8) square feet each in area. Signs in all other zones shall meet the requirements of those classification districts.
- C. No political signs shall be erected upon any private property without the permission of the resident or owner thereof, and in cases where there is no occupied structure on the property, no political signs shall be placed thereon without the written consent of the owner of the property.
- D. It is unlawful for any person to paste, paint, affix or fasten a political sign on any utility pole, street sign, lamp post, sidewalk, roadway, or other object situated upon any public street or right-of-way except that political signs are allowed on parking strips where such political signs are installed pursuant to the permission of the owner of the property abutting said parking strip and installed in such a manner as not to constitute a traffic hazard.

### **15.16.088 Real Estate Signs**

- A. **On-premise real estate signs.** Individual residential units for sale shall be allowed one freestanding sign limited to eight (8) square feet in surface area and six (6) feet in height, located no closer than ten (10) feet to the property line of the abutting owner. All signs shall comply with the "sight distance" requirements of SMC 15.13.100.
- B. **Off-premises real estate signs.** Open houses for residential units shall be allowed display of three (3) off-premises portable signs; provided, that such signs shall not exceed four (4) square feet in area nor two (2) feet in height, and shall be displayed only on weekends from dawn to dusk.
- Off-premises real estate signs advertising open houses may be located on private property with the permission of the owner of the property on which the sign is placed and within the public right-of-way; provided, that the signs do not encroach into a driveway, parking area, sidewalk, pedestrian pathway, vehicular travel lane, median or traffic island; and is at least four (4) feet from the outer pavement edge of a roadway when curb and gutter are not present. No signs shall be posted, tacked, nailed, or in any manner affixed upon any utility pole, tree or public or private sign.

### **15.16.089 Garage and Yard Sale Signs**

- A. Garage Sales, yard sales, and other exempt sales as allowed by 15.17.030 shall be allowed the following signage limited to display on Fridays, Saturdays and Sundays. All signs shall comply with the "sight distance" requirements of SMC 15.13.100.
1. On-premises Signs. Garage sales, yard sales and other exempt sales shall be allowed the on-site temporary signage not exceeding eight (8) square feet in surface area, or six (6) feet in height.
  2. Off-premises Signs. Garage sales, yard sales and other exempt sales shall be allowed display of three off-premises portable signs; provided, that such signs shall not exceed four (4) square feet in area nor two (2) feet in height, shall be displayed only from dawn to dusk on the days of the sale, and shall be removed promptly after the close of the sale.
- Off-premises garage sale signs may be located on private property with the permission of the owner of the property on which the sign is placed and within the public right-of-way; provided, that the signs do not encroach into a driveway, parking area, sidewalk, pedestrian pathway, vehicular travel lane, median or traffic island; and is at least four (4) feet from the outer pavement edge of a roadway when curb and gutter are not present. No signs shall be posted,

tacked, nailed, or in any manner affixed upon any utility pole, tree or public or private sign.

### 15.16.090 Exempt Signs or Displays

The following signs or displays are exempted from coverage under this code:

- A. Traffic or pedestrian control signs or signals, signs in the public right-of-way indicating scenic or historic points of interest, or signs which are erected or placed by or on the order of a public officer in the performance of public duty;
- B. Signs required by law;
- C. Noncommercial public service signs, providing such signs are non-illuminated, non-electronic, do not exceed eight (8) square feet in surface area and six (6) feet in height, and are limited to one sign per street frontage.
- ~~D.~~ Official public notices, official court notices or official sheriff's notices;
- ~~E.D.~~ The flag of a government or noncommercial institution such as a school; except that this exemption does not include flags of a government or noncommercial institution displayed in a series on a rope, wire or string.
- ~~E.~~ Exterior signs or displays not visible from the streets or ways open to the public;
- ~~F.~~ Signs in the interior of a building more than three (3) feet from the closest window or not facing a window;
- ~~E.G.~~ Plaques, tablets or inscriptions indicating the name of a building, its date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are nonilluminated, and which do not exceed three (3) square feet in surface area;
- ~~G.H~~ Non-illuminated "No Trespassing," "No Dumping," "No Parking," "Private Property," "Fire Lane," "Handicapped Parking," and other on-site informational warning signs, which shall not exceed three (3) square feet in surface area;
- ~~H.I.~~ Reasonable seasonal decorations within the appropriate public holiday season. However, such displays shall be removed promptly at the end of the public holiday season;
- ~~I.J.~~ The flag of a commercial institution or noncommercial institution such as a school. No more than one (1) flag (excluding flags of nationality) is permitted per business premises. The flag shall be pole-mounted on one size, not exceed twenty (20) square feet in surface area, nor be smaller than five (5) square feet, and shall be left loose to fly in the breeze; The flag shall be mounted at a minimum distance of twelve (12) feet, as measured from the street elevation to the lowest point of mounting;
- ~~J.K.~~ Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification;
- ~~K.L.~~ Sandwich-board signs worn by a person while walking the public ways of the city;
- ~~L.M.~~ Existing theater marquees (monument and/or building-mounted);
- ~~M.N.~~ Reasonable, non-illuminated temporary decorations and signs for the purpose of announcing or promoting a nonprofit sponsored community fair, festival or event. Such decorations and signs may be displayed no more than ~~fourteen (14)~~ twenty-one (21) calendar days prior to and during the fair,

festival or event.

### 15.16.110 Prohibited Signs

The following signs or displays are prohibited, unless otherwise approved by this chapter. Prohibited signs are subject to removal by the City at the owner's or user's expense. **Any existing sign which is prohibited upon the effective date of this code shall be removed within six (6) months of notification from the City except as provided in SMC 15.16.120 regarding nonconforming signs.**

- ~~A.~~ ~~Window signs containing material unrelated to the merchandise for sale or service performed by the person or business on whose premises or property the sign is located (except real estate "Open House" and subdivision directional signs as governed by SMC 15.16.080); provided, however, on-premises signs may call the attention of the public to public holidays or community events, the time and temperature;~~
- ~~AB.~~ Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "caution," "danger," "warning," or similar words;
- ~~B.~~ ~~C.~~ Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of any emergency (police, fire or ambulance) or radio equipment vehicle, or which obstruct the visibility of any traffic or street sign or signal device;
- ~~C.~~ ~~D.~~ Signs which rotate or have a part(s) which move or revolve except the movement of the hands of a clock.
- ~~D.~~ ~~E.~~ Signs that display Animation, as defined in SMC 15.16.020 1.
- ~~E.~~ ~~F.~~ Any display or sign not specifically allowed by the sign code, including, but not limited to Balloon signs/symbols or displays, or banners, clusters of unauthorized flags, posters, pennants, ribbons, streamers, strings of lights, ribbons, spinners, twirlers or propellers, flashing, rotating or blinking lights, chasing or scintillating lights, fluttering or moving lights or other illuminating device which has a changing light density or color, lasers, strobes or lights with stroboscopic effect, displays or lights that imitate the appearance of explosions or fireworks, flares, balloons, bubble machines and similar devices of a carnival nature, or containing elements creating sound or smell. Exception: Certain of these devices are permitted on a limited basis as seasonal decorations under SMC 15.16.090(H) or for grand openings of new businesses under SMC 15.16.080(E);
- ~~E.~~ ~~G.~~ Holographic displays as defined in SMC 15.16.020 10.5.
- ~~G.~~ ~~H.~~ Signs identifying, or window signs advertising activities, products, businesses or services which have been discontinued for more than sixty (60) days on the premises upon which the signs are located, and any window signs in excess of the amount of wall signage allowed, or mounted between three (3) feet and seven (7) feet above floor level and obstructing the view through a window.
- ~~H.~~ ~~I.~~ Private signs on utility poles as prohibited by State law.
- ~~I.~~ ~~J.~~ Searchlights, except if:
- ~~1.~~ ~~They are used by any business or enterprise once yearly for a maximum period of seven (7) consecutive days or for purposes of the grand opening of a new enterprise or an enterprise under new management for a maximum period of seven (7) consecutive days (See SMC 15.16.080(B)); and~~

2. The beam of the searchlight does not flash against any building or does not sweep an arc greater than forty-five (45) degrees from vertical.

~~K~~ Portable signs, which for the purpose of this code shall mean a stand-alone readerboard and a sign which has no permanent attachment to a building or the ground, including A-frame signs, Miscellaneous pole-mounted advertisements, attachments, mobile signs, but not including real estate open-house signs or A-frame signs permitted under SMC 15.16.080, and political signs; provided such political signs must meet the requirements of SMC 15.16.080(D) and (E), where applicable;

~~J.L~~ Signs for which a permit has been granted under conditions with which the permittee does not comply;

~~K.M~~ Signs for which a permit has been granted and subsequently revoked for cause by the City Manager, or designee;

~~N~~ Direction signs, except where specifically authorized under provisions of this code;

~~L.O~~ Signs erected, altered or relocated (excluding copy change) without a permit issued by the City or any other governmental agency which as required a permit by law;

~~M.P~~ Billboards as defined in SMC 15.16.020(2 3), except those qualifying as nonconforming signs pursuant to SMC 15.16.120.

~~N.Q~~ Roof Signs, except as allowed through a variance process by 15.16.160G.

~~O.R~~ Off-premises Signs, except as allowed for residential real estate open houses (SMC 15.16.088), garage sales (15.16.089) and grand opening/special events (15.16.080E) or through a variance process by 15.16.160H.

~~P~~ Signs attached to or placed on a vehicle or trailer on public or private property, provided however, this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business, or advertising a vehicle for sale if such sign is placed inside the vehicle.

### 15.16.115 Electronic Signs

Electronic signs, as defined in SMC 15.16.020(14Q), shall be allowed, provided they comply with the following requirements:

#### A. Size and Location.

##### 1. Freestanding/Monument Signs.

- a. That portion of the sign that constitutes the electronic changeable display shall be allowed as follows:

Zone	Maximum Electronic Portion of Sign	Maximum Total Size of Sign
CB, CB-C, O/CM, I, ABC	55 s.f.	85 s.f.
NB, BP	25 s.f.	85 s.f.
Churches, Schools, Community Uses in UL, T, UM, UH,	0 s.f.	35 s.f. Not on an arterial
	0 s.f.	60 s.f. On a minor/

O/C/MU, P	25 s.f.	collector arterial 85 s.f. On a principal arterial
Commercial Uses in O/C/MU, T, UM, UH	0 s.f.	35 s.f.
	0 s.f.	60 s.f. On a minor/collector arterial
	25 s.f.	85 s.f. On a principal arterial
Multi-Family Uses in T, O/C/MU, UM, UH	0 s.f.	35 s.f.

- b. Electronic signs shall have a non-electronic, fixed portion of the sign that is at least fifty percent (50%) of the size of the electronic portion of the sign.

2. Building-Mounted Signs.

- a. Building-mounted electronic signs are not allowed in the following zones: UL, T, O/C/MU, UM, UH, P, NB.
- b. In all other zones, a site or property may be allowed a maximum of fifty-five (55) square feet of building-mounted electronic changeable display per street frontage. Any electronic sign shall have a non-electronic, fixed portion of the sign that is at least fifty percent (50%) of the size of the electronic portion of the sign.

**B. Display.**

1. The display of the sign shall not change more rapidly than once every one and one-half (1.5) seconds.
2. The display shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board.
3. Scrolling or travelling of a static display onto the sign from one direction only per display shall be allowed; provided, that each display remains in a static state for at least one and one-half (1.5) seconds. There shall be ten (10) seconds of still image or blank screen following every scrolling or travelling display.
4. No message shall require more than ten (10) seconds to be displayed in its entirety.
5. The display shall have a dark background with only the message or foreground lit in a white, amber or other light tone or shade.

**C. Light Levels.**

1. All signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.
2. Maximum brightness levels for electronic signs in commercial/industrial zones shall not exceed



eight thousand (8,000) nits when measured from the sign's face at its maximum brightness, during daylight hours and five hundred (500) nits when measured from the sign's face at its maximum brightness between dusk and dawn.

3. At no time shall the sign be operated at a brightness level greater than the manufacturer's recommended levels.

#### D. Residential Zones.

1. Electronic signs shall not be allowed within any dwelling or home occupation in any residential zone.
2. Businesses, churches or schools are allowed electronic signs providing that:
  - a. The comply with subsections (A) through (C)(1) and (C)(3) of this section;
  - b. The brightness level shall not exceed eight thousand (8,000) nits when measured from the sign's face at its maximum brightness during the daylight hours and five hundred (500) nits when measured from the sign's face at its maximum brightness between dusk and dawn;
  - c. Electronic displays in residential zones shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.

#### E. Additional Requirements.

1. Electronic sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, scrolling or travelling speed, and other display operations.
2. Electronic sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance upon request of the City.

Additionally, whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign shall be available to City staff for inspection upon request. If the computer interface is not immediately available, the sign shall cease operation until such program can be provided.

### 15.16.120 Nonconforming Signs

- A. **General.** To ease the economic impact of this code on businesses with substantial investment in signs in existence on the date of original adoption of this code, this section provides for up to nine (9) years of continued use of a nonconforming sign in its existing state. During this period, it is expected that the sign may be amortized on federal income taxes; however, whether it may be so amortized shall not affect the application of this section. Similar treatment is accorded signs in areas annexed to the City after the code's enactment.

#### B. Nonconforming Signs.

1. **Notification of Nonconformity or Illegality.** The Code Administrator shall, as soon as practical, survey the city for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming or illegal, the Administrator shall use reasonable efforts to so notify, either personally or in writing, the sign user or owner of the sign and where practical, the owner of the property on which the sign is located of the following; provided, that the business license of the business with which the sign is associated shall be

presumed to be the sign user under this code:

- a. The sign's nonconformity or illegality;
- b. Whether the sign may be eligible for a nonconforming sign permit.

If the identity of the sign user, owner of the sign, or owner of the property on which the sign is located cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated. A file shall be established in the department, and a copy of the notice and certification of posting shall be maintained for records.

2. **Signs Eligible for Nonconforming Sign Permit.** With the exceptions herein provided, any on-site primary sign located within the City limits on the date of adoption of this code, or located in areas annexed to the City thereafter, which does not conform with the provisions of this code, is eligible for characterization as a nonconforming sign provided it meets the following requirements:
  - a. The sign was covered by a sign permit on the date of adoption of this code, if one was required under applicable law; or
  - b. If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this code.
3. **Signs Not Eligible for Nonconforming Sign Permits.** The following signs shall not be eligible for characterization as nonconforming signs:
  - a. Prohibited Signs, as defined in SMC 15.16.110, except for signs which rotate, as defined in SMC 15.16.110C
  - b. Secondary signage not meeting the code specifications, except for informational and directional signs in compliance with the code at the time of adoption of this section.
  - c. All signs not eligible for characterization as a nonconforming sign shall be considered illegal.

~~Exceptions: Other than signs which rotate or have a part(s) which move or revolve except the movement of the hands of a clock or digital changes indicating time and temperature or national market indices, or advertise a specific company or commodity located on-site, as defined in SMC 15.16.110(D), no temporary or special signs, as defined in SMC 15.16.080 prohibited signs, as defined in SMC 15.16.110, or incidental signs, as defined SMC 15.16.030(E), shall be eligible for characterization as nonconforming signs.~~

- ~~43.~~ **Number of Nonconforming Signs Permitted.** Each sign user within the City having existing nonconforming signs meeting the requirements of SMC 15.16.160 shall be permitted to designate only one (1) such sign as "nonconforming" for each street upon which the business premises fronts. Such designation shall be made in the application for a nonconforming sign permit.
- ~~54.~~ **Permit for Nonconforming Signs.** A nonconforming sign permit is required for each nonconforming sign designated under SMC 15.16.160. The permit (certificate of zone compliance – CZC) shall be obtained by the sign user or the sign owner, or the owner of the property upon which the sign is located within sixty (60) days of notification by the City. The permit shall be issued and shall expire at the end of the applicable amortization period prescribed in SMC 15.16.120(D).

Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located and such other pertinent information as the Administrator may require to ensure compliance with the code, including proof of the date of installation of the sign.

A nonconforming sign for which no permit has been issued within the sixty (60) day period of notification shall within six (6) months be brought into compliance with the code or be removed. Failure to comply shall subject the sign user, owner or owner of the property on which the sign is located to penalties cited in Chapter 15.32 SMC.

**65. Loss of Nonconforming Status.** A nonconforming sign shall immediately lose its nonconforming status if:

- a. The sign is altered in any way in structure or height which is not in compliance with the standards of this chapter; or
- b. The sign is relocated to a position which is not in compliance with the standards of this chapter; or
- c. The sign is replaced; provided, that this replacement refers to structural replacement, not change of "copy," panel or lettering; or
- d. Any new primary sign is erected or placed in connection with the enterprise using the nonconforming sign; or
- e. No application for a nonconforming sign permit is filed by the sign user, sign owner, or owner of the property upon which the sign is located within sixty (60) days following notification by the City (SMC 15.16.120(B)) that the sign is nonconforming and that a permit must be obtained; or
- f. The loss of legal nonconforming status takes place upon any change in land use or occupancy, or change in business name the sign shall be brought into conformity. Such nonconforming signs shall, within six (6) months, be brought into conformity with this chapter by revising to the area and height standards or be removed.

Upon any of the above-referenced circumstances taking place, any permit or designation for what had been a nonconforming sign shall become void. The Administrator shall notify the sign user, sign owner or owner of the property upon which the sign is located of cancellation of the permit or designation and the sign shall immediately be brought into compliance with this chapter and a new permit secured or shall be removed.

- C. **Illegal Signs.** An illegal sign is any sign which does not comply with the requirements of this chapter within the City limits as they now or hereafter exist and which is not eligible for characterization as nonconforming under SMC 15.16.160.
- D. **Amortization Period for Nonconforming Signs.** Nonconforming signs, as defined in SMC 15.16.120(B)(2), for which a nonconforming sign permit has been issued may remain in a nonconforming state for nine (9) years after the effect of this chapter. Thereafter, the sign shall be brought into conformity with this code by obtaining a permit or be removed; provided however, that the amortization period established by this section may be used only so long as the sign retains its legal nonconforming status.
- E. **Nonconforming Sign Maintenance and Repair.** Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located

from the provisions of this code regarding safety, maintenance and repair of signs, nor from any provisions on prohibited signs, contained in SMC 15.16.110; provided however, that any repainting, replacement of "copy," panels and/or lettering, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign or structure in any way which is not in compliance with the requirements of this code, or the sign will lose its nonconforming status (SMC 15.16.120(B)(5)).

**F. Subsequent Amendments to the Sign Code.** After the date of its initial adoption, if any subsequent amendments to the sign code cause a sign to become non-conforming, the Department of Planning and Community Development shall notify affected business owners and property owners of the new regulations by first class mail based upon active City business license records and King County property records.

1. All illegal signs are subject to removal within ninety (90) days;
2. All nonconforming signs are eligible for a nonconforming sign permit. The permit shall be applied for by the business owner or property owner and issued by the Department. These signs shall be subject to a nine (9) year amortization period, after which the nonconforming permit will expire and the sign shall be brought into compliance with the code.

#### **15.16.125 Billboards**

- A. Billboards in existence as of the effective date of this code shall be inventoried and listed as nonconforming signs.
- B. All leases for billboard locations within the City shall not be renewed from the effective date of this code.
- C. No new billboards shall be permitted to be constructed or installed within the City.
- D. *Deleted by Ord. 94-1006.*

#### **15.16.126 Sign Inventory Survey – Costs**

- A. The Code Administrator shall have the authority to assess a five-dollar (\$5.00) cost for applicable businesses that did not respond to the sign inventory survey of their sign(s) prior to the effective date of the ordinance codified in this section, but before a date identified in a notice to respond of not less than thirty (30) days after notice; provided, that these businesses pay said five-dollar (\$5.00) assessment to the City and submit the requested verification of their sign certification before the date identified in said notice. Thereafter, the Code Administrator shall have the authority to assess a twenty-five-dollar (\$25.00) cost for applicable businesses who have not participated in or responded to the City's sign inventory survey after the date provided in the notice, and the Code Administrator shall, further, have the authority to complete the sign inventory survey for the signs of such businesses. It is provided, however, that if the affected, nonresponding business owners or operators do not pay the twenty-five-dollar (\$25.00) cost by the time that the 1995 City of SeaTac business licenses are due or paid, whichever is earlier, then the twenty-five-dollar (\$25.00) assessment shall be added to and included in the amount to be paid by said business owner or operator for the business's 1995 business license. The notice referred to above shall be mailed, postage prepaid, to the business owner or operator at the address listed on the business license records for the business. Failure of a business owner or operator to comply with this requirement shall constitute a violation of the City Code, enforceable through any and all procedures available for enforcement of City Code violations, as provided in the City Code; provided, that payment of the twenty-five-dollar (\$25.00) assessment shall constitute full compliance herewith.
- B. In order to recognize the payments already made by business owners or operators who have

complied with the sign inventory survey and paid a five-dollar (\$5.00) payment in connection therewith prior to the effective date of the ordinance codified in this section, those business owners or operators shall receive a five-dollar (\$5.00) offset against their 1995 business license application fee.

### 15.16.130 Permits and Fees

- A. **Permit Requirements.** No sign governed by the provisions of this code ~~that is illuminated or electronic, or is greater more~~ than nine (9) square feet in surface area shall be erected, altered or relocated by any person, firm or corporation from and after the date of adoption of this code without a permit issued by the City. No permit is required for a nonilluminated sign of nine (9) square feet or less surface area, but such signs must otherwise comply with this code.
- B. **Permit Applications.** Applications for permits shall contain the name and address of the owner and user of the sign, the name and address of the owner of the property on which the sign is to be located, the location of the sign structure, drawings or photographs showing display faces with the proposed message and design accurately represented as to size, area, proportion, and color, and such other pertinent information as the Code Administrator of this code may require to insure compliance with this code and other applicable ordinances. For additional requirements for electronic signs, see SMC 15.16.115(E). Permit applications shall be available for inspection by the public upon request.
- C. **Expiration of Permits.** A sign permit shall become null and void if the work for which the permit was issued has not been completed within one (1) year of its issuance. ~~Permits for temporary or special signs (SMC 15.16.080) shall expire a maximum of twelve (12) months from the date of the sign installation. Such permits are not subject to renewal.~~
- D. **Permit Exceptions.** No new permit shall be required:
1. For repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign structure or content is not modified in any way;
  2. For the changing of the advertising copy or message on an approved readerboard or theater marquee, during the period of amortization.
- E. **Notice of Permit Denial – Reasons.** When a sign permit is denied by the Code Administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

### 15.16.140 Requirements Applicable to All Signs

- A. **Structural Requirements.** The structure and erection of signs within the City shall be governed by the adopted Uniform Sign Code and Uniform Building Code (or any superseding edition adopted by the City, including appendices), as promulgated by the International Conference of Building Officials, which are adopted and made a part hereof by this reference. Compliance with the Uniform Sign Code and Uniform Building Code shall be a prerequisite to issuance of a sign permit under SMC 15.16.130.
- B. **Electrical Requirements.** Electrical requirements for signs within the City shall be governed by the adopted National Electrical Code (or any superseding edition adopted by the City), promulgated by the National Fire Protection Association, which is adopted and made a part hereof by this reference. Compliance with the National Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under SMC 15.16.130.
- C. **Sign Illumination.** Illumination from or upon any sign shall be shaded, shielded, directed or

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

- D. **Sign Maintenance.** All signs, including signs heretofore installed, shall be constantly maintained in a state of security, safety, ~~and repair~~ and professional appearance. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five (5) days after receiving notice from the City Manager, or designee. The premises surrounding a monument sign shall be free and clear of rubbish and any landscaping area free of weeds.
- E. **Sign Obstructing View or Passage.** No sign shall be located so as to physically obstruct any door, window or exit from a building. No sign shall be located so as to be hazardous to a motorist's ingress or egress, or visibility of traffic flow during ingress or egress, from parking areas of any way open to the public.
- F. **Landscaping for Monument Signs.** All primary monument signs shall include, as part of their design, general landscaping and curbs about their base to prevent automobiles from hitting the sign-supporting structure and to improve the overall appearance of the installation.
- G. **Sign Inspection.** All sign users shall permit the periodic inspection of their signs by the City upon City staff request.
- H. **Conflicting Provisions.** Whenever two (2) provisions of this code overlap or conflict with regard to size or placement of a sign, the more restrictive provision shall apply.

#### 15.16.150 Administration, Enforcement and Sign Removal

- A. **Code Administrator.** The Code Administrator of this chapter/code is the City Manager, or designee. The Administrator is authorized and directed to enforce and carry out all provisions of this code, both in letter and spirit, with vigilance and with all due speed. To that end, the Administrator is further empowered to delegate the duties and powers granted to and imposed upon him/her under this code. As used in this code, "Administrator of this code" or "Administrator" includes his/her authorized representative.
- B. **Inspection by the Administrator.** The Code Administrator or his designee (including code enforcement) is empowered to inspect any building, structure or premises in the City, upon which, or in connection with which a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.
- C. **Code Violations and Enforcement.** The civil remedies provided in this section for violations of, or failure to comply with, provisions of this code shall be cumulative and shall be in addition to any other remedy provided by law.
  1. **Injunction and Abatement.** The City, through its authorized agents, may initiate injunction or abatement proceedings or other appropriate action in the courts against any person who fails to comply with any provision of this code, or against the erector, owner or use of an unlawful sign or the owner of the property on which an unlawful sign is located to prevent, enjoin, abate or terminate violations of this code and/or the erection, use or display of an unlawful sign. The City may abate an unlawful sign using the procedure of the adopted City Code.
  2. ~~Civil Infraction. Any violation of any provision of this code is a civil infraction as provided in~~

~~this adopted City Code for which civil penalties may be imposed as provided therein.~~  
Enforcement may also be according to SMC 1.15.065 or 1.15.120.

### 15.16.160 Variance from Sign Code

- A. **Scope.** This section establishes the procedure and criteria that the City will use in making a decision upon an application for a variance from the provisions of the Sign Code.
- B. **Applicability.** This section applies to each application for a variance from the provisions of the Sign Code.
- C. **Purpose.** A variance is a mechanism by which the City may grant relief from the provisions of the Sign Code where practical difficulty renders compliance with the provisions of that code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of that code can be fulfilled.
- D. **Who May Apply.** The property owner may apply for a variance from the provisions of the Sign Code.
- E. **Submittal Requirements.**
1. The Administrator shall specify the submittal requirements including type, detail and number of copies for a variance application to be deemed complete and accepted for filing.
  2. The Administrator may waive specific submittal requirements determined to be unnecessary for review of an application.
- F. **Decision Criteria.** The Hearing Examiner may approve or approve with modification the application for a variance from the provisions of the Sign Code if:
1. The variance will not constitute a grant of special privilege inconsistent with the limitation upon signage and uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located; and
  2. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is situated; and
  3. The proposed sign shows an exceptional effort toward creating visual harmony between the signs, structures, and other features of the property through the use of a consistent design theme; and
  4. The special circumstances of the subject property are not the result of the actions of the applicant.
- G. **Limitation of Authority.** The Hearing Examiner may not grant a variance to:
1. Any dimensional request of the Sign Code greater than fifty percent (50%) of the required dimension of a sign (setbacks from a property line shall not be deemed a dimensional standard of a sign); or
  2. The number of signs permitted on a site or zone classification; or
  3. The general provisions of this code or any other procedural or administrative provisions of the code that do not directly apply to this chapter; or

4. The provisions of the Sign Code which are not subject to variances shall include, by the terms of this code, type of signs and any prohibited or illegal signs, and the dimensional standard of the changeable portion of an electronic sign.
5. Roof Signs. Notwithstanding SMC 15.16.110, a roof sign may be allowed through a variance process provided the following criteria are met in addition to the decision criteria listed under 15.16.160F:
  - a. The site does not front on any street and is more than two hundred (200) feet from a public right-of-way;
  - b. The sign is no greater than necessary for adequate visibility from the nearest public street. Adequate visibility shall be determined by the size of sign allowed in the subject zone, plus a factor for distance from the nearest public street.
  - c. No other primary signage exists or shall be allowed for the site.
  - d. The sign is installed in such a manner that there shall be no visible support structure.
6. Off-Premises Signs. Notwithstanding SMC 15.16.110, an off-premises sign may be allowed through a variance process provided the following criteria are met in addition to the decision criteria listed under 15.16.160F:
  - a. For a primary sign:
    - i. Primary signage cannot be located on the site;
    - ii. The sign displays only information directly related to the use of property of the subject business or property for which the variance is granted.
    - iii. The sign is located as close as possible the subject business or property.
  - b. For a directional sign:
    - i. The applicant demonstrates that his premises are located such that on-premises directional signs are inadequate to reasonably apprise the public of the location of the premise, because the premises lacks any direct street frontage.

H. **Time Limitation.** A variance automatically expires and is void if the applicant fails to file for a sign permit or other necessary development permits within two (2) years of the effective date of the variance unless:

1. The applicant has received an extension pursuant to subsection (I) of this section; or
2. The variance approval provides for a greater time period due to circumstances.

I. **Extension.**

1. The Code Administrator may extend a variance, not to exceed one (1) year, if:
  - a. Unforeseen circumstances or conditions necessitate the extension of the variance; and
  - b. Termination of the variance would result in unreasonable hardship to the applicant, and the applicant is not directly responsible for the delay; and
  - c. The extension of the variance will not cause substantial detriment to existing uses in the



immediate vicinity of the subject property.

- 2. The Administrator may grant no more than two (2) extensions. A second extension may be granted, if:
  - a. Unforeseen circumstances or conditions necessitate the extension of the variance;
  - b. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed;
  - c. Conditions in the immediate vicinity of the subject property have not changed substantially since the variance was first granted.

**J. Assurance Device.** In appropriate circumstances, the City may require a reasonable performance bond or other financial method in order to assure compliance with the provisions of the Sign Code and any variances as approved.

Section 2. Sections 8.05.220, 8.05.221, 8.05.222, 8.05.223, and 8.05.224 of the SeaTac Municipal Code are hereby repealed.

Section 3. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

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

**ADOPTED** this 13<sup>th</sup> day of July, 2002 and signed in authentication thereof on this 13th day of July, 2002.

**CITY OF SEATAC**

\_\_\_\_\_  
Kathy Gehring-Waters, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

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**ORDINANCE NO. 02-1024**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, approving a twelve-month renewal of radio advertising within the City image and marketing campaign, and amending the 2002 Annual City Budget to provide additional funding of \$182,212 from Hotel-Motel Tax revenue for that purpose.

**WHEREAS**, the City Council has previously approved an image and marketing campaign funded from Hotel-Motel Tax revenue; and

**WHEREAS**, included within the campaign was a twelve-month program of radio advertisements intended to boost the City's image, which the Council finds to have been successful; and

**WHEREAS**, the Council finds that a further twelve-month program of radio advertisements is in the public interest; and

**WHEREAS**, the cost of \$182,212 was not anticipated in the 2002 Annual City Budget previously adopted by the City Council;

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

Section 1. An additional twelve-month program of radio advertising within the City image and marketing campaign is hereby approved and the City Manager is authorized to execute such agreements and documents as may be required to secure the advertising program.

Section 2. The 2002 Annual City Budget shall be amended to increase the total Hotel/Motel Tax Fund expenditures by \$182,212.

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

**ADOPTED** this 23rd day of July, 2002, and signed in authentication thereof on this 23rd day of July, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

City's Image/Advertising Campaign

**ORDINANCE NO. 02-1025**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget to Defer Staffing Reductions scheduled for October 1, 2002.

**WHEREAS**, the 2002 Annual City Budget anticipated significant reductions in sales tax revenue, necessitating potential reductions in staffing; and

**WHEREAS**, it appears that sales tax collections might be recovering slightly and the City Council desires to avoid layoffs for City staff if possible; and

**WHEREAS**, sufficient additional one-time revenue exists to defer the cuts scheduled for October 1, 2002; and

**WHEREAS**, additional appropriation authority is required to retain these positions for one additional quarter;

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

Section 1. The 2002 Annual City Budget shall be amended to increase the total General Fund expenditures by \$70,232.

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

**ADOPTED** this 23rd day of July, 2002, and signed in authentication thereof on this 23rd day of July, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 02-1026**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending and repealing certain chapters and appendices of Title 13 of the SeaTac Municipal Code relating to building and construction.

**WHEREAS**, The City has, pursuant to its municipal authority, adopted certain codes as adopted and amended by the State of Washington, as the building codes of the City; and,

**WHEREAS**, those codes are generally adopted and amended by the State of Washington every (3) three years pursuant to the provisions of Chapter 19.27 RCW; and,

**WHEREAS**, certain codes were recently amended by the State of Washington, and therefore it is appropriate for the City to update its Municipal Code accordingly; and,

**WHEREAS**, the adoption of and amendments to the various codes over the years has inadvertently created minor inconsistencies throughout Title 13; and,

**WHEREAS**, nothing in State law prohibits a City from imposing fees different than those in the State Building Code; and,

**WHEREAS**, due to inflation and a shift in the types of construction projects permitted by the City, whereby lower valued projects have become predominant, the building permit fee should be increased for those projects;

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

Section 1. Appendix A of Chapter 13.06 of the SeaTac Municipal Code is hereby repealed and replaced by a new Appendix A to read as follows:

**Appendix A**

TOTAL VALUATION	PERMIT FEE
\$1.00 to \$500.00	\$50.00
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00. However, no fee shall be less than \$50.00
\$2,001 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,000.00 to \$500,000	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00

\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
Over \$1,000,000	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
<b>Other Inspections and fees:</b>	
<ul style="list-style-type: none"> <li>1. Inspections outside the normal business hours (min. 2 hours) \$75.00 per hour<sup>1</sup></li> <li>1. Reinspection fees asses under provisions of Section 305.8 \$50.00 per hour<sup>1</sup></li> <li>1. Inspections for which no fee is specifically indicated (min. 1 hour) \$50.00 per hour<sup>1</sup></li> <li>1. Additional plan review required by changes, additions or revisions to plans (min. 1 hour) \$50.00 per hour<sup>1</sup></li> <li>1. For use of outside consultants for plan checking and inspections, or both Actual costs<sup>2</sup></li> </ul>	

<sup>1</sup>Or the total hourly cost to the City, whichever is greatest.

<sup>2</sup>Actual costs include administrative and overhead costs.

Section 2. A new Appendix is added to Chapter 13.06 as follows:

#### Appendix B – Sign Permit Fees

##### Valuation

\$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

The plan review for the original submittal is included in the permit fee. The plan review for revisions or modifications is \$75/hr.

Section 3. Subsection 13.06.030A of the SeaTac Municipal Code is hereby amended to read as follows:

A. Table 1-A of the 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:

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.
2. The permit fee for the removal of an ~~underground~~ fuel storage tank (U~~EST~~) system, other than a farm or residential U~~EST~~ 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.
1. 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 single family, residential structure shall be \$45.00.
5. The minimum fee for the demolition of a building more than 500 square feet in area shall be \$150. Buildings 500 square feet and smaller shall be charged a flat fee of \$50.
6. Appendix A shall not apply to signs. The permit fees for signs shall be according to Appendix B.

5 ~~7~~. For the purpose of determining permit fees, buildings shall be assigned a minimum valuation based upon Table 1C.

6 ~~8~~. 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.

7 ~~9~~. Commercial building permits shall expire two years from the date of issue.

8 ~~10~~. 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.

Section 4. Subsection 13.06.030C of the SeaTac Municipal Code is hereby amended to read as follows:

C. A new Table 1C, establishing minimum valuation for buildings for the purposes of calculating permit fees is established as follows:

**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 actual value of the work 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~~ may be reduced by the following multipliers:

1. Residential additions .70
2. Residential remodels .30
3. Residential decks .20
1. Commercial tenant improvements .30

Section 5. Chapter 13.07 of the SeaTac Municipal Code, the Airport Life Safety Code, is hereby repealed.

Section 6. Section 13.09.010 of the SeaTac Municipal Code is hereby amended to read as follows:

**13.09.010 Uniform Plumbing Code and Uniform Plumbing Code Standards.**

The ~~1997~~ 2000 Editions of the Uniform Plumbing Code and the Uniform Plumbing Code Standards as published by Association of Plumbing and Mechanical Officials, as amended by the Washington State Building Code Council on ~~November 14, 1997~~ November 9, 2001 and as published as Chapters ~~51-46 and 51-47~~ 51-56 and 51-57 WAC, are adopted, except as amended and/or excepted in Section 13.09.030 of this Chapter.

Section 7. Section 13.09.030 of the SeaTac Municipal Code is hereby amended to read as follows:

**13.09.030 Amendments and exceptions to the plumbing code.**

Table ~~3A~~ 1-1 of the Uniform Plumbing Code is excepted from the code adopted in this chapter. In its stead, the following plumbing permit fee schedule is adopted:

**PLUMBING PERMIT FEE SCHEDULE**

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

~~For supplemental permits 5.00~~

**SINGLE FAMILY DWELLINGS**

New Single Family Dwelling \$150.00

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

~~Over 3000 square feet \$160.00~~



**ADDITIONS AND REMODELS TO SINGLE FAMILY DWELLINGS**

Adding One To Five Fixtures \$50.00

Adding Six To Ten Fixtures 70.00

Over Ten Fixtures 150.00

**MULTI-FAMILY AND COMMERCIAL**Valuation 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% 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

Permit Costs Include The Normal Plan Review Associated With The Application.

Inspection Or Plan Review Not Specified Elsewhere \$75/Hr.Plan review for revisions or modifications \$50/Hr

Section 8. Section 13.19.010 of the SeaTac Municipal Code is hereby amended to read as follows:

**13.19.010 Washington State Energy Code.**

The Washington State Energy Code, ~~1994~~ 2001 Edition, as amended by the Washington State Building Code Council on, on ~~November 14, 1997~~ November 9, 2001 and filed as Chapter 51-11 WAC is adopted.

Section 9. Section 13.21.010 of the SeaTac Municipal Code is hereby amended to read as follows:

**13.21.010 Washington State Ventilation And Indoor Air Quality Code.**

The Washington State Ventilation and Indoor Air Quality Code, fifth addition, as adopted by the Washington State Building Code Council on ~~November 14, 1997~~ November 9, and filed as Chapter 51-13 WAC is adopted.

Section 10. Section 13.22.030 of the SeaTac Municipal Code, the Uniform Administrative Code, is hereby amended to read as follows:

**13.22.030 Amendments and exceptions to the administrative code.**

A. ~~Table 3A, Table 3B, Electrical Permit Fees, and Table 3C, Mechanical Permit Fees, and Table 3D, Plumbing Permit Fees~~ Table 3E, Table 3F, Table 3G and Table 3H shall not be adopted. ~~Table 3A is amended to include the following footnotes:~~

~~(1) Table 3A 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 sixty-five (65%) percent of the permit fee shall be required.~~

~~(2) The permit fee for the removal of an underground fuel storage tank shall be two hundred and fifty (\$250.00) dollars for the first tank and one hundred (\$100.00) dollars for each additional tank if inspected at the same time.~~

~~(3) The permit fee for installing moved residential structure onto a new site shall be \$250.00, which will include the foundation, water hookup and the building drain connection.~~

~~(4) For the purpose of determining building permit 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. In addition to the regional modifier the valuation shall be reduced by the following multipliers:~~

~~(a) Residential additions .70~~

~~(b) Residential remodels .30~~

(c) Residential decks .20

~~(d) Commercial tenant improvements .30~~

~~(5) Permits issued under the provisions of this code for new single family residential construction, additions, remodels, carports and garages or other uses associated with single family structures shall expire one year from the date of issuance. The fee for renewal of said permits shall be one half of the original permit fee.~~

B. Section 301.2.2, Section 301.2.3 and Section 301.2.4 shall not be adopted.

Section 11. Chapter 13.25 of the SeaTac Municipal Code, Permit Fees, is hereby repealed.

Section 12. This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 23rd day of July, 2002, and signed in authentication thereof on this 23rd day of July, 2002.

**CITY OF SEATAC**

\_\_\_\_\_  
Kathy Gehring-Waters, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Robert L. McAdams, City Attorney

[Effective Date]

Ordinance Amending the City's Building Codes

Name of Document

**ORDINANCE NO. 02-1027**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the City's Sign Code at SMC 15.16.080E to allow inflatable objects as part of a grand opening or special event.

**WHEREAS**, the purposes of the sign code are to allow signs that promote local business, while enhancing the visual environment of the City and mitigating impacts on traffic safety; and

**WHEREAS**, the use of inflatable objects is recognized as a viable need for businesses in certain situations; and

**WHEREAS**, reasonable regulations pertaining to inflatable objects are necessary from a safety and aesthetic perspective; and

**WHEREAS**, the Comprehensive Plan supports implementing standards to ensure attractive and well-scaled signage to enhance the community image (Goal 6.2O);

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

Section 1. Section 15.16.080E of the SeaTac Municipal Code is hereby amended to read as follows:

**15.16.080 Secondary Signage****E. Grand Opening and Special Event-Signs.**

1. Otherwise prohibited posters, banners, strings of lights, clusters of flags, balloons, as limited by subsection (3) below, and up to three (3) off-premises portable directional signs as limited by subsection four (4) below are permitted for four (4) weeks only (twenty-eight (28) consecutive days) to announce the opening of a completely new enterprise or the opening of an enterprise under new management, and for two (2) weeks (fourteen (14) consecutive days) twice per year for any business to advertise a special event or sale, provided that no site shall have more than four (4) weeks (twenty-eight (28) days) total of grand opening or special event display in any one calendar year.

2. A limit of one (1) inflatable object, such as a blimp or large air balloon, shall be allowed as part of a grand opening or special event, provided such object is attached to the ground and approved by the City for safety purposes as to placement and design. The maximum height of an inflatable object, when installed, shall be thirty (30) feet. A party must submit an application for an inflatable object sign permit at least two (2) weeks prior to the grand opening or scheduled event.

3. Balloons may be displayed only as part of a grand opening or special event provided they are no greater than eighteen (18) inches in diameter with a tether no longer than thirty-six (36) inches and must be securely attached to a structure. No more than two displays with a maximum of five (5) balloons per display (or 10 individual balloons) are permitted per site. Displays are only allowed from dawn to dusk.

4. Any grand opening or special event shall register with the City by filing a registration form. All such materials shall be removed immediately upon the expiration of the allowed period. Use of the above-described devices within the limits specified shall be an exception to the

general prohibition on these devices as set forth in SMC 15.16.110.E. in this code. However, such displays are subject to all other code requirements.

5. Three (3) off-premises portable signs advertising the grand opening or special event are allowed; provided, that such signs shall not exceed four (4) square feet in area nor two (2) feet in height, and shall be displayed only from dawn to dusk.

Off-premises grand opening/special event signs may be located on private property with the permission of the owner of the property on which the sign is placed and within the public right-of-way; provided, that the signs do not encroach into a driveway, parking area, sidewalk, pedestrian pathway, vehicular travel lane, median or traffic island, and is at least four (4) feet from the outer pavement edge of a roadway when curb and gutter are not present. No signs shall be posted, tacked, nailed, or in any manner affixed upon any utility pole, tree or public or private sign.

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

**ADOPTED** this 23rd day of July, 2002 and signed in authentication thereof on this 23rd day of July, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

Amend Sign Code Ordinance for Inflatable Objects

**ORDINANCE NO. 02-1028**

AN ORDINANCE of the City Council of the City of SeaTac, Washington vacating a portion of South 188<sup>th</sup> Street adjacent to 4701 South 188<sup>th</sup> Street.

**WHEREAS**, the Saxon SeaTac Enterprise, LLC has requested vacation of a certain portion of the City right-of-way of South 188<sup>th</sup> Street adjacent to, and abutting, its property located at 4701 South 188<sup>th</sup> Street as shown on the map attached as Exhibit "B" to this Ordinance; and

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

**WHEREAS**, RCW 35.79.010 authorizes the City Council to initiate street vacation by resolution setting a public hearing which was, in this case, established by Resolution No. 02-009 fixing the public hearing for July 23, 2002, to be followed by Council action; and

**WHEREAS**, no apparent municipal use of the said right-of-way exists, and the owner has reason to convert this portion of the right-of-way to its development purposes; and

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

**WHEREAS**, the Council finds that vacation of the aforesaid portion of the right-of-way, as legally described on Exhibit 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. The portion of the right-of-way of South 188<sup>th</sup> Street legally described on Exhibit A to this Ordinance, and depicted on the map marked Exhibit B to this Ordinance, within the City of SeaTac, is 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 portion of the right-of-way of South 188<sup>th</sup> Street are reserved until release by the Grantees thereof.

Section 3. Compensation Required. Saxon SeaTac Enterprises, LLC, which is the sole landowner of property abutting the aforesaid right-of-way, shall compensate the City in an amount equal to the full appraised value of the total area so vacated, pursuant to law, together with a processing fee, which has been determined to be the total sum of \$38, 690.00.

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

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

Section 6. Effective Date. This Ordinance shall be in full force and effect upon receipt of the compensation required by Section 3 of this Ordinance, but in no event sooner than thirty (30) days after passage.

**ADOPTED** this 23rd day of July, 2002, and signed in authentication thereof on this 23rd day of July, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 02-1029**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the City Zoning Code to provide for “Secure Community Transition Facilities” (SCTF), Major Communication Facilities, and Group Homes as Essential Public Facilities (EPF).

**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**, Chapter 68, Laws of 2002 (ESSB 6594) requires that cities allow “Secure Community Transition Facilities,” either through regulations adopted by the City or through preemption by the State; 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; and

**WHEREAS**, the Council finds as a fact that Secure Community Transition Facilities should not be permitted within any residential zone or within 330 feet from any residentially zoned property which is a reasonable distance in order to meet siting criteria of limiting exposure to neighbors, limiting unsupervised contact, ensuring visual and physical barriers, and providing separation from risk potential community activities and facilities;

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

Section 1. Section 15.10.249 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.10.249 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 county-wide 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; major communication facilities and antennas (excluding wireless telecommunications facilities); and in-patient facilities, such as group homes (excluding those facilities covered by the Washington Housing Policy Act), mental health facilities, Secure Community Transition Facilities (SCTF), and substance abuse facilities.

Section 2. Sub-section A of Section 15.12.017 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.12.017 Community Residential Facilities**

A. "Group homes" in the City of SeaTac are classified as "community residential facilities (CRF)". Community residential facilities include all uses defined by SMC 15.10.130, including housing for persons with disabilities, children and domestic abuse shelters. CRFs do not include overnight shelters (as defined by SMC 15.10.440), halfway houses (as defined by SMC 15.10.298), or facilities providing alcohol and drug detoxification (defined as convalescent centers by SMC 15.10.155). Transitional housing is also classified as a separate use (under SMC 15.10.649), unless such housing is for victims of domestic violence, for children, or for the disabled. Secure Community Transition Facilities are neither group homes nor transitional housing; they are classified as a separate use under SMC 15.10.561.05.

Section 3. Section 15.12.050 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.12.050 Government/Office, Business Uses**

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

P – Permitted Use; C – Conditional Use Permit

USE #	LAND USE	ZONES												
		P	MHP	UL	UM	UH	NB	CB	ABC	I	O/CM	BP	O/C/MU	T
	GOVERNMENT/OFFICE USES													
071	Social Service Office					C*	P	P*	P*	P	P*	C*(1)	P*	
072	Public Agency Office					P*	P	P*	P*	P	P*	C*(1)	P*	
073	Public Agency Yard	C(2)		P(4)				P*	C*	P	C*	C*	C*	
074	Public Archives	C(3)					C	P*	P*	P	P*	C*	P*	
075	Court							P*	P*	P	P*	C*(1)	P*	
076	Police Facility	P		C	P	P*	P	P*	P*	P	P*	P*	P*	
077	Fire Facility	P		C	P	P*	P	P*	P*	P	P*	P*	P*	
079	Helipad/Airport and Facilities									P				
080	Utility Use			C	C	C*	C	C*	P*	P	C*	C*	C*	
081	Utility Substation					C*	C	P*	P*	P	C*	C*	C*	
082	Financial Institution						P	P*	P*	P	P*	C*(1)	P*	
083	City Hall			P										
083.5	Secure Community Transition Facility								C*(5)	C*(5)	C(5)	C*(5)	C*(5)	
	BUSINESS SERVICES USES													
084	Landscaping Business							P*	P*	P		P*		
085	Butterfly/Moth Breeding						P	P*	P*	P				
086	Construction/Trade							C*	P*(1)	P	C*			
087	Truck Terminal							C*	P*(1)	P	C*			
088	Airport Support Facility								P*					
089	Warehouse/Storage						C	C*	P*	P	C*	P*		
090	Professional Office					P*	P	P*	P*	P	P*	P*(1)	P*	
091	Heavy Equipment Rental								C*	P				
092	Misc. Equipment Rental Facility						C	P*		P	P*(1)			
093	Auto Rental/Sales							P*	P*(1)	P	C*(1)			
094	Public/Private Parking						C	P*	P*	P	C*(1)			



095	Motor Freight Repair								P				
096	Heavy Equipment Repair								P				
097	R and D/Testing					C	C*	P*	P	C*	P*		
098	Commercial/Industrial Accessory Uses					P	P*	P*	P	C*			

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

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

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

(3) A public archives facility located on property within the park zone is limited to existing structures.

(4) Applies only to City of SeaTac Public Works Maintenance Facility located at the Glacier High School site, on an interim basis. The City of SeaTac shall be allowed to expand the maintenance facility at that site to the extent authorized by the City Council; until such time as a replacement facility at another site is operational.

(5) Secure Community Transition Facilities are subject to the CUP-EPF siting process (SMC 15.22.035).

Section 4. Section 15.14.060 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					
071	Social Service Office	IV/10 ft.	IV/5 ft.	III/5 ft.	II/10 ft.	Yes
072	Public Agency Office	IV/10 ft.	IV/5 ft.	III/5 ft.	II/10 ft.	Yes
073	Public Agency Yard	III/20 ft.	IV/5 ft.	IV/5 ft.	II/20 ft. (SF)	Yes
074	Public Archives	IV/10 ft.	IV/5 ft.	II/5 ft.	–	Yes
075	Court	IV/10 ft.	IV/5 ft.	II/5 ft.	–	Yes
076	Police Facility	IV/10 ft.	IV/5 ft.	II/5 ft.	–	Yes
077	Fire Facility	IV/10 ft.	IV/5 ft.	II/5 ft.	II/20 ft. (SF)	Yes
079	Helipad/Airport Facility	I/10 ft.	–	I/10 ft.	–	–
080	Utility Use	III/10 ft.	IV/5 ft.	IV/10 ft.	IV/10 ft. (SF)	Yes
081	Utility Substation	I/10 ft.	–	I/10 ft.	–	–
082	Financial Institution	IV/10 ft.	IV/5 ft.	IV/5 ft.	II/10 ft. (SF)	Yes
083	City Hall	IV/10 ft.	IV/5 ft.	III/10 ft.	I/20 ft. (RES)	Yes
083.5	<u>Secure Community Transition Facility</u> ***	I/10 ft.	IV/5 ft.	I/10 ft.	I/20 ft.	Yes
	BUSINESS SERVICES					
084	Landscaping Business	II/10 ft.	IV/5 ft.	II/10 ft.	I/20 ft. (RES)	Yes
085	Butterfly/Moth Breeding	III/10 ft.	IV/5 ft.	III/5 ft.	I/10 ft. (RES)	Yes
086	Construction/Trade	III/5 ft.	IV/5 ft.	II/10 ft.	I/20 ft. (RES)	Yes
087	Truck Terminal	II/10 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (RES)	Yes
088	Airport Support Facility	IV/10 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (RES)	Yes
089	Warehouse/Storage	II/10 ft.	IV/5 ft.	II/5 ft.	I/20 ft. (RES)	Yes
090	Professional Office	IV/10 ft.	IV/5 ft.	II/5 ft.	I/10 ft. (RES)	Yes
091	Heavy Equipment Rental	III/10 ft.	IV/5 ft.	III/5 ft.	I/10 ft. (RES)	Yes
092	Misc. Equipment Rental Facility	IV/10 ft.	IV/5 ft.	II/5 ft.	I/10 ft. (SF)	Yes
093	Auto Rental/Sales	IV/10 ft.	IV/5 ft.	II/10 ft.	I/20 ft. (RES)	Yes
094	Public/Private Parking	III/10 ft.	IV/5 ft.	II/10 ft.	II/20 ft. (RES)	Yes

095	Motor Freight Repair	II/10 ft.	IV/5 ft.	II/10 ft.	I/20 ft. (RES)	Yes
096	Heavy Equipment Repair	II/10 ft.	IV/5 ft.	II/5 ft.	II/20 ft. (SF)	Yes
097	R and D/Testing	II/20 ft.	IV/5 ft.	II/10 ft.	I/20 ft. (SF)	Yes
098	Commercial/Industrial Accessory Uses	II/10 ft.	IV/5 ft.	III/5 ft.	II/10 ft. (SF)	Yes

\* See SMC [15.14.090](#).

\*\* Type II landscaping applies in high intensity zones. Type I landscaping applies in low intensity zones. See SMC 15.31.040.

\*\*\* Requirements listed here are the minimum standards. Final landscape requirements shall be determined upon review of a site plan, based on CPTED and public safety principles, by the Director of Planning and Community Development in consultation with the Police Chief.

(SF) Adjacent to single-family zones for buffering purposes. See SMC [15.14.057](#).

(RES./PARK) Adjacent to residential or park zones for buffering purposes. See SMC [15.14.057](#).

Section 5. 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		
071	Social Service Office	1 per 250 sf
072	Public Agency Office	1 per 250 sf
073	Public Agency Yard	1 per 200 sf, plus 1 per 1,000 sf of indoor storage or repair areas
074	Public Archives	1 per employee, plus 1 per 400 sf of waiting/review areas
075	Court	1 per employee, plus 1 per 40 sf of fixed seats or assembly areas
076	Police Facility	1 per employee, plus 1 per 100 sf of public office areas
077	Fire Facility	1 per employee, plus 1 per 100 sf of public office areas
079	Helipad/Airport and Facilities	Helipad: 4 per pad; Airport: 1 per 500 sf of building
080	Utility Use	1 per 250 sf
081	Utility Substation	1 per substation site
082	Financial Institution	1 per 250 sf, plus 5 stacking spaces
083	City Hall	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
083.5	Secure Community Transition Facility	1 per employee, plus 0.5 per resident for visitor parking
BUSINESS SERVICES USES		
084	Landscaping	1 per 250 sf of office/storage area
085	Butterfly/Moth Breeding	1 per 250 sf of office/retail area
086	Construction/Trade	1 per 250 sf of office
087	Truck Terminal	1 per 250 sf of office or 1 per employee, whichever is greater
088	Airport Support Facility	1 per 250 sf
089	Warehouse/Storage	1 per 250 sf of office, plus 1 per 3,500 sf of storage areas
090	Professional Office	1 per 300 sf of office building
091	Heavy Equipment Rental	1 per 250 sf of building
092	Misc. Equipment Rental Facility	1 per 250 sf of building
093	Auto Rental/Sales	1 per 300 sf, plus 1 per employee plus a minimum 3,000 sf of display area
094	Public/Private Parking	1 per employee (designated)
095	Motor Freight Repair	1 per 300 sf of office, plus 1 per 1,000 sf of indoor repair areas
096	Heavy Equipment Repair	1 per 300 sf of office, plus 1 per 1,000 sf of indoor repair areas
097	R and D/Testing	1 per 300 sf
098	Commercial/Industrial Accessory Uses	1 per 300 sf

Section 6. Sub-section C of Section 15.22.035 of the SeaTac Municipal Code is hereby amended to read as follows:

## 15.22.035 Siting of Essential Public Facilities

### C. Threshold Review

1. During ~~and~~ or within forty-five (45) days subsequent to the mandatory preapplication Development Review Committee meeting required by SMC 16.05.020, 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 the director, upon known or reasonably perceived and articulable facts. Proposed projects determined not to be EPFs, and proposed projects determined to be EPFs 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 September 4, 1997, (ILA) between the City of SeaTac and Port of Seattle specifically lists airport master plan projects in 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 EPFs 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 chapter shall apply to any nonairport uses which otherwise meets the definition of an EPF in SMC 15.10.249.

Section 7. Sub-section E of Section 15.22.035 of the SeaTac Municipal Code is hereby amended to read as follows:

- E. CUP-EPF Review Process.** All EPFs, once determined by the City not to be exempt as an EPF, shall be subject to the following CUP-EPF review procedure:
1. **Project Notification.** The applicant, after a preapplication 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.
  3. **Formation of Ad Hoc Committee.** The City Council shall establish an Ad Hoc Committee by appointing up to seven (7) members and the Planning Commission appointing one (1) member, for each EPF-CUP application. The Ad Hoc Committee may include representatives of the Planning Commission or other persons with detailed knowledge of City land use or transportation issues. The Ad Hoc Committee shall be appointed by the City Council within seventy-five (75) days of the determination by the Director of Planning and Community Development that the proposed project is an EPF, pursuant to SMC 15.22.035 C.1.
    - a. The City Council will establish a time frame of between thirty (30) to sixty (60) days, unless a

longer 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 thirty (30) to sixty (60) day period, this time frame may be extended only by the authority of the City Council, and shall not be extended more than a maximum of three (3) such time periods, unless the applicant agrees that more time is needed.

- 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 and 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 subsection (F) of this section and prepare draft recommendations on each of the following:
    - a. Whether the project is consistent with each of the Ad Hoc Committee review criteria, subsection (F) of this section; and
    - b. Whether the project should include a special district overlay zone (defined in Chapter 15.28 SMC); 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 Commission and, upon receiving input of the Planning Commission, shall prepare final written recommendations to the Hearing Examiner or City Council.
  5. **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. a. Size of project;
    - b. Area of City affected by proposed project;
    - c. Environmental impact on sensitive areas;
    - d. Timing of project.
  6. **Staff Report.** The Department on Planning and Community Development shall prepare a staff report, which shall include Planning Advisory Committee comments, as well as 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 and Decision.** The designated hearing body shall hold a public hearing pursuant to SMC 16.03.040 to make findings and issue a decision. The notice of such public hearing shall be consistent with Chapter 16.09 SMC.

Section 8. Sub-section F of Section 15.22.035 of the SeaTac Municipal Code is hereby amended to read as follows:

**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.
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. Siting of Secure Community Transition Facilities must be in accordance with the siting criteria of Chapter 71.09 RCW, and regulations adopted pursuant thereto. In addition, no Secure Community Transition Facility shall be sited closer than 330 feet from any residentially zoned property.

Section 9. Sub-section H of Section 15.22.035 of the SeaTac Municipal Code is hereby amended to read as follows:

**H. Designated Hearing Body Final Decision.** Recognizing that RCW 36.70A.200(2) prohibits the City from precluding the siting of an essential public facility, if the permit application proposes siting of a project in a location other than the City's preferred location, if any, the hearing body shall provide at least fourteen (14) days' public notice, and written notice to the applicant, of an additional public hearing on the application. At the additional public hearing, the applicant shall present information as to why the City's preferred location, rather than the location applied for, will preclude development of the project. The applicant shall provide any engineering, financial and other studies and information necessary to explain its position. The hearing body, with additional analysis and input from City staff, if requested, shall make findings and a decision as to whether siting the project at the City's preferred location would be impossible, impracticable, or otherwise preclusive. The said findings and decision shall not be deemed, however, to limit the authority of a regional decision-making body, under law now existing or subsequently amended, to determine where its facilities shall be sited. This Section shall not apply to the siting of Secure Community Transition Facilities.

Section 10. Section 15.35.140 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.35.140 Government/Office, Business Uses**

ZONES:

**P – Park**  
**UM – Urban Medium Density**  
**UH – Urban High Density**  
**UH-UCR – Urban High-Urban Center Residential**  
**NB – Neighborhood Business**  
**CB-C – Urban Center**

**ABC – Aviation Business Center**  
**I – Industrial/Manufacturing**  
**O/CM – Office/Commercial Medium**  
**O/C/MU – Office/Commercial/Mixed Use**  
**T – Townhouse**

P – Permitted Use; C – Conditional Use Permit

USE #	LAND USE	ZONES										
		P	UM	UH	UH-UCR	NB	CB-C	ABC	I	O/CM	O/C/MU	T
	GOVERNMENT/OFFICE USES											
071	Social Service Office			C	P	P	P	P	P	P	P	
072	Public Agency Office	P		P	P	P	P	P	P	P	P	
073	Public Agency Yard	C(2)					C	C	P	C	C	
074	Public Agency Archives	C(3)				C	P	P	P	P	P	
075	Court						P	P	P	P	P	
076	Police Facility	P	P	P	P	P	P	P	P	P	P	
077	Fire Facility	P	P	P	P	P	P	P	P	P	P	
079	Helipad/Airport and Facilities								P			
080	Utility Use		C	C	C	C	C	C	P	C	C	
081	Utility Substation			C	C	C	C	C	P	C	C	
082	Financial Institution				P(4)	P	P	P	P	P	P	
083	City Hall				P(4)	P	P	P	P			
083.5	Secure Community Transition Facility						C(7)	C(7)	C(7)	C(7)		
	BUSINESS SERVICES USES											
086	Construction/Trade						C	P(1)	P	C		
087	Truck Terminal							P(1)	P			
088	Airport Support Facility							P				
089	Warehouse/Storage					C		P	P	C(1)		
090	Professional Office			P(4)	P(4)	P	P	P	P	P	P	
091	Heavy Equipment Rental							C	P			
092	Misc. Equipment Rental Facility					C	C		P	P(1)		
093	Auto Rental/Sales						P(1)	P(1)	P	C(1)		
094	Public or Private Parking					C(5,6)	P(5,6)	P(5,6)	P(5,6)	C(5,6)		
095	Motor Freight Repair								P			
096	Heavy Equipment Repair								P			
097	R and D/Testing					C	C	P	P	C		
098	Commercial/Industrial Accessory Uses					P	C	P	P	C		

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

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

(3) A public archives facility located on property within the park zone is limited to existing structures.

(4) Permitted as part of a mixed use development, as described in SMC 15.35.610.

(5) Public/private parking is permitted within a structure when associated with other nonparking land uses. Please see SMC 15.35.820 for provisions regarding public/private surface parking as an interim use. Please see SMC 15.35.950 for incentives through which additional parking may be allowed.

(6) Public or private commercial park-n-fly structures are permitted up to three hundred (300) spaces as a stand-alone structure. Additional spaces may be added only via the incentive method defined in SMC 15.35.950.

(7) Secure Community Transition Facilities are subject to the CUP-EPF siting process (SMC 15.22.035).

Section 11. A new Section 15.10.561.05 is hereby added to the SeaTac Municipal Code, to read as follows:

**15.10.561.05 Secure Community Transition Facilities (SCTF)**An in-patient facility for Level III sex offenders civilly committed and conditionally released to a less

restrictive alternative. An SCTF has 24-hour supervision and security, and either provides or ensures the provision of sex offender treatment services.

Section 12. A new Section 15.12.019 is hereby added to the SeaTac Municipal Code, to read as follows:

**15.12.019 Essential Public Facilities**

Uses listed in the Land Use Tables (15.12.020 through 15.12.070) may also be classified as Essential Public Facilities and be subject to the CUP-EPF siting process (15.22.035).

Section 13. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Office of Community Development and Washington State Department of Social and Health Services within ten (10) days after adoption, and to the King County Assessor.

Section 14. This Ordinance shall be in full force and effect thirty (30) days after passage.

**ADOPTED** this 23rd day of July, 2002, and signed in authentication thereof on this 23rd day of July, 2002.

**CITY OF SEATAC**

\_\_\_\_\_  
Kathy Gehring-Waters, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Robert L. McAdams, City Attorney

[Effective Date \_\_\_\_\_]

**ORDINANCE NO. 02-1030**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, correcting a technical error in Appendix A of Chapter 13.06 of the SeaTac Municipal Code relating to building permit fees.

**WHEREAS**, On July 23, 2002, by Section 1 of Ordinance No. 02-1026, the City Council adopted a new building permit fee schedule as Appendix A to Chapter 13.06 of the SeaTac Municipal Code; and,

**WHEREAS**, Appendix A contained an obvious technical error that could lead to fees not intended by the City Council;

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

Section 1. Appendix A of Chapter 13.06 of the SeaTac Municipal Code is hereby amended to read as follows:

### Appendix A

TOTAL VALUATION	PERMIT FEE
\$1.00 to \$500.00	\$50.00
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$1,000.00 or fraction thereof, to and including <del>\$50,000.00</del> <u>\$2,000.00</u> . However, no fee shall be less than \$50.00
\$2,001 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,000.00 to \$500,000	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
Over \$1,000,000	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
<b>Other Inspections and fees:</b>	
<ul style="list-style-type: none"> <li>1. Inspections outside the normal business hours (min. 2 hours) \$75.00 per hour<sup>1</sup></li> <li>1. Reinspection fees asses under provisions of Section 305.8 \$50.00 per hour<sup>1</sup></li> <li>1. Inspections for which no fee is specifically indicated (min. 1 hour) \$50.00 per hour<sup>1</sup></li> <li>1. Additional plan review required by changes, additions or revisions to plans (min. 1 hour) \$50.00 per hour<sup>1</sup></li> <li>1. For use of outside consultants for plan checking and inspections, or both Actual costs<sup>2</sup></li> </ul>	

<sup>1</sup>Or the total hourly cost to the City, whichever is greatest.



2Actual costs include administrative and overhead costs.

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

**ADOPTED** this 13th day of August, 2002, and signed in authentication thereof on this 13th day of August, 2002.

**CITY OF SEATAC**

\_\_\_\_\_  
Kathy Gehring-Waters, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Robert L. McAdams, City Attorney

[Effective Date.]

Ordinance Amending the City's Building Codes

Name of Document

**ORDINANCE NO. 02-1031**

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending the City's noise ordinance at SMC 8.05.360.

**WHEREAS**, the current SeaTac Municipal Code addresses noise regulations and crimes at Section 8.05.360; and

**WHEREAS**, the current noise regulations do not adequately protect persons from loud noises or music which emanate from a neighboring property; and

**WHEREAS**, the City is desirous to protect the public peace and repose of its citizens from unlawful and disturbing noise; and

**WHEREAS**, amendment of the SeaTac Municipal Code to amend the noise regulations would enable police to properly respond to and enforce noise complaints among City residents; and

**WHEREAS**, the Public Safety and Justice Council Committee reviewed the ordinance on August 19, 2002, and moved that the ordinance be forwarded to the entire City Council for approval; and

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

Section 1. Section 8.05.360 of the SeaTac Municipal Code is hereby amended to read as follows:

**8.05.360 Noise.**

A. General Prohibition. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

B. Illustrative Enumeration. The following sounds are public disturbance noises in violation of this section:

1. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law.
2. The creation of frequent, repetitive, or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.
3. Yelling, shouting, whistling or singing on or near the public streets at any time and place, particularly between the hours of 10:00 p.m. and 8:00 a.m., as to unreasonably disturb or interfere with the peace and comfort of owners of possessors of real property.
4. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, ~~or~~ condominium or real property, which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of other real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings.

5. Sound from motor vehicle audio sound systems, such as tape players, radios, compact disc players or sound amplifier system, operated at a volume so as to be audible greater than fifty (50) feet from the vehicle itself.
6. Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty (50) feet from the source, ~~and if not operated upon the property of the operator.~~
7. The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason; provided, that sounds which result from actions which are necessary to avoid danger shall be exempt from this section.
8. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.
9. Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances, including but not limited to sounds from lawn mowers, powered hand tools, snow removal equipment and composters between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

C. Exclusion. This section shall not apply to:

1. Regularly scheduled events at schools or parks, such as public address systems for baseball games or park concerts.
2. Events specifically permitted by the City, such as parades or festivals.
3. Sounds created by emergency equipment and emergency work necessary in the interest of law enforcement or of the health, safety, or welfare of the community.

D. Penalty. Any person who violates the provisions of this section shall be subject to a civil fine not to exceed two hundred fifty dollars (\$250.00) for a first offense. For second and subsequent offenses, the person shall be guilty of a misdemeanor.

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

**ADOPTED** this 10<sup>th</sup> day of September, 2002, and signed in authentication thereof on this 10<sup>th</sup> day of September, 2002.

**CITY OF SEATAC**

Joe Brennan, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

[Noise Ordinance Amendment]

**ORDINANCE NO. 02-1032**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget for Fire Department Phone System Replacement.

**WHEREAS**, the 2002 Annual City Budget provided \$61,500 for the replacement of the phone system at the City's fire stations; and

**WHEREAS**, the City Council has considered Agenda Bill #2194 and authorized the purchase of a new phone and voicemail system for the new City Hall and Fire Stations; and

**WHEREAS**, the estimated actual cost of the Fire Department phone system is \$84,620, necessitating additional appropriation authority;

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

Section 1. The 2002 Annual City Budget shall be amended to increase the total General Fund expenditures for the Fire Department by \$23,120, funded from Port of Seattle CIP sales tax revenue.

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

**ADOPTED** this 10th day of September, 2002, and signed in authentication thereof on this 10th day of September, 2002.

**CITY OF SEATAC**

Joe Brennan, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 02-1033**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget for the Police Department area remodel at the new City Hall.

**WHEREAS**, the 2002 Annual City Budget provided \$4,986,233 for the remodel of the new City Hall excluding the Police Department area; and

**WHEREAS**, the City Council has determined that the Police Department area remodel should be included within the new City Hall project; and

**WHEREAS**, the estimated actual cost of the Police Department area remodel is \$989,829 necessitating an additional appropriation;

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

Section 1. The 2002 Annual City Budget shall be amended to increase the total Municipal Facilities CIP Fund expenditures for the new City Hall project by \$989,829.

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

**ADOPTED** this 8<sup>th</sup> day of October, 2002, and signed in authentication thereof on this 8<sup>th</sup> day of October, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 02-1035**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, adopting a new Chapter 11.40 to Title 11 and a new Chapter 13.60 to Title 13 of the SeaTac Municipal Code relating to the designation of street numbers and names and to the assignment of building addresses.

**WHEREAS**, to facilitate the expediency of emergency vehicles, the assignment of street numbers or names and building addresses must be done as part of a logical and ordered process; and

**WHEREAS**, the City, pursuant to its municipal authority, approves and regulates the creation of new streets and buildings; and

**WHEREAS**, on occasion an existing building must be re-assigned a new address to accommodate development or correct a previous error; and

**WHEREAS**, King County has established a street designation and addressing grid which is widely used throughout the County; and

**WHEREAS**, adoption of an Ordinance based upon King County's grid will meet the needs of the City and will provide uniformity with the surrounding communities;

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

Section 1. A new Chapter 11.40 is added to the SeaTac Municipal Code to read as follows:

**Chapter 11.40 DESIGNATION OF STREET NAMES AND NUMBERS****11.40.010 Delegation of authority****11.40.020 Street designations****11.40.030 Named street designations****11.40.040 Street extension plan****11.40.050 Official street map****11.40.060 Street redesignations****11.40.070 Council designation or redesignation of streets****11.40.080 Notification****11.40.090 Appeals****11.40.100 Violations and enforcement****11.40.010 Delegation of authority.**

The Public Works Director or designee, hereinafter called the Director, is granted the authority to designate street names and numbers in conformance with the grid system established by King County. This chapter shall not apply to properties under the permitting authority of the Port of Seattle, pursuant to the January 1, 2000 interlocal agreement between the City and the Port of Seattle.

#### **11.40.020 Street designations.**

A. The Director shall designate the name and/or number of private and public streets within the guidelines of the King County grid system. Streets shall be assigned a name only when the numbering grid is determined infeasible by the Director or when the City Council acts pursuant to Section 11.40.070 of this chapter.

B. Consistent with the grid system, all streets within the city, except International Boulevard, shall be assigned the prefix or suffix "South".

C. All streets extending in a northerly and southerly direction, except International Boulevard, Des Moines Memorial Drive South, and Military Road South, shall be designated by numbers and as "avenues" with the suffix "South". The numeric designations shall commence with 6<sup>th</sup> Avenue South near the western-most boundary of the city and shall continue consecutively to the eastern-most boundary of the city.

D. All streets extending in a westerly and easterly direction, except Orillia Road South, shall be designated by numbers and as "streets" with the prefix "South". The numeric designations shall commence with South 128<sup>th</sup> Street at the northern-most boundary of the city and shall continue consecutively to approximately South 230<sup>th</sup> Street at the southern-most boundary of the city.

E. Diagonal streets shall be treated as extending in either a north to south direction or a west to east direction depending upon the azimuth from magnetic north of the general direction of such streets.

F. Short, interrupted, closed-end, or cul-de-sac streets, generally less than one-thousand feet in length, irrespective of direction, shall be designated by numbers consistent with the numbering of nearby avenues or streets, and may be designated as "place" or "court" at the discretion of the Director.

G. Designation of any street as a "lane", "circle", "loop", "crescent", "way", "drive", "road", or "boulevard" shall only be approved by the Director for good cause.

H. A continuous street, or one proposed to be continued, shall bear the same designation throughout its entire length. Exceptions may be allowed if a street changes direction sharply for a substantial distance. In such cases, the portion of the street running in a different direction may be given a separate designation.

#### **11.40.030 Named street designations.**

Those certain streets within the City now designated as International Boulevard (Resolution No. 90-119), Des Moines Memorial Drive South, Orillia Road South, and Military Road South shall remain so designated by name and suffix subject to any future redesignation pursuant to Sections 11.40.060 and 11.40.070 of this chapter.

#### **11.40.040 Street extension plan.**

Any street hereinafter dedicated by subdivision or short plat, or conveyed to and accepted by the City, for public street purposes shall be designated in accordance with the general plan set forth in this chapter and as approved by the Director.



**11.40.050 Official street map.**

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

**11.40.060 Street redesignations.**

If the Director deems an existing private or public street to be inconsistent with the surrounding designation system or to be confusing or difficult to locate, then the Director may redesignate the street based upon considerations of consistency with the King County grid system, the impact on existing businesses and residences, and the impact upon responsiveness of emergency services. Notice of any intent to effect a redesignation shall be mailed by the Director to all property owners abutting on the affected street at least sixty (60) days prior to the intended effective date of the redesignation, and a notice shall similarly be published in the official newspaper.

**11.40.070 Council designation or redesignation of streets.**

Notwithstanding the provisions of sections 11.40.010 and 11.40.020 of this chapter, the City Council may designate new streets by name and may redesignate numeric streets to named streets by Council initiation or upon petition.

A. Petitions to the Council requesting that a street be named shall contain the signatures of a majority of persons owning properties abutting the street to be named or renamed.

B. Notice of a proposed street name street shall be mailed by the Director to all said abutting property owners at least sixty (60) days prior to the intended final action by the Council and a notice shall similarly be published in the official newspaper.

C. The Council shall consider technical input from the Director, locational and development characteristics relative to the street, and the impact of the change on existing businesses and residences, as well as on emergency vehicle responsiveness. The Council shall also consider the factors set forth at subsections B through I of section 11.40.020 of this chapter and the following criteria (from Resolution No. 94-017):

1. Neighborhood or geographical identification;
2. Natural or geological features;
3. Historical or cultural significance;
4. Whether the name identifies an individual or entity who has donated substantial monies or land or has been otherwise instrumental in city or community affairs, providing that the name of a living person shall not normally be used, although exceptions may be considered when significant contributions or unusually outstanding public service would so justify;
5. The articulated preference of residents of the neighborhood surrounding the street.

D. Designation or redesignation of a street name by the Council shall be effected by adoption of an ordinance directing the designation or redesignation.

**11.40.080 Notification.**

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

**11.40.090 Appeals.**

Any party aggrieved by the designation or redesignation of a street may appeal such final action as an appeal from an administrative decision pursuant to SMC 1.20.110.

#### **11.40.100 Violations and enforcement.**

Any person who erects a sign or alters an official street sign for the purpose of designating or redesignating a street, or portion of any street, with a number and/or name not the official designation of the said street, or portion thereof, shall be guilty of a violation of a city ordinance, and upon conviction shall be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment for a term not to exceed ninety (90) days, or both. The City shall have full authority to also abate and remove any unofficial or altered street sign.

Section 2. A new Chapter 13.60 is added to the SeaTac Municipal Code, to read as follows:

### **Chapter 13.60 BUILDING ADDRESSES**

#### **Sections:**

#### **13.60.010 Delegation of authority**

#### **13.60.020 Criteria for assignment of addresses**

#### **13.60.030 Address reassignments**

#### **13.60.040 Notification**

#### **13.60.050 Official address map**

#### **13.60.060 Appeals**

#### **13.60.070 Installation and maintenance of address numbers**

#### **13.60.080 Violations and enforcement**

#### **13.60.010 Delegation of authority.**

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

#### **13.60.020 Criteria for assignment of addresses.**

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

A. The building address numbers on parallel streets shall be comparable and shall progress in the same direction.

B. Building numbering shall be consecutive.

C. Building numbering shall allow for expansion to accommodate future buildings on a parcel or within the area if space for, or possibility of, expansion exists.

D. Even numbers shall be used on the north side of streets extending in a westerly and easterly direction and on the east side of avenues extending in a northerly and southerly direction.

E. Odd numbers shall be used on the south side of streets extending in a westerly and easterly direction and on the west side of avenues extending in a northerly and southerly direction.

F. Addresses shall be assigned whole numbers only.

G. Buildings located on corner lots shall be addressed from the street upon which the main entrance fronts.

H. Duplexes shall be assigned a separate address number for each of the two entrances to the building.

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

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

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

#### **13.60.030 Address reassignments.**

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

#### **13.60.040 Notification.**

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

#### **13.60.050 Official address map.**

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

#### **13.60.060 Appeals.**

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

**13.60.070 Installation and maintenance of address numbers.**

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

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

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

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

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

**13.60.080 Violations and enforcement.**

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

B. Intentional display, advertisement, or use of an address not assigned by the Director pursuant to this chapter shall constitute a violation of a city ordinance, and upon conviction shall be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment for a term not to exceed ninety (90) days, or both. The City shall have full authority to also abate and remove any unofficial or altered street sign.

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

**ADOPTED** this 22nd day of October, 2002, and signed in authentication thereof on this 22nd day of October, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

[Designation of street numbers and names]

**ORDINANCE NO. 02-1036**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget for a Temporary Municipal Court Office Technician position.

**WHEREAS**, the 2002 Annual City Budget eliminated one full-time Municipal Court clerk position due in large part to a significant decrease in filings; and

**WHEREAS**, in 2002, the City has experienced a significant increase in filings over 2001 resulting in the existing staff being unable to perform certain Clerk duties; and

**WHEREAS**, sufficient Court-related revenue generated by the increase in filings exists to fund a temporary position to assist with Clerk duties; and

**WHEREAS**, additional appropriation authority is required to reinstate the position for the remainder of the year;

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

Section 1. The 2002 Annual City Budget shall be amended to increase the total General Fund expenditures by \$5,000.

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

**ADOPTED** this 12<sup>th</sup> day of November, 2002, and signed in authentication thereof on this 12<sup>th</sup> day of November, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 02-1037**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to the City Zoning Code, amending Section 15.15.180 to provide greater flexibility in the construction of single-family parking areas.

**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. Sub-section B. of Section 15.15.180 of the SeaTac Municipal Code is hereby amended to read as follows:

**Section 15.15.180 Single-family Maximum Off-Street Vehicle Parking Requirements**

B. All required off-street parking spaces shall be constructed in conformance with Sections 15.15.030, 15.15.100, and 15.15.110 of this Chapter. Additional off-street parking surfaces shall be constructed of one, or a combination of, the following materials:

1. Concrete, (4" Portland cement concrete over compact native soils) or;
  2. Blacktop, (2" Asphalt concrete pavement over gravel section as described under 3 below), or;
1. Two (2) inches of  $\frac{3}{4}$   $\frac{5}{8}$  minus compacted rock provided mud or other fine material do not work their way to the surface of the rock. Alternate sized minus compacted rock may be used upon approval by the City.
  2. Any other configuration or materials, approved by the City, that maintains a

durable uniform surface.

Section 2. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor by October 4, 2002.

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

**ADOPTED** this 12th day of December, 2002, and signed in authentication thereof on this 12th day of December, 2002.

**CITY OF SEATAC**

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Kathy Gehring-Waters, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:



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Robert L. McAdams, City Attorney

[Effective Date]

**ORDINANCE NO. 02-1038**

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Ordinance No. 02-1028 in regard to vacation of a portion of South 188<sup>th</sup> Street adjacent to 4701 South 188<sup>th</sup> Street.

**WHEREAS**, Saxon SeaTac Enterprise, LLC previously petitioned for vacation of a certain portion of the City right-of-way of South 188<sup>th</sup> Street adjacent to, and abutting, its property located at 4701 South 188<sup>th</sup> Street; and

**WHEREAS**, as a result of the said petition, the City Council adopted Ordinance No. 02-1028 vacating a portion of the said right-of-way; and

**WHEREAS**, to accommodate interests of the petitioner and of the City, adjustments have been made to the legal description of the vacated area, resulting in reduction from the original estimate of approximately 2,000 square feet to an actual vacated area of 1,666 square feet; and

**WHEREAS**, the previously established value of \$19.22 per square foot remains unchanged but, due to the reduced area of the vacation, total compensation is reduced to the sum of \$32,370.52; and

**WHEREAS**, the Council finds that amendment of the previous Ordinance No. 02-1028 should be adopted as a technical and procedural matter to reflect the actual area of the right-of-way vacation and the total compensation to be paid to the City;

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

Section 1. Amendment of Exhibits A and B. The legal description of the vacated portion of the right-of-way of South 188<sup>th</sup> Street as shown on Exhibit A to Ordinance No. 02-1028 is hereby repealed and replaced by Exhibit A to this Ordinance, and the map depicted on Exhibit B to Ordinance No. 02-1028 is hereby repealed and replaced by Exhibit B to this Ordinance, and the said portion of the right-of-way of South 188<sup>th</sup> Street as described and depicted on the Exhibits to this Ordinance is hereby vacated, subject to payment pursuant to Section 2, below.

Section 2. Section 3 of Ordinance No. 02-1028 is hereby amended to read as follows:

Section 3. Compensation Required. Saxon SeaTac Enterprises, LLC, which is the sole landowner of property abutting the aforesaid right-of-way, shall compensate the City in an amount equal to the full appraised value of the total area so vacated, pursuant to law, together with a processing fee, which has been determined to be the total sum of ~~\$38,690.00~~\$32,270.52.

Section 3. Ratification. Except as amended by Sections 1 and 2, above, all provisions of Ordinance No. 02-1028 are hereby ratified and confirmed without change.

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

Section 5. Effective Date. This Ordinance, having been initiated by petition, shall be in full force and effect upon receipt of the compensation required by Section 2 of this Ordinance, but in no event sooner than five (5) days after passage and publication.

**ADOPTED** this 12th day of November, 2002, and signed in authentication thereof on this 12th day of November, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

**ORDINANCE NO. 02-1039**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2002 Annual City Budget for Capital Outlay.

**WHEREAS**, the SeaTac City Council has reviewed agenda bill #2233 submitted by the City Manager's Office detailing certain capital outlay issues requiring amendment of the 2002 Annual City Budget; and

**WHEREAS**, the City Council approve of the recommended changes;

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

Section 1. The 2002 Annual City Budget shall be amended to increase the total Building Management Fund expenditures by \$160,000.

Section 2. The 2002 Annual City Budget shall be amended to increase the total Municipal Facilities CIP Fund revenues by \$560,000.

Section 3. The 2002 Annual City Budget shall be amended to establish a budget in the Capital Improvement Fund of \$500,000 in revenue.

Section 4. 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 November, 2002, and signed in authentication thereof on this 12th day of November, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

**ORDINANCE NO. 02-1040**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, adding a new Chapter 2.01 to Title 2 of the SeaTac Municipal Code to establish normal hours for transaction of City business.

**WHEREAS**, RCW 35A.21.070 requires that city offices remain open for the transaction of business during such days and hours as the legislative body shall prescribe by ordinance; and

**WHEREAS**, the City has conducted business Monday through Friday from 8:30 a.m. to 5:00 p.m. since the incorporation of the City; and

**WHEREAS**, the City Council deems it appropriate to formally prescribe the hours and days for City Hall and other offices to be open for transaction of business;

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

Section 1. There is hereby added a new Chapter 2.01 to Title 2 of the SeaTac Municipal Code, to read as follows:

**Chapter 2.01**

**GENERAL ADMINISTRATION**

**2.01.010 Normal office hours.**

Normal office hours for transaction of business at City Hall and other offices open to the public shall be Monday through Friday, between the hours of 8:30 a.m. and 5:00 p.m., exclusive of legal holidays as defined by RCW 1.16.050.

**2.01.015 Authority of City Manager.**

The City Manager shall have the authority to extend office hours to accommodate official business and activities and also to close City Hall and other offices for good cause to include, but not be limited to, disaster, terrorism, emergency management, relocation of departments, and inclement weather. Any such closure shall, however, be terminated as soon as reasonably possible.

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

**ADOPTED** this 12th day of November, 2002, and signed in authentication thereof on this 12th day of November, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

[city office hours]

**ORDINANCE NO. 02-1041**

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 3.75.010 and Subsection A of Section 11.15.040 of the SeaTac Municipal Code to correct reference to the Transportation CIP Fund and to increase the rate of the transportation impact fee from \$773 to \$1,020 per peak p.m. trip.

**WHEREAS**, RCW 82.02.050 authorizes imposition of development impact fees to assist in financing improvements to public facilities made necessary by development activity; and

**WHEREAS**, by Ordinance No. 94-1002, now codified as Chapter 11.15 of the SeaTac Municipal Code, a transportation impact fee of \$773 per peak p.m. trip was imposed; and

**WHEREAS**, the recently completed Joint Transportation Study and Comprehensive Transportation Plan advise increasing the transportation impact fee to account for inflation as measured by the Consumer Price Index since 1994, to the sum of \$1,020 per peak p.m. trip; and

**WHEREAS**, the Council finds, as a fact, that the transportation impact fee should be increased to ensure that development activity provides funds toward transportation infrastructure commensurate with the impact of such development; and

**WHEREAS**, Section 3.75.010 erroneously refers to the transportation impact fee as being imposed by Section 11.10.050 of the Municipal Code, rather than 11.15.050, and further refers to the fund for deposit of fee revenues as the Transportation Impact Fee Fund, whereas the same has been established as the Transportation CIP Fund 307; and

**WHEREAS**, the Council deems it appropriate to correct the said Section 3.75.010;

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

Section 1. Section 3.75.010 of the SeaTac Municipal Code is hereby amended to read as follows:

**3.75.010 Transportation impact fee fund created.**

There is created ~~in the treasury of the City of SeaTac, Washington,~~ a fund identified and designated as the ~~City of SeaTac~~ Transportation Impact Fee CIP Fund 307. The monies to be collected and deposited in the ~~transportation impact fee~~ fund shall be in accordance with and pursuant to the provisions of SMC 11.105.050, and elsewhere pursuant to other provisions and sections of the City Code as well as rules and regulations of the City.

Section 2. Subsection A of Section 11.15.040 of the SeaTac Municipal Code is hereby amended to read as follows:

**11.15.040 Imposition of impact fee on development activity.**

A. The City hereby authorizes the assessment and collection of impact fees on development activity within the City, at the rate of ~~seven hundred seventy-three~~ one thousand twenty dollars (\$~~773~~ 1,020) per peak p.m. trip, as computed in accordance with the most current edition of the Institute of Transportation Engineers Trip Generation Manual, as applied to the City's adopted Comprehensive Plan and the transportation element. It is hereby declared that such impact fees shall:

1. Only be imposed for system improvements that are reasonably related to new development; and,

2. Not exceed a proportionate share of the cost of the system improvements, including the costs of previously constructed system improvements, reasonably related to new development; and,
3. Be used for system improvements that will reasonably benefit new development; and,
4. Not be imposed to make up for deficiencies in any previously constructed system improvements.

Such impact fee schedule is based upon the formula for calculating the proportionate share of the cost of the system improvements, including the costs of previously constructed system improvements, necessitated by new development to be borne by impact fees, which formulas are described in the interim transportation plan element of the City's Comprehensive Plan and incorporated herein by this reference.

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

**ADOPTED** this 26th day of November, 2002, and signed in authentication thereof on this 26th day of November, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

[Transportation CIP Fund/Traffic Impact Fee]



**ORDINANCE NO. 02-1042**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, granting unto VoiceStream PCS III Corporation, a Delaware Corporation, a nonexclusive Master Permit to construct, maintain, and operate certain facilities within public right-of-ways and public properties of the City.

**WHEREAS**, RCW 35.99.030 authorizes the City to grant, permit, and regulate nonexclusive Master Permits for the use of public streets, right-of-ways, and other public property for public conveyances, for transmission of electrical energy, for transmission of communications, and for gas, steam, fuel, water, and sewer systems; and

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

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

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

The City of SeaTac, a Washington municipal corporation (hereinafter the "City"), hereby grants unto VoiceStream PCS III Corporation, a corporation organized under the laws of the State of Delaware (hereinafter "Grantee"), a Master Permit for a period of ten ( 10 ) years, beginning on the effective date of this Ordinance, to install, construct, operate, maintain, replace, and use all necessary equipment and facilities for a wireless telecommunications facility, in, under, on, across, over, through, along or below the public right-of-ways and public places located in the City of SeaTac, as approved under City permits issued pursuant to this Master Permit.

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

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

restoration of right-of-ways, roads, streets and the surface of other public property shall be in conformance with City standards, and conditions of the permit.

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

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

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

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

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

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

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

In the event that Grantee fails or refuses to promptly take the actions directed by the City, or fails to fully comply with such directions, or if emergency conditions exist which require immediate action, the City may enter upon the property

and take such actions as are necessary to protect the public, adjacent public or private property, or street utilities, or to maintain the lateral support thereof, and all other actions deemed by the City to be necessary safety precautions; and Grantee shall be liable to the City for all costs and expenses thereof.

9. Relocation of Facilities. Grantee agrees and covenants, at its sole cost and expense, to protect, support, temporarily disconnect, relocate or remove from any street any of its installations when so required by the City by reason of traffic conditions or public safety, dedications of new right-of-ways and the establishment and improvement thereof, freeway construction, change or establishment of street grade, or the construction of any public improvement or structure, provided that Grantee shall in all such cases have the privilege to temporarily bypass, in the authorized portion of the same street upon approval by the City, any section of their facilities required to be temporarily disconnected or removed.

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

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

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

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

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

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

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

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

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

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

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

17. Indemnification. Grantee hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its officers, employees, agents and representatives from any and all claims, costs, judgments, awards or liability to any person, including claims by Grantee's own employees to which Grantee might otherwise be immune under Title 51 RCW, arising from injury or death of any person or damage to property of which the negligent acts or omissions of Grantee, its agents, servants, officers or employees in performing services under this Master Permit are the proximate cause. Grantee further releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its officers and employees from any and all claims, costs, judgments, awards or liability to any person, including claims by Grantee's own employees to which Grantee might otherwise have immunity under Title 51 RCW, arising against the City solely by virtue of the City's ownership or control of the right-of-ways or other public properties, by virtue of Grantee's exercise of the rights granted herein, or by virtue of the City's permitting Grantee's use of the City's right-of-ways or other public property based upon the inspection or lack of inspection of work performed by Grantee, its agents and servants, officers or employees in connection with work authorized on the City's property or property over which the City has control, pursuant to this Master Permit or pursuant to any other permit or approval issued in connection with this Master Permit. This covenant of indemnification shall include, but not be limited by this reference, to claims against the City arising as a result of the negligent acts or omissions of Grantee, its agents, servants, officers or employees in barricading, instituting trench safety systems or providing adequate warnings of any excavation, construction, or work in any public right-of-way or other public place in performance of work or services permitted under this Master Permit.

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

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

Should a court of competent jurisdiction (or such other tribunal that the parties shall agree to decide the matter) determine that this Master Permit, or work conducted under authority of this Master Permit, is subject to **RCW 4.24.115**, then, in the event of liability for damages arising out of bodily injury to persons or damages to property

caused by or resulting from the concurrent negligence of Grantee and the City, its officers, employees and agents, Grantee's liability hereunder shall be only to the extent of Grantee's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes Grantee's waiver of immunity under Title **51 RCW**, solely for the purpose of this indemnification. This waiver has been mutually negotiated by the parties.

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

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

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

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

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

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

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

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

21. **Forfeiture and Revocation.** If Grantee willfully violates or fails to comply with any of the provisions of this Master Permit, or through willful or unreasonable negligence fails to heed or comply with any notice given Grantee by the City under the provisions of this Master Permit, then Grantee shall, at the election of the City, forfeit all rights conferred hereunder and this Master Permit may be revoked or annulled by the City after a hearing held upon

reasonable notice to Grantee. The City may elect, in lieu of the above and without any prejudice to any of its other legal rights and remedies, to obtain an order from the superior court having jurisdiction compelling Grantee to comply with the provisions of this Master Permit and to recover damages and costs incurred by the City by reason of Grantee's failure to comply.

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

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

24. Acceptance. Not later than five (5) days after passage and publication of this Ordinance, the Grantee must accept the Master Permit herein by filing with the City Clerk an unconditional written acceptance thereof. Failure of Grantee to so accept this Master Permit within said period of time shall be deemed a rejection thereof by Grantee, and the rights and privileges herein granted shall, after the expiration of the five day period, absolutely cease, unless the time period is extended by ordinance duly passed for that purpose.

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

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

27. Renewal. In the event the time period granted by this Master Permit expires without being renewed by the City, the terms and conditions hereof shall continue in effect until this Master Permit is renewed or terminated by the City.

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

City Manager VoiceStream PCS III Corporation

City of SeaTac 12920 SE 38<sup>th</sup> St.

4800 S. 188<sup>th</sup> St. Bellevue, WA 98006

SeaTac, WA 98188 Attn.: Leasing Administrator

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

**ADOPTED** this 26th day of November, 2002, and signed in authentication thereof on this 26th day of November, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

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**ORDINANCE NO. 02-1044**

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

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

**WHEREAS**, the City then enrolled in a VEBA Plan offered by Laney Advisors, Ltd. and currently administered by REHN & Associates, Inc., formally entitled the "Voluntary Employee Beneficiary Association Medical Savings Account Plan & Trust for Employees of Public Service Employers in the State of Washington", but also referred to as the "VEBA Medical Savings Account" (VEBA MSA), and "Medical Savings Account/Medical and Dental Voluntary Employee Association" (MSA/MeDVEA), and now apparently styled the "MSA VEBA Trust"; and

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

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

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

**WHEREAS**, based solely upon representations of Laney Advisors, Ltd., the City contribution to the VEBA Plan is payroll deductible on a tax-free basis and money in each account can be used by Councilmembers and participating employees to pay out-of-pocket medical, dental, and vision expenses which qualify pursuant to Internal Revenue Service Publication 502; and

**WHEREAS**, all Councilmembers and one employee currently participate in the MSA VEBA Trust Plan; and

**WHEREAS**, the City contribution on behalf of each participant is a flat monthly sum of \$255, which was originally equivalent to the premium for AWC Plan B medical coverage for an employee and spouse and, for Councilmembers only, an additional monthly sum of \$96, which was then equivalent to the full family premium for dental and vision coverages; and

**WHEREAS**, the Council deems it appropriate to increase the City contribution on behalf of each participant to the flat monthly sum of \$421, which is equivalent to the current premium for AWC Plan B medical coverage for an employee and spouse, and for Councilmembers only, to contribute an additional monthly sum of \$156, which is currently equivalent to the full family premium for dental and vision coverages; and

**WHEREAS**, because the City contribution is in lieu of health insurance and is not a direct insurance benefit, the same constitutes compensation to Councilmembers which cannot be increased during an existing term of office pursuant to Article XI, Section 8 of the Washington State Constitution and RCW 35A.13.040;

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

Section 1. The City shall contribute the sum of \$421.00 per month to the MSA VEBA Trust Plan on behalf of each



eligible and participating employee in lieu of medical insurance coverage but not in lieu of dental and vision coverages, commencing with the first pay period of January 2003.

Section 2. The City shall contribute the sum of \$577.00 per month to the MSA VEBA Trust Plan on behalf of each Councilmember in lieu of medical, dental, and vision insurance coverages.

Section 3. Because the monthly contribution provided by Section 2, above, constitutes an increase in Councilmember's compensation, the increase shall become effective as to each Councilmember upon his or her election or re-election to a Council position at the next election following the effective date of this Ordinance.

Section 4. On a biennial basis, every two years following the year of the effective date of this Ordinance, and during the annual budget process, a review of any increases in the premiums paid by the City for employee medical, dental, and vision insurance coverage shall be conducted for the purpose of increasing the VEBA Trust contributions by a similar amount to ensure parity.

Section 5. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 6. 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 November, 2002, and signed in authentication thereof on this 26th day of November, 2002.

## **CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

[VEBA Contributions]

**ORDINANCE NO. 02-1045**

AN ORDINANCE of the City Council of the City of SeaTac,  
 Washington, adopting the Annual Budget for the year 2003 and  
 appropriating funds for the estimated expenditures.

WHEREAS, State Law, Chapter 35A.33 RCW requires the City to adopt an annual budget and provides procedures for the filing of estimates, a preliminary budget, deliberations, public hearings, and final fixing of the budget; and

WHEREAS, a preliminary budget for the fiscal year 2003 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 2003 Annual Budget for the City of SeaTac, covering the period from January 1, 2003, through December 31, 2003, is hereby adopted by reference with appropriations in the amount of \$48,859,815.

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	\$ 21,688,370
101	City Street	651,658
102	Arterial Street	5,905,861
106	Transit Planning	47,785
107	Hotel/Motel Tax	766,371
108	Building Management	135,000
201	LTGO Bond	429,200
202	Transportation Bond	868,530
203	Hotel/Motel Tax Bond	383,330
204	Special Assessment Debt	326,000
301	Capital Improvements Fund	538,570
303	Fire Equipment Capital Reserve	199,910

Ordinance No. \_\_\_\_\_

(continued)

Fund Number Fund Name Appropriations

306 Municipal Facilities CIP \$ 3,878,958

307 Transportation CIP 8,820,202

403 SWM Utility 1,413,820

406 SWM Construction 2,409,000

501 Equipment Rental 397,250

**TOTAL ALL FUNDS \$ 48,859,815**

Section 3. A complete copy of the final budget as adopted herein shall be transmitted to the Division of Municipal Corporations in the Office of the State Auditor, and to the Association of Washington Cities. One complete copy of the final budget as adopted herein shall be filed with the City Clerk and shall be available for use by the public.

Section 4. This Ordinance shall be in full force and effect for the fiscal year 2003 five (5) days after passage and publication as required by law.

ADOPTED this 26th day of November, 2002, and signed in authentication thereof on this 26<sup>th</sup> day of November, 2002.

**CITY OF SEATAC**

\_\_\_\_\_  
Kathy Gehring-Waters, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to form:

\_\_\_\_\_  
Robert L. McAdams, City Attorney

Effective Date: \_\_\_\_\_

**ORDINANCE NO. 02-1046**

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, environmental management and parks; and

**WHEREAS**, the City adopted its Comprehensive Plan in December, 1994, after study, review, community input and public hearings; and

**WHEREAS**, the State Growth Management Act provides for amendments to the Comprehensive Plan no more than once per year; and

**WHEREAS**, it is necessary to update the Comprehensive Plan's implementation strategies, 6-year Capital Facilities Element, and other sections as identified through public process, and

**WHEREAS**, the City Council authorized, by Resolution No. 97-001, a process for amending the Comprehensive Plan, and

**WHEREAS**, procedures for amending the Plan have been implemented in 2002, including a public meeting to solicit input, acceptance of proposals for Comprehensive Plan amendments, evaluation according to preliminary criteria, elimination of proposals not meeting preliminary criteria, and evaluation of the remaining proposals according to final criteria;

**WHEREAS**, the environmental impacts of the proposed amendments have been assessed and a Determination of Nonsignificance, File No. SEP02-00018, which was issued October 31, 2002; and

**WHEREAS**, after a public hearing on November 4, 2002 to consider proposed amendments to the Comprehensive Plan, the Planning Commission recommended to the City Council adoption of proposed amendments to the Comprehensive Plan as shown in the Final Docket Staff Report; and

**WHEREAS**, after consideration of the recommendation of the Planning Commission, the Department of Planning and Community Development has recommended to the City Council adoption of the proposed amendments to the Comprehensive Plan as shown in the Final Docket Staff Report; and

**WHEREAS**, the Final Docket Staff Report includes a recommendation to adopt: alternative 3 of Map Amendment #1; alternative 2 of Text Amendment #15; alternative 2 of Text Amendment #20; alternative 2 of Text Amendment #26; and alternative 2 of Text Amendment #27; and

**WHEREAS**, the Comprehensive Plan Land Use Plan Map (Map 1.5) must be amended to reflect the map-related amendment as set forth on Exhibit B hereto; and

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

**WHEREAS**, five copies of these proposed amendments were filed with the Washington Office of Community Development not less than sixty days prior to final action, pursuant to RCW 36.70A.106 and WAC 365-195-620;

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

Section 1. The City of SeaTac Comprehensive Plan, adopted on December 20, 1994, and amended annually in subsequent years, is hereby amended as set forth in Exhibit A (attached), with the following clarifications:

and a copy of the amendments shall be maintained on file with the Office of the City Clerk for public inspection. Adopt: alternative 3 of Map Amendment #1;

- o Adopt alternative 2 of Text Amendment #15;
- o Adopt alternative 2 of Text Amendment #20;
- o Adopt alternative 2 of Text Amendment #26;
- o Adopt alternative 2 of Text Amendment #27.

A copy of the amendments shall be maintained on file with the Office of the City Clerk for public inspection; and

Section 2. The Comprehensive Plan Land Use Plan Map (Map 1.5) and other Comprehensive Plan Maps are hereby amended to be consistent with the map-related amendments as set forth on Exhibit A hereto; and

Section 23. The City Clerk is directed to transmit a complete and accurate copy this Ordinance, as adopted, to the Washington Office of Community Development within ten days after final adoption, pursuant to RCW 36.70A.106 and WAC 365-195-620. The Clerk is further directed to transmit a copy of this Ordinance, together with copies of other Ordinances amending development regulations adopted within the preceding twelve months, to the King County Assessor by the ensuing 31<sup>st</sup> day of July, pursuant to RCW 35A.63.260.

Section 34. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 10th day of of December, 2002 and signed in authentication thereof this 10th day of December, 2002.

CITY OF SEATAC

\_\_\_\_\_  
Kathy Gehring-Waters,  
Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

\_\_\_\_\_  
Bob McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

An ORDINANCE of the City Council of the City of SeaTac, Washington, amending portions of the City of SeaTac 2002 Comprehensive Plan.

## Exhibit A

# 2002 Comprehensive Plan Amendments

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**ORDINANCE NO. 02-1047**

AN ORDINANCE of the City Council of the City of SeaTac, Washington extending time for VoiceStream to accept Ordinance No. 02-1042 Master Permit.

**WHEREAS**, the Council granted a Master Permit to VoiceStream PCS III Corporation by Ordinance No. 02-1042 on November 26, 2002; and

**WHEREAS**, Paragraph 24 of the Master Permit Ordinance requires formal acceptance no later than five days following passage and publication of the Master Permit Ordinance; and

**WHEREAS**, the Ordinance was published on November 29, 2002; and

**WHEREAS**, the City did not notify VoiceStream of the passage and, therefore, no formal acceptance has been filed within the required five-day period; and

**WHEREAS**, the Council finds that automatic termination of the Master Permit, pursuant to Paragraph 24 thereof, would not be in the best interest of the City or this telecommunications provider;

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

Section 1. The time in which Grantee, VoiceStream PCS III Corporation, must file with the City Clerk a formal acceptance of Master Permit Ordinance No. 02-1042, pursuant to Paragraph 24 thereof, is hereby extended for an additional ten (10) business days following passage and publication of this Ordinance.

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

**ADOPTED** this 10th day of December, 2002, and signed in authentication thereof on this 10th day of December, 2002.

**CITY OF SEATAC**

Kathy Gehring-Waters, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Robert L. McAdams, City Attorney

[Effective Date: ]

[VoiceStream Master Permit]



**ORDINANCE NO 02-1048**

AN ORDINANCE of the City Council of the City of SeaTac, Washington relating to ad valorem property taxes; tentatively establishing the amount to be levied in 2003 by taxation on the assessed valuation of the property of the City, pending certified assessed valuations from the King County Assessor.

**WHEREAS**, State law, RCW 35A.33.135, requires the City Council to consider the City's total anticipated financial requirements for the ensuing fiscal year, and to determine and fix, by ordinance, the amount to be levied by ad valorem taxes; and

**WHEREAS**, RCW 84.52.020 requires that, upon fixing of the amount to be so levied, the City Clerk shall certify the same to the Clerk of the King County Council; and

**WHEREAS**, RCW 84.55.120, as amended in 1997 by Referendum 47, requires a statement of any increased tax in terms of both dollar revenue and percentage change from the previous year; and

**WHEREAS**, the King County Assessor, as ex officio assessor for the City pursuant to RCW 35A.84.020, has not to date certified the assessed valuation of all taxable property situated within the boundaries of the City;

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

**SECTION 1. Levy Rate.**

The regular ad valorem levy for collection during the fiscal year of 2003 can not be set until certified assessed valuations are received by the City.

**SECTION 2. Tentative Amount to be Collected by Ad Valorem Taxation.**

The amount of revenue to be collected by the City in the fiscal year 2003 by taxation on the assessed valuation of all taxable property situated within the boundaries of the City is estimated to be the sum of \$9,076,043. This levy amount is determined by the King County Assessor as the maximum allowable property tax levy for 2003. This levy amount will be revised upon receipt of certified assessed valuations from the King County Assessor.

**SECTION 3. Effective Date.**

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

**ADOPTED** this 10th day of December, 2002, and signed in authentication thereof on this 10th day of December, 2002.

**CITY OF SEATAC**

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Kathy Gehring-Waters, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]